



2016 CHAPTER 22

PART 2

Licensing of Houses in multiple occupation

Temporary exemption from licensing requirement

Temporary exemption notice

15.—(1) This section applies where the owner of an unlicensed HMO makes an application to the council that—

- (a) specifies steps which may be taken with a view to securing that the HMO ceases to be an HMO, and
- (b) includes a declaration that the owner intends to take those steps.

(2) An application under subsection (1) must be in such form as the council specifies by general notice.

(3) If the council is satisfied—

- (a) that the steps specified in the application will have the intended effect, and
- (b) that the owner intends to take them,

it may issue a notice (a “temporary exemption notice”) in respect of the HMO.

(4) A temporary exemption notice may include safety or security requirements (see section 17).

(5) The council must—

- (a) if it decides to issue a temporary exemption notice, serve that notice on the owner and the occupants of the HMO;

(b) otherwise, serve on the owner and the occupants notice of its decision not to do so.

(6) An HMO is not required to be licensed under this Act during the period for which a temporary exemption notice has effect in respect of it.

(7) A temporary exemption notice has effect for—

(a) the period of 3 months beginning with the date on which it is served, or

(b) such longer period as may be granted under section 16.

Extension of temporary exemption notice

16.—(1) This section applies if the council is satisfied, on the application of the owner, that there are special circumstances that justify the extension of the period for which a temporary exemption notice has effect.

(2) The council may grant an extension for such period, not exceeding 3 months, as it considers appropriate.

(3) Only one such extension may be granted.

(4) The council must serve notice of its decision under this section on the owner and the occupants of the HMO.

Safety and security requirements

17.—(1) A temporary exemption notice may include requirements that the owner of the HMO carry out such work in or to the HMO as the council considers appropriate for the purpose of improving the safety or security of the HMO's occupants during the period for which the notice has effect.

(2) If a notice does so, it must specify—

(a) the work to be carried out, and

(b) a date by which the work must be completed.

(3) Different dates may be specified for different works.

(4) A date specified under subsection (2) must not be earlier than the date by which the council reasonably considers that the work can be completed.

(5) A notice which requires work to be carried out may also specify particular steps which the council requires to be taken in carrying out that work.

(6) Part 1 of Schedule 3 applies to a temporary exemption notice that includes a requirement under this section.

Revocation of temporary exemption notice

18.—(1) If the council is satisfied that the owner of the HMO has failed to comply with any requirement included in a temporary exemption notice under section 17, the council may revoke the notice.

(2) A council that revokes a notice must serve on the owner and the occupants notice of its decision to do so.

(3) A revocation under this section has effect from—

- (a) the last date on which the decision to revoke the notice may be appealed in accordance with section 67(4), or
- (b) if such an appeal is made, the date on which the appeal is finally determined.