

MANDATORY LICENCING OF HOUSES IN MULTIPLE OCCUPATION (HMO's)

1.0 Introduction

The Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 makes it a legal requirement for all councils to introduce a licensing system for HMO's

An HMO is any house or flat which three or more unrelated adults share. It is a statistical fact that HMO accommodation is much more likely to be subject of fire or gas safety incidents than single family homes. They are also susceptible to overcrowding with the problems which that brings. It is essential that such accommodation is regulated to ensure they are safe and healthy places to live. It must be appreciated that Edinburgh, with its large student population, has a vast number of HMO's in comparison with many other local authorities.

The Scottish Executive introduced mandatory licensing of HMO's throughout Scotland during 2000. This commenced on October 1 2000 when HMO's with six or more occupants were required to be licensed. Properties with five occupants had to have a licence from March 2001 and those with four will have to have one from October 1 2002. As part of a continuing programme to ensure minimum standards are maintained licences can be applied for up to year in advance. Properties housing three or more occupants will require a licence from 1 October 2003. HMO's which do not meet minimum standards will not receive a licence and it will be an offence to operate without one (with a maximum fine of £5000.00 being payable).

The licensing system does not replace any existing legislation contained in The Housing (Scotland) Act 1987, Part VIII, which also controls HMO's. Licensing is intended to enhance this legislation and more effectively address some serious health and safety concerns associated with living in HMO's.

HMO's include:

Shared flats and houses

Bed-sits

Lodgings

Communal accommodation such as student residences and hostels

They need to be the principal residence of the occupiers.

2.0 The Application and Inspection

Copies of the application will be sent to Lothian and Borders Police, Lothian and Borders Fire Brigade and three Council departments – Environmental & Consumer Services, City Development and Housing.

Representatives from Environmental & Consumer Services, Lothian and Borders Fire Brigade and City Development (Property Management) will inspect the property to assess whether it complies with the HMO regulations.

3.0 Licence Standards:

There are certain standards that need to be complied with regarding:

1. Space
2. Kitchens
3. Sanitary Facilities
4. Water supply and Drainage
5. Heating
6. Lighting and Ventilation
7. Fire Safety
8. Electrical Safety
9. Gas Safety
10. Telephone
11. Solid fuel safety
12. Furniture and soft furnishings
13. Condition of property
14. Tenancy agreement
15. Drying of clothes

4.0 Planning/Building Permission:

Landlords must ensure that the relevant planning permission and/or building warrant has been obtained where necessary.

At the moment, planning permission is not required to change the use of a dwelling house to a House in Multiple Occupation for five or less persons.

If the property is listed then listed building consent may be required.

Where a property has more than six residents, a Building Warrant for change of use may be required.

5.0 Tenancy Management:

Tenancy agreements used by an applicant or agent must be approved for use.

6.0 Lothian and Borders Police:

All licence applications will be circulated to Lothian and Borders Police who will advise the council if you have any convictions which suggest that a licence should not be granted.

7.0 Neighbourhood Objections and complaints:

Neighbours may raise an objection to a new or renewal application. Furthermore, they may complain at any time to the council should they consider an existing licensed HMO:

- Is causing undue public nuisance or threat to public order or safety
- Or
- The landlord or manager is no longer a fit or proper person

8.0 The Decision Process:

The HMO application will be considered within three months and the Council has to make the final decision within 12 months

The extended period is to allow applicants additional time to obtain any permissions or to carry out necessary work that may be required before the licence is granted

Applications that meet the standards and do not attract any local objections will be granted and the licence will be sent to you

Applications will only require to be heard by the Regulatory Committee where:

- Objections have been received
- The property does not meet the standards
- The completed site notice has not been returned to the Licensing Section