



2016 CHAPTER 22

PART 4

Standards of housing

CHAPTER 2

Suitability for numbers in occupation

Suitability notice

50.—(1) This section applies where the council determines that an HMO is not suitable for occupation by the number of persons whom the council knows, or believes, to be occupying it.

(2) The council may issue a notice which complies with section 51 (a “suitability notice”).

(3) In making a determination under subsection (1), the council must have regard to—

- (a) the minimum standards set under section 13(3) for the accommodation’s condition, facilities or equipment for that number of persons, and
- (b) the extent (if any) to which the HMO falls short of the provisions of building regulations.

(4) In having regard to the minimum standards referred to in subsection (3) (a), the council—

- (a) cannot be satisfied that the HMO is suitable if the council considers that it fails to meet the standards, but
- (b) may decide that the HMO is not suitable for occupation by that number even if it does meet the standards.

Contents of suitability notice

51.—(1) A suitability notice must specify what the council considers to be the maximum number of persons by whom the HMO is suitable to be occupied.

(2) A suitability notice must contain—

(a) the general occupancy requirement (set out in section 52(1)), or

(b) the new residents' occupancy requirement (set out in section 52(2)).

(3) A suitability notice may also contain a statement of remedial work (see section 53).

(4) If, in relation to a licensed HMO, the number of persons specified under subsection (1) differs from the number of persons authorised to occupy the HMO as specified in the licence, the suitability notice must state that the council proposes to vary the licence accordingly.

(5) Schedule 4 (procedure for varying or revoking licences) does not apply to a proposal to vary a licence under subsection (4); but the proposal does not have effect unless and until the suitability notice becomes operative in accordance with paragraph 2 of Schedule 5.

(6) A suitability notice may state that its operation is suspended in accordance with paragraph 4 of Schedule 5.

Occupancy requirements

52.—(1) The general occupancy requirement is that the person on whom the notice is served must refrain from permitting more than the maximum number of persons to occupy the HMO.

(2) The new residents' occupancy requirement is that the person on whom the notice is served must refrain from permitting any new resident to occupy the HMO if that new resident's occupation results in the HMO being occupied by more than the maximum number of persons.

(3) In this section—

(a) the "maximum number of persons" is the number stated in the notice in accordance with section 51(1), and

(b) "new resident" means a person who was not an occupier of the HMO immediately before the notice was served.

Statement of remedial work

53.—(1) A statement of remedial work is a statement of work which the council considers would, if carried out in or to the HMO, make it suitable for occupation by—

(a) the number of persons whom the council knows or believes to be occupying it, or

- (b) such smaller number of persons as is specified in the statement.
- (2) A statement of remedial work must state that, if the work is carried out by a date specified in the statement, the suitability notice will be revoked under paragraph 7(3) of Schedule 5.
- (3) A date specified under subsection (2)—
 - (a) must be not less than 21 days after the date on which the notice takes effect, and
 - (b) must not be earlier than the date by which the council reasonably considers that the work can be completed.
- (4) A statement of remedial work may also specify particular steps which the council requires to be taken in carrying out that work.
- (5) A statement of remedial work may not specify any fire safety measures within the meaning of the Fire and Rescue Services (Northern Ireland) Order 2006.
- (6) Part 1 of Schedule 3 applies to a suitability notice that includes a statement of remedial work.