

# Houses in Multiple Occupation (HMO)

## Essex Approved Code of Practice

### Amenity Standards for HMO's



Essex HMO Officers Sub-Group  
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Version 1.3

# ESSEX HMO OFFICERS SUB-GROUP

## AMENITY STANDARDS - CATEGORY A HMO's

### **PART 1 - Introduction**

This guidance is intended for Houses in Multiple Occupation (HMOs) in all Essex Local Authorities. It applies to all HMOs whether they are licensable or not.

The guidance is intended to be flexible, as there may be more than one way to achieve a required standard. However, alternatives to the guidance must be approved by the local authority.

While all the local authorities will have regard to the standards, there is variation in housing stock between the boroughs or districts and so local conditions will be taken into account in their application and enforcement.

### **1.0 Background**

- 1.1 Until 2006, guidance was provided at a county level by way of a standard set by the Essex Housing Specialist Group HMO Sub Group.
- 1.2 In April 2006, the introduction of the Housing Act 2004 and with it, the housing health and safety rating system and for the first time, national HMO standards, required a revision of the earlier standards.
- 1.3 The intention of this revised Code of Practice is to accord with national standards and to offer local interpretation both with regard to the minimum standards required for HMO licensing and to meet the ideal provisions expected under the Housing Health & Safety Rating System (HHSRS) introduced under the Housing Act 2004 on 6 April 2006.

### **2.0 Application of Standards**

- 2.1 Minimum national standards to be applied to all HMOs including those licensed under Part 2 of the Housing Act 2004 have been set under schedule 3 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.
- 2.2 Version 2 Guidance under the HHSRS must be followed to eliminate or minimise relevant hazards.

### **3.0 Authorship**

- 3.1 This introduction and the following Code of Practice was revised, collated and produced in 2010 by the Essex Local Authority HMO Study Group.
- 3.2 Version 1.3 approved by the Essex Private Sector Housing Officers Group on 12<sup>th</sup> January 2012.
- 3.3 To be reviewed in 2016.

## Definition of HMOs

**Category A:** Houses occupied as individual rooms, bedsits and flatlets which are considered to have a number of rooms for exclusive occupation, not necessarily behind one door, with some sharing of amenities, usually a bathroom and/or toilet and maybe a kitchen.

Category A relates to a building or a part of a building meeting the “standard test” under section 254 (2) of the Housing Act 2004. i.e. if:

- (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 three or more persons who do not form a single household (see section 258);
- (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);
- (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.

A house is still considered to be an HMO if it has been converted into self-contained flats and the conversion does not meet 1991 Building Regulations and less than 2/3 of the flats are owner-occupied. (see section 257)

Self-contained flats within buildings that are HMO's may be occupied as HMO's themselves. This guidance applies to self-contained flats which meet this condition. An individual tenancy may have exclusive use of the basic facilities (bath/shower, WC and kitchen), but the accommodation would only be defined as self-contained if the sleeping/living area and all the facilities are behind one door.

### **258 HMOs: persons not forming a single household**

- (2) Persons are to be regarded as not forming a single household unless—
  - (a) they are all members of the same family, or
  - (b) their circumstances are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.
- (3) For the purposes of subsection (2)(a) a person is a member of the same family as another person if—
  - (a) those persons are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);
  - (b) one of them is a relative of the other; or

- (c) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple.
- (4) For those purposes—
  - (a) a “couple” means two persons who are married to each other or otherwise fall within subsection (3)(a);
  - (b) “relative” means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;
  - (c) a relationship of the half-blood shall be treated as a relationship of the whole blood; and
  - (d) the stepchild of a person shall be treated as his child.

**259 HMOs: persons treated as occupying premises as only or main residence**

- (2) A person is to be treated as so occupying a building or part of a building if it is occupied by the person—
  - (a) as the person’s residence for the purpose of undertaking a full-time course of further or higher education;
  - (b) as a refuge (as defined in subsection (3), or
  - (c) in any other circumstances which are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.

**PART 2 - The Essex Approved Code of Practice**

**1.0 Facilities for the storage, preparation and cooking of food, and for the disposal of waste water**

1.1 Shared kitchens may present a significant hazard relating to food safety or domestic hygiene, pests and refuse in the absence of adequate management.

It is for each local authority, on a case by case basis, to determine whether individual kitchen facilities should be provided for each household.

Indications of adequate management of any shared kitchens may, for example, include the membership of any local landlord accreditation scheme.

Where shared kitchens are accepted, this does not preclude a later requirement for individual kitchen facilities where inadequate management of the kitchens is found to lead to other than clean and safe conditions.

Dependent upon the type and size of HMO and the physical constraints, each unit of accommodation (i.e. a letting) should have either:

Adequate kitchen facilities within the unit of accommodation, or,

Shared kitchen facilities, where reasonably practicable, not more than one floor distance from any unit of accommodation, on the following basis:-

**Shared Kitchen Facilities**

A suitably located shared kitchen should be provided normally for a maximum of 5 persons. However some flexibility may be considered in well-managed properties where there are 6 or 7 persons, subject to a risk assessment carried out by the local authority.

Where there are 8 – 10 persons, either an additional full set of shared cooking facilities must be provided, or additional facilities must be provided in an appropriate number of individual lets where the room is large enough. If two sets of facilities are provided in the same room, each set must be separated and in distinct areas of the room.

To help with understanding what would be acceptable in a large HMO examples can be seen at the end of the table on page 6.

## Kitchen Facilities

Kitchen facilities should be no more than one floor away from the letting. Where this is not practicable, a dining area of a size suitable for the number of occupiers should be provided on the same floor as, and close to, the kitchen.

In licensable properties where the kitchen facilities are 2 or more floors distance from bedrooms, and the route will involve lobby doors or multiple staircases, it would be expected that other food preparation & storage facilities are provided within the room for minor food preparation not involving cooking. This is to comprise a kettle as a minimum.

Kitchens must be of an adequate size and shape to enable safe use of food preparation by the number of occupiers and the following guidelines for shared kitchens apply:

Number of persons sharing	Room size
Up to 5	9.3 sq m
6-10	Up 18 sq m or 2 kitchens

A set of cooking facilities is to comprise the following:

Number of Occupiers	Facilities	Specifications
1	Cooker	In bedsits only: a cooker with a 2-ring hob, oven and grill. This must be permanently and safely installed on a fixed worktop. A microwave may be provided as a substitute for half the required rings.
Up to 5		Four-ring hob, oven and grill.
1	Worktop	1500 mm x 450 mm (0.6 sq m). Worktop must be fixed and made of suitable impervious material.
Up to 5		1500 mm x 450 mm (0.6 sq m) of clear worktop per user. Worktop must be fixed and made of suitable impervious material.
1 – 5	Sink & Splashback	A sink with constant hot & cold water and suitable drainage connection; 300mm tiled splashback or its equivalent to be provided to the sink/drainer, worktop and any cooker without an integral splashback.
6 -10		A second sink is required.
11 -15		A third sink is required.
1	Electrical sockets	One double power point immediately above the work surface, for the use of electrical kitchen appliances, in addition to any serving major

Up to 5		appliances provided by Landlord.
		A minimum of three double power points immediately above the work surface for electrical kitchen facilities in addition to any serving major appliances provided by the Landlord.
1	Food storage cupboard	A single unit cupboard per unit of accommodation (the sink base unit is not acceptable for this purpose)
Up to 5		A single unit cupboard per unit of accommodation (the sink base unit is not acceptable for this purpose). Cupboards can be provided within each unit of accommodation or in the shared kitchen, but in the latter case these should be lockable.  Other cupboards for the storage of other items necessary for the preparation and cooking of food.
All	Floor covering	Impervious and washable floor covering to cover the floor area of the kitchen.
1	Fridges	One fridge.
Up to 5		Equivalent of 2 worktop height refrigerators with freezer compartments; or of a size proportionate to the number of occupiers. Fridges can be provided within each unit of accommodation.
All	Fire Blanket	Provide a fire blanket for use in bedsit/kitchen (for chip pan fires, etc where water is unsuitable).

Where a property does not fall within the simple criteria listed above, i.e. there are more than five persons sharing, examples of how to meet the amenity standards required for different numbers of occupants are indicated below:

- A 4 ring hob with an oven and a grill is suitable for a maximum of 5 persons
- Where there are more than 5 persons each additional occupant needs an additional two cooking rings, or a combined microwave oven. Therefore, 7 persons would require a 4 ring hob, oven and grill plus 4 additional cooking rings or 2 additional combined microwave ovens.
- Two 4 ring cookers each with an oven or grill would be suitable for max of 10 occupants.
- A 6 ring cooker with oven and grill would be suitable for max 6 occupants

This list is not exhaustive.

Kitchen facilities where provided in a bedsit should be sited remote from the entrance door and within a minimum 3sq m floor space. The cooker should not be situated below a window.

A kitchen must not be the sole access to a room used for sleeping.

Kitchen facilities must not be installed in a hallway.

All facilities and appliances should be designed so as not to be prejudicial to safety. Work tops, wall and floor surfaces should be capable of being readily cleansed.

A humidistat-controlled mechanical extractor must be provided where there is inadequate ventilation by means of a window. Newly converted kitchens must have a mechanical extractor regardless of whether there is an openable window.

Kitchens should have provision for at least artificial lighting and for natural or mechanical ventilation to Building Regulation standards.

Fixtures and fittings are not to be located directly above cooking appliances. Power sockets should not be located within 1 metre of taps/sink unless appropriately IP (ingress protection) rated.

Suitable and adequate lidded refuse disposal facilities must be provided. (It is recommended that there is a suitable covered waste bin for food waste comprising a "swing top" bin of a minimum 2½ cu.ft. capacity (70 litres).

## **2.0 Personal Washing Facilities**

2.1 In licensable HMOs, each letting shall, where reasonably practicable, be provided with a wash hand basin (minimum size 560 x 430 mm) together with fixed taps providing adequate supplies of constant hot and cold water, a suitable drainage connection and an appropriate splash back (e.g. 2 courses of tiles). Alternatively, a sink would be acceptable for this purpose if provided as part of any kitchen facilities within a letting. Cold water supplies to wash hand basins or sinks in lettings shall be adequate and wholesome, preferably supplied direct from the mains.

In non-licensable HMOs, it is recommended that wash hand basins (or sinks) are provided within each letting to the above standard.

2.2 In addition, where all or some of the units of living accommodation do not contain bathing facilities for the exclusive use of each individual occupant, for all sharing occupants there shall also be provided within the house a minimum of one bathroom and thereafter, bathrooms at a ratio of 1:5 persons. Each bathroom shall be suitably located and readily accessible and shall contain a bath or shower, properly plumbed fixed taps providing constant hot and cold water supplies, suitable drainage connections and an appropriate splash back (e.g. 2 courses of tiles above a bath). No letting shall be more than one floor distance from the nearest bathroom.

2.3 Bathrooms must be adequately heated and ventilated.

2.4 Bathrooms are to be of adequate size and layout.

## **3.0 Sanitary Conveniences**

3.1 Where all or some of the units of living accommodation do not contain toilet facilities for the exclusive use of each individual occupant, for all sharing occupants, W.C. accommodation shall be provided within the house on the basis of a minimum of 1 W.C. per 4 persons, or part thereof.

No unit of accommodation shall be more than one floor distance from the nearest W.C. (It is recommended that W.C. accommodation shall not open directly onto areas used for the preparation and storage of food but should be separated by a lobby preferably ventilated to the external air).

Each W.C. shall have an associated wash hand basin within the compartment where practicable, or in close proximity thereto, provided with constant hot and cold water supplies and a suitable drainage connection and an appropriate splash back (e.g. 2 courses of tiles). External W.C.s shall not count as satisfactory for the purposes of adequate provision of W.C. accommodation.

**Clarification of Minimum Personal Washing Facilities and Sanitary Conveniences Standard in Licensable HMOs (Source: ODPM – April 2006)**

<b>SCHEDULE OF AMENITY STANDARDS IN RELATION TO NUMBER OF PERSONS</b>	
1 - 4 persons	<p>No requirement for wash hand basins in sleeping rooms.</p> <p>At least 1 bathroom and 1 WC (the bathroom and WC may be combined).</p> <p>WHB not required in bedrooms.</p>
5 persons	<p>1 WHB may be required in each sleeping room plus</p> <p>1 bathroom AND 1 separate WC with WHB (but the WC can be contained within a second bathroom).</p>
6 -10 persons	<p>1 WHB may be required in each sleeping room plus</p> <p>2 bathrooms AND 2 separate WCs with WHBs (but one of the WCs can be contained within one of the bathrooms).</p>
11 – 15 persons	<p>1 WHB may be required in each sleeping room plus</p> <p>3 bathrooms AND 3 separate WCs with WHBs (but two of the WCs can be contained within 2 of the bathrooms).</p>

*NB The above table will be used by the Council to interpret minimum legal requirements for all HMO's. (Statutory instruments 1903 & 1904).*

**4.0 Means of Escape in the Event of Fire and Other Fire Precautions**

4.1 The house shall be provided with adequate means of escape in event of fire and other appropriate fire precautionary equipment in communal areas (including kitchens, entrance halls landings and hallways) of such type, number and location as is



considered necessary to minimise any fire hazard following consultation by the Local Authority with the Essex County Fire and Rescue Service.

4.2 The factors affecting the means of escape are varied, and owing to the wide variation of these factors for particular premises it is not considered appropriate to detail specific requirements. Reference can be made to the Housing – Fire Safety guidance issued by LACoRS and which is referred to by all Essex local authorities. Landlords of HMOs should consult with the Local Authority for specific requirements in each case.

4.3 (In the case of licensed HMOs, certain licence conditions are mandatory and in such cases, irrespective of any other requirements, the following must also be provided to any shared kitchen: (i) a half hour fire resisting door to any hallway forming part of the means of escape and (ii) a suitable fire blanket).

## **5.0 Lighting & Electrical Sockets**

5.1 Every letting, kitchen, bathroom, water closet and common hallway, stairs and landing, shall be provided with adequate artificial lighting.

5.2 All habitable rooms shall in addition have sufficient provision for natural lighting on the basis of a glazed area equivalent to at least one-tenth of the floor area of the room. ("Habitable rooms" comprise living rooms, bedrooms and dining rooms, including combined kitchen/dining rooms).

5.3 It is recommended that any room used as a bedroom or living room contains a minimum of 2 double sockets.

## **6.0 Ventilation**

6.1 Adequate ventilation is an important matter in minimising the hazards from damp and mould growth, excess heat, carbon monoxide and fuel combustion products, volatile organic compounds, food safety and personal hygiene sanitation and drainage.

6.2 Every room, hall, staircase, landing, kitchen, bathroom and W.C. compartment shall be provided with means of securing adequate ventilation on the following basis:-

(i) In all habitable rooms, there shall be openable parts of windows equivalent to at least one-twentieth of the floor area. The windows, where practicable, should have a trickle ventilation system.

(ii) Mechanical ventilation will only be acceptable in kitchens, bathrooms and W.C. compartments, and not habitable rooms. It shall provide a minimum of three air changes per hour, operating from the lighting circuit of the room and fitted with a 20-minute overrun (a humidistat is also another option). It should be installed and ducted to external air.

(iii) Permanent trickle ventilation in the form of an airbrick or other suitable method to be provided in all kitchens, bathrooms and W.C. compartments, and in addition, in habitable rooms containing cooking and/or gas appliances.

## **7.0 Water Supply for Domestic Purposes**

7.1 For the use of each household there shall be provided an adequate and wholesome supply of water preferably direct from the mains.

## 8.0 Space Heating & Insulation

- 8.1 To minimise any hazard from excess cold, each habitable room not provided with central heating, shall be provided with a suitably located fixed gas or electric heater capable of providing adequate heat output relative to the size of the room so that a temperature of 21°C can be maintained therein when the temperature outside is -1°C. Such heaters must be in the control of the occupying tenants and be in accordance with the latest version of the Domestic Compliance Guide. To minimise any hazard from fire, free standing paraffin heating stoves or bottled gas heaters are not regarded as satisfactory.

Any centrally controlled system should be operable such as to ensure that occupants are not exposed to cold indoor temperatures and should be provided with controls to allow the occupants to regulate the temperature within their letting.

- 8.2 Adequate means of space heating must be provided to all bathrooms.
- 8.3 To minimise the possible hazard from excess cold any cavity walls and lofts should be insulated to current standards. For cavity walls this requires filling in accordance with the current Building Regulations. For lofts this will normally mean insulation between the joists to a minimum depth consistent with the current Building Regulations or current grant schemes.

## 9.0 Space Standards for Sleeping Accommodation

- 9.1 The following guidance will make it unlikely that any significant crowding and space hazard will occur in the specified rooms. However, this may depend upon the layout and the reasonably available space for relevant activities rather than just the physical overall dimensions of the room.
- 9.2 In this guidance, a **bedsit** is defined as a room, or rooms, used for sleeping within a building where some of the basic facilities for food preparation and hygiene are provided within the accommodation, or in a separate room and for the exclusive use of the occupiers.
- 9.3 A **bedroom** is a room within a building used for sleeping which does not contain any of the basic facilities. The facilities are either provided in separate rooms and are shared with other people living in the house, or are provided in separate rooms but for the exclusive use by the occupiers of the bedroom.
- 9.4 A maximum of two people are permitted to share a room for sleeping **irrespective of age**. If there are two occupiers they must be living together as partners, family members or consenting friends. A room shared by more than two people is overcrowded and may be subject to enforcement action by the local authority.
- 9.5 A room used for sleeping must not be shared by people of the opposite sex who are aged 10 and over, unless they are married or living together as husband and wife.
- 9.6 When measuring the size of the room and assessing usable space, the shape of the room should be taken into account as well as the total floor area. Space taken up by fitted units is counted in the floor area calculation, but chimney breasts, lobbies and en-suite bathrooms or shower rooms are not.
- 9.7 The internal arrangements of the premises shall be such as will allow reasonable circulation, useability and means of escape in the event of fire.
- 9.8 All rooms shall have a minimum floor to ceiling height sufficient to allow the free

circulation of air. (Rooms with floor to ceiling heights of less than 2.3 metres would not normally be considered acceptable).

In measuring rooms, any floor area above which the ceiling is less than 1.53 m., shall be disregarded.

Number of occupiers	Room for sleeping where kitchen facilities are provided separately	Room for sleeping where kitchen facilities are provided within the room
One	8.5 sq m	11 sq m
Two	12 sq m	15 sq m

Local housing conditions and policies vary between district and borough councils and some may accept existing smaller rooms depending on the overall communal space available to the tenants within the HMO.

**Section 325 of the Housing Act 1985 indicates that for 1 person the minimum floor space for a bedroom is to be 6.5m<sup>2</sup> (70 sq ft).**

## 10.0 Management of Houses in Multiple Occupation

10.1 From the 6th April 2006, The Management of HMOs (England) Regulations 2006 (as amended) have applied to all houses in multiple occupation (other than converted blocks of flats). These Regulations impose specific statutory duties on the manager of such multiply occupied premises concerning the maintenance and repair of the water supply, drainage, gas and electricity supply, common parts of the house, common installation (W.C.s, baths, wash hand basins etc), living accommodation, windows and ventilation, means of escape from fire (including other fire precautions), and outbuildings and yards etc. in common use.

10.2 The manager of a house in multiple occupation shall ensure that adequate and suitable receptacles for **refuse storage** shall be provided, readily accessible to occupants of the house, and sited so as to prevent any potential nuisance from litter etc., or loss of visual amenities. The provision of a hardstanding and/or screened enclosure for refuse storage would normally be appropriate.

10.3 There are additional duties as to the general safety of residents, for example ensuring all means of escape from fire are kept clear of obstruction and the name, address and telephone number of the person managing the house must be displayed in a suitable visible part of the house. Failure to comply with the Management Regulations requirements is a criminal offence, for which any person convicted could be fined a maximum of level 5 on the standard scale (currently £5,000).

## 11.0 Housing Assistance Grants and Loans

11.1 Grants or loans for landlords of houses in multiple occupation may be available for the provision of adequate fire precautions, repairs or the provision of basic amenities to these standards. Further information and advice regarding local Housing Assistance policy can be obtained from the Local Authority.