Housing Rights

https://www.housingrights.org.uk/landlords/houses-multiple-occupation-hmos/hmo-licensing

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HMO licensing

This information is for private landlords of properties in Northern Ireland.

If you are a tenant, you can find advice here.

If you are a landlord or letting agent in Northern Ireland seeking advice, you can:

- send a message to Landlord Advice, or
- call 028 90 245 640 (Option 1)

All properties in Northern Ireland that meet the definition of a house in multiple occupation must be licenced.

You must have a HMO licence if you plan to rent to three or more people who are not related. It's an offence to rent a house in multiple occupation without a licence.

Belfast City Council is responsible for dealing with licence applications, even if the property is in a different council.

You can check if a property has a HMO licence or when the licence will expire.

Applying for a HMO licence

You can apply and pay for a HMO licence online. You'll need to include paperwork about your property with your application.

You must also publish details of your application in a local newspaper. People can object to your application.

HMO licence application fees

The fee you need to pay depends on how many people can live in the property. The law determines how many people occupy the property, based on the size of the bedrooms.

HMO licences normally last for five years. The fee for a five-year licence is £185 per occupant.

Belfast City Council's HMO Unit can charge extra fees for making changes to the licence. If you need to make more significant changes, you may need to apply for a new licence.

Getting planning permission for a HMO

You'll need to have proof of planning permission if your property is not currently licensed as a HMO.

You may be able to get a certificate of lawful use or development (CLUD) instead of full planning permission if the property:

- is currently operating as a HMO, and
- has been continually operating as a HMO for the last five years, and
- you can provide evidence of this, such as current and previous tenancy agreements

You do not need planning permission if you're renewing your HMO licence - as long as you submit your renewal application before your current licence expires.

A new HMO application will need planning permission or CLUD.

How the council deals with HMO licence applications

Belfast City Council will only grant a licence if you can show that the property:

- is suitable for use as a HMO
- has enough rooms for the number of people you plan to rent to
- meets the extra safety standards for HMOs
- will be managed by a 'fit and proper person'

- is not in an area with too many HMOs

A committee will review the application and, if there are lots of objections, may hold a hearing. The council will invite you to any hearing about your application.

A council officer will usually inspect the property to check if it meets HMO living standards.

Belfast City Council will usually make a decision within three months.

HMO licence application refusal

If the council refuse your application, you can appeal the decision. The appeal will take place at county court and you'll need a solicitor.

HMO licence application approval

If the council approve your application, you'll need to adhere to standard licence conditions. Belfast City Council's HMO Unit can make changes to these conditions.

The council may also attach conditions specific to you or your property. These could include requirements to carry out certain work or attend training.

Breaching licence conditions

It's an offence to break the conditions of your HMO licence.

If you do this, the council can:

- give you a fixed penalty notice of £2,500
- revoke your HMO licence
- take you to court where the maximum fine for this offence is £10,000

Breaching licence conditions can also affect your ability to pass the fit and proper person test in future.

'Fit and proper person' test

For you get a HMO licence, you'll need to pass the 'fit and proper person' test. If a company owns the HMO, the directors or partners will need to pass the test.

The test is in the form of a declaration that you must complete as part of your licence application.

It asks if you have:

- broken any housing or tenancy laws
- breached the HMO code of practice
- been involved in antisocial behaviour
- unlawfully discriminated against your clients or tenants
- committed serious offences including fraud, violence or drugs and sexual offences

Belfast City Council will also consider how you've dealt with antisocial behaviour in your properties previously.

Failing the fit and proper person test

People can object to your application by saying that you are not a fit and proper person. The council must consider these objections.

The council will refuse your application if you, or your managing agent, do not pass the test. This decision will remain in place for at least one year.

You have the right to appeal the decision.

More advice

- HMO definition
- HMO standards
- Losing your HMO licence and appeals