

## **Guide to HMO licensing**

### **General Information**

This guide provides the information on Middlesbrough Council's Houses in Multiple Occupation (HMO) licensing scheme.

Through the HMO licensing scheme the Council aims to ensure that all multi-occupied properties are well managed, and that landlords are aware of their responsibilities, including having arrangements in place to deal with general tenancy issues and anti-social behaviour related to their properties. Properties must be suitable for the number of occupants and meet all relevant health, safety and housing standards.

The Housing Act 2004 introduced mandatory licensing of high-risk HMOs. The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 requires that dwellings that are occupied by five or more unrelated people or two or more families sharing facilities, such as the kitchen and bathrooms, must be licensed by the local authority.

Planning permission to use a property as an HMO may be required. Further details are available from Middlesbrough Council's Planning and Development Services, and further information can be found on the council website

### **What is a licensed HMO?**

At its simplest, a licensable HMO is a building or part of a building that is occupied by five or more people from two or more households (unrelated families) who share facilities, and the property meets the tests prescribed under sections 254 (2), (3), and (4) of the Housing Act 2004

### **What happens if you don't have a licence?**

Failure to apply for a licence may result in landlords and managing agents being issued with a civil penalty notice or face prosecution. The Council can also take control of unlicensed properties using Interim Management Orders and can apply to recover all benefits and rent paid over the last 12 months.

Section 21 possession proceedings, which allow landlords to regain possession of a property, cannot be taken whilst the property is not licensed.

### **Licence details and conditions**

Once issued a licence lasts for 5 years. Licences will be issued subject to conditions to meet local and national standards. We are required to consult all relevant parties about the conditions of the licence. You are allowed a period of representation about the licence conditions, during which any concerns can be considered.

Where agreement on conditions cannot be reached, the licence will be issued and you will have the opportunity to make an appeal to a 1<sup>st</sup> tier Property Tribunal. Your rights of appeal will be detailed with the issue of the licence.

Details of your licence will be published on a public register that the Council is obliged by law to keep. The register can be viewed on Middlesbrough Council website.

A HMO licence is not transferable. Where a property changes ownership the new landlord must make an application for a licence. No repayment of the licence fee will be made for any un-expired period of the licence and a full fee will be required from the new applicant.

If a licence holder dies during the period of the licence, the licence ceases to be in force from the date of death. For 3 months from the date of death the house will be treated as if a Temporary Exemption Notice (TEN) has been served. At any time during the 3 months a formal application may be made for a TEN. The TEN will be valid for a period of 3 months and will take effect after the initial 3 months ends.

Where a licence holder wishes to alter the terms of their licence, for example there is a change in manager details or a change in occupancy levels, they may apply for a Variation to the Licence. There is no fee for this.

Where a licence holder intends to reduce the occupancy level to 4 persons to avoid licensing, they may apply for a Temporary Exemption Notice (TEN). A TEN is valid for up to 3 months and will be recorded on a public register. In exceptional circumstances a TEN may be renewed for a second period of 3 months.

It is a criminal offence to make a false statement in an application, to fail to comply with any licence condition, or to permit the property to be occupied by more than the permitted number of persons/households.

### **Documents required to be submitted with a HMO application.**

A fully completed application form should be submitted online with the payment in full. All relevant certificates/documents should be uploaded to the application including the following:-

Current Gas Safety Certificate – to be renewed yearly (must be gas safe registered <https://www.gassaferegister.co.uk/>)

Electrical installation condition report (EICR) – to be renewed 5 yearly

Energy Performance Certificate – as required

Tenancy Agreement

Floor plan

PAT test certificates

Fire alarm certificate

Emergency lighting certificate

**Please note that incomplete applications will not be processed, and the fee paid will be refunded. All certificates that are required to be uploaded should be valid and obtained from a qualified and competent person.**