

## General Policy Statement

The council aims to maximise the availability of private rented accommodation in York and ensure that it is of a decent standard to protect the health and safety of tenants. In particular the availability of Houses in Multiple Occupation lettings is important in order to sustain affordable housing.

This is the revised HMO implementation policy for mandatory licensing of HMOs (3 storey and more than 5 unrelated occupants who form two or more households).

To support this aim both for the renewal process for existing licensed HMOs and licences for new Houses in Multiple Occupation we have made changes to the to the licence conditions for mandatory licensing of HMOs to reflect:

- Housing Act 2004
- Best Practise from other councils (LACORS)
- Industry's good practise
- Residential Property Tribunal judgements,
- The councils wider strategic objectives in particular relating to sustainability

Through the previous programme for existing licensed HMOs the standards achieved through compliance with existing licence conditions have been met.

The renewal programme for licensed HMOs will be monitored to ensure that the standards will continue to be met. New licence conditions, which are to be introduced, the licence holder will be given a two-year period to enable those matters to be put in place.

Where it relates to a new HMO then the proposed licence holder will need to ensure that the standards are achieved by complying with the licence conditions prior to a HMO being licensed and let.

The three tests being that:

- 1) That the property is reasonably suitable for occupation as a HMO (**physical standards**)
- 2) That the management arrangements are satisfactory (**management standards**)
- 3) That the licensee and manager are fit and proper persons (**Fit and Proper test**) The applicant must be the most appropriate person to hold the licence.

The council is aware that enforcement action on its own is insufficient. We will continue to work in partnership with landlords/managing agents and letting agents and other partners. By:

- Offering advice – responses to individual's requests, providing information on the website, quarterly newsletter, attending other groups, annual Landlord conference etc
- Using help from landlords/agents through focus groups to help develop policies to promote the private rented sector.

<b>General requirements</b>	<p>A licence will be valid for a maximum of five years and will specify the maximum number of occupants and households</p> <p>A licence will not relate to more than one HMO</p> <p>It cannot be transferred to another person if the licence holder dies, the licence cease to be in force.</p> <p>During the first 3 months beginning with the date of the licence holder's death the house will be treated as if a temporary exemption notice (TEN) has been served</p> <p>A licence ends automatically after 5 years or after the period specified in the licence (if that is different).</p> <p>Unless the HMO ceases to be licensable within that period or the council grants a temporary exemption notice on the expiry of that period the HMO must be relicenced or an Interim Management Order made in respect of it</p> <p>A licence will be granted:</p> <ul style="list-style-type: none"><li>• Where the house is reasonably suitable for occupation as a HMO (<b>physical standards</b>) and</li><li>• The management arrangements are satisfactory (<b>Management Standards</b>) and</li><li>• The licensee and manager are fit and proper persons (<b>Fit and Proper test.</b>) The applicant must be the most appropriate person to hold the licence</li></ul>
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	Previous Programme	Renewal of HMO licences programme	New HMO licence programme
<b>Implementation of policy</b>	As with, the previous policy in most cases, it is not intended that an officer from the council will visit before issuing a licence. The information gathered through the application stage will be used to assess compliance with the licensing requirements and the number of occupants and households the HMO should be licensed for (a copy of application form can be downloaded from <i>Insert web address</i> ).		<p>It is intended that following the receipt of the application form for a new HMO that an officer will visit the property. All matters relating to existing conditions relating to safety will need to meet before a licence will be issued. A full housing health and safety rating system inspection will be carried out at the same time. Any matters arising from that part of the inspection will be dealt with under Part 1 of the Act</p> <p>Where a property doesn't meet the new safety conditions and amenity standards but can do so within a six months period then a draft licence will be issued giving the licence holder six months to meet those conditions.</p>
<b>That the property is reasonable suitable Existing conditions relating to safety</b>	<p>Where gas is supplied to provide annually copies of gas safety certificates at the application stage and on demand</p> <p>To keep electrical appliances and furniture safe</p>	<p>No change</p> <p>New revised condition relating to electrical appliances see below</p>	<p>No change</p> <p>New revised condition relating to electrical appliances see below</p>

	<p>To keep smoke alarms in working order. To supply on demand with a declaration by the licence holder as to condition of the and positioning of such alarms</p> <p>Conditions restricting or prohibiting the use of occupation of particular parts of the house by persons occupying it</p> <p>Conditions requiring in the case of any work needed in order for any such facilities or equipment to made available or to meet any such standards that the works are carried within such period or periods as may specify by in or determined under the licence</p>	<p>No change</p> <p>No change</p> <p>No change</p>	<p>No change</p> <p>No change</p> <p>No change</p>
<p><b>Existing conditions relating to Amenities</b></p>	<p>Details about facilities and equipment to be made available in the house for the purpose of meeting the kitchen, bathroom and personal washing facilities standards as per prescribed in the national standards.</p>	<p>Should be met and that the licence will be issued to ensure that they continue to be met</p>	<p>Details about facilities and equipment to be made available in the house for the purpose of meeting the kitchen, bathroom and personal washing facilities standards as per prescribed in the national standards. Where a property doesn't meet the amenity standards but can do so within a six months period then a draft licence will be issued giving the licence holder six months to meet</p>

	Conditions requiring such facilities and equipment to be kept in repair and proper working order.	Should be met and that the licence will be issued to ensure that they continue to be met	those conditions No change
<b>Existing conditions relating to management</b>	A system for tenants to report defects, including in emergencies and arrangements to respond to those requests.	Should be met and that the licence will be issued to ensure that they continue to be met.	No change
	To provide a written statement of terms of the tenancy to the tenants within 28 days moving in to the HMO.	Should be met and that the licence will be issued to ensure that they continue to be met.	No change
	A process for dealing with anti-social behaviour occurring within the HMO by tenants or their visitors.	Should be met and that the licence will be issued to ensure that they continue to be met.	No change
	Arrangements in place for periodic inspections to identify where repair or maintenance is needed.	New conditions relating to the exterior of the property and refuse disposal. Management regulations to be used.	New conditions relating to the exterior of the property and refuse disposal. Management regulations to be used.
	The name, address and telephone number for licensee or manager is to be displayed in the common parts of the HMO.	Should be met and that the licence will be issued to ensure that they continue to be met.	No change
	A copy of a valid gas safety certificate to be displayed in the common parts.	Should be met and that the licence will be issued to ensure that they continue to be met.	No change
	A copy of the licence to be displayed in the common parts.	Should be met and that the licence will be issued to ensure that they continue to be met.	No change

<p><b>New conditions relating to physical and management standards</b></p>		<p>To provide copies of the Energy performance certificate (EPC) or declaration regarding energy performance where an EPC isn't available. Where the matters relating to energy efficiency are not being met the licence will be issued with a condition that the matters will be complied with within two years</p> <p>To provide a copy of the current electrical safety certificate for the fixed electrical wiring at the application stage. The electrical safety inspection should be done at intervals not exceeding 5 years. Where matters have been raised by the competent person as needing urgent or remedial the licence holder must have declared that the work must have been completed.</p> <p>To provide copies of the Portable Appliance Test (PAT) a competent person has carried that out at least once every two years. The licence holder must supply to the authority on demand a copy of the current PAT certificate. Where this is not being met the licence will be issued with</p>	<p>To provide copies of the Energy performance certificate (EPC) or declaration regarding energy performance where an EPC isn't available. Where the matters relating to energy efficiency are not being met the licence will be issued with a condition that the matters will be complied with within six months</p> <p>To provide a copy of the current electrical safety certificate for the fixed electrical wiring at the application stage. The electrical safety inspection should be done at intervals not exceeding 5 years. Where matters have been raised by the competent person as needing urgent or remedial the licence holder must have declared that the work must have been completed.</p> <p>To provide copies of the Portable Appliance Test (PAT) a competent person has carried that out at least once every two years. The licence holder must supply to the authority on demand a copy of the current PAT certificate. Where this is not being met the licence will be issued with</p>
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		<p>a condition that the test certificate supplied and will be complied with within two years</p> <p>The licence holder must ensure that carbon monoxide detectors are fitted to all high-risk rooms, in accordance with BS 7860 or EN50291. Where this is not being met the licence will be issued with a condition that the matters will be complied with within two years</p> <p>The licence holder must ensure that the exterior of the property is maintained in a reasonable decorative order and state of repair. The licence holder shall ensure that refuse and litter are not allowed to accumulate in and outside of the house except where properly stored pending disposal. All other matters relating to the management of the HMO will be dealt with under the management regulations</p>	<p>a condition that the test certificate supplied and will be complied with within six months.</p> <p>The licence holder must ensure that carbon monoxide detectors are fitted to all high-risk rooms, in accordance with BS 7860 or EN50291 Where this is not being met the licence will be issued with a condition that the matters will be complied with within six months</p> <p>The licence holder must ensure that the exterior of the property is maintained in a reasonable decorative order and state of repair. The licence holder shall ensure that refuse and litter are not allowed to accumulate in and outside of the house except where properly stored pending disposal. All other matters relating to the management of the HMO will be dealt with under the management regulations</p>
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<p><b>Fit and proper person test for licence holders and managers</b>  <b>No change</b></p>	<p>A person will be considered fit and proper if the council is satisfied that:</p> <ul style="list-style-type: none"> <li>• They have no unspent convictions relating to offences involving fraud, dishonesty, violence or drugs, or sexual offences</li> <li>• They have no unspent convictions relating to housing or landlord and tenant law</li> <li>• They have not been refused a HMO licence, been convicted of breaching the conditions of a licence or have acted otherwise than in accordance with the approved code of practice under S197 of the Act within the last five years</li> <li>• They have not been in control of a property subject to an HMO Control Order an Interim Management Order (IMO) or Final Management Order (FMO) or work in default carried out by a local authority</li> <li>• They have not been subject to legal proceedings by a local authority for breaches of planning, compulsory purchase, environmental protection legislation or other relevant legislation.</li> <li>• The council will require all applicants to complete a self-certification form. The council will reserve the right to check the accuracy of the information with its partners</li> </ul>
<p><b>Enforcement</b></p>	<p>The policy is written in the context of York's Housing Strategy and Private Sector Housing strategy and must be read in conjunction with the latest Environmental Health, Trading Standards and Licensing enforcement policy. HMO licensing cannot have regard to Planning policy.</p>