



## EXPLANATORY NOTES

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### Houses in Multiple Occupation Act (Northern Ireland) 2016

Chapter 22

£6.00



# **HOUSES IN MULTIPLE OCCUPATION ACT (NORTHERN IRELAND) 2016**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These Explanatory Notes relate to the Houses in Multiple Occupation Act (Northern Ireland) 2016 which received Royal Assent on 12 May 2016. They have been prepared by the Department for Communities (“the Department”) in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by the Assembly.

2. The Notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section or schedule does not seem to require an explanation or comment, none is given.

### **BACKGROUND AND POLICY OBJECTIVES**

3. The purpose of the Act is to enable better regulation of Houses in Multiple Occupation (HMO), by introducing a system of licensing and new provisions about standards of housing. It also aims to streamline the definition and clarify the law in some other respects.

### **OVERVIEW**

4. The Act has 91 sections and 8 Schedules. A commentary on the provisions follows (comments are not given where the wording is self-explanatory):

### **COMMENTARY ON SECTIONS**

#### **PART 1: MEANING OF “HOUSE IN MULTIPLE OCCUPATION”**

**Section 1: Meaning of “house in multiple occupation”** A House in Multiple Occupation (HMO) is defined in Section 1 as a building or part of a building (e.g., a flat) that is classed as living accommodation and is occupied by three or more people, who are members of more than two households. Additionally, accommodation is not an HMO unless rents are payable or other consideration is provided in respect of the accommodation. The section also introduces Schedule 1 (exceptions) and confers a power to amend the definition of “house in multiple occupation”.

**Section 2: Definition of living accommodation** Section 2 defines “living accommodation” for the purposes of section 1. A building, or part of a building, is living accommodation (i) if it is capable of being occupied as a separate dwelling **or** (ii) if it forms part of any building or group of buildings in single ownership and its occupants share a toilet, personal washing facilities or facilities for the preparation or provision of cooked food. “Single ownership” is defined in subsections (2) and (3) in a way which prevents avoidance of the legislation by artificially dividing ownership of a property between members of a family or connected companies.

**Section 3: Cases where person is treated as occupying accommodation as only or main residence** Section 3 outlines the fact that people count as occupants only if the accommodation is their only or main residence. However, accommodation occupied by a student during term time is regarded as that person’s only or main residence. People staying in domestic violence refuges are to be treated as occupying them as their only or main residence. A seasonal worker who is resident in accommodation during the period that they are engaged in seasonal work, are treated as occupying it as their only or main residence.

**Section 4: Persons who are members of the same household** Section 4 specifies the meaning of “household” for the purposes of HMO licensing. This includes members of the same “family”: the definition of family includes married, unmarried and same-sex couples, and step children, as well as blood relatives. Additionally, a person who is a personal or domestic carer in a residential capacity is to be treated as a member of the household for the purposes of this Act. There is a power for the Department to provide that other persons are treated as being in the same “household”.

**Section 5: Notice regarding evidence of household** Section 5 makes provision for a council to serve a notice on the occupants of a house where the council believe there are three or more people residing in the property and these people form more than two separate households. If insufficient evidence is provided that the house is not an HMO, the house is to be regarded as being one.

**Section 6: Notice regarding continuation of occupation** Section 6 makes provision for a council to serve a notice on a property that has ceased to operate as an HMO, because its occupants have reduced below 3, but which the council believe is likely to become an HMO again within 4 months. For example a student house during the summer months can then be treated as an HMO for certain regulatory purposes, even though it may actually have fewer than 3 people residing in it during those months.

## **PART 2: LICENSING OF HOUSES IN MULTIPLE OCCUPATION**

**Section 7: Requirement for HMOs to be licensed** Section 7 requires every house in multiple occupation that is not exempted to be licensed. A licence for an HMO authorises its holder and any agent named on the licence to allow the HMO to be occupied in accordance with the licence conditions. The section also sets out that licences are to be issued by district councils for houses in their area, and the information which must be specified in a licence.

**Section 8: Applications for HMO licence** Section 8 outlines that applications must be made by the owner of the HMO. It also sets out the matters that are to be taken into account when a council is considering an application for an HMO licence. The details of the procedural requirements, in relation to an application for an HMO licence, are contained within Schedule 2.

**Section 9: Breach of planning control** Section 8(2)(a), as read with the definition in section 9, provides that an application will be refused if the council feels there has been a breach of planning control. Carrying out development without the planning permission required, or failing to comply with any condition or limitation subject to which planning permission has been granted, constitutes a breach of planning control. Refusals on this ground are treated slightly differently from refusals on other grounds. In particular, the refusal must be made within 28 days of the application and there is no appeal to the county court. However, if the applicant can show that there is no breach of planning control, they can make a renewed application for no additional fee.

**Section 10: Fit and proper persons** Section 10 specifies matters to which the council shall have regard (in addition to other things it may consider) when deciding whether an applicant, or an applicant's agent, is a fit and proper person. A person who is disqualified under section 38 cannot be regarded as a fit and proper person. In any case, the council must consider specified matters: whether the person has committed certain types of offence, practiced unlawful discrimination or contravened housing law or landlord and tenant law; actions or failures to act in relation to antisocial behaviour (within the curtilage of the property); affecting a house let by the applicant or for which the applicant was an agent and other material considered by the local authority to be relevant.

**Section 11: Satisfactory management arrangements** Section 11 outlines the considerations that a council may take into account when deciding whether suitable management arrangements are in place at application stage.

**Section 12: Overprovision** Section 12 states that, in deciding whether the granting of a licence will result in overprovision, councils must have regard to the number and capacity of licensed HMOs in an area, the need for this type of accommodation in that locality and such other matters as the Department may specify through regulations. Although a first-time application for a licence can be refused on the ground that it would result in overprovision of HMOs, an application to renew a licence cannot (see section 20).

**Section 13: Suitability of living accommodation for multiple occupation:** Section 8(2)(e), as read with section 13, states that councils may only grant a licence if they are satisfied that the accommodation is suitable for use as an HMO for the specified maximum number of persons, or could be made so by including conditions in the licence. The criteria that the councils must consider are given. It includes a power for the Department to set out minimum standards in regulations.

**Section 14: Licence conditions** Section 14 deals with the conditions that may be contained in licences. The council may include any conditions it considers appropriate for regulating the management, use and occupation of an HMO. The Department may also specify in regulations conditions which must be included. Conditions can include dates by which they come into effect.

**Section 15: Temporary exemption notice** Section 15 allows a council to issue a temporary exemption notice if the owner of an unlicensed HMO applies for one. The owner must explain the steps to be taken to stop the premises from being an HMO (such as ensuring that the number of occupants reduces below 3, or that sufficient basic amenities for exclusive use are installed so that occupants do not have to share them), and the council must be satisfied that these steps will be successful. The HMO does not need a licence during the term of the notice, which is three months unless extended in exceptional circumstances.

**Section 16: Extension of temporary exemption notice** Section 16 allows for the extension of temporary exemption notice if the council are satisfied that special circumstances exist. A notice may be extended only once, and only for up to 3 months.

**Section 17: Safety and security requirements** Section 17 specifies that the temporary exemption notice may require the owner to carry out work to improve the safety or security of the occupants for the duration of the notice. This could include minor works or the provision of removable equipment where licence conditions would normally require permanent, fixed items.

**Section 18: Revocation of temporary exemption notice** Section 18 specifies that if a council is satisfied that an HMO owner has failed to comply with any requirement included in a temporary exemption notice, the council may revoke that notice.

**Section 19: Duration of HMO licence** Section 19 states that an HMO licence lasts for five years, or a shorter period specified in the licence which cannot be less than six months. It starts on the date when notice of the decision to grant the licence is served on the owner, or another date specified in the licence. In the case of a licence granted because the council did not come to a decision within the period required, the licence will last for one year from the end of that period.

**Section 20: Renewal of licence** Section 20 provides for the renewal of an existing licence which must be made before the current licence ceases to have effect. As noted above, breach of planning control (Section 9) and overprovision (Section 12) are not grounds for refusing an application to renew.

**Section 21: Application to renew: effect on existing licence** Section 21 specifies that where an application to renew a licence is made, the existing licence has effect until: the date of the new licence is granted, or (if the renewal application is refused) the date the current licence ceases to have effect.

**Section 22: Variation of licences** Section 22 sets out the procedure for varying a licence, which a council may do for its own reasons or at the request of the licence holder. If the council proposes the variation, it must give its reasons.

**Section 23: Revocation of licences** Section 23 allows a council to revoke a licence at any time. There are a number of possible grounds that may lead to the revocation of a licence. The licence holder or agent is no longer a fit and proper person under Section 10; the accommodation is not fit for human habitation; the HMO management arrangements are not satisfactory; the accommodation is no longer suitable for use as an HMO and cannot be made suitable; there has been a serious breach of a condition of the licence; there has been more

than one breach of a condition (not necessarily a serious one). This Section also specifies that it does not matter if the council has taken any other action or criminal proceedings have been commenced, the licence can still be revoked.

**Section 24: Variation and revocation: procedure** Section 24 introduces Schedule 4, which makes provision about the procedure for varying or revoking a licence.

**Section 25: Restriction on applications** Section 25 prevents the council from considering certain applications. If an application was refused on the ground that a person was not a fit and proper person, the council may not consider an application from that person (for any accommodation) within a year of the refusal. If an application was refused on a ground relating to the accommodation (where the granting of the licence would create a situation of overprovision or where the accommodation is not habitable or suitable for use as an HMO), the council may not consider an application (from anyone) in relation to that accommodation, within the same period. This restriction does not apply if the local authority is satisfied that there has been a material change of circumstances, for example if a physical feature which made the property unsuitable for licensing has been altered.

**Section 26: Joint licence holders** Section 26 deals with the situation where an HMO is owned jointly by more than one person. The application for a licence may be made by one owner or jointly by more than one. Any joint licence holders can request to be removed from the licence at any time provided one owner continues to hold the licence.

**Section 27: Surrender of HMO licence** Section 27 specifies that the holder of an HMO licence may surrender the licence by giving notice to the council, in the specified form, to that effect.

**Section 28: Change of ownership: effect on licence** Section 28 outlines the effect to an HMO licence if there is a change or transfer of ownership of the property. In these situations, if the new owner applies for a licence before the change of ownership takes effect, the licence which is already in effect in respect of the HMO is to be treated as being held by the new owner until such time as their application is accepted or ultimately rejected.

**Section 29: Death of sole licence holder: effect on licence** Section 29 transfers the licence of a deceased sole licence-holder to that person's executor. The licence expires three months after the date of death, unless the council is satisfied that it is reasonable to extend it in order to wind up the holder's estate.

### **PART 3: ENFORCEMENT OF LICENSING REQUIREMENTS**

**Section 30: Unlicensed HMO** This section creates a number of criminal offences relating to HMO licensing. An owner of a licensable HMO without a licence is committing an offence (unless the owner has a reasonable excuse). A person who acts as an agent for an HMO which is not licensed also commits an offence. And where the owner of an unlicensed HMO instructs an agent to act in relation to that house, the owner commits an offence.

**Section 31: Exceeding licensed occupancy or breach of licence conditions** This section creates the offence of allowing an HMO to be occupied in excess of the number of persons authorised on the licence. It also creates offences related to breaching conditions in a licence. An owner, agent or other person named in the licence commits an offence if they breach a condition included in a licence. And an owner or agent commits an offence if any other licence condition is breached and they do not take reasonable measures to prevent it.

**Section 32: Untrue claim that HMO is licensed** This section makes it an offence to claim that an HMO is licensed when it is not.

**Section 33: Agents not named in licence** This section makes it an offence for an owner to authorise a managing agent to act in relation to a house if the managing agent is not named in the licence. It also makes it an offence for a person to act as a managing agent in those circumstances.

**Section 34: Reasonable excuse** This section sets out some circumstances in which the owner of an HMO has a reasonable excuse for the purposes of sections 30(1) and 31(2) and (3).

**Section 35: Power to require rectification of breach** Section 35 specifies that a council can serve a notice on a licence holder requiring action to be taken to rectify or prevent a breach of a condition in an HMO licence. A notice can be served irrespective of whether the council has taken any other action or whether criminal proceedings have been commenced. The action required may include the carrying out of work in or to the HMO.

**Section 36: Revocation of rectification notice** This section outlines the circumstances in, and process by which, a council may revoke a rectification notice under section 35. In particular, a notice must be revoked if all the requirements set out in it have been complied with.

**Section 37: Failure to comply with rectification notice** If the owner of an HMO fails to take any action specified in the rectification notice, by the date given in the notice, they will have committed an offence under section 37. In determining the seriousness of that offence (for example, for the purposes of setting a fine), regard is to be had to the original breach which led to the issuing of the rectification notice.

**Section 38: Revocation orders and disqualification orders** This section gives a court powers to revoke an HMO licence and disqualify an owner from holding a licence, or an agent from being named on a licence, for a period not exceeding five years. These powers can be used on conviction of an offence under various provisions of the Act.

**Section 39: Revocations and disqualifications: appeals** This section specifies that a person may appeal against a revocation order or disqualification order.

**Section 40: Discharge of disqualification orders** This section specifies that the court which made the disqualification order may discharge the order with effect from such date as the court may specify, if the court is satisfied that there has been a change in circumstances which justifies doing so.



## **PART 4: STANDARDS OF HOUSING**

### **CHAPTER 1: OVERCROWDING**

**Section 41: Definition of overcrowding** This section defines an HMO as being overcrowded when the number of persons sleeping in it contravenes either the room standard or the space standard.

**Section 42: The room standard** This section outlines the circumstances which are designated as a contravention of the room standard. These are circumstances in which persons aged 13 or over must share with another person of that age or with a couple.

**Section 43: The space standard** This section outlines the circumstances which may be designated as a contravention of the space standard. These relate to the amount of floor space there is in the property for each person resident of it.

**Sections 44 and 45: Overcrowding notices** Sections 44 and 45 give the council the power to issue a notice where they believe an HMO is, or is likely to become overcrowded. An overcrowding notice must, for each room, either stipulate the maximum number of persons who may occupy the room or specify that the room is unsuitable for occupation. This makes clear the maximum possible sleeping arrangement in the house.

**Section 46: Requirement as to overcrowding generally** The requirement under section 46 requires that the terms of the notice must not be breached by allowing an unsuitable room to be occupied as sleeping accommodation and that the room standard must not be contravened. A notice including this requirement can have the effect of requiring the owner to reduce the occupancy of the house immediately – for example, by terminating a tenancy.

**Section 47: Requirement not to permit new residents** Section 47 is very similar in its effect to Section 46, except that it covers occupation by new residents i.e. anyone not resident when the notice was served. This allows the existing situation to continue, even if the house is “overcrowded”.

**Section 48: Notice requiring further information** Section 48 allows the council to serve a notice requiring further information in relation to overcrowding. The information requested may be, among other things, the number of people sleeping within the HMO, the names of those individuals, the number of households to which they belong and the rooms used by the individuals and households respectively. This information may be used to determine whether an overcrowding notice has been breached, but may not be used in criminal proceedings against the person providing the information.

**Section 49: Information notice: supplementary provisions** Section 49 provides that a person commits an offence if they fail to provide information requested by an information notice or if they provide false or misleading information.

## **CHAPTER 2: SUITABILITY FOR NUMBERS IN OCCUPATION**

**Section 50: Suitability notice** This section makes arrangements about HMO suitability notices. Such a notice can be served in relation to any HMO which the local authority considers is not reasonably fit for occupation by the number of persons occupying it.

**Section 51: Contents of suitability notice** Section 51 directs that a suitability notice must specify what the council considers to be the maximum number of persons by whom the HMO is suitable to be occupied. A suitability notice must contain either the general occupancy requirement or the new residents' occupancy requirement. It may also contain a statement of remedial work.

**Section 52: Occupancy requirements** Section 52 sets out that the general occupancy requirement is that the person on whom the notice is served must refrain from permitting more than the maximum number of persons to occupy the HMO. As with the similar requirement in an overcrowding notice, this can have the effect of requiring the owner to reduce the occupancy of the house immediately – for example, by terminating a tenancy. The new residents' occupancy requirement is that the person on whom the notice is served must refrain from permitting any new resident to occupy the HMO if that person's occupation results in the HMO being occupied by more than the maximum number of persons. This can be used where the council considers that, although the accommodation is unsuitable for its current number of occupants, the balance lies in favour of letting the current situation remain (rather than requiring the immediate departure of one or more residents).

**Section 53: Statement of remedial work** Section 53 sets out that a statement of remedial work is a statement of work which the owner of the HMO may undertake and which, if done, will lead to the lifting of the suitability notice. Although the owner is not required to carry out the work, they can choose to do so as an alternative to having the restriction on occupancy imposed by the suitability notice.

## **CHAPTER 3: HAZARDS**

**Section 54: Definition of a hazard** Section 54 defines that a hazard in an HMO is something that constitutes a risk of harm to the health or safety of an actual or potential occupier. The risk may arise from a deficiency in the accommodation forming the HMO, any building or land the accommodation forms part of, or any building or land in the vicinity of that accommodation.

**Section 55: Hazard notice** This section makes arrangements about hazard notices. Such a notice can be served where a council is satisfied that a hazard exists in relation to an HMO. There is also provision for this notice to be treated as an "emergency hazard notice" that can come into operation immediately where there is an imminent risk to any of the occupiers of the HMO.

**Section 56: Contents of hazard notice: prohibitions** A hazard notice may impose prohibitions on the use of any premises as the council considers appropriate in view of the hazard(s) to which the notice relates. Where the hazard affects a flat, the prohibition may cover the use of any part of the building containing the flat or any external common parts. A prohibition may include a requirement to obtain the approval of the council for the use of the property in particular ways.

**Section 57: Contents of hazard notice: other matters** A hazard notice must specify in relation to each hazard: the nature of the hazard; the HMO in which it exists; the deficiency giving rise to the hazard; and the date on which the notice is made.

**Section 58: Works requirement** A hazard notice may also contain a works requirement. Section 58 sets out that a works requirement is that an owner carries out work in order to remove the hazard. The work must be specified in the notice and can be anything which the council regards as appropriate for removing the hazard. If the work is done, the hazard notice must be lifted.

**Section 59: Approvals as to the use of premises** This section states that any approval of the council with regards to a prohibition placed on a property must not be unreasonably withheld and that the owner may appeal to a magistrates' court against a refusal to give approval.

#### **CHAPTER 4: FURTHER PROVISIONS ABOUT NOTICES UNDER THIS PART**

**Section 60: Offences** This section sets out the key criminal offences regarding notices under Part 4 of the Act. These relate to failure to comply with requirements set out in a notice.

**Section 61: Further provisions** Section 61 introduces Schedule 5, which makes further provisions about notices under this Part.

#### **PART 5: SUPPLEMENTARY**

**Section 62: HMO register** Section 62 requires councils to keep an HMO register containing details of each application for an HMO licence, the decision made on the application and subsequent progress of the licence. An entry in the register is to be available to any person who is associated with, or who has a genuine interest in the HMO, as determined by the council.

**Section 63: Code of practice** This section creates a power for the Department to make regulations approving a code of practice laying down standards of conduct and practice to be followed with regard to the management of houses in multiple occupation.

**Section 64: Fixed penalty: service of notice** Sections 64 to 66 provide for fixed penalty notices to be issued, instead of criminal proceedings. Section 64 allows an authorised officer of the council, who has reason to believe that an offence has been committed, to serve a fixed penalty notice. The notice must set out the offence which is alleged to have been committed, and state the amount of the fixed penalty.

**Section 65: Fixed penalty: effect of notice** Where a fixed penalty notice is served on a person in respect of an offence, no criminal proceedings may be commenced against the person for the offence before the time specified in the notice has elapsed. The person may not be convicted of the offence if the person pays the fixed penalty notice.

**Section 66: Fixed penalty: power to alter amounts** Section 66 allows for the Department for Communities to alter the amounts of fixed penalty notices.

**Section 67: Appeals** Section 67 lists the decisions against which an appeal may be made. Any person on whom the council is required to serve notice of a decision has the right to appeal against the decision to the county court. They must do so within 28 days (or within 7 days of receiving notice of the decision, if later), although the county court may decide to hear a late appeal if there are special circumstances.

**Section 68: Council's statement of reasons for decisions which may be appealed** This Section specifies that when any decision to which Section 67 applies is made, then the council must include a statement informing the person (a) that they may request an explanation of the council's reason for the decision and (b) of the right to the appeal of this decision under Section 67. Where a statement of reasons is requested, the council must supply that statement within time for the person to be able to appeal the decision. This right to a separate statement of reasons does not apply where the reasons for the decision are included in the original notice of the decision.

**Section 69: Powers of court on appeal** An appeal under Section 67 is to be by way of re-hearing, but may be determined taking into account matters of which the council were not originally aware. The county court may confirm, vary or quash the decision of the council, or may remit it back to the council for reconsideration.

**Section 70: Powers to require information and documentation: introductory** The powers conferred on the council by Section 71, 72 and 73 are for the purpose of enabling the council to exercise any function on it conferred by this Act and/or investigating whether any offence has been committed under this Act.

**Section 71: Power to obtain information from persons connected to the premises** This section allows a council to serve notice on certain persons (defined as "relevant persons") to provide them in writing with details such as: the nature of the person's estate in the premises, the name and address of any other person known to them to have an estate in the premises, any other information which the council may reasonably require and may be known to the person. The notice may also require the person to disclose the relationship between themselves and any other occupiers for the purpose of establishing households and whether the premises are, or contain, an HMO. "Relevant persons" include licence holders, owners, occupiers and agents in relation to premises.

**Section 72: Power to require persons connected with the premises to produce documents** This section allows the council to serve a notice on a “relevant person” (which has the same meaning as in section 71) requiring the person to produce documents which the council requires and believes are in the person’s custody or control.

**Section 73: Power to obtain information from other persons** This section outlines that the council may require a “relevant person” to provide the council, in writing, any “relevant information” under that person’s custody or control. The section then goes on to list those considered as “relevant persons” for this purpose (which are different from those for purposes of sections 71 and 72) e.g. NIHE, educational institutions, estate agents, etc. The section also sets out what is considered “relevant information” e.g. information which indicates a building or part of a building may be an HMO.

**Section 74: Sharing of information between councils** This section allows for the exchange of information between councils for the purposes of carrying out their functions under this Act.

**Section 75: Failure to provide information or provision of false information** A person commits an offence if they refuse or fail to provide information or a document requested under Sections 71, 72 or 73 and do not have a reasonable excuse for that failure, or if they supply false information or falsify a document.

**Section 76: Unauthorised disclosure of information obtained under Section 73 or 74** An employee of the council commits an offence if they disclose, without lawful authority, any information which the council has obtained under section 73 or 74 and the employee has acquired through their employment and which relates to accommodation that is, or is believed to be, an HMO. This helps to protect the confidentiality of information obtained from other public authorities under that section, which may have originally been obtained under statutory powers and for other purposes.

**Section 77: Court to inform council of convictions** This section applies where a court convicts a person of any offence under this Act, with the exception of an offence under Section 76. It requires the clerk of the court to send to the council details of the conviction and sentence and a note of any revocation or disqualification order made by the court in consequence of the conviction.

**Section 78: Powers of entry: without warrant** This section applies where a council considers that an examination of any living accommodation is required to allow them to establish: whether it is an HMO; whether to grant, vary or revoke a licence or whether any other function under this Act should be exercised. A person, authorised in writing by the council, may carry out the examination at a reasonable time and must give at least 24 hours notice to the owner and occupiers of the accommodation if practicable. The person may not use force in the exercise of the power conferred by this Section.

**Section 79: Powers of entry: with warrant** A lay magistrate may issue a warrant under this section authorising a person named in the warrant to enter and search the premises specified in the warrant. The warrant may only be issued if two conditions are satisfied:

- 1) A person acting on behalf of the council, reasonably requires to enter or search the premises to establish whether an offence has been committed, a requirement imposed by a notice has been or is being complied with or any of the matters mention in Section 77(1) (a), (b) & (c) (that is, whether living accommodation is an HMO, whether to grant, vary or revoke a licence, or whether to exercise any function under the Act).
- 2) The premises are unoccupied or temporarily vacant, or applying to the owners or occupiers for entry would defeat the purpose of the entry or the search, or entry has already been sought under Section 78 but has been refused.

The section sets out a number of safeguards governing the issue and execution of warrants.

**Section 80: Powers of entry: supplementary provisions** This section outlines the additional provisions associated with entering premises under Section 78 or 79, including an offence of obstructing the execution of a warrant.

**Section 81: Application by owner where consent withheld** This section makes provision for a court of summary jurisdiction to grant the necessary consent to take action where that consent has been unreasonably withheld by a person involved with the property.

**Section 82: Obstructions** This section makes provision for where any person required, authorised or entitled to carry out work for, required by, or on behalf of the council is obstructed in carrying out that work. A court of summary jurisdiction may, upon application, order an individual to allow the authorised person to carry out the action in question. Any person failing to comply with this order is guilty of an offence.

**Section 83: Effect of moving from accommodation for works to be carried out** This section outlines that where a person vacates a premises for the purposes of allowing works to be carried out as required by any notice under the Act, or a statement of remedial work, their tenancy or other occupancy arrangement is unaffected and is taken to not have been terminated, altered or varied. When the person regains lawful occupation they do so under the same terms.

**Section 84: Fees** This section confers power to make regulations concerning fees, including the maximum amounts to be charged, how fees are to be calculated, and circumstances in which no fee is to be payable or in which fees are to be refunded.

**Section 85: Guidance** A council must have regard to guidance issued by the Department about the exercise of its HMO licensing functions.

**Section 86: Regulations and orders** This section confers a power to make consequential and supplementary provision by regulations. It lists the regulations contained within the Act that are subject to draft affirmative resolution. Regulations which are not listed in the section are subject to negative resolution. The section also lists the bodies the Department must consult with when making certain regulations.

**Section 87: General notices** This section directs that any “general notices” issued by a council under the Act must be given in writing and published in such manner as the council considers appropriate.

**Section 88: Interpretation** This section defines a number of terms used throughout the Act.

**Section 89: Consequential amendments and repeals** This section gives effect to the consequential amendments and repeals set out in Schedules 7 and 8 to the Act.

**Section 90: Commencement** Section 90 enables the Department to make provision by order as to the day or days when the provisions of this Act, excluding Sections 84 to 86, 90 and 91, come into operation. The listed sections will come into operation upon receiving Royal Assent.

**Section 91: Short title** Section 91 provides that the Act shall be known as the Houses in Multiple Occupation Act (Northern Ireland) 2016.

## **SCHEDULES:**

**Schedule 1: Buildings or parts of buildings which are not houses in multiple occupation** Schedule 1 contains the detail about the buildings, or parts of buildings that are not classed as HMOs for the purposes of this Act.

**Schedule 2: Applications for HMO licences: requirements and procedure** Schedule 2 contains the detail about the procedure for the consideration of an application for an HMO licence.

**Schedule 3: Further provision about notices that require works to be carried** Schedule 3 contains the detail about the provisions relating to notices requiring works to be carried out.

### **Part 1: Provision applying to all notices that specify works**

### **Part 2: Failure to carry out works required by rectification notice or hazard notice**

**Schedule 4: Variation and revocation of HMO licences: procedure** Schedule 4 contains the detail about how and why a council may go about varying or revoking an HMO licence.

**Schedule 5: Part 4 notices: further provisions** Schedule 5 contains the detail about the serving and operation of Part 4 notices.

### **Part 1: Service and date of effect of notices**

### **Part 2: Suspension of effect of notices**

### **Part 3: Variation and revocation**

**Schedule 6: Definitions for the purpose of Section 73** Schedule 6 contains definitions of terms used in Section 73 of the Act.

**Schedule 7: Consequential amendments** This Schedule contains details of the consequential amendments resulting from the introduction of this Act.

**Schedule 8: Repeals** This Schedule contains the detail of the repeals resulting from the introduction of this Act.

## HANSARD REPORTS

5. The following table sets out the dates of the Hansard reports for each stage of the Act's passage through the Assembly and the date Royal Assent was received.

<b>Stage</b>	<b>Date</b>
Briefing on proposed Bill to Committee for Social Development	14 May 2015
First Stage	7 September 2015
Update on proposed Bill to Committee for Social development	1 October 2015
Committee Stage – evidence from Northern Ireland Local Government Association (NILGA) & Belfast City Council.	22 October 2015
Committee Stage – evidence from Housing Rights Service, Northern Ireland Council for Ethnic Minorities (NICEM), Queens University Belfast and representatives from various Residents Associations.	5 November 2015
Committee Stage – evidence from Chartered Institute of Housing (CIH), Landlords Association of Northern Ireland (LANI) and the Northern Ireland Fire and Rescue Service (NIFRS).	12 November 2015
Committee Stage – evidence from Northern Ireland Federation of Housing Associations (NIFHA) & Triangle Housing Association.	19 November 2015
Committee Stage – Issues paper provided by Department	26 November 2015
Committee Stage – Consideration of Clauses 1 to 13	3 December 2015
Second Stage	7 December 2015
Committee Stage – Consideration of Clauses 14 to 61	10 December 2015
Committee Stage – Consideration of Clauses 62 to 91 and Schedules 1 to 8	7 January 2016
Committee Stage - Amendments to Bill following Committee feedback	14 January 2016
Committee Stage – Clause by Clause consideration	21 January 2016



*These Notes refer to the Houses in Multiple Occupation Act (Northern Ireland) 2016 (c. 22)  
which received Royal Assent on 12 May 2016*

<b>Stage</b>	<b>Date</b>
Committee Stage - Amendments subsequent to Clause by Clause consideration	28 January 2016
Committee Report on the Bill – Report Number: NIA Bill 60/11-16	4 February 2016
Consideration Stage	23 February 2016
Further Consideration Stage	7 March 2016
Final Stage	15 March 2016
Royal Assent	12 May 2016

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