

Can I apply for temporary exemption from Licensing?

A Temporary Exemption Notice (TEN) can be applied for under certain specified circumstances.

When will I need to get a Licence?

Mandatory Licensing is expected to come into force in April 2006.

Where can I get further information?

Further information

If you require further information or wish to be added to our mailing list, contact us at:
Housing@darlington.gov.uk

or call Housing Renewal on 01325 734100.

You can also write to us at:

**Housing Renewal
Darlington Borough Council
5 Skinnergate
Darlington
Co Durham DL3 7NB**

Other useful sources of information include websites for the :

**Office of the Deputy Prime Minister
www.odpm.gov.uk**

**Council's website
www.darlington.gov.uk**

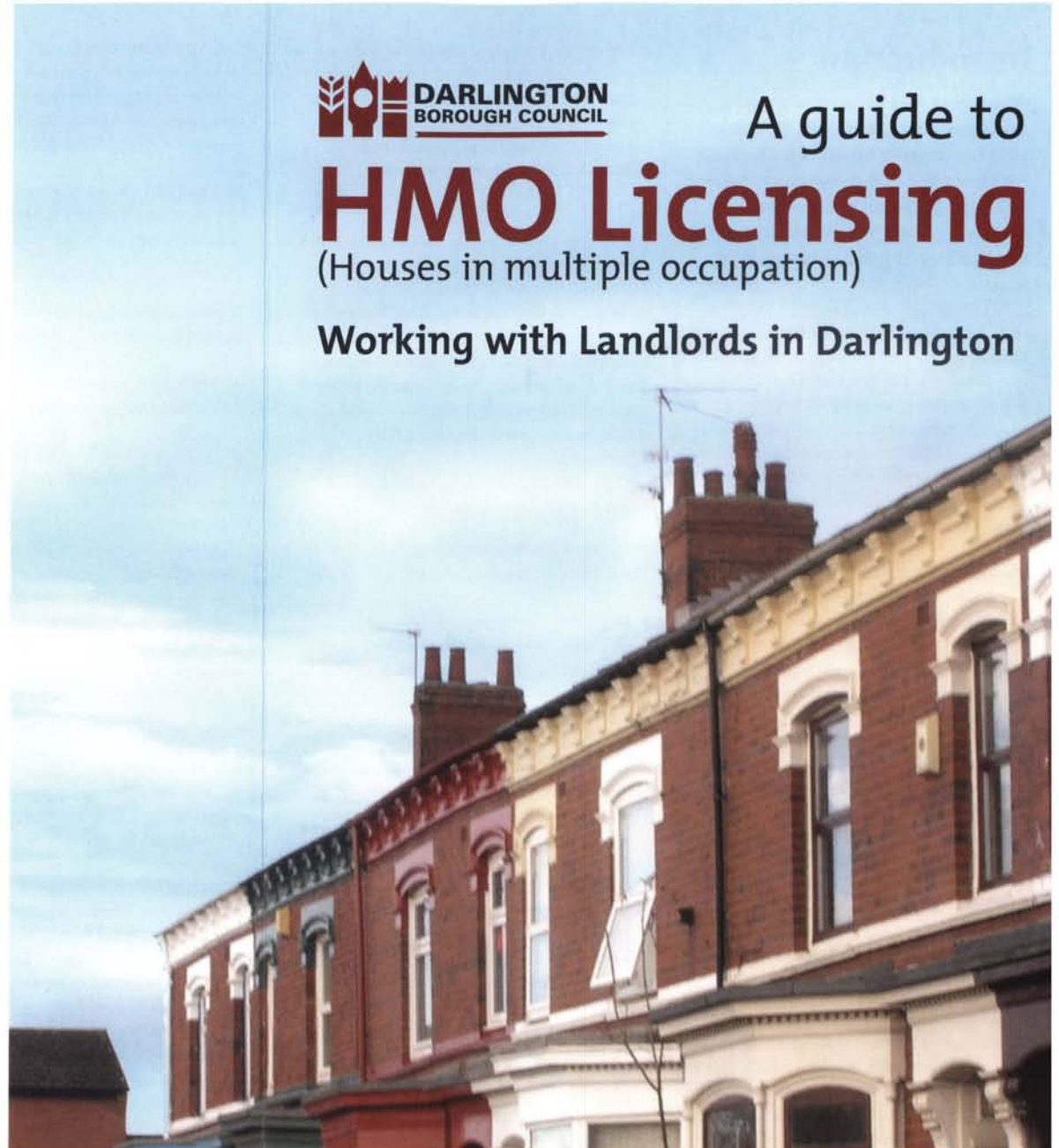


A guide to

HMO Licensing

(Houses in multiple occupation)

Working with Landlords in Darlington



Introduction

Houses in Multiple Occupation (HMO's) provide an important supply of housing, often to vulnerable households. Research has shown that tenants living in a HMO can be adversely affected by the actions of another occupant. Therefore, it is essential that high standards of management are in place.

Historically the HMO sector has been shown to have the poorest housing conditions when compared to other types of housing provision. There is a significantly higher risk of death from fire in a property comprising of bed-sits when compared to an ordinary family dwelling (6 times). This risk increases to 16 times within such properties of 3 or more storeys.

The Housing Act 2004 has brought in some important changes and HMO licensing is one of those areas of change. HMO licensing is aimed at addressing these inherent risks in larger HMO's and ensuring adequate management is in place to safeguard the health and well-being of tenants.

What is an HMO in Terms of Licensing?

The Housing Act 2004 has recently redefined what constitutes a House in Multiple Occupation (HMO) as a building or part of a building (i.e. flat) which:

- Is occupied by more than one household and in which more than one household shares an amenity (or building lacks an amenity) such as bathroom, toilet or cooking facility; or
- Is occupied by more than one household and is a converted building which does not entirely comprise of self contained flats (whether or not there is also a sharing or lack of amenities); or

- Comprises entirely of converted self-contained flats and the standard of conversion **does not meet**, the minimum, required by the 1991 Building Regulations, and at least one third of the flats are occupied under short tenancies.

What Does a 'Household' Mean?

The Housing Act 2004 has also redefined the term 'household'. It now means that if individuals are not of the same family, either by blood, marriage or some other recognised means (i.e. fostering or adoption) they will be classed as separate households. For example, four individuals (e.g student nurses) living together in a house who are not related would be deemed to constitute four households.

HMO Licensing

What are the Criteria for Licensing?

The criteria for licensing are:

- **Mandatory licensing:** will apply to HMO's with 3 or more storey, occupied by 5 or more persons and who form 2 or more households.
- **storey** Can include basements and attics, whether used or unused as residential premises including commercial size properties.
- **Additional Licensing:** Can be introduced by local authorities (with government consent) to licence smaller HMO's where deemed necessary.
- **Selective Licensing:** Covers all private rented properties within a specific area geographically designated by a local authority. The local authority must be able to show that the area is suffering from low demand and/or anti social behaviour.

Darlington Council will only be introducing Mandatory HMO Licensing at present. Additional Licensing for smaller HMO's is being considered following the implementation of Mandatory Licensing.

Will my HMO need a Licence?

Just because a property is an HMO, it does not automatically follow that it needs a licence.

Those not required to obtain a Mandatory Licence include:

- HMO's that are entirely occupied by freeholders or long leaseholders.
- Building or flats that are occupied by two single people (households). HMO's owned and managed by educational establishments and buildings regulated by other legislation, such as residential care homes or bail hostels. Buildings occupied by the leaseholder and their household, and two or few lodgers.
- Buildings converted into self-contained flats that meet, as a minimum, the standard laid down in Building Regulations 1991.
- Buildings converted into self contained flats without without Building Regulations 1991 approval.

What will I need to do to get a Licence?

To apply for a licence, you will need to contact Darlington Borough Council Housing Renewal Team for an application form. You will need to demonstrate to the local authority that:

- You are a fit and proper person. This may involve providing a Criminal Records Bureau disclosure showing you have no relevant criminal convictions.

- The property is suitable and safe for the number of occupants.
- Satisfactory management standards are in place.
- Satisfactory measures for dealing with tenancy issues are in place.
- You can pay the required licence fees.

How long will my Licence last?

A licence will normally last for five years but in certain circumstances a licence can be granted for a shorter period.

What if I fail to apply for a licence?

If you fail to apply for a licence, there are a range of sanctions that could be applied.

- It is a criminal offence to operate a licensable HMO without applying for a licence. On conviction, you could face a fine of up to £20,000.
- It is a criminal offence to breach your licensing conditions. On conviction, you could face a fine of up to £5,000.
- If the Council cannot grant a licence or a licence is revoked, an Interim Management Order (IMO) must be made. This will transfer the management of the property to the local authority. The Council can then spend monies received through rents to cover the costs of managing the property.
- If a landlord operates a licensable HMO without a licence, section 21 procedures to evict tenants cannot be used.

Any rents received while the property was unlicensed may have to be paid back to Darlington Borough Council or in certain circumstances the tenant.