

Extension of Mandatory HMO licensing.

The Government will extend the scope of mandatory HMO licensing from 1 October 2018.

The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 is now published and will come into force on 1st October 2018. The Order applies to any HMO property in England.

Key points;

- Licensing will apply to **all** HMOs occupied by five persons or more in two or more households, **regardless of the number of storeys.**
- This includes any HMO which is a building or a converted flat where such householders lack or share basic amenities such as a toilet, personal washing facilities or cooking facilities.
- It also applies to purpose built flats where there are up to two flats in the block and one or both are occupied as an HMO.

Landlords who already have a current license under a local authority mandatory or additional licensing scheme, as well as landlords who have a selective licence, will not need to apply for a new license until their current license expires even if that is after 1st October 2018.

Those landlords who own unlicensed HMO's that will fall within the new definition will need to make a licence application before 1 October. There is no grace period.

Summary of other proposals

Room sizes. The Government propose to introduce mandatory conditions in licences to regulate the minimum size and use of rooms as sleeping accommodation in licensed HMOs:

- By prescribing the absolute minimum sizes of rooms that may be used for sleeping. The Government response document on the proposed licensing reforms indicated that rooms of less than 6.51 sqm (one person) and 10.22 sqm (2 persons) cannot be let as sleeping accommodation.
- By introducing a mandatory licencing condition requiring local authorities to specify which rooms in an HMO are suitable for sleeping accommodation, and by how many adults and children. There will be no difference in how children over the age of 10 and adults are counted for the purposes of this condition.
- Where a room does not meet these conditions, the local authority will be required to give the landlord a reasonable period of time to remedy the failure and during this period they will not face any sanctions for a breach of the condition (unless the breach of condition was deliberate, in which case sanctions apply)

Refuse disposal and storage facilities in licensed HMOs. The Government will introduce a mandatory condition in HMO licences requiring the licence holder to comply with their local authority scheme (if any) for the provision of facilities for the proper disposal and storage of domestic refuse.

The Government plan to lay the remaining secondary legislation in Parliament and subject to both Houses approving these measures they will bring them into force during 2018.