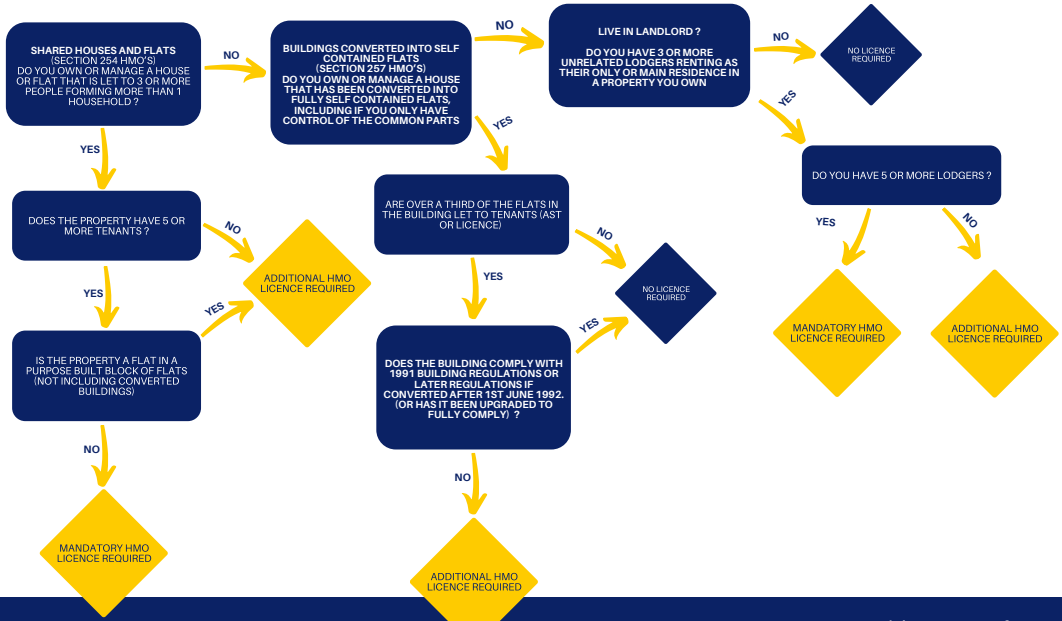
HMO LICENCE CHECKER - DO I NEED A LICENCE?



City of Westminster

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SHARED HOUSES AND FLATS

Section 254 HMO's

You will need a licence for a shared house or flats where three or more people share facilities such as a kitchen or bathroom. The property must consist of two or more households.

Mandatory Section 254 licence
If there are two or more households and 5 or more people sharing facilities, you will require a mandatory licence. This is a national requirement but does not apply to flats in purpose-built blocks.

Additional Section 254 licence
Westminster has designated a borough wide additional licensing scheme, From 30 August 2021 a licence is required for all properties not covered by the mandatory scheme where there are two or more households and 3 or more people sharing. It also covers flats in multiple occupation in purpose-built blocks.

Live in landlords
You are require to apply for al licence if you have 3 or more paying lodgers

Licence holder
The most appropriate person to apply for a licence will be the person having control of the property. This is normally the person who receives the rent.

BUILDINGS CONVERTED INTO SELF CONTAINED FLATS

Section 257 HMO's

A Section 257 HMO is a building that has been converted into flats. In order to be classed a S257 HMO there are two condition that must be met:

- More than a third of the flats must be let to Assured Shorthold tenants or licensees (less than two thirds owner occupied)
- The building does not comply with the 1991 Building Regulations or later regulations that applied if the building was converted after 1 June 1992.

Licence Holder
The 'person having control' is the most appropriate licence holder in respect of a section 257 HMO. If a landlord does not have full control of a property the order of preference would be:

- A right to manage company
- A manager appointed under the Landlord and Tenant Act 1987
- Leaseholder or freeholder of whole building
- Appointed manager

HOUSEHOLD DEFINITION

A household includes members of the same family living together such as couples and relatives. Half relatives and foster children are also included in the definition.

Exemptions:

Small Section 257 HMO's where:

There are only 2 flats and neither is above or below commercial

The conversion is no more 2 storeys and the flats share no internal or external common parts

Other exemptions include:

Registered Social Landlords

Public sector bodies

Certain buildings managed by a cooperative society

Buildings controlled by educational establishments / specified educational premises

Certain religious organisations (does not include S257 HMO's)

Letting out or managing a licensable HMO without a licence is an offence and can result in an unlimited fine upon conviction or a civil penalty up to £30,000

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