

Statutory Registration Scheme for Houses of Multiple Occupation (HMOs)

November 2010



On 01 January 2006 a mandatory Statutory Registration Scheme (“the Scheme”) came in to force in Northern Ireland. This makes registration of Houses in Multiple Occupation (HMOs) with the Housing Executive compulsory.

Article 143 of the Housing (NI) Order 2003 defines a HMO as “a house occupied by more than two qualifying persons, being persons who are not all members of the same family.”

“Family” includes a person’s parent, grandparent, child or grandchild, brother or sister, spouse, civil partner or persons living together as a couple. A “qualifying person” is “...a person whose only or principle residence is the house of multiple occupation, and for that purpose a person undertaking a full time course of further or higher education who resides during term time in a house shall, during the period of that person’s residence, be regarded as residing there as his only or principle residence.”

Most student accommodation falls under this category and students should check that the Landlord has complied with the minimum standards set out by the Housing Executive. The Housing Executive will decide whether a particular property is suitable for registration following assessment of, among other considerations, the physical aspects of the property and the possible effects registration could have on the surrounding area.

Obligations on Landlords to register HMOs

The Scheme creates obligations for Landlords of HMOs to register their properties with the Housing Executive by the relevant registration date. This varies from area to area and owners or Landlords should check with the Housing Executive if they are in any doubt. Sometimes it can be difficult to tell if a property falls into the category of being a HMO. In this case the first point of contact should be the Housing Executive who have a list of all registered HMOs and the relevant registration dates. The Housing Executive will require written information under Article 75N of Schedule 3 to the Housing (NI) Order 2003 from the owner or Landlord of a house for the purpose of ascertaining whether a house can be registered and the particulars to be inserted in the register. The information requested may include the owner of the house or details of people who live in the house. Failure to give the correct information to the Housing Executive, failing to register an HMO or allowing more occupants than specified in the registration are all criminal offences and can result in a fine of up to **£2,500.00**.

Registration is by application form downloadable from the Housing Executive Website (www.nihe.gov.uk). Payment of a fee is required on first registration of the house and a payment on any renewal of the registration of half this initial fee. This fee varies according to the number of occupants and must be paid in full prior to initial registration or renewal of registration.

Minimum Standards of HMOs

The Housing Executive has set out minimum standards that all HMOs must attain in order to be registered. Inspections may then be carried out at any time and if necessary action may be taken against landlords or tenants for obstruction. The minimum standards required for HMOs can be summarised as follows:

Please note: The content of this article is for information purposes only and further advice should be sought from a professional advisor before any action is taken.

1. There must be satisfactory facilities for the storage, preparation and cooking of food including an adequate number of sinks with a satisfactory supply of hot and cold water;

Cooker facilities, sinks, food preparation areas, electrical sockets and food storage areas should all be installed so as not to endanger the safety of the occupants. Disposal facilities for waste water should be adequate and work surface materials should be suitable for cleaning and enable a good standard of hygiene.

2. The HMO must have an adequate number of suitably located toilet facilities for the exclusive use of the occupants;

Bathrooms, shower rooms and toilet areas must be constructed so as to ensure privacy and meet the standards for size as set out by the Housing Executive. Surfaces should be capable of being readily and easily cleaned and floors should be slip-resistant. Bedrooms in the HMO property must contain an adequate "activity space" which is left after necessities such as the bed and wardrobe are installed.

Kitchens, bathrooms and toilet areas in HMO properties must also be provided with natural light and all areas must be adequately lit by electricity.

3. There must be an adequate number of suitably located baths, showers and wash-hand basins for the exclusive use of the occupants, each of which is provided with a sufficient supply of hot and cold water;

For every five people living in the house the landlord must provide a bathroom or shower room containing a wash-hand basin and a separate toilet. If it is not possible to provide a wash-hand basin in the bathroom or shower room one must be provided in every room.

4. Subject to Article 82 of the Housing (NI) Order 1992, there must be adequate means of escape from fire;

Fire safety was one of the main catalysts for the beginning of the Registration Scheme and is therefore of crucial importance. A clear route must be provided to ensure that in the event of a fire, escape to the outside is not problematic. A fire-resisting stairway may also be necessary depending on the size of the house. All areas must have a clear route to exits or corridors leading directly to exits and exit ways must be of the minimum size specified by the Housing Executive Guidelines.

5. There must be other adequate fire precautions in place.

Fire-fighting equipment must also be provided in all HMOs as follows:

- A multi-risk fire extinguisher of 13A rating situated on each floor.
- A fire blanket in each room used for cooking in accordance with BS 6575.
- A carbon dioxide (CO₂) extinguisher adjacent to any incoming mains electric supply cupboard.
- Extinguishers installed and maintained in accordance with BS EN-3: Part 3 and BS5306 Part 3 (1985).

Adequate fire detection equipment should also be in place and fire doors must be labelled in accordance with Housing Executive Guidelines. This applies in particular to exit routes and corridors and any route that is made specifically for escape during a fire must be clearly signposted. It may be necessary in some instances to install lit signs pointing towards the nearest exit route when the person escaping may be in doubt as to its location.

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