



South Somerset District Council

Advice on the Legal Obligations of Private Landlords in the Management of Houses in Multiple Occupation (HMOs)



Housing Standards
Environmental Health

This leaflet advises people who own or act as agents for the owners of houses in multiple occupation. The term HMO can include shared student housing bedsits building is converted into flats hostels and guesthouses. Further information as to what is an HMO along with all the guidance on the matters referred to in this leaflet is available from the housing standards team.

A manager of a house in multiple occupation (HMO) has a duty to properly manage that house. This leaflet explains some of the requirements and who is responsible for complying with them.

There are other requirements to properly manage a residential property; These include the demands of the housing health and safety rating system, licensing (in some cases) and your duties to your tenants.

This leaflet advises on the management regulations. These are:

- The management of houses in multiple occupation (England) regulations 2006 and
- Licensing and management of houses in multiple occupation (additional provisions) (England) regulations 2007

The 2006 regulations apply to HMOs let as bedsits, shared flats and houses, buildings not fully divided into self-contained flats, hostels, guesthouses etc.

The 2007 regulations apply to HMOs which have been fully divided into fully self-contained flats.

The purpose of the regulations is to ensure that the manager exercises proper standards of management. These duties include ensuring the house is in and maintained in a good state of repair, all facilities are kept in proper working order and all steps are taken to prevent tenants and visitors from risk of injury.

The contents of both sets of regulations are very similar, and the main requirements are as follows;

- The manager is to provide his/her name, address and telephone number to all the occupiers, and display this in a prominent position.
- All means of escape from fire to be kept free from obstruction
- Fire alarms and fire fighting equipment to be kept in good order
- Take all reasonable steps to ensure the safety of the occupiers. This includes protecting occupiers from falls (e.g. from low windows, off flat roofs and into light wells as well as other hazards), but will also cover electrical, gas and other safety
- The water supply is maintained, tanks covered and fittings protected from frost. The water supply is not to be unreasonably interrupted
- The drainage system (including rainwater drainage) is maintained.
- The manager must supply a copy of the latest gas safety certificate within seven days of the council requiring it
- Ensure that the electrical wiring is tested at no less than five yearly

intervals, and supply a copy of the test certificate within seven days of the council requiring it

- Ensure that the supply of gas and electricity to each tenant is not unreasonably interrupted
- Maintain the common parts and fittings of the HMO in good order, clean decorative repair and free from obstruction. This includes handrails, stair carpets, windows, light fittings and appliances
- Common parts lighting is to be adequate with lighting available at all times.
- The common outbuildings, yards etc are kept in good order
- The Boundary walls, fences etc are kept safe and in good order
- The doors to each letting are kept in good order
- Each unit of accommodation and any furniture provided with it, should be clean at the beginning of the occupation
- Each unit of accommodation, its windows and vents are to be kept in good repair, and working order. The fittings and appliances are to be kept clean and in good working order. There are exceptions were problems arise from poor tenant behaviour
- Proper facilities and arrangements are provided for the storage and disposal of refuse. This may require greater provision than the council may ordinarily make.

Full copies of both the regulations can be obtained from www.legislation.gov.uk

What's the difference?

The 2007 regulations only apply to HMOs where living accommodation has been fully converted into self-contained flats.

These regulations apply to those parts of the HMO that the manager can be reasonably expected to have control of. This is particularly relevant where parts of an HMO are owned by separate leaseholders. In such a case, a manager may not have to comply with all requirements as they relate to that separate leasehold flats.

The 2006 regulations apply to all other HMOs. The manager must comply with all the regulations throughout the HMO.

Who is the Manager?

The manager can be:

- The owner of the property
- A person receiving rent or the monies (for example meter money)

It is important that if you delegate some management duties to someone else, you are each clear about your respective responsibilities. If you are an agent collecting rent or other monies you may be held responsible for complying with the regulations. This applies even if the function falls outside your management role as defined in your contract with the owner.

What happens if things go wrong?

When there is a failure to comply with the requirements of these regulations, we would normally seek your agreement

to deal with the problem. Where this is not possible:

- The council may prosecute and
- (In the case of a licensed HMO) there may be grounds to revoke the licence.

Isn't the tenant responsible?

Tenants may be responsible under the terms of the tenancy agreement, but under the regulations the manager is responsible for ensuring that things are put right when problems do occur. This is because the failure of one tenant can result in all the others being put at risk.

Under the regulations tenants do have some legal responsibilities; these are to:

- Take care not to hinder the manager in the performance of the duties under these regulations
- Allow access to the manager at reasonable times so that he can carry out his duties
- Provide information which the manager may require to comply with his/her duties
- Take care and avoid damaging the property
- Comply with the managers arrangements for the storage and disposal of rubbish
- Comply with the manager's reasonable instructions in respect of means of escape and fire, prevention of fire and the use of fire equipment.

Although the council can prosecute the tenant for failing to comply with these requirements, it will usually be more

appropriate, and effective, for the manager to use his powers under the tenancy agreement.

General advice on management practice

These are some of the factors that will help you determine how frequently you need to visit the house and what to look for.

You will know the physical nature of your property. You will be aware that the fire alarm system needs to be checked at regular intervals, when lightbulbs need to be replaced, that the parapet gutters are liable to obstruction, etc. You will also be aware of the nature of your tenants, and whether they are likely to cause problems in the management of the property. Disposal of refuse can be a problem, so that visiting after refuse collection can be helpful.

You will need to balance your duties as a manager with the tenants right to quiet enjoyment of the home. Inspection of their accommodation must be with the knowledge and consent. Except in emergencies you must always give at least 24 hours notice that you would like access to the accommodation. This notice, does not give you automatic right of entry into the accommodation if it is not convenient for your tenant. (If reasonable access is refused you should obtain advice from your solicitor or professional organisation before taking any action.)

Management records

You should keep records of your visits and any repairs or action taken, as this will help demonstrate an effective management system. You also need to keep certificates and all the records to demonstrate that the necessary maintenance checks (e.g. gas safety checks and servicing of fire alarm systems) have been carried out. You may be asked to produce documents on inspection as required by the council.

You should encourage your tenants to report problems and respond promptly when they do.

It is the requirement to display your, or your manager's name, address and telephone contact number, so that in the event of an emergency, contact can be made and the appropriate action taken. Although not a requirement of the regulations, it is good practice to have a noticeboard displaying information on tenancy rules, how to reset the alarm system, copies of certificates and how to report any problems to the landlord. This board can also be used to display documents as required by any HMO licence.

Common parts lighting

The manager is responsible for ensuring that the light fittings are in working order. This includes lightbulbs so it is worth considering a lighting system where the fittings have a long life, and bulbs are protected from theft. The switches are to be properly sited, and all the lighting must be supplied from a single quarterly meter, which will usually be in the control of the manager.

Services

The water, gas or electricity supplies must not be cut off unannounced. For repair work, residents must be notified in advance on the supply restored as soon as possible. When necessary, alternative facilities should be provided until the supply is restored.

Heating

Lack of an adequate fixed heating system is a major contributory factor to both fire and illness. It increases the use of portable gas heaters, electric fires and extension leads. These also contribute to dampness, electrocution and falls. The council will require improvement to the heating and installation of the property, usually to a minimum standard of full central heating and 280mm of loft installation (or equivalent standards).

Gas safety

Each year around 30 people are known to die from carbon monoxide poisoning caused by poorly installed or badly maintained gas appliances and flues. It is believed that the true number of deaths and non-fatal illness is considerably higher.

The Gas Safety (Installation and Use) Regulations 1998 place wide ranging duties on landlords of all rented property so ensure that the gas appliances, flues and supply are:

- Installed and maintained in a safe condition, works only being carried out by a competent contractor whose name appears on the Gas Safety Register

- Annual safety check's must be carried out; the contractor has to be a competent Gas Safe fitter
- Certificates are issued to tenants and
- Records are kept for two years.

Electrical safety

The landlord of any rented property has a duty to ensure that the electrical installation is safe and in good order; a current electrical installation test certificate will demonstrate this. In HMOs the possession of such a certificate is a requirement (see above).

To avoid trailing cables and overloading, it is recommended that at least two twin 13 amp power points are available in each room and are conveniently located. It is also recommended that at least two additional twin 13 amp sockets are conveniently located above any kitchen worktop.

Landlords electrical appliances should be safe, and a yearly PAT test certificate will help demonstrate this. In licensed HMOs

this is a requirement of the licensing regime.

Maintenance of fire precautions

- Fire alarm systems, escape lighting and fire fighting equipment must be maintained in accordance with the relevant British Standard's. Guidance is available from the Housing Standards Team; it is recommended that you enter into a maintenance contract with a specialist contractor
- Fire doors must be kept in good condition, including the integrity and effectiveness of the smoke seals and should be checked on a regular basis
- The protected (or escape) route must be kept free of all obstruction and flammable items or sources of ignition. Tenants must be advised of this requirement and the area checked on a regular basis.

Disclaimer

The information and advice given in this leaflet is accurate, to the best of the District Council's knowledge. However, you are advised not to rely exclusively on what we say here, particularly because legislation or government advice may have changed since the leaflet was produced. If you have any particular problem you should take advice from a properly qualified expert in the relevant area or areas. The District Council will not accept liability or loss resulting from you relying on advice contained in this leaflet.

This is one of a series of advice leaflets produced for tenants and private landlords can be available in other languages and formats. Links to these and all documents referred to in this leaflet are available at www.southsomerset.gov.uk

If you have any difficulty in understanding this leaflet or are visually impaired please contact the Housing Standards Team on the details below.

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