

Thurrock Council

Essex amenity standards for Houses in Multiple Occupation

A guide to the minimum standards for amenities and space permitted in a house in multiple occupation.

Introduction

Houses in Multiple Occupation (HMOs) play an important role in local housing markets across Essex. Increasingly HMOs are becoming more diverse as housing pressures and costs rise and a wider range of residents seek some form of shared accommodation. Essex councils want to ensure that this growing sector has clear guidance on how to develop suitable accommodation with some flexible options based on an understanding of the housing stock and the need for good quality HMOs across the County.

For the purposes of this guide to amenity standards, we have distinguished HMOs according to whether they are:

HMO with shared facilities kitchen, dining, living room	HMO with shared kitchen facilities but without shared living space	HMO without shared facilities traditional bedsits or studio flats including kitchen facilities
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Status of this document

Enforcement of amenity standards in HMOs is undertaken using the Housing Health and Safety Rating System (HHSRS) created by the introduction of the Housing Act 2004. In addition, most HMOs occupied by 5 or more people will require a licence under the Housing Act 2004 and in considering an application for such a licence the authority must be satisfied that the property is reasonably suitable for occupation by the number proposing to live there.

Some standards are prescribed in the Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) Regulations 2006(SI2006/373). The authority also has power to specify other standards and this document outlines those standards which should be interpreted as guidance to landlords as to what the local authority is likely to consider reasonable taking account of property type and layout. It should also be noted that a local authority may consider, in certain justified circumstances that a higher standard than specified in this guidance is required and landlords are advised to discuss their specific property with council officers prior to carrying out alterations.

This document has been put together by the Essex Local Authorities as a guide on the standards expected in HMOs within Essex taking account of the aforementioned Regulation and also includes recommendations for good practice. The standards have been widely consulted upon and adopted by each participating Local Authority, giving the standards significant weight behind their application to support enforcement in such properties.

Full compliance with the standards contained in this document means that formal enforcement action against an HMO Landlord for amenity-related issues should not be necessary. Conversely, failure to comply with them places a Landlord at heightened risk of enforcement action.

This document will be subject to review at least every 3 years or earlier if considered necessary as a result of any relevant legislation or changes in government guidance or policy.

The structure of this document identifies:

- **legal requirements that are set out in bold type** – these are requirements contained within national legislation; non-compliance with the requirement is an offence for which a Landlord may face formal enforcement action, potentially including prosecution or a civil penalty of up to £30,000
- **requirements that are set out in black standard type** – these are the *minimum* requirements generally expected, whilst also considering the individual property itself; non-compliance with such a requirement may not constitute an offence in its own right, but a local authority is likely to require it as a condition of the licence which can then be enforced as such
- **recommendations that are set out in underlined type** – these are recommendations agreed upon by the Essex Local Authorities and are good practice suggestions designed to help minimise issues for tenants in the property and help create good quality HMO accommodation

Links to other design and management considerations

At the back of this document Table 5 provides information and links to a range of design and management considerations which need to be considered to ensure that extra legal requirements and the additional responsibilities of running HMO accommodation can be fully demonstrated. Where landlords and managers are not clear about what is required then they should make enquiries with the relevant council.

Table 1: Minimum room size requirements

Room size requirements are given in square metres (sqm). For clarity, a room size of 12sqm is equivalent to a room measuring 4m by 3m and also a room measuring 6m by 2m.

Room use	Number of occupants	HMO with shared facilities (kitchen, dining, living room)	HMO with shared kitchen facilities (no shared living room)	HMO without shared facilities (bedsits or studios)
Bedroom or letting	1	6.51sqm	8.5sqm	11sqm
	2	10.22sqm	12sqm	15sqm
Shared kitchen	Up to 5	7sqm	7sqm	
	6	8.5sqm	8.5sqm	
	7	10sqm	10sqm	
	8 -10	14sqm, or 2 rooms each 7sqm	14sqm, or 2 rooms each 7sqm	
Shared living / dining room	up to 5	11sqm	*5sqm	
	6	12sqm	*6.5sqm	
	7	13sqm	*8sqm	
	8	14sqm	*10sqm, or 2 rooms each 5sqm	
	9	15sqm	*10sqm, or 2 rooms each 5sqm	
	10	16.5sqm	*10sqm, or 2 rooms each 5sqm	

Notes:

- From 1 October 2018, national legislation requires that in all HMOs requiring a licence the minimum permitted floor area for any room used for sleeping is as follows:

10.22 sqm	Two people over 10 years-old
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6.51 sqm	One person over 10 years-old
4.64 sqm	One person under 10 years-old
Less than 4.64 sqm	Must not be used as sleeping accommodation

- Bedrooms, living rooms and dining rooms are all classed as habitable rooms and require adequate natural lighting (suitable window) and ventilation (normally by means of an openable window). Dimensions are based on useable room sizes with standard room heights (2.2-2.3 metres) and will not take into account any floor area where the floor to ceiling height is less than 1.5 metres
- These room sizes do not include space for bathroom/shower room or WC. Where en suite facilities are provided then this must be in addition to the space indicated above
- *In HMOs without a shared living room additional shared dining space is required close to a shared kitchen that is more than 1 floor distant from any letting room it serves

Table 2: Minimum requirements for kitchen facilities

Occupants	Kitchen area (sqm)	Work surface (m) (600mm standard depth)	Power sockets above worktop	Hob rings	Ovens	Grills	Sinks/ drainers with hot and cold water	Dry food storage cupboard	Fresh and Frozen food storage	Fire Blanket
All shared kitchens										
Up to and including 5	7	2	3 double	4	1	1	1	1x 500mm base unit or 1x 1000 wall unit per occupant	1 good-size refrigerator shelf per occupant, 1 good-size freezer shelf per	1 suitably located fire blanket in accordance with the current BS EN or
6	8.5	2.4	4 double	4	2+	2+	2#			
7	10	2.8	4 double	6	2+	2+	2#			
8	14 (7 x 2)	4	5 double	8	2	2	2			
9	14 (7 x 2)	4	5 double	8	2	2	2			

10	14 (7 x 2)	4	5 double	8	2	2	2	2	occupant	equivalent standard at the time of application or renewal	
Kitchens in individual lettings (bedsits and studios)											
1 or 2	4.5	1	2 double	2	1	1	1	1	1x 500mm base unit or 1x 1000 wall unit per occupant	1 good size refrigerator shelf per occupant 1 good size freezer shelf per occupant	1 suitably located fire blanket in accordance with BS 6575
					1	or a safely located combination microwave, oven, grill					

Notes:

- To provide some flexibility where 6 or 7 occupants share a kitchen:
 - a safely located combination microwave/oven/grill is acceptable in place of an additional oven and grill (+)
 - a dishwasher is acceptable in place of an additional sink/drainer (#)
- To clarify, where the requirement is for a space minimum of 14sqm this can be achieved by providing 2 rooms each of 7sqm
- See Table 4 below for general guidance relating to all HMOs including requirements for mechanical extract ventilation, waste disposal, hygiene and storage

Table 3: Minimum requirements for bathrooms, shower rooms and WC compartments

Occupants sharing	Bathrooms comprising 1 bath / shower unit with hot and cold water, and may contain a WC, but see * below	Separate WC compartment with wash hand basin with hot and cold water	Ventilation, suitable and adequate	Adequate size and layout: Minimum floor area for safe use of bathroom
Less than 5	1	0	Mechanical ventilation is required in all bathrooms and WC compartments which lack natural ventilation via an openable window. It will also be required, in addition to any natural ventilation, where necessary, to mitigate problems of damp and mould. <u>It is always recommended that where possible, in addition to any natural ventilation, mechanical ventilation is provided in all bathrooms and WC compartments.</u>	Bath only..... 2.3sqm Bath and WHB..... 2.5sqm Bath, WC and WHB..... 2.8sqm Shower only..... 1.7sqm Shower and WHB..... 2.0sqm Shower, WC and WHB..... 2.2sqm WC and WHB..... 1.2sqm
5	1	1		
6	2*	1		
7	2*	1		
8	2*	1		
9	2*	1		
10	2	2		
En suite for 1 or 2	1	0		Comments as above

Notes:

1. (*) For properties with 6-9 occupants sharing there shall be a minimum of 2 WCs and 2 bathrooms and one of the WCs must be separate.
2. **All bathrooms and toilets must be suitably located in relation to the living accommodation** – where facilities are shared they must be accessible from a common area; a bathroom must be no more than one floor distant in relation to the bedroom and the toilet must be within one floor of living and bedrooms
3. See Table 4 below for general guidance relating to all HMOs

Table 4: Guidance relating to all HMOs

<p>Insulation and heating</p>	<p>Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.</p> <ol style="list-style-type: none"> 1. Heating shall be provided in every habitable room, the common parts and bathroom capable of maintaining following internal temperatures when the external temperature is -1 °C: <ul style="list-style-type: none"> • living room, dining room and rooms used for sleeping 21 °C • bathroom 22 °C • elsewhere 18 °C 2. The heating provision must be capable of being safely used at any time and be suitably guarded. It must be suitable, affordable to operate, appropriate to the design, layout and construction of the dwelling and be controllable by the occupants. 3. In the case of gas central heating, radiators must be fitted with thermostatic valves and a programmable timer clock fitted. 4. An electrical heating system will be acceptable in the form of a combined storage heater/panel heater that can be run on both “off peak and standard day rate” electricity tariffs, together with a fixed electric fan heater, located in the bathroom, powered from a fused spur. It must be capable of providing instantaneous energy efficient heating and controllability, on the optimum electricity tariff available. 5. All appliances shall be maintained by a competent person. Gas appliances shall be inspected annually by a Gas-Safe Registered Engineer and certificated in accordance with the Gas Safety (Installation & Use) Regulations 1994 and all applicable British Standards. Work to electrical appliances must be undertaken by an electrician able to certify the work under the one of the following schemes: BRE Certification Limited British Standards Institution (BSI) ELECSA Limited NAPIT Registration Limited NICEIC Group Ltd. 6. The use of portable paraffin or oil fired heaters and liquefied petroleum gas heaters (LPG) (bottled gas heaters) are prohibited under any circumstances, whether provided by the landlord or the tenant. <p>All reasonable steps should be taken to insulate HMO accommodation to improve energy efficiency and reduce condensation risk. Particular attention should be paid to basement and attic rooms and conversions must comply with Building Regulations.</p>
<p>Power supply and electrical sockets</p>	<p>HMOs must be designed with adequate electrical power output for their expected loading. Conversion of buildings to large HMOs will require an increased electrical supply, over and above a standard domestic supply.</p> <p>Electrical sockets must be adequate in number and suitably located to minimise the need for use of adaptors and trailing</p>

	leads which introduce additional hazards. The following is expected as a minimum:		
	Bedrooms in shared houses (separate kitchen facilities and living room)	Bedsit (separate kitchen facilities)	Bedsit or studio flat (containing kitchen facilities)
	2 double sockets	3 double sockets	5 double sockets
	Adequate electrical sockets must be provided to serve all electrical appliances provided by the landlord. In shared kitchens a minimum of 3 double sockets must be suitably located above work surfaces. In shared living rooms , a minimum of 3 double sockets must be provided.		
Lighting and ventilation	<p>All habitable rooms must be provided with natural lighting with a glazed area of window equivalent to 1/10 of the floor area of the room. Bedsit rooms that do not have access to shared communal living space are expected to have an external view, not just a skylight view.</p> <p>Artificial lighting must be sufficient to adequately illuminate the room for its intended uses.</p> <p>All habitable rooms must be provided with adequate ventilation, normally by means of an openable area of window equivalent to 1/20 of the floor area of the room. Ventilation of a room through reliance on opening an external door is not permitted.</p> <p>All habitable rooms, kitchens, bathrooms, and toilet compartments shall have a minimum floor to ceiling height of 2130mm. In the case of rooms with sloping ceilings, there shall be a minimum height of 2130mm over half of the floor area of the room. Floor area measurements shall be taken on a plane 1500mm above the floor. Any floor area where the ceiling height is less than 1500mm high shall be disregarded.</p> <p>Mechanical ventilation in kitchens, bathrooms and WC compartments must operate on suitable systems to remove moist air and minimise noise disturbance. Mechanical ventilation must comply with the Building Regulations that are current at the time of application. Any installation shall be fitted with an overrun device usually connected to the lighting circuit of the room unless the fan is humidity controlled, where this may not be possible.</p> <p>All rooms must have controllable trickle vents and/or windows that can be securely locked in the night-latch position to provide background ventilation without losing too much heat.</p> <p><u>Recommendation / good practice</u></p> <p><u>Positive pressure whole house ventilation systems are becoming increasingly popular with HMO landlords as a way of managing indoor air quality and reducing the risk of condensation and mould growth. All such systems must be installed and serviced in accordance with manufacturers recommendations and have room by room control.</u></p> <p><u>HMOs located where air pollution levels are likely to be particularly high should be designed with air intakes that minimise</u></p>		

	<p><u>pollution ingress into the building, having regard to the design principles contained in Appendix D of Building Regulation Approved Document F.</u></p>
<p>Hygiene in kitchens and bathrooms</p>	<p><u>Floor and wall coverings, kitchen and sanitary fittings must be washable and impervious and be capable of being easily cleaned.</u></p> <p><u>Recommendation / good practice</u></p> <p><u>Floor and wall coverings around baths and showers in particular should be designed to minimise the risk of leaks. Correctly installed specialist flooring and wall-boards can help to reduce this risk. Regular maintenance checks will ensure that facilities are being used correctly and help to identify damage to seals, screens, doors and other fittings.</u></p>
<p>Clothes washing and drying</p>	<p><u>Recommendation / good practice</u></p> <p><u>Adequate facilities should be provided for washing and drying clothes, including a washing machine for up to 6 occupants. Drying facilities must be designed for year round use to minimise condensation and mould growth, particularly in bedrooms. In practice this means that unless a whole house, positive pressure ventilation system is installed then either an externally vented or condensing type tumble drier or a suitably heated and ventilated drying room should be provided in addition to any external drying facilities.</u></p>
<p>Food storage</p>	<p><u>In addition to the sink base unit and hygienic storage for cooking utensils, cutlery and crockery, a food storage cupboard minimum (500mm wide base unit or 1000mm wide wall unit) must be provided per occupant. In HMOs let under separate tenancies cupboards and a small fridge may be located in bedrooms (if no more than one floor distant from the nearest kitchen) but this must not unreasonably compromise the overall bedroom floor area.</u></p> <p><u>Adequate space for the storage of fresh and frozen food must be provided for each occupant. This means space equivalent to one good sized shelf/compartment in a shared refrigerator and a good sized shelf/compartment in a shared freezer.</u></p> <p><u>Recommendation / good practice</u></p> <p><u>In HMOs let under separate tenancies secure storage of dry, fresh and frozen food is desirable, either in lockable cupboards, fridge and freezer compartments or suitably stored in bedrooms (if no more than one floor distant from the nearest kitchen).</u></p>
<p>Waste disposal</p>	<p><u>Adequate and hygienic waste disposal arrangements must be in place within the HMO. In practice this means the provision of suitable bins/receptacles and on-site waste management arrangements having regard to:</u></p> <ul style="list-style-type: none"> • the number of occupants • the type and size of HMO accommodation

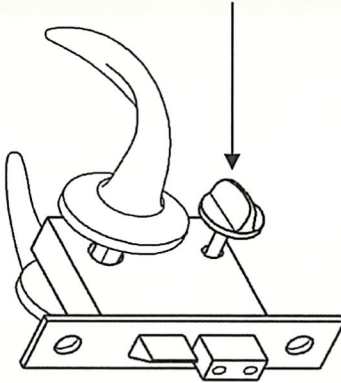
	<ul style="list-style-type: none"> the waste collection and recycling arrangements available either through the local council domestic collection service or a commercial waste contract <p>From 1 October 2018 all HMOs requiring a licence must comply with the local authority storage and waste disposal scheme (if one exists)</p> <p>The adequacy of waste disposal arrangements will also be subject to compliance checks under the HMO management regulations.</p>
<p>Security</p>	<p>HMO design must adequately control security risks without compromising fire safety. External doors must be openable from inside without the use of a key and securely lockable from the outside with either:</p> <ul style="list-style-type: none"> a key a security code a door entry system <p>In all circumstances other than HMOs which are occupied by a stable, cohesive group of sharers (i.e. a genuine shared house), individual letting rooms must be securely designed. This means doors to individual lettings must be fitted with a combined lock and latch, where the lock is operated from the inside of the bedroom by a thumb-turn or lever, rather than a key. For example a euro cylinder type lockset:</p> <div style="text-align: center;">  <p>The diagram shows a cross-section of a door lock assembly. On the left, a 'Latch bolt' is shown protruding from the door edge. On the right, a 'Dead bolt' is shown protruding from the door edge. A 'thumb-turn' operated lock mechanism is shown on the door face, with an arrow pointing to it from the text below. The thumb-turn is a curved lever that can be rotated to engage or disengage the bolts.</p> </div> <p>Note. The 'thumb-turn' operated lock should be sited on the room side of the door to facilitate escape without the use of a key.</p> <p>This provides adequate security and ease of escape, and avoids occupants locking themselves out of their rooms. Key operated window locks are required to all accessible windows (ground floor, basement and adjacent to external structures such as fire escapes and flat rooves). Where the window is an escape window that is an integral part of the means of escape from fire then a suitable alternative security feature will be required. Please also see section above regarding food storage and security.</p>

Table 5: Other design and management considerations

HMO licensing	<p>Certain HMOs must be licensed and it is the responsibility of HMO owners and managers to check requirements in the areas in which they operate HMOs. Failure to licence a licensable HMO is an offence which may result in:</p> <ul style="list-style-type: none"> • prosecution or a civil penalty of up to £30,000 • rent repayment orders for rent paid when the HMO was required to be licensed • naming on a national rogue landlord list
Planning permission	<p>Planning permission is required where 7 or more (non-family) residents will share facilities. Also required where a larger building will be divided to create two or more smaller units of self-contained accommodation.</p> <p>In some council areas, additional controls on the conversion of smaller HMOs (known as Article 4 Direction Orders) have been introduced. In those areas, planning permission will be required in order to create an HMO with less than 7 residents.</p> <p>Check with your <u>local planning department</u> to find out whether there are any planning restrictions which could impact on your business plans.</p>
Building regulations	<p>Approval under the building regulations is likely to be required for a range of HMO conversion works including:</p> <ul style="list-style-type: none"> • installation of additional kitchen or bathroom facilities that require waste connections • changes in layout including adding or removing walls and or doors and windows <p>Compliance with building regulations can be achieved through <u>local authority building control</u> or alternative providers.</p>
Council tax	<p>Council tax is charged on any individual unit of accommodation that has its own kitchen facilities. In such circumstances the occupier is liable for payment of the Council Tax bill.</p> <p>Liability for council tax will remain with the HMO owner where kitchen facilities are shared, although HMOs occupied entirely by full time students will be exempt from council tax, subject to submission of the documentation required by the local council house.</p> <p>Council tax fraud is an offence which deprives funding for local services. Check council tax liability with the local council.</p>
Fire safety	<p><u>National guidance</u> was published in 2008 to address fire safety requirements in certain types of housing including HMOs. It includes examples of how to develop risk appropriate designs having regard to the size and type of HMO proposed. Further guidance is likely to be available through your local council's private sector housing/housing standards team or its website.</p> <p>A fire safety risk assessment is required in all HMOs and shared buildings, except those occupied by a cohesive group</p>

	<p>of sharers under a single tenancy. The responsible person (normally the HMO owner) must undertake a fire safety risk assessment to identify fire safety risks and controls throughout communal areas of the building. Management arrangements must be put in place to ensure that risks are adequately controlled.</p> <p>There is further guidance on <u>fire safety risk assessment in sleeping accommodation</u> and via Essex County Fire and Rescue Service.</p>
HMO management regulations	<p><u>The Management of Houses in Multiple Occupation (England) Regulations 2006</u> apply to all houses which are occupied by three or more unrelated people where one or more basic amenities (WCs, bathrooms, kitchens) are shared. HMO owners and managers must ensure that their accommodation is adequately managed in accordance with these requirements which reflect the additional risks and responsibilities associated with managing this type of accommodation.</p> <p><u>The Licensing and Management of Houses in Multiple Occupation (Additional Provisions)(England) Regulations 2007</u> apply to houses converted into self-contained flats, as defined by s257, Housing Act 2004 (known as section 257 HMOs). It is a criminal offence to breach HMO management regulations.</p>
Parking and/or cycle storage	<p>Where required, planning permission is likely to be dependent on the provision of either adequate vehicle parking and/or secure cycle storage for the number of occupants.</p> <p><u>Regardless of planning requirements, we recommend that you plan these facilities wherever possible to help occupants to address their transport needs, to reduce the potential for conflict with neighbours, and to help avoid management problems such as cycles blocking fire escape routes.</u></p>
Private rented sector code of practice	<p>The <u>Private Rented Sector Code of Practice</u> has been produced by the lettings industry to cover the entire private rented sector. It is a useful central source of information and covers many issues relevant to HMOs. The code makes it clear to all members that a professional approach to letting is required and that ignorance and inexperience are no excuse for poor practice.</p>