

*These notes refer to the Housing Act 2004 (c.34) which received Royal Assent on Thursday 18 November 2004*

# HOUSING ACT 2004

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2 – Licensing of Houses in Multiple Occupation**

##### ***Section 64: Grant or refusal of licence***

192. **Section 64** describes the grounds on which an LHA must decide whether or not to grant a licence. A licence must be granted if:
- the house is suitable for occupation by a certain number of persons or households as specified in the application or by the LHA, or can be rendered suitable for that number by imposition of conditions in the licence (see section 65 for tests of suitability);
  - the proposed licence holder is a fit and proper person (see section 66 for definition of ‘fit and proper’), as well as being the most appropriate person to be granted a licence i.e. they have management responsibility and are locally resident - this is intended to ensure that unfit landlords cannot use "front men" to apply for licences;
  - the proposed manager of the HMO is the person having control of the house or an agent or employee of that person and is also a fit and proper person; and
  - the proposed management arrangements are satisfactory.