

## Problems with HMOs

This information is for private landlords.

The council will get involved if complaints are made about your HMO. It will investigate and can deal with problems by:

- issuing a statutory notice
- issuing a fixed penalty notice
- prosecuting the HMO owner and manager
- revoking your licence

### Statutory notices

These notices tell the HMO owner and occupants that the council has confirmed an issue that must be remedied.

Statutory notices can include:

- a hazard notice
- an overcrowding notice
- a suitability notice

## Hazards in HMOs

A hazard exists when there is a risk of harm because the property is unsafe.

Some of these risks include:

- exposure to damp or excess cold
- exposure to asbestos or chemicals

- lack of space, lighting or security
- uneven flooring or risks of falls

[A full list of risks specifies which circumstances are considered as hazards in HMOs.](#)

## **Hazard notice**

If the council finds a hazard, or multiple hazards, you may be served with a hazard notice.

A hazard notice:

- identifies each hazard and what is causing it
- may include details of the work needed to address the fix the hazard
- explains if all or part of the property can be used while the hazard exists
- comes into effect 28 days after it is served

The council can issue a fixed penalty notice for £5,000 if you allow the HMO to be used in a way that is prohibited in the hazard notice.

You can [appeal a hazard notice](#) at county court.

## **Emergency hazard notice**

If the council thinks there is an immediate risk of serious harm to the health or safety of the occupiers, a council officer may issue an emergency hazard notice.

It must be served on the occupants on the day it is issued and comes into effect immediately.

## **Dealing with hazards in HMOs**

The hazard notice may specify:

- the work needed to remedy the hazard (also called a 'works requirement') and
- a deadline for completing this work

Once the council is satisfied that the work is complete, the hazard notice will be cancelled.

## **Asking tenants to leave while work is carried out**

Depending on the nature of the hazard, you may need to ask your tenants to leave the property until the work is finished.

### **How this impacts your tenancy terms**

If you ask your tenant to leave, they might view this as a termination of contract.

But if your tenant wants to return to the property, you must allow them to continue their tenancy under the same terms once the work is finished.

### **Offering alternative accommodation**

If you have another available property, you could offer this to your tenant. But you're not legally required to provide alternative accommodation, unless your tenancy agreement says otherwise.

You cannot continue to charge rent for the property if you have asked your tenants to leave temporarily.

### **If your tenants refuse to leave**

If your tenants refuse to leave and you can't carry out the work, contact the council. You may need to get a court order to get your tenant to vacate.

In extreme cases, the council can decide to carry out the work and they can order the tenant to leave. The council can issue a fixed penalty notice for £500 if they refuse to leave.

The council will cancel the hazard notice once the hazard is no longer present.

## **Overcrowding in HMOs**

Only a specific number of people are allowed to live in your HMO. Your tenants are allowed to have guests but you should ensure your property does not become overcrowded.

Overcrowding happens when the number of people living in a HMO is above the licensed amount.

Overcrowding in HMOs is a serious offence and you can be issued with an overcrowding notice if the council believes your HMO is or is likely to become overcrowded.

## **Working out how many people can live in a HMO**

Council officers use two different standards to work out how many people can live in a HMO: the room standard and the space standard.

### **The HMO room standard**

A HMO is overcrowded if a person aged 13 or older must sleep in the same room as:

- any person of the opposite sex who is also over 13, or
- a couple

### **The HMO space standard**

A HMO is overcrowded if there are too many people sleeping in a bedroom or living room. [The law sets the space standard measurements](#) for how many people can safely sleep in a room.

When counting people for the space standard, a child under 12 is counted as half a person. A baby under the age of one is not counted.

If a room is only used as a bedroom, the space standard allows a maximum of:

- one person in a room measuring between 6.5m<sup>2</sup> and 11m<sup>2</sup>
- two people in a room measuring between 11m<sup>2</sup> and 15m<sup>2</sup>
- three people in a room measuring between 15m<sup>2</sup> and 19.5m<sup>2</sup>

Four people can sleep in a room measuring 19.5m<sup>2</sup> and one extra person can sleep in that room for every 4.5m<sup>2</sup> above 19.5m<sup>2</sup>.

A room measuring under 6.5 metres squared is not suitable for use as a bedroom.

The council uses a specific method to measure rooms, accounting for sloped ceilings and chimney breasts.

## **Overcrowding notice**

Allowing a HMO to become overcrowded is an offence.

The council can serve an overcrowding notice if an officer believes that:

- a HMO is currently overcrowded or
- a HMO is likely to become overcrowded

For example, there is an 11-month-old baby in the HMO and the property is at maximum occupancy. The property will become overcrowded once the baby turns one.

You can [appeal an overcrowding notice](#) at county court.

## **Dealing with overcrowding in HMOs**

If you're served with an overcrowding notice, you must take action to reduce the number of people living in the property. This usually means starting the process to evict one of the tenants.

Your tenants still have the right to receive [proper notice to quit](#). If your tenant is within a fixed-term tenancy agreement, and they haven't breached the terms, you may not be able to evict them.

In this case, you can consider:

- offering the tenant alternative accommodation or a financial incentive to leave early
- [using mediation](#) to try and reach a compromise

If you don't take action to try and comply with an overcrowding notice, the council can make you pay a penalty of up to £5,000.

## **Suitability notice**

The council can serve a suitability notice if it believes that a HMO is not suitable for the number of occupants.

This usually means that the property does not meet [HMO standards](#). For example, if a property has eight tenants but only one bathroom for all occupants to share.

A suitability notice may specify work that needs to be carried out by a certain date to make the property suitable. If the work is completed by this date, the suitability notice will be revoked.

You can [appeal a suitability notice](#) at county court.

## More advice

- [HMO standards](#)
- [HMO licensing](#)
- [Losing your HMO licence and appeals](#)

## Footnotes