HMO licensing
Questions and Answers
Q1 How do I know if I need a licence?

If you own or manage a property in Luton and it is:

• occupied by 3 or more tenants, forming 2 or more households who share common amenities like a bathroom or kitchen etc,

Or you own or manage a property which

• consists of self contained Flats with more than 1/3rd let out to tenants on a short term, and where the conversion does not meet the standards of the 1991 building regulations. (These are a separate higher risk group of properties called Section 257 HMO’s, identified in the Housing Act 2004 see table for further info).

You will need to apply for an HMO licence for these types of buildings. Please contact us for further advice at: Private Sector Housing, 4th Floor Town Hall Extension, Luton, LU1 2BQ, Tel: 01582 547222, HMO.Hotline@luton.gov.uk

HMO licensing will include the following types of accommodation

<table>
<thead>
<tr>
<th>Property description</th>
<th>Likely occupiers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shared houses or flats</td>
<td>Occupied by students or professionals as a group on one contract.</td>
</tr>
<tr>
<td>Bedsits or houses rented out in rooms</td>
<td>Individuals with no connection to each other and the landlord rents each room separately; tenant only has exclusive use of own room.</td>
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<tr>
<td>Hostels</td>
<td>Vulnerable occupiers who may be in need of support to help them to live independently; often run by charities.</td>
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<tr>
<td>Resident landlord property</td>
<td>The owner lives on site and rents out rooms to more than 2 people. Occupiers live under the overall control of the landlord who is responsible for the house. Occupiers may be lodgers with meals included or simply people who share the house with the owner.</td>
</tr>
<tr>
<td>Certain buildings converted into flats</td>
<td>Flat conversions with more than 1/3rd let out to tenants on a short lease, where the conversion does not meet the standards of the 1991 building regulations. These are a separate higher risk group of properties called Section 257 HMO’s, identified in the</td>
</tr>
<tr>
<td>Exclusions - property</td>
<td>Exclusions – occupiers</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------</td>
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<tr>
<td>HMO’s owned by housing associations</td>
<td>Where unrelated occupiers live with a family but as carers or nannies. E.g. foster children, step children</td>
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<tr>
<td>HMO’s that are excluded from the definition – such as police colleges, University halls, religious communities.</td>
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<tr>
<td>HMO’s where conditions are controlled by other regulators – nursing homes, children’s homes etc.</td>
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<tr>
<td>Properties occupied by the resident landlord and a maximum of two other persons who are not part of his or her household.</td>
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<tr>
<td>Properties occupied by no more than two people.</td>
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<tr>
<td>Schedule 14 of the Housing Act 2004 lists all the exemptions.</td>
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</table>

**Q2** How do I know if I am exempt and don’t need to apply?

Landlords who have already been issued with a mandatory licence by Luton Borough Council do not need to apply. These relate to larger properties with 3 or more storeys and 5 or more people forming two or more households, who share common amenities. Landlords are also exempt under Schedule 14 of the Housing Act 2004 which generally includes:

- Housing Association properties, Nursing Homes etc, University Halls of Residence, Religious Communities, Children’s Homes, Residential Care Homes.

If you are still not sure whether your property requires a licence or not then please contact us for more information at: Private Sector Housing, 4th Floor Town Hall Extension, Luton, LU1 2BQ, Tel: 01582 547222, 📧 HMO.Hotline@luton.gov.uk
Q3 Can I apply to have my HMO exempted from licensing?

Yes, but you have to satisfy the Council that you are taking particular steps to ensure either that the building will cease to be an HMO or that it is one that is no longer subject to licensing. The Council does not have to grant the exemption. This provision is not available for avoidance or evasion of licensing, since that would be contrary to the purpose of the Act. Landlords and managers, therefore, need to demonstrate to the Council that they are genuinely taking steps to ensure the building ceases to be licensable. Such steps could include obtaining planning permission for conversion of the HMO into a single occupancy dwelling or entering into a contract for sale of the building with vacant possession for use other than as an HMO. Simply a proposal to or the act of, putting an HMO on the market for sale or reducing the number of occupants will not normally be sufficient for the Council to agree to issue a Temporary Exemption Notice from licensing (TEN). More info can be obtained from: - Private Sector Housing, 4th Floor Town Hall Extension, Luton, LU1 2BQ, Tel: 01582 547222,  HMO.Hotline@luton.gov.uk

Q4 What is the deadline for applying?

It will be a legal requirement to apply for a licence after the 1\textsuperscript{st} August 2013, the scheme is being phased in as follows:-

- Phase 1 - three or more storey properties housing less than five persons forming two or more households.
- Phase 2 – two (or less) storey properties housing five or more persons forming two or more households.
- Phase 3 - two (or less) storey properties housing four persons forming two or more households.
- Phase 4 - two (or less) storey properties housing three persons forming two or more households.

Note: Any property which is 3 or more stories housing 5 or more persons forming 2 or more households requires a licence now under the Councils mandatory licensing scheme (see Q 2 above for more info).

Please Note:-

- Phases 1, 2 and 3 of the scheme have now finished and properties falling into this category MUST now be licensed – if you operate an HMO in this category and have not applied for a licence – you run the risk of prosecution. It is a criminal offence to operate a HMO without a licence and carries an unlimited fine on summary conviction
We are currently inspecting properties falling into phase 4 (i.e. two or less storey properties with 3 or more people forming two or more households) and will be requiring them to be brought up to standard before we issue the licence. We want to work with landlords and agents which is why we are asking you to engage with us so we can guide you through the process and help you comply with the licensing requirements to ensure your properties are up to standard. We recommend that landlords and agents contact us with a list of properties falling into Phase 4 so we can add them to our inspection list, and in order to help us prioritise it would be helpful if you could let us know the number of storeys of each property and the numbers of people living there. Phase 4 will end on 30th September 2017, after which time it will be a criminal offence to operate an HMO, of any size, without a licence.

- The number of bedrooms is irrelevant to whether or not a property needs to be licensed although it does affect the fee (see Fee Structure).

- The timings of the introduction and length of each phase will depend on how long it takes to get through the preceding phase. For example if we get through Phase 2 quickly then we will quickly move to Phase 3. We are aware of a number of properties which are likely to fall into each category and we will visit each of those properties during the relevant Phase, together with any which have come forward, before we move on to the next Phase. We will ensure further publicity in the local press, posts on our website (and by e-mail) before each phase is introduced. Once we move into a new Phase, any property which should have been registered under a previous Phase, but hasn’t come forward, runs the risk of legal proceedings.

**Q5 How do I apply for a licence?**

You can apply for a licence in a number of different ways by:

- Logging onto our website at [www.Luton.gov.uk](http://www.luton.gov.uk) and search ‘HMO’ and follow the links for completing the online electronic form.

- if you would rather complete a paper version, there is an additional (non-refundable) charge of £35 per application.

You can pay using a credit or debit card (there is a small additional fee for this service)

- online, by going to [www.luton.gov.uk](http://www.luton.gov.uk) and searching for “Private Sector Housing”
- over the telephone - 01582 546507

Or send a cheque payable to Luton Borough Council to

HMO Licensing
Private Sector Housing
4th Floor Town Hall Extension
Luton
LU1 2BQ
Q6 What information will I need to provide with the application form?

Please note that the Council will only process applications which are valid - this means that each application for each property must be fully completed. On each form you will need to provide details including the number of letting rooms, storeys, occupants including any children/families etc, statements and declarations that the licence holder(s), person(s) in control and or managing the HMO are ‘fit and proper persons’ and a statement and declaration that any furniture and furnishings within the property comply with The furniture and Furnishings (Fire)(Safety) Regulations 1988 (as amended), you will also need to provide details of the management arrangements including dealing with emergencies, property checks, cleaning, fire evacuation and testing procedures. All relevant sections of the form must be completed by the relevant persons, signed and dated) and include the following documents/certificates:-

- Correct licence fee (non refundable, please see Fee Structure)
- A copy of floor plans showing the layout of the property, we recommend that each floor is drawn on 1 side of A4 sheet of paper and must show the following:-
  - Number, type and location of any smoke/heat detectors, emergency lighting and any fire alarm control panels including any ‘remote hush, test and locate switches, and show where each fire door is located, the plans must also show the location of each window and staircase.
  - Show where the kitchens, bathrooms, WCs, Sinks, wash hand basins and any other common areas such as lounges and dining rooms etc.
  - The plans must also show any cupboards located under any staircases and on any halls or landings and show any chimney breasts in any rooms including the number and location of any electrical sockets.
  - Show the measurements of each bedroom, flat, bedsit and any common rooms such as kitchens, kitchen/diners, lounge and dining rooms etc, the plans do not have to be to scale but the measurements and layout of the property and each room must be accurate, you can show the measurements in square meters for each room or you can show the room dimensions this will enable us to assess how many people can occupy the property. For more information on space standards in HMOs please refer to the Councils HMO Amenity guide

Please Note the Council can do floor plans for you but there is a charge for this service (please see Fee Structure for more details). An example floor plan is downloadable from this link HMO Additional Licensing Scheme - Luton Borough Council
Required documents/certificate continued:-

- Full Electrical Installation Condition Report – the report must be carried out by a competent engineer registered with one of the following professional bodies: - NICEIC, ECA, ELESCA or NAPIT.

- If there is gas at the property a Current Landlords Gas Safety Certificate – the certificate must be carried out by a Gas Safe Registered Engineer (within the last 12 months) and must cover any gas appliances within the property.

- If there is a fire alarm and or emergency lightings systems in place you will need to provide us with the latest test certificates (within the last 12 months) for each system.

- Fire Risk Assessment - Note it is a legal requirement under the Regulatory Reform (Fire Safety Order) 2005 that the responsible person must carry out a suitable and sufficient Fire Risk Assessment for each HMO. For more information and to view examples or down load a blank Fire Risk Assessment please click on the link: Fire Risk Assessment

- Note that although the example and blank Fire Risk Assessment Format may be used it is for the responsible person to ensure that each assessment is carried for each premise and is suitable and sufficient.

- Energy Performance Certificate (EPC)

- Copy of the Tenancy Agreement/Rental Contract(s) you propose to issue to your tenants

Once we have received your completed application and approved documents your licence will be processed. If you are applying for a licence for a self contained flat conversion – there may be other information required such as proof of house insurance. (Further info available from Houses in multiple occupation (HMO) - Luton BC)

Q7 How much will it cost?

The fee structure is available at Fee Structure

All Licences are only issued once we have received a valid application with all documents provided and the property has attained the required standard and is renewable every five years. Fee Structure itself is subject to annual review in Scale of Charges.

Q8 What should I do about converted flats?

A house converted in to flats without 1991 Building Regulations will require a HMO licence. Please contact us for further advice at: Private Sector Housing, 4th Floor Town Hall Extension, Luton, LU1 2BQ, Tel: 01582 547222, HMO.Hotline@luton.gov.uk
Q9 What happens if I buy or sell an HMO half way through the year?

HMO licenses are not transferable and a new application will be required.

Q10 How long will the licence last?

The licence will last for normally 5 years under the terms of the scheme.

Q11 What happens if I am already accredited with Luton Borough Council?

You will receive a £100 discount per application for the licensing scheme if you are a member of Luton Landlord Accreditation Scheme (LLAS).

[Link to LLAS]

If you are RLA or NLA member, then you can apply to become accredited with LLAS by supplying RLA or NLA membership documentation and agreeing to LLAS conditions.

Q12 How do I pay?

You can pay using a credit or debit card (there is a small additional fee for this service)

- online, by going to [www.luton.gov.uk](http://www.luton.gov.uk) and searching for “Private Sector Housing”
- over the telephone - 01582 546507

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HMO Licensing  
Private Sector Housing  
4th Floor Town Hall Extension  
Luton  
LU1 2BQ
**Q13** What if I have a large portfolio of HMOs that need licensing?

If you have a large portfolio of HMOs (20 or more) that require licensing, you may be able to set up payment plan with us. For more advice on this please contact us. Please note that there will be an additional fee for this service.

**Q14** What standards do I need to apply?


**Q15** What extra work will I have to pay for?

This will depend on the property. We anticipate that most HMOs will have a variety of standards with some measures already in place, but may require extra fire safety measures such as additional mains wired interlinked smoke and heat alarms, 30 minute fire resisting doors, fire blankets and additional amenities such as toilets and bathrooms and additional facilities for the preparation, storage and cooking of food more info can be found at Amenity guide. We will inspect your property and advise you and work with to help you comply with our standards. Applications will be checked and each property will be prioritised for inspection based on the information you supply. If you are concerned and do not want to wait for an inspection, then contact us for advice. We are happy to help if you want to do works in advance.

**Q16** How will the scheme be enforced?

The Council will be undertaking street surveys to identify HMOs within the Borough which will need to have a licence. Inspectors will also carry out full property inspections, based on risk over the 5 years. Officers will work closely with landlords to help them comply with the law and provide tailored advice.

The scheme will be phased in as follows (see also question 4 above):

- Phase 1 - three or more storey properties housing less than five persons forming two or more households.
- Phase 2 – two (or less) storey properties housing five or more persons forming two or more households.
- Phase 3 - two (or less) storey properties housing four persons forming two or more households.
Phase 4 - two (or less) storey properties housing three persons forming two or more households.

Properties which are three or more storeys housing five or more persons already require a licence under the Housing Act 2004.

Failure to licence a property that is required to be licensed, is a criminal offence and may result in the Council taking legal proceedings which could result in an unlimited fine.

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**Q17 What if I am a tenant? How will this affect me?**

The scheme will improve safety standards and the management of your home. However if you have any concerns please contact us on Private Sector Housing, 4th Floor Town Hall Extension, Luton, LU1 2BQ, Tel: 01582 547222, HMO.Hotline@luton.gov.uk
Q18 Do I need Planning Permission or Building Regulation Approval?

You may need to apply for Planning Permission and Building Regulation Approval. If you need advice in these respects please contact:

Building Control
Town Hall
Luton
LU1 2BQ
Telephone: 01582 54 6327
Or e-mail: build.control@luton.gov.uk

Planning & Development Control
Town Hall
Luton
LU1 2BQ
Telephone: 01582 54 6317
Or e-mail: DevelopmentControl@luton.gov.uk

The issue of an HMO License does not imply compliance with Planning consent and Building Regulation Approval.

Q19 Where can I get more help?

Look online at www.Luton.gov.uk and type HMO in the search box

Or https://www.gov.uk/ and type HMO in the search box

Or contact us at:

Private Sector Housing, 4th Floor Town Hall Extension, Luton, LU1 2BQ, Tel: 01582 547222, HMO.Hotline@luton.gov.uk

If you need this in large print, on tape or in Polski

Polski

Minicom
01582 54 76 62