

WHICH PROPERTIES REQUIRE A HMO LICENCE?

Definition of a house in multiple occupation (HMOs)

The Housing Act 2004 came into force in 2006 and changed the way in which houses in multiple occupation (HMOs) are defined and regulated.

HMOs subject to mandatory licensing

Mandatory licensing is a national scheme and applies to HMOs occupied by five or more persons forming two or more households. It applies to properties falling within the categories:

- **Houses** where there is some sharing of basic facilities such as a kitchen or bathroom or WC
- **Self-contained flats** where there is some sharing of basic facilities such as a kitchen bathroom or WC*
- **Converted buildings** which comprise a mixture of self-contained and non self-contained residential units

**NB: HMOs which are self-contained flats in a purpose-built block comprising of three or more self-contained flats are excluded from mandatory licensing - but HMOs which are flats in converted blocks/buildings are not excluded from mandatory licensing.*

Note: The law relating to mandatory licensing changed on 1 October 2018. The main change was that relating to the number of storeys. So some properties that were subject to additional licensing (see below) may now be subject to mandatory licensing. Whilst current licences are not affected applicants will need to apply for a mandatory licence on renewal.

HMOs subject to additional licensing in Camden

Camden operates a borough-wide additional licensing scheme which applies to HMOs not subject to mandatory licensing described above. This means landlords and owners must hold an HMO licence if they:

- Let a property occupied by **three or more tenants forming more than one household**
- Own a converted building/block of flats which comprises entirely of self-contained flats where the standard of the conversion does not meet Building Regulations 1991 (or later) and 50 percent or more of the flats are rented. NB: The block of flats can be the whole building or part of a building.

Note: Applications received for vacant properties tenants may be returned. This is because the Housing Act 2004 makes it clear that a house cannot be an HMO (and therefore licensable) until it is occupied by persons as their residence. For this reason an application should be made as soon as the tenancy on a property has been signed which will mean it will be occupied as an HMO imminently.