

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 following categories:

- **Houses** where there is some sharing of basic facilities such as a kitchen 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 comprise self-contained, purpose-built flats in blocks 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*

HMOs subject to additional licensing in Camden

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

- Let a property occupied by **three or more tenants forming two or more households**
- Own a converted 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.

Important note: As a result of recent regulations there were changes to the description of HMOs subject to mandatory licensing. This means most properties occupied by five or more people, forming two or more separate households, require a licence regardless of the number of storeys. If you have an HMO that meets the new criteria and you already hold an additional HMO licence you do not need to do anything until that licence expires. Upon renewal, you will need to re-apply for a mandatory licence

Please note: Applications received for properties with zero 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 a property is rented out as a licensable HMO.