Housing Rights

https://www.housingrights.org.uk/landlords/houses-multiple-occupation-hmos/losing-your-hmo-licence-and-appeals

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Losing your HMO licence and appeals

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)

The council takes breaches of licence conditions seriously. In some cases, it may take action to vary or revoke your licence.

A solicitor might be able to help if you are concerned about this.

Reasons for losing your HMO licence

The council can revoke your HMO licence if it determines that:

- the HMO is not fit for habitation
- the HMO management arrangements are not satisfactory
- there has been more than one breach of the licence conditions
- you or the HMO manager committed a serious breach of licence conditions
- you or anyone involved in managing your property are not a fit and proper person

You can also lose your HMO licence if:

- the HMO does not meet the required standards and
- is not suitable for occupation by any number of people and
- cannot be made suitable by imposing extra licence conditions

Process for revoking a HMO licence

If the council plans to vary or revoke your licence, it must serve a notice on you and other statutory authorities.

This notice should:

- explain why the council intends to restrict or revoke your licence and
- specify the date by which you submit your defence in writing

The council can hold a hearing to reach a decision. It should give you, and other relevant people, written notice of the date, time and place of the hearing. You must get at least seven days' notice of any hearing.

You can submit evidence, in writing and orally at the hearing. The council must take this into consideration when making their decision.

Getting notice of the council's decision

The council must inform you and any relevant statutory authorities of its decision.

This notice must include:

- the council's decision to either restrict or revoke the licence
- a copy of the new licence (if the licence has been varied)
- the date on which the decision was made

If you choose not to appeal the decision, it will come into effect on the day your right to appeal ends.

If you appeal, and the court upholds the original decision, it will come into effect on the day the court makes a decision on your appeal.

You can appeal the council's decision to revoke your HMO licence at county court.

Understanding how the council reached the decision

It’s important to know how the council arrived at its decision. If your notice does not explain why the council made the decision, you have a right to ask the council for a written statement of reasons.

You can ask the council for this statement within seven days of receiving the notice you want to appeal. The council should provide a statement of reasons within 14 days of getting your request.

Appealing a decision about a HMO

You can appeal certain decisions about HMOs at county court. There are strict timeframes for appealing and you will need a solicitor to do this for you.

HMO decisions you can appeal

Some of the decisions you can appeal are if the council:

- issues a hazard notice
- issues a suitability notice
- issues an overcrowding notice
- refuses an application for a HMO licence
- refuses an application to renew a HMO licence
- refuses an application to change a hazard, suitability or overcrowding notice

If the council refuses a HMO licence application due to planning control, there is no right of appeal.

Other people can also appeal council decision. Someone not involved directly with your property may object to a HMO licence being granted. They can appeal the council’s decision to issue your licence.

Timeframe for appeals about HMO decisions

You’ll usually have to request your appeal within 28 days of getting the council’s decision.

If 28 days have passed and you’ve haven’t got a requested statement of reasons from the council, the timeframe is extended slightly. But you must request the appeal within seven days of getting the council’s statement.

More advice

- HMO licensing
- HMO standards
- Problems with HMOs