

HMO LICENSES AND SELECTIVE LICENSES AS PER THE HOUSING ACT 2004

ALL SELECTIVE LICENSES FEES CHARGED TO RESIDENTIAL LANDLORDS FOR FLATS PREVIOUSLY LICENSED AS HMOS ARE IN CONTRAVENTION OF THE HOUSING ACT 2004 AND MUST BE RETURNED TO THOSE WHO PAID THEM.

MY LOCAL AUTHORITY'S (HASTINGS BOROUGH COUNCIL'S) ERROR IN MAKING THESE CHARGES WAS:

IT THOUGHT WRONGLY THAT AT THE END OF THE 5 YEAR HMO LICENSING PERIOD, IT HAD THE RIGHT TO IMPOSE A SELECTIVE LICENSING REGIME AGAINST LANDLORDS LETTING FLATS IN THE PROPERTIES IT HAD LICENSED AS HMOS.

THE HOUSING ACT 2004 IS DRAFTED SPECIFICALLY TO PREVENT THIS FROM HAPPENING. PROPERTIES LICENSED AS HMOS ARE WITHIN PART 2 OF THE ACT AND ARE EXEMPT FROM SELECTIVE LICENSING. SELECTIVE LICENSES ARE RESTRICTED TO PROPERTIES WITHIN PART 3 OF THE ACT AND ARE FOR RENTED PROPERTIES OTHER THAN HMOS.

HMOS ARE FOR PROPERTIES CONSIDERED HIGH FIRE RISK PROPERETIES.

SELECTIVE LICENSES ARE FOR PROPERTIES CONSIDERED LOW FIRE RISK PROPERTIES.

BOTH LICENSES CANNOT BE LEGALLY IMPOSED IN THE SAME PROPERTY EITHER CONCURRENTLY OR CONSECUTIVELY.

AMBER RUDD MP SHOWS A CLEAR GRASP OF THIS SITUATION IN HER LETTER TO ME DATED THE 18TH OF SEPTEMBER 2017. SEE BELOW.

HASTINGS BOROUGH THREATENED ME WITH CRIMINAL SANCTIONS IF I REFUSED TO APPLY FOR A SELECTIVE LICENSE IN A PROPERTY IT HAD PREVIOUSLY LICENSED AS A HMO BY THE 6TH OF NOVEMBER 2017. I REFUSED TO APPLY. FIVE MONTHS LATER IT HAS DONE NOTHING. SEE BELOW.

SEE NEXT PAGE FOR HOW DIFFRENT PROPERTIES ARE LICENSED UNDER THE HMO AND SELECTIVE LICENSING SCHEME AS PER THE HOUSING ACT 2004

NOTE: BEFORE A LICENSING SCHEME IS INTRODUCED, A LOCAL AUTHORITY CANNOT PROSECUTE A FREEHOLDER FOR NOT HAVING TH E FIRE SAFETY EQUIPMENT REQUIRED BYTHE APROPRIATE LICENSE. AT THE END OF THE LICENSING PERIOD, IT CAN SO THERE IS NO NEED FOR FURTHER LICENSING.

THE SCHEME IS ABOUT FIRE SAFETY NOT RAISING INCOME FOR A LOCAL AUTHORITY FOR THE PRIVILEGE OF RENTING FLATS IN "ITS PATCH".