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| <b>HMO REGULATION CODE OF PRACTICE REGULATION AND ASSOCIATED DOCUMENT</b> | <b>5<sup>th</sup> Sept 2017</b> |
| <b>TO: ENVIRONMENTAL SERVICES COMMITTEE</b>                               |                                 |
| <b>FOR DECISION</b>   |                                 |

| <b>Linkage to Council Strategy (2015-19)</b> |  |
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| <b>Strategic Theme</b>                       | Resilient healthy and engaged communities  |
| <b>Outcome</b>                               | Council will work to develop and promote stable and cohesive communities across the borough. |
| <b>Lead Officer</b>                          | Head of Health and Built Environment   |
| <b>Cost: (If applicable)</b>                 | N/A  |

## **Background**

HMO Regulation : Code of Practice regulation and associated document

At the end of July the Department of Communities consulted with all 11 Councils in Northern Ireland with a view to getting comment on the draft regulations, relating to the Code of Practice for management standard.

Members will be aware The HMO Bill received Royal Assent on the 12 May 2016. The Department of Communities are continuing to work on the regulations that will accompany this Act as they move forward with the transfer of the function to Council possibly in 2018. These regulations will provide further detail on the operation of the scheme and will be supported by additional guidance closer to the date of commencement of the licensing scheme.

## **Recommendation**

Attached at Appendix I is the suggested response for Causeway Coast and Glens Borough Council. The Department required a response by the 25 August 2017, hence a draft response was forwarded to meet the deadline on the understanding that this will be discussed and amended if necessary at committee and subsequently at Council in September 2017.

| HMO Regulation : Code of Practice regulation and associated document |   |                      | Appendix I |
|--|---|----------------------|------------|
| PART   | Comments  | Name & Date          | Area       |
| <u>Regulation</u><br>Code of Practice regulation                     | The Council welcomes the Code of Practice Regulations but it would be less confusing if it just referred to the HMO Standards as there is a lot of duplication  | Belfast City Council |            |
| <u>Code of Practice Document</u><br>Part 1 Managers of HMO           | No comment  |                      |            |
| Part 2 Water Supply & Drainage                                       | 2.5 Should also include shower, wash-hand basin and sink.<br><br>2.6 The Water Regulations ( Northern Ireland) 1991 have been revoked by The Water Supply (Water Fitting) Regulations (NI) 2009   |                      |            |
| Part 3 - Gas & Electricity   | 3.1 Should state "current and valid" gas appliance test<br><br>3.2 Should state "Gas Safe installer" instead of Council of Registered Gas Installers<br><br>3.3 The manager should ensure that the electrical installation is inspected at the end of a tenancy<br><br>3.4 The electrical test certificate should state that the installation is satisfactory having no code 1 or code 2 defects. |                      |            |

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| Part 4 – Parts of House in Common Use | <p>4.5 Should state 4.1-4.4 ( not 3.1-3.4)</p> <p>4.6 The reference to “used in common by two or more households living within the HMO “should be removed</p> <p>4.9 a) Should include vestibule/hall doors.</p>  |  |  |
| Part 5 - Installations in Common Use  | <p>“Part 5 Installations” would be a preferable title as it would include all installations in the property such as ensuite bathrooms.</p>  |  |  |
| Part 6 – Living Accommodation         | <p>6.1 Any furniture supplied in the HMO should comply with the Furniture and Furnishings (Fire ) (Safety ) Regulations 1988</p> <p>6.2 b) Should state that any fixture, fitting and appliance supplied by the manager complies with Consumer Protection Act 1987, the General Product Safety Regulations ( NI) 2005 ,the Electrical Equipment (Safety) Regulations 1994 and The Plugs and Sockets (Safety) Regulations 1994 . In addition there should be a requirement to get all portable electrical appliance PAT tested every 5 years with a visual inspection after each tenancy.</p> <p>6.3 Should state 6.2 not 5.2</p> <p>6.3 More clarity is required to define what is “ otherwise than in a tenant-like manner”</p> <p>6.4 Should state 6.1 and 6.2(b) not 5.1 and 5.2 (b)</p> |  |  |

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| Part 7 – Windows and Ventilation   | <p>7.2 The manager should also be required to repair a window in areas of common use</p> <p>7.2 Again more clarity is required to define what is “otherwise than in a tenant-like manner”</p>   |  |  |
| Part 8 - Signs and safety equipment (including fire equipment and carbon monoxide detection) | <p>8.2 Should include sprinklers (if present) and also include emergency/ escape lighting. These should all serviced in accordance with the relevant British Standard.</p> <p>8.2 This clause refers to “The Fire Safety Guidance for HMOs”. Is this the NIHE “HMO Fire Safety Guide”?</p> <p>8.5 Should state 8.4 not7.4</p> <p>8.5 b) May conflict with escape window requirements. The requirement should include that all low level windows are fitted with safety glazing.</p> <p>8.7 Why does this clause place the duty on the landlord whereas all the other clauses in the code of practice place the duty on the manager?</p> <p>8.7 There should be a duty to maintain the alarms throughout the tenancy in accordance with the relevant British Standard.</p> |  |  |
| Part 9 – Miscellaneous Parts of Premises   | 9.1 The reference to “common use” should be removed.  |  |  |
| Part 10 – Disposal of Refuse & Litter  | 10 .1 Should specifically refer to the Local Government Waste Storage Guide for Northern Ireland  |  |  |

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| Part 11 – Duty of Manager to Provide Information to Occupier |   |  |  |
| Part 12 – Duties of Occupiers of HMOs                        | Part 12 should also prohibit tenants from using “super-ser” type heaters or any other portable gas appliances   |  |  |
| Part 13 – General Safety of Occupiers of HMOs                | The Council would welcome reference to the prohibition of anti-social behaviour by the occupiers of HMOs  |  |  |
| List of supporting documents                                 | Consumer Protection(NI) Order 1987the General Product Safety Regulations ( NI) 2005 ,the Electrical Equipment (Safety) Regulations 1994 and The Plugs and Sockets (Safety) Regulations 1994 Portable Appliance testing??? |  |  |