

HMO licensing

Questions and answers

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1 How do I know if I need a licence?

You will need to apply for an HMO licence for these types of buildings:

- 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
- or you own or manage a property which consists of self contained flats with more than a third 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 HMOs, identified in the Housing Act 2004 - see types of accommodation list for further info)

Please [contact us for further advice](#).

HMO licensing will include the following types of accommodation

Shared houses or flats

Likely occupiers: students or professionals as a group on one contract.

Bedsits or houses rented out in rooms

Likely occupiers: individuals with no connection to each other and the landlord rents each room separately; tenant only has exclusive use of own room.

Hostels

Likely occupiers: vulnerable occupiers who may be in need of support to help them to live independently; often run by charities.

Resident landlord property

Likely occupiers: 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.

Certain buildings converted into flats

Likely occupiers: Flat conversions with more than a third 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 Housing Act 2004.

Exclusions

Where unrelated occupiers live with a family but as carers or nannies, for example foster children, step children, the following property types are excluded from needing an HMO licence:

- HMOs owned by housing associations
- HMOs that are excluded from the definition such as police colleges, university halls, religious communities
- HMOs where conditions are controlled by other regulators such as nursing or children's homes
- properties occupied by the resident landlord and a maximum of two other persons who are not part of his or her household
- properties occupied by no more than two people

[Schedule 14 of the Housing Act 2004 lists all the exemptions.](#)

2 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 Council do not need to apply. These relate to larger properties with:

- 3 or more storeys
- 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
- 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](#).

3 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 either:

- the building will cease to be an HMO
- 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
- 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 (TEN) from licensing.

[Contact us for more information](#).

4 What is the deadline for applying?

It will be a legal requirement to apply for a licence after the 1st 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

Please 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 2 above for more info](#)).

All phases of the scheme have now finished and all HMOs regardless of size or number of occupants must now be licensed. If you operate an HMO 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.

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](#).

5 How do I apply for a licence?

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

- [apply for a licence online](#)
- complete a paper version but please note there is an additional (non- refundable) charge of £40 plus VAT = £48 per application
- by credit or debit card (there is a small additional fee for this service)
- pay online on the [private sector housing payments page](#)
- over the telephone - 01582 546000
- send a cheque payable to Luton Borough Council to:
HMO Licensing
Private Sector Housing Enforcement
2nd Floor Clemitson House, Gordon Street
Luton, LU1 2QP

If you are still not sure or are having difficulty applying then [please contact us](#).

6 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
- statements and declarations that the licence holder(s)
- person(s) in control and or managing the HMO are 'fit and proper persons'
- 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, [see fee structure](#))
- 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
 - where the kitchens, bathrooms, WCs, sinks, wash hand basins and any other common areas such as lounges and dining rooms
 - 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
 - measurements of each bedroom, flat, bedsit and any common rooms such as kitchens, kitchen/diners, lounge and dining rooms

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 metres 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 standards](#).

Please note: the council can create floor plans for you but there is a charge for this service ([see fee structure for more details](#)). [Click here to see an example floor plan](#).

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
 - 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 (FRA) for each HMO. Visit the council's website for [more information and to view examples or download a blank FRA](#).

Please note that although the example and blank FRA 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.

7 How much will it cost?

[Fee structure details are available here](#)

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.

The fee structure itself is subject to annual review in scale of charges.

8 What should I do about converted flats?

A house converted in to flats without 1991 Building Regulations will require a HMO licence.

[Contact us for further advice.](#)

9 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.

10 How long will the licence last?

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

11 What happens if I am already accredited with Luton Council?

You will receive a discounted fee structure per application for the licensing scheme if you are a member of [Luton Landlord Accreditation Scheme](#) (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.

12 How do I pay?

See [How do I apply for a licence?](#) For information on applying and paying.

13 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.

14 What standards do I need to apply?

The standards which need to be applied are outlined in:

- [Luton Council's HMO standards](#)
- [guide to fire safety standards for residential properties in Bedfordshire](#)
- [The Management of Houses in Multiple Occupation \(England\) Regulations 2006 \(Management Regs\)](#)

15 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
- additional amenities such as toilets and bathrooms
- additional facilities for the preparation, storage and cooking of food

More info can be found at [HMO standards](#).

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.

16 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.
- All phases of the scheme have now finished and all HMOs regardless of size or number of occupants must now be licensed – if you operate an HMO 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.
- 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](#)).

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

The scheme will improve safety standards and the management of your home. [Contact us if you have any concerns.](#)

18 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

Email: build.control@luton.gov.uk

Planning & Development Control

Town Hall

Luton

LU1 2BQ

Telephone: 01582 54 6317

Email: DevelopmentControl@luton.gov.uk

The issue of an HMO license does not imply compliance with planning consent and building regulation approval.

19 Get more help or contact us

Find information online at Luton.gov.uk/hmo at or [house in multiple occupation licence – GOV.UK](http://house.in.multiple.occupation.licence-GOV.UK)

Or contact us at:

Private Sector Housing Enforcement
2nd Floor Clemitson House
Gordon Street
Luton, LU1 2QP
Tel: 01582 546000
Email: HMO.Hotline@luton.gov.uk

For large print or audio versions of this information, please call 01582 546 634 (minicom 01582 547 662).