

Appendix 1 – Legal Definition of House in Multiple Occupation (HMO)

The definition of HMO is contained in Sections 254 to 259 of the Housing Act 2004

A house in multiple occupation or HMO means a building or part of a building, such as a flat which: -

- is occupied by more than one household, who share or lack one or more basic amenities such as a bathroom, toilet or cooking facilities; or
- is a converted building occupied by more than one household, but does not consist entirely of self-contained flats (whether or not one or more of the basic amenities are shared or lacking); or
- is a building converted into self-contained flats, but does not meet as a minimum standard, the requirements of the Building Regulations 1991 and where less than two thirds of the flats are owner occupied (Section 257 of the Housing Act 2004)*

and where: -

- the building is occupied by more than one household as their only or main residence
- rents are payable or other consideration provided by at least one of the occupiers
- the occupation of the living accommodation is the only use of that accommodation

*For these purposes, a flat is “owner occupied” if it is occupied: -

- (a) by a person who has a lease of the flat which has been granted for a term of more than 21 years,
- (b) by a person who has the freehold estate in the converted block of flats, or
- (c) by a member of the household of a person within paragraph (a) or (b).

There are exemptions to these definitions and these are contained in Section 14 of the Housing Act 2004. This includes any building which is occupied only by two persons who form two households.