

Changes to the Licensing and Regulation of HMOs

There are several changes expected in October 2018 in relation to Houses in Multiple Occupation (HMOs). [The Licensing of Houses in Multiple Occupation \(Prescribed Description\) \(England\) Order 2018](#) will amend and extend the description of HMOs required to be licensed by local authorities under s.55(2)(a) Housing Act 2004 (the Act) if the HMO:

- (a) is occupied by five or more persons;
- (b) is occupied by persons living in two or more separate households; and
- (c) meets—
 - (i) the standard test under section 254(2) of the Act;
 - (ii) the self-contained flat test under section 254(3) of the Act but is not a purpose-built flat situated in a block comprising three or more self-contained flats; or
 - (iii) the converted building test under section 254(4) of the Act.

The amendment removes the current requirement for the HMO to be comprised of 3 or more storeys before it must be licensed and extends licensing to purpose built flats where there are up to two flats in the block and one or both of the flats are occupied by 5 or more persons in 2 or more separate households, regardless of whether the block includes commercial premises.

The Government previously announced that this extension to the mandatory licensing of qualifying HMOs would come into force in April 2018 but that there would be a 6 month grace period for landlords to obtain licenses. However, it has now been confirmed that the extension will come into force on 1 October 2018 and there will be no grace period for landlords who have not obtained a license by then.

The Government also expects [The Licensing of Houses in Multiple Occupation \(Mandatory Conditions of Licences\) \(England\) Regulations 2018](#) to come into force on the same day. This draft statutory instrument has already been laid before Parliament and provides that licenses granted from 1 October 2018 must contain conditions that bedrooms exceed certain minimum sizes (a single bedroom for a person over the age of 10 will need to be greater than 6.51 metres square) and that landlords adhere to local refuse schemes.