

## Guidance for Landlords on HMO Standards in Sunderland

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## 1. Introduction

This guidance document is intended to notify owners and managers of properties in Sunderland that are Houses in Multiple Occupation (HMOs) of the standards expected by Sunderland City Council in terms of amenities provided for the occupiers of the property, room sizes, fire safety of the property and management of the property.

Amenities are toilets, bathrooms, kitchens and personal washing facilities and when assessing the number of amenities consideration is given to the proposed number of persons and households that are intended to occupy a property. The purpose is so that a HMO has a sufficient quantities/numbers of relevant amenities and space for the proposed number of persons and households intended to occupy the HMO.

This guidance replaces previous guidance and standards the Council has issued in the past and takes into account the new national minimum room sizes that come into force on 1 October 2018.

A HMO licence will specify the maximum permitted number of occupants and or households. The occupancy number will depend upon the number and size of rooms and the amenities available within the property.

The Council is required to include on licences mandatory conditions set by central government. In addition, the Council may include further licence conditions relating to housing and management standards.

Also, when deciding whether to grant a licence, the Council must be satisfied that the HMO is reasonably suitable for occupation by the maximum permitted number of households or persons. When deciding these issues, the Council will have regard to the standards set out in this document. Each decision on these issues will be made on the individual circumstances of the case.

The standards contained in this document also relate to HMOs that do not require a licence. This would include any residential property occupied by 3 or 4 persons forming 2 or more households.

All HMOs are subject to the Housing Health & Safety Rating System (HHSRS). This is a risk-based evaluation tool to help local authorities to identify and protect occupants against potential risks and hazards to health and safety from any deficiencies identified in dwellings. If a Category 1 hazard is identified within an HMO any improvement notice issued by the Council under the Housing Act 2004 in relation to that hazard must be served on the HMO Licence Holder even if that person is not the owner of the property.

The HHSRS will address hazards within a property. Should this guidance be followed and a property is maintained in good repair and condition, then hazards identified within a HMO are unlikely to be Category 1 or high banded Category 2 hazards. However, the Council has a duty to take formal action if a category 1 hazard is identified and may take action on category 2 hazards.

## 2. Space Standards

<b>Minimum bedroom sizes</b>	
<b>Property with communal lounge (excluding kitchen)</b>	<b>Minimum room size in metres squared (m<sup>2</sup>)</b>
Bedroom for 1 person	6.51 m <sup>2</sup>
Bedroom for 2 people living together as a couple	10.22m <sup>2</sup> - 11.0 m <sup>2</sup> (See Note below)
Bedroom for 2 people not living together as a couple	10.22m <sup>2</sup> - 13.0 m <sup>2</sup> (See Note below)
Bedroom for under 10yrs of age (Let in connection with one of the rooms above)	4.64 m <sup>2</sup> -6.5 m <sup>2</sup>
<b>Property without communal lounge</b>	<b>Minimum room size</b>
Bedroom for 1 person	10.0 m <sup>2</sup>
Bedroom for 2 people	15.0 m <sup>2</sup>
<b>Letting contains cooking facilities</b>	<b>Minimum room size</b>
Bedroom for 1 person	13.0 m <sup>2</sup>
Bedroom for 2 people	15.0 m <sup>2</sup>
Bedroom for under 10yrs of age (Let in connection with one of the rooms above)	4.64 m <sup>2</sup> -6.5 m <sup>2</sup>

The calculation of room size only takes into consideration that part of the room where the ceiling height is greater than 1.5m and only takes account of useable space.

All rooms used for sleeping accommodation must have natural ventilation, natural lighting and an unobstructed outlook and must also be capable of accommodating:

- 1) a bed
- 2) a wardrobe (unless there is a built-in wardrobe or cupboard of adequate size)
- 3) a chest of drawers

Room measurements refer to useable space and would not take into account the space that is occupied by en-suite facilities.

Note: The minimum bedroom size for 2 people sharing is set nationally as 10.22m<sup>2</sup>. However, in the case of a bedroom for 2 people living together as a couple, the Council will undertake an HHSRS assessment in respect of any room less than 11.0m<sup>2</sup> in area to determine whether the limited space available gives rise to any Category 1 or Category 2 hazards. In the case of a bedroom for 2 people not living together as a couple, an HHSRS assessment will be undertaken in respect of any room less than 13.0m<sup>2</sup>.

### 3. Space Heating

- 1) Space heating must be provided in each room used as sleeping or living accommodation (i.e. bedrooms and common rooms).
- 2) It must be sufficient to protect the occupiers from excess cold and controllable enough to protect them from excess heat.
- 3) Where central heating is not installed other adequate, appropriate, affordable, programmable, controllable and efficient heating sources must be provided. The property should be free from category 1 hazards.
- 4) Space heating must be permanent and fixed; portable heaters will not be accepted.
- 5) A healthy indoor temperature is around 21°C, although cold is not generally perceived until the temperature drops below 18°C.

### 4. Bathing and Toilet Facilities

Number of occupiers	Number of bathrooms (bath or shower & wash hand basin)	Number of WCs (WC and wash hand basin)
3- 4	1	1
5	1	1 (must be in a separate compartment to the bathroom)
6-9	2	2 (1 must be in a separate compartment to the bathrooms)
10	2	2 (must be in separate compartment to the bathrooms)

- 1) The facility must allow for privacy.
- 2) All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.
- 3) All bathrooms in an HMO must be suitable and adequately heated and ventilated.
- 4) All bathrooms and toilets in an HMO must be of an adequate size and layout.

- 5) All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.
- 6) Rooms should be provided with adequate ventilation and electric lighting.
- 7) The adjacent or surrounding walls around baths, showers and wash hand basins must have non-porous and easily cleansable finish.
- 8) A suitable locking mechanism must be fitted to the access door to ensure privacy.
- 9) All baths, toilets and wash hand basins in an HMO must be fit for purpose.
- 10) Where separate toilets are provided, a wash hand basin (WHB) must be fitted in the toilet compartment or directly outside of the toilet compartment.
- 11) Where occupancy levels are above those stated in the table below, the principle of 1 separate toilet with an associated WHB must be provided for every 5 or part there of occupiers.
- 12) Where occupancy levels above those stated in the table below, the principle of 1 bathroom containing a wash hand basin and bath or shower must be provided for every 5 or part there of additional occupiers.
- 13) Where reasonably practicable, for bedsits, properties let on an individual room basis, bed and breakfasts and hostels:
  - Each letting must be provided with a hand wash basin; if the room is also provided with cooking facilities then a sink with a satisfactory supply of cold water and constant hot water must also be provided.
  - Each hand wash basin must be provided with a satisfactory supply of cold water and constant hot water and a suitable waste drainage connection.

## **5. Security**

- 1) All ground floor and other accessible windows must be protected by the provision of suitable window locks or other appropriate security measures. Keys must be readily available at all times. See HMO fire precautions guidance note for escape windows.
- 2) The front and rear doors must be of sound construction and well maintained.
- 3) Front and rear access doors must be provided with a secure lock; these must be to the relevant British or equivalent European Standard. Doors fitted with a lock, including final exit doors forming part of the means of escape, must be capable of being opened from the inside without the use of a key to facilitate escape in the case of fire. In addition, the rear door is to be provided with a barrel bolt (200mm min) unless the door is fitted with a shoot bolt locking mechanism (3 or 5-point locking).
- 4) Where locks are fitted to bedroom doors they must be capable of being opened from inside the room without the use of a key to facilitate escape in the case of fire.

## **6. Kitchen Facilities**

There must be a kitchen, suitably located in relation to the living accommodation, having a suitable layout and size and equipped with adequate facilities so as to allow the safe and hygienic storage, preparation and cooking of food. Requirements of a kitchen are detailed in the table that follows: -

Number of occupiers	Minimum Kitchen Facilities Required
<b>1 – 6 persons</b>	<p>1 gas or electric cooker with a minimum of 4 burners/rings, grill and oven. The cooking facilities should be sited away from doorways with a minimum of 300mm of worktop either side of the cooker</p> <p>1 sink with a draining board and a hot and cold water supply</p> <p>Fridge(s) with a total capacity of 150 litres</p> <p>Separate freezer OR equivalent size fridge/freezer</p> <p>1.5 linear meters of workbench next to cooking facilities</p> <p>Electrical sockets must be sufficient to facilitate the use of each fixed appliance plus two double socket outlets.</p> <p>500mm cabinet per person</p>
<b>7 – 12 persons</b>	<p>1 gas or electric cooker with a minimum of 4 burners/rings, grill and oven plus 1 microwave <b>OR</b></p> <p>2 gas or electric cookers each with a minimum of 4 burners/rings, grill and oven cookers.</p> <p>The cooking facilities should be sited away from doorways with a minimum of 300mm of worktop either side of the cooker(s)</p> <p>2 sinks with draining boards and a hot and cold water supply <b>OR</b> 1 sink with a draining board and a hot and cold water supply and 1 dishwasher</p> <p>Fridge(s) with a total capacity of 170 litres plus 20 litres per person in excess of 7 persons.</p> <p>Separate freezer(s) OR equivalent size fridge/freezer</p> <p>3 linear meters of workbench next to cooking facilities</p> <p>Electrical sockets must be sufficient to facilitate the use of each fixed appliance plus two double socket outlets.</p> <p>500mm cabinet per person</p>
<b>12+ persons</b>	<p>Where there are more than 12 persons an additional oven, grill and 4 burner hob and kettle must be provided as well as an additional 1.5 linear metres of work bench must be provided</p>
<b>Bedsit</b>	<p>Cooking - two burner hob, an oven, grill and kettle.</p> <p>500mm wall cabinet.</p> <p>Refrigerator with a minimum capacity of 40 litres, together with a freezer compartment.</p> <p>Suitably sized sink and drainer, provided with a satisfactory supply of cold and constant hot water, and properly connected to the drainage system.</p> <p>Food Preparation - a worktop or table of suitable material at least 500mm x 1000mm.</p>

In addition to what is set out in the above table please note that walls adjacent to work surfaces must be provided with a non-porous and easily cleansable finish. The room must

be provided with an externally vented extraction system. The food preparation area should ideally be located within 1 storey of the sleeping accommodation and provided with a suitably sized bin for the storage of kitchen rubbish. For up to 6 persons the kitchen or kitchen area should have a usable floor area (measured wall to wall, including space occupied by units/cabinets) of at least 7.0m<sup>2</sup>. For each occupant in excess of 6 an additional 1.0m<sup>2</sup> per person is required up to a maximum of 13.0m<sup>2</sup>

## **7. Management Arrangements**

In deciding whether the proposed management arrangements for the house are satisfactory, the Council must be satisfied that the person proposed to be responsible for the management of the house has sufficient competency to be so involved, and that the proposed management structures and funding arrangements are suitable.

The person(s) responsible for managing a licensable HMO may be required to attend a suitable training course, approved by the local authority, to demonstrate their competency and knowledge of housing and tenancy related matters. These courses could be provided by organisations such as the National Landlords Association (<https://landlords.org.uk/>), the Residential Landlords Association (<https://www.rla.org.uk/>) or independent providers such as DASH Services ([www.dashservices.org.uk](http://www.dashservices.org.uk)) or other Local Authorities.

## **8. Management Statement**

The intended licence holder must provide evidence of the arrangements for the proper management of the property. To satisfy this requirement the applicant must provide a statement detailing arrangements which cover the following matters:

- 1) The periodic inspection of the property at an interval of at least 6 monthly, both internally and externally, to identify where repair or maintenance is needed and the measures which will be taken to respond to problems identified.
- 2) Planned maintenance programmes.
- 3) Measures to prevent or reduce anti-social behaviour by persons occupying or visiting the property.
- 4) Fire safety instructions.

## **9. Tenancy Management**

The intended Licence holder must provide evidence of the arrangements for the proper management of the tenancy (or any other agreement relating to occupation of the property, whether or not that agreement constitutes a tenancy). This evidence should form a statement which covers arrangements for:

- 1) Dealing with anti-social behaviour practised by the occupants or persons visiting the HMO.
- 2) The enforcement of the tenancy/occupation agreement when appropriate.
- 3) Occupants to report defects, including emergencies and tenancy issues.
- 4) Providing instructions to occupants and any employees which detail actions to be taken in the event of a fire, including the means of escape.

- 5) Informing occupants of their duties and responsibilities not to frustrate the efforts of the landlord/licence holder in complying with conditions of the licence and to allow access at all reasonable times to enable compliance.

## **10. Children in HMOs**

When calculating amenities that are required within a HMO a child is counted as one person irrespective of their age.

A bed shall be provided for exclusive use by the child, within the bedroom. The room must therefore be large enough to accommodate this bed if it is envisaged that the child will be occupying the same room as the carer.

After the age of 24 months it is envisaged that the child will have its own room within the HMO and this room must be appropriate for use by the child, given the set up and composition of the other residents expected to reside within the HMO.

There should be sufficient communal and recreational space for the child or children within that HMO where play can be undertaken in a safe environment given the envisaged composition and make up of other residents residing within that same HMO.

Where the amenity is provided in a house likely to be occupied by children the facilities must include a bath.

## **11. Storage and disposal of household waste at the HMO pending collection**

As of 1 October 2018 a new mandatory condition will be attached to all HMO licences. This condition requires the licence holder to comply with any scheme which is provided by the local housing authority to the licence holder and which relates to the storage and disposal of household waste at the HMO pending collection.

Sunderland City Council provides collection of household waste and details of this scheme are published on the Council's website.

As such the licence holder must ensure that there are suitable refuse storage facilities and sufficiently sized receptacles provided when the licence comes into force and at the start of every new tenancy, thereafter. Ensure that clear verbal and written instruction/information is provided to each resident of the property concerning the storage and disposal of waste. This information must include specific detail about what refuse is deposited into what bin, the collection days, how and when to present the waste receptacle for collection by the Waste Collection Authority and when to take the receptacle back into the curtilage of the dwelling. Information concerning the disposal of bulky items of waste such as furniture and white goods must also be provided to the residents of the dwelling. A record of this information must be produced upon demand to the Council.

## **12. Fire Safety – Introduction**

The fire safety standards in this guide are based on many of the principles contained within the *Housing – Fire Safety* guidance document produced by the Local Authorities Coordinators of Regulatory Service (LACORS) (now known as Local Government Regulation).

These standards contain general principles applicable to properties of traditional construction with a standard layout. Further information on LACORS Fire Safety Guidance



can be found at:

<https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business>

In circumstances where construction standards are poor, properties have an unusual layout, travel distances are excessive, or occupants are considered 'high risk' then additional measures may be required.

Likewise, where standards encountered in some areas are found to be over and above that required, or for example where a secondary means of escape is provided, this may enable standards in other areas to be relaxed.

For bedsits or properties of more than 4 storeys, or those housing 'high risk' occupants, individual consideration by Sunderland City Council and Tyne and Wear Fire and Rescue Services will be required and a fire risk assessment must always be undertaken.

#### The Regulatory Reform (Fire Safety) (Order 2005)

This order is enforced by Tyne & Wear Fire and Rescue Service and requires that the '**Responsible Person**' (the landlord or the managing agent in the case of an HMO) carries out and regularly reviews a Fire Risk Assessment of the HMO. This assessment will identify what needs to be done to prevent fire and to keep people safe in the event of fire. If a landlord does not have the expertise or time to do the fire risk assessment the landlord will need to appoint a competent person to help e.g. a professional fire risk assessor. If a landlord is not sure if the fire risk assessment has been carried properly Tyne and Wear Fire and Rescue may be able to give a landlord advice on the risk assessment however they do not offer a private service of carrying out fire risk assessments for landlords. Further information can be obtained from <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-risk-assessments>

### **13. Fire Safety - General principles**

- 1) Escape routes to be kept free of obstructions and combustible materials at all times.
- 2) Emergency lighting to be provided if escape route is long, complex or lacks sufficient borrowed light. Complying with the recommendations of BS 5266, Part 1 current edition.
- 3) All smoke or heat detectors to be hard-wired, interlinked and comply with the recommendations of BS 5839, Part 1 or 6, current edition.
- 4) Unoccupied basements to be covered by the interlinked fire detection system as detailed above.
- 5) Final exit doors to lead to a place of safety and to be openable from the inside without the use of a key.
- 6) Any locks fitted to bedroom doors to be openable from the inside without the use of a key.
- 7) Where a fire door is provided (and, unless it is expressly stated otherwise, a fire door refers to the complete door set) the fire door must provide a minimum of 30 minutes protection have intumescent and cold smoke seals, hung on 3 fire rated hinges and provided with a self-closing device.

- 8) Polystyrene ceiling and wall tiles shall not be permitted.
- 9) A light duty fire blanket shall be provided in all kitchens.
- 10) Habitable inner rooms will only be acceptable on a floor not more than 4.5m above ground level (first floor level) subject to general requirements laid out in LACORS guidance and Building Regulations Approved Document B.
- 11) Escape windows to comply with the requirements laid down in LACORS guidance and Building Regulations Approved Document B.
- 12) Landlord or agent to provide adequate fire safety instructions for residents at commencement of tenancy and where necessary to any employees.
- 13) Compliance with these standards does not negate the requirement to carry out a suitable and sufficient fire safety risk assessment as required by the Regulatory Reform (Fire Safety) Order 2005 (please see HM Government Fire Safety Risk Assessment – Sleeping Accommodation (ISBN 978 185112817 4) <https://www.gov.uk/government/publications/fire-safety-risk-assessment-sleeping-accommodation>)
- 14) Further guidance can be sought from the Local Government Association (LGA) Fire Safety in Purpose Built Block of Flats publication (<https://www.local.gov.uk/fire-safety-purpose-built-flats>) and the National Fire Chiefs Council Fire Safety in Specialised Housing Guide (<https://www.nationalfirechiefs.org.uk/News/nfcc-launches-specialised-housing-guidance>) to assist in conducting your Fire Risk Assessment.

#### **14. Requirement for 3 and 4 storey properties**

##### **Fire detection**

Grade D, LD1 system i.e. smoke alarms on the escape route on all levels, in all risk rooms in which a fire might start (e.g. communal living room, utility room, all bedrooms), in any unoccupied basement and a heat detector in the kitchen.

##### **Escape route**

A 30-minute protected escape route is required; all doors and walls from risk rooms (including rooms containing gas burning appliances) leading onto or forming part of the means of escape shall provide 30 minutes of fire resistance.

Any cupboards on the means of escape used to store combustible materials, or house gas or electricity meters to offer 30 minutes of fire resistance to means of escape.

##### **Fire separation**

30 minutes fire separation required between all risk rooms and the floor above. 30 minutes fire separation required between any unoccupied basement and the ground floor, including a full 30-minute fire door (FD30S) and door set (with a self-closing device, cold smoke seals and intumescent strips, hung on 3 suitable hinges) fitted at the head of the basement stairs.

## 15. Requirements for 1 and 2 story properties

### Fire detection

Grade D, LD2 system i.e. smoke alarms on the escape route on all levels, in all communal risk rooms (e.g. living room, utility room), in any unoccupied basement and a heat detector in the kitchen.

### Escape route

No requirement for full 30-minute protected route. However, 30 minutes of fire separation, including fire doors, required from all communal risk rooms leading on to the means of escape. Otherwise escape route walls to be of sound traditional construction and not pass through any risk rooms.

Any cupboards on the means of escape used to store combustible materials, or housing gas or electricity meters to offer 30 minutes of fire resistance to the means of escape. Alternatively, where such cupboards do not contain gas or electricity meters and do not meet the required fire safety standard, combustible materials should be removed, and the cupboard screwed, or lock shut.

### Fire separation

30 minutes fire separation required between any unoccupied basement and the ground floor, including a full 30-minute fire door and door set fitted at the head of the basement stairs, where basement is used to store combustible materials and/or houses gas or electricity meters. However, relaxed standards apply where the basements are free of combustible materials, where there are no gas or electricity meters, well managed and only accessible by the landlord.

## 16. Locations where a fire door must be situated

<b>FIRE DOORS</b>	<b>3 OR MORE STOREYS</b>	<b>2 STOREYS</b>	<b>SINGLE LEVEL (FLATS)</b>
Kitchen	Yes	Yes	Yes
Living room(s)	Yes	Yes	Yes
Bedrooms	Yes	No	No
Cupboards opening onto the escape route (housing gas or electricity meters or used to store combustible materials)	Yes	Yes	Yes
Other rooms opening onto the escape route and containing gas burning appliances	Yes	Yes	Yes
Unoccupied basements	Yes	No	No
Front entrance door from street	No	No	No
Front entrance door from common hall/staircase	Yes	Yes	Yes

## 17. Smoke and Heat alarms and detection

The minimum locations where a hard wired (incorporating a battery backup) interlinked heat and smoke detectors and alarms must be located are indicated in the table below: -

<b>ALARMS (HARD WIRED AND INTERLINKED)</b>	<b>3 OR MORE STOREYS</b>	<b>2 STOREYS</b>	<b>SINGLE STOREY (FLATS)</b>
<b>HEAT DETECTOR/SOUNDER</b>			
Kitchen	Yes	Yes	Yes
<b>SMOKE DETECTOR/SOUNDER</b>			
Living room(s)	Yes	Yes	Yes
Bedrooms	Yes	No (Yes for inner rooms)	No (Yes for inner rooms)
Common parts	Yes	Yes	Yes