

Houses in Multiple Occupation (HMO's)

Committee name	Environment, Housing and Regeneration Select Committee
Officer reporting	Mark Billings, Planning, Environment, Education and Community Services
Papers with report	None
Ward	All

HEADLINES

This report provides information relating to houses in multiple occupation (HMOs) in Hillingdon.

RECOMMENDATIONS:

That the Committee:

- 1. Note the contents of the report.**

SUPPORTING INFORMATION

1. The Private Sector Housing team is a regulatory service which is responsible for delivering the Council's statutory functions in the private housing sector. This includes raising housing standards in owner occupied properties, properties managed by Registered Providers (Housing Associations) and the private rented sector. The team focuses its efforts on properties where the worst housing conditions are found, which can be in HMO's. HMO's tend to be properties at the bottom end of the private rented housing market, where those on the lowest incomes and most vulnerable tenants are housed and typically where standards of management are lowest. Poor housing conditions include damp and mould growth, lack of heating, inadequate fire precautions and falls within the property.
2. There are extra legal responsibilities that landlords are required to comply with if the home rented is an HMO to reduce the risk of fire and to make sure that people living in shared houses or flats have adequate facilities. Landlords must make sure that:
 - Proper fire safety measures are in place, including working smoke alarms
 - Annual gas safety checks are carried out
 - Electrics are checked every 5 years
 - The property is not overcrowded
 - There are enough cooking and bathroom facilities for the number of people living there
 - Communal areas and shared facilities are clean and in good repair
 - There are enough rubbish bins/bags

HMO Definitions

3. A home is an HMO if both of the following apply:

- At least 3 tenants live there, forming more than 1 household
 - The toilet, bathroom or kitchen facilities are shared with other tenants
4. A home is a large HMO if both of the following apply:
- At least 5 tenants live there, forming more than 1 household
 - The toilet, bathroom or kitchen facilities are shared with other tenants

HMO Mandatory Licensing

5. All large HMOs where there are at least five tenants living there, forming more than one household and there is sharing of facilities, require a licence. Prior to 1 October 2018 HMO licensing requirements only applied to dwellings of 3 or more storeys. At the same time that the 3 or more storey criteria was removed, the Government also introduced new mandatory conditions in HMO licences to regulate the size and use of rooms as sleeping accommodation. For all new or renewed HMO licences applied for since 1 October 2018, bedroom sizes must be at least:
- 6.51 square metres for a person aged 10 or over
 - 10.22 square metres for 2 people aged 10 or over
 - 4.64 square metres for a child under 10 years
6. Before issuing an HMO licence, the council must be satisfied that the proposed licence holder (and manager) of the property is a fit and proper person(s).
7. Hillingdon Council's HMO standards are published on the [council's website](#).

HMOs in Hillingdon

8. The number of multi-adult households in the private rented sector in Hillingdon increased between the census years of 2001 and 2011 from 1,608 to 3,074 and this trend is likely to have continued. Not all are HMOs. These numbers include HMOs with shared facilities where for most purposes, the residents are not defined as forming a single household, as well as single people living together as a group who are defined as a single household for most purposes and individuals with lodgers.
9. At 21st December 2021 there were 650 HMOs licensed in Hillingdon, but it is thought that the number which should be licensed is higher. Because it is a long time since the last census, it is difficult to produce a current robust estimate of the number of HMOs. Census 2021 data will begin to become available during 2022. This will not provide exact numbers requiring a licence but will help to produce better estimates. It is thought that the number of HMOs that would require a licence is likely to be at least double the number currently licensed. Identifying those HMOs that should be licensed and dealing with licensing applications promptly are priorities for the Private Sector Housing Team. The PSH team has seen an increase in the intelligence received on suspected HMO's in the Borough.
10. The wards with the highest numbers of licensed HMOs are:
- Uxbridge South 100

- Brunel 83
- Heathrow Villages 50

11. Because the Council is concerned about the effects of high concentrations of student housing in certain areas, it has an Article 4 Direction in operation. This means that it is necessary to obtain planning permission to convert a single family dwelling (Use Class C3) to a HMO with between 3 and 6 unrelated people sharing (Use Class C4) throughout the wards of Brunel and Uxbridge South.
12. Improving the administration of licensing HMOs has been and continues to be a priority for the private sector housing team. A total of 285 licenses were issued between 1st April 2020 and 31st March 2021. Since April 2021 a further 100 licenses were issued. We have a legal duty to ensure that all applications for licences are determined within a reasonable time. Twelve weeks is regarded as reasonable and this is the target adopted by Hillingdon and most other local authorities. Licence applications are being dealt with in a timely manner.

Inspections of HMOs

13. Prior to Covid19, inspections of HMOs would normally take place prior to a licence being granted. With the onset of Covid19 Officers are no longer inspecting properties before issuing licences. We have introduced 'Desktop Interviews with Landlords' to verify housing conditions and other information. Where possible we are prioritising high-risk licensable properties to protect vulnerable tenants and target imminent risks to health. Follow up inspections of properties are being scheduled.
14. We are inspecting properties where:
- there is a duty to inspect because, for example, there is an imminent risk to a tenant's health due to a serious hazard e.g. no hot water or heating, pests (rats)
 - a serious hazard was previously identified and may still exist
 - where we have been made aware that a tenant is vulnerable, and it is not clear if conditions are hazardous.
15. During 2021, proactive inspecting of HMOs restarted for those that had been licensed but not yet inspected. Those properties where there have been complaints will continue to be prioritised. Proactive inspections will concentrate initially on those HMOs that have already been licensed, with the intention of moving to inspections prior to licensing. Ideally all HMOs will be inspected at least once during the period of the licence. In addition, certificates for gas safety are requested on an annual basis. Electrical safety certificates last for five years.

Enforcement Action

16. Under the Housing Act 2004 the Council is required to take 'appropriate enforcement action' for defects found in properties which fall under either a Category 1 (duty to take action) or Category 2 (may take action). During 2021/22 two civil penalties have been issued for breaches of HMO management regulations for £20,000 in total.

17. The Council will also work with HMO landlords to ensure that their properties are compliant with the Minimum Energy Efficiency Standards (MEES) when they grant a new tenancy to new or existing tenants.

Discretionary Licensing

18. Officers are considering options for discretionary licensing to raise standards and assist in deterring rogue landlords from managing private rented accommodation. Consideration is being given to both selective licensing for some parts of the borough and for additional licensing powers.

- Additional licensing – licensing can be extended to include HMOs not covered by mandatory licensing for example to cover all HMOs in a specific area or across the whole borough. Additional licensing can be introduced where the local authority believes that a significant proportion of HMOs are poorly managed and giving rise to problems for residents or the general public. The local authority must consult those who are likely to be affected. The council previously had an additional licensing scheme which applied to some parts of the borough and that has now ended. Most of the properties covered by the additional licensing scheme now require a mandatory HMO licence following the widening of the licensing criteria in October 2018.
- Selective licensing – All privately rented properties within a selective licensing area have to be licensed, regardless of whether or not the property is an HMO. Selective licensing does not specifically relate to HMOs. Schemes may be introduced in areas of low demand housing or areas with significant anti-social behaviour problems. The local authority has to consult local landlords before introducing selective licensing.

Licensing across West London			
	Additional licensing	Selective licensing	Cost (mandatory licence)
Brent	All HMOs that do not fall within mandatory licensing	Properties rented to a single household in certain wards	£840 new mandatory licence £740 renewal Up to 5 habitable rooms +£25 each additional room £40 discount for accredited landlords £100 additional charge if help needed completing the form
Ealing	All HMOs 2+ storeys occupied 4+ people who share facilities, including those in mixed use developments or over	Properties rented to a single household in certain wards and HMOs in these areas not covered by mandatory or additional scheme	£1,100 per property + £30 for each habitable room (bedroom or living room)

	non-residential accommodation. Expired 31.12.2021-New proposals consulted on	Expired 31.12.2021 - New proposals consulted on	£75 discount for landlord accreditation
Hammersmith and Fulham	The scheme applies to all HMOs occupied by three or more people who are not all related.	Applies for single persons or couples or single households if renting a property in one of 100+ designated streets	£1,215 for a 5 bed HMO + £13.10 for each additional bedroom £50 discount if sign landlord rental charter or £80 for landlord accreditation
Harrow	All HMOs not covered by mandatory HMO licensing	3 separate schemes are in operation for specific wards covering all private rented properties	£1,405 for new applicants and £997 for renewals £75 discount for accredited landlords first application only
Hillingdon	None	None	£1,100 new or renewal. This will increase by 5% to £1,155 from 1 st April 2022.
Hounslow	Most HMOs shared by 3 or more people who are not related.	None	£1,275 £80 discount if accredited
Kensington & Chelsea	None	None	£1,248.13 plus £12.60 for each room

Note: For many of these schemes the HMO definition is not straightforward and varied for different local authorities and schemes.

Implications on related Council policies

A role of the Select Committees is to make recommendations on service changes and improvements to the Cabinet who are responsible for the Council's policy and direction. The Council's approach to HMOs contributes towards delivery of the Housing Strategy which is a key policy framework document for the Council.

The Housing Strategy includes 'Leading on Improving Housing Standards' as one of five priorities and identifies the following specific actions in relation to HMOs and private rented sector housing more generally:

- Prioritise dealing with licence applications swiftly and efficiently and identifying additional HMOs that require to be licensed
- Continue to tackle poor housing conditions and facilitate improved management of high-risk properties in the private rented sector
- Continue to use enforcement powers including Civil Penalties where appropriate and work

with internal and external partners to take holistic and concerted action to deter those landlords who consistently provide poor standards of housing and management

- Establish a multi-disciplinary task group to gather evidence regarding the prevalence of poor conditions in different parts of the private rented sector and consider the feasibility of different discretionary licensing options

How this report benefits Hillingdon residents

The quality of housing and its management have very significant impacts on the lives of residents.

Financial Implications

There are no direct financial implications resulting from the recommendations of this report.

Legal Implications

None at this stage.

BACKGROUND PAPERS

NIL.