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## Table of Contents

<b>1. Houses in Multiple Occupation</b>	<b>1</b>
<b>2. Selective Licensing</b>	<b>3</b>

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## Statutory Exemptions from HMO Property Licensing

### 1. Houses in Multiple Occupation

These exemptions apply to both the Mandatory and Additional HMO licensing schemes.

[Schedule 14 of the Housing Act 2004](#) details the statutory exemptions from HMO licensing. You will **not** need a **HMO** licence if the residential property is:

- Under a Prohibition Order
- A business premise
- Agricultural tenancy
- The tenancy or licence is granted by a registered social landlord
- The tenancy or licence is of a house or dwelling that is controlled or managed by:
  - A local housing authority
  - A police authority
  - A fire and rescue authority
  - A health service body
- The building is occupied by students and is controlled/managed by a University/College/Specified Person.
- Is regulated under other legislation such as care homes or HMO's that fall within (Mandatory Licensing)
- A Holiday let;
- Does not have a tenant at the start date of the designation and remains unoccupied. As soon as they are rented out an application for a licence must be made;
- Houses covered by a Temporary Exemption Notice under Housing Act 2004 for example where there is a sale agreed to someone who intends to live in the property themselves or the owner is moving back into the property
- House covered by a Management Order under the Housing Act 2004
- Occupied under a long term lease of over 21 years and occupied by the owner under the lease or members of his family
- The tenancy or licence is of a house or dwelling granted to a person who is a

- member of the family of the person who is the freeholder or long leaseholder of the property
- Houses occupied by the owner and a lodger where the accommodation and amenity such as toilet, bathroom kitchen or living room is shared between the occupier and the landlord/licensor/member of the landlord or licensor's family
  - Houses occupied by members of the owner's family. A 'member of the family' is where you live as a couple or one of them is a relative of the other.

## Statutory Exemptions from Selective Licensing

### 2. Selective Licensing

Apply to all properties in the Weavers, Spitalfields & Banglatown and Whitechapel areas (based on pre 2014 ward boundaries. Except those included in the Mandatory Scheme.

In brief properties that do not require a licence if:

- The property is an HMO that already requires a licence under a mandatory or additional licensing scheme;
- The tenancy or licence has been granted by a registered social landlord under Part I of the Housing Act 1996;
- The property is subject to an Interim or Final Management Order under Part 4 of the Housing Act 2004 (i.e. the council have taken over the management of the property);
- The property is covered by a temporary exemption notice; or
- The property is occupied under an exempt tenancy or licence, as defined in the [Selective Licensing of Houses \(Specified Exemptions\) \(England\) Order 2006](#).
- Any property subject to a housing prohibition order;
- Certain tenancies associated with business premises, Licensing Act 2003 premises, agricultural land or agricultural holdings;
- Buildings managed by a local housing authority, police or fire & rescue authority or a health service body;
- Buildings already regulated under certain other statutory provisions ([Schedule 1 to SI 2006 Number 373](#))
- Certain student halls of residence;
- Holiday homes; and
- Buildings where an occupant shares any accommodation with the landlord or a member of the landlord's family.