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, Spittalfields & 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.