

Houses in Multiple Occupation Act (Northern Ireland) 2016

# **Standard Licence Conditions for Houses in Multiple Occupation (HMOs) in Northern Ireland**

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## **Section 1 - Introduction**

1. The conditions imposed within this document shall apply to all houses in multiple occupation (HMOs) in Northern Ireland and are imposed for the purpose of regulating –
  - a. the management, use and occupation of the HMO;
  - b. its condition and contents.
2. The council may include further conditions in the licence in addition to the conditions contained in this document. Such conditions if imposed shall be appended to the licence certificate.

## **Section 2 - Permitted Occupancy**

## **Section 31(1)**

3. During the period of the licensing the licensee shall ensure that the accommodation shall be occupied by no more than the number of persons who are authorised by the licence to occupy the HMO as their only or main residence.
4. During the period of the licensing the licensee shall ensure that any specific room occupancy level in the accommodation (if so specified) in the licence shall not be exceeded.

## **Section 3 – Safety Certification and Declarations Confirming Compliance**

5. The licensee shall ensure that during the period of the licence all safety and maintenance certificates are valid and kept up to date.

### **Safety of Electrical Installations**

### **Section 14(2)(d)**

6. The licensee shall ensure that the electrical installation in the house is safe, maintained and in proper working order at all times. The licence holder shall ensure that a satisfactory Electrical Installation Condition Report (EICR) is produced at intervals of no more than five (5) years or more frequently if required in accordance with the previous EICR confirming compliance with the applicable edition of the I.E.E. where the property is less than 5 years old a letter or statement issued by building control confirming date of completion will be accepted instead.
7. The licensee shall within seven (7) days of any demand by the council, provide the most recent fixed wire inspection and test report. This report must be issued by a competent electrical engineer.

## **Carbon Monoxide Alarms**

### **Section 14(2)(d)**

8. The licensee shall ensure that a carbon monoxide alarm is installed which meets the requirements of BS EN 50291:2001 in the same room as any gas appliance. Alarms should be powered by a battery designed to operate for the working life of the alarm. Such alarms must be kept in proper working order and should incorporate a warning device to alert users when the working life is due to pass.
9. The licensee shall ensure that a carbon monoxide alarm is installed which meets the requirements of BS EN 50291:2001 in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. Alarms should be powered by a battery designed to operate for the working life of the alarm. Such alarms must be kept in proper working order and should incorporate a warning device to alert users when the working life is due to pass. For the purposes of this paragraph, bathrooms, lavatories, halls and landings are all treated as rooms used as living accommodation.
10. Guidance on the installation of carbon monoxide alarms is available in BS EN 50292:2002 and in the manufacturers' instructions.
11. The CO alarm must be fitted in the correct location and not have passed, or be shortly about to pass, beyond its lifetime. The licensee shall ensure that the CO alarm is replaced before it passes beyond its lifetime during the licence period.
12. The licensee shall within seven (7) days of any demand by the council provide a declaration as to the condition and position of any carbon monoxide alarms in the property.

## **Chimneys, Flues and Fuels**

### **Section 14(2)(c)**

13. The licensee shall ensure that any chimneys/flues that are in use must be cleaned annually.
14. The licensee shall within seven (7) days of any demand by the council provide a declaration as to the condition of any chimneys/flues and date they were last cleaned.

## **Safety of Electrical Appliances**

### **Section 14(2)(d)**

15. The licensee shall ensure that any electrical appliances made available by them in the house are kept in a safe condition and proper working order at all times. The licence holder shall ensure that as soon as electrical appliance is identified as being unsafe, it is removed from the house as soon as is reasonably practicable and are properly disposed of by the licence holder.

16. The licensee shall within seven (7) days of any demand by the council, provide a declaration regarding the proper disposal of any unsafe electrical appliances.
17. The licensee shall ensure that a record of visual inspections and tests is maintained. The licence holder shall within seven (7) days of any demand by the council provide most recent records of visual inspections and tests carried out within the previous 12 months and provide a declaration as to the safety of electrical appliances made available by them at the property.
18. All portable electrical appliances provided by the landlord must be maintained in a safe condition and proper working order. The licensee shall ensure that a current Portable Appliance Testing (PAT) Certificate is held for all applicable appliances owned by the owner of the accommodation. It should show whether the item passed or failed. Records of all PAT tests are retained for five years. Any necessary maintenance or repair work must be undertaken by a competent electrical engineer.
19. The licensee shall within seven (7) days of any demand by the council provide all maintenance records and PAT testing records.

### **Safety of Furniture**

### **Section 14(2)(c)**

20. The licensee shall ensure that any furniture made available by them in the house is kept in a safe condition and proper working order at all times. The licence holder shall ensure that as soon as any furniture is identified as being unsafe, it is removed from the house as soon as is reasonably practicable and are properly disposed of by the licence holder.
21. The licensee shall within seven (7) days of any demand by the council, provide a declaration regarding the proper disposal of any furniture.

22. The licensee shall make sure that adequate security arrangements are in place and take reasonable steps to achieve property security by complying with the requirements below:
- a) So far as reasonably practicable, any emergency works necessary to protect the security of the accommodation are undertaken within 24 hours of notification e.g. damage to windows and entrance points to the property.
  - b) The security provisions for access to the accommodation (locks, latches, thumb turns, deadbolts and entry systems etc.) are maintained and in good working order at all times.
  - c) All ground floor and accessible windows must have secure locks. Where window locks are fitted, window keys shall be provided to the occupants of the accommodation. Emergency egress windows shall not be lockable with a key.
  - d) Where a burglar alarm is fitted in the accommodation, the occupants are made aware of the code, have clear instructions on how the alarm is operated and the circumstances under which the code for the alarm can be changed.
  - e) Where it is known that previous occupiers have not surrendered keys, as soon as is reasonably practicable arranging for a lock change to be undertaken, prior to new occupiers moving in.
  - f) Where alley gates are installed to the side or rear of the licensed property, the licence holder shall take responsibility for holding a key and making satisfactory arrangements for the occupiers' access and egress.
  - g) All final exit doors shall be fitted with a thumb turn mortice lock, or equivalent, to five-lever security level. The lock shall be operable from the inside without the use of a key.
  - h) Any external store, storage box or container provided for the storage of the occupants' property shall be fitted with a lock.
23. The licensee shall within seven (7) days of any demand by the council provide a declaration confirming all security measures are in place and operational and the date they were last checked.

## **Section 5 – Heating and Energy Performance**

### **Heating**

### **Section 14(2)(c)**

24. All units of accommodation must be equipped with adequate means of space heating.
25. It must be capable of maintaining a temperature of 21° Centigrade when the outside temperature is minus 1° Centigrade.
26. The heating must be available at all times and must be under the control of the occupant.
27. The heating must be safe and should be efficient and affordable. Electrical heating appliances must have a dedicated socket.
28. The licensee shall within seven (7) days of any demand by the council provide a declaration as to the condition of the heating system in the accommodation.

### **Energy Performance Certificates (EPCs)**

### **Section 14(1)(b)**

29. The licensee shall ensure that during the duration of the licence the property has an Energy Performance Certificate with a minimum E rating for energy efficiency. Tenants shall be provided with a copy EPC at the commencement of the tenancy.
30. The licensee shall within seven (7) days of any demand by the council provide an Energy Performance Certificate verifying a minimum E rating for energy efficiency.

## Section 6 – Physical Standards

### Fitness for Human Habitation

### Section 8(2)(e)

31. During the period of licence the licensee shall ensure that the accommodation meets the requirements for human habitation as set out in Article 46 of the Housing (NI) Order 1981, or any re-enactment or statutory modification.

### Living Accommodation Standard

### Section 13(3)

32. During the period of the licence the licensee shall ensure that the accommodation meets the requirements of the Houses in Multiple Occupation (Living Accommodation Standard) Regulations (Northern Ireland) 2019

### Hazard Regulations

### Section 54(3)

33. During the period of the licence the licensee shall ensure that the accommodation meets the requirements of the Houses in Multiple Occupation (Hazards) Regulations (Northern Ireland) 2019

## Section 7 – Satisfactory Management Arrangements

### Reasonable Access

34. During the period of the licence the licensee shall permit the council reasonable access to the accommodation for the purpose of exercising or considering the exercising of any of its statutory powers in accordance with the Houses in Multiple Occupation Act (Northern Ireland) 2016.

### Code of Practice for the Management of Houses in Multiple Occupation

35. During the period of the licence the licensee shall ensure that the accommodation shall be managed in accordance with the “Code of Practice for the Management of Houses in Multiple Occupation”.

36. The manager must ensure that a notice containing the name, address and any telephone contact number, of the person (or each person) who is the manager of the house, describing him as manager, and where appropriate, as agent or trustee for receipt of rents. Such a notice shall be clearly displayed in a prominent position in the HMO so as to be readily visible to the occupiers.

37. The manager shall cause to be displayed a copy of “Code of Practice for the Management of Houses in Multiple Occupation” in a prominent position in the HMO so as to be readily visible to the occupiers.

38. During the period of the licence the licensee shall ensure that all reasonable and practical steps are taken to respond to repair and maintenance issues at the accommodation and that any works to deal with repairs are undertaken as soon as is reasonably practicable after they are notified.

39. The licensee shall introduce a repair categorisation system for responding to repairs, namely

- a. **Emergency Repairs** which should be actioned within 24 hours
- b. **Urgent Repairs** which should be actioned within 4 working days.
- c. **Routine Repairs** which should be actioned within 4 weeks.

### Examples of **Emergency Repairs**

- escape of gas or fumes
- electrical fittings in contact with water
- live or bare electric wiring
- sewage overflowing into the home
- outside doors that need secured
- burst storage tanks, cylinders or pipes

- failure of all lights or all power
- failure of heating systems in severe weather and where no alternative is available
- failure of all communal lighting

#### Examples of **Routine Repairs**

- faults at electrical fittings
- faults at water heating circuits
- faults at electrical heating systems
- ball valve faults at storage tanks or WC cisterns
- leaks in WC flush pipes, waste pipes, traps, valves or radiators.
- leaking back boiler or faults at the fire parts such as flue sets, throat plates etc.
- blockages at sewers or drains
- major water penetration at external doors or windows

#### Examples of **Routine Repairs**

- cleaning or repairing gutters or downpipes
- easing or re-fitting doors (excluding fire doors) or window-sashes
- plasterwork repairs
- repairs to floors or floor tiling
- repairs to internal or external doors or frames
- chimney pots, stacks, cowls or caps
- roof tiles or lead flashings
- fire hearths, surrounds and side tiles
- working kitchen fittings and work tops

40. At the beginning of a new tenancy, the licensee shall provide the occupier(s) with written information pack, including contact details, explaining how they can make a complaint about the property and the arrangements in place to deal with emergency and other repairs. The contact and telephone number details shall enable contact between 9am – 5pm Monday to Friday, and shall also include an out of hours contact number for use in emergencies. Any change in contact and/or telephone number details shall be provided to occupiers within 24 hours of the changes being made.

41. The licence holder shall provide the occupier(s) of the accommodation with an information pack containing the following details:

- a) A copy of the licence to which these conditions apply.
- b) Where appropriate, copies of the current gas certificate, electrical safety report and energy performance certificates.

- c) Details of the procedures to be followed in the reporting of anti-social behaviour (ASB).
  - d) Details of the occupier(s) duties and responsibilities to enable the licensee or managing agent to comply with the licence conditions
  - e) The licensee shall notify the occupier(s) of the accommodation in writing how they intend to respond to the complaint including a timescales for the steps they intend to take. The licensee shall respond to any complaint in writing as soon as is reasonably practicable. Copies of all correspondence relating to complaints shall be retained during the term of this licence.
  - f) Where a deposit is taken the licence holder must provide the Occupier(s) with relevant information about the deposit scheme to which it relates.
42. The licensee shall comply with all relevant legislation relating to the termination of a tenancy or the eviction of a tenant and will ensure that all legal processes are followed when requiring occupiers to cease occupation.
43. The licensee shall demand references for new occupiers before entering into any occupancy agreement with them or allowing them to occupy the premises. Where obtained, copies of these references shall be kept for the duration of this licence.
44. The licence holder shall ensure there is suitable and sufficient landlord buildings insurance in place for the duration of this licence.

### **Unjust fees**

### **Section 10(5)(d)**

45. The licensee and any managing agent (if appointed) shall not levy a fee on a tenant or prospective tenant in respect of the letting of a property and the licensee and any managing agent must adhere to the requirement of Commission on Disposals of Land (NI) Order 1986.
46. The licensee shall within seven (7) days of any demand by the council provide any or all of the information required by conditions contained within Section 7 of this document.

## Section 8 – Rubbish and Environmental Considerations

### Rubbish

### Section 14(2)(c) & Regulation 19

<http://www.legislation.gov.uk/nia/2016/22/section/14>

47. During the period of the licence the licensee shall ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal in accordance with the Local Government Waste Storage Guide for Northern Ireland.
48. The licensee shall ensure so far as is reasonably practicable that the occupiers make arrangements for the collection of waste in accordance with the councils refuse and recycling provisions and, when the accommodation is unoccupied, or the occupiers fails to do so the licensee adhere to these provisions themselves.
49. The licensee shall at the beginning of a tenancy, provide written information to the occupiers of the accommodation indicating:
- a) which day refuse collections will take place;
  - b) what type of bins to use for household and recycling waste;
  - c) details of the Council's bulky waste collection service;
  - d) details of the Council's missed bin collection service;
  - e) the occupiers responsibility to put bins out no earlier than 4pm on the day before collection and to return refuse containers within the boundary of the property by 8am the day after the collection;
  - f) that occupiers should make arrangements for any extra rubbish that cannot fit in the bins to be collected within seven (7) days and/or disposed of as soon as is reasonably practicable and ensure that such rubbish, where possible, is stored at the rear of the property and within the boundary of the property until collection/disposal;
50. The licensee shall ensure that suitable and adequate provision for refuse storage and collection is provided at the house. This shall include a closable bin(s) are kept in good working order and of suitable capacity as specified by the Council.
51. The licensee shall ensure that trade rubbish/waste is not disposed of in the domestic household bins. Any trade rubbish/waste shall be disposed of as soon

as is reasonably practicable and/or within 7 days and ensure that such rubbish/waste, where practicable, is stored at the rear of the property and within the boundary of the property. The licensee shall make adequate arrangements for the collection

**Environmental Considerations**      **Section 14(20(c) & Regulation 17**

<http://www.legislation.gov.uk/nia/2016/22/section/14>

52. During the period of the licence the licensee shall ensure that any boundary walls, hedges or fences are safe and do not obstruct a public footpath or highway. The licensee shall during the period of the licence rectify any deficiency within 4 weeks of its appearance. Issues impacting on public safety should be rectified within 24 hours or 4 working days depending on the level of severity.
53. During the period of the licence the licensee shall ensure that any external and boundary walls of the property (regardless of whether they are shared with someone else) are retained free from graffiti. The licensee shall during the period of the licence remove any graffiti within 4 weeks of its appearance
54. During the period of the licence the licensee shall ensure that all external gardens, yards or enclosures within the curtilage of the accommodation are kept reasonable free from litter. The licensee shall during the period of the licence remove any litter within 4 weeks of its appearance.

## Section 9 – Anti Social Behaviour

## Section 14(2)(b)

<http://www.legislation.gov.uk/ia/2016/22/section/14>

55. The licensee shall have in place a policy/plan (approved in writing by the council) to deal with any anti-social behaviour linked to licensed premises, either directly or indirectly which is caused by or affects their tenants. .
56. The licensee shall comply at all times with the policy/plans referred to above.
57. A register of complaints shall be kept together with notes about how the licensee or managing agent tried to resolve the matter. All records held under this condition.
58. The register of complaints and associated notes must be kept until the licence either lapses or is successfully renewed.
59. The register of complaints and associated notes must be made available to the Council upon demand.
60. Where a complaint has been received but could not be resolved, the licensee or managing agent must be able to demonstrate to the satisfaction of the Council that they took all reasonable steps to try to resolve the complaint and to mitigate against any future occurrence of the same type of complaint.
61. The licensee and managing agent shall adhere to the principals contained in the council document Tackling Anti-Social Behaviour in HMO properties, A Guide for Owners and Managing Agents.

## Section 10 – Variation of a Licence or Change of Details or Circumstances

62. An application to vary a licence under will only be accepted if the prescribed form is used and is accompanied by the appropriate variation fee.
63. The licensee shall ensure that whilst any variation is being considered the number of persons who are authorised by the licence or the occupancy level for any specific room if so specified in the licence is not exceeded.
64. The licence holder shall inform the Council within 7 days of any material change in circumstances including:
- a. a change of their residential address or contact details; including when they no longer reside at the address on the licence, or where the licence holder is a business, if their business address has changed.
  - b. upon the manager (where it is an agent, or employee of the licence holder,) ceasing to act in that capacity or is no longer being employed by the licence holder.
  - c. any offence or occurrence that would have a bearing on the Fit & Proper Person status of either the licence holder and/or the managing agent of the house or any persons associated with them;
  - d. a change of managing agent, management arrangements or ownership;
  - e. any proposed changes to the structure, layout or amenity provision of the property that would affect the licence or licence conditions.

## Section 11 – Competency Training

## Section 14(2)(f)

65. The owner of the HMO or the managing agent shall attend a training course in relation to the “Code of Practice for the Management of Houses in Multiple Occupation” approved under Section 63 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 before 1<sup>st</sup> December 2020 and shall renew such training every 3 years or,

If the date of the 1 December 2020 has passed the owner of the HMO or the managing agent shall have attended such a course within the last 3 years prior to the issue or renewal of a HMO licence and shall renew such training every 3 years.

## Section 12 – Legislative Authority

66. The licencing conditions imposed in this document are intended to be read in conjunction with the Houses in Multiple Occupation Act (Northern Ireland) 2016 <http://www.legislation.gov.uk/nia/2016/22> and all supporting regulations.

67. The licencing conditions imposed in this document are in accordance with Section 14 of the Houses in Multiple Occupation Act (Northern Ireland) 2016.