

## **Appendix 2**

### **Conditions for Houses in Multiple Occupation (HMOs) licensed under part 2 Housing Act 2004**

These conditions are attached to every HMO Property Licence issued by Hounslow Council.

It is the licence holder's responsibility to ensure that the licensed property complies with all the conditions set out below. Failure to do so is an offence and could lead to prosecution or imposition of a financial penalty and the licence being revoked.

If the licence holder is not the manager of the property it is their responsibility to ensure that the manager complies with all the conditions of the licence.

The property licence must be displayed within a communal area of the property and a copy of the conditions should be made available to all the occupying tenants

#### **1. Permitted Occupancy**

1.1 The licence holder must not let the property or parts of the property to numbers of households and/or persons exceeding the maximum numbers specified in the licence.

1.2 Where the numbers are more than the permitted levels at the time of the granting of the licence, the licence holder must take the appropriate legal steps to reduce the numbers at the earliest opportunity.

1.3 Where a tenant (or tenants) allows someone to move into their accommodation so that the permitted number for that accommodation is exceeded, the licence holder must again take the appropriate legal steps to reduce the numbers at the earliest opportunity.

#### **2. Requirement for works to be carried out**

2.1 The licence holder must carry out any necessary improvement works identified as being a condition of the issued licence. Where such works are specified, they should be undertaken within the given time periods.

#### **3. Gas Safety**

3.1 If gas is supplied to the house, the Licence Holder must provide a valid gas safety certificate to show that all the gas installations and appliances have been checked, by a recognised engineer on the gas safety register, and comply with the Gas Safety (Installation and Use) Regulations 1998.

3.2 The Licence Holder must have a valid gas safety certificate in place for the duration of the licence. This must be provided when you apply for the licence and as and when requested by the Council.

## **4. Electrical Safety**

4.1 The electrical installation including fixed appliances is to be maintained in good order in accordance with the current IEE Regulations.

4.2 The Licence Holder must hold a valid current Domestic Electrical Installation Periodic Report for all of the electrical installations throughout the period of the licence. (i.e. dated as within the previous 5 years) The Licence Holder must provide a declaration on application as to the safety of the installation at the time, and thereafter as and when requested by the Council.

4.3 All the recommendations for urgent attention and improvement (Codes 1 and 2) within the report must be carried out within 28 days of the report being issued.

## **5. Furniture and Furnishings**

5.1 All furniture provided in the unit of accommodation and supplied by the Licence Holder must comply with the Furniture and Furnishing (Fire) (Safety) Regulations 1988 (as amended), such as soft furnishing, pillows, filling for cushions, upholstered furniture etc.

5.2 The Licence Holder must provide a declaration as to the safety of such furnishings as and when requested by the Council.

## **6. Fire Safety**

6.1 The Licence Holder must ensure that appropriate smoke alarms are installed in the house and keep them in proper working order.

6.2 The Licence Holder must provide a declaration as to the condition and position of such alarms in the dwelling as and when requested by the Council.

6.3 The Licence Holder must provide the Council with copies of annual reports/certificates for the testing and inspection of fire alarms, emergency lighting and equipment provided for firefighting purposes where provided.

6.4 The Licence Holder must ensure that all residents are fully aware of the procedures to be followed in the event of a fire.

## **7. Carbon Monoxide Alarms**

7.1 The Licence Holder must install and maintain in proper working order a carbon monoxide alarm in any living room in the house which contains an appliance which burns solid fuel (coal or wood etc.). This includes rooms which are wholly or partly used as living accommodation, halls, landings, bathrooms and lavatories.

7.2 The Licence Holder must provide to the Council, on demand, written details of the condition and positioning of all Carbon Monoxide alarms.

N.B: A carbon monoxide alarm is not required in a room where there is only a non-functioning, purely decorative fireplace.

Tenants should be advised that they must not open or use sealed fireplaces or decorative fireplaces to burn solid fuel if no such alarm is provided.

## **8. Heating and Insulation**

8.1 The licence holder must ensure each letting has a system of fixed space heating capable of maintaining an indoor temperature of at least 21°C in habitable rooms, including bathrooms, when the outdoor temperature is –1°C. The system is to be efficient, suitably sized and have sufficient controls to enable the occupier to regulate the temperature within their letting.

8.2 The licence holder must ensure the property has adequate thermal insulation to minimise heat loss through the building structure.

## **9. Tenancy Management**

9.1 The Licence Holder must provide each of the occupiers of the house with a written statement of the terms and conditions on which they occupy the house (e.g. a tenancy or licence agreement). The licence holder must declare at the point of application that they provide these terms to the occupiers and provide a copy of the statement(s) as and when requested by the Council.

9.2 The Licence Holder must ensure that occupants of the house receive written confirmation about how they must report repairs and emergencies should they arise.

9.3 The Licence Holder must protect any tenancy deposit taken under an assured short hold tenancy by placing it in a statutory tenancy deposit scheme and must advise the tenants where it has been placed.

9.4 The Licence Holder must ensure compliance with legal requirements when bringing a tenancy to an end.

## **10. Managing Anti-Social Behaviour**

10.1 The Licence Holder must take all reasonable and all practicable steps for preventing and dealing effectively with anti-social behaviour by people occupying or visiting the premises; and for the use of the premises for illegal purposes.

10.2 The Licence Holder must obtain references from all persons who wish to occupy the house. No new occupier should be allowed to occupy the property if they are unable to provide a reference. The licence holder must provide evidence of reference checks carried out as and when requested by the Council.

10.3 The Licence Holder must ensure that the written statement of the terms and conditions upon which the house is occupied contains a clause holding the occupants responsible for any anti-social behaviour by themselves and/or their visitors.

10.4 The Licence Holder must cooperate with the Council, the Police Service and any other agencies in resolving complaints of anti-social behaviour that concern occupiers of the premises or their visitors. Where anti-social behaviour is discovered, the Licence Holder must inform the tenant in writing of the matter within 14 days and take all appropriate steps to prevent the continuance which may include legal eviction proceedings.

10.5 The Licence Holder must keep records of any correspondence and written notes relating to anti-social behaviour for the premises for a period of 5 years.

10.6 The Licence Holder must provide details of investigations undertaken in relation to anti-social behaviour associated with their tenants and/or their visitors, providing the names of all involved persons as and when requested by the Council.

## **11. Property Management Arrangements**

11.1 The Licence Holder shall ensure that the property is maintained in compliance with the Housing Act 2004, The Management of Houses in Multiple Occupation (England) Regulations 2006 for HMOs with shared amenities. For HMOs consisting of self-contained flats, then The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 apply.

11.2 The common parts in the premises should be kept free from obstruction, kept in a clean condition and in good order.

11.3 The condition of the resident's rooms on commencement of tenancy agreement should be in a reasonable decorative condition.

11.4 The Licence Holder must ensure that gas or electricity supplies to common parts or shared amenities are not disconnected or threatened with disconnection due to non-payment of monies owed to the relevant statutory undertaker.

11.5 Where rents are inclusive of gas or electricity the Licence Holder must ensure that gas or electricity supplies to units of accommodation are not disconnected or threatened with disconnection due to non-payment of monies owed to the relevant statutory undertaker.

11.6 The Licence Holder must ensure that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.

11.7 The Licence Holder must ensure that all outbuildings, yards, forecourts and gardens surrounding the house and alleyways within the property curtilage are maintained in reasonable repair. They must also be kept in a clean, tidy and safe condition, and free from infestations.

11.8 The Licence Holder must ensure that any kind of refuse and rubbish which the Council will not collect (e.g. bulky items and hazardous waste) are disposed of responsibly and appropriately.

11.9 The following should be displayed in the common parts of the premises:

- Copy of the licence (incorporating where the licence conditions can be viewed)
- Copy of the current Gas Safety Certificate
- Name, address and telephone number (including an emergency contact number, if different) of the Licensee or Manager of the premises

This management information should be clearly displayed in a prominent position within the house or added to the Licence/Tenancy Agreement as an Appendix.

11.10 The Licence Holder must make arrangements for regular inspections of the property to ensure that it is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions. A copy of the management arrangements and a log of the inspections carried out must be provided as and when requested by the Council.

11.11 The Licence Holder must cooperate with the Council by allowing an authorised person with identification to access the house for carrying out licence compliance checks. Officers would normally give at least 24 hours' notice to the Licence Holder, but unannounced visits may be made by authorised officers as deemed reasonable and appropriate.

## **12. Disposal of Refuse**

12.1 The License Holder is responsible for ensuring occupiers manage the waste appropriately and liaise with the local authority to ensure the property is supplied with the appropriate bins and recycling containers for the number of occupants.

12.2 The Licence Holder must ensure that sufficient bins and other suitable receptacles are provided for the storage of refuse and litter pending their disposal.

12.3 The Licence Holder must arrange 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.

12.4 For advice on the appropriate refuse storage capacity and to obtain refuse and recycling containers, contact Waste and Recycling services at the London Borough of Hounslow. Visit [www.hounslow.gov.uk](http://www.hounslow.gov.uk),

## **The Main Terms of the Licence, General Requirements and Duration**

1. This licence relates to the address specified on the certificate. A licence may not relate to more than one HMO.
2. A licence may be granted before the time it is required, but if so, the licence will not come into force until that time.

3. The licence comes into force on the date specified on the licence and will continue in force for the period specified on the licence unless;
  - The licence holder dies when the licence is in force; the licence ceases to be in force on the death of the licence holder.
  - The licence is revoked under section 70 of the Housing Act 2004.
4. The licence continues to remain in force for the period specified on the licence even if the premises are no longer an HMO, unless a valid application is made for the licence to be revoked under section 70 of the Housing Act 2004.
5. This licence may not be transferred to another person.
6. If the licence holder dies during the licence period, during the period of 3 months beginning with the date of the licence holder's death, the premises is to be treated for that period (the initial period) as if a temporary exemption notice had been served, exempting the premises from the requirement to be licensed. Sections 62 and 68 of the Housing Act 2004 will apply.
7. If at any time during the initial period, the personal representatives of the deceased licence holder request the council to grant a further exemption the authority may serve on them a notice which, during the period of 3 months after the date on which the initial period ends, has the same effect as a temporary exemption notice under section 62.