

Is your property a House in Multiple Occupation?

Use the checklist below to determine whether your premises is defined as an HMO under the provisions of the Housing Act 2004. Words in *italics* are defined at the end of the checklist.

A BUILDING OR PART OF A BUILDING IS AN HMO IF IT MEETS **ONE** OF THE FOLLOWING FOUR TESTS;

1. The Standard Test

- a) It consists of one or more units (not being self-contained flats);
- b) The living accommodation is occupied by persons who do not form a *single household*;
- c) The living accommodation is occupied by persons as their *only or main residence*;
- d) The occupation of the living accommodation constitutes the only use of that accommodation;
- e) Rents are payable or other consideration is provided in respect of at least one of those person's occupation;
- f) Two or more households who occupy the living accommodation share one or more *basic amenities*, or the living accommodation is lacking in one or more basic amenities.

2. The Self – Contained Flat Test

- a) The premises is a self-contained flat;
- b) The living accommodation is occupied by persons who do not form a *single household*;
- c) The living accommodation is occupied by persons as their *only or main residence*;
- d) The occupation of the living accommodation constitutes the only use of that accommodation;
- e) Rents are payable or other consideration is provided in respect of at least one of those person's occupation;
- f) Two or more households who occupy the living accommodation share one or more *basic amenities*, or the living accommodation is lacking in one or more basic amenities.

3. The Converted Building Test ('Shared House' Test)

- a) The premises is a *converted building*;
- b) It consists of one or more units (not being Self-contained Flats)
- c) The living accommodation is occupied by persons who do not form a *single household*;
- d) The living accommodation is occupied by persons as their *only or main residence*;
- e) The occupation of the living accommodation constitutes the only use of that accommodation;
- f) Rents are payable or other consideration is provided in respect of at least one of those person's occupation.

4. The Converted Block Test

- a) the building has been converted into and consists of self-contained Flats;
- b) The building work undertaken in connection with the conversion did not comply with the Building Regulations 1991 (ie where conversion work was completed before 1st June 1992 or which is dealt with by s20 of the Building Regulations 1991 SI 1991/2768), and still does not comply;
- c) Less than two-thirds of the self-contained flats are *owner-occupied*.

DEFINITIONS

Single Household

– Persons who are all members of the same family (i.e. they are married or co-habiting regardless of their sex, or one of them is the parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the other)

- Persons receiving care and their carer occupying living accommodation in the same building, provided that a). the carer is an adult placement carer approved under the Adult Placement Schemes (England) Regulations 2004, and b). the carer provides care for no more than 3 service users under the terms of a scheme permitted by those regulations.

- Domestic staff, provided that the employee lives in the employers house, carries out work or performs a service of an exclusively domestic nature, is provided with the living accommodation as part of the consideration for carrying out the work or service, and does not pay any rent or other consideration in respect of the living accommodation. or any other relationship that may be prescribed by regulations, such as fostering arrangements.

Only or Main Residence - this includes

- Residence for the purpose of undertaking a full-time course of further or higher education (ie student accommodation other than Halls of Residence provided by the Educating Body);
- A Refuge providing temporary accommodation for persons who have left home as a result of physical violence or mental abuse, or threats of such violence or abuse, from persons they were living with;
- A migrant worker or seasonal worker where the accommodation is provided partly in consideration of his employment and is provided by or on behalf of his employer;
- An asylum seeker provided with accommodation under s95 of the Immigration and Asylum Act 1999 and which is funded in part or in whole by the National Asylum Support Service.

Basic Amenities – means a toilet, personal washing facilities or cooking facilities.

Converted Building – means a building or part of a building consisting of living accommodation in which one or more units of such accommodation have been created since the building or part was constructed.

Owner-occupied – a flat is owner-occupied if it is occupied by

- A person with a long lease ie for a term of more than 21 years.
- A person with the freehold estate in the converted block, or
- A member of the household of one of the above.

Exemptions

Please note that there are some general exemptions from the HMO definition for certain kinds of property or certain property ownership and management arrangements. Further information on exemptions is available from the local authority.