

THE HOUSES IN MULTIPLE OCCUPATION ACT (NORTHERN IRELAND)

2016:

CODE OF PRACTICE FOR MANAGEMENT OF HOUSES IN MULTIPLE OCCUPATION

Introduction

Section 63 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 provides that the Department for Communities may prepare and approve a code of practice with regard to the management of houses in multiple occupation.

This Code has been developed primarily to assist managers, and anyone involved in the management of Houses in Multiple Occupation, by setting out the main elements of good management practice. It covers among other matters, health and safety, maintenance and repair, and relationships between managers and tenants. It is also designed to assist tenants in understanding both the standards and procedures applying to their accommodation and their obligations as tenants or licensees.

Effective management procedures should take account of the characteristics of the residents, including age, vulnerability, disabilities or dependencies. It may be necessary to make special provision for individuals such as providing written information in large print or another language.

Effective management also relies in part on residents being fully aware of their responsibilities. They should be made aware that they are either required by regulation or by the terms of their tenancy agreement not to act in a way that obstructs the manager, or causes nuisance or annoyance to neighbours, and also be made aware of the consequences if they do not comply with this.

Failure to comply with the guide is not in itself an offence. However councils may take into account any breach of the code of practice as a relevant matter in deciding whether a person is a fit and proper person for the purposes of the Act.

This code of practice is intended to be read in conjunction with the Houses in Multiple Occupation Act (Northern Ireland) 2016 and all supporting regulations.

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Part 1 – Managers of HMOs

1.1 For the purposes of this code of practice, a person acts as a manager or managing agent in relation to a HMO if that person

- (a) does, in relation to the HMO, any of the acts mentioned in paragraph (i), (ii) or (iii) of the definition of managing agent in Section 88(1) of the Act, or
- (b) engages in any other activity or course of activity which constitutes or assists in, the management of an HMO.

1.2 A manager shall ensure he manages a HMO in accordance with the detail contained within the HMO Act (NI) 2016 and associated regulations including the physical standards.

Part 2 - Water supply & Drainage

2.1 The manager of a HMO must ensure that the hot and cold water supply and drainage system serving the HMO (including the curtilage, if any) is maintained in good, clean and working condition and is effective for the draining of foul, waste and surface water.

2.2 The manager must in particular ensure that any tank, cistern or similar receptacle used for the storage of water for drinking or other domestic purposes is kept in a good, clean, hygienic and working condition, with a cover kept over it to keep the water in a clean and proper condition.

2.3 The manager must also make certain that any water fitting which is liable to damage by frost is protected from frost damage.

2.4 The manager must not unreasonably cause or permit the water or drainage supply that is used by any occupier at the HMO to be interrupted.

2.5 In this code of practice “water fitting” means a pipe, tap, cock, valve, ferrule, meter, cistern, bath, water closet, wash hand basin, shower, sink or soil pan used in connection with the supply or use of water, but the reference in this definition to a pipe does not include an overflow pipe or the mains supply pipe.

2.6 The manager shall ensure that water pipes and fittings within the house shall comply with the Water Supply (Water Fittings) Regulation (Northern Ireland) 2009 or any subsequent replacing legislation.

Part 3 - Gas & Electricity

3.1 The manager shall ensure that all gas fittings, appliances and flues are installed, serviced and maintained in accordance with the Gas Safety (Installations and Use) regulations (NI) 2004 or any subsequent replacing legislation.

3.2 The manager must supply to the council, within 7 days of receiving a request in writing from that authority, the current and valid gas appliance test certificate it has received in relation to the testing of any gas appliance at the HMO by a recognised engineer.

3.3 In paragraph (3.2), “recognised engineer” means an engineer registered as a Gas Safe Installer and recognised as being competent to undertake such testing.

3.4 The manager must ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years (and at any other time as requested by the council) by a person qualified and competent to undertake such inspection and testing.

3.5 The manager must obtain a certificate from the person conducting that inspection and test, specifying the results of the test. The electrical test certificate must state that the overall assessment of the installation is satisfactory having no code 1 (danger present) or code 2 (potentially dangerous) defects.

3.6 The manager must supply that certificate to the council within 7 days of receiving a request in writing for it from that authority.

3.7 The manager must not unreasonably cause the gas or electricity supply that is used by any occupier within the HMO to be interrupted.

Part 4 – Parts of House in Common Use

4.1 The manager must ensure that all parts of the HMO are maintained in good and clean decorative repair, maintained in a safe and working condition; kept clear from obstruction and kept free from dampness.

4.2 The manager must also ensure that such parts of the HMO in common use are kept free of obstruction.

4.3 The manager must ensure all handrails and banisters are at all times kept in good repair; and where such additional handrails or banisters are necessary for the safety of the occupiers of the HMO see that they are provided.

4.4 The manager must ensure that any stair coverings are safely fixed and kept in good repair; that all windows and other means of ventilation within the common parts are kept in good repair and that the common parts are fitted with adequate light fittings that are available for use at all times by every occupier of the HMO.

4.5 The duties outlined above (4.1-4.4) do not apply in relation to fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.

4.6 The manager must ensure that any outbuildings, yards and forecourts are maintained in repair, clean condition and good order.

4.7 The manager must ensure that any garden belonging to the HMO is kept in a safe and tidy condition; and boundary walls, fences and railings (including any basement area railings), in so far as they belong to the HMO, are kept and maintained in good and safe repair so as not to constitute a danger to occupiers.

4.8 If any part of the HMO is not in use the manager shall ensure that such part, including any passage and staircase directly giving access to it, is kept clean and free from refuse and litter.

4.9 In this section “common parts” means:

- a) The entrance door to the HMO, vestibule/hall doors and the entrance doors leading to each unit of living accommodation within the HMO;
- b) All such parts of the HMO as comprise staircases, passageways, corridors, halls, lobbies, entrances, balconies, porches and steps that are used by the occupiers of the units of living accommodation within the HMO to gain access to the entrance doors of their respective unit of living accommodation; and
- c) Any other part of an HMO the use of which is shared by two or more households living in the HMO, with the knowledge of the landlord.

Part 5 – Installations

5.1 The manager must ensure that the following installations are maintained in good repair, clean condition and proper working order where appropriate.

5.2 Any large device system or piece of equipment that has been installed, such installations include (but are not exclusive to):

- a) Installations for the supply of gas and electricity, for lighting and for space heating or heating water;
- b) Sanitary conveniences, baths, sinks, washbasins and installations for cooking and storing food;
- c) Access points or other installations provided in connection with the delivery to the house of postal packets in connection with the provision of the universal postal service (within the meaning of Section 4(7) of the Postal Services Act 2000) or any subsequent replacing legislation;
- d) Other installations (if any) in a kitchen, bathroom, lavatory or washroom.

5.4 The manager must ensure that all electrical equipment and appliances are to be examined and passed every 5 years under the Portable Appliance Testing (PAT) processes to ensure they are safe to use.

5.5 The manager must not unreasonably cause the space and water heating installations used by any occupier within the HMO to be operated.

Part 6 – Living Accommodation

6.1 The manager must ensure that each unit of living accommodation within the HMO and any furniture supplied with it are in clean condition at the beginning of a person's occupation of it. Any furniture supplied in the HMO should comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 or any subsequent replacing legislation.

6.2 The manager must ensure, in relation to each part of the HMO that is used as living accommodation, that—

(a) the internal structure is maintained in good repair;

(b) any fixtures, fittings or appliances within the part are maintained in good repair and in clean working order in compliance with The Consumer Protection Act 1987, The General Product Safety Regulations 2005, The Gas Safety (Installation and Use) regulations (NI) 2004, The Gas Cooking Appliances (Safety) Regulations 1989, The Electrical Equipment (Safety) Regulations 1994 and The Plugs and Sockets (Safety) Regulations 1994 or any subsequent replacing legislation; and

(c) every window and other means of ventilation are kept in good repair.

6.3 The duties imposed under 6.2 do not require the manager to carry out any repair the need for which arises in consequence of use by the occupier of his living accommodation otherwise than in a tenant-like manner.

6.4 The duties imposed under paragraphs 6.1 and 6.2 (b) do not apply in relation to furniture, fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.

6.5 For the purpose of this regulation a person shall be regarded as using his living accommodation otherwise than in a tenant-like manner where he fails to treat the property in accordance with the covenants or conditions contained in his lease, licence or otherwise fails to conduct himself as a reasonable tenant or licensee would do.

Part 7 - Windows & Ventilation

7.1 The manager shall ensure that all windows and other means of ventilation in any part of the HMO are maintained in good repair and proper working order.

7.2 The manager shall not be required to carry out any repair to a window or other means of ventilation, in any part of the house which is occupied by a resident as his living accommodation, the need for which arises in consequence of use of that part otherwise than in a tenant-like manner.

Part 8 – Signs and safety equipment (including fire equipment and carbon monoxide detection)

8.1 The manager must ensure that all means of escape from fire in the HMO, sprinklers (if present) and emergency or escape lighting are kept free from obstruction and maintained in good order and repair in accordance with the relevant British Standard.

8.2 The manager must ensure that any firefighting equipment and fire alarms are installed in line with guidance set out in *The Fire Safety Guidance for HMOs* and maintained in good working order.

8.3 The manager must ensure that all notices indicating the location of means of escape from fire are displayed in positions within the HMO that enable them to be clearly visible to the occupiers.

8.4 The manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to the design of the HMO; the structural conditions in the HMO; and the number of occupiers in the HMO.

8.5 In performing the duty imposed by paragraph 8.4 the manager must in particular:

(a) in relation to any roof or balcony that is unsafe, either ensure that it is made safe or take all reasonable measures to prevent access to it for so long as it remains unsafe; and

(b) in relation to any window the sill of which is at or near floor level, ensure that bars, safety glass or other such safeguards as may be necessary are provided to protect the occupiers against the danger of accidents which may be caused in connection with such windows.

8.6 The manager shall ensure that a carbon monoxide detector is fitted in any room of the HMO which is used wholly or partly as living accommodation and contains a fuel burning combustion appliance.

8.7 checks must be made by or on behalf of the manager throughout the tenancy to ensure that all signs and safety equipment including fire and carbon monoxide

alarms, sprinklers (if present) firefighting equipment emergency lighting systems etc. are in proper working order in accordance with the relevant British Standards.

8.8 There should be continuity of supply to the fire detection and emergency lighting systems serving the house and to the ordinary domestic lighting circuits serving the common areas. Pre-payment electricity meters of whatever kind serving these installations are unacceptable.

Part 9 – Miscellaneous parts of premises

9.1 The manager shall ensure that every outbuilding, yard, forecourt, general area, and garden which belongs to the HMO, is maintained in good repair and clean condition.

9.2 The manager shall ensure that boundary walls, fences and railings (including basement railings), in so far as they belong to the house, are kept and maintained in repair so as not to constitute a danger to residents.

9.3 If any part of the house is subject to a closing order, or not in use, that manager shall ensure (where practicable) that such part, including any passage and staircase directly giving access to it, is kept clean and free from refuse and litter.

Part 10 – Disposal of Refuse and Litter

10.1 The manager must ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal in accordance with the Local Government Waste Storage Guide for Northern Ireland.

10.2 The manager shall make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local council.

10.3 The manager must ensure that refuse and litter are not allowed to accumulate in, or in the curtilage of, the house except where properly stored pending disposal.

Part 11 – Duty of Manager to Provide Information to Occupier

11.1 The manager must ensure that a notice containing the name, address and any telephone contact number, of the person (or each person) who is the manager of the house, describing him as manager, and where appropriate, as agent or trustee for receipt of rents.

11.2 The manager shall cause to be displayed a copy of this Code of Practice.

11.3 The manager shall ensure such details are clearly displayed in a prominent position in the HMO so as to be readily visible to the occupiers.

11.4 The manager shall take all reasonable steps to ensure that the documents in accordance and association with this regulation remain so displayed and are amended as necessary.

Part 12 – Duties of Occupiers of HMOs

12.1 Every occupier of the HMO must conduct themselves in a way that will not hinder or frustrate the manager in the performance of their duties.

12.2 Every occupier of the HMO must allow the manager, for any purpose connected with the carrying out of any duty imposed on them by the Act or by this Code of Practice, at all reasonable times to enter any living accommodation or other place occupied by that person.

12.3 Every occupier of the HMO must provide the manager, at their request, with any such information as they may reasonably require for the purpose of carrying out any such duty.

12.4 Every occupier of the HMO must take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair under this Code of Practice.

12.5 Every occupier of the HMO must store and dispose of litter in accordance with the arrangements made by the manager under Part 9.

12.6 Every occupier of the HMO must comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

12.7 Every occupier of the HMO is prohibited from using “super ser” type heaters or any other portable gas appliances.

Part 13 – General Safety of Occupiers of HMOs

13.1 The manager shall ensure that such precautions are taken as are reasonably required, having regard to the design and structural conditions in the house and to the number of residents, to protect those residents from injury as a result of those

conditions; and in particular he shall (without prejudice to those obligations) ensure as respects any roof or balcony which is not in all respects safe, either that reasonable measures are taken to prevent access to it, or that it is made safe, and that such safeguards as may be necessary are provided against the danger of accidents resulting from the presence on staircases of windows the sills of which are at or near floor level.

13.2 To ensure the safety of occupiers a manager shall ensure that, at the outset of a tenancy, each tenant understands what constitutes behaviour that is **not** acceptable (antisocial behaviour / bad practice etc.). The detail on this can be included in a tenancy agreement and notifications posted within the HMO.

List of supporting documents

Area	Document Title
Fire Safety	The Fire Safety Guidance for HMOs
Carbon Monoxide	Advice and Information on the use of Carbon Monoxide Detectors (GSIS-004(V7))
Refuse disposal	Waste Storage Guide for Northern Ireland
Fixture, Fitting & Appliance Safety	Consumer Protection (NI) Order 1987
Fixture, Fitting & Appliance Safety	General Product Safety Regulations 2005
Electrical Safety	Electrical Equipment (Safety) Regulations 1994
Electrical Safety	Plugs and Sockets (Safety) Regulations 1994
Gas Safety	Gas Safety (Installation and Use) Regulations (NI) 2004
Gas Safety	Gas Cooking Appliances (Safety) Regulations 1989
Furnishing Standards	Furniture and Furnishings (Fire) (Safety) Regulations 1988