



HOUSES IN MULTIPLE OCCUPATION: A GUIDE FOR NEIGHBOURS



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People often feel uneasy about having houses in multiple occupation in their area. They may have concerns about disturbance and noise, about maintenance and safety, and about the welfare of the tenants. This leaflet tells you about the licensing scheme which aims to ensure that this type of accommodation is safe, well-managed and of good quality.

What is a House in Multiple Occupation?

A property may be a House in Multiple Occupation (an HMO) if it is the principal residence of three or more unrelated people.

The most common types of HMO are shared flats and houses or bedsits, but they also include:

- Staff accommodation in hotels, hospitals, etc.
- Student halls of residence
- Hostels, for homeless people or temporary workers
- Some types of supported accommodation.

All HMOs must be licensed, including those owned by public bodies such as local authorities or the NHS.

What does HMO licensing mean?

The owner of an HMO is required by law¹ to have a licence from the local authority. Before granting a licence the local authority will check that standards are met in three areas. A licence can be suspended if standards are not maintained throughout the period of the licence.

1. The owner and any manager of the property must be “fit and proper persons” to hold a licence.

The main requirement is that they do not have any convictions that would make them unsuitable to rent out property, such as for fraud. Other information may also be taken into account.

2. The property must be well managed.

- The landlord must deal fairly with the tenants and comply with the law on renting property.
- The property must be maintained in good condition.
- Tenants must be made aware of their obligations, for things such as putting out rubbish and cleaning common areas, and to ensure their behaviour does not cause nuisance or distress to other people in or around the HMO. If there are any problems the landlord must take action to address them.

3. The property must meet required physical standards.

These ensure that the property is large enough and has adequate kitchen and bathroom facilities for the number of occupants, that gas and electrical appliances are safe and there are appropriate fire safety measures.

What should I do if I suspect an HMO is operating without a licence?

Contact the local authority. They are required to keep a register of all the licensed properties in their area. If the property is not licensed, and should be, they will take action.

What if there are problems with tenants of a licensed HMO?

It is usually best to speak directly to the tenants first. Problems can often be solved just by explaining what is wrong. If this is not successful, contact the landlord and ask them to remind their tenants of their obligations. Most local authorities require HMO landlords to provide neighbours with contact details. If the landlord does not take effective action, then you should contact the local authority. They can speak to the landlord, and consider whether he may be in breach of licensing conditions.

1. The Civic Government (Scotland) Act 1982
(Licensing of Houses in Multiple Occupation) Order 2000

Can I object against an application for an HMO licence?

When a landlord applies for a licence, he is required to display a notice outside the property for 21 days to let people know. This notice will say how you can submit objections, and give a closing date.

Your objection must be in writing, must include your name and address and must be signed by you, or on your behalf. For an objection to be valid it must be for specific reasons.

The local authority will not automatically refuse an application just because there is an objection to it. The objection will be copied to the applicant, who will have an opportunity to respond. The local authority will take into account all the information they have about the HMO and the landlord before making their decision.

The local authority may decide to hold a hearing to decide on the application. If so, all objectors and the applicant will be given at least seven days' notice and will be invited to attend and speak at the meeting.

When the local authority has made its decision, you will receive notification within seven days. If you disagree with the decision you have a right to appeal to the Sheriff Court. Appeals must be made within 28 days of the decision. If you are considering an appeal to the Sheriff you should consult a Solicitor or Citizens Advice Bureau for further information.

What if I think standards are not being met?

You can make a complaint about an HMO at any time, if there are problems at the property or you believe the owner or manager is no longer a fit and proper person. Contact the local authority; they will investigate and take action if necessary.

Objections can also be lodged when an application is made for a renewal of licence, in the same way as for the first application.

Can the council limit the number of HMOs in an area?

HMO licensing is intended to control the standards and management of each HMO individually. Controlling the balance of development in an area is a matter for the Planning authority. Not all HMOs need to apply for planning permission, and for some types it depends on the local planning policies whether permission is required, and in what circumstances it will be granted. If you are concerned about the number of HMOs in your area you should contact the local authority planning department to find out their policy for that area.

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