

HMO Licensing – *making an application*

Mandatory HMO Licence Application

HMO Licensing

- The Housing Act 2004 places a duty on the local authority to licence private rented accommodation that falls into certain categories.
- It is a criminal offence to operate a licensable HMO without a licence. In addition, any rent paid on an unlicensed property may be recovered through legal action.
- Licensing is by application to the local authority where the property is located.

What is a HMO?

'HMO' stands for House in Multiple Occupation. It can be a building or a part of a building which is

- used for living accommodation
- by more than two people
- who are not part of the same family
- who share one or more basic amenities (bath/shower, WC or kitchen)

In certain circumstances, some converted properties may also be HMOs.

Which HMOs need to be licensed?

In general, licences will be needed for old style bedsit properties and shared housing that is occupied by five people or more and by two or more "households". Licences will also be needed for HMOs which comprise of a self-contained, purpose-built flat situated in a block comprising of no more than two self-contained flats (whether or not the block also contains non-residential premises) that is occupied by five people or more and by two or more "households".

Making an application

The first step is to complete an application form.

The Application form can be found at <https://www.midsussex.gov.uk/housing-council-tax/houses-in-multiple-occupation-hmo/>

Much of the information we need is in line with government regulations - please get in touch if you are having difficulties. The fee must accompany the application and original or electronic signatures are required. Fees will vary according to the type and size of the property; please use the fee calculator in Part 4 to work out what your fee will be.

As well as providing the statutory information, the application is the applicant's **opportunity to provide enough information to satisfy the council that a licence should be granted**; the council would prefer to grant rather than refuse licences.

The forms ask you to provide information about:

- the applicants' and managers' expertise and competency
- whether they are 'fit and proper' (or have committed relevant offences, e.g. for fraud, violence or under housing legislation)
- the property itself

Why does the council need all this information to process your application?

The information you give will help us to process applications quickly and to prioritise inspections for the future. The law says that we have to answer certain questions, such as:

1. Are you and the people connected with you 'fit and proper persons' to operate a HMO?
2. Does the property meet 'prescribed standards'?
3. Are you a competent manager?
4. What is the appropriate number of occupiers for the property?

We are required to make comprehensive returns to the relevant Government departments.

Filling in the forms

The application consists of a total of **seven** parts.

If you are submitting the form by post please make sure that the property address details are clearly indicated on the front page and on any enclosures or attachments that you send in. The front page lists the forms you will need to complete and will remind you to include the relevant attachments/documentation.

Part 1 - Applicant(s) and manager(s) information

We need to know the names, addresses and other details of the applicant, manager or anyone else bound by the licence, including company and other details where appropriate. By law, we also need information so that we can assess whether all those involved are 'fit and proper persons'.

Part 2 - Property details

This section requires information about the individual property, most of which is required by law. We are required to ask about the property, fire precautions, furniture provided, and gas and electrical safety. We then need to assess, on the basis of the information that you give us, whether your property appears to be well managed and is substantially free of hazards which might put the occupiers at risk.

We therefore need as much information from you as possible to help us to process your application quickly and to determine our schedule of inspections. Answering 'No' or "Not known" to any of the questions will not mean a licence will be refused, so please answer as truthfully and accurately as possible. Answers will be assessed overall.

Please note that reasonable fire precautions may vary considerably between different types of property.

Part 3 - Property description

We need a description of the property so that we can determine whether:

- the property needs to be licensed
- there are enough facilities for the number of people for which you want a licence

We need different information depending on the property, so please ensure you complete the appropriate section of this form only – (a) for shared houses, (b) for mixed properties (bedsit and non self-contained) and (c) for hostels/dormitory style accommodation.

We need to have information about the number of floors, the number and location of baths/showers and WCs, bedrooms or bedsits, and common rooms including shared kitchens, and the number of occupants. We will then assess the number of occupiers or households for which the property should be licensed.

If you prefer, you can provide scale drawings as long as they provide the same information. When providing these, please indicate the use of rooms and occupancy (e.g. 'bedsit, two people' or 'kitchen, shared').

You may find it useful to indicate how many occupiers/households you would like a licence for, using the maximum number that you feel the property and its facilities can comfortably accommodate rather than the existing number of occupiers. You may, for example, have rooms

which are occupied by one person, but could be used by a couple. This will help you avoid the need to reapply if occupancy increases.

Part 4 - Fee Calculator

Your application is not complete unless the correct fee is enclosed, and this varies according to the size and type of property. Please use the fee tables provided to work out what your fee will be.

We have devised tables to assist you. Please note that one table refers to shared houses; one to mixed lettings which could include bedsits, non-self contained flats and self-contained flats; and one to hostel/dormitory type accommodation.

Part 5 - Licence holder test of fitness

These questions are to assist the authority to be satisfied that the person applying for an HMO licence is a fit and proper person to hold a licence.

Part 6 – Relevant persons

You must let certain relevant persons know in writing that you have made an HMO licence application or give them a copy of it.

Part 7 - Declarations

Two declarations are required by law:

- Firstly you need to declare you have advised the relevant people that an application has been made. If there are no relevant parties, please sign accordingly.
- Secondly we need a declaration that the application is truthful.

These are **both** essential.

What about documentary evidence?

Depending on the size of your property portfolio, we may require the following:

- a list of additional licensed/licensable properties in this area
- a list of licensed/licensable properties in other authority areas

For particular properties (where appropriate), we may also require:

- a planned maintenance programme
- planning consents and building regulations approval where appropriate
- gas safety certificate (if applicable)
- electrical safety certificate
- tenancy agreement (if available)
- any further documentation

We are trying to minimise the amount of supporting documentation you have to give us but we may require proof of what you tell us at a later date if we feel it necessary. We will also expect to see documentary evidence if we inspect your property. Some properties will be inspected before licences are granted and others may already be known to us and we may decide that inspection is not necessary at this time. We do not need to inspect a property before we issue a licence.

Should we inspect a property and find that rooms are used in such a way that they cause a hazard to the occupier or create statutory over-crowding, we will take appropriate action. This may include varying the licence and/or serving of notices under Part 1 of the Housing Act 2004. For example, in a bedsit room containing cooking facilities, there should be enough space to contain the occupier's possessions, room for a bed and space to get in and out of it, a table and

chair(s) for eating, a source of heating that does not cause a risk of burns or fire when it is in use and room to safely use the cooking facilities.

You must submit a valid application to the Council in order to legally continue to let out a property until a decision is made to grant a licence and what conditions should apply. Incomplete applications are invalid and will be returned.

Please send the completed form and fee on-line or by post, to:

Mid Sussex District Council,
Environmental Health Section
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Sources of help and other information

First-tier Tribunal (Property Chamber) Southern Region

Deals with all appeals against local authority HMO licensing and HHSRS enforcement decisions
Havant Justice Centre, The Court House, Elmleigh Road, Havant, Hampshire, PO9 2AL

Tel: 01243 779394

Email: rpsouthern@justice.gov.uk

Website: www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber

Guild of Residential Landlords

Phone: 0845 370 0107

Website: www.landlordsguild.com

Mid Sussex District Council's Housing Standards Team

Phone: 01444- 477292

Email: housingstandards@midsussex.gov.uk

Website: www.midsussex.gov.uk

Ministry of Housing, Communities and Local Government.

www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government

National Landlords Association

Phone: 020 7840 8900

Website: www.landlords.org.uk

Residential Landlord's Association

Phone: 03330 142998

Website: www.rla.org.uk

SPLA (Southern Private Landlords Association)

Phone: 0845 456 9313

Website: www.spla.co.uk