



# Houses in Multiple Occupation (HMOs)

## HMOs – what are they?

The most common forms of HMO are bedsits, shared flats, lodgings, shared houses and hostel or bed and breakfast accommodation.

- To qualify as an HMO the property must be shared by three or more unrelated people for whom the property is their main home. (if you're a student, your term-time residence counts as your main home)

If you live with the homeowner, their family don't count when deciding how many 'families' live in the HMO so if you share accommodation with the owner and one other 'family' you won't live in an HMO. If you live with the owner and two other 'families', you will live in an HMO.

You will share facilities such as bathrooms and kitchens with the other tenants.

You are unlikely to be considered occupying an HMO if living in:

- a residential or nursing home
- a religious community e.g. monastery or convent

## HMO Licences

HMO landlords must have a licence from the council. Your council keeps a list of all local HMO landlords. A licence ensures that the property is managed properly and meets certain safety standards.

An HMO licence is separate from the tenancy agreement you have with your landlord

Before granting an HMO licence, the council checks that the owner and anyone who manages the property do not have any relevant criminal convictions.



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## What the licence ensures

The council can check that your landlord respects your legal rights as a tenant.

You should be given a written tenancy agreement stating clearly what your landlord's responsibilities are.

Your landlord must:

- keep the property and any furniture and fittings in good repair
- give the correct notice and get permission from all the tenants if they want to access the property
- make sure that their tenants are not a nuisance to other people living in the area
- treat you fairly and legally when it comes to rent and other payments, for example, when increasing your rent.

It's against the law for landlords to harass or force you out.

Landlords can not discriminate against you because of your disability, gender reassignment, pregnancy and maternity, race, sex or sexual orientation, religion or belief.

If a landlord who rents out accommodation in HMOs discriminates against you, you can report them to your local authority.



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## HMO expected property standards

To meet the standards expected of an HMO property:

- the rooms must be of adequate size, for example, every bedroom should be able to accommodate a bed, a wardrobe and a chest of drawers.
- there must be enough kitchen and bathroom facilities for the number of people living in the property, with adequate hot and cold water supplies.
- proper fire safety measures such as smoke alarms and self-closing fire doors and a safe emergency escape route.
- all gas and electrical appliances must be safe.
- heating, lighting and ventilation must all be adequate.
- the property should be secure, with good locks on the doors and windows.
- there must be a phone line installed so that tenants can set up a contract with a phone company to supply the service.

## Your landlord's responsibilities on property maintenance

In order to keep their HMO licence, your landlord must maintain the property properly. Examples are;

Shared facilities – items such as the cooker, boiler, fridge, sinks, bath, and lighting, must be kept in good repair.

Heating, hot water and ventilation – should be kept in good working condition.



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Gas safety – all such appliances have to be checked and certified safe every year by a registered gas engineer.

Electrical safety - should be tested every three years by a contractor approved by the National Inspection Council for Electrical Installation Contracting (NICEIC).

Fire precautions - smoke alarms and fire extinguishers must be in good working order. The fire escape route must be kept safe and free from obstructions.

Furniture – must meet safety standards such as being non-flammable

Roof, windows, and exterior – should be adequately maintained

Rubbish – appropriate and enough rubbish bins should be provided

## Notices your landlord should put up

1. Contact details of the person responsible for managing the property.
2. Instructions explaining what to do in an emergency, for example, if there is a gas leak or a fire.

## Tenant responsibilities

Repairs You should let your landlord know if anything in the property needs to be repaired that they are responsible for keeping in good order, such as the roof, boiler or toilet.

Damage - You must take good care of the property and not damage anything.

Rubbish - Don't let rubbish pile and use appropriate bins.

Inspections – After the landlord gives correct notice and gets your permission, let them check whether any maintenance work needs doing. Usually this should happen once every six months.

Behave responsibly - Make sure that you do not annoy or upset your neighbours

Your landlord is responsible for dealing with any complaints made by your neighbours and they must take action if they are unhappy with your behaviour.



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## If your landlord fails to meet standards

If you don't think your landlord is managing the property properly and maintaining these standards you can

- talk to your landlord - they may not realise that there is a problem until you discuss it with them. This is the advisable first step.
- tell your local council - they have powers to make your landlord comply with HMO standards

Usually, the council department responsible for HMOs is the environmental health department. Contact your local council to talk to an environmental health officer about your complaint. If you don't want your landlord to know that you have complained, let the officer know.

## What the council will do

After you've complained, an officer should visit the property to inspect it. If they decide that your landlord is failing to comply with HMO standards, they can:

- write to the landlord or manager of the accommodation and give them a list of what needs to be done
- serve a legal (amenity) notice telling the landlord or manager that they must do certain things to rectify the bad conditions
  - arrange for the council to carry out any necessary repairs and then get the money back from the landlord
- prosecute the landlord for breaking the conditions of their licence. The landlord can be fined and their licence can be suspended or revoked.



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## What if I am unhappy with the council's response?

If you think that your local council hasn't dealt with your complaint in a satisfactory way you can:

- appeal to the Scottish Public Services Ombudsman <https://www.spsso.org.uk/>
- complain to your local councillor, you can get their details from your local council's website
- raise a judicial review of the council's decision not to act against your landlord.

(This is only recommended after having tried the procedures above first). NB – this is a complicated process for which you will need the assistance of a solicitor

## Can I take my landlord to The Housing and Property Chamber of the First Tier Tribunal?

If your landlord is not keeping the property in good repair you may be able to report your landlord to the above Tribunal. Find more information about this subject from the Shelter website at <https://scotland.shelter.org.uk/>



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## What happens when my landlord needs to renew their licence?

HMO licences are normally granted for a 3 year period and when your landlord applies to renew their licence, they must put a notice outside the property for 21 days to let the neighbours know.

If anyone living in the area isn't happy about the HMO, they can submit their objection to the council. Objections do not necessarily mean that the council will turn down the application. It will take into account all the information it has about the HMO and then decide whether the objection is reasonable.

The property may be inspected by officers from the council, and possibly by the fire brigade as well, to check it meets the necessary standards. You should get 24 hours' notice before this inspection is carried out. The officers may also write to you to ask how the property is managed and whether you have any complaints. If you are unhappy about anything, the council will take this into account when looking at your landlord's application. It shouldn't let your landlord know that you made the complaint.

The council can take up to a year to decide whether or not to grant a licence. During this time, your landlord must put right anything about the property that isn't up to standard.

## What happens if my landlord's licence is suspended or revoked

If your landlord's licence is suspended or taken away, they will no longer be able to use the property as an HMO. This means you may have to move out.

If the council decides that the property is not safe (for example, because it does not meet fire safety regulations), it will be responsible for helping you find somewhere else to live.



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An order for eviction may be made when:  
the HMO licence has been revoked, and

- the tribunal are satisfied that it is reasonable to evict on account of this fact
- The tribunal will be required to balance the needs of the local authority to maintain the integrity of the licensing regime with the disadvantage to the tenant losing their home.

Your landlord must give you the correct period of notice before you have to leave. The following 'notice to leave' times apply – information courtesy of Shelter

## HMO licence has been revoked

Notice periods:

Notice served	Time spent living in the property	Notice period
Before 7 April 2020	Less than six months	28 days
Before 7 April 2020	More than six months	84 days
On or after 7 April 2020	Any duration	Three months

If you are unable to find new accommodation, you may have to apply to your local council as homeless.



Joan McLaren  
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## What if an HMO doesn't have a licence?

It is a criminal offence for your landlord to operate an HMO without a licence, and they could face a fine of up to £50,000.

If the council thinks that a property is being run as an unlicensed HMO, they can inspect it without giving any warning.

If you think that the HMO you are living in may be unlicensed, you should report your landlord to your local council.

## Where can I find out more?

The Scottish Government website ([www.gov.scot](http://www.gov.scot)) has online information on HMOs.

Contact Stirling CAB and speak with [Joan McLaren](#), the Housing Advice Mediation & Educational Resource Service (HAMPERS) adviser on [07931334828](tel:07931334828) or email [Joan.McLaren@stirlingcab.casonline.org.uk](mailto:Joan.McLaren@stirlingcab.casonline.org.uk) – or contact the main Bureau telephone number is 01786 470239 or 01786 451225 (10am – 3pm).