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Draft Houses in Multiple Occupation (HMO)  
Subordinate Regulations (Northern Ireland)  
20XX and Code of Practice for Landlords  
Stakeholder Engagement Document

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This stakeholder communication document provides additional details on licensing and invites views on the draft HMO Regulations (Northern Ireland) 20XX and the Landlords Code of Practice.

Details of the Houses in Multiple Occupation Act (Northern Ireland) 2016 are contained in [www.legislation.gov.uk/nia/2016/22/contents](http://www.legislation.gov.uk/nia/2016/22/contents)

Any comments should be sent by 30 November 2018 to:

**Department for Communities**  
**Private Rented Branch**  
**Level 3, Causeway Exchange**  
**1-7 Bedford Street**  
**Belfast, BT27EG**

or email: [PRS@communities-ni.gov.uk](mailto:PRS@communities-ni.gov.uk)

# Summary

This correspondence to you is about the changes to HMO legislation that are due to come into force next year. Whilst the Houses in Multiple Occupation Act (Northern Ireland) 2016 has been granted Royal Assent and introduced into law, most of the Sections contained within have not yet been enacted. This means the Act exists, but at this stage, in name only. Following on from the introduction of the primary legislation Department for Communities officials have been working alongside Council and Housing Executive representatives to prepare a significant programme of subordinate regulations and a landlords Code of Practice which will give effect to the HMO Act with the aim to introduce a new licensing scheme from 1 April 2019.

The introduction of the new legislation will see responsibility for HMO regulation transfer from the Northern Ireland Housing Executive to Councils which means councils will be responsible for carrying out checks and inspections to ensure that the property is suitable for the specified maximum number of persons intending to occupy it. This is about improving the quality of this type of private rented accommodation and is something which should be welcomed by landlords, those living in HMOs and those living around them. Well managed multi-occupancy houses are an important part of

the housing market in Northern Ireland. New licensing arrangements will mean Councils will be expected to work with landlords and owners of HMOs to ensure tenants are safe and in appropriate accommodation. It will be a criminal offence for landlords to manage a licensable HMO without holding the appropriate licence for a house in multiple occupation.

The draft subordinate legislative provisions with the Code of Practice for landlords set out the new licensing approach and can be found below. Transitional provisions will apply whereby current HMO registration under the old regime will be deemed to constitute a licence under the new licensing regime until the 5 years registration has expired when HMO owners will be expected to renew and apply for a HMO licence to their local council.

New provisions include details of new licensing fee arrangements. The overriding premise is that Councils delivery of the scheme will be cost neutral hence HMO fees paid by landlords who operate houses in multiple occupation in Northern Ireland have been revised. As currently stands the registration fee for a house in multiple occupation under the statutory registration scheme is £25 per person per year and lasts for a period of 5 years with a renewal fee being 50% of the registration fee. Those

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charges will be replaced by a fee of £37 per person and a full fee levy for a renewal HMO licence. The new licensing model assumes that renewal fees should equate to 100% of the fee which would have been payable on initial registration of an HMO. There will be no discount at renewal stage. The cost of fees includes not only the processing of applications but the carrying out of inspections and future publishing of information about licensing to assist both landlords and tenants. You should note Regulation 8 refers to the maximum amount of fee the council may charge for an application for an HMO licence. Setting this at £45 will give councils the scope to increase the fee if required to compensate for any deficit in income in the future.

As part of the engagement process for the introduction of licensing Councils will publish guidance on the future operational requirements to make HMO owners, landlords, and agents aware of their obligations. Councils will want to see copies of safety certificates and to know the location of smoke and carbon monoxide detectors,

as well as details of tenant numbers etc. In some cases – for example, if the landlord lives abroad – someone else will need to hold the licence, in which case the council will check the person making the application is the most appropriate and is involved in the day-to-day management of the property.

I invite you to consider the detail provided and would be happy to provide any clarification on any policy or legislative issues that you may have. If you have any questions or comments you can email us at:

**PRS@communities-ni.gov.uk**

or write to us at:

**Department for Communities,**  
Private Rented Branch,  
Level 3,  
Causeway Exchange,  
1-7 Bedford Street,  
Belfast  
BT2 7EG.



# Draft houses in multiple occupation (HMO) regulations (Northern Ireland) 20XX



# Explanation of the draft houses in multiple occupation (Northern Ireland) Regulations 20XX

**Regulation 1** provides clarity around the suitability of the living accommodation for multiple occupation which sets out the criteria that councils must consider which are the minimum standards expected: Section 8(2)(e) of the HMO Act 2016 as read with section 13, states that councils may only grant a licence if they are satisfied that the accommodation is suitable for use as an HMO for the specified maximum number of persons or could be made so by including conditions in the licence.

**Regulation 2** specifies the manner in which the floor area of a room is to be determined for circumstances which may be designated as a contravention of the space standard. These relate to the amount of floor space there is in the property for each person resident of it. The reason for the inclusion of a space standard in legislation is to ensure that only spaces that are suitable to sleep and live in are included in any calculation of living space.

**Regulation 3** prescribes potential hazards within HMOs to ensure landlords know exactly what standards are required and expected of them so there can be no confusion in the

application of the standards. It is with this in mind that this regulation has been drafted. As part of introducing a HMO licensing system, and the associated culture change, the Department understands that it is important to ensure the landlords know exactly what standards are required and expected of them. This is important in terms of the health and safety of the occupants of a HMO. Whilst a certain level of training and education can be achieved through appropriate guidance there is always the question as to how robust the provision is and it is felt providing much of this detail in statute has many benefits.

**Regulation 4** makes provision for exceptions from the licensing requirement for certain buildings including Purpose Built Managed Student Accommodation (PBMSA). It provides clarification to Schedule 1 to the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the HMO Act”) which lists types of building that are not houses in multiple occupation (“HMOs”). For the purposes of the HMO Act, HMOs are defined in section 1 of the Act. Paragraph 5 of Schedule 1 to the HMO Act refers to any building which is occupied



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solely or principally by persons who occupy it for the purpose of undertaking a full time course of further or higher education at a specified educational establishment, or at an educational establishment of a specified description, and where the person managing or controlling the building is the education establishment in question, or a specified person, or a person of a specified description.

**Regulation 5** provides that a building is not a house in multiple occupation ( HMO) if it is occupied only by freeholders, or leaseholders for a term of more than 21 years, and any member of the household of such persons and persons who are not relatives of such persons and are members of no more than two other families . This is so provided that the total number of occupiers would not result in the building being overcrowded within the meaning of section 41 of the Houses in Multiple Occupation Act ( Northern Ireland ) 2016.

**Regulation 6** makes provision that an applicant making a licence application or renewal is required to advertise the detail in a local paper(s), and provide a list of neighbours to be notified. It will also be a requirement for the details of the application to appear on the appropriate council website.

**Regulation 7** provides a published statutory Code of Practice for the licensing scheme for councils, landlords and managing agents

to help them meet the requirements of the regulations which will include the health and safety aspects. This has been consulted on with the HMO stakeholder group.

**Regulation 8** Fees make provision about the charging of licensing fees and set the maximum of any such fee and how such fees are payable. As the licensing scheme is self-sustaining i.e. no public sector subvention required the fixing of fees will take account of all costs incurred by the council carrying out its functions under the Act.



Copy of draft regulations

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## Regulation 1.

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# STATUTORY RULES OF NORTHERN IRELAND

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## 20XX No. 000

### HOUSES IN MULTIPLE OCCUPATION

#### Houses in Multiple Occupation (Living Accommodation Standard) Regulations (Northern Ireland) 20XX

*Made* - - - - - \*\*\*

*Coming into operation* - \*\*\*

The Department for Communities (1), in exercise of the powers conferred by Section 13(3) and of Part 2 to the Houses in Multiple Occupation Act (Northern Ireland) 2016 (2), makes the following Regulations.

#### Citation and commencement

These Regulations may be cited as the Houses in Multiple Occupation (Living Accommodation Standard) Regulations (Northern Ireland) 20XX and shall come into operation on

These Regulations set out the minimum standards which must be met in order for accommodation to be regarded as suitable for occupation by prescribed number of persons.

#### Living Accommodation Standards

Light and Ventilation

#### Natural lighting

(1) All habitable rooms should have adequate natural lighting to enable domestic activities to be undertaken safely. A clear glazed window equivalent in size to 1/10<sup>th</sup> of the room floor area will be adequate.

(2) Where practical all kitchens, bathrooms and water closet compartments shall be provided with natural light via an area of clear glazing in the kitchen and obscure glazing in the bathrooms and WC compartments, situated in either a window and or door equivalent in total area to at least 1/10<sup>th</sup> of the floor area of the room.

#### Artificial lighting

(1) Adequate electric lighting must be provided to all accessible parts of the building.

(2) Time switches shall not be permitted in kitchens and bathrooms.

(3) Light switches to be suitably positioned so that they can be operated directly upon entering a room hall way or landing with two way switches to enable operation at both top and bottom of a staircase.

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(1) 2016 c.5 (N.I.)

(2) 2016 c.22 (N.I.)

## **Ventilation**

- (1) All habitable rooms should be ventilated directly to the open air by an opening window.
- (2) Kitchens, bathrooms and WCs should be ventilated directly to the external air by a window, the open area of which shall be equivalent to at least 1/20th of the floor area of the room and or mechanical ventilation providing a minimum of three air changes per hour shall be provided. Such installations shall be fitted with an overrun device for minimum of 20 mins and be connected to the lighting circuit of the room.
- (3) Neither an open able door giving access directly to the external air, nor a louvered opening in such a door will be acceptable for the purposes of these requirements.
- (4) All rooms containing an open flue gas heating appliance must be provided with suitable and sufficient permanent ventilation.

## **Installations for the supply of water, gas and electricity and for sanitation, space heating and heating water**

- (1) All units of accommodation must be equipped with adequate means of space heating which is capable of maintaining a temperature of 21°C when the outside temperature is -1°C. Electrical heating appliances must have a dedicated electrical socket.
- (2) The heating must be available at all times and must be under the control of the occupant. The method of heating must be safe and should be efficient and affordable.
- (3) The landlord must ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition and in particular they must ensure that—
  - any tank, cistern or similar receptacle used for the storage of water for drinking or other domestic purposes is kept in a good, clean and working condition, with a cover kept over it to keep the water in a clean and proper condition; and
  - any water fitting which is liable to damage by frost is protected from frost damage.
- (4) The landlord must not unreasonably cause or permit the water or drainage supply that is used by any occupier at the HMO to be interrupted.
- (5) In this regulation “water fitting” means a pipe, tap, cock, valve, ferrule, meter, cistern, bath, water closet or soil pan used in connection with the supply or use of water, but the reference in this definition to a pipe does not include an overflow pipe or the mains supply pipe.
- (7) The landlord must supply to the council within 7 days of receiving a request in writing from that authority the latest gas appliance test certificate he has received in relation to the testing of any gas appliance at the HMO by a Gas Safe registered contractor.
- (8) The Landlord must—
  - (a) ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing;obtain a certificate from the person conducting that test, specifying the results of the test; and supply that certificate to the council within 7 days of receiving a request in writing for it from that council.

The number of electrical socket outlets should meet at least the following minimum requirements:

  - 6 in each kitchen
  - 4 in each bedroom and living room
  - 4 additional sockets anywhere in the building.
- (9) The Landlord must not unreasonably cause the gas or electricity supply that is used by any occupier within the HMO to be interrupted

## Personal washing facilities

(1) Where a dwelling is not capable of occupation by more than 3 persons, as determined under Article 41 of the Houses in Multiple Occupation (N.I) Act 2016 the provision of a suitably located bath or shower, W.C and wash hand basin (separated or not), with continuous supplies of hot and cold running water, shall be satisfactory for the purposes of these standards.

(2) Where an en-suite bathroom or shower room, or a bathroom or shower room for the sole use of an individual or household, containing a suitable bath or shower, wash hand basin and W.C, is available, this shall be adequate.

(3) Where the bathroom or shower room is shared, each individual or household sharing shall have a readily accessible bathroom or a shower room provided in the following ratios:

**Table 1**

| <i>Household</i>  |                             |
|-------------------|-----------------------------|
| 5 individuals     | 1 bathroom or shower room   |
| 6 -10 individuals | 2 bathrooms or shower rooms |
| 11-15 individuals | 3 bathrooms or shower rooms |

(4) Where a bathroom or shower room is shared, it shall contain a wash hand basin within the compartment. However if due to the physical constraints of the bathroom or shower room a wash hand basin cannot be accommodated within the space, an additional wash hand basin shall be provided within each bedroom.

(5) Where this is not applicable and the bathroom or shower room is shared, each occupant shall have an accessible water closet (WC) compartment, separate from the bathroom or shower room, and containing a WC and a wash hand basin in the following ratios:

**Table 2**

| <i>Household</i>  |                 |
|-------------------|-----------------|
| 1-5 individuals   | 1 water closet  |
| 6-10 individuals  | 2 water closets |
| 11-15 individuals | 3 water closets |

(6) Where 2 WC's are required (6-10 individuals sharing), 1 WC may be in a room also containing a bath or shower and a wash hand basin. Where 3 WC's are required (11-15 individuals sharing), 1 WC may be in a room also containing a bath or shower and a wash hand basin.

(7) External water closets shall not be reckonable for this purpose.

(8) Where amenities are shared, each occupant should be able to reach a W.C, washbasin and bath or shower without having to pass through accommodation which is occupied exclusively by another individual or household.

(9) No unit of accommodation should generally be more than one floor vertically, or 30 metres horizontally, from the nearest W.C, wash hand basin and bath or shower.

(10) Bathrooms, shower rooms and W.C compartments shall be constructed as to ensure privacy.

(11) Baths, showers, W.Cs and wash hand basins shall not be permitted in kitchens.

(12) Baths should be 1.67m minimum in length; shower trays 800mm X 800mm minimum and wash hand basins 360mm x 265mm minimum, each with its own continuous supplies of hot and cold running water.

(13) Bathrooms, shower rooms and W.C compartments should have surfaces which are designed to be reasonably smooth and non absorbent and capable of being readily and easily cleaned. Floors should be slip resistant.

### **Facilities for the storage, preparation and provision of food**

(1) The walls, floor, ceilings work tops and cupboards of the kitchen must be sound, clean and, as appropriate, well decorated at the commencement of any tenancy.

(2) The kitchen must be laid out in such an arrangement as to allow for its safe use and be easy to keep clean and hygienic by the tenant.

(3) No Kitchen, kitchen/dining room or kitchen/living room shall be shared by more than 10 individuals or 6 households, irrespective of its total floor area.

### **Food storage**

(1) Each individual shall be provided with a proper food store, 0.18m<sup>3</sup> dry storage and 0.06m<sup>3</sup> cold storage, within the unit of accommodation. Households comprising of more than one individual will require more of each type of storage space. Where shared kitchens are provided, each individual or household sharing shall have their own proper food store either within the unit of accommodation or in the kitchen.

(2) The space in a sink unit below the sink will not be accepted for food storage.

### **Food Preparation**

(1) A securely fixed worktop shall be provided for each individual or household using a kitchen, the minimum size of such worktops should be as follows

**Table 3**

| <i>Household</i>            | <i>Dimensions</i> |
|-----------------------------|-------------------|
| 1 individual or household   | 600mm x 600mm     |
| 2 individuals or households | 1200mm x 600mm    |

(2) Increasing in width thereafter by 300mm per additional individual or household sharing.

(3) In addition to any socket or point used for an electric cooker or oven, there shall be provided in each kitchen a minimum of:

**Table 4**

| <i>Household</i> |                  |
|------------------|------------------|
| 1-5 individuals  | 2 double sockets |
| 6-10 individuals | 3 double sockets |

(4) Sockets should be positioned immediately adjacent to the work surface(s) and installed in compliance with the current edition of the Regulations for Electrical Installations of the Institution of Electrical Engineers.

## Cooking of Food

(1) Each kitchen shall be provided with a proper cooking appliance. The minimum acceptable will be a cooker with four rings or hot plates together with a grill and an oven in the following ratios:

**Table 5**

| <i>Household</i>       | <i>Number of Cookers</i> |
|------------------------|--------------------------|
| <b>1-5 individuals</b> | 1 cooker                 |
| 6-10 individuals       | 2 cookers                |
| 1-3 households         | 1 cooker                 |
| 4-6 households         | 2 cookers                |

No kitchen shall contain more than two cooking appliances.

(2) If due to the physical constraints of an existing kitchen (internal arrangement) the fitting of a second cooker would have a detrimental effect on the safety of anyone using that kitchen, a built in microwave oven may be provided. This will only be acceptable if the maximum occupancy within the unit does not exceed 7 individuals.

## Disposal of Waste Water

(1) Each kitchen shall be provided with a stainless steel (or other equal and approved material) sink and drainer (1000mm x 600mm minimum) properly located within a base unit and properly connected through an adequate sized trap to the drains.

(2) Each sink shall have an adequate and wholesome supply of cold drinking water directly off the rising main. There shall also be an adequate continuous supply of hot water.

(3) In shared kitchens, sinks with adequate continuous supplies of hot and cold water shall be provided in the following ratios;

**Table 6**

| <i>Household</i> |         |
|------------------|---------|
| 1-5 individuals  | 1 sink  |
| 6-10 individuals | 2 sinks |
| 1-3 households   | 1 sink  |
| 4-6 households   | 2 sinks |

(4) In Kitchens requiring second sink a plumbed in full size dishwasher will be acceptable in lieu of a second sink.

## Notices and Signs

(1) All fire safety signs, notices and graphical symbols should conform as far as practicable with The Fire Safety Guidance for HMOs.

(2) Existing signs and notices need not be replaced immediately if they are fulfilling their purpose effectively. They should, however, be examined and be replaced if they are found to be inadequate.

## Interior and exterior decoration

### External walls and windows

(1) External walls must be of sufficient thickness and be of a suitable impervious weather resisting cladding which will afford the property protection from moisture from the ground and precipitation.



(2) Damp proof course must be adequate and present as and where appropriate. External decoration must be sound and of sufficient quality to last at least 3 years. Any defective joinery needs to be properly repaired and decorated.

(3) Rendered surfaces and parapet walls must be in good condition with copings and flashings secure and complete. All brickwork must be sound and vertical with continuous pointing. Chimney stacks must be in good repair with chimney pots securely fixed.

### **Roofs and rainwater goods**

(1) Roofs and rainwater goods must be in a good and serviceable condition. Any loose slates, tiles or aerials, which either presents a possible hazard or may cause defects to the property, should be made safe.

(2) Gutters and down pipes should be fitted, in good condition, clear of blockages and empty into a gully, adequate soak-away, watercourse or sewer as practicable which in turn should be readily accessible for clearing blockages.

### **Interior Decoration**

(1) The decoration of the interior must be clean and sound at the commencement of tenancy, with appropriate cleanable paintwork to the walls of the bathrooms and kitchens .

(2) Walls, ceilings, floors and skirting boards must be in a sound condition throughout the tenancy.

(3) Bathrooms and kitchens require impervious flooring with laminate, vinyl or tiled floor coverings, the edges must be sealed to minimise water ingress.

(4) Floor coverings must be provided and be clean, level, sound, well secured and easy to clean, with no frayed areas, to minimise trip hazards paying particular attention to stairs and landings.

### **Common parts, fixtures, fittings and appliances**

(1)The landlord must ensure that all common parts of the HMO are—  
maintained in good and clean decorative repair;  
maintained in a safe and working condition; and  
kept reasonably clear from obstruction.

(2) The landlord must in particular ensure that—

(a) all handrails and banisters are at all times kept in good repair;  
such additional handrails or banisters as are necessary for the safety of the occupiers of the HMO are provided;  
any stair coverings are safely fixed and kept in good repair;  
all windows and other means of ventilation within the common parts are kept in good repair;  
the common parts are fitted with adequate light fittings that are available for use at all times by every occupier of the HMO; and  
fixtures, fittings or appliances used in common within the HMO are maintained in good and safe repair and in clean working order.

(3) This does not apply in relation to fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.

(4) The manager must ensure that—

(a) outbuildings, yards and forecourts which are used in common living within the HMO are maintained in repair, clean condition and good order;

any garden belonging to the HMO is kept in a safe and tidy condition; and boundary walls, fences and railings (including any basement area railings), in so far as they belong to the HMO, are kept and maintained in good and safe repair so as not to constitute a danger to others. All external stairs shall be maintained in non slip condition.

(5) If any part of the HMO is not in use the manager shall ensure that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.

(6) In this regulation—

“common parts” means—

the entrance door to the HMO and the entrance doors leading to each unit of living accommodation within the HMO;

all such parts of the HMO as comprise staircases, passageways, corridors, halls, lobbies, entrances, balconies, porches and steps that are used by the occupiers of the units of living accommodation within the HMO to gain access to the entrance doors of their respective unit of living accommodation; and

any other part of an HMO the use of which is shared by households living in the HMO, with the knowledge of the landlord.

### **Safety Equipment (including Fire equipment and Carbon Monoxide detection)**

Safety equipment and Carbon Monoxide detection must be fitted according to *The Fire Safety Guidance for HMOs*.

Carbon Monoxide detectors must be installed in any room of the premises which is used wholly or partly as living accommodation and contains a fuel burning combustion appliance; this includes if a fixed combustion appliance is installed in an inter-connected space, for example, an integral garage,. And

Carbon monoxide detectors should comply with BS EN 50291-1:2010 powered by a battery designed to operate for the working life of the detector. The detector should have a warning device to alert the users when its working life is due to expire. Hard wired mains operated carbon monoxide detectors complying with BS EN 50291-1:2010 (Type A) with fixed wiring (not plug in types) may be used as an alternative, provided they are fitted with a sensor failure warning device

A carbon monoxide detection system to alert occupants to the presence of carbon monoxide should consist of at least:

1 carbon monoxide detector in every space containing a fixed combustion appliance (excluding an appliance used solely for cooking), and

1 carbon monoxide detector to provide early warning to high risk accommodation, that is, a bedroom or principal habitable room, where a flue passes through these rooms.

Unless otherwise indicated by the manufacturer, carbon monoxide detectors should be either:

ceiling mounted and positioned at least 300 mm from any wall; or

wall mounted and positioned at least 150 mm below the ceiling and higher than any door or window in the room.

Where carbon monoxide detectors are located within a circulation space they should be sited not more than 3 m from the door to any bedroom. Carbon monoxide detectors in the space containing the combustion appliance should be sited between 1 m and 3 m from the appliance.

Note: where the combustion appliance is located in a small space it may not be possible to locate the detector within that space. In such circumstances the detector may be located at the appropriate distance out with the space.

A carbon monoxide detector should not be sited:

- in an enclosed space (for example in a cupboard or behind a curtain);
- where it can be obstructed (for example by furniture);
- directly above a sink;
- next to a door or window;
- next to an extract fan;
- next to an air vent or similar ventilation opening;
- in an area where the temperature may drop below -10°C or exceed 40°C, unless it is designed to do so;
- where dirt and dust may block the sensor;
- in a damp or humid location; or
- in the immediate vicinity of the cooking appliance.

Additional guidance on the siting of carbon monoxide detectors, including enhanced coverage, can be found in BS EN 50292:2002.

The provision of a carbon monoxide detection system should not be regarded as a substitute for the correct installation and regular servicing of a combustion appliance.

### **Disposal of refuse**

- (1) Wheeled bins must be provided for tenancies, together with any other recycling bins as required in the council area.
- (2) Bins must comply with the current *Local Government Waste Storage guide* in the ratios stated for HMOs in Table 1 of the guide.
- (3) Tenants must be given clear instructions on refuse disposal and bin collection times etc.
- (4) Bins where possible to be on a hard standing area away from ground floor windows and not within any passage and must not block escape routes or be stored under escape staircases or escape windows.

Sealed with the Official Seal of the Department for Communities on \*\*\*

*Name*  
A senior officer of the  
Department for Communities

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations set out the minimum standards which must be met in order for accommodation to be regarded as suitable for occupation by prescribed number of persons.

## Regulation 2

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# STATUTORY RULES OF NORTHERN IRELAND

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## 20XX No. 000

### HOUSES IN MULTIPLE OCCUPATION

#### Houses in Multiple Occupation (Space Standard) Regulations (Northern Ireland) 20XX

*Made* - - - - - \*\*\*

*Coming into operation* - - - - - \*\*\*

The Department for Communities (3), in exercise of the powers conferred by Section 43(5) and (6) of Part 4 to the Houses in Multiple Occupation Act (Northern Ireland) 2016(4), makes the following Regulations.

#### Citation and commencement

These Regulations may be cited as the Houses in Multiple Occupation (Space Standard) Regulations (Northern Ireland) 20XX and shall come into operation on .

#### Measurement of the area of the room to comply with the Space Standard

—(2)The Department specifies that for the purposes of section 43 (Space Standard) of the Houses in Multiple Occupation Act (Northern Ireland) 20XX, the floor area of a room is to be determined in the following manner.

All measurements of the floor area shall be made at floor level and shall extend to the back of any projected skirting.

- . A determination of the floor area shall include –
- any floor space formed by a bay window extension;
  - any area at floor level which is occupied by fixed cupboards.

.Where—

the floor area of a room has a sloping roof or ceiling so as to reduce the height of the room to less than 1.525 metres (5 feet);

the floor area is formed by a projecting chimney breast or hot press; or

the floor area immediately behind the door is no wider than the door itself,

then that floor area shall be excluded from the determination.

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(3) 2016 c.5 (N.I.)

(4) 2016 c.22 (N.I.)

Sealed with the Official Seal of the Department for Communities on \*\*\*

*Name*  
A senior officer of the  
Department for Communities

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations Specify the manner in which the floor area of a room is to be determined for the purposes of section 43 (Space Standard) of the Houses in Multiple Occupation Act (Northern Ireland) 20XX.

## Regulation 3

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# STATUTORY RULES OF NORTHERN IRELAND

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## 20XX No. 0000

### HOUSES IN MULTIPLE OCCUPATION

#### Houses in Multiple Occupation (Hazards) Regulations (Northern Ireland) 20XX

*Made* - - - - \*\*\*

*Coming into operation* - \*\*\*

The Department for Communities, in exercise of the powers conferred by section 54(3) of the Houses in Multiple Occupation Act (Northern Ireland) 2016(5), makes the following Regulations.

#### **Citation and commencement**

These Regulations may be cited as the Houses in Multiple Occupation (Hazard) Regulations (Northern Ireland) 20XX and shall come into operation on .

#### **Prescribed descriptions of hazard**

—(3) A hazard is of a prescribed description for the purposes of the Act where the risk of harm is associated with the occurrence of any of the matters or circumstances listed in the Schedule.

In the Schedule, a reference to a matter or circumstance is, unless otherwise stated, to a matter or circumstance in or, as the case may be, at the HMO in question, or in any building or land in the vicinity of the HMO.

#### **Prescribed fire hazard**

A prescribed fire hazard is a hazard where there is a risk of harm associated with exposure to uncontrolled fire and associated smoke.

#### **Consultation with the fire and rescue service in certain cases**

—(4) This regulation applies where a council—

is satisfied that a prescribed fire hazard exists in an HMO or in any common parts of a building containing one or more flats, and

intends to take one of the kinds of enforcement action, in relation to the hazard, mentioned in section 55 of the Act.

Before taking the enforcement action in question, the council must consult the Fire and Rescue Service.

In the case of the serving of any proposed emergency hazard notice, the council's duty under paragraph (2) is a duty to consult the Fire and Rescue Service so far as it is practicable to do so before serving that notice.

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(5) 2016 c22 (NI); see section 1(7) of the Departments Act (Northern Ireland) 2016 c5 (NI).

In this regulation—

“emergency hazard notice” has the meaning given to it under section 55 of the Act;

“Fire and Rescue Service” has that meaning given to it under the Fire and Rescue Services (Northern Ireland) Order 2006.

“the Act” means the Houses in Multiple Occupation Act (Northern Ireland) 2016.

Sealed with the Official Seal of the Department for Communities on \*\*\*  
(L.S.)

for Communities

*TBC*  
A senior officer of the Department

## SCHEDULE

### Matters or Circumstances

#### **Damp and mould growth**

2. Exposure to house dust mites, damp, mould or fungal growths.

#### **Excess cold**

Exposure to low temperatures.

#### **Excess heat**

Exposure to high temperatures.

#### **Asbestos and MMF**

Exposure to asbestos fibres or manufactured mineral fibres.

#### **Biocides**

Exposure to chemicals used to treat timber and mould growth.

#### **Carbon monoxide and fuel combustion products**

Exposure to—  
carbon monoxide;  
nitrogen dioxide;  
sulphur dioxide and smoke.

#### **Lead**

The ingestion of lead.

#### **Radiation**

Exposure to radiation.

**Uncombusted fuel gas**

Exposure to uncombusted fuel gas.

**Volatile organic compounds**

Exposure to volatile organic compounds.

**Crowding and space**

A lack of adequate space for living and sleeping.

**Entry by intruders**

A lack of adequate security against unauthorised entry.

**Lighting**

A lack of adequate lighting.

**Noise**

Exposure to noise.

**Domestic hygiene, pests and refuse**

—(1) Poor design layout or construction such that the HMO cannot readily be kept clean.

Exposure to pests;

An inadequate provision for the hygienic storage and disposal of household waste.

**Food safety**

An inadequate provision of facilities for the storage, preparation and cooking of food.

**Personal hygiene, sanitation and drainage**

An inadequate provision of—  
facilities for maintaining good personal hygiene;  
sanitation and drainage.

**Water supply**

An inadequate supply of water free from contamination, for drinking and other domestic purposes.

**Falls associated with baths etc.**

Falls associated with toilets, baths, showers or other washing facilities.

**Falling on level surfaces etc.**

Falling on any level surface or falling between surfaces where the change in level is less than 300 millimetres.

**Falling between levels**

Falling between levels where the difference in levels is 300 millimetres or more.



**Falling on stairs etc.**

Falling on stairs, steps or ramps where the change in level is 300 millimetres or more.

**Electrical hazards**

Exposure to electricity.

**Flames, hot surfaces etc.**

Contact with—  
controlled fire or flames;  
hot objects, liquid or vapours.

**Collision and entrapment**

Collision with, or entrapment of a person in, doors, windows or other architectural features.

**Explosions**

An explosion at the HMO.

**Position and operability of amenities etc.**

The position, location and operability of amenities, fittings and equipment.

**Structural collapse and falling elements**

The collapse of the whole or part of the HMO.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Section 54 of the Houses in Multiple Occupation (Northern Ireland) Act 2016 defines a hazard in an HMO as a risk of harm to the health and safety of any actual or potential occupier. Regulation 2 and the Schedule describe the matters or circumstances which amount to a hazard in an HMO. Regulation 3 describes a fire hazard. Regulation 4 provides for consultation between a council and the Fire and Rescue Service in certain cases.

## Regulation 4

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# STATUTORY RULES OF NORTHERN IRELAND

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## 20XX No. 0000

### HOUSES IN MULTIPLE OCCUPATION

#### Houses in Multiple Occupation (Specified Educational Establishments) (Northern Ireland) Regulations 20XX

*Made* - - - - - \*\*\*  
*Coming into operation* - - - - - \*\*\*

The Department for Communities (6) in exercise of the powers conferred by Section 86 of and paragraph 5(2) to Schedule 1 to the Houses in Multiple Occupation Act (Northern Ireland) 2016(7), makes the following Regulations:

#### **Citation, commencement and interpretation**

—(2) These Regulations may be cited as the Houses in Multiple Occupation (Specified Educational Establishments) (Northern Ireland) Regulations 20XX and shall come into operation on \*\*\*.

In these Regulations:—

“the HMO Act” means the Houses in Multiple Occupation Act (Northern Ireland) 2016.

#### **Educational establishments specified for the purposes of paragraph 5 of Schedule 1 to the HMO Act**

Education establishments specified for the purposes of paragraph 5(1) of Schedule 1 to the HMO Act are—

Queen’s University, Belfast;  
Ulster University;  
Stranmillis University College;  
St Mary’s University College;  
Belfast Metropolitan College;  
Northern Regional College;  
North West Regional College;  
Southern Regional College;  
South Eastern Regional College;  
South West College; and  
College of Agriculture, Food and Rural Enterprise.

#### **Buildings occupied by students**

—(3) These Regulations apply to—

- 
- (6) 2016 c. 5 (N.I.)  
(7) 2016 c 22 (N.I.)

any student accommodation, that is run and managed by an educational establishment in full or by a specified person via a nomination agreement; or

Purpose Built Managed Student Accommodation that is run and managed by a private company for the sole use of full-time students of more than 15 occupants.

Any student accommodation or Purpose Built Managed Student Accommodation shall be—  
signed up to and accepted by a specified accreditation code and remain in accreditation; and  
occupied solely or principally by persons who occupy them for the purpose of undertaking a full-time course of further or higher education.

For the purposes of paragraph 5(1)(b) of Schedule 1, “managing and having control of” means that the educational establishment carries the main responsibility for the repair and maintenance of the building and for the day to day landlord tenant relationship.

The recognised Specified Accreditations are—

the Universities UK / The Universities UK Code of Practice for University Managed Student Accommodation;

the Accreditation Network/Unipol Code of Standards for Larger Developments for Student Accommodation Managed and Controlled by Educational Establishments; or

any other accreditation whether prepared by the councils or other persons approved by the Department.

If a property does not have accreditation or is suspended from the code it will be defined as a HMO and will pay a licence fee and is subject to the full conditions of the HMO Act.

Sealed with the Official Seal of the Department for Communities on \*\*\*  
(L.S.)

*Name*  
A senior officer of the  
Department for Communities

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Schedule 1 to the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the HMO Act”) lists types of building that are not houses in multiple occupation (“HMOs”). For the purposes of the HMO Act, HMOs are defined in section 1 of the Act. Paragraph 5 of Schedule 1 to the HMO Act refers to any building which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full time course of further or higher education at a specified educational establishment, or at an educational establishment of a specified description, and where the person managing or controlling the building is the education establishment in question, or a specified person, or a person of a specified description.

Where a building is managed or controlled by an educational establishment which is listed in these Regulations and that educational establishment is a member of either code of practice referred to in Regulation 4, then that building is not an HMO for the purposes of the HMO Act.

A copy of the ANUK/UNIPOL Code of Standards for Larger Residential Developments for Student Accommodation Managed and Controlled by Educational Establishments dated 28th August 2008 can be obtained from the National Codes Administrator, 155-157 Woodhouse Lane, Leeds, LS2 3ED, by emailing [NationalCodes@unipol.org.uk](mailto:NationalCodes@unipol.org.uk) or online at [www.nationalcode.org](http://www.nationalcode.org) or [www.anuk.org.uk](http://www.anuk.org.uk).

A copy of Universities UK/Guild HE Code of Practice for the Management of Student Housing dated 17th August 2010 can be obtained from Universities UK, Woburn House, 20 Tavistock Square, London, WC1H 9HQ, by emailing [info@universitiesuk.ac.uk](mailto:info@universitiesuk.ac.uk). or online at [www.universitiesuk.ac.uk](http://www.universitiesuk.ac.uk).

**Regulation 5**

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STATUTORY RULES OF NORTHERN IRELAND

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**20XX No. 000**

**HOUSES IN MULTIPLE OCCUPATION**

**Houses in Multiple Occupation (Specified Persons) Regulations (Northern Ireland) 20XX**

*Made* - - - - - \*\*\*

*Coming into operation* - - - - - \*\*\*

The Department for Communities, (a) in exercise of the powers conferred by paragraph 9(c) of Schedule 1 to the Houses in Multiple Occupation Act (Northern Ireland) 2016(b), makes the following Regulations.

**Citation and commencement**

These Regulations may be cited as the Houses in Multiple Occupation (Specified Persons) Regulations (Northern Ireland) 20XX and shall come into operation on .

**Buildings occupied by persons specified for the purposes of paragraph 9 of Schedule 1 to the Houses in Multiple Occupation Act (Northern Ireland) 2016**

2 ( 1) The persons mentioned in paragraph (2) are specified for the purposes of paragraph 9 of Schedule 1 to the Houses in Multiple Occupation Act ( Northern Ireland ) 2016.

(2) These are persons who are not relatives of persons mentioned in sub- paragraphs (a) and (b) of that paragraph and are members of no more than two other families, provided that the total number of such persons falling within sub- paragraphs (a) to (c) of that paragraph would not result in the building being overcrowded if it were an HMO”.

Sealed with the Official Seal of the Department for Communities on \*\*\*

*Name*  
A senior officer of the  
Department for Communities

## EXPLANATORY NOTE

(This note is not part of the regulations)

These Regulations provide that a building is not a house in multiple occupation ( HMO) if it is occupied only by freeholders, or leaseholders for a term of more than 21 years, and any member of the household of such persons and persons who are not relatives of such persons and are members of no more than two other families . This is so provided that the total number of occupiers would not result in the building being overcrowded within the meaning of section 41 of the Houses in Multiple Occupation Act ( Northern Ireland ) 2016.

## Regulation 6

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# STATUTORY RULES OF NORTHERN IRELAND

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## 20XX No. 0000

### 1. HOUSES IN MULTIPLE OCCUPATION

#### Houses in Multiple Occupation (Publication of Application) Regulations (Northern Ireland) 20XX

*Made* - - - - \*\*\*  
*Coming into operation* - \*\*\*

The Department for Communities, in exercise of the powers conferred by section 8(3) of and paragraphs 1(2), 2(1) and (2) and 4(2) of Schedule 2 to the Houses in Multiple Occupation Act (Northern Ireland) 2016(8), makes the following Regulations:

#### Citation and commencement

These Regulations may be cited as the Houses in Multiple Occupation (Publication of Application) Regulations (Northern Ireland) 20XX and shall come into operation on .

#### Publication of notice of application

A person making an application for a licence for a house in multiple occupation (HMO) shall, not later than 7 days beginning with the date of that application—

- cause notice of that application to be published at his own expense in one or more newspapers circulating in the locality of the HMO; and
- supply a copy of each such notice to the council.

A notice published under regulation 2 shall state—

- the name of the applicant;
- the address of the property;
- the details of proposal (i.e. use as HMO);
- the proposed occupancy level;
- the council to which the application was submitted; and
- any such other information as the council considers appropriate.

Where an application for a HMO licence has been received, a council —  
shall publish notice of that application on its website; and  
may serve notice of application to any identified occupier on neighbouring land.

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(8) 2016 c22 (NI); see section 1(7) of the Departments Act (Northern Ireland) 2016 c5 (NI).



### **Representations in response to notices**

Any person wishing to make written representations in relation to an application for a licence for a house in multiple occupation shall notify the council, stating in general terms the nature of those representations, not later than 28 days beginning with the date on which the council publishes a notice under regulation 4(a).

In determining an application for a HMO licence the council—

shall have regard to any written representations made under regulation 5.

may give the applicant or any person who has made representations under regulation 5 an opportunity to appear and be heard.

### **Consequences of failure to comply**

Where a person fails to comply with the requirements of regulation 2 or 3 the council may cease to consider the application in question.

Sealed with the Official Seal of the Department for Communities on \*\*\*  
(L.S.)

*TBC*  
A senior officer of the  
Department for Communities

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Section 8 of the Houses in Multiple Occupation (Northern Ireland) Act 2016 sets out matters that are to be taken into account when a council is considering an application for an HMO licence. The detail of the procedural requirements, in relation to an application for an HMO licence, are contained within Schedule 2 to the Act.

Regulations 2 and 3 describe the requirement for an applicant to publish notice of his HMO application. Regulation 4 provides for the duty and discretion of the council on receipt of an application for an HMO licence. Regulations 5 & 6 provide for representations to be made in response to the notice. Regulation 7 describes the consequences of failing to comply with the requirements of regulation 2 or 3.

## Regulation 7

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# STATUTORY RULES OF NORTHERN IRELAND

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**20XX No. 0000**

## **HOUSES IN MULTIPLE OCCUPATION**

### **Houses in Multiple Occupation (Code of Practice) Regulations (Northern Ireland) 20XX**

*Made* - - - - - \*\*\*

*Coming into operation* - - - - - \*\*\*

The Department for Communities makes the following Regulations in exercise of the power conferred by section 63(1) of the Houses in Multiple Occupation Act (Northern Ireland) 2016<sup>(9)</sup> (“the Act”).

In accordance with section 63(6) of the Act, the Department has been satisfied that the code has been published in a manner that the Department considers appropriate for the purposes of bringing the Code to the attention of those likely to be affected by it.

The Department has consulted in accordance with section 63(7) of the Act.

#### **Citation and commencement**

These Regulations may be cited as the Houses in Multiple Occupation (Code of Practice) Regulations (Northern Ireland) 2017 and shall come into operation on **1 April 2019**.

#### **Code of Practice**

The Code of Practice entitled “The Houses in Multiple Occupation Act (Northern Ireland) 2016: Code of Practice for the Management of Houses in Multiple Occupation” is hereby approved by the Department.

Sealed with the Official Seal of the Department for Communities on \*\*\*  
(L.S.)

*TBC*  
A senior officer of the  
Department for Communities

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(9) 2016 c22 (NI); see section 1(7) of the Departments Act (Northern Ireland) 2016 c5 (NI).

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Section 63(1) of the Houses in Multiple Occupation (Northern Ireland) Act 2016 provides that the Department may make regulations approving a Code of Practice for the management of Houses of Multiple Occupancy (“HMOs”).

Section 63(6) of the Act provides that the Department may approve such a code only if it has been satisfied that the code has been published in a manner that the Department considers appropriate for the purposes of bringing the Code to the attention of those likely to be affected by it or that arrangements have been made for the Code to be so published.

Section 63(7) of the Act requires the Department to consult with persons involved in the management of HMOs and persons occupying HMOs before approving a Code.

These Regulations duly approve a Code of Practice entitled “The Houses in Multiple Occupation Act (Northern Ireland) 2016: Code of Practice for the Management of Houses in Multiple Occupation”.

## Regulation 8

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( 1 ) S T A T U T O R Y R U L E S O F N O R T H E R N I R E L A N D

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**20XX No. 000**

### **HOUSES IN MULTIPLE OCCUPATION**

#### Houses in Multiple Occupation (Fees) Regulations (Northern Ireland) 20XX

*1. Made* - - - - - \*\*\*

*Coming into operation...*

2.

The Department for Communities(a), in exercise of the powers conferred by section 84 of the Houses in Multiple Occupation Act (Northern Ireland) 2016(b), makes the following Regulations.

#### **Citation, commencement and interpretation**

1. (1) These Regulations may be cited as Houses in Multiple Occupation (Fees) Regulations (Northern Ireland) 20XX and come into operation on ... [date to be inserted].
- (2) In these Regulations “the Act” means the Houses in Multiple Occupation Act (Northern Ireland) 2016.

#### **Maximum HMO licence application fee**

2. The maximum amount of fee the council may charge for an application for an HMO licence is £45.

#### **Maximum fee for copy HMO register**

3. The maximum amount of fee the council may charge for supplying –
  - (a) a certified copy of an entry relating to an HMO to any person who falls within section 62(9) of the Act is £\*\*\*;
  - (b) a certified copy of its register, or of an extract from it, to any statutory authority is £\*\*\*.

4. **How Fees are Determined** When determining fees the council shall take into account all costs incurred by that council in carrying out its functions under the Act.

Sealed with the Official seal for the Department for Communities on .....

(L.S)

A senior officer of the Department for Communities

EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations set the maximum fee the council may charge for an application for an HMO licence. They also set the maximum amount of fee the council may charge for supplying-

- (a) a certified copy of an entry relating to an HMO to any person who falls within section 62(9) of the Act; and
- (b) a certified copy of its register, or of an extract from it, to any statutory authority.

# Code of Practice for landlords



# The houses in multiple occupation act (Northern Ireland) 2016: Code of practice for management of houses in multiple occupation

## Introduction

Section 63 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 provides that the Department for Communities may prepare and approve a code of practice with regard to the management of houses in multiple occupation.

This Code has been developed primarily to assist managers, and anyone involved in the management of Houses in Multiple Occupation, by setting out the main elements of good management practice. It covers among other matters, health and safety, maintenance and repair, and relationships between managers and tenants. It is also designed to assist tenants in understanding both the standards and procedures applying to their accommodation and their obligations as tenants or licensees.

Effective management procedures should take account of the characteristics of the residents, including age, vulnerability, disabilities or dependencies. It may be

necessary to make special provision for individuals such as providing written information in large print or another language.

Effective management also relies in part on residents being fully aware of their responsibilities. They should be made aware that they are either required by regulation or by the terms of their tenancy agreement not to act in a way that obstructs the manager, or causes nuisance or annoyance to neighbours, and also be made aware of the consequences if they do not comply with this.

Failure to comply with the guide is not in itself an offence. However councils may take into account any breach of the code of practice as a relevant matter in deciding whether a person is a fit and proper person for the purposes of the Act.

This code of practice is intended to be read in conjunction with the Houses in Multiple Occupation Act (Northern Ireland) 2016 and all supporting regulations.



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## **Part 1 - Managers of HMOs**

- 1.1 For the purposes of this code of practice, a person acts as a manager or managing agent in relation to a HMO if that person
- (a) does, in relation to the HMO, any of the acts mentioned in paragraph (i), (ii) or (iii) of the definition of managing agent in Section 88(1) of the Act, or
- (b) engages in any other activity or course of activity which constitutes or assists in, the management of an HMO.
- 1.2 A manager shall ensure he manages a HMO in accordance with the detail contained within the HMO Act (NI) 2016 and associated regulations including the physical standards.

## **Part 2 - Water supply & Drainage**

- 2.1 The manager of a HMO must ensure that the hot and cold water supply and drainage system serving the HMO (including the curtilage, if any) is maintained in good, clean and working condition and is effective for the draining of foul, waste and surface water.
- 2.2 The manager must in particular ensure that any tank, cistern or similar receptacle used for the storage of water for drinking or other domestic purposes is kept in a good, clean, hygienic and working condition, with a cover kept

over it to keep the water in a clean and proper condition.

- 2.3 The manager must also make certain that any water fitting which is liable to damage by frost is protected from frost damage.
- 2.4 The manager must not unreasonably cause or permit the water or drainage supply that is used by any occupier at the HMO to be interrupted.
- 2.5 In this code of practice “water fitting” means a pipe, tap, cock, valve, ferrule, meter, cistern, bath, water closet, wash hand basin, shower, sink or soil pan used in connection with the supply or use of water, but the reference in this definition to a pipe does not include an overflow pipe or the mains supply pipe.
- 2.6 The manager shall ensure that water pipes and fittings within the house shall comply with the Water Supply (Water Fittings) Regulation (Northern Ireland) 2009.

## **Part 3 - Gas & Electricity**

- 3.1 The manager shall ensure that all gas fittings, appliances and flues are installed, serviced and maintained in accordance with the Gas Safety (Installations and Use) regulations (NI) 2004.
- 3.2 The manager must supply to the council, within 7 days of receiving a request in writing from that authority,

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the current and valid gas appliance test certificate it has received in relation to the testing of any gas appliance at the HMO by a recognised engineer.

- 3.3 In paragraph (3.2), “recognised engineer” means an engineer registered as a Gas Safe Installer and recognised as being competent to undertake such testing.
- 3.4 The manager must ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years (and at any other time as requested by the council) by a person qualified and competent to undertake such inspection and testing.
- 3.5 The manager must obtain a certificate from the person conducting that inspection and test, specifying the results of the test. The electrical test certificate must state that the overall assessment of the installation is satisfactory having no code 1 (danger present) or code 2 (potentially dangerous) defects.
- 3.6 The manager must supply that certificate to the council within 7 days of receiving a request in writing for it from that authority.
- 3.7 The manager must not unreasonably cause the gas or electricity supply that is used by any occupier within the HMO to be interrupted.

## **Part 4 – Parts of House in Common Use**

- 4.1 The manager must ensure that all parts of the HMO are maintained in good and clean decorative repair, maintained in a safe and working condition; kept reasonably clear from obstruction and kept free from dampness.
- 4.2 The manager must also ensure that such parts of the HMO in common use are kept reasonably free of obstruction.
- 4.3 The manager must ensure all handrails and banisters are at all times kept in good repair; and where such additional handrails or banisters are necessary for the safety of the occupiers of the HMO see that they are provided.
- 4.4 The manager must ensure that any stair coverings are safely fixed and kept in good repair; that all windows and other means of ventilation within the common parts are kept in good repair and that the common parts are fitted with adequate light fittings that are available for use at all times by every occupier of the HMO.
- 4.5 The duties outlined above (4.1-4.4) do not apply in relation to fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.
- 4.6 The manager must ensure that any outbuildings, yards and forecourts are

maintained in repair, clean condition and good order.

- 4.7 The manager must ensure that any garden belonging to the HMO is kept in a safe and tidy condition; and boundary walls, fences and railings (including any basement area railings), in so far as they belong to the HMO, are kept and maintained in good and safe repair so as not to constitute a danger to occupiers.
- 4.8 If any part of the HMO is not in use the manager shall ensure that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.
- 4.9 In this section “common parts” means:
- a) The entrance door to the HMO, vestibule/hall doors and the entrance doors leading to each unit of living accommodation within the HMO;
  - b) All such parts of the HMO as comprise staircases, passageways, corridors, halls, lobbies, entrances, balconies, porches and steps that are used by the occupiers of the units of living accommodation within the HMO to gain access to the entrance doors of their respective unit of living accommodation; and
  - c) Any other part of an HMO the use of which is shared by two or more households living in the HMO, with the knowledge of the landlord.

## **Part 5 – Installations**

- 5.1 The manager must ensure that the following installations are maintained in good repair, clean condition and proper working order where appropriate.
- 5.2 Any large device system or piece of equipment that has been installed, such installations include (but are not exclusive to):
- a) Installations for the supply of gas and electricity, for lighting and for space heating or heating water;
  - b) Sanitary conveniences, baths, sinks, washbasins and installations for cooking and storing food;
  - c) Access points or other installations provided in connection with the delivery to the house of postal packets in connection with the provision of the universal postal service (within the meaning of Section 4(7) of the Postal Services Act 2000);
  - d) Other installations (if any) in a kitchen, bathroom, lavatory or washroom.
- 5.4 The manager must ensure that all electrical equipment and appliances are to be examined and passed every 5 years under the Portable Appliance Testing (PAT) processes to ensure they are safe to use.
- 5.5 The manager must not unreasonably cause the space and water heating installations used by any occupier within the HMO to be operated.

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## **Part 6 – Living Accommodation**

- 6.1 The manager must ensure that each unit of living accommodation within the HMO and any furniture supplied with it are in clean condition at the beginning of a person's occupation of it. Any furniture supplied in the HMO should comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988.
- 6.2 The manager must ensure, in relation to each part of the HMO that is used as living accommodation, that—
- (a) the internal structure is maintained in good repair;
  - (b) any fixtures, fittings or appliances within the part are maintained in good repair and in clean working order in compliance with The Consumer Protection Act 1987, The General Product Safety Regulations 2005, The Gas Safety (Installation and Use) regulations (NI) 2004, The Gas Cooking Appliances (Safety) Regulations 1989, The Electrical Equipment (Safety) Regulations 1994 and The Plugs and Sockets (Safety) Regulations 1994; and
  - (c) every window and other means of ventilation are kept in good repair.
- 6.3 The duties imposed under 6.2 do not require the manager to carry out any repair the need for which arises in consequence of use by the occupier of his living accommodation otherwise than in a tenant-like manner.

- 6.4 The duties imposed under paragraphs 6.1 and 6.2 (b) do not apply in relation to furniture, fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.
- 6.5 For the purpose of this regulation a person shall be regarded as using his living accommodation otherwise than in a tenant-like manner where he fails to treat the property in accordance with the covenants or conditions contained in his lease, licence or otherwise fails to conduct himself as a reasonable tenant or licensee would do.

## **Part 7 - Windows & Ventilation**

- 7.1 The manager shall ensure that all windows and other means of ventilation in any part of the HMO are maintained in good repair and proper working order.
- 7.2 The manager shall not be required to carry out any repair to a window or other means of ventilation, in any part of the house which is occupied by a resident as his living accommodation, the need for which arises in consequence of use of that part otherwise than in a tenant-like manner.

## **Part 8 – Signs and safety equipment (including fire equipment and carbon monoxide detection)**

- 8.1 The manager must ensure that all means of escape from fire in the HMO, sprinklers (if present) and emergency or escape lighting are kept free from obstruction and maintained in good order and repair in accordance with the relevant British Standard.
- 8.2 The manager must ensure that any firefighting equipment and fire alarms are installed in line with guidance set out in The Fire Safety Guidance for HMOs and maintained in good working order.
- 8.3 The manager must ensure that all notices indicating the location of means of escape from fire are displayed in positions within the HMO that enable them to be clearly visible to the occupiers.
- 8.4 The manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to the design of the HMO; the structural conditions in the HMO; and the number of occupiers in the HMO.
- 8.5 In performing the duty imposed by paragraph 8.4 the manager must in particular:
- (a) in relation to any roof or balcony that is unsafe, either ensure that it is made safe or take all reasonable measures to prevent access to it for so long as it remains unsafe; and
  - (b) in relation to any window the sill of which is at or near floor level, ensure that bars, safety glass or other such safeguards as may be necessary are provided to protect the occupiers against the danger of accidents which may be caused in connection with such windows.
- 8.6 The manager shall ensure that a carbon monoxide detector is fitted in any room of the HMO which is used wholly or partly as living accommodation and contains a fuel burning combustion appliance.
- 8.7 checks must be made by or on behalf of the manager throughout the tenancy to ensure that all signs and safety equipment including fire and carbon monoxide alarms, sprinklers (if present) firefighting equipment emergency lighting systems etc. are in proper working order in accordance with the relevant British Standards.
- 8.8 There should be continuity of supply to the fire detection and emergency lighting systems serving the house and to the ordinary domestic lighting circuits serving the common areas. Pre-payment electricity meters of whatever kind serving these installations are unacceptable.

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## **Part 9 – Miscellaneous parts of premises**

- 9.1 The manager shall ensure that every outbuilding, yard, forecourt, general area, and garden which belongs to the HMO, is maintained in good repair and clean condition.
- 9.2 The manager shall ensure that boundary walls, fences and railings (including basement railings), in so far as they belong to the house, are kept and maintained in repair so as not to constitute a danger to residents.
- 9.3 If any part of the house is subject to a closing order, or not in use, that manager shall ensure (where practicable) that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.

## **Part 10 – Disposal of Refuse and Litter**

- 10.1 The manager must 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.

10.2 The manager shall make such further arrangements 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 council.

- 10.3 The manager must ensure that refuse and litter are not allowed to accumulate in, or in the curtilage of, the house except where properly stored pending disposal.

## **Part 11 – Duty of Manager to Provide Information to Occupier**

- 11.1 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.
- 11.2 The manager shall cause to be displayed a copy of this Code of Practice.
- 11.3 The manager shall ensure such details are clearly displayed in a prominent position in the HMO so as to be readily visible to the occupiers.
- 11.4 The manager shall take all reasonable steps to ensure that the documents in accordance and association with this regulation remain so displayed and are amended as necessary.

## **Part 12 – Duties of Occupiers of HMOs**

- 12.1 Every occupier of the HMO must conduct themselves in a way that will not hinder or frustrate the manager in the performance of their duties.
- 12.2 Every occupier of the HMO must allow the manager, for any purpose connected with the carrying out of any duty imposed on them by the Act or by this Code of Practice, at all reasonable times to enter any living accommodation or other place occupied by that person.
- 12.3 Every occupier of the HMO must provide the manager, at their request, with any such information as they may reasonably require for the purpose of carrying out any such duty.
- 12.4 Every occupier of the HMO must take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair under this Code of Practice.
- 12.5 Every occupier of the HMO must store and dispose of litter in accordance with the arrangements made by the manager under Part 9.
- 12.6 Every occupier of the HMO must comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.
- 12.7 Every occupier of the HMO is prohibited from using “super ser” type heaters or any other portable gas appliances.

## **Part 13 – General Safety of Occupiers of HMOs**

- 13.1 The manager shall ensure that such precautions are taken as are reasonably required, having regard to the design and structural conditions in the house and to the number of residents, to protect those residents from injury as a result of those conditions; and in particular he shall (without prejudice to those obligations) ensure as respects any roof or balcony which is not in all respects safe, either that reasonable measures are taken to prevent access to it, or that it is made safe, and that such safeguards as may be necessary are provided against the danger of accidents resulting from the presence on staircases of windows the sills of which are at or near floor level.
- 13.2 To ensure the safety of occupiers a manager shall ensure that, at the outset of a tenancy, each tenant understands what constitutes behaviour that is not acceptable (antisocial behaviour / bad practice etc.). The detail on this can be included in a tenancy agreement and notifications posted within the HMO.



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## List of supporting documents

| Area                                | Document Title  |
|-------------------------------------|---|
| Fire Safety                         | The Fire Safety Guidance for HMOs   |
| Carbon Monoxide                     | Advice and Information on the use of Carbon Monoxide Detectors (GSIS-004(V7)) |
| Refuse disposal                     | Waste Storage Guide for Northern Ireland                                      |
| Fixture, Fitting & Appliance Safety | Consumer Protection (NI) Order 1987   |
| Fixture, Fitting & Appliance Safety | General Product Safety Regulations 2005                                       |
| Electrical Safety                   | Electrical Equipment (Safety) Regulations 1994                                |
| Electrical Safety                   | Plugs and Sockets (Safety) Regulations 1994                                   |
| Gas Safety                          | Gas Safety (Installation and Use) Regulations (NI) 2004                       |
| Gas Safety                          | Gas Cooking Appliances (Safety) Regulations 1989                              |
| Furnishing Standards                | Furniture and Furnishings (Fire) (Safety) Regulations 1988                    |

Available in alternative formats.

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