<table>
<thead>
<tr>
<th>IS MY PROPERTY AN HMO?</th>
<th>Housing Act 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>It will be an HMO if it is one of the following:</strong></td>
<td><strong>Section and schedule numbers</strong></td>
</tr>
<tr>
<td><strong>A shared house</strong> lived in by people who belong to more than one family* and who share one or more facilities**.</td>
<td><strong>s254(2)</strong> <em>(The 'standard test')</em></td>
</tr>
<tr>
<td><strong>A house in bedsits</strong> lived in by people who belong to more than one family* and who share one or more facilities**.</td>
<td><strong>s254(4)</strong> <em>(The 'converted building test')</em></td>
</tr>
<tr>
<td><strong>An individual flat</strong> lived in by people who belong to more than one family* and who share one or more facilities**.</td>
<td><strong>s254(3)</strong> <em>(The 'self-contained flat test')</em></td>
</tr>
<tr>
<td><strong>A building of self-contained flats</strong> that do not meet 1991 Building Regulation standards.</td>
<td><strong>S257</strong></td>
</tr>
</tbody>
</table>
| **Exemptions:** | **Sch 14, 7**  
**Sch 14, 6(c)**  
**Sch 14, 5**  
**s259**  
**s254(2)(e)**  
**Sch 14, 2**  
**Sch 14, 4**  
**s257(2)(b)**  
**s254(2)(d)**  
**(s255(1))** |
** Facilities – basic amenities: wc; wash hand basin, shower, bath; cooking facilities.  
*** Accommodation used by full-time students while they are studying is taken to be their main residence. | **s258**  
**s254(8)**  
**s259(2)(a)** |

**SOME OF THESE HMOs MUST HAVE A LICENCE – WHICH ONES?**

An HMO must have a licence if **both** of the following apply:

a. It is an **HMO** *(see definition of HMO above)* and it is occupied by **five people or more**.

Exemptions:

- a purpose-built flat being occupied by 5 persons as an HMO which is situated in a block comprising three or more self-contained flats

Exemptions made under **s55 amended by The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018**