

IS MY PROPERTY AN HMO?	Housing Act 2004
It will be an HMO if it is one of the following:	Section and schedule numbers
<p>A shared house lived in by people who belong to more than one family* and who share one or more facilities**.</p>	<p>s254(2) <i>(The 'standard test')</i></p>
<p>A house in bedsits lived in by people who belong to more than one family* and who share one or more facilities**.</p>	<p>s254(4) <i>(The 'converted building test')</i></p>
<p>An individual flat lived in by people who belong to more than one family* and who share one or more facilities**.</p>	<p>s254(3) <i>(The 'self-contained flat test')</i></p>
<p>A building of self-contained flats that do not meet 1991 Building Regulation standards.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> • If it is occupied by only two people. • If it is occupied by the owner (and their family if any) and one or two lodgers. • If it is occupied by a religious community. • If the occupiers have their main residence elsewhere***. • If no one in the property is required to pay rent. • If the owner or manager is a public body. • If the owner or manager is an educational institution. • A building of self-contained flats if two thirds or more of the flats are owner-occupied. • If the property is part of a guest house or hotel (unless an 'HMO Declaration' is made). 	<p>S257</p> <p>Sch 14, 7 Sch 14, 6(c) Sch 14, 5 s259 s254(2)(e) Sch 14, 2 Sch 14, 4</p> <p>s257(2)(b)</p> <p>s254(2)(d) (s255(1))</p>
SOME OF THESE HMOs MUST HAVE A LICENCE – WHICH ONES?	
<p>An HMO must have a licence if both of the following apply:</p> <p>a. It is an HMO (see definition of HMO above) and b. it is occupied by five people or more.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> • a purpose-built flat being occupied by 5 persons as an HMO which is situated in a block comprising three or more self-contained flats 	<p>Regulations made under s55 amended by The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018</p>
<p>* Family – husband, wife, co-habitee, child, step-child, foster-child, grandchild, parent, step-parent, foster-parent, grandparent, brother, half-brother, sister, half-sister, aunt, uncle, niece, nephew, cousin.</p> <p>** Facilities – basic amenities: wc; wash hand basin, shower, bath; cooking facilities.</p> <p>*** Accommodation used by full-time students while they are studying is taken to be their main residence.</p>	<p>s258</p> <p>s254(8)</p> <p>s259(2)(a)</p>