

HOUSING ACT 2004 - DEFINITION OF A HMO

1. The Standard Test:

- (a) one or more units (not self-contained flats);
- (b) living accommodation is occupied by persons who do not form a single household;
- (c) the living accommodation is occupied by persons as their only or main residence;
- (d) their occupation of the living accommodation constitutes the only use of that accommodation;
- (e) rents are payable or other consideration is provided in respect of at least one of those person's occupation;
- (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) a self-contained flat which meets all of (b) to (f) above.

3. The Converted Building Test:

- (a) a converted building;
- (b) one or more units (not self-contained flats);
- (c) living accommodation is occupied by persons who do not form a single household;
- (d) rents are payable or other consideration is provided in respect of at least one of those person's occupation

4. Converted Blocks:

- (a) a flat is an HMO where it has been converted in to a block of self-contained flats, did not comply with the Building Regulations 1991 (SI 1991/2768) and less than two thirds of the flats are owner-occupied.

5. HMO Declarations:

Where it is unclear whether households are occupying the building as their only or main residence, the LHA can declare the building to be an HMO to remove any doubt.

The LHA must serve a Notice on the landlord or manager of the property within seven days of deciding to make the declaration.