

## HMO DOCUMENT

If a home is a house in multiple occupation (HMO) it must meet physical standards set by the licensing local authority. Living accommodation is an HMO if it is:

- occupied by three or more persons from three or more families; and
- occupied by them as their only or main residence or in some other manner specified by the Scottish Ministers by order; and
- either a house, premises or a group of premises owned by the same person with shared basic amenities, or some other type of accommodation specified by the Scottish Ministers by order.

The legislation covers not only ordinary houses, flats and bedsits, but also other types of residential accommodation such as hostels and student halls of residence. Accommodation within a building which is separate but shares use of a toilet, personal washing facilities or cooking facilities is taken to form part of a single HMO.

The owner of an HMO must have a licence from the local authority where the property is situated. The accommodation must be licensed regardless of the type of owner e.g. private individual or registered social landlord.

Licensing helps ensure that accommodation is safe, well managed and of good quality. Before granting a licence the local authority must be satisfied that the owner and any manager of the property is fit and proper to hold a licence; that the property meets required physical standards and that it is suitable for use as an HMO; or could be made so by including conditions in the licence.

The local authority sets the standards required and also sets the fees charged for a licence application. Scottish Ministers have issued guidance to local authorities on the licensing of HMOs ([PDF version](#)).

It is a criminal offence to operate an HMO without a licence. The maximum fine is £50,000. Local authorities have a range of other enforcement

options, including power to vary the terms of a licence or revoke it. An HMO licence can also be revoked if the owner or agent, or the living accommodation, is no longer suitable.

Licensing of houses in multiple occupation (HMOs) operates under the Housing (Scotland) Act 2006, part 5. Guidance is also available on the [transitional arrangements](#) between the previous regime under The Civic Government (Scotland) Act 1982 and the regime under the 2006 Act.