

The Borough of
Broxbourne HMO Amenity
Guidance and Statutory
requirements
for
Houses in
Multiple Occupation

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A. INTRODUCTION

This document gives advice to anyone involved with letting out a House in Multiple Occupation (HMO). The legislation requiring a mandatory licence has been revised and from 1st October 2018, all HMOs with five or more tenants belonging to two or more households will need to be licensed, regardless of the number of storeys.

To apply for a licence please go to the following link: <https://www.broxbourne.gov.uk/community-environment/i-want-apply-renew-house-multiple-occupation-hmo-licence/4?documentId=193&categoryId=20012>

This guidance forms the basis of conditions attached to a licence. This document sets out the legal framework and the standards required for living space, amenities, fire safety and management adopted by this Council. It is not meant to explain the detail of the law; if this is needed you should seek legal advice or refer to the specific part of the legislation.

Legislative Background

Under the Housing Act 2004, there are Management Regulations for the purpose of ensuring that, in respect of every HMO there are satisfactory management arrangements and adequate standards are observed.

The Management of Houses in Multiple Occupation (England) Regulations 2006. But do not apply to converted blocks of flats to which section 257 of the Housing Act 2004 applies. <http://www.legislation.gov.uk/ukxi/2006/372/made>

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 deals with S.257 HMOs. <http://www.legislation.gov.uk/ukxi/2007/1903/contents/made>

Schedule 3 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 <http://www.legislation.gov.uk/ukxi/2006/373/regulation/1/made> sets out the prescribed standards for deciding the suitability for occupation of an HMO by a particular maximum number of households or persons.

Part 1 of the Housing Act 2004 introduced the Housing Health & Safety Rating System, or 'HHSRS'. The system looks at 29 hazards such as 'falls on stairs'. It assesses the likelihood of an incident occurring within a 12 month period that causes harm to the occupiers and the likely severity of that harm. Local Authorities must take enforcement action with regard to Category 1 hazards, and takes appropriate enforcement action to deal with Category 2 hazards.

The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licenses) (England) Regulations 2018

Electrical safety standards in the private rented sector

<https://www.gov.uk/government/publications/electrical-safety-standards-in-the-private-rented-sector-guidance-for-landlords-tenants-and-local-authorities/guide-for-local-authorities-electrical-safety-standards-in-the-private-rented-sector>

B. DEFINITIONS AND CATEGORIES OF PROPERTY

| | |
|------------------------------|--|
| House | 'House' is not conclusively defined in legislation but includes flats, blocks of flats, and the grounds, outbuildings and boundaries. |
| Household | Each of these is a single household: a single person; Co-habiting couples whether married or not, including those in same-sex relationships. A family of related people (includes blood relatives such as parents / children / nieces / nephews / cousins / siblings and grandparents as well as-stepchildren and those adopted or fostered). |
| House in Multiple Occupation | A rented house (or flat) that is let to three or more unrelated tenants in two or more households who share a kitchen, bathroom or toilet* |
| Licensable HMO | An HMO that is occupied by 5 or more people, and occupied by people as their only or main home. |

C FURTHER ADVICE AND INFORMATION

If you need help in applying these standards to your own situation, or you have an alternative proposal for meeting a particular standard, please contact the Environmental Health Team at: envhealth@broxbourne.gov.uk or on 01992 785555

Planning Permission

Planning Permission may be required if an owner is considering:

- Using their property as a 'large HMO' for seven or more tenants
- Major conversions or extensions.

N.B. Broxbourne Council have not introduced Article 4 direction on smaller HMOs. Therefore planning permission is not required for HMOs that have six or less persons in residence.

Before completing works and before changing the use from a single family dwelling to an HMO you should contact a duty planning officer Monday-Wednesday between 9am -1pm on 01992785510 or email planningduty@broxbourne.gov.uk or planning@broxbourne.gov.uk (find out which address to use. for further information or look on the website at; <https://www.broxbourne.gov.uk/planning>

Building Control

Building Regulation approval may be required if an owner is considering:

- Conversion (for example converting a garage into a bedroom)
- Adaptation
- Structural alterations

If you are buying a property that has already had work done of this type, you are always advised to ensure that this has Building Control approval prior to purchase.

Hertfordshire Building Control Ltd is responsible for building control services for the Borough of Broxbourne. For enquiries please contact:

Hertfordshire Building Control Ltd
A1 Area Team 4th Floor
Campus West
Welwyn Garden City
Hertfordshire
AL8 6BX

The office is open Mon—Fri 8am—5.30pm

Tel: 01438 879 990

Email: building.control@hertfordshirebc.co.uk

Further information regarding Planning Permission and Building Control requirements together with application forms can be found on the Planning Portal at

<https://www.planningportal.co.uk/>

1. HEATING

Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.

- i. Fixed heating shall be provided in every bedroom, lounge and hallway. Where reasonably practical fixed heating shall be provided in kitchens and bathrooms. The means of heating shall be capable of maintaining the following internal temperatures when the outside temperature is -1°C .
 - Living room 21°C
 - Bedrooms 18°C
 - Kitchen 18°C
 - Bathroom 22°C
 - Hall/Passage 18°C

The provision of insulation can assist in meeting this standard.
See Section 14 page 26

- ii. Heating may be provided by means of :

Gas Central Heating

- a) Central heating controls should be located in a communal area and be easily accessible to all tenants.
- b) Radiators should ideally be provided with Thermostatic Radiator Valves (TRVs) but as a minimum the property should have a room thermostat and each radiator should have a control valve.

Fixed Electric Heating

- a) An electric wall socket/fuse spur should be provided for the exclusive use of each heater.
 - b) The installation must be capable of using 'off peak' electricity e.g. Economy 7 as the primary energy input.
 - c) If storage heaters are used, they must have a built in 'boost' convector heater function in order to ensure that additional heat can be provided where necessary.
- iii. Wherever practicable, heaters (including radiators) should be fixed to an existing chimney breast or be positioned so as to direct heat towards the centre of the room, such as under a window.
- iv. The heating appliances must be capable of being safely used at any time, and be suitably guarded. All such appliances shall be installed and maintained by a competent person. Gas appliances shall be inspected annually and certificated in accordance with the Gas Safety (Installation and Use) Regulations 1998 as amended by the Gas Safety (Installation and Use) (Amendment) Regulations 2018.
- v. The use of portable paraffin, electric fan or liquefied petroleum gas (LPG) (bottled gas) heaters is unacceptable under any circumstances, whether provided by the landlord or the tenant. If an additional source of heating is required by a tenant this can be provided by an oil filled radiator where necessary.
- vi. A Carbon Monoxide detector should be installed in any bedroom or living room where there is a combustion appliance e.g. a boiler and **MUST** be installed in any room, hall or landing in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance (for the purposes of this condition bathrooms or lavatories are to be treated as rooms used as living accommodation).
Any such alarm must be maintained in proper working order and the licence holder must supply the authority, on demand, a declaration by him/her as to the condition and positioning of any such alarm.

2. WASHING FACILITIES, SANITARY CONVENIENCES (Shared)

Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household:

- a) There must be adequate number of bathrooms, toilets, and wash hand basins, suitable for personal washing, for the number of persons sharing those facilities:

Washing facilities

| | |
|------------------------------|--------------------|
| Numbers of occupiers sharing | Washing facilities |
|------------------------------|--------------------|

| | |
|------------------|---|
| Up to 5 persons | One bathroom with wash hand basin and bath or shower |
| Up to 10 persons | Two bathrooms each with wash hand basin and bath or shower |
| 10+ persons | An additional bathroom for each additional 5 persons each with wash hand basin and bath or shower |

Wash hand basins

Wash hand basins shall be supplied in each shared bath/shower room serving a maximum of five occupiers. The WHB shall be:

- A standard sized WHB shall be approximately 550mm x 400mm
- Provided with a 300mm high waterproof splash back at least equal to the width of the wash basin with all joints adequately sealed.
- Provided with a plug
- Connected to the drainage system via a suitable trap.
- Provided with a constant supply of hot and cold running water.

In licensed HMOs - where reasonable practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided.

Bath and Shower facilities

Where practicable, each unit of accommodation shall be provided with a bath or shower, located in a separate room.

Otherwise, a readily accessible standard sized bath in a bathroom or a standard sized shower, together with adequate drying and changing space shall be provided.

- A 300mm waterproof splash back to the bath is to be provided.
- Splash back shall be 150mm above the shower head and at least to the edge of a fixed shower screen.
- Where a shower curtain is used the splash back should extend 300mm beyond the shower curtain. All joints shall be adequately sealed and waterproof.
- The washing areas should be adequately heated and ventilated
- Must be of adequate size and layout

Toilet facilities

| Numbers of persons sharing | Toilet facilities required |
|----------------------------|--|
| 1-4 persons | 1 toilet can be sited within the bathroom |
| 5 persons | 1 toilet separate from the bathroom but can be sited within a second |

| | |
|---------------|---|
| 6-8 persons | 2 toilets Can be sited within separate bathrooms |
| 9-10 persons | 2 toilets 1 of which must be separate from any bathrooms |
| 11-16 persons | 3 toilets 1 of which must be separate from any bathroom |

N.B Where separate toilets are installed, there must be a wash hand basin with constant supply of hot and cold water and a splash back. Any toilet compartment not provided with a wash basin will not be counted for the number of toilets required.

- External toilets are not to be counted.
- All bathrooms and toilets in an HMO must be of an adequate size and layout.
- All baths, toilets and WHBs in an HMO must be fit for the purpose.
- The walls and floor of any toilet, bathroom or shower room must be reasonably smooth and non-absorbent and capable of being readily cleansed.
- All bathroom furniture must be of non-absorbent material and capable of being easily cleaned.
- All bathroom furniture must be located at an appropriate height and with sufficient free user space to facilitate use.
- A bathroom shall be no more than one floor distance in relation to the bedroom where practicable.

3. SHARED KITCHENS

Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food—

- (a) there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food;
- (b) the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities—
 - i) A metal or ceramic sink and drainer in good condition and of minimum dimensions of 500mm x 600mm, set on a stable base or support shall be supplied at the ratio of one sink for every 5 occupiers.

Where a house is occupied by 6 occupiers, either the provision of a dishwasher in addition to a single sink may be treated as meeting this standard, where the Council considers that such a provision adequately meets the occupiers' needs.

A wash basin shall not be used in place of a sink.

- ii) An adequate supply of cold and constant hot water to each sink supplied.
- iii) Installations or equipment for the cooking of food

Minimum kitchen requirements

The requirements for kitchen facilities within an HMO are for a full set of facilities for every five occupants. The kitchen must be sited no more than one floor distant from the bedroom or living/dining room where practicable. The Borough of Broxbourne have discretion to allow certain alternatives of facilities for properties occupied by six tenants.

The table below outlines minimum requirements for different numbers of occupants.

| Number of persons | Minimum facilities required |
|--|--|
| 1-5 persons | <ul style="list-style-type: none">• 1 full sized cooker (comprising a minimum of 4 ring burners, a standard sized oven and a grill)• 1 sink (min 500 x 500mm) with drainer unit• 1 fridge freezer |
| 6 persons | As for 1 — 5 occupants, plus: <ul style="list-style-type: none">• 1 combination microwave oven• 1 full size dishwasher or double bowled sink |
| 7 – 10 persons | <ul style="list-style-type: none">• 2 full sized cookers positioned away from each other (each comprising a minimum of 4 ring burners, as standard sized oven and a grill)• 2 separate sinks with drainer units• 2 fridge/freezers or 2 fridges and 2 freezers |
| All appliances must be properly connected to the gas or electricity supply and must be working correctly. All gas appliances shall be installed and maintained by a gas safe engineer. All electrical works must be installed maintained by a qualified electrician. | |

iv. **Electrical sockets**

- Six power outlets per five occupiers sharing the kitchen shall be provided and sited above the worktops. Plus, one power outlet for each major appliance set at a convenient height and safe position.
- Power outlets above worktops should be sited at least 150mm from any cooker and at least 300mm from any sink or drainer.
- Electrical cookers shall be provided with a dedicated cooker point outlet suitable for the rating of the cooker.
- Fixed electric space or water heating appliances sited in the kitchen shall be provided with a separate, dedicated point.

v. **Worktops for the preparation of food**

Provide a fixed worktop made of smooth, impervious material of a minimum 600 mm depth x 500mm length per persons, it should be suitably located and is to be in addition to any space taken up by any large appliance, sink unit or cooker.

vi. **Cupboards for the storage of food and kitchen or cooking utensils**

- Each household shall be provided with dry goods storage space either within the kitchen, or in an adjacent and readily accessible position. One standard size wall cupboard or base unit (minimum 400mm x 400mm) is required per person for the storage of dry goods and utensils.
- If located in a communal kitchen, the dry goods storage may need to be lockable or otherwise secure.
- The space unit below the sink will not be accepted for the above purposes.

vii. **Refrigerators with an adequate freezer compartment (or where the freezer compartment is not adequate, sufficient separate freezers);**

- If possible, separate fridges should be provided per household.
- Each separate household shall be provided with refrigerator space either within the kitchen, or in an adjacent and readily accessible position. Adequate freezer space shall also be provided.

viii. **Appropriate refuse disposal facilities (see section 9) page 15**

ix. **Appropriate extractor fan**

All kitchens shall be ventilated by means of a suitably sited extractor fan, that expels moisture to the external air AND BE COMPLIANT WITH Part F of the Building Regulations.

4. **Units of living accommodation without shared facilities**

| |
|--|
| 4.1 Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household and there are no other kitchen facilities available for that household, that unit must be provided with: |
|--|

Adequate appliances and equipment for the cooking of food

- Four rings/hot plates
- Minimum 28 litre oven and a grill

All appliances must be properly connected to the gas or electricity supply and must be working correctly. All gas appliances shall be maintained by a competent person.

A sink with an adequate supply of cold and constant hot water

- A metal or ceramic sink and drainer in good condition and with minimum dimensions of 500 mm x 600 mm, set on a stable base or support.
- A waterproof splash back should be provided to the sink and draining board and all joints shall be adequately sealed.
- The sink shall be connected to the drainage system via a suitable trap and provided with a plug.
- A wash basin shall not be used in place of a sink.

A worktop for the preparation of food

- Provide a fixed worktop made of smooth, impervious material of a minimum 600 mm depth x 500 mm length per occupier. It should be suitably located and is to be in addition to any space taken up by any large sink unit or cooker.

Sufficient electrical sockets

- A minimum of four power sockets in addition to any serving major appliances set at a convenient height and safe position above the work surface. Power outlets above worktops should be sited at least 150mm from any cooker and at least 300mm from any sink or drainer.

Cupboard space

- One standard size wall cupboard or base unit (minimum 400mm x 400mm is required per household for the storage of dry goods and utensils.

Refrigerator

- Each separate unit shall be provided with refrigerator space either within its kitchen or in an adjacent and readily accessible position. Adequate freezer space shall also be provided.

4.2 The standards referred to in a. and f. of sub-paragraph 4.1 shall not apply where the landlord is not contractually bound to provide such appliances or equipment, the occupier of the unit is entitled to remove such appliances or equipment or the appliances or equipment are otherwise outside the control of the landlord.

4.3 Where there are no adequate shared washing facilities provided for a unit of living accommodation an enclosed and adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that unit either-

- a. within the living accommodation; or
- b. within reasonable proximity to the living accommodation.

- Reasonable proximity to the living accommodation" shall mean no more than one floor away from the living accommodation.

- Any unit of accommodation without access to shared facilities shall be provided, with a separate bathroom or shower room, to include:
 - a) A readily accessible standard sized bath or standard sized shower in a suitable room with adequate drying and changing space.
 - b) A 300mm waterproof splash back to the bath.
 - c) In the case of a shower whether it is over a bath or in its own compartment, the splash back shall be 150mm above the shower head and up to at least the edge of a fixed shower screen.
 - d) Where a shower curtain is used the splash back should extend 300mm beyond the shower curtain.
 - e) All joints shall be adequately sealed
 - f) Any shower shall have fully tiled walls or a complete self-standing cubicle.
- One standard sized wash basin, (approx. 550mm x 400mm) with a 300mm waterproof splash back with constant hot and cold water shall be supplied in the bath/shower room.
- The bath/shower shall be provided with an adequate supply of constant hot and cold water at all times,
- The walls and floor of any toilet, bathroom or shower room must be smooth and made of non-absorbent materials that are readily cleansable.
- All bathroom furniture must be made of non-absorbent material and be capable of being easily cleaned.
- Each separate toilet compartment shall be provided with a suitable wash hand basin with constant hot and cold water and a 300mm tiled splash back.

External toilets shall not be counted

5. FIRE PRECAUTIONARY FACILITIES

5.1 Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary.

All HMOs require additional fire precautions above and beyond those required for single occupancy dwellings. This is because HMOs are known to present a higher risk of fire.

The manager of an HMO has responsibilities to take safety measures under regulation 4 of the Management of Houses in Multiple Occupation (England) Regulations 2006. Part 1 of the Housing Act 2004 assesses the risk of fire hazards in HMOs under Hazard 24. This will identify and deficiencies in relation to fire precautions and if necessary an improvement notice will be served to ensure that these hazard are removed or reduced.

All Hmos shall be provided with an adequate protected means of escape from fire, together with other fire precautions including so far as necessary, a fire detection and warning system, fire exit signs and emergency lighting (if the routes are complex and long) to the satisfaction of the inspecting officer.

- i. Ensure that there are self-closing fire doors that provide 30 minute fire and smoke protection (FD30S) on all bedrooms, kitchens and living rooms (the gaps around the frame and door is no more than 3mm)
 - a) All fire doors should have combined cold smoke seals and Intumescent strips.
 - b) All bedroom fire doors and final exit doors (front and back door) must have locks that are capable of being opened from the inside without the use of a key (e.g. Yale type or thumb turn locks). All locks are to comply with the latest British standards.
- ii. Provide a fire blanket to British Standards in the kitchen. The blanket must be mounted on the wall 1.5m high adjacent to an exit door.
- iii. All glazing panels that are above doors that open on to the fire escape route or are in walls in the escape route should be upgraded to provide at least 30 minute fire resistance. This can either be done by replacing existing glazing with fire resisting glazing or over boarding with suitable fire resistant material such as a double layer of plasterboard.
- iv. The use of fire extinguishers is not recommended in HMOs, however if they are provided they must be:
 - a) Checked and serviced annually with records kept
 - b) All tenants must be trained in how to use the extinguishers property And safely. Records must be kept to demonstrate this.

5.2 Fire alarm systems

All HMOs must have automatic fire alarm systems installed. The requirements are different for two storey HMOs and for three or more storey HMOs. The requirements are given below and further technical guidance is available in a separate document compiled by the Hertfordshire Fire and Rescue Service '**Guide to Fire Protection in Houses in Multiple Occupation — Guide for Owners, Agents and Managers of HMOs**'. http://www.north-herts.gov.uk/sites/northherts-cms/files/guide_to_fire_protection_in_homes_in_multiple_occupation_0.pdf

All automatic fire alarm systems (AFD) must be checked annually by a qualified person and an inspection and test certificate obtained. The AFD system and sounders should be checked monthly to ensure they are in good working order and records kept of these checks.

Two Storey HMO

Provide a Fire Alarm System to include smoke detectors in every bedroom, throughout the escape route and in communal living rooms. Storage cupboards on the means of escape may also need detection installed. A heat detector should be installed in the kitchen. The detectors must be hard wired to the mains and interlinked with integral battery back-up. The system must comply with the current British Standard 5839 part 6: Grade DI, LD2 (or equivalent). On completion you should submit a certificate from the installer to confirm that the system has been designed and installed in accordance with the relevant British Standard.

Three Storey HMO

Provide a Fire Alarm System to include smoke detectors in every bedroom, throughout the escape route and in communal living rooms. Storage cupboards on the means of escape may also need detection installed. A heat detector should be installed in the kitchen. The detectors must be hard wired to the mains and interlinked with a control panel containing battery back-up. The system must comply with the current British Standard 5839 part 6: Grade A LD2 (or equivalent). On completion you should submit a certificate from the installer to confirm that the system has been designed and installed in accordance with the relevant British Standard.

Emergency Lighting

Arrange for the installation of suitable and sufficient emergency lighting to provide adequate coverage to the protected fire escape route. The number and position of any luminaries should be determined by your fire risk assessment. On completion you should submit a certificate to confirm that the arrangements comply with BS5266.

Pre-payment Meters

It is not acceptable to provide power to the fire precautions via pre-payment or coin operated electric meters.

The manager is required to maintain the electric supply to the fire precaution system. Ideally this should be achieved by the installation of a dedicated electric meter that is under the control of the manager. Alternatively the contract to supply electricity should be under the control of the manager or owner of the property.

The following matters are not covered specifically in The Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) 2006 but must be considered in regard to the Housing Health and Safety Rating System (HHSRS).

6. NATURAL AND ARTIFICIAL LIGHTING

- i. All habitable rooms shall have an adequate level of natural lighting, provided via a clear glazed window, or combined windows and/or door(s). The glazed area is to be equivalent to at least 1/10th (10%) of the floor area and to extend normally to a point 1.75m above floor level. The window shall be positioned so that the light from the window is able to illuminate most of the room.
- ii. Windows to bathrooms and toilets are to be glazed with obscured glass.
- iii. Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms and toilets, The manager is responsible for ensuring lighting is functioning in all communal areas of the HMO and this should be checked as part of the monthly inspection.
- iv. Glazing in critical locations (i.e. where there is a danger of falling through or of lacerations) should meet both fire resistance and safety standards i.e. the use of fire resisting safety glazing complying with current British Standard 6206: 1981 and Part N of the Building Regulations (or equivalent) Glazing directly adjacent to staircases must also meet this standard.

- v. Windows from the First Floor and above should have window restrictors installed. These must be capable of being disabled when necessary if the windows are designated as escape windows.

7. VENTILATION

- i. All habitable rooms shall be ventilated directly to the external air by a window that has an openable area not less than 1/20th (5%) of the floor area of that room.
- ii. All bathrooms and toilet compartments shall have mechanical ventilation compliant with Part F of the Building Regulations. Such an installation shall be fitted with an adequate overrun device. In the case of bathrooms, this can be connected to the lighting circuit of the room; however we recommend humidistat style fans in order to reduce the chances of tenants turning extractor fans off due to noise disturbance.
- iii. A kitchen shall have extract ventilation compliant with Part F of the Building Regulations

Ground Floor Bedrooms

Many Ground Floor rooms which are used as bedrooms were originally designed as a living room and as such, the only ventilation is by a sliding patio door.

This arrangement is not suitable for a Ground Floor bedroom because it does not provide suitable ventilation as it cannot be effectively secured against entry. It would therefore not be possible for a tenant to satisfactorily ventilate the room at night in a secure way.

There are two options available in these circumstances.

Either

Replace the patio door with a suitable double glazed unit which provides both a secure way of ventilating the room. This could be by means of a door and window combination, the glazed area should be equivalent to at least 1/10th of the floor area with a window that has an openable area not less than 1/20th of the floor area.

Or

Revert the use of the Ground Floor room back to a communal living area as originally designed.

8. DRAINAGE

- i. All new drainage shall comply with current Building Regulations.
- ii. The whole house shall be provided with an effective system, both above and below ground for the drainage of foul, waste and surface water.

We recommend that gutters are checked each spring and accumulated debris cleared as poorly maintained gutters can lead to damp within the property.

9. REFUSE, STORAGE AND DISPOSAL

The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licenses (England) Regulations 2018 <https://www.legislation.gov.uk/uksi/2018/616/made> has imposed a requirement for a licence condition regarding waste management

“The licence will include the licence holder to comply with any scheme which is provided by the local housing authority to the licence holder and which relates to the storage and disposal of household waste at the HMO pending collection.”
the Council’s Waste Supplementary Planning Guidance
<https://www.broxbourne.gov.uk/downloads/file/759/waste-supplementary-planning-guidance-august-2019-final-web-0>

- i. Refuse and recycling bins or containers shall be provided in accordance with the Council’s Waste and Recycling Service Policy. Where the HMO accommodates six residents with one communal living space, i.e. one kitchen and six single bedrooms, the Council may opt to apply the larger bin criteria for households of 6+.
- ii. All refuse containers should be located away from habitable rooms and wherever practicable at the rear of the premises. All bins to be positioned so that they do not cause obstruction of footways and access ways and do not obscure natural lighting from windows below bin height.
- iii. There should be sufficient bin storage space to accommodate containers required for fortnightly collections and storage areas should be within 10M of the designated collection point.
- iv. Tenants should be provided with information on how to use their bins correctly:
<https://www.broxbourne.gov.uk/downloads/file/13/a-z-recycling-guide-2019>
- v. The HMO landlord is responsible for ensuring that waste and recycling facilities are used correctly and is liable for any costs in clearing misused waste and recycling spaces.

Where the HMO accommodates six residents with one communal living space, i.e. one kitchen and six single bedrooms, the Council may opt to apply the larger bin criteria for households of 6+
For further advice contact 01992 785555 WasteManagement@broxbourne.gov.uk

10. ELECTRICITY SAFETY

Electrical safety standards in the private rented sector apply to HMOs.

The Management of Houses in Multiple Occupation (England) Regulations 2006 previously put specific duties on landlords around electrical safety. This requirement has now been repealed, and HMOs are now covered by the new **Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020**

The regulations came into force on 1 June 2020, they apply to new tenancies from 1 July 2020 and existing tenancies from 1 April 2021. The relevant date for determining when the new requirements apply is the date on which the tenancy is granted. A new tenancy is one that was granted on or after 1 June 2020.

These new Regulations require landlords to have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every 5 years. Landlords have to provide a copy of the electrical safety report to their tenants, and to their local authority if requested.

The Management of Houses in Multiple Occupation (England) Regulations 2006, Regulation 4(4) 6(3) & 6(4)

'The manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to the design of the HMO'

- i. Electrical socket outlets shall be provided to individual rooms or lettings to a minimum standard as shown in the table. If evidence of multiple interconnected extension leads and/or overloading of sockets is found additional sockets should be provided. Please see the following table:

| Location | Number of Sockets |
|--|---|
| Living room | 4 sockets |
| Bedroom within a letting comprising more than one room | 4 sockets |
| Bedsits containing cooking facilities | 4 sockets in kitchen area, plus 4 elsewhere |

- ii. Where there is no communal living room in a property, it may be necessary to install additional sockets as tenants are likely to have more electrical devices in their bedroom
- iii. In the kitchen area of a bedsit, at least 4 socket outlets shall be located above the work surface for the use of portable appliances.
- iv. All socket outlets shall be located in positions which permit safe, convenient and proper use at all times, having regard to the room layout. They shall not be positioned where the appliance cables are likely to pose a safety hazard.
- v. All new electrical installations shall comply with current Building Regulations and be suitably certified.
- vi. Installations must be checked at a minimum of 5 yearly intervals by a qualified electrician and an electrical safety certificate, known as an Electrical Installation Condition Report (EICR), obtained. Where the certificate shows Code 1 or 2 faults these must be addressed immediately. If the certificate advises a re-inspection is needed in less than 5 years this advice should be followed. Visual checks should be carried out during routine visits.
- vii. Portable Appliance Testing (PAT) must be carried out annually. A PAT certificate should be obtained. For portable electrical appliances less than one year old, receipts should be kept. Ensure vacuum cleaners are remembered when carrying out testing

11. GAS SAFETY

The Management of Houses in Multiple Occupation (England) Regulations 2006, Regulation 6(4)

'The manager must not unreasonably cause the gas or electric supply that is used by any occupier within the HMO to be Interrupted'.

The Gas Safety (Installation and Use) Regulations 1998 Regulation 2 & 3

'Every landlord shall ensure that there is maintained in a safe condition— (a)any relevant gas fitting; and (b)any flue which serves any relevant gas fitting, so as to prevent the risk of injury to any person in lawful occupation or relevant premises.

'A landlord shall ensure that each appliance and flue to which that duty extends is checked for safety within 12 months of being installed and at intervals of not more than 12 months since it was last checked for safety (whether such check was made pursuant to these Regulations or not)'

- i. Landlords are required to ensure that gas appliances, fittings and flues provided for tenants use are safe.
- ii. An annual safety check must be carried out and records kept for 2 years.
- iii. A copy of the Gas Safety Certificate must be provided to each tenant at the start of the tenancy.

12. FURNITURE SAFETY

- i. The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended) set down levels of fire resistance for items of domestic upholstered furniture furnishings and other products containing upholstery. They require that certain furniture included in rented accommodation complies with the fire safety requirements detailed in the regulations.
- ii. Any relevant furniture supplied as part of the letting will need to comply.
- iii. For licensable HMOs, the furniture safety requirements form part of the licence conditions.
- iv. Further information can be obtained from the local Trading Standards Department.

13. PERSONAL SAFETY AND SECURITY

- i. Sufficient measures must be in place to provide a secure environment for the occupiers, including appropriate locks to external doors and bedrooms to prevent unauthorised access but permit safe egress in case of fire (see Section 5).
- iii. Vulnerable windows must also be capable of being effectively secured against entry without compromising the means of escape in case of fire.

- iv. Windows from the First Floor and above should have window restrictors installed. These must be capable of being disabled when necessary if the windows are designated as escape windows.
- iv. Appropriate arrangements must be in place to control the issue and return of house keys on changes of tenancy, or the changing of locks, any advice on crime prevention measures provided by the Crime Reduction Officer must be acted on. Contactable on the Police Non-Emergency number 101.
- v. Simple locks must be provided to communal bathrooms and toilets to provide privacy where necessary, the installation of external security lights is recommended. This can be by means of a sensor or by using a 'dawn till dusk' light.

14. THERMAL EFFICIENCY

- i. Where possible, every property should have cavity wall insulation and loft insulation installed to current standards. At the time of review the minimum depth of loft insulation is 270mm.
- ii. Heating should be professionally installed. The controls should be in the communal area and easily accessible by each occupant.
- iii. There should be means of providing low level background ventilation without excessive heat loss or draughts. This can be by the installation of trickle vents or lockable ventilation latches on the window.
- iv. Properties with an EPC of F or below must not be let unless measures have been taken to improve the energy performance to E or above or the property has a registered exemption. Where the property has an exemption you should contact the Environmental Health Team as improvements may still be required before the property is let.

15 ASBESTOS

- i. Landlords have a duty to identify and manage any asbestos containing materials in their property. Management of asbestos containing material involves identifying its location and condition, ensuring it is effectively sealed or making it inaccessible to prevent damage, labelling it and keeping a record of its location in the building.
- iii. If the material is in good condition and not liable to damage or disruption (for example during work or alteration) then it is normally appropriate to leave it alone. Where the asbestos is already damaged or is likely to be damaged or disturbed, an assessment needs to be made and action taken to repair, seal, enclose or remove it with professional advice
- iv. If you are aware of any asbestos containing materials you should keep a record of the location and type of material and confirm that it is in a sound condition. You should then check every 6 months to see there has been no damage and date and sign the record to show that you have done this.
- v. Any contractors must be advised of the location of possible asbestos containing materials before commencing work.

- vi. There are specific requirements for working with asbestos material and you should seek further advice from a qualified asbestos surveyor if you suspect asbestos is present in your property. Information is also available on the Health and Safety Executive website <https://www.gov.uk/government/organisations/health-and-safety-executive>

16. **SPACE STANDARDS**

GENERAL REQUIREMENTS

- i. Rooms used for sleeping are not suitable for occupation by more than two people. No persons should share a room unless:
- They are married or living together as if married.
 - They are a parent or close relative and child (as long as the child is the same sex as the parent, or the child is under 10 years of age if opposite sex).
 - They are related children of the same family and are both of the same sex, e.g. two brothers (if under 10 years of age, opposite sexes can share a room)
 - The room meets the minimum size as given below

The number of people sharing includes babies and children. Everyone must have their own allocation of space

- ii. Close relative means: parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin.
- iii. All rooms, including: kitchens, bathrooms and toilet compartments shall have a minimum floor to ceiling height of 2.13m. In the case of rooms with sloping ceilings, there shall be a minimum height of 2.13m over half of the floor area of the room. Measurements shall be taken on a plane, 1.5m above the floor. Any floor area where the ceiling height is less than 1.5m high shall be disregarded.
- iv. The room sizes outlined in the tables below are minimum sizes. Only usable space may count towards the room size. If a room is of an unusual shape it has a sloped ceiling or a ceiling height of less than 1.5m some of the floor area may not be counted. The space directly behind the door may not be counted. A staircase, landing, or any room which is used as a kitchen or bathroom, shall not be used as sleeping accommodation.

16:1 Bedroom sizes

Statutory requirements for the minimum floor area for sleeping accommodation were introduced in The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 . The minimum sizes are given in the box below.

All rooms used as bedrooms must be of a minimum size as outlined in the table below.

| Legal Minimum Bedroom Size | | |
|-----------------------------------|---------------------------|-------------------------------|
| 1 Adult | 2 Adults | 1 Child under 10 years |
| 6.51m² | 10.22m² | 4.64m² |

Any room in an HMO with a floor area of less than 4.64 square metres must not be used as sleeping accommodation.

Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metre is not to be taken into account in determining the floor area of that room.

Note: Bedrooms can only be occupied by a maximum of two persons.

In order for a bedroom of the legal minimum size 6.51m² to be accepted, a member of Environmental Health and Licensing Team must determine that suitable communal space is available to tenants.

One Person Units of Accommodation

One room units

| | |
|--|------------------------|
| Including kitchen facilities in the room | 12m² |
| Separate individual or shared kitchen | 9m² |

Note: These room sizes can be reduced by up to 2.49m down to a minimum of 6,51m² at the discretion of the inspecting officer where a communal living room or kitchen with dining area exists. This will depend on the size and nature of the communal facilities and adequate standards of management. Health and Safety issues will also be taken into consideration when accepting reduced space standard.

Two or More room units of Accommodation

| | |
|---------------------------|-------------------|
| Each living kitchen/diner | 10m ² |
| Each living room | 8.5m ² |
| Each bedroom | 6.5m ² |

Note: Trade off between room sizes in two or more roomed units may be acceptable at the discretion of the inspecting officer, providing the proposed layout is acceptable and the aggregate habitable floor area of the rooms is not less than 14.5m²

Two Person Units of Accommodation

One room units

| | |
|--|------------------------|
| Including kitchen facilities in the room | 16m² |
| Separate individual or shared kitchen | 13m² |

Note: These room sizes can be reduced by up to 2.78m² down to a minimum of 10.22m² at the discretion of the inspecting officer where a communal living room or kitchen with dining area exists. This will depend on the size and nature of the communal facilities and adequate standards of management. Health and Safety issues will also be taken into consideration when accepting reduced space standard.

Two or more room units of accommodation

| | |
|--------------------|-------------------------|
| Each kitchen/diner | 10m² |
| Each living room | 8.5m² |
| Each bedroom | 11m² |

Note: Trade off between room sizes in two or more roomed units may be acceptable at the discretion of the inspecting officer, providing the proposed layout is acceptable and the aggregate habitable floor area of the rooms is not less than 19.5m²

Communal Rooms

| | Numbers sharing | Minimum floor area |
|---|------------------------|---------------------------|
| Kitchens | | |
| | 1-5 occupiers | 6m² |
| | 6-10 occupiers | 11m² |
| A kitchen must be sited no more than one floor distant from the bedroom or living/dining room | | |
| Kitchen/Diners | | |
| | 1-5 occupiers | 8.5m² |
| | 6-10 occupiers | 12.5m² |
| Living rooms | | |
| | 1-5 occupiers | 8.5m² |
| | 6-10 occupiers | 12.5m² |

Note: the above are minimum space standards based on optimum shape and layout. In practice, it may be necessary to have a larger space standard to ensure that there is sufficient space to fit in all the facilities required and provide a circulation area which permits safe use of the room for the number of users.

The Management of Houses in Multiple Occupation (England) Regulations 2006
The Licensing and Management of Houses in Multiple Occupation (Additional Provisions)
(England) Regulations 2007

The manager of an HMO must comply with the above regulations depending on the type of HMO you have. The Manager is the owner, or lessee of the property, who receives rent from the residents, either directly or through an agent or trustee. The manager is legally responsible for maintaining the standards within an HMO. There may be more than one person who falls under the definition of manager.

If you are unsure as to who has responsibility under the management regulations, please contact the Private Sector Housing Team on 01992 785555 email envhealth@broxbourne.gov.uk to discuss the property in question.

In order to fulfil their duties, managers must undertake regular inspections of the property either personally or via a representative; to ensure standards are maintained and where necessary, improved. Tenants must be given at least 24 hours' notice of a visit and should be advised of the reason for the visit, In the event of an emergency, 24 hours' notice may not be possible, e.g. in the event of a fire, gas leak or flood.

Management checks should be carried out monthly. Written records of the checks carried out and any action taken must be kept and should be available on request.

See appendix

All landlords and managers should maintain a good standard of management.

In particular, managers have a duty to:

- Provide information to occupiers
- Take safety measures.
- Maintain water supply and drainage.
- Supply and maintain gas and electricity
- Maintain common parts, fixtures, fittings and appliances,
- Maintain living accommodation.
- Provide waste disposal facilities Best@broxbourne.gov.uk

17. **MANAGEMENT**

17.1 Management Requirements

Management of Houses in Multiple Occupation (England) Regulations 2006

The manager of an HMO must comply with the above regulations. A copy of the regulations can be found in the Appendix.

The Manager is the owner, or lessee of the property, who receives rent from the residents, either directly or through an agent or trustee. The manager is legally responsible for maintaining the standards within an HMO. There may be more than one person who falls under the definition of the manager.

If you are unsure as to who has responsibility under the management regulations, please contact The Environmental Health and Licensing Team on 01992785555 to discuss the property in question.

In order to fulfil their duties, managers must undertake regular inspections of the property wither personally or via a representative; to ensure standards are maintained and where necessary, improved. Tenants must be given at least 24 hours' notice of a visit and should be advised of the reason for the visit. In the event of an emergency, 24 hours' notice may not be possible, e.g. in the event of a fire, gas leak or flood.

Management check should be carried out monthly. Written records of the checks carried out and any action taken must be kept and should be available on request.

All landlords and managers should maintain a good standard of management.

In particular, managers have a duty to:

- Provide information to occupiers
- Take safety measures,
- Maintain water supply and drainage
- Supply and maintain gas and electricity

- Maintain common parts, fixtures, fittings and appliances
- Maintain living accommodation
- Provide waste disposal facilities.

Certification

There are a number of safety checks and certificates which must be provided for houses rented out as HMOs. The certificates required and the regularity of them are outlined in the table.

| Type of certificate | How often required |
|---|---|
| Fire alarm test certificate | Annually |
| Emergency lighting test certificate | Annually |
| Gas safety certificate | Annually |
| Portable appliance test certificate (PAT) | Annually |
| Electrical Installation Condition Report (EICR) | At least every 5 years. Landlords have to provide a copy of the report to their new tenants and to this Council if requested. |

Where there is an earlier date or time period specified on a current certificate this must be complied with.

For Licensable HMOs, the Regulatory Reform (Fire Safety) Order 2005 places an obligation on the landlord to undertake and record a fire risk assessment and to update the assessment necessary. It should be reviewed annually or at change of tenancy, whichever is soonest.

Deposits

Where deposits are taken, they must be placed in a Government backed tenancy deposit scheme within 30 days. The tenants must be provided with certain information as to where their deposit is held and how to get it back at the end of the tenancy period. The specific details will vary dependant on which scheme issued.

In the setting of the deposits and any other fees or charges the landlord must take into account the restrictions in the Tenant Fees Act 2019.

Priority of Repairs

It is recommended that the following timescales for 'priority of repairs' are followed.

Priority One – Emergency Repairs (24 hours)

Any repairs required in order to avoid a danger to health, risk to the safety of residents or serious damage to buildings or internal contents – **within 24 hours of report of defect**. In circumstances where this is not practicable, managers will make best temporary arrangements.

Examples include:

- Damage that puts people or building at serious risk.
- Fire alarm system not working.
- Fire precautions not in good working order.
- Obstructed escape route.
- Total loss of heating in winter months.
- Total loss of gas supply.
- Total loss of electricity power.
- Loss of water supply or a burst water main.
- Serious water leaks/flooding.
- Insecure outside doors or windows.
- Blocked or leaking foul drain or soil stack
- Blocked or non-flushing toilet (if the only toilet in the property)

Priority Two (Urgent Repairs (3 days)

Repairs to defects, which materially affect the comfort or convenience of residents – **within three working days of report of defect**

Examples include:

- Blocked drains, sinks, basins and toilets (where there is another one working in the property).
- Total loss of hot water in summer months (except vulnerable households).
- Minor plumbing leaks.
- Minor electrical faults.
- Defective flooring or stair treads if causing trip hazard.

Priority Three – Non urgent Day to Day Repairs (30 days)

Reactive repairs not falling within the above categories – **Within 30 working days of report of defect**

Examples include:

- General joinery repairs.
- Non- urgent electrical work not listed above

17.2 Enforcement

The Council will work closely with owners and managers to ensure they are able to comply with their legal obligations by providing information, advice and support.

If owners or managers are unwilling to meet their obligations or where failures are significant, the Council may undertake more formal enforcement action in accordance with our enforcement policy to protect the health, safety and well-being of occupiers and others affected.

Where necessary, the Council will seek to

- Prosecute owners or managers who fail to comply with the Housing Act 2004 or any of the associated regulations, in particular the Management of Houses in Multiple Occupation (England) Regulations 2006 and the Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) Regulations 2006.
- Serve an Improvement Notice under Part 1 of the Housing Act 2004.
- Make a Prohibition Order under Part 1 of the Housing Act 2004
- Take emergency action under Part 1 of the Housing Act 2004
- The Housing and Planning Act 2016 also enable Local Authorities to impose Civil Penalties as an alternative to prosecution for certain offences under the Act or the Housing Act 2004. The amount of penalty is set by the Local Authority but can be up to a maximum of £30,000 per offence. *It is more likely to be this type of action rather than a prosecution.*

Where formal enforcement action is taken, it would be taken into account and may affect future decisions as to whether someone associated with a licence or property is a 'fit and proper person'

2006 No. 372

HOUSING, ENGLAND

The Management of Houses in Multiple Occupation (England) Regulations
2006

Made

15th February 2006

Laid before Parliament

22nd February 2006

Coming into force

6th April 2006

The Secretary of State, in exercise of the powers conferred by section 234 of the Housing Act 2004(1), makes the following Regulations:

Citation, commencement and application

- 1. (1)** These Regulations may be cited as The Management of Houses in Multiple Occupation (England) Regulations 2006 and shall come into force on 6th April 2006.
- (2)** These Regulations apply to any HMO **(2)** in England other than a converted block of flats to which section 257 of the Act applies.

Interpretation

2. In these Regulations—

- (a) “the Act” means the Housing Act 2004;
- (b) “fixtures, fittings or appliances” are—
 - (i) lighting, space heating or water heating appliances;
 - (ii) toilets, baths, showers, sinks, or wash basins or any cupboards, shelving or fittings supplied in a bathroom or lavatory;
 - (iii) cupboards, shelving or appliances used for the storage, preparation or cooking of food; and
 - (iv) washing machines or other laundry appliances; and
- (c) “the manager”, in relation to an HMO, means the person managing **(3)** the HMO.

Duty of manager to provide information to occupier

3. The manager must ensure that—

- (a) his name, address and any telephone contact number are made available to each household in the HMO; and
- (b) such details are clearly displayed in a prominent position in the HMO.

Duty of manager to take safety measures

- 4. (1)** The manager must ensure that all means of escape from fire in the HMO are—
- (a) kept free from obstruction; and
 - (b) maintained in good order and repair.
- (2)** The manager must ensure that any fire fighting equipment and fire alarms are maintained in good working order.
- (3)** Subject to paragraph (6), the manager must ensure that all notices indicating the location of means of escape from fire are displayed in positions within the HMO that enable them to be clearly visible to the occupiers.
- (4)** The manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to—
- (a) the design of the HMO;
 - (b) the structural conditions in the HMO; and
 - (c) the number of occupiers in the HMO.
- (5)** In performing the duty imposed by paragraph (4) the manager must in particular—
- (a) in relation to any roof or balcony that is unsafe, either ensure that it is made safe or take all reasonable measures to prevent access to it for so long as it remains unsafe; and
 - (b) in relation to any window the sill of which is at or near floor level, ensure that bars or other such safeguards as may be necessary are provided to protect the occupiers against the danger of accidents which may be caused in connection with such windows.
- (6)** The duty imposed by paragraph (3) does not apply where the HMO has four or fewer occupiers.

Duty of manager to maintain water supply and drainage

- 5. (1)** The manager must ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition and in particular he must ensure that—
- (a) any tank, cistern or similar receptacle used for the storage of water for drinking or other domestic purposes is kept in a good, clean and working condition, with a cover kept over it to keep the water in a clean and proper condition; and
 - (b) any water fitting which is liable to damage by frost is protected from frost damage.
- (2)** The manager must not unreasonably cause or permit the water or drainage supply that is used by any occupier at the HMO to be interrupted.
- (3)** In this regulation “water fitting” means a pipe, tap, cock, valve, ferrule, meter, cistern, bath, water closet or soil pan used in connection with the supply or use of water, but the reference in this definition to a pipe does not include an overflow pipe or the mains supply pipe.

Duty of manager to supply and maintain gas and electricity

- 6. (1)** The manager must supply to the local housing authority within 7 days of receiving a request in writing from that authority the latest gas appliance test certificate it has received in relation to the testing of any gas appliance at the HMO by a recognised engineer.
- (2)** In paragraph (1), “recognised engineer” means an engineer recognised by the Council of Registered Gas Installers as being competent to undertake such testing.
- (3)** The manager must—
- ~~(a) ensure that every fixed electrical installation is inspected and tested at intervals~~

- ~~— not exceeding five years by a person qualified to undertake such inspection and testing;~~
- ~~(b) obtain a certificate from the person conducting that test, specifying the results of the test; and~~
- ~~(c) supply that certificate to the local housing authority within 7 days of receiving a request in writing for it from that authority.~~

The above section (3) requirement has been repealed by The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. HMOs are now covered by the new Electrical Safety Regulations. <https://www.legislation.gov.uk/ukdsi/2020/9780111191934>

- (4)** The manager must not unreasonably cause the gas or electricity supply that is used by any occupier within the HMO to be interrupted.

Duty of manager to maintain common parts, fixtures, fittings and appliances

7. (1) The manager must ensure that all common parts of the HMO are—

- (a) maintained in good and clean decorative repair;
- (b) maintained in a safe and working condition; and
- (c) kept reasonably clear from obstruction.

(2) In performing the duty imposed by paragraph (1), the manager must in particular ensure that—

- (a) all handrails and banisters are at all times kept in good repair;
- (b) such additional handrails or banisters as are necessary for the safety of the occupiers of the HMO are provided;
- (c) any stair coverings are safely fixed and kept in good repair;
- (d) all windows and other means of ventilation within the common parts are kept in good repair;
- (e) the common parts are fitted with adequate light fittings that are available for use at all times by every occupier of the HMO; and
- (f) subject to paragraph (3), fixtures, fittings or appliances used in common by two or more households within the HMO are maintained in good and safe repair and in clean working order.

(3) The duty imposed by paragraph (2)(f) does not apply in relation to fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.

(4) The manager must ensure that—

- (a) outbuildings, yards and forecourts which are used in common by two or more households living within the HMO are maintained in repair, clean condition and good order;
- (b) any garden belonging to the HMO is kept in a safe and tidy condition; and
- (c) boundary walls, fences and railings (including any basement area railings), in so far as they belong to the HMO, are kept and maintained in good and safe repair so as not to constitute a danger to occupiers.

(5) If any part of the HMO is not in use the manager shall ensure that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.

(6) In this regulation—

- (a) “common parts” means—

- (i) the entrance door to the HMO and the entrance doors leading to each unit of living accommodation within the HMO;
- (ii) all such parts of the HMO as comprise staircases, passageways, corridors, halls, lobbies, entrances, balconies, porches and steps that are used by the occupiers of the units of living accommodation within the HMO to gain access to the entrance doors of their respective unit of living accommodation; and
- (iii) any other part of an HMO the use of which is shared by two or more households living in the HMO, with the knowledge of the landlord.

Duty of manager to maintain living accommodation

8. (1) Subject to paragraph (4), the manager must ensure that each unit of living accommodation within the HMO and any furniture supplied with it are in clean condition at the beginning of a person's occupation of it.
- (2) Subject to paragraphs (3) and (4), the manager must ensure, in relation to each part of the HMO that is used as living accommodation, that—
- (a) the internal structure is maintained in good repair;
 - (b) any fixtures, fittings or appliances within the part are maintained in good repair and in clean working order; and
 - (c) every window and other means of ventilation are kept in good repair.
- (3) The duties imposed under paragraph (2) do not require the manager to carry out any repair the need for which arises in consequence of use by the occupier of his living accommodation otherwise than in a tenant-like manner.
- (4) The duties imposed under paragraphs (1) and (2) (b) do not apply in relation to furniture, fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.
- (5) For the purpose of this regulation a person shall be regarded as using his living accommodation otherwise than in a tenant-like manner where he fails to treat the property in accordance with the covenants or conditions contained in his lease or licence or otherwise fails to conduct himself as a reasonable tenant or licensee would do.

Duty to provide waste disposal facilities

9. The manager must—
- (a) ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal; and
 - (b) make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority.

Duties of occupiers of HMOs

10. Every occupier of the HMO must—
- (a) conduct himself in a way that will not hinder or frustrate the manager in the performance of his duties;
 - (b) allow the manager, for any purpose connected with the carrying out of any duty

- imposed on him by these Regulations, at all reasonable times to enter any living accommodation or other place occupied by that person;
- (c) provide the manager, at his request, with any such information as he may reasonably require for the purpose of carrying out any such duty;
 - (d) take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair under these Regulations;
 - (e) store and dispose of litter in accordance with the arrangements made by the manager under regulation 9; and
 - (f) comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

General

11. Nothing in these Regulations shall—

- (a) require or authorise anything to be done in connection with the water supply or drainage or the supply of gas or electricity otherwise than in accordance with any enactment; or
 - (b) oblige the manager to take, in connection with those matters, any action which is the responsibility of a local authority or any other person, other than such action as may be necessary to bring the matter promptly to the attention of the authority or person concerned.
- (2) Any duty imposed by these Regulations to maintain or keep in repair are to be construed as requiring a standard of maintenance or repair that is reasonable in all the circumstances, taking account of the age, character and prospective life of the house and the locality in which it is situated.

Signed by authority of the First Secretary of State

Kay Andrews
Parliamentary Under Secretary of State
Office of the Deputy Prime Minister

15th February 2006

HMO Management Checklist

Please use this guide as a helpful checklist to be completed during your quarterly inspection of your licensed HMO and non-licensable HMOs. If any issues are found during the inspections then they should be remedied ASAP.

The document check list will need to be completed at least at the start of each tenancy or annually.

During the council's routine inspections, the Environmental Health Officers/Housing Officer will be checking the property for the items contained in this checklist

N.B. This list isn't exhaustive and further remedial works may be requested during the routine HMO inspection by the Council.

| | |
|---|-------|
| Contents HMO Management Checklist | 1 - 4 |
| Fire Alarm Testing Guidance | 5 |
| Grade A fire alarms systems | 5 |
| Grade D fire alarm systems | 5 |
| Example - Fire / Emergency Lighting Logbook | 6 |
| Emergency Lighting Testing Guidance | 7 |

| FIRE & CARBON MONOXIDE SAFETY YES NO N/A Means of Escape | Yes | NO | N/A |
|--|------------|-----------|------------|
| <ul style="list-style-type: none"> - Is the means of escape sterile and free from all flammable materials? - Is the means of escape free from obstruction (e.g. shoe racks, shelving units, clothes), trip hazards, and all walls and ceilings in good repair? - Is the means of escape free from all electrical appliances e.g. washing machine, fridge/freezer? - Are the tenants aware of the escape route in the event of a fire? | | | |
| <p>Fire Blanket</p> <ul style="list-style-type: none"> - Is there a fire blanket wall mounted at 1.5m? And is it away from the cooker next to the exit door? | | | |
| <p>Doors</p> <ul style="list-style-type: none"> - Is there a 30 minute fire door with heat and smoke strips fitted to the kitchen? - Are all doors at the property in good condition and will they offer at least 30 minute fire resistance? - Have any of the doors moved/dropped to create any gaps bigger than 3mm between the closed door and frame? - Are the self-closing devices working property i.e. does the door shut completely on its entirety. - Are all doors free from over-the-door hangers? - Are all doors not being propped open? If yes, remove door props and advise tenants not to prop doors open. - Where fitted, are all intumescent strips and smoke seals in good condition and fitted correctly to door or frame? - Are all doors openable from the room side without a key, including front door and bedroom doors? | | | |
| <p>Fire Alarm System</p> <ul style="list-style-type: none"> - Is there a mains powered smoke detector fitted within the hallway at each floor level, living room, and to each bedroom (depending on how the property is being used and heat detector in the kitchen? And is this system not on a key meter supply? - Are all smoke and heat detectors working (press the test button)? - Where fitted, is the fire alarm panel free of faults? - Where applicable, is there a standalone mains wired smoke detector and alarm fitted to bedsit accommodation with cooking facilities? <p>Fire Extinguishers</p> <ul style="list-style-type: none"> - If supplied, are fire extinguishers wall mounted and in good condition and tenants have been trained how to use them? - Have the fire extinguishers been serviced in the last year? | | | |
| <p>Carbon Monoxide</p> <ul style="list-style-type: none"> - Is there CO detector fitted near to any solid fuel and gas fired appliance? - Where supplies, is the CO detector in good working condition and securely fitted? | | | |

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| GENERAL | | | |
| Is the HMO Licence displayed in the common part of the property | | | |
| Is the Management Notice displayed at the property with the correct name, telephone number & address of the Manager? | | | |
| The Recycling and Rubbish notice is displayed at the property with the correct information? | | | |
| GARDEN CHECKS | | | |
| Is the garden free from weeds, vegetation maintained, and being managed in line with the Council Guidance? | | | |
| Where fitted, is all decking slip free and free from rot? | | | |
| Where fitted, are all fence panels in good condition? | | | |
| Are all rainwater goods free from vegetation and in good working condition? | | | |
| Where applicable, are all unused W/Cs blocked from the drain to prevent rodent infestation? | | | |
| Are all drain covers in place and fitted correctly? | | | |
| Is the grey water system and sewage system working correctly? | | | |
| Are there internal and external waste and recycling bins provided to the property in line with the Council Guidance? | | | |
| Is all waste adequately contained? | | | |
| Is the property free from structural cracks? | | | |
| INTERNAL CHECKS | | | |
| Is the decoration inside the property in good condition? | | | |
| Are all white goods plugged into its own dedicated socket? | | | |
| Are all bottom opening windows with window sills under 800mm suitably guarded? or the windows prevented from opening wider than 100mm? N.B window sills under 1100mm will need a restrictor or guarding fitted if children live or visit the property. Any fire escape window shall be able to be overridden in the event of a fire. | | | |
| Are all windows in good condition, and can be opened and closed freely? | | | |
| Do all bedroom windows allow ventilation to occur using trickle vents or other secure means of ventilation? | | | |
| Are all rooms free of penetrating damp, rising damp, and condensation or mould? | | | |
| Is there a fixed form of heating in all rooms to the property, including bathrooms? | | | |
| Is there a window/ mechanical ventilation in all bathrooms, WCs, and kitchen? | | | |
| Are all flights of stairs and external steps provided with a secure handrail? | | | |
| Are all light bulbs within the hallway working? | | | |
| Is all guarding to open stairwells/staircases higher than 1100mm, secure and has no gaps bigger than 100mm? | | | |

| DOCUMENT CHECK AT HOME/OFFICE | Yes | No | N/A |
|--|------------|-----------|------------|
| Have all tenants have signed the Undertaking of Good Practice document? | | | |
| Have all tenants have signed a tenancy agreement for property? | | | |
| There is an EPC dated within the last 10 years for the property? And is this rating is E or above? | | | |
| There is a satisfactory Gas Safety Certificate dated within the last 12 months for the property? | | | |
| There is a satisfactory Electrical Installation Condition Report dated within the last 5 years for the property with no C1 or C2 faults? | | | |
| The electrical appliances provided to the tenants have been checked and are safe to use, e.g. PAT testing or visual test which is documented? | | | |
| The Fire Detection and Alarm system has been maintained and tested to BS 5839-6, and there is a test certificate dated within the last 6 months for the property? N.B Applicable to Grade A fire alarm systems only. | | | |
| There is a log book available for the inspection and testing of the fire detection and alarm system? | | | |
| Where fitted, have the fire extinguishers been tested within the last year, and is there a record of testing? | | | |
| Where fitted, has the Emergency Lighting been maintained and tested to BS5266: Part 1, and there is a test certificate dated within the last 12 months for the property? | | | |
| There is log book available for the inspection and testing of the emergency lighting system? | | | |
| Has a Fire Risk Assessment been carried out for the common parts? | | | |
| If yes, has all remedial works stated within the Assessment been carried out? | | | |
| There are documents or labels to show all furniture meets the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended)? | | | |
| Where fitted, has the water suppression system been maintained and testing within the last year? and a record of testing kept? | | | |

Fire Alarm Testing Guidance

Grade A fire alarms systems

These are complex systems comprising detectors in all rooms, call-points and a fire alarm panel.

Weekly tests – At least one detector or call point in each zone should be tested weekly. This push-button testing could be done routinely by a competent tenant, maintenance person, cleaner etc.

Six-monthly maintenance – Grade A alarm systems should be serviced every six months by a suitably qualified and competent professional (i.e. a specialist alarm engineer under a maintenance contract). An Inspection and Servicing Certificate should be issued in accordance with BS 5839-1.

You should **record these checks** and any remedial action taken in a logbook.

Grade D fire alarm systems

These are simpler systems of mains-powered, interlinked alarms, usually comprising smoke alarms in corridors and selected risk rooms, and a heat detector in the kitchen:

Routine tests – BS5839:6 recommends weekly testing as best practice, but we appreciate that this is not always possible to achieve. We recommend that you:

- Always test during routine inspections, maintenance or cleaning visits (press the button on a different detector each time ideally).
- Advise tenants to test their detectors weekly.

The minimum testing frequency will depend on the size and type of HMO:

- More often for higher risk properties e.g. ‘bedsit’ type (separately let bedrooms) and larger two and three storey HMOs – fortnightly or monthly
- Less often for lower risk properties e.g. small two-storey properties let on a single tenancy – at least quarterly

Annual maintenance – All detectors must be maintained in accordance with manufacturers’ instructions. For Grade D systems this usually requires periodic cleaning/vacuuming of all detectors and changing batteries as necessary.

You should **record these checks** and any remedial action taken in a logbook.

Example - Fire / Emergency Lighting Logbook

| Date | Call point location | Satisfactory Y/N | Fault and action taken | Signed |
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Emergency Lighting Testing Guidance

All emergency lights must be maintained in accordance with manufacturers' instructions and BS 5266-8: current edition, which describes daily, monthly and annual tests.

The following maintenance and testing frequencies are recommended and should be followed unless a fire risk assessment identifies a higher or lower test frequency is required.

The following checks are required:

Visual 'regular' checks – Every time you visit the property check power LEDs are on. This check could be done routinely by cleaning or maintenance staff, or a competent tenant.

Short 'monthly' check – Press 'test' button to confirm all lights are working. Perform this test during monthly maintenance inspections.

Full annual test – Full test of lights (i.e. 3-hour full run down) and service undertaken by a competent professional. This test should be done when the property is unoccupied, or alternative lighting must be provided until units have re-charged.

You should **record these checks** and any remedial action taken in a logbook.