

EAST LONDON

HMO GUIDANCE (4)

This guidance is intended for Houses in Multiple Occupation (HMOs) in the London Boroughs of Barking & Dagenham, Hackney, Havering, Newham, Redbridge, Tower Hamlets and Waltham Forest.

The guidance is intended to be flexible, as there may be more than one way to achieve a required standard. However, alternatives to the guidance must be approved by the local authority.

While all the East London boroughs will have regard to the guidance, there is variation in housing stock between the Boroughs and so local conditions will be taken into account in their application and enforcement.

What is an HMO?

The Housing Act 2004 has widened the definition of an HMO. Some types of accommodation are now HMOs that would previously not have been, such as commercial buildings and lets to people who know each other and are living as a group.

A building is now defined as an HMO if the following apply:

- It is occupied as living accommodation
- by at least three people who belong to more than one family or household
- in accommodation that is not self-contained and
- rent, or some other consideration, is payable by at least one of the occupiers; and
- it is the occupiers' only or main residence.

The definition also applies to whole buildings that have been converted to a mix of self-contained and non self-contained accommodation, and to self-contained flats within buildings.

An HMO is also a building that has been converted entirely into self-contained flats and the conversion does not meet 1991 Building Regulation standards. However, if at least two thirds of the flats are owner-occupied, the building will not be an HMO.

An individual tenancy may have exclusive use of the basic facilities (bath/shower, w.c. and kitchen facilities), but the accommodation will only be defined as self-contained if the sleeping/living area and all the facilities are behind one door.

Which HMOs does this guidance apply to?

It applies to bedsits and rooms in shared housing.

It also applies where the building has been converted into a mix of self-contained and non-self contained flats.

It applies to these HMOs whether they are licensable or not.

What is a licensable HMO?

HMOs require a mandatory licence where they are occupied by at least five people, in a building that has at least three storeys, and where at least one person's accommodation is not self-contained. Where the whole building has a mix of self-contained and non self-contained flats, the whole building will be licensable. If the HMO is a self-contained flat within a three storey building, the flat will be licensable if it has at least five occupiers.

This applies even where one or more of the storeys are in commercial use. The flat may be on any storey of a three storey building for it to be licensable.

Where the accommodation is licensable, the government has prescribed national minimum standards for amenities and these requirements must be met. Where a requirement is mandatory, it will be indicated in the guidance.

It is intended that in the main, the standard of accommodation provided in both licensable and non-licensable HMOs should be the same.

What is a household?

A household can be a single person. For two or more people to be part of the same household, they must be closely related by blood, be married or co-habiting partners of either sex, or be in recognised relationships such as step children, or adopted or fostered children. Some live-in employees also count as being in the same household.

Space Standards for Sleeping Accommodation

In this guidance, a **bedsit** is defined as a room used for sleeping within a building, where some of the basic facilities for food preparation and hygiene are provided within the room. The remaining facilities are either provided in separate rooms and are shared with other people living in the HMO, or are provided in separate rooms but for the exclusive use by the occupiers of the bedsit.

A **bedroom** is a room within a building used for sleeping, and which does not contain any of the basic facilities. The facilities are either provided in separate rooms and are shared with other people living in the HMO, or are provided in separate rooms but for the exclusive use by the occupiers of the bedroom.

A maximum of two people are permitted to share a room for sleeping **irrespective of age**. If there are two occupiers, they must be living together as husband and wife or same-sex partners, family members or consenting friends. A room shared by more than two people is overcrowded.

A room used for sleeping must not be shared by people of the opposite sex who are 10 and over, unless they are married or living together as husband and wife or same-sex partners.

When measuring the size of the room and assessing usable space, the shape of the room should be taken into account as well as the total floor area. Space taken up by fitted units are counted in the floor area calculation, but chimney breasts, lobbies and ensuite bathroom or shower rooms are not. Any floor area where the ceiling height is less than 1.5 m is disregarded.

Rooms should have a minimum floor to ceiling height of at least 2m over 75% of the floor area.

Number of occupiers	Room for sleeping Kitchen facilities In a separate room	Room for sleeping Kitchen facilities within the room
One	8.5 sq m	13 sq m
Two	13 sq m	18 sq m

Local housing conditions and policies vary between the boroughs and some **may** accept existing smaller rooms depending upon a risk assessment, and the communal living space available to the tenants within the HMO. Please consult with your local authority.

Living and dining rooms

A landlord may provide a communal living room in addition to any space that is required for shared kitchen and dining facilities. As a guide, a communal living room should be at least 13 sq m for three people, plus 1 sq m for every additional person. For example, a living room for five people should be 15 sq m.

If dining facilities are combined with the living room, the room should be at least 14 sq m for three people, plus 1 sq m for every additional person. For example, a combined living/dining room for five people should be 16 sq m.

Kitchen Facilities

Kitchen facilities should be no more than one floor away from the letting. Where this is not practicable, a dining area of a size suitable for the number of occupiers should be provided on the same floor as, and close to, the kitchen.

Kitchens must be of an adequate size and shape to enable safe use of food preparation by the number of occupiers and the following guidelines for shared kitchens apply:

Number of sharers	Room size
Up to 3	5.5 sq m
4 – 5	7.5 sq m
6- 7	9.5 sq m
8 – 10	11.5 sq m

Where all or some of the lettings within the HMO do not contain cooking facilities, they must be provided for sharing with other households. There should be one full set of facilities per five persons, irrespective of age. Some flexibility may be considered in well-managed properties where there are six persons, subject to a risk assessment carried out by the local authority.

Where there are 7-10 persons, either an additional set of cooking facilities should be provided for the occupiers to share, or sets of facilities should be provided in individual lettings where the room is large enough. If two sets of facilities are in the same room, each set should be separated and in distinct areas of the room.

A set of cooking facilities is comprised as follows:

Facilities	Number of Occupiers	Specifications
Cooker	Up to 5	Four-ring hob, oven and grill.
	6	Four-ring hob, oven and grill and an additional combined microwave oven and grill.
Sink/Drainer	Up to 5	Full-size sink/drainer set on base unit, provided with a constant supply of hot and cold water and properly connected to the drainage system.
	6	A double full-size sink/drainer installed as above <u>or</u> A single full-size sink/drainer plus a dishwasher.
	1 – 2	1000mm x 600mm approximate worktop which must be fixed, and made of suitable impervious material.

Facilities	Number of Occupiers	Specifications
Worktop	3-5	2000mm x 600mm approximate worktop fitted as above.
	6	2000 mm x 600 mm approximate worktop fitted as above plus additional space for extra appliances
Splashback	All	300mm approximate splashback fitted to the sink/drainer worktop, and to any cooker without an integral splashback
Electrical Sockets	Up to 5	One dedicated suitably located electrical socket for each appliance such as a cooker, refrigerator and washing machine. In addition, four sockets (in either double or single combinations) to be installed above the worktop.
	6	As above, plus one socket for every additional appliance.
Floor Covering	All	Impervious and washable floor covering to cover the floor area of the kitchen.
Food Storage Cupboard	Per Household	One double wall cupboard or One single base cupboard. May be provided within individual lets. The base unit below the sink/drainer is not acceptable for food storage.
Refrigerator	Per Household	Where provided in individual lettings, a small fridge freezer.
	Up to 5	Where provided in a shared kitchen, equivalent to two worktop height refrigerators both with freezer compartments, or 1 worktop height fridge and 1 worktop height freezer.
	6	Where provided in a shared kitchen, as for five persons plus the equivalent of a small fridge freezer.

Kitchen facilities where provided in a bedsit should be sited remote from the entrance door.

The cooker should not be sited below a window. Apart from an extractor hood, fixtures and fittings must not be directly above the cooker and a worktop should be provided on each side of it.

A kitchen must not be the sole access to a room used for sleeping.

Kitchen facilities must not be installed in a hallway

A mechanical extractor, preferably humidistat controlled and with a 20 minute override, must be provided where there is inadequate ventilation by means of a window. Newly converted kitchens must have a mechanical extractor regardless of whether there is an openable window.

Sufficient refuse storage must be provided for the number of occupiers. This

Personal Washing and W.C. Facilities

A bathroom and water closet (w.c.) should be within one floor of all lettings, and where shared, must be accessible from a common area. WCs and bathrooms must be fitted with a suitable and functioning lock and the surfaces must be impervious and readily cleansable.

A mechanical extractor, preferably humidistat controlled, must be provided where there is inadequate ventilation to a bathroom and w.c. by means of a window. Newly converted bathrooms and w.cs must have a mechanical extractor regardless of whether there is an openable window. The extractor should be capable of at least three air changes per hour.

Bathrooms must be adequately heated by radiator, under-floor heating, or wall-mounted convection or fan heater sited away from the bathing facility. Electric bar heaters are not permitted.

Where only one bathing facility is required, it should be a bath of standard size, with a suitable seal and fixed overhead shower. A rail and curtain or its equivalent must be installed for all showers. A shower alone is sufficient only if its hot and cold water supply can be maintained at a constant pressure when water is drawn simultaneously in other parts of the house.

In licensable HMOs, wash hand basins (WHBs) in each bedsit sleeping room are required where practicable in houses with five or more occupiers, unless the room contains a functioning sink/drain. Exceptions are permitted only at the discretion of the Local Authority.

Where a shower cubicle is provided, it must be of a sufficient size that the user can bathe and dress without injury.

External w.cs are not counted.

The following ratios of occupiers to facilities are mandatory where the HMO is licensable. The same ratio of facilities to occupiers should also be provided in non-licensable HMOs.

Number of Occupiers	Facilities	Specifications
1 – 5	<p>1 bathroom with a WHB in the room and at least one of the following: bath or bath with overhead shower or fixed shower and 1 w.c. and 1 WHB in each sleeping room (licensable HMOs only)</p>	<p>Standard size bath with 450 mm approximate splashback WHBs located within the bath or shower room to be full-size. All washing facilities to have a constant supply of hot and cold water of a pressure sufficient to enable simultaneous use by the households in the property. W.Cs in separate compartments must have a WHB within the room if facilities are shared.</p>
6-10	<p>2 bathrooms with WHBs in each One of the bathrooms must contain bath, and the other a shower which may be a fixed over-bath type and 2 WCs with WHBs if separate and 1 WHB in each sleeping room (licensable HMOs only)</p>	<p>All WHBs to have a splashback.</p>

Fire Safety

Fire safety standards to be based on the latest edition of the LACORS - Housing Fire Safety Guidance, a copy of which can be downloaded from the following LACORS website <http://www.lacors.gov.uk/lacors/upload/21063.pdf>.

Heating

A fixed and affordable heating system must be provided to all lets. Radiators must be fitted with thermostatic valves. Fixed storage heaters are preferred where there is no gas supply.

Additional Considerations

Compliance with these standards does not negate the need for compliance with other statutory provisions, including the Housing Act 2004 and supporting Regulations. For further information contact your Environmental Health/Private Sector Housing Service.

Sources

The following sources were consulted in producing this guide:

BRE Housing Design Handbook 1993
Building Regulations - Part F
Department of the Environment 'Spaces in the Home'
GLA Housing Space Standards
HMO licence applications
Homelessness Code of Guidance for Local Authorities
Housing Act 2004
Housing Health and Safety Rating System Operating Guidance Version 2
Joint London Boroughs Code of Practice for Hostel Accommodation
LACORS
Local Development Plans
Local Planning Guidance
London Borough HMO Standards
Residential Property Tribunal Decisions
Statutory Instrument 371/2006
Statutory Instrument 373/2006
Statutory Instrument 1903/2007