

Management of Houses in Multiple Occupation (HMOs)

This advice is written for landlords who own or manage HMOs. If you are not sure if the house that you rent out is an HMO, please refer to Houses in Multiple Occupation Information page on the Council's website and the "What is a House in Multiple Occupation" page of definitions.

NB this guidance does not apply to HMOs that only meet the Converted Blocks of Flats test.

With respect to HMOs, the aims of the Housing and Pollution Team are to ensure that all HMOs are safe and fit to live in. This means that HMOs must be managed in such a way as to ensure that they are kept clean and in good repair, that all amenities (kitchens, toilets, washing facilities etc.) are well maintained and readily available and that fire precautions and alarm systems are adequately maintained and kept in proper working order.

The rules governing these standards are set out in The Management of HMOs (England) Regulations 2006 and put specific obligations on the manager of the property ("person managing").

"person managing" means, in relation to premises, the person who, being an owner or lessee of the premises-

- (a) receives (whether directly or through an agent or trustee) rents or other payments from
 - (i) in the case of a house in multiple occupation, persons who are in occupation as tenants or licensees of parts of the premises; ...or
- (b) would so receive those rents or other payments but for having entered into an arrangement (whether in pursuance of a court order or otherwise) with another person who is not an owner or lessee of the premises by virtue of which that other person receives the rents or other payments;

and includes, where those rents or other payments are received through another person as agent or trustee, that other person.

This guidance gives a summary of these Regulations if you have any questions you can contact the Housing and Pollution Team on 01737 276264 or 276426.

Duty of manager to provide information to occupants

- The manager must ensure that his name, address and any telephone contact number is made available to the occupant of each unit of living accommodation in the HMO, and is clearly displayed in a prominent position in the HMO.

Duty of manager to take safety measures

- The manager must ensure that all means of escape from fire in the HMO are kept free from obstruction; and maintained in good order and repair.

- The manager must ensure that all fire fighting equipment and fire alarms are maintained in good working order.
- The manager must ensure that signs to indicate all means of escape from fire are displayed in positions within the HMO that enable them to be clearly visible to the occupants.
- The manager must take all such measures as are reasonably required, having regard to the design of, the structural conditions in, and the number of occupants in, the HMO, to protect the occupants from injury. In performing these duties the manager must in particular -
 - (a) in relation to any roof or balcony that is unsafe, either ensure that it is made safe or take all reasonable measures to prevent access to it for so long as it remains unsafe; and
 - (b) in relation to any windows situated on a staircase, ensure that such safeguards are made as are reasonably necessary to prevent injury arising from such windows.

Duty of manager to supply and maintain water supply and drainage

- The manager must ensure that the water supply and drainage system to the HMO and its common parts is maintained in good, clean and working condition.
- The manager must ensure that every receptacle used for the storage of water for drinking or other domestic purposes at the HMO is kept in a good, clean and working condition with a cover kept over it to keep the water in a clean and proper condition.
- The manager must ensure that every part of the water supply and drainage system at the HMO that is susceptible to frost damage, except any overflow pipe or the mains supply pipes, is protected from frost damage.
- The manager must not unreasonably cause or permit the water or drainage supply to any unit of living accommodation within the HMO that is occupied to be interrupted.

Duty of manager to supply and maintain gas and electricity

- The manager must ensure that every gas installation is tested at least annually by an engineer recognised by the Council of Registered Gas Installers as being competent to undertake such testing.
- The manager must ensure that every electrical installation is tested at intervals of no more than five years by an engineer recognised by the Institute of Electrical Engineers as being competent to undertake such testing.
- The manager must -
 - (a) obtain a certificate from the engineer conducting the testing, specifying the results of the test; and
 - (b) supply to the local housing authority that certificate within 7 days of receiving a request for it from the local housing authority.
- The manager must not unreasonably cause the gas or electricity supply to any unit of living accommodation within the HMO that is occupied to be interrupted.

Duty of manager to maintain HMO common parts fixtures, fittings and appliances

- The manager must ensure that all common parts and installations of the HMO are maintained in good, clean, safe and working condition and kept reasonably clear from obstruction.

- The manager must in particular ensure that -
 - (a) all handrails and banisters are at all times kept in good repair;
 - (b) any additional handrails or banisters as are necessary for the safety of the occupants of the HMO are provided;
 - (c) any stair coverings are safely fixed and kept in good repair;
 - (d) all windows and other means of ventilation within the common parts are kept in good repair;
 - (e) common parts are fitted with adequate lighting installations that are available for use at all times by every occupant of the HMO; and
 - (f) every installation used in common by the occupants of one or more units of living accommodation is maintained in good and safe repair and in clean working order.

This regulation does not apply in relation to installations that the occupier is entitled to remove from the house or which are otherwise outside the control of the manager

- The manager must ensure that
 - (a) outbuildings, yards and forecourts which are used in common by two or more households living within the HMO are maintained in repair, clean condition and good order;
 - (b) any garden belonging to the HMO is kept in a safe and tidy condition; and
 - (c) boundary fences, walls and railings (including any basement area railings), in so far as they belong to the HMO, are kept and maintained in good and safe repair so as not to constitute a danger to occupiers.
- If any part of the HMO is not in use the manager shall ensure that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.

Duty of manager to maintain living accommodation

- The manager must ensure that each unit of living accommodation and any furniture supplied with it are in clean condition at the beginning of a person's occupation of it.
- The manager shall ensure, in relation to each unit of living accommodation that is occupied, that-
 - (a) the internal structure is maintained in good repair;
 - (b) every fixture, fitting or appliance within the unit is maintained in good repair and in clean working order; and
 - (c) every window and other means of ventilation are kept in good repair.
- This regulation does not require the manager to carry out any repair the need for which arises in consequence of use by the occupant of his living accommodation otherwise than in a tenant-like manner. Nor does it require the manager to maintain fixtures, fittings or appliances the occupier is entitled to remove from the house.
- For the purpose of this regulation a person shall be regarded as using his living accommodation otherwise than in a tenant-like manner where he fails to treat the property in accordance with the covenants or conditions contained in his lease or licence or otherwise fails to conduct himself as a reasonable tenant would do.

Duty to provide waste disposal facilities

- The manager must -
 - (a) ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of the occupants for the storage of refuse and litter pending their disposal; and
 - (b) make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority.

Responsibilities of other persons

- Nothing in these regulations shall be taken to -
 - (a) require or authorise anything to be done in connection with the gas or electricity supply otherwise than in accordance with any enactment, or to oblige the manager to take, in connection with those matters, any action which is the responsibility of a local authority or any other person, other than such action as may be necessary to bring the matter promptly to the attention of the authority or person concerned; or
 - (b) impose a duty on the manager to repair or maintain anything, which the occupant is entitled to remove from the house.

Duties of occupiers of HMOs

- Every occupant of an HMO must -
 - (a) conduct himself in a way that will not hinder or frustrate the manager in the performance of his duties;
 - (b) allow the manager, for any purpose connected with the carrying out of his duties, at all reasonable times to enter any living accommodation or other place occupied by that person;
 - (c) provide the manager, at his request, with any such information as he may reasonably require for the purpose of carrying out his duties;
 - (d) take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair under these regulations;
 - (e) store and dispose of litter in accordance with the arrangements made by the manager; and
 - (f) comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

If you require any more information or help, please contact the
Housing and Pollution Team on 01737 276424/6,
write to the Housing and Pollution Team,
Town Hall, Castlefield Road, Reigate, Surrey, RH2 0SH
or email: privatesectorhousing@reigate-banstead.gov.uk.