



# Housing Act 2004

## 2004 CHAPTER 34

### PART 2 **E+W**

#### LICENSING OF HOUSES IN MULTIPLE OCCUPATION

##### *HMOs required to be licensed*

#### 61 Requirement for HMOs to be licensed **E+W**

- (1) Every HMO to which this Part applies must be licensed under this Part unless—
  - (a) a temporary exemption notice is in force in relation to it under section 62, or
  - (b) an interim or final management order is in force in relation to it under Chapter 1 of Part 4.
- (2) A licence under this Part is a licence authorising occupation of the house concerned by not more than a maximum number of households or persons specified in the licence.
- (3) Sections 63 to 67 deal with applications for licences, the granting or refusal of licences and the imposition of licence conditions.
- (4) The local housing authority must take all reasonable steps to secure that applications for licences are made to them in respect of HMOs in their area which are required to be licensed under this Part but are not.
- (5) The appropriate national authority may by regulations provide for—
  - (a) any provision of this Part, or
  - (b) section 263 (in its operation for the purposes of any such provision), to have effect in relation to a section 257 HMO with such modifications as are prescribed by the regulations.  
A “section 257 HMO” is an HMO which is a converted block of flats to which section 257 applies.
- (6) In this Part (unless the context otherwise requires)—
  - (a) references to a licence are to a licence under this Part,

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- (b) references to a licence holder are to be read accordingly, and
- (c) references to an HMO being (or not being) licensed under this Part are to its being (or not being) an HMO in respect of which a licence is in force under this Part.

#### Commencement Information

- II** S. 61 wholly in force at 16.6.2006; s. 61 in force for certain purposes at Royal Assent see s. 270(2) (b); s. 61 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(a) (with Sch.); s. 61 in force for W. at 16.6.2006 by S.I. 2006/1535, art. 2(a) (with Sch.)

## 62 Temporary exemption from licensing requirement **E+W**

- (1) This section applies where a person having control of or managing an HMO which is required to be licensed under this Part (see section 61(1)) but is not so licensed, notifies the local housing authority of his intention to take particular steps with a view to securing that the house is no longer required to be licensed.
- (2) The authority may, if they think fit, serve on that person a notice under this section (“a temporary exemption notice”) in respect of the house.
- (3) If a temporary exemption notice is served under this section, the house is (in accordance with sections 61(1) and 85(1)) not required to be licensed either under this Part or under Part 3 during the period for which the notice is in force.
- (4) A temporary exemption notice under this section is in force—
  - (a) for the period of 3 months beginning with the date on which it is served, or
  - (b) (in the case of a notice served by virtue of subsection (5)) for the period of 3 months after the date when the first notice ceases to be in force.
- (5) If the authority—
  - (a) receive a further notification under subsection (1), and
  - (b) consider that there are exceptional circumstances that justify the service of a second temporary exemption notice in respect of the house that would take effect from the end of the period of 3 months applying to the first notice,
 the authority may serve a second such notice on the person having control of or managing the house (but no further notice may be served by virtue of this subsection).
- (6) If the authority decide not to serve a temporary exemption notice in response to a notification under subsection (1), they must without delay serve on the person concerned a notice informing him of—
  - (a) the decision,
  - (b) the reasons for it and the date on which it was made,
  - (c) the right to appeal against the decision under subsection (7), and
  - (d) the period within which an appeal may be made under that subsection.
- (7) The person concerned may appeal to <sup>[F1]</sup>the appropriate tribunal against the decision within the period of 28 days beginning with the date specified under subsection (6) as the date on which it was made.
- (8) Such an appeal—
  - (a) is to be by way of a re-hearing, but

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- (b) may be determined having regard to matters of which the authority were unaware.
- (9) The tribunal—
- (a) may confirm or reverse the decision of the authority, and
  - (b) if it reverses the decision, must direct the authority to serve a temporary exemption notice that comes into force on such date as the tribunal directs.

#### Textual Amendments

- F1** Words in s. 62(7) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), [art. 1](#), [Sch. 1 para. 153](#) (with [Sch. 3](#))

#### Commencement Information

- I2** S. 62 wholly in force at 16.6.2006; s. 62 not in force at Royal Assent see s. 270(4)(5); s. 62 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); s. 62 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)