

Real Estate
Case Law Update
Rosling King LLP



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From today (1 October 2018), new legislation has come into effect in England and Wales that affects landlords of Houses in Multiple Occupation (HMO).

What are the effects of the legislation?

To prevent overcrowding, minimum standards now apply to the size of bedrooms in HMOs:

- Double bedrooms must be at least 10.22m² in area;
- Single bedrooms must be at least 6.51m² in area;
- For children under the age of 10, a single bedroom must be at least 4.64m² in area;
- Rooms smaller than 4.64m² must not be used as sleeping accommodation.

Landlords may therefore need to change the furniture provided if the property is furnished, and the way the property is advertised. Agents should also take note.

What properties does this affect?

The new legislation has changed the definition of an HMO for licensing purposes, and means many more landlords will need HMO licences.

A home is an HMO if both of the following apply:

- At least 3 tenants live there, forming more than 1 household; and
- Toilet, bathroom or kitchen facilities are shared with other tenants

HMO licences are designed to ensure landlords are providing homes that meet acceptable standards. They also allow local authorities to more closely monitor the number of HMOs in their area to assess local housing and transport needs.

Previously, a licence was only mandatory if your HMO was occupied by five or more people, from two or more family units, and was spread over three or more storeys. Now, you need a licence for any such household, no matter how many storeys it has. Purpose-built flats, conversions, bungalows and large two-storey homes all meet the new definition. Student and graduate house shares are now particularly likely to require an HMO licence.

Licences are not free and prices vary from council to council. Every HMO needs its own licence which requires renewing every five years and landlords could be subjected to an unlimited fine for renting out an unlicensed HMO. If landlords already have any HMO licences in place, they'll remain valid until their existing renewal date.

Please note different licencing applies in Scotland.

For further information, please contact [Ann Ebberson](#) or the Partner with whom you usually deal.