

What is a fit and proper person?

The evidence the Council look for to consider whether a person is a fit and proper person is set out in the Housing Act 2004 Section 66.

Matters which might cause the Council to consider someone not fit and proper include;

- Offences of fraud
- Offences of dishonesty
- Offences of violence
- Drug offences
- Unlawful discrimination in business
- Contraventions of housing law

What does 'reasonably suitable for the number of occupiers' mean?

The Licensing and Management of Houses in Multiple Occupation & Other Houses (Miscellaneous Provisions) (England) Regulations 2006, schedule 3 (plus later amendments), prescribes standards for deciding the suitability for occupation of an HMO by a particular maximum number of households or persons.

The Council have introduced their own prescribed standards, which are based on those introduced by the Government. The regulations cover such things as:

- Number, type and quality of bathrooms, toilets, washbasins and showers
- Number, type and quality of food storage, preparation and cooking facilities
- Number, type and quality of laundry facilities

Further information

Mid Sussex District Council
Housing Standards Team

Telephone: 01444 477292

Fax: 01444 477366

E-mail: housingstandards@midsussex.gov.uk

Or see the Housing Standards section on the councils website, www.midsussex.gov.uk

A couple of useful leaflets "Licensing of HMOs in England - A guide for landlords and managers" and "Licensing of HMOs in England - A guide for tenants" are available on the governments website, which is www.communities.gov.uk



Licensing of Houses in Multiple Occupation

Housing Standards Leaflet No. 2



Need help accessing this service?

Precisa de assistência para aceder a este serviço?

Bu hizmete erişmek için yardıma ihtiyacınız var mı?

需要協助您使用這項服務嗎?

ต้องการความช่วยเหลือในการใช้บริการนี้?

ئایا پێویستیت بە یارمەتی مەبە بۆ بەدەستکەوتنی ئەم خزمەتگوزارییە؟

এই পরিষেবা লাভের জন্য সংযোগ করতে সাহায্যের প্রয়োজন?

Or information on obtaining publications in a different format?

 **01444 458166**

Why licence HMOs?

The aim of licensing is to improve health, safety and welfare standards and ensure satisfactory management in this high risk area of the private rented housing market.

HMOs provide a small but valuable source of housing for many Mid Sussex tenants and play an important part in meeting local housing demand. It is estimated there are at least 517 HMO dwellings in Mid Sussex.

The Housing Act 2004 introduced licensing for HMOs providing a detailed definition of HMOs and set out standards of management for this type of property.

What are Houses in Multiple Occupation?

An HMO is any building, or part of a building (e.g. a flat):

- which is occupied by more than one household and in which more than one household shares an amenity (or the building lacks an amenity) such as a bathroom, toilet or cooking facilities; or,
- which is occupied by more than one household and which is a converted building which does not entirely comprise self contained flats (whether or not there is also a sharing or lack of amenities); or
- which comprises entirely of converted self contained flats and the standard of conversion does not meet, at a minimum, that required by the 1991 Building

Regulations and at least one third of the flats are occupied under short tenancies

Which HMOs must be licensed?

HMOs must be licensed if they have three or more storeys and are occupied by five or more persons forming two or more households: this is mandatory licensing.

Councils have powers to require licensing of other HMOs: this is additional licensing. Currently Mid Sussex District Council have no plans to introduce additional licensing in the area.

How do I apply for a licence?

Landlords need to apply to the Council's Housing Standard Team for a licence. HMO licensing application forms can be downloaded from the councils website or call the Housing Standards Team on (01444) 477292. A document "HMO licensing - making an application" is also available to assist with completing the application form.

What matters will the council take into account when deciding whether or not to grant a licence?

The council must look at the following factors:

- whether the HMO is reasonably suitable for the number of occupiers
- the suitability of the landlord and / or the managing agent to manage the HMO (must be a "fit and proper person")
- the suitability of the facilities within the

HMO, such as toilets, bathrooms and cooking facilities

- the general suitability of management arrangements

How much does a licence cost?

Every local authority sets its own fees for HMO licences. The fees must only cover the costs of licensing and cannot be used to subsidise other council work.

The fee is not normally refundable if a licence is not granted or if at some point within the licence period you no longer own the property (eg if you sell it).

For full details see our "Landlord Guide on Licensing Fees" on our website or contact the Housing Standards Team.

How long does a licence last for?

Normally a licence lasts for a maximum of 5 years. The council may grant a licence for a shorter period if it considers it necessary. Usually, before the end of the licence period, you will be required to apply for a new licence.

Licences are not transferable. When a licence holder of an HMO either sells the HMO or ceases to be the most appropriate person to hold the licence, the new manager will need to apply for a new licence. Persons controlling or managing several HMOs must have separate licences for each building. The licence fee is not transferable to any new licence holder nor is any refund of a licence fee made to anyone who ceases to be a licence holder.