

Which properties require an HMO licence?

Definition of a house in multiple occupation (HMO)

The Housing Act 2004 came into force in 2006 and changed the way in which houses in multiple occupation (HMOs) are defined and regulated.

HMOs subject to mandatory licensing

Mandatory licensing is a national scheme and applies to HMOs occupied by five or more persons forming two or more households. It applies to properties falling within the categories:

- Houses where there is some sharing of basic facilities such as a kitchen or bathroom or WC
- Self-contained flats where there is some sharing of basic facilities such as a kitchen bathroom or WC*
- Converted buildings which comprise a mixture of self-contained and non self-contained residential units

*NB: HMOs which are self-contained flats in a purpose-built block comprising of three or more self-contained flats are excluded from mandatory licensing - but HMOs which are flats in converted blocks/buildings are not excluded from mandatory licensing.

Note: The law relating to mandatory licensing changed on 1 October 2018. The main change was that relating to the number of storeys. So some properties that were subject to additional licensing (see below) may now be subject to mandatory licensing.

HMOs subject to additional licensing in Camden

Camden is proposing to continue to operate a borough-wide additional licensing scheme which applies to **all HMOs not subject to mandatory licensing**. This means landlords and owners must hold an HMO licence if they:

Let a property occupied by three or more tenants forming more than one household (as defined by s258 of the Housing Act 2004).

Own a converted building/block of flats which comprises entirely of self-contained flats where the standard of the conversion does not meet Building Regulations 1991 (or later) and where less than half of the flats are owner-occupied. NB: The block of flats can be the whole building or part of a building.

Note: Applications received for vacant properties tenants may be returned. This is because the Housing Act 2004 makes it clear that a house cannot be an HMO (and therefore licensable) until it is occupied by persons as their residence. For this reason, an application should be made as soon as the tenancy on a property has been signed which will mean it will be occupied as an HMO imminently.

On the following page are some examples of various scenarios where a licence application is required.

Property description	Likely occupiers
<p>Bedsits or rented rooms</p>	<p>Individual tenants who have no connection to each other. The landlord rents each room separately. The tenant only has exclusive use of their own room, although there are likely to be shared facilities such as kitchens, bathrooms or toilets. Or there may be facilities which are for the tenant's own use but not within the room.</p> <p>Three or more sharers living as above in a house or flat requires a licence.</p>
<p>House or flat shares</p>	<p>Likely to be rented by a group of students or professionals on one tenancy agreement. The group will typically know each other when they move in, and choose replacement tenants when someone moves out. Any shared house with three or more sharers living as above requires a licence. Any shared flats under the control of a leaseholder with three or more sharers living as above requires a licence.</p>
<p>Resident landlord with lodgers</p>	<p>The owner lives on site and rents out rooms to more than two lodgers. Occupiers may share meals with the owner, or have meals included, or they may live independently. Any resident landlord with three or more lodgers requires a licence.</p>
<p>Buildings (or parts of a building) converted into self-contained flats or studios.</p> <p>The conversion does not comply with the Building Regulations 1991 (or later) and less than 50% of the flats are owner occupied</p>	<p>This does not apply to properties which were originally built as self-contained flats – only those that were subsequently converted. A freeholder who owns/controls the common parts of a converted building where the flats are owned by separate leaseholders must apply for a 'common parts' licence. A freeholder who owns a converted building and owns/rents any of the flats within it must apply for 'common parts and flats' licence. NB: If one of the flats within the building is itself a flat in multiple occupation, then this will need an independent licence.</p>
<p>Student accommodation</p>	<p>This includes purpose-built flats and cluster flats occupied solely by students that are not owned or managed by an exempted educational establishment. Parts of the building will have shared facilities such as kitchens, bathrooms and toilets. This type of accommodation requires a licence.</p>
<p>Hostels</p>	<p>This would include hostels managed by charities and refuges for people seeking refuge from domestic abuse. Other hostels such as those used for homeless etc. will be treated on a case-by-case basis. It would not include youth or backpacker hostels housing people on holiday.</p>