

Houses in Multiple Occupation Standardisation Consultation

Ran from 25 April 2021 to 6 June 2021.

Five people completed the consultation.

Q1

Names and addresses removed for data protection purposes.

Q2

Names and addresses removed for data protection purposes.

Q3

Please specify your client group (select all that apply)

Member of the Public;

Community adviser. Civil society researcher;

Tenant;

Parish Council;

Citizen;

Q4

Section 67 of the Housing Act 2004, allows local housing authorities to impose additional conditions on properties which fall under the scope of mandatory licensing. As part of the new licensing regime, we are proposing an updated set of licence conditions. These build on previous mandatory conditions published in 2011, but also include additional conditions relating to areas such as anti-social behaviour, waste disposal, electrical safety, smoke and carbon monoxide, energy efficiency, food safety, property maintenance and general maintenance.

Please see the corresponding document, 2021 North Devon Council HMO Standards pdf, for further details on the proposals.

Please provide any positive or negative implications you perceive as part of the proposals:

(a) I fully welcome this comprehensive set of proposals whose intention is to improve living conditions in HMO's which in my experience in Ilfracombe, have long been substandard in many cases and for many years.

On a general level I am pleased to see that the LA are proposing to update on the key areas of 'heating', 'washing facilities and WC's', 'food preparation and storage', 'space' and 'waste disposal'. In my experience as someone who has lived next to a substandard HMO, it is imperative to have detailed guidelines about these minimum living standards which landlords and managers/license holders will have to follow.

If I could comment generally I would say that the difficulty you will face will be over the enforcement of these standards. Historically this has been a problem with the standards we have now, but increasing the level of conditions to be met (which I absolutely support) will bring extra pressure on a department already running on empty due to sustained LA cuts and the lack of qualified staff.

One thing I would wish to add is that the LA has the ability to ensure that landlords whose HMO's require a licence, ensure that they seek one. Achieving these standards is a fantastic objective for those properties whose landlords are responsible license holders, but we have a section of HMO's in Ilfracombe whom we know should be operating under a licence, but who fail to seek one. Without the legality of a licence all sorts of inadequate conditions will be operating outside of the jurisdiction of North Devon Council. In short you require a strengthened licence enforcement team.

(b) I agree.

(c) Waste disposal needs to be looked at.

(d) Ilfracombe Town Council are broadly supportive of attempts to improve living standards in Houses of Multiple Occupation. Ilfracombe has experienced a substantial increase in this type of accommodation over recent times due in no part to the large Victorian buildings that lend themselves to multi-let conversion. Some of these are well maintained and well run, but others unfortunately have not achieved these standards.

(e) What I have found very confusing in other boroughs where licensing exists is the number of people allowed in a flat.

It should be made very clear if you need a license how many people are allowed in the flat. Some 2 bed flats for example in some boroughs you are allowed 2 people without a license, but you need one for 3. Whatever the route making it simple and clear is the most important.

There is already fitness for human habitation act in place so there are the powers out there to fine landlords and bring them into account. Maybe a better option is to make a fitness for human habitation annual report mandatory?

Q5

Please provide any recommendations you believe would add value to the above proposals:

(a) I would welcome a collaborative approach with other statutory agencies to achieve the enforcement of these minimum standards. For example it would be in the interests of tenants and landlords if both fire safety and smoke and carbon monoxide requirements were under the mandatory jurisdiction of the Fire Service. In this example I believe that inspection should be more than every 5 years. Similarly I would welcome collaboration with police on tackling anti-social behaviour and actually I feel that a set of guidelines about the steps needed to tackle such

behaviour would be a welcome addition for landlords. In respect of waste and recycling I believe that it would be productive for the respective LA department to work proactively with HMO landlords to achieve the standards set out. In fact I believe that the best way to achieve the outcomes proposed (i.e. far more habitable homes) is to develop an advisory service which can work proactively with HMO licence holders to achieve better outcomes. It would be a service where advice can be sought and a light touch visit from the inspection team can go through all of the potential issues and give guidance on how problems can be solved. By using partner agencies and encouraging landlords to make use of this service to avoid future enforcement, I believe that standards can be improved and good relationships established with reputable HMO license holders.

- (b) None at present
- (c) Weekly collection as two collection is to long for 7 people
- (d) It would be helpful if there could be established an advisory initiative whereby landlords could request informal visits to ensure help in achieving the inspection standards. Specific guidance or direct support will be likely to yield positive results and a good working relationship between HMO landlords and the District Council. Persistently poor landlords and those who fail to seek a licence should however be subject to strict enforcement and the penalties that follow.
- (e) It should be made very clear if you need a license how many people are allowed in the flat. Some 2 bed flats for example in some boroughs you are allowed 2 people without a license, but you need one for 3. Whatever the route making it simple and clear is the most important.

Q6

Amenity Standards and Minimum Room Sizing

Prescribed standards

It is proposed licence holders will adhere to a set of new Amenity Standards. This document will include mandatory conditions prescribed in statute relating to heating, personal washing facilities and kitchen facilities.

This includes standards set out under The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. Regulation 8 and Schedule 3 (2) as amended by the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007. Additionally, the document includes national minimum room sizes and waste disposal requirements as set out under The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.

The minimum room sizes are those recommended under the above legislation:

- $6.51m^2$ – 1 person over 10 years
- $10.22m^2$ – 2 people over 10 years
- $4.64m^2$ – child under 10 years

The waste disposal provisions include compliance with our waste storage and disposal requirements. Provide any positive or negative implications you perceive as part of the proposals:

(a) The room size requirements are welcome. Having experience of rooms in HMO's which have failed to meet these requirements, I know how important it is to have enough space to live comfortably, especially if your own personal space is confined to one room. I was gratified to read that there is separate specification for bedsits where sleeping and kitchen/living room are combined. I have experience of bedrooms where a shower facility has been installed. Is this a consideration in terms of minimum space as this does eat up a considerable part of a small room used as sleeping accommodation?

Waste disposal is a huge issue in HMO's currently. My comments would be that persons converting property into an HMO have very little regard for this issue in planning their rental business. People living in bedsits rather than a room in a shared HMO, have absolutely no space for a food caddy and recycling boxes and bags. They simply cannot store them in their rooms and in my experience, landlords do not make available any suitable communal area to store waste in the communal building. Hallways are NOT acceptable areas for this use. Of course many HMO's comprised of bedsits have no outside space available to residents so quite where these shared waste receptacles might be located is a problem. In HMO's with shared facilities such as kitchens and where rooms are for sleeping/living it is totally unacceptable for there to be no communal designated space to store shared recycling. It is mentioned in your accompanying document that adequate internal or external non-habitable space must be provided but I'm unsure how this will be achieved if no actual space is available inside or outside the property. This is a good example of where an advisory service would assist, especially for those people considering setting up as an HMO licensed landlord.

(b) What ever happened to Parker-Morris standards for housing our people? I welcome any efforts to improve the private rental housing stock, but I fear that, unless there is a political will, and also the resources (£ and personnel) to enforce compliance, we will fail to achieve improvements. Serious, regular monitoring of HMO's is essential.

(c) 4 of the flats here have their toilet and bath rooms outside they flats

(d) Ilfracombe Town Council welcomes the specification of room sizes and recognises that for many people inhabiting HMO's they have limited personal space. It is important to be mindful once again of the unique configuration of Victorian buildings and their conversion which has left some with unusual divisions into rooms and guidance will be needed to ensure that these minimum room sizes can be achieved.

(e) What you have to remember is people have less 'stuff' these days. Less cds, dvds, books etc. Smaller / cheaper does not necessarily mean worse.

Q7

Locally adopted standards

Section 65 (2) of the Housing Act 2004 gives the local housing authority power to set higher standards over and above the prescribed standards set by legislation. We propose to implement a set of locally adopted standards for heating, personal washing facilities, kitchen facilities and waste disposal. This includes:

- Heating: introducing fixed heating sources, occupier control heating, heating in bathrooms, and heating capable of maintaining a minimum temperature of 21°C when the temperature outside is below 0°C.*
 - Personal washing facilities: ensuring bathrooms are of an appropriate layout, and not more than two-storeys away from bedrooms, have mechanical ventilation, and a sufficient heating source.*
 - Kitchen facilities: a set number of appliances and equipment depending on the number of occupiers (ovens, fridge-freezers, sinks and drainers, worktops, electrical sockets, storage units, ventilation, fire blankets and fire doors).*
- There are two different sets of standards for shared housing and bedsit accommodation.*
- Waste disposal: the requirement for the licence-holder to provide tenants with the appropriate external and internal waste storage facilities.*

Further details on the proposals and justifications for the locally adopted standards can be found in the corresponding document, 2021 North Devon Council HMO Standards pdf linked.

Please provide any positive or negative implications you perceive as part of the proposals:

(a) These enhanced standards are really welcome and I like the way that they give very clear guidance and the health and safety reasons why these are important. Fixed and controllable heating is so, so important. In my experience many substandard HMO's are absolutely freezing and this leads occupants to take risks with unsuitable electrical heaters. Of course other maintenance issues (lack of double glazing, draughts, lack of insulation etc) contribute to cold rooms and I know of occupants of HMO's who have controllable heating but cannot afford to put it on as all of the heat escapes through single pane windows or ill-fitting doors. Good heating mitigates the health affects of cold and damp so I'm glad to see this recognised.

Personal washing facilities - I've experienced in the HMO next to me, that showers were in rooms but without adequate ventilation in the room. These are not bathrooms but sleeping rooms and as such all of the moisture disperses into the room. I am not sure of the legality of showers in rooms but would just note that I am not sure that your proposals cover this, in ensuring that mechanical ventilation is required to extract moisture from these living areas. Once again an advisory service should be able to suggest what are suitable fixed heating sources in bathrooms as I've seen some pretty scary examples recently.

I think that it is excellent to set out minimum requirements per resident in terms of food storage, equipment and preparation and advice about where they should be placed. In my experience of HMO's however, residents had no area or facility to wash and dry clothes and this is not mentioned in your document. Residents do not always have access to a laundrette (or cannot afford one) and so they often try to wash or dry clothes in their room which is so dangerous to health due to contributing to damp and condensation.

Please refer to comments made in respect of question 7 in regard to waste disposal.

(b) All well and good. But unless we have robust monitoring, and adequate staffing to inspect, we will be failing.

(c) It's great news but having only a gas fire and a fan heater in my bath room I can see many landlords selling up as the cost can be out on the tenant and as my building is listed again more problems

(d) The introduction of minimum living standards in HMO's is welcome, particularly as many in Ilfracombe fall far short. To note, however, that many existing HMO's in Ilfracombe are in Victorian buildings and the conversions are often far from ideal. Some of these buildings do have conservation status or are even listed. This will pose particular problems in respect of achieving some of the recommended standards. For example, bathrooms not more than two stories away from bedrooms in houses that have restrictions around changing the internal layout.

(e) Fine

Q8

Please provide any recommendations you believe would add value to the above proposals:

(a) I'm not sure how efforts could be made by landlords in respect of clothes washing and drying facilities, but the provision of a washing machine and tumble dryer (or if possible outside drying space) would be welcome.

(b) Detailed assessment of any planning applications (District Council HR/staffing resources required). A more robust analysis of any property/ planning proposals by 'rentiers', to ensure that properties serve the benefit of our own community.

(c) Not sure what to say

(d) Please refer to comments for Question 6 in relation to waste disposal.

It would be beneficial to have an advisory service for current landlords who will be expected to achieve the proposed standards or for new landlords hoping to provide HMO accommodation. Advisory visits by officers may well lead to the conclusion that there will have to be some flexibility in achieving some of the recommendations

but advisory assistance can be given on how to achieve the best outcomes for residents living standards in line with these proposals.

It would be advisable to ensure partnership working with agencies such as 361 Energy in order to ensure that heating in HMO accommodation can meet the standards set. Also 361 Energy would be able to assist landlords with energy saving measures or even with grant applications available to improve heat conservation/insulation.

(e) Done

Q9

Recommended standards

As part of the licensing review, a miscellaneous recommendations section is included within the Amenity Standards document. These standards are not prescribed in statute or locally set, instead they are areas landlords are recommended to look at implementing for best practice. They aim to improve the property for both landlords and tenants, and are a way of helping landlords to slowly improve their property over the coming years. They will not routinely form a part of the licence conditions, so there are no implications for not complying. However, in the future the Council will consider providing a financial incentive if the licence holder complies with recommended standards.

The recommended standards include:

- Stricter minimum room sizes, in line with the current affordable housing national minimum room sizes.*
- Improving a properties energy efficiency to EPC band C.*
- Reducing the incidence of lead in drinking water, by encouraging landlords to check pipework and have pipes replaced if required.*
- Mitigating high radon levels, by encouraging landlords to check whether their property is situated in a radon prone area, especially if the property has subterranean levels.*

Similarly to the locally adopted standards, further details on the proposals and justifications for the recommended standards can be found in the corresponding document. This document also provides more information on these four areas should you wish to look into them in greater depth.

Please provide any positive or negative implications you perceive as part of the proposals:

(a) Increasing energy efficiency is very important. Actions which landlords can take to increase energy efficiency will benefit tenants enormously in terms of keeping warm and well (and reduce energy costs). I have already commented on room size in a previous answer.

(b) I will await reporting on progress, and costings.

(c) To do any major work like that we all have to move out and to where

(d) The introduction of any standards to improve living conditions is welcome, however the balance should not be prohibitive and it would be beneficial to find ways to help good landlords achieve these additional requirements without costs which may prove a deterrent

(e) You have to detail how a landlord be able to undertake these checks. The more confusing you make it the more annoying it is for all.

Q10

Please provide any recommendations you believe would add value to the above proposals:

(a) It would be great to partnership with 361 energy as part of an advisory team that HMO landlords could draw on as part of their commitment to energy efficiency. Home visits to point out to landlords as to where they could make improvements and also where they might be able to draw down grants and loans to help. I wonder if an incentive could be initiated specifically targeted at HMO's and energy efficiency? By making improvements such as double glazing, landlords could receive the reduced licence fee as suggested in your next question.

(b) Robust monitoring - and prosecutions of landlords who break the rules. Name and shame. They are criminals who put peoples' lives and wellbeing at risk.

(c) I don't know the old stock is hard to bring up to today's standard

(d) An incentive scheme is a great idea, especially for additional improvements which are desirable but not essential. It would be good to have some form of accreditation from the District Council which acts as a recommendation and which validates the efforts made by good landlords.

(e) As above

Q11

Would you be incentivised to adhere to the recommended standards, if there was a financial incentive to do so? (E.g. reduced licence renewal cost).

- (a) Yes
- (b) Yes
- (c) Yes
- (d) Yes
- (e) Yes

Q12

If you answered 'yes' please give us any comments you have on an incentive scheme:

(a) I really think that a scheme of encouragement and partnership will work well with responsible landlords of HMO's BUT its important to dis-incentivise bad landlords and to make sure that there is a clear message that landlords who fail to seek a licence or who repeatedly fail to act on advice and guidance will be subject to action. It is important to publicise any of these recommendations that are passed and to publicise successful prosecutions of landlords who fail to uphold decent living standards.

(b) Not a landlord but sure mine would

(c) An incentive scheme would have to offer real benefit for the landlord. Reducing the licence fee is one good idea but another might be enabling access to grants or loans to make some improvements.

(d) Maybe say smaller license fee if the EPC is a band C or above?