



# **BRACKNELL FOREST BOROUGH COUNCIL LICENCING OF HOUSES IN MULTIPLE OCCUPATION HOUSING ACT 2004**

## **LEGALLY REQUIRED DUTIES OF HMO MANAGERS AND OCCUPIERS UNDER THE MANAGEMENT OF HOUSES IN MULTIPLE OCCUPATION (ENGLAND) REGULATIONS 2006**

### **Introduction**

The following requirements have been taken from The Management of Houses in Multiple Occupation (England) Regulations 2006. Although what follows is in the same order and uses the same numbering as in the Regulations themselves, you should refer to the actual Regulations for a full and accurate description of the requirements.

### **Exemption**

The Regulations apply to ALL houses in multiple occupation ("HMOs") in England except that they do not apply to converted blocks of flats to which section 257 of the Housing Act 2004 applies. These are buildings that have been converted into and consist of self-contained flats where the building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them, and less than two-thirds of the self-contained flats are owner-occupied.

### **Outline of Requirements**

The Regulations impose duties on a person managing an HMO in respect of:

- providing information to occupiers (*regulation 3*);
- taking safety measures, including fire safety measures (*regulation 4*);
- maintaining the water supply and drainage (*regulation 5*);
- supplying and maintaining gas and electricity, including having it regularly inspected (*regulation 6*);
- maintaining common parts (defined in regulation 7(6)), fixtures, fittings and appliances (*regulation 7*);
- maintaining living accommodation (*regulation 8*); and
- providing waste disposal facilities (*regulation 9*).

Regulation 10 imposes duties on occupiers of an HMO for the purpose of ensuring that the person managing it can effectively carry out the duties imposed on him by these Regulations.

A person who fails to comply with the Regulations commits an offence under section 234(3) of the Housing Act 2004, punishable on summary conviction with a fine not exceeding level 5 on the standard scale.

**For Requirements of the Regulations – See Over**



## **The Management of Houses in Multiple Occupation (England) Regulations 2006 Outline of Requirements:**

### **1. Application**

The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to any HMO in England other than a converted block of flats to which section 257 of the Act applies.

### **2. Interpretation**

In the Regulations:

- (a) "the Act" means the Housing Act 2004;
- (b) "fixtures, fittings or appliances" are:
  - (i) lighting, space heating or water heating appliances;
  - (ii) toilets, baths, showers, sinks, or wash basins or any cupboards, shelving or fittings supplied in a bathroom or lavatory;
  - (iii) cupboards, shelving or appliances used for the storage, preparation or cooking of food; and
  - (iv) washing machines or other laundry appliances; and
- (c) "the manager", in relation to an HMO, means the person managing the HMO.

### **3. Duty of manager to provide information to occupier**

The manager must ensure that:

- (a) his name, address and any telephone contact number are made available to each household in the HMO; and
- (b) such details are clearly displayed in a prominent position in the HMO.

### **4. Duty of manager to take safety measures**

- (1) The manager must ensure that all means of escape from fire in the HMO are:
  - (a) kept free from obstruction; and
  - (b) maintained in good order and repair.
- (2) The manager must ensure that any fire fighting equipment and fire alarms are maintained in good working order.
- (3) Subject to paragraph (6), the manager must ensure that all notices indicating the location of means of escape from fire are displayed in positions within the HMO that enable them to be clearly visible to the occupiers.
- (4) The manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to:
  - (a) the design of the HMO;
  - (b) the structural conditions in the HMO; and
  - (c) the number of occupiers in the HMO.
- (5) In performing the duty imposed by paragraph (4) the manager must in particular:
  - (a) in relation to any roof or balcony that is unsafe, either ensure that it is made safe or take all reasonable measures to prevent access to it for so long as it remains unsafe; and



(b) in relation to any window the sill of which is at or near floor level, ensure that bars or other such safeguards as may be necessary are provided to protect the occupiers against the danger of accidents which may be caused in connection with such windows.

(6) The duty imposed by paragraph (3) does not apply where the HMO has four or fewer occupiers.

#### **5. Duty of manager to maintain water supply and drainage**

(1) The manager must ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition and in particular he must ensure that:

(a) any tank, cistern or similar receptacle used for the storage of water for drinking or other domestic purposes is kept in a good, clean and working condition, with a cover kept over it to keep the water in a clean and proper condition; and

(b) any water fitting which is liable to damage by frost is protected from frost damage.

(2) The manager must not unreasonably cause or permit the water or drainage supply that is used by any occupier at the HMO to be interrupted.

(3) "Water fitting" means a pipe, tap, cock, valve, ferrule, meter, cistern, bath, water closet or soil pan used in connection with the supply or use of water, but the reference in this definition to a pipe does not include an overflow pipe or the mains supply pipe.

#### **6. Duty of manager to supply and maintain gas and electricity**

(1) The manager must supply to the local housing authority within 7 days of receiving a request in writing from that authority the latest gas appliance test certificate it has received in relation to the testing of any gas appliance at the HMO by a recognised engineer.

(2) In paragraph (1), "recognised engineer" means an engineer recognised by the Council of Registered Gas Installers as being competent to undertake such testing.

(3) The manager must:

(a) ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing;

(b) obtain a certificate from the person conducting that test, specifying the results of the test; and

(c) supply that certificate to the local housing authority within 7 days of receiving a request in writing for it from that authority.

(4) The manager must not unreasonably cause the gas or electricity supply that is used by any occupier within the HMO to be interrupted.



## **7. Duty of manager to maintain common parts, fixtures, fittings and appliances**

- (1) The manager must ensure that all common parts of the HMO are:
  - (a) maintained in good and clean decorative repair;
  - (b) maintained in a safe and working condition; and
  - (c) kept reasonably clear from obstruction.
  
- (2) In performing the duty imposed by paragraph (1), the manager must in particular ensure that:
  - (a) all handrails and banisters are at all times kept in good repair;
  - (b) such additional handrails or banisters as are necessary for the safety of the occupiers of the HMO are provided;
  - (c) any stair coverings are safely fixed and kept in good repair;
  - (d) all windows and other means of ventilation within the common parts are kept in good repair;
  - (e) the common parts are fitted with adequate light fittings that are available for use at all times by every occupier of the HMO; and
  - (f) subject to paragraph (3), fixtures, fittings or appliances used in common by two or more households within the HMO are maintained in good and safe repair and in clean working order.
  
- (3) The duty imposed by paragraph (2)(f) does not apply in relation to fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.
  
- (4) The manager must ensure that:
  - (a) outbuildings, yards and forecourts which are used in common by two or more households living within the HMO are maintained in repair, clean condition and good order;
  - (b) any garden belonging to the HMO is kept in a safe and tidy condition; and
  - (c) boundary walls, fences and railings (including any basement area railings), in so far as they belong to the HMO, are kept and maintained in good and safe repair so as not to constitute a danger to occupiers.
  
- (5) If any part of the HMO is not in use the manager shall ensure that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.
  
- (6) Under regulation 7, "common parts" means:
  - (i) the entrance door to the HMO and the entrance doors leading to each unit of living accommodation within the HMO;
  - (ii) all such parts of the HMO as comprise staircases, passageways, corridors, halls, lobbies, entrances, balconies, porches and steps that are used by the occupiers of the units of living accommodation within the HMO to gain access to the entrance doors of their respective unit of living accommodation; and
  - (iii) any other part of an HMO the use of which is shared by two or more households living in the HMO, with the knowledge of the landlord.



## **8. Duty of manager to maintain living accommodation**

- (1) Subject to paragraph (4), the manager must ensure that each unit of living accommodation within the HMO and any furniture supplied with it are in clean condition at the beginning of a person's occupation of it.
- (2) Subject to paragraphs (3) and (4), the manager must ensure, in relation to each part of the HMO that is used as living accommodation, that:
  - (a) the internal structure is maintained in good repair;
  - (b) any fixtures, fittings or appliances within the part are maintained in good repair and in clean working order; and
  - (c) every window and other means of ventilation are kept in good repair.
- (3) The duties imposed under paragraph (2) do not require the manager to carry out any repair the need for which arises in consequence of use by the occupier of his living accommodation otherwise than in a tenant-like manner.
- (4) The duties imposed under paragraphs (1) and (2) (b) do not apply in relation to furniture, fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.
- (5) For the purpose of regulation 8, a person is regarded as using his living accommodation otherwise than in a tenant-like manner where he fails to treat the property in accordance with the covenants or conditions contained in his lease or licence or otherwise fails to conduct himself as a reasonable tenant or licensee would do.

## **9. Duty to provide waste disposal facilities**

The manager must:

- (a) ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal; and
- (b) make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority.

## **10. Duties of occupiers of HMOs**

Every occupier of the HMO must:

- (a) conduct himself in a way that will not hinder or frustrate the manager in the performance of his duties;
- (b) allow the manager, for any purpose connected with the carrying out of any duty imposed on him by these Regulations, at all reasonable times to enter any living accommodation or other place occupied by that person;
- (c) provide the manager, at his request, with any such information as he may reasonably require for the purpose of carrying out any such duty;
- (d) take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair under these Regulations;
- (e) store and dispose of litter in accordance with the arrangements made by the manager under regulation 9; and



- (f) comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

## **11. General**

- (1) Nothing in the Regulations:
  - (a) requires or authorise anything to be done in connection with the water supply or drainage or the supply of gas or electricity otherwise than in accordance with any enactment; or
  - (b) obliges the manager to take, in connection with those matters, any action which is the responsibility of a local authority or any other person, other than such action as may be necessary to bring the matter promptly to the attention of the authority or person concerned.
- (2) Any duty imposed by the Regulations to maintain or keep in repair are to be construed as requiring a standard of maintenance or repair that is reasonable in all the circumstances, taking account of the age, character and prospective life of the house and the locality in which it is situated.