



Introduction

The Housing Act 2004 (Commencement No 5 and Transitional Provisions and Savings) (England) Order 2006 commenced in April 2006, and brought into force the enforcement regime for HMOs and a licensing system for those of high risk. The local housing authority (HA) enforces the provisions of the Housing Act 2004 (the Act).

HMO definitions

The Act defines the meaning of HMO. An HMO is: -

1. An entire house or flat which is let to 3 or more tenants who form 2 or more households and who share a kitchen, bathroom or toilet. A house which has been converted entirely into bedsits or other non-self-contained accommodation and which is let to 3 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.
2. A converted house which contains one or more flats which are not wholly self contained (ie the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by 3 or more tenants who form two or more households.
3. A building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies.
4. In order to be an HMO the property must be used as the tenants' only or main residence and it should be used solely or mainly to house tenants. Properties let to students and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refuges.

Households

The following are 'households' for the purposes of the Act

Members of the same family living together including:

1. Couples married to each other or living together as husband and wife (or in an equivalent relationship in the case of persons of the same sex)
2. Relatives living together, including parents, grandparents, children (and step-children), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins
3. Half-relatives will be treated as full relatives. A foster child living with his foster parent is treated as living in the same household as his foster parent.
4. Any domestic staff are also included in the household if they are living rent-free in accommodation provided by the person for whom they are working.

Therefore three friends who rent and share together are considered three households. If a couple are sharing with a third person that would consist of two households. If a family rents a property that is a single household. If that family had an au-pair to look after their children that person would be included in their household.