

Definition of a House in Multiple Occupation

Although the commons areas of blocks of flats, maisonettes and HMO's are subject to the RR(FS)O It is important to know if your premises is an HMO because you will have additional responsibilities under the Housing Act 2004.

The Housing Act 2004 introduces a new definition of a HMO. The new definition is detailed and complex. Generally a house in multiple occupation will be a property occupied by more than one household, more than two people, and may include bed sits, shared houses and some self contained flats.

Generally the sole use of the property must be as an HMO however it may be declared a HMO where there is significant usage.

To find out whether your property is defined as an HMO under Housing Act 2004 please check out the flow chart which should help you determine whether your property is an HMO and/or eligible for Licensing.

Exemptions from the HMO definition

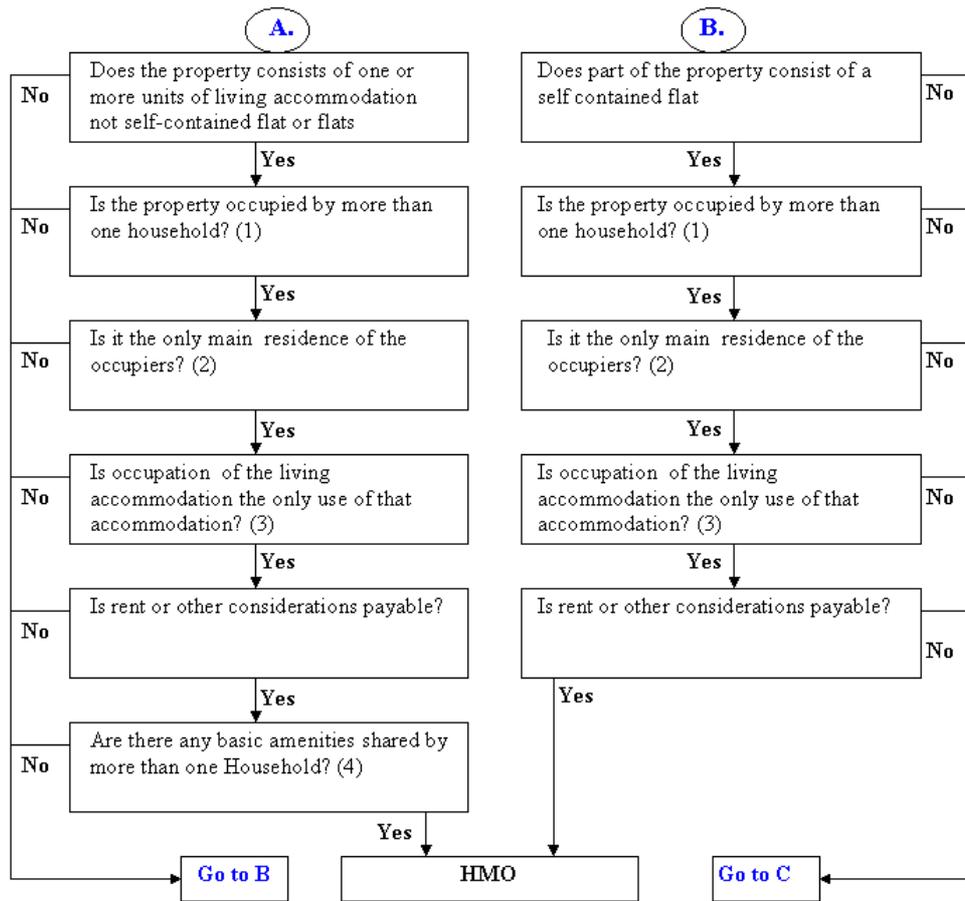
Certain types of buildings will not be HMO's for the purpose of the Act, other than Part 1 of the Housing Act 2004 and are, therefore, not subject to licensing.

These include,

- Buildings, or parts of buildings, occupied by no more than two households each of which comprise a single person, for example two person flat shares.
- Managed or owned by a public body, such as the police or the NHS or an LHA or a Registered Social Landlord,
- Where the residential accommodation is ancillary to the principal use of the building, for example, religious establishments, conference centres,
- Student halls of residence, where the universities are specified as exempt by order,
- Buildings regulated otherwise than under the Act, such as care homes, bail hostels, and the description of which are specified in regulations,
- Buildings entirely occupied by freeholders or long leaseholders. (But note the problem of mixed occupancy properties.)

For a more in depth study you should check out Schedule 14 of the Housing Act 2004.

If the premises are not exempt then continue with the flow chart on page 2 and 3 and it is strongly advised you study the flow chart in conjunction with [The Housing Act 2004](#).

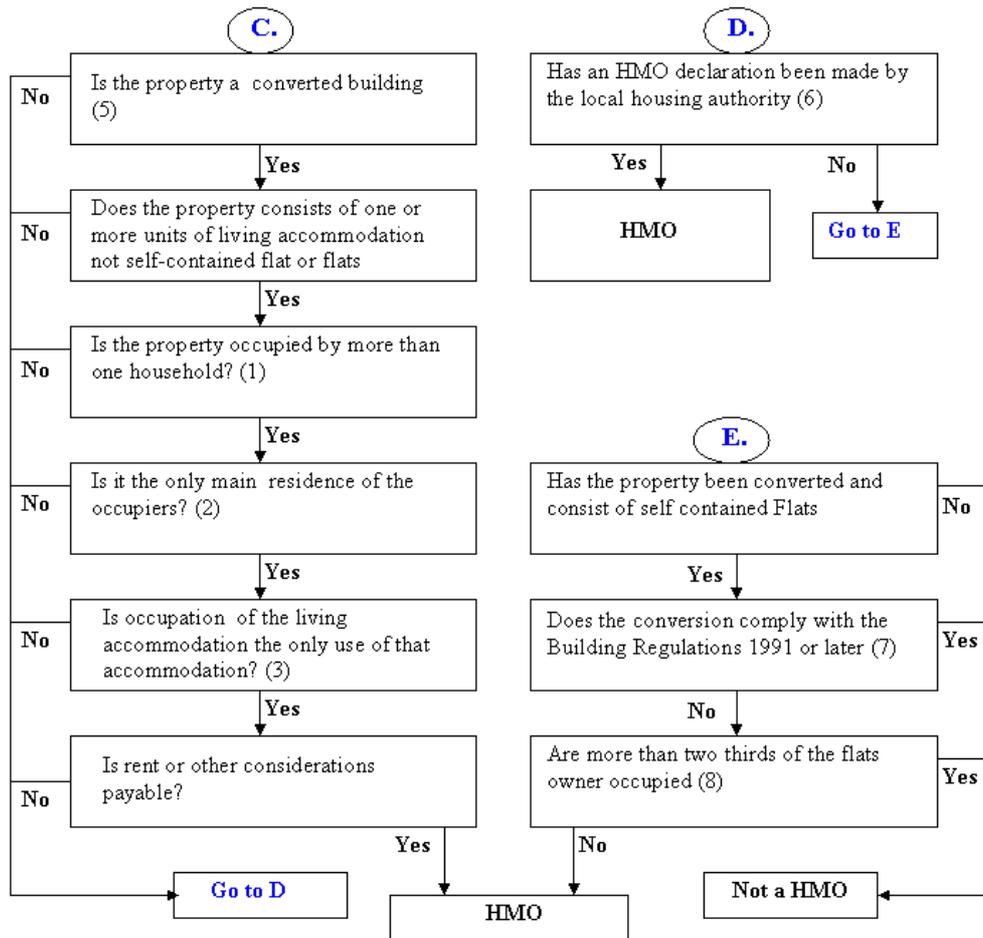


(1) A household comprises persons who are all members of the same family (i.e. they are married or co-habiting, regardless of their sex or one of them is the parent, grandparent, child, stepchild, foster child (under the Fostering Services Regulations 2002), grandchild, brother, sister, uncle, aunt, nephew, niece, cousin or other). An employee living in the same household as the employer may be considered part of a single household.

(2). Check Section 259 HMO's: persons treated as occupying premises as only or main residence

(3). Check Section 260 HMO's: presumption that sole use condition or significant use condition is met

(4). Check Section 254 Subsection (8)



(5). Check Section 257 HMO's: certain converted blocks of flats, converted building means a building or part of a building have been created since the building or part was constructed

(6). Check Section 255 and 256.

(7). Check Section 257 if building work was completed after the 1st June 1992 then it will comply with .with the Building Regulations 1991.

(8). Check Section 257 a flat is "owner-occupied" if it is occupied by a person who has a lease of the flat which has been granted for a term of more than 21 years, or who has the freehold estate in the converted block of flats.

Note. This flow chart provides a general overview and basic information. It may not apply to everyone. Consequently if you have any doubts contact the Local Housing Authority who are the final arbiters.