



Housing Act 2004

Property and Management Standards Applicable to Houses in Multiple Occupation (HMOs)

Physical Property Standards Self Contained Flats

Self-Contained Flats

Definition

Houses or buildings which are constructed as or converted entirely in to self-contained flats. Access to the house or building would be via a communal entrance doorway and hallway but thereafter the entrance to each individual flat is via a single doorway. All amenities (ie. WC, wash hand basin, bath or shower plus kitchen facilities) must be accessible from within each individual flat and the flat must be occupied by a single household to be regarded as self-contained.

Houses which have been converted in to self contained flats to a proper standard in accordance with the 1991 Building Regulations or equivalent are exempted from the HMO definition.

Houses which were converted prior to this date or which have been subsequently converted to a lesser standard not in accordance with Building Regulations are not included within the mandatory licensing requirements. Such houses converted into self contained flats could however become subject to licensing if the City Council were to declare any "additional licensing schemes" at some time in the future.

Larger individual flats which are occupied by groups of 3 or more unrelated persons are regarded as houses in multiple occupation in their own right and those standards relevant to Category B HMOs (shared houses) would be applicable within each such flat

Room Sizes and Permitted Occupation

The minimum room sizes for existing properties are as given below. Please note that if a house is about to be converted in to self contained flats then Planning consent and Building Regulation approval must be obtained. Planning conditions may call for higher standards than those given.

One Person, Four Room Flat

| | |
|----------------------------|---------------------|
| Bedroom | 7.0 m ² |
| Living room | 11.5 m ² |
| Kitchen | 5.5 m ² |
| Total habitable floor area | 24 m ² |

One Person Flatlet With Separate Kitchen

| | |
|----------------------------|---------------------|
| Bed/living room | 14 m ² |
| Kitchen | 5.5 m ² |
| Total habitable floor area | 19.5 m ² |

One Person Flatlet With Separate Bedroom

| | |
|----------------------------|---------------------|
| Bedroom | 7.0 m ² |
| Kitchen/living room | 14.5 m ² |
| Total habitable floor area | 21.5 m ² |

Two Person, One Bedroom Flat

| | |
|----------------------------|---------------------|
| Bedroom | 10.5 m ² |
| Living room | 13.0 m ² |
| Kitchen | 5.5 m ² |
| Total habitable floor area | 29.0 m ² |

Three Person, Two Bedroom Flat

| | |
|----------------------------|---------------------|
| Main bedroom | 10.0 m ² |
| Secondary bedroom | 7.0 m ² |
| Living room | 16 m ² |
| Kitchen | 7 m ² |
| Total habitable floor area | 40.0 m ² |

Four Person, Three Bedroom Flat

| | |
|----------------------------|---------------------|
| Main bedroom | 10.0 m ² |
| Second bedroom | 7.0 m ² |
| Third bedroom | 7.0 m ² |
| Living room | 18.0 m ² |
| Kitchen | 7.0 m ² |
| Total habitable floor area | 49.0 m ² |

General Principles Of Occupation

- Children below the age of 10 years now count as a whole person.
- In no case shall any bedroom be occupied by more than two persons for sleeping purposes.
- Persons of the opposite sex over the age of 12 shall not be permitted to share the same room for sleeping purposes unless they are of marriageable age and are either married or living as partners.
- The sharing of a room for sleeping purposes by persons who are neither related or living as a married couple or partners shall be permitted only when both persons give their consent.

- No unit of accommodation shall be occupied on the basis of a divided or shared tenancy or licence. This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (for instance shift workers or seasonal/migrant workers who occupy a property in connection with their employment).
- Only rooms designated as living rooms, bedrooms or bed/sitting rooms may be used for living or sleeping purposes.
- Circulation spaces such as hallways, landings and other rooms such as kitchens, bathrooms, or cellars, roof spaces etc shall be deemed unsuitable for use as sleeping/living accommodation.
- Irrespective of overall floor area, consideration will be given to the shape and useable living space within the room when determining its suitability for occupation. No account will be taken of any part of a room where the ceiling height is less than 1.525 m (5ft).
- All bedrooms, living rooms, bathrooms and kitchens must be accessible directly from a lobby or hallway within the flat and not through another room. (except one room flatlets in which case the main access is usually directly off a communal hallway or landing).
- Each flat shall be provided with a lockable post box situated on the ground floor in a lobby or hallway accessible to the postal delivery service (unless the flat has its own front door accessible directly from the exterior).

Kitchen Facilities For Flats

Kitchen facilities should be provided in a separate kitchen or clearly defined kitchen area within any studio-type flat and consist of the following minimum provisions:

- Cooking
 - Single person: a gas or electric cooker with two burners/hobs, oven and grill
 - Two or more persons: a gas or electric cooker with four burners/hobs, oven and grill
 - A combination microwave oven may be substituted for one or two of the burners/hobs respectively or in place of a conventional oven
- A metal or ceramic kitchen sink and drainer with a constant supply of hot and cold water

- Sufficient fixed work surface to enable the occupants to prepare food safely and hygienically
- A suitable refrigerator of sufficient size according to the number of occupants. A standard worktop height domestic refrigerator with freezer compartment (or equivalent) is required in most cases.
- Sufficient storage cupboard space for dry and canned food goods plus cooking utensils, crockery and cutlery.
- Electric power sockets: two twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities.
- Cookers must be safely positioned within the room such that they do not compromise escape in the event of a fire associated with the cooker i.e. they must not be positioned adjacent to the exit doorway – in particular gas cookers must not be positioned directly adjacent to openable windows where flames are likely to be extinguished by excessive draughts or where curtains are likely to catch fire.

Personal Washing and Bathing Facilities for Flats

(a) Baths and Showers

Each flat must be provided with its own bath or shower together with constant supplies of hot and cold water. Wherever possible the bath or shower should be provided in a separate bathroom. Shower cubicles may however be permitted within a bedroom or the bed/living room of a one room single person flatlet provided the following precautions are taken to avoid condensation dampness within the room and electrical hazards:

The room containing the shower must be provided with an extractor fan of minimum extract capacity 60 litres per second.

Any electrical switches, sockets or equipment must be safely positioned in relation to the shower in accordance with current IEE Regulations and Part P of the Building Regulations.

(b) Wash Hand Basins

Each flat must have its own wash hand basin together with constant supplies of hot and cold water. The wash hand basin should be provided within the bathroom but may be located within a bedroom.

Each room or compartment containing a WC must be provided with a wash hand basin.

Toilet Facilities for Flats

Each flat must be provided with its own WC which must be located either within a bathroom or in a separate compartment.

Fire Precautions in Flats

Full details of the required level of fire protection can be found in an advice booklet entitled "A guide to Fire Protection in Multi-Occupied Residential Properties" which has been produced by the Homestamp consortium. A copy of the advice booklet mentioned above can be found on the website www.homestamp.com or you can request a copy from the Housing Standards Team by telephoning 01782 232087. To ensure consistency the level of fire protection has been taken from the latest housing fire safety publication by the Local Authority Co-ordinating body on Regulatory Services (LACORS now called Local Government Regulation).

Heating in Flats

All units of accommodation must be provided with an adequate fixed form of heating to all habitable rooms.

Within the main living room the heating appliance must be capable of achieving a room temperature of at least 21 °C within one hour of turning on when the air temperature outside is -1 °C. Within any separate bedroom a room temperature of 18 °C will be sufficient.

For heating to be properly used by the tenants, it must be affordable. Central heating is the preferred option but electric night storage heaters and balanced flue gas heaters are also satisfactory.

Where open-flue gas fires are provided in a room used for sleeping purposes, they must be of modern design and fitted with an automatic oxygen depletion cut-off device.

All heaters, other than water filled radiators, must be suitably positioned such that there is at least two metres between the heater and any bedding and such heaters must also not be located where curtains are likely to catch fire.

Heaters which use full price electricity are not normally acceptable as the main form of heating. In fully insulated and draught-proofed accommodation, full price electricity may be a viable option if it can be shown that the overall costs are affordable.

Whichever form of heating is installed it must be time and temperature controllable by the occupants at all times. Where heating is provided to any communal areas, the running costs must be met out of general rental charges or general energy charges rather than any type of prepayment meter.

Paraffin heaters, LPG heaters and freestanding plug in electric heaters are not acceptable.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturers recommendations and the Gas Safety (Installation and Use) Regulations 1998 (as amended).

All bathrooms must be provided with a fixed form of heating.

Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmospheres.

Mixed Category A and F (Bedsits and Flats)

In many cases houses are converted to a combination of bedsits (where occupants may share some amenities) and self-contained flats. Such houses will always fall within the HMO definition and may be subject to mandatory licensing. The relevant standards for Category A and Category F houses would be applied as appropriate.

Temporary Accommodation for Seasonal or Migrant Workers

This type of accommodation is more likely to be prevalent in rural areas (for instance accommodation for fruit pickers etc) and is not known to be widespread in Stoke-on-Trent. The situation will be kept under review. Specific standards may be developed if considered necessary.

Standards as for Category B (shared houses) or Category D (hostels) would most likely be applied to any such house in residential areas.