

# HMO

We can also advise and quote for works necessary for the recent HMO (Houses in Multiple Occupancy) Act

Local authorities were given discretionary power to introduce HMO licensing in 1991 under the Civic Government (Scotland) Act 1982. A new licensing order, made under the same Act, has made this mandatory from 1st October 2000.

Any rented property with multiple, unrelated tenants must be licensed by Aberdeen City Council and meet HMO requirements.

JFK can organise the HMO application for your property, as well as arrange the necessary work. As part of our factoring service, we ensure your property is always kept up-to-code prior to and throughout the let.

## Houses In Multiple Occupance (HMO) Details

An HMO is residential property occupied by 3 or more persons, not being members of the same family, where it is that person's only or principal residence in the United Kingdom, and who share facilities i.e. toilet facilities, washing facilities and cooking facilities.

Legislation requires that owners of houses in multiple occupation (HMO) are licensed by the local authority. The main objective of HMO licensing is to ensure that HMO tenants are provided with safe accommodation in which to live.

Examples of HMOs include:

- Bedsits: dwellings that have been partially subdivided to provide some separate accommodation along with shared facilities such as bathroom or kitchen
- Lodgings or boarding accommodation with the owner in residence where the lodger or boarder is not part of the owners household
- Houses or flats occupied by a number of unrelated adults who live together as a household
- Hotel, guest house or bed and breakfast accommodation which is used as a main residence
- Large communal accommodation such as hostels, lodging houses and halls of residence for students or nurses.

Information on Space Standards can be found in the Downloadable Forms section below.

The Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 required all Local Authorities to introduce a system to license owners of Houses in Multiple Occupation.

Failure for an owner to be licensed is a criminal offence and may result in a fine not exceeding £5,000. Licensing Procedure

An owner is required to submit a completed Application Form together with the relevant licensing fee. The monies from the licensing fees are required to self-finance the licensing scheme.

An owner is required to post a Notice of Display for 21 days (copy of the application inviting objections to the grant of the licence) at or near the relevant premises, so that it can be conveniently read by the Public.

Objections must be in writing and submitted to the HMO Unit Manager.

The application should also be accompanied by:

- A completed application form. Please ensure this is fully completed.
- The exact licence fee.
- A copy of the fire detection and fire alarm compliance certificate (see guidance notes.)
- A copy of the tenancy agreement you intend to utilise. An "anti-social behaviour" clause must be included.
- A copy of a gas safety certificate, (where applicable) which must be completed by a Corgi Registered engineer.
- A copy of the periodic inspection report for the property's electrical installations.
- A copy of the portable appliances testing (PAT) certificates. This is the safety certification for the electrical appliances you provide.
- A simple sketch plan of the property.
- A completed &ldquo;Notice of Display.&rdquo; This must be the original notice and this notice must have been displayed in a prominent position near the property, where it can be easily read by all neighbours for 21 days from the date you submit your application and fee.

The Application fee is non-refundable.

There are conditions applied to the grant of the licence which pertain to the health, safety and welfare of the tenant's and protect the interests, to a limited extent, of the owner through the tenancy agreement.

The enforcement for fire safety in HMO's is incumbent on Grampian Fire & Rescue, however, where there is inadequate or unsuitable provision for fire safety the Licensing Committee may deem the premises as being "not suitable for the conduct of" operating a HMO "having regard to public safety".

Copies of all applications are submitted to Grampian Police and Grampian Fire & Rescue as statutory consultees, and applicants are advised to contact Planning & Building Control Services for advice where relevant.

- Grampian Police are requested to instigate a search to advise whether the applicant is a "fit and proper person".
- Grampian Fire & Rescue are advised as the enforcement agency for fire safety in HMO's.
- Applicants are advised to contact Planning where the number of residents they allow to occupy is greater than 6.
- Applicants are advised to contact Building Control when any works they carry out to comply with the conditions of licence requires a building warrant.

Details of the license fees are listed below.

The HMO Unit consists of:

- 1 x Senior Environmental Health Officer, reporting to the new Public Protection Manager.
- 2 x Authorised Officers who ensure compliance with the legislation.
- 1 x Administration person who processes applications and is responsible for all admin in Unit
- 2 x Agency staff who are on the streets identifying those owners who are not licensed
- 1 x temporary clerical person, who assists the Administration Person.

The Decision Process

The HMO application will be processed within a maximum period of 3 months dependant on submission of the appropriate documents and certificates and completion of all requirements. The Council is required to decide on the application within 1 year.

Applicants who comply fully with the conditions of licence, do not attract local objections to the grant of the licence and there are no adverse comments from Grampian Police as to the applicants' being "a fit and proper person", the Corporate Director of Neighbourhood Services Central Area has delegated powers to grant the licence.

Applicants who do not comply with the conditions of licence, attract local objections to the grant of the licence, and the police submit adverse comments as to the applicants' being "a fit and proper person", the application is submitted to the Licensing Committee to consider the application. The Licensing Committee can grant the licence, refuse the licence or revoke an existing licence. The appeal procedure is to a Sheriff.

For advice on this matter, please contact the City Council's HMO Unit using the contacts below.

Service provided by: Neighbourhood Services Central