

Appendix: One Definition of a House in Multiple Occupation (HMO)

The definition of an HMO is within the Housing Act 2004 at sections 254 to 259.

Definition of a Household

Households' under the Housing Act 2004 includes members of the same family living together who are:

- Couples married to each other or living together as husband and wife (or equivalent relationship in the case of the persons of the same sex)
- Relatives living together, including parents, grandparents, children (and step-children), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces, or cousins
- Half relatives who are treated as full relatives
- A foster child living with his foster parent is treated as living in the same household as his foster parent

Definition of a House/Flat in multiple Occupation

A HMO means a building or part of a building, such as a flat which:

- Is occupied by a minimum of 3 or more unrelated individuals in more than one household, who share facilities such as kitchen and bathroom or lack one or more basic amenities such as a bathroom, toilet or cooking facilities; and have exclusive occupation of the whole property.
- Any part of a building which is a self-contained flat, which consists of one or more units of accommodation, in which two or more households share or more basic amenities or where the accommodation is lacking basic amenities
- Is a converted building occupied by more than one household, but does not consist entirely of self-contained flats (whether or not one or more of the basic amenities are shared or lacking); Any building which has been converted and contains one or more units of accommodation, which are not self-contained (whether or not the building also consists of some self-contained flats) – mixed used building.
- Any building which has been converted and consists of self-contained flats only and does not comply with the minimum standard, in the Building Regulations 1991 and where less than two thirds of the flats are owner occupied, (more than one third on short tenancies). (section 257 of the Housing Act 2004) *see note*.

And where

- The building is occupied by more than one household as their only or main residence (permanent residence)
- Rents are payable or other consideration provided by at least one of the occupiers
- The occupation of the living accommodation is the only use of that accommodation
- Bed and breakfast and hostel accommodation occupied by individuals as their main and permanent address are also considered to be HMO.

Note

For these purposes, a flat is 'owner occupied' if it is occupied:

- a) By a person who has a lease of the flat which has been granted for a term of more than 21 years,
- b) By a person who has the freehold estate in the converted block of flats, or,
- c) By a member of the household of a person within paragraph a) or b)

Exemptions

There are exemptions to these definitions and these are contained in schedule 14 of the Housing Act 2004. This includes any building which is occupied only by two persons who form two households.

- Buildings controlled or managed by a Local Housing Authority
- Buildings controlled or managed by registered social landlords and housing providers.
- Buildings controlled and managed by police
- Buildings controlled and managed by fire brigade
- Buildings controlled and managed by Health Service Body
- Buildings regulated by other enactments
- Buildings occupied by religious communities (except section 257 HMOs)
- Any building occupied by two persons who form two households