

These notes refer to the Houses in Multiple Occupation Act (Northern Ireland) 2016 (c.22) which received Royal Assent on 12 May 2016

Houses in Multiple Occupation Act (Northern Ireland) 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Standards of Housing

Chapter 1: Overcrowding

Section 41: Definition of overcrowding

This section defines an HMO as being overcrowded when the number of persons sleeping in it contravenes either the room standard or the space standard.

Section 42: The room standard

This section outlines the circumstances which are designated as a contravention of the room standard. These are circumstances in which persons aged 13 or over must share with another person of that age or with a couple.

Section 43: The space standard

This section outlines the circumstances which may be designated as a contravention of the space standard. These relate to the amount of floor space there is in the property for each person resident of it.

Sections 44 and 45: Overcrowding notices

Sections 44 and 45 give the council the power to issue a notice where they believe an HMO is, or is likely to become overcrowded. An overcrowding notice must, for each room, either stipulate the maximum number of persons who may occupy the room or specify that the room is unsuitable for occupation. This makes clear the maximum possible sleeping arrangement in the house.

Section 46: Requirement as to overcrowding generally

The requirement under section 46 requires that the terms of the notice must not be breached by allowing an unsuitable room to be occupied as sleeping accommodation and that the room standard must not be contravened. A notice

including this requirement can have the effect of requiring the owner to reduce the occupancy of the house immediately – for example, by terminating a tenancy.

Section 47: Requirement not to permit new residents

Section 47 is very similar in its effect to Section 46, except that it covers occupation by new residents i.e. anyone not resident when the notice was served. This allows the existing situation to continue, even if the house is “overcrowded”.

Section 48: Notice requiring further information

Section 48 allows the council to serve a notice requiring further information in relation to overcrowding. The information requested may be, among other things, the number of people sleeping within the HMO, the names of those individuals, the number of households to which they belong and the rooms used by the individuals and households respectively. This information may be used to determine whether an overcrowding notice has been breached, but may not be used in criminal proceedings against the person providing the information.

Section 49: Information notice: supplementary provisions

Section 49 provides that a person commits an offence if they fail to provide information requested by an information notice or if they provide false or misleading information.