

Document G

GENERAL GUIDANCE FOR HOUSES IN MULTIPLE OCCUPATION (HMO)

This document, referred to as document 'G', is a general guide for persons who own, manage or control houses in multiple occupation (HMOs). It takes account of the statutory requirements of the Housing Act 2004; Regulations made under this Act and associated government guidance.

The Housing Act 2004 sections 254 – 259 define a HMO and Part 2 of the Act has introduced licensing of HMOs. Mandatory licensing of HMOs relates to properties that are 3 storeys in height **and** which have 5 or more occupants of which at least 2 must be unrelated.

The following guidance is applicable to all HMO regardless of whether a mandatory licence is required and should be read in conjunction with the specific guides for the different categories of HMO's.

There are a multitude of different layouts of buildings occupied as HMOs and therefore it is not possible to take account of every possible building design in the general and specific documents. However the principles described will be appropriate for the majority of the HMOs in the Bradford district.

This document may subsequently be revised in response to changes in relevant Legislation and Government guidance.

Standards applicable to all HMO types:

1.0 Safe for habitation

The Housing Act 2004 has introduced a new system of assessing conditions in residential premises called the Housing Health and Safety Rating System. It is based on the principle that residential premises should provide a safe and healthy environment for any potential occupier or visitor.

Part 1 of the 2004 Act introduces a system which allows an inspector to assess a property against 29 potential hazards which are grouped under physiological requirements, psychological requirements, protection against infection and protection against accidents. Once a hazard is identified as requiring attention, any proposed action will be taken in accordance with the powers provided within Part 1 of 2004 Act and the department's enforcement policy.

Deleted: Revised February

A person in control of a HMO may find it difficult to identify and appreciate all the deficiencies to the premises. However, ensuring that all parts of the property (including any garden wall, garden and yard surfaces) are maintained in a good state of repair and taking account of the standards for amenities, space and means of escape will substantially reduce the presence of hazards and the potential risks to occupants.

2.0 Kitchen facilities

The preparation and cooking of food is potentially more dangerous than any other activity which goes on in a house.

Many accidents occur in connection with the cooker, the electrical installation or out-of-reach storage. This can be minimised by ensuring there is safe layout and adequate circulation space. The location of appliances in relation to any obstructions is of particular importance.

The design of kitchens can also reduce the risks to health. Non-porous and smooth work surfaces on and around food preparation areas will minimise the potential of food poisoning which often results from cross contamination.

2.1 General requirements for kitchens

- 2.1.1 No more than two sets of cooking facilities to be provided in one kitchen area. Where two sets are to be provided, the positioning of appliances and the space available for kitchen practices must not prejudice safety.
- 2.1.2 The number of persons permitted to use one set of kitchen facilities is dependent on the mode of occupancy and is therefore detailed in the specific HMO type document
- 2.1.3 All preparation areas and splash backs to worktops/sinks must have a non-porous and smooth covering to facilitate easy cleaning.
- 2.1.4 There should be a minimum 0.50m² of free space worktop per person up to a maximum of 2m² available for the preparation of food for each kitchen.
- 2.1.5 There should be a minimum of four 13 amp electric power outlets for each food preparation and cooking area. These should be conveniently placed with at least two of the power outlets accessible at worktop level.

Deleted: Revised February

- 2.1.6 Each sink should be minimum size 1m in length with an adequate integral drainer and an impervious splash back 300mm high. Each sink to be connected to its own adequate and constant supply of hot and cold running water.
- 2.1.7 Refer to the appendix for further information on water supply, appliance outputs and flow rates.
- 2.1.8 Each separate kitchen should be provided with suitably positioned gas or electrically operated cooking facilities with four-ring hob, oven and grill. The hob and oven must be capable of being operated at the same time
- 2.1.9 Each person should be provided with adequate, properly constructed and installed dry goods food storage, 0.3m³ per unit of letting would be an acceptable minimum.
- 2.1.10 Each person should be provided with adequate refrigerated food storage, 0.13m³ would be an acceptable minimum. This equates to one shelf of a standard sized refrigerator.
- 2.1.11 Dining rooms, where separate from kitchens, should be accessed directly from the kitchen or be in an adjoining room, to minimise travel distance.
- 2.1.12 Where the kitchen does not have sufficient area for dining or where it does not adjoin a dining room, then a kitchen, for reasons of safety, should not be located more than one floor distance from each let for which the kitchen is provided.

3.0 Personal washing and sanitary facilities

There are significant health risks associated with the use of sanitary conveniences which can be minimised through well designed, regularly maintained and adequately facilitated amenities.

3.1 Requirements for water closets

- 3.1.1 Refer to the specific documents for the ratio of WCs to the number of persons.
- 3.1.2 The compartmenting and location of WCs must allow personal privacy to be maintained at all times. The toilet compartment must not open directly on to a kitchen area.
- 3.1.3 The WC should be provided in an adequate naturally or artificially ventilated and lit compartment and should not

Deleted: Revised February

open directly onto a space intended for storage or preparation of food.

3.1.4 All rooms containing a WC to have a wash hand basin, of minimum dimensions 560 mm x 430 mm, with its own adequate and constant supply of hot and cold running water. An impervious splash back 300mm high should also be provided.

3.1.5 No WC to be more than one floor above/below or 30 metres distant horizontally from a sleeping room.

3.2 Requirements for bath/shower rooms

3.2.1 Refer to the specific documents for the ratio of baths/showers to the number of persons.

3.2.2 The compartmenting and location of the bath/shower must allow personal privacy to be maintained at all times.

3.2.3 The bathroom should have adequate natural or artificial light and ventilation.

3.2.4 Each bath should be at least standard size, minimum of 1.67m in length or shower with minimum dimensions 800mm x 800mm. The splash back to the bath/shower must be adequate, the surface of which must be non-porous and allow easy cleaning.

3.2.5 No bath/shower to be more than one floor above or below a sleeping room.

3.2.6 Refer to the appendix for further information on water supply, appliance outputs and flow rates.

3.2.7 For the purpose of thermal comfort and also reducing the chance of accidents, WCs and bath/shower rooms must have controllable and fixed space heating.

Deleted: Revised February

4.0 Space standards

Overcrowding and lack of space in houses/flats can give rise to issues such as inconvenience, lack of privacy, stress and increased risks to health through injuries and disease.

- 4.1 For the purposes of the space standards, any child, regardless of age, is counted as a person.
- 4.2 No two persons of 10 years old or more, of opposite sex, to sleep in the same room, unless they are married or are cohabiting.
- 4.3 All habitable rooms, kitchens, bathrooms and toilet compartments should have a minimum floor to ceiling height of 2.14m (7ft), except in the case of existing attic rooms, which shall have a minimum height of 2.14m (7ft) over an area of the floor equal to not less than $\frac{3}{4}$ of the area of the room, measured on a plane 1.5m (5ft) above the floor.
- 4.4 Any floor area with headroom of less than 1.5m (5 feet) will be discounted.
- 4.5 Irrespective of floor area, consideration shall be given to the shape and useable space within the kitchen or room, to determine whether it is suitable and safe for its proposed use.
- 4.6 The minimum sizes for rooms in different types of HMO's are stipulated in the respective specific standards document.

5.0 Means of escape in case of fire and other fire precautions

LACORS 2008 "Housing - Fire Safety Guidance on Fire Safety Provisions for Certain Types of Existing Housing"
 ("<http://www.lacors.gov.uk/lacors/upload/19175.pdf>) has introduced recommended standards for LA s for different types of HMO and single occupied properties. A decision has been taken by Housing TMT (6/10/08) to update the existing standards to reflect the changes introduced by the guidance and develop guidelines to help explain how the guidance works with HHSRS.

Research highlights that the risk of a fatality or a serious injury as a result of a fire is substantially greater in 3 or more storey properties. Any additional measures will also be influenced by the need and ability of vulnerable occupants.

Deleted: Revised February

Local authorities have the power to require adequate means of escape from fire and other fire precautions. The Council will ensure that it has consulted with West Yorkshire Fire Authority prior to taking action to address deficiencies to the means of escape from fire.

The required measures are based on the principle that occupants of an HMO are able to leave the premises safely in the event of a fire, which often will only be achieved by a combination of measures.

The general guidance appended below is only applicable where the occupants do not have mobility, visual or hearing impairment or learning disability which may limit their understanding of the action to be taken in the event of a fire starting. Properties occupied by such vulnerable persons must be individually risk assessed by a member of the HMO team in conjunction with a Fire Prevention Officer. This is regardless of whether staff are employed on the premises.

Note that the specific means of escape in case of fire requirements for different types of HMO's are detailed in the supplementary guides.

The action taken by housing authorities in relation to the adequacy of fire alarm and detection systems in single household and owner occupied property will be influenced by the existing conditions found on inspection and within the context of an overall assessment of risk. This includes houses which have been converted to flats. (West Yorkshire Fire safety in Residential Accommodation group.)

A low occupancy level means no more than six persons (page 12 clause 9.4 Lacors Guidance). (West Yorkshire Fire safety in Residential Accommodation group.)

More than one acceptable escape route is a characteristic of low-risk premises. An enhanced fire detection and alarm system would have the same effect. (page 12 clause 9.4 Lacors Guidance). (West Yorkshire Fire safety in Residential Accommodation group.)

Deleted: Revised February

Means of escape from fire (Fire Detection)

- 5.1 **Automatic fire detection and manual alert systems** - For large high risk properties the automatic system should generally consist of smoke detectors in circulation areas, habitable rooms and other rooms/areas presenting a risk. Heat detectors should be installed instead of smoke detectors in rooms where there is an increased likelihood of false alarms e.g. kitchens.
- 5.1.1 The system may need to be supplemented with manual break glass call points and sounders all connected to a control panel. The need, type and specifics of the system is dependent upon a risk assessment of the occupation and size of the HMO. Refer to the relevant HMO type standard for the specific requirements.
- 5.1.2 Upon actuation of any manual or automatic devices the system should be capable of raising an alarm which is clearly audible (sensed where necessary) throughout the premises and sufficiently loud enough to awaken a sleeping occupant. As a guide the audibility should be a minimum 75 dB(A) at the bedheads or if measured at the doorway of each bedroom (with the door open), should be at least 85 dB (A), irrespective of where fire is detected in the dwelling. (BS 5839 pt 6) and 65 dB(A) in all other areas.
- 5.1.3 It is recommended that sounders are contained in each bedroom. Reliance on sounders on the escape route to achieve the required decibel level may result in a sound level which is such to cause disorientation.
- 5.1.4 The full design criteria for the fire alarm and detection systems are contained in British Standard 5839-1 2002 and 5839-6 2004.
- 5.1.5 BS 5839 pt 6 states that, where required, "manual call points should be located on escape routes at all storey exits and all principal exits to open air". However, in the context of an overall risk assessment, and provided that no person should need to travel more than 45m to reach a call point, it is considered sufficient that break glass points are provided only at the principal exit or exits. (West Yorkshire Fire safety in Residential Accommodation group.)

Deleted: Revised February

5.2 Emergency lighting

- 5.2.1 Where necessary the emergency lighting should be supplied from a separate source to that of the general lighting.
- 5.2.2 The entire escape route (corridors, landings and staircases) should be covered and the luminescence should be uniform and sufficiently bright enough to enable a person to evacuate safely from the premises during an emergency.
- 5.2.3 The installed system should meet the requirement of British Standard 5266 Parts 1 and 7:1999

5.3 Fire doors and protected means of escape (Escape Route)

- 5.3.1 A FD30S (with smoke seals and intumescent strips) fire door should prevent excessive transmission of products of combustion which can interfere with the safe route of escape. It should maintain the effectiveness as a fire-barrier to at least the same level as the wall or partition in which it is located.
- 5.3.2 All fire doors in HMOs should be capable of providing at least 30 minutes fire resistance. However, the area/room may necessitate greater fire resistance, note 5.4.1. Fire doors must comply with the specification of British Standard 476: Part 22
- 5.3.3 Where FD30S fire doors are necessary either the door or the frame is to be fitted centrally with intumescent strips and smoke brushes covering the sides and head of the door. Fire doors are to be hung by three heavy duty steel hinges. Any fire doors to store rooms or cupboards should be marked 'Fire door – keep shut'.
- 5.3.4 A situation whereby a person has to pass from a sleeping area through a risk room (kitchen/living room) to reach a stairway or exit is generally unacceptable. Such situations are typical in back to back properties. The requirements for a protected corridor, alternative escape route and/or or increased level of protection in case of fire will be based on a risk assessment.
- 5.3.5. Where necessary fire resisting doors will be fitted with approved self closing devices in all premises unless occupied by a single household or within low-risk shared houses. (page 22 clause 21.5 Lacors Guidance). (West

Deleted: Revised February

Yorkshire Fire safety in Residential Accommodation group).

- 5.3.6. The use of throw-out ladders may need to be considered in conjunction with escape windows in exceptional circumstances where all other reasonably practicable solutions have been exhausted. (page 16 clauses 14.2 & 14.35 Lacors Guidance). (West Yorkshire Fire safety in Residential Accommodation group).

5.4 Additional means of escape from fire requirements (fire separation, surfaces and floor coverings , management)

- 5.4.1 Generally there should be at least half an hour fire resisting separation between the basement and upper floor. Where there is **no** automatic detection system covering the basement area this separation should be increased to one hour. However, in HMOs occupied as shared houses and which have 6 or less occupants the need for this separation should be based on a risk assessment taking into account the use and condition of the basement.
- 5.4.2 The underside (soffit) and side enclosure (spandrel) of any staircase should be capable of resisting fire for at least half an hour.
- 5.4.3 The required integrity of horizontal (ceilings) and vertical (walls) structures leading onto the escape route should not in any way be prejudiced e.g. holes, ceiling hatches.
- 5.4.4 The route of escape must always be maintained free from obstruction.
- 5.4.5
- a The general rule is surfaces on escape route should not be combustible and the minimum class of spread of flame is class 1.
 - b lower class of spread of flame, class 3 acceptable in rooms provided the total area does not exceed more than one half of the floor area up to 20m² max
 - c floor covering throughout protected route should conform to low rate spread of flame up to 35mm when tested in accordance with BS5287
 - d It is sufficient to comply by using certified BS5287 floor coverings. As general rule existing 80% wool

Deleted: Revised February

20%nylon will be suitable, laminates, linoleum, and many vinyls will not

- 5.4.6 The travel distance from any point within the premises to reach a place of safety will be considered. Maximum distance from any part of a kitchen and habitable room to its only entrance should not exceed 6 and 9 metres respectively. The maximum distance between a room entrance and protected staircase or final exit should not exceed 7.5 metres.
- 5.4.7 The locks to all doors, which persons have to pass through to exit out of the premises, should be capable of being opened immediately without the use of a key. Yale type or mortise lock with a thumb turn device on the inside of the door is acceptable
- 5.4.8 The necessity for whole stair lighting is based on a risk assessment which takes account of the size, layout and occupation of the property. Where necessary the lighting should be such that the operation of a switch at any floor level lights up the whole staircase. This may be on an adequately adjusted timing device.
- 5.4.9 The design, commissioning and installation and/or tests certificate should be available as per the recommendations of British Standard 5839-1 2002 and 5266 1999 for the alarm and emergency lighting systems respectively.

5.5 Domestic sprinkler systems (Fire Detection)

- 5.5.1 Owners of HMO's housing infirm and vulnerable persons are particularly recommended to install a domestic sprinkler system, the presence of which provides increased protection for the property and more importantly to its residents. Such a system allows the adoption of a 'stay put' policy which is particularly beneficial where the residents suffer from conditions which effect mobility, or have a visual or hearing impairment or a learning disability, which may limit their understanding of the action to be taken and their ability to evacuate in the event of a fire starting.
- 5.5.2 HMO's with sprinkler systems installed in accordance with Code of Practice DD251:2000 may be afforded relaxations on many of the above requirements e.g. requirement for fire doors, fire extinguishers, upgrading of walls and staircases, the extent of which depends on the

Deleted: Revised February

size and type of HMO. Consult the department for further details.

5.5.3 A sprinkler system may be the only acceptable or alternative solution for premises with inadequate means of escape in case of fire i.e. dead end situations or three storey back-to-back premises.

5.6 Other fire precautions (Fire Safety Signs Fire Fighting Equipment)

5.6.1 A sign should be displayed advising tenants of the action to be taken in the event of a fire. The notice should include the location of the nearest telephone. The notice must be permanently fixed or displayed where the occupants can see it. Where the occupants have learning difficulties or where English is not the first language, then a line drawing showing the escape route should be displayed in addition to the above.

5.6.2 Where necessary fire extinguishers with a minimum or equivalent 13A fire rating should be provided; for large properties (200 m² or more) normally 1 for each landing. Specifications relating to the installation/maintenance are detailed in British Standard 5306 Part 3 1985.

5.6.3 One fire blanket should be provided for the protection of each kitchen area. The blanket container should be fixed to the wall 1500mm above floor level. British Standard 6575 1985 details the specification.

5.6.4 For large HMOs signs should be provided indicating the route of exit in case of an emergency and appropriate instructions on doors which are compliant with the requirements of the Health and Safety (Safety Signs and Signals) Regulations 1996.

It is recognised that the provision of fire fighting equipment is by way of recommendation only. (page 28 clause 25.1 Iacors Guidance) .(West Yorkshire Fire safety in Residential Accommodation group.)

6.0 Management

The Management of Houses in Multiple Occupation (England) Regulations 2006 (HMOs that are not self contained flats) and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 (HMOs that are self contained flats) make provision for ensuring that the person managing

Deleted: Revised February

a house in multiple occupation observes proper standards of management. The following link will enable you to see the regulations online alternatively you may wish to obtain a print version which is published by The Stationery Office Limited, ISBN 0110740742.

Web link - <http://www.opsi.gov.uk/si/si2006/20060372.htm>.

http://www.opsi.gov.uk/si/si2007/uksi_20071903_en_1

Under section 234 of the Housing Act 2004 it is an offence punishable on summary conviction by a fine not exceeding £1000 (level 5 on the standard scale), to knowingly contravene or to fail without reasonable excuse to comply with any of the following summary parts of the Regulations.

- 6.1 Duty of manager to provide information to occupiers
- 6.2 Duty of manager to take safety measures
- 6.3 Duty of manager to maintain water supply and drainage
- 6.4 Duty of manager to supply and maintain gas and electricity
- 6.5 Duty of manager to maintain common parts, fixtures, fittings and appliances
- 6.6 Duty of manager to maintain living accommodation
- 6.7 Duty to provide waste disposal facilities

7.0 Additional responsibilities

There are a number of Acts and Regulations which place further responsibilities upon owners and/or managers, the main ones are detailed below. The appropriate body should be contacted for further information.

- 7.1 **The Regulatory Reform (Fire Safety) Order 2005** – Under the FSO, the responsible person must carry out a fire safety risk assessment and implement and maintain a fire management plan.
- 7.1 **Planning permission** – may be necessary for the change of use of premises into a HMO. The size and number of persons to occupy the property dictate whether permission is necessary.
- 7.2 **Compliance with current Building Regulations** – may be necessary for any new building work, structural alterations, installation of certain services and/or fittings and any other work

Deleted: Revised February

that is required by the various parts of the Regulations e.g. replacement windows and Part P (electrical) requirements which are specific to electrical works.

- 7.3 **The Council Tax Department** - should be notified of any change in use or circumstances as the owner becomes liable for council tax accruing at a HMO premise.
- 7.4 **Environmental Protection Act 1990** – covers a wide range of environmental issues particularly nuisance and matters which are regarded as prejudicial to the health of the occupant, which may be relevant to houses in multiple occupation.
- 7.5 **The Furniture and Furnishings (Fire Safety) Regulations 1988** as amended will apply to upholstered furniture, supplied in accommodation for letting.
- 7.6 **Health and Safety at Work Act 1974** – is a complex piece of legislation and it generally covers work related activities. HMO owners/managers should take note of the responsibility of ensuring safe conditions in and around the premises for residents, staff, visitor and persons carrying out their business at the premises.
- 7.7 **Landlord and Tenant Law** – governs landlord and tenant relationship and any implied responsibilities upon landlords.
- 7.8 **The Protection from Eviction Act 1977** – makes it an offence to deprive, or attempt to deprive a residential occupier of their accommodation.
- 7.9 **Gas Safety (Installation and Use) Regulation 1994** – places a duty upon landlords to ensure the required checks, installation and repair works to gas appliances are carried out by contractors registered with CORGI.

Deleted: Revised February

Appendix

Cold water supply

The supply of cold running water must be directly from the rising main and be suitable for drinking purposes or if provided from a private supply comply with the requirements of the Private Water Supply Regulations 1991.

Hot water supplies

Supplies to sinks, baths, wash hand basins (WHB) and showers must be adequate and constant and exclusive where provided to fittings in individual lets. This can be achieved by metering of electricity and/or gas supplies in individual lets. Supplies in communal areas should preferably be provided as part of the rental costs.

Hot water can be provided by means of either, a hot water cylinder and immersion heater, a gas multipoint heater, an instantaneous water heater or as part of a full central heating system.

Creda corvettes and similar 'fill and heat' units are unacceptable.

The flow rates to appliances should be as follows and the appliance must be capable of heating water to a minimum of 50°C.

	Sink	WHB	Bath	Shower
Flow rate (litres/sec)	0.2	0.15	0.3	0.15

In assessing the suitability and type of system for use, consideration should be given to the fact that the demand for hot water in HMO's will be greater than that of a single private dwelling.

Further guidance on heating appliances:

1. Instantaneous water heaters – suitable for use at showers, sinks and WHBs, gas or electricity type.

	Showers	Sinks	Wash hand basins
Minimum output (KW)	8	8	3

2. Immersion type storage heaters – suitable for use with either a sink or a WHB. Either gas or electrically operated with a minimum storage capacity of 4/5 litres (1.5/2 gallons).

Deleted: Revised February

3. Gas multipoint water heater – suitable for use at any of the installations. Its use is restricted by the pressure of the supply and the maximum volume of water likely to be used at any one time. To allow for this it is probable that such an appliance will only be sufficient for one of the following combinations:
 - a. A bath and up to 3 wash hand basin(s) associated with water closet(s), or
 - b. All appliances in a self contained unit, or
 - c. Maximum of 3 sinks. This is dependent on the water pressure and the heat output of the unit installed in the property. Care should be taken to ensure that the unit is sited in a communal space if it is to be used to heat water for more than one unit.