

Definition:

What is a house in multiple occupation?

For the purposes of the Housing Act 2004 Section 254 a building or part of a building is an HMO if it meets the criteria in either section 1, 2, 3 or 4.

1. The standard test

- (a) it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
- (b) the living accommodation is occupied by persons who do not form a single household (see section 258); (persons are regarded as not forming a single household unless they are all members of the same family, or other circumstances as prescribed by regulations);
- (c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259); (this includes where a person is in residence as part of undertaking full time education, is in a refuge or other circumstances as prescribed by regulations);
- (d) their occupation of the living accommodation constitutes the only use of that accommodation;
- (e) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and
- (f) two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.

2. The self-contained flat test

- (a) it consists of a self-contained flat; and
- (b) paragraphs (b) to (f) of subsection (2) apply (reading references to the living accommodation concerned as references to the flat).

3. The converted building test

- (a) it is a converted building;

- (b) it contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats);
- (c) the living accommodation is occupied by persons who do not form a single household (see section 258);
- (d) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259);
- (e) their occupation of the living accommodation constitutes the only use of that accommodation; and
- (f) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.

4. Converted blocks

A building is also an HMO where it has been converted into a block of self contained flats but did not (and still does not) comply with the Building Regulations 1991 and less than two thirds of the self contained flats are owner occupied

Definitions

Single household	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, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin of the other
Basic amenities	include toilet, personal washing facilities or cooking facilities
Occupying premises as only or main residence	includes students undertaking full-time course of further or higher education; those occupying refuges; foster children; children being cared for and current domestic employees (i.e. nannies, au pairs, servants)
Converted building	means a building or part of a building consisting of living accommodation in which one or more units of such accommodation have been created since the building or part was constructed

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.