



Housing Act 2004

2004 CHAPTER 34

PART 2

LICENSING OF HOUSES IN MULTIPLE OCCUPATION

HMOs required to be licensed

62 Temporary exemption from licensing requirement

- (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).

Status: This is the original version (as it was originally enacted).

- (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 a residential property 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
 - (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.