

City of Wolverhampton Council

**LANDLORDS GUIDE TO AMENITY AND SPACE STANDARDS FOR HOUSES
IN MULTIPLE OCCUPATION**



Amended July 2018

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Introduction

Statutory legislation under the Housing Act 2004 places a duty on the Council to inspect Houses in Multiple Occupation (HMOs). HMOs are inspected either as part of a proactive programme or in response to a service request. This Guide will explain the legal requirements found within the Housing Act 2004 and associated regulations, and the Council's approach on how those standards should be achieved. A separate Guide for fire and security protection in multi-occupied residential properties, has been produced jointly with partner organisations. A copy of this guide is available from www.homestamp.com.

All HMO's are subject to the management regulations made under the Housing Act 2004, irrespective of whether they are required to be licensed.

What Is A House in Multiple Occupation?

Under the Housing Act 2004 a building is a HMO if it meets one of the following tests:

- An entire house or flat which is let to three or more tenants who form 2 or more households and who share a kitchen, bathroom or toilet.
- A house which has been converted entirely into bedsits or other non-self contained accommodation and which is let to 3 or more tenants who form 2 or more households and who share kitchen, bathroom or toilet facilities
- A converted house which contains 1 or more flats which are not wholly self contained (i.e. the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by 3 or more tenants who form 2 or more households.
- A building which is converted entirely into self-contained flats if the conversion does not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies.

In order to be a HMO the property must be used as the tenants only or main residence and it should be used solely or mainly to house tenants. Properties let to students and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refuges.

For further information please refer to

<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>

Please note that due to the introduction of a City wide Article 4 Directive, any conversion of a house into one of multiple occupation, now requires planning permission, irrespective of the size of the development. Further information may be obtained by emailing planning@wolverhampton.gov.uk

Licensable HMO's

With effect from the 1st October 2018, all HMO's having 5 or more occupants in 2 or more households require to be licensed by the Council.

Prior to the 1st October 2018, only HMO's of 3rd or more storeys and having 5 or more occupants require a licence, but applications for those HMO's which will become licensable on the 1st

October are being accepted and processed. In these cases, the licence will commence on the 1st October 2018.

Further details about licensing can be found on the City council's website <http://www.wolverhampton.gov.uk/article/2432/Private->. Alternatively, you may wish to refer to the Governments housing website <https://www.gov.uk/house-in-multiple-occupation-licence>

A storey includes:

- Any basement or attic used or constructed/converted/adapted wholly/partly for living accommodation or is being used as an integral part of the HMO.
- Any business premises or storage space on the ground floor or any upper floor.
- Any storeys which are occupied by you and your family if you are a resident landlord.

Households' definition:

The following are 'households' for the purposes of the Housing Act 2004:

Members of the same family living together including:

- Couples married to each other or living together as husband and wife (or in an equivalent relationship in the case of persons of the same sex)
- Relatives living together, including parents, grandparents, children (and stepchildren), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins
- Half-relatives will be treated as full relatives. A foster child living with his foster parent is treated as living in the same household as his foster parent.
- Any domestic staff are also included in the household if they are living rent free in accommodation provided by the person for whom they are working.

Therefore, three friends sharing together are considered three households. If a couple share with a third person, then that would consist of two households. If a family rents a property, then that is a single household. If that family had an au-pair to look after their children that person would be included in their household.

Space and amenity standards

Wolverhampton City Council has adopted space and amenity standards for Houses in Multiple Occupation occupied as bedsits, self-contained flats and shared housing. Most of the accommodation arrangements commonly encountered are described, however it is recognised that there will always be circumstances which do not match those given. If this is the case then it will always be advisable to contact the Private Sector Housing Team for further guidance.

Further, before any conversion, adaption and/or new build, advice must be sought from our Planning and Building Control Sections.

Legal requirements

Under The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018, which come into force on the 1st October 2018,

- A room with a useable floor area between 6.51m² and 10.21m², may only be occupied as sleeping accommodation by one person.

- Only a room with a useable floor area of 10.22m² or over maybe occupied as sleeping accommodation by a co-habiting couple.
- A room with a useable floor area between 4.64m² and 6.5m² may be occupied as sleeping accommodation by a child under the age of 10.
- No room may be occupied as sleeping accommodation if the floor area of the room is 4.63m² and less.
- Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5m is not to be taken into account in determining the floor area of that room

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) Regulations 2006, require kitchens, bathrooms and WC's to be of adequate size and number, as set by this guide.

Please note the measured space in any room must be 'useable space'. The room should be able to accommodate the required amount of appropriate furniture easily and still allow space for movement about the room. Bathrooms, shower rooms, en-suites, toilet compartments are not counted within the 'useable space' calculation.

Bedsit type accommodation

Houses occupied as individual rooms, where there is some exclusive occupation (usually bedroom and kitchen or bathroom) and some sharing of amenities (bathroom and/or toilet and/or kitchen). Each occupant otherwise lives independently of the others and does not usually have access to a shared living room/dining room.

One person unit of accommodation		
	14m ²	Where room is used for sleeping, living and cooking
	10m ²	Where room is used for sleeping and living only (separate kitchen)
Two or more person units of accommodation		
	20m ²	Where room is used for sleeping, living and cooking. Not normally suitable for persons who are not married couples or co-habitees
	15m ²	Where kitchen facilities are separate. Not normally suitable for persons who are not married couples or co-habitees
Kitchens		
Used by 1-3 persons	5m ²	
Used by 4 persons	6m ²	
Used by 5 persons	7m ²	
For each person above 5	Add 1m ² per person	

Shared houses type accommodation space standards

Houses occupied on a shared basis, these would normally be occupied by members of a defined social group e.g. students. The occupiers each enjoy exclusive use of a bedroom but would share other facilities including a communal living room.

One person units of accommodation		
Each bedroom/study	10m ²	Except where a separate living room is provided which is not a kitchen or kitchen/dining room in which case the bedroom shall be 6.51m ²
Two person units of accommodation		
	15m ²	Except where a separate living room is provided which is not a kitchen or kitchen/dining room, in which case the bedroom shall be 11m ²
Kitchens		
Used by 1-3 persons	5m ²	
Used by 4 persons	6m ²	
Used by 5 persons	7m ²	
For each person above 5	Add 1m ² per person	
Dining/kitchens		
Used by 2-5 persons	11.5m ²	
Used by 6-10 persons	19.5m ²	
Living rooms and dining rooms		
Used by 2-5 persons	11m ²	
Used by 6-10 persons	16.5m ²	

Washing and toilet facilities for bedsit and shared accommodation

A readily accessible bath or shower room and toilet shall be provided not more than one floor distant from any intended user. The walls and floor of any bath or shower room and toilet should be reasonably smooth and non-absorbent and capable of being easily cleansed and the rooms of adequate size and layout.

Every room containing a toilet must be provided with a wash hand basin.

All baths, showers and wash hand basins must be equipped with taps providing an adequate supply of cold and constant hot water.

All bathrooms and shower rooms must be suitably and adequately heated and ventilated.

4 or fewer occupiers sharing facilities, there must be at least one bathroom with a fixed bath or shower and a toilet with wash hand basin (which may be situated in the bathroom)

5 occupiers, one **separate** toilet with wash hand basin, one bathroom with a fixed bath or shower (the separate toilet may be located in a second bathroom).

6-10 occupiers, 2 bathrooms containing a bath or shower and 2 toilets with wash hand basins, one of which must be in a separate room.

11-15 occupiers, 3 bathrooms containing a bath or shower and 3 toilets with wash hand basins, one of which must be in a separate room.

Kitchen facilities for bedsit and shared accommodation

Each occupancy shall have constant access to a shared kitchen no more than one floor distant from the large majority of users, unless provided within the unit of accommodation. It is acceptable however, for a kitchen to be a maximum of two floors distant where there is a communal dining room adjacent to the kitchen or where the kitchen is of sufficient size to serve as a kitchen/dining room.

For every 5 occupants there needs to be a complete set of kitchen facilities. However, for one additional person i.e. 6 persons, rather than put in a complete set of facilities a combination microwave oven and grill may be substituted in place of a conventional cooker and an electric dishwasher or half bowl in place of a standard sink. There should be no more than two sets of facilities in any one room.

The facilities shall comprise where shared and where located within a bedsit,

- A gas or electric cooker with minimum four burners/hobs, oven and a grill (where cooking provided within a bedsit and only used by 1 person, two burners/hobs oven and grill is acceptable). Table top portable cooking facilities are not acceptable.
- A metal or ceramic kitchen sink and drainer with a constant supply of hot and cold water.
- Sufficient fixed work surface to enable each user to prepare food safely and hygienically. A minimum of 500mm depth and length clear run of work surface per person will generally be sufficient for this purpose although minor variations may be acceptable where there is still a good practical working area.
- A refrigerator of sufficient size to store an average persons dietary requirements on a day to day basis.
- Sufficient storage cupboard space for dry and canned foods and sufficient storage for cooking utensils, crockery and cutlery.

- Two twin outlet power sockets in addition to any serving major appliances set at a convenient height and safe position.
- The kitchen area must be provided with an easily cleansable non-slip floor covering to an adequate extent and separated from any adjoining carpeted area by suitable dividing strips securely fixed in position.

Self contained flats accommodation

Houses or buildings which are constructed as or converted entirely into 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 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 into self contained flats to a proper standard in accordance with the 1991 Building Regulations or equivalent, are exempt 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.

Minimum floor area for conversion into self-contained flats

Number of occupants	1	2	3	4	5	6
Living room/lounge	13m ²	14m ²	15m ²	16m ²	17.5m ²	18.5m ²
Kitchen	5.5m ²	5.5m ²	5.5m ²	7m ²	7m ²	7m ²
Bedroom	6.51m ²	10.22m ²				
Living room/kitchen	17m ²	18m ²	19m ²	20m ²	21.5m ²	22.5m ²

All bedrooms, living rooms and bathrooms are to be directly accessible from a common access lobby and not from another room, unless comprising an en-suite and for exclusive use of the occupier.

Washing and toilet facilities

Each flat must be provided with its own bath or shower together with a constant and adequate supply of hot and cold water. The walls and floor of any bathroom or shower room should be reasonably smooth and non absorbent and capable of being readily cleansed.

Each flat must be provided with its own WC which must be located either within a bathroom or in a separate compartment and, be provided with a wash hand basin with a constant and adequate supply of hot and cold water.

All bathrooms and shower rooms must be suitably and adequately heated and ventilated

Kitchen facilities

Each flat to be provided with the following facilities:-

- Single person: a gas or electric cooker with two burners/hobs, oven and grill.
- Two persons: a gas or electric cooker with four burners/hobs, oven and grill.

- A standard kitchen sink and drainer with a constant and adequate supply of hot and cold water.
- A worktop or table of smooth and impervious material of minimum size 500 x 1000mm.
- A refrigerator of sufficient size to store an average persons dietary requirements on a day to day basis.
- Sufficient storage cupboard space for dry and canned foods plus cooking utensils, crockery and cutlery.
- Two twin outlet power sockets in addition to any serving major appliances set at a convenient height and safe position.
- The kitchen area must be provided with an easily cleansable non-slip floor covering to an adequate extent and separated from any adjoining carpeted area by suitable dividing strips securely fixed in position.

Further detail

Crowding and space

Sleeping accommodation must ensure adequate privacy. Any sharing of the sleeping accommodation will be dependent on the size of the room and the relationship of those sharing.

A landlord cannot place two unrelated persons in a room unless they are a cohabiting couple.

According to the bedroom standard which is based on the ages and composition of the family,

Age and sex of household members	Number of bedrooms
Adult couple	1
Person over the age of 21	1
2 young persons 10-20 years of same sex	1
1 child under 10 years and 1 person under 20 of same sex	1
1 or 2 children under 10 years (not necessarily of same sex)	1

Ventilation

Ventilation can help remove pollutants from the inside of a property as well as excess water vapour that can cause condensation. All kitchens, bathrooms and water closet compartments shall be ventilated to the external air, either by a window the openable area of which shall be equivalent to at least 1/20th of the floor area or by suitably sited mechanical ventilation providing an extract rate of at least 15 litres per second and fitted with a 15 minute overrun for bathrooms. For kitchens, mechanical ventilation providing an extract rate of 60 litres per second venting directly to the external air will normally be sufficient.

In bedrooms and living rooms an openable window to the outside must be provided which is at least 1/20th of the floor area. (A door opening to the external air will not be acceptable).

Lighting

All habitable rooms should have an adequate level of natural lighting, provided by a clear glazed window or windows, and or door(s) the glazed area to be equivalent to at least 1/10th of the floor area and to extend to a point 1.75m above floor level. The levels of lighting need to be sufficient to allow tenants to carry out their normal activities safely and conveniently in their rooms and in the halls and stairways. This applies to both natural and artificial lighting.

Windows to bathrooms and water closets are to be glazed with obscure glass.

Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms and water closets. In general, all lighting to common parts is to be provided, maintained and paid for by the landlord or their agent. Lighting to staircases, landings and passages may be controlled by time switches or other devices having a similar effect.

Heating

There should be a fixed heating appliance in the main room with the capacity of maintaining the room at a temperature of 21 degrees centigrade when the temperature outside is -1 degree centigrade. Fixed heating appliances (portable or removable heating appliances will not be acceptable) should also be provided in all other rooms and circulation areas including bathrooms, which are capable of maintaining a temperature of at least 18 degrees centigrade when the temperature outside is -1 degree centigrade. All heating appliances must be controllable by the occupants at all times.

The size and aspect of a room will determine the type of appliance, which can satisfy this requirement. Consideration should also be given to improving the insulation to the room(s).

Water supply

Each separate occupancy should be provided with an adequate supply of hot and cold running water suitable for drinking and food preparation purposes. Cold water should normally be provided from the rising main.

The water pressure to all fittings, and protection from frost damage, will need to be considered to ensure that an uninterrupted supply is provided.

Drainage and Disposal of Surface and Waste Water

There should be an effective system for the drainage of foul, waste and surface water from the property. Consideration may need to be given to the size of the service pipes having regard to the number of tenants using the facilities.

Rubbish and Storage

All protected fire escape routes must be kept clear of obstructions.

Sufficient refuse storage containers or dustbins should be provided to accommodate the needs of the occupants at the property.

Gas Safety

The Gas Safety (Installation and Use) Regulations 1998 (as amended) require that you must ensure that gas appliances and installations are regularly maintained and safety checks are carried out annually by an approved person (i.e. Gas Safe Registered engineer). You must keep a record of safety checks and issue a copy to the tenants.

The Health and Safety Executive (HSE) are the enforcing authority for these regulations and advice can be obtained from them on specific gas safety issues.

Electrical Installation

When a property is used as a HMO, the number of tenants can impose an increased load on the power and lighting circuits. The capacity of the circuits must be sufficient to maintain its use in a safe condition. The wiring in the property should be checked and certified at least every 5 years by a qualified electrician to BS 7671.

Soft Furnishings

The Furniture and Furnishing (Fire Safety) Regulations 1988 (as amended 1989 & 1993) requires soft furnishings that are provided in all rented accommodation to be of a non-flammable, non-toxic nature. All replacement new or second-hand soft furnishings must meet the new standards. For further information contact City Direct on 01902 551155 and ask for Trading Standards who enforce the Regulations.

Portable Electrical Appliances

Under the Electrical Equipment (Safety) Regulations 1994, all electrical appliances supplied or provided for the occupiers must be safe. It is good management practice to have the equipment tested on an annual basis.

Manager's Duties

The Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) Regulations 2006, apply to all HMOs excluding Section 257 buildings (self-contained converted blocks of flats, which do not meet the fire precaution requirements of the Building Regulations 1991 or later). The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 apply to such properties.

Both sets of Regulations apply equally to owners, landlords or agents. Failure to comply with the regulations by a HMO manager can result in legal proceedings.

The regulations place the following duties on the manager:

- To provide each occupier with his/her contact details and display them on the premises.
- To maintain all means of escape from fire
- To take safety measures to protect the occupiers from injury having regard to the design, structural condition and number of occupiers in the HMO
- To supply and maintain the water supply and drainage system
- To supply and maintain gas and electrical supplies and to provide safety certificates
- To maintain all common parts, appliances, fixtures and fittings within the property
- To maintain in good order and repair any outbuildings, yards, gardens and boundary fences
- To maintain each unit of accommodation in good repair and in a clean condition
- To ensure refuse is stored and disposed of adequately.

