

## **Additional Licensing frequently asked questions**

### **What is an HMO?**

A house in multiple occupation (HMO) is a property which is occupied by three or more people forming two or more households, where facilities such as kitchens and bathrooms are normally shared. It includes bedsits, shared houses and some self-contained flats.

### **What licensing is currently in place?**

Mandatory licensing is currently in place and this requires that all HMO properties are licensed if they are occupied by five or more people forming two or more households sharing facilities. More information on mandatory licensing can be found on the Portsmouth City Council website: [Shared houses - mandatory licensing of HMOs - Portsmouth City Council](#)

### **What is Additional Licensing?**

The Housing Act 2004 allows the local authority to extend mandatory HMO licensing to include other types of HMO if certain conditions are met, this is called Additional Licensing.

### **What does licensing hope to achieve?**

The main aim of the proposed licensing scheme is to ensure proper property management and good living conditions for tenants, it would require landlords to adhere to a number of conditions as part of their licence.

### **What areas of the city would the Additional Licensing scheme cover?**

The proposed Additional Licensing scheme in Portsmouth will require all HMO properties across the city to be licensed.

### **When would Additional Licensing start?**

Following the consultation, the views of all respondents will be considered before a decision is made on whether to introduce the proposed Additional Licensing scheme. If the proposed scheme does go ahead, then a minimum three-month notice period would be given before the scheme starts.

### **Will I be contacted by the council informing me if Additional Licensing is introduced in the city?**

The Private Sector Housing team will be providing information on the council's website and on other platforms to try to notify as many people as possible, however the onus is on the person responsible (usually the owner or manager) to apply for a licence if required.

### **How would I apply?**

There would be an online form on the Portsmouth City Council website which can be filled out or alternatively a paper application would be made available.

### **How much would a licence cost?**

The cost of the licence is anticipated to be between £855 and £870. The fee will need to be paid in two parts. The first part will need to be paid when the application is submitted and the second is the Licence Issue Fee which will need to be paid within 14 days following receipt of the 'Notice of Intention to Grant a Licence'.

### **Will there be a discount for multiple applications from the same landlord?**

There is no proposal for discounts to be applied for multiple applications.

### **How will I be able to pay the fee?**

HMO licence fee payments will be made using cheque, over the phone or online. Details of payment methods will be included in the application forms.

### **What documents would I need to submit with my application?**

Where applicable you would need to supply:

- A floor plan showing the room sizes in metric and usage of every room including bathrooms, ensuites. The plan must also show the location of any fire precautions such as fire alarms/smoke detectors etc.
- Gas safety certificate if there is a gas supply to the property.
- A satisfactory Electrical Installation Condition Report (EICR).
- A fire risk assessment.
- A PAT certificate for any appliances supplied by the landlord. If the items are new, then a copy of receipts will be sufficient.

### **I already have a licensed HMO, would I need to apply for a licence for my other properties?**

Yes. You must have a separate licence for each HMO property that requires one.

### **Will the cost of the licence be dependent on the amount of tenants in the property?**

No, the fee will be the same for all additional licensing applications irrespective of the number of tenants. Information on the proposed fees can be found in the consultation document.

### **Could the licence be transferred?**

No, licences are not transferrable and in the event that the licence-holder needs to be changed for any reason such as if the property is sold, then a new application would need to be submitted by the new owner.

### **What happens if I sell my licensed HMO after I am licensed?**

If you sell your property you must inform the Private Sector Housing team and your licence will be revoked upon proof of sale of the property being received. As the licence is not transferable, the new owner will need to apply for a licence and pay a fee if they wish to continue operating the property as an HMO.

### **If I buy an HMO property and need to apply for a licence in the third year of the Additional Licensing scheme will I pay the same as someone who gets a licence for five years?**

Where properties are sold and purchased within the term of the Additional Licensing scheme the fee for new applications made during this period would be proportionate and scaled accordingly based on the remaining term of the scheme. Fees would be updated annually and clearly displayed on our application forms and website.

### **Is Additional Licensing a way for the council to raise money?**

No. The council is not permitted to obtain financial gain from the fees paid through the licensing scheme. The fee would cover the costs to administer and successfully run the scheme.

### **What conditions would be applied to an HMO licence?**

There are a number of mandatory conditions applied to HMO licences under the Housing Act 2004 and national regulations. The law also allows councils to apply discretionary conditions to regulate the management, use and occupation of the property. Details of proposed licence conditions can be found in the consultation document.

### **What would happen if I did not meet the 'fit and proper person' criteria?**

If an applicant does not meet the 'fit and proper person' criteria then an appropriate alternative manager must be appointed, or the council can consider taking over the management of an HMO through a Management Order until an alternative person can be appointed to manage the property.

### **I rent out rooms in a private house, would I require a licence?**

A resident landlord can have up to two lodgers living in the property with them and this would not require a licence under the proposed scheme. If you have three or more lodgers then the property would require an HMO licence.

### **Once I have applied for a licence, would my property be inspected?**

Once you have applied for a licence there are two types of inspections that could be required to take place.

- **Verification inspection** - these inspections are carried out when an officer needs to confirm information within the application and is not necessary for all licences issued. The result of this could be that special conditions are added to your licence.

- **Housing Health Safety Rating System (HHSRS)** - Every licensed property will have an HHSRS inspection, and the result of this inspection could be that remedial works are required if deficiencies of the property are found

### **What would happen if Additional Licensing is introduced in the city but I do not apply for a licence for my HMO?**

If a landlord does not apply for a licence when they are required to do so it would be an offence under section 72 of the Housing Act 2004, which upon summary conviction may render a person liable to an unlimited fine. A person may also be liable to a civil penalty under Section 249A of up to £30,000. Tenants living in what is found to be an unlicensed HMO can also look into applying for a rent repayment order. A rent repayment order requires a landlord or agent who has committed a relevant offence to repay rent, housing benefit or universal credit, this can result in the repayment of up to 12 months' rent

### **If I became a licence-holder would my details be made public?**

The council would be required to create a public register containing details of all licence-holders and their properties. The details included on this would be:

- Name and address of HMO licensed
- Name and address of licence-holder
- Managing agent details (where applicable)
- Number of rooms present
- Amenities
- Occupant levels

The public register would be available to view on request.

### **I'm a tenant of an HMO which would be included in the proposed licensing scheme. How would Additional Licensing affect me?**

Additional Licensing's main aims are to ensure proper property management and good living conditions for tenants, it will require landlords to adhere to a number of conditions as part of their licence. Officers would inspect the property during the licence period and ensure that any hazards identified in the property are addressed by your landlord. This would provide you with reassurance that the property you are living in is in a safe condition and suitable to be occupied by the number of tenants living there.

### **I'm a resident living near HMO properties. How would Additional Licensing affect me?**

The quality of life for tenants, and the impacts of those who live in HMOs on those around them, are issues that were explored in a recent city-wide survey. The survey strongly suggests that HMOs impact upon residents in a number of ways, such as increased parking issues, waste management, noise and anti-social behaviour. These issues can be complex, although various council services work

together to react to, and resolve, them where possible. However Additional Licensing will not directly address these issues

The main aims of Additional Licensing are to ensure proper property management and good living conditions for tenants, this will give you reassurance that the HMO properties in your area are being maintained and managed correctly. Although licensing cannot stop an HMO from operating it can refuse to license an individual who is not considered a "fit and proper" person to manage an HMO. If this is decided, then an appropriate alternative manager must be appointed or the council can consider taking over the management of an HMO through a Management Order until an alternative person can be appointed to manage the property.

### **Where can I find out more about Additional Licensing?**

Further information and guidance on the proposed Additional Licensing scheme can be found on Portsmouth City Council's website and in Part 2 of the Housing Act 2004.