



Housing Act 2004

2004 CHAPTER 34

PART 7

SUPPLEMENTARY AND FINAL PROVISIONS

Meaning of “house in multiple occupation”

255 HMO declarations

- (1) If a local housing authority are satisfied that subsection (2) applies to a building or part of a building in their area, they may serve a notice under this section (an “HMO declaration”) declaring the building or part to be a house in multiple occupation.
- (2) This subsection applies to a building or part of a building if the building or part meets any of the following tests (as it applies without the sole use condition)—
 - (a) the standard test (see section 254(2)),
 - (b) the self-contained flat test (see section 254(3)), or
 - (c) the converted building test (see section 254(4)),and the occupation, by persons who do not form a single household, of the living accommodation or flat referred to in the test in question constitutes a significant use of that accommodation or flat.
- (3) In subsection (2) “the sole use condition” means the condition contained in—
 - (a) section 254(2)(d) (as it applies for the purposes of the standard test or the self-contained flat test), or
 - (b) section 254(4)(e),as the case may be.
- (4) The notice must—
 - (a) state the date of the authority’s decision to serve the notice,
 - (b) be served on each relevant person within the period of seven days beginning with the date of that decision,

Changes to legislation: Housing Act 2004, Section 255 is up to date with all changes known to be in force on or before 03 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) state the day on which it will come into force if no appeal is made under subsection (9) against the authority’s decision, and
 - (d) set out the right to appeal against the decision under subsection (9) and the period within which an appeal may be made.
- (5) The day stated in the notice under subsection (4)(c) must be not less than 28 days after the date of the authority’s decision to serve the notice.
- (6) If no appeal is made under subsection (9) before the end of that period of 28 days, the notice comes into force on the day stated in the notice.
- (7) If such an appeal is made before the end of that period of 28 days, the notice does not come into force unless and until a decision is given on the appeal which confirms the notice and either—
- (a) the period within which an appeal to the ^{F1}Upper Tribunal] may be brought expires without such an appeal having been brought, or
 - (b) if an appeal to the ^{F1}Upper Tribunal] is brought, a decision is given on the appeal which confirms the notice.
- (8) For the purposes of subsection (7), the withdrawal of an appeal has the same effect as a decision which confirms the notice appealed against.
- (9) Any relevant person may appeal to ^{F2}the appropriate tribunal] against a decision of the local housing authority to serve an HMO declaration.
- The appeal must be made within the period of 28 days beginning with the date of the authority’s decision.
- (10) Such an appeal—
- (a) is to be by way of a re-hearing, but
 - (b) may be determined having regard to matters of which the authority were unaware.
- (11) The tribunal may—
- (a) confirm or reverse the decision of the authority, and
 - (b) if it reverses the decision, revoke the HMO declaration.
- (12) In this section and section 256 “relevant person”, in relation to an HMO declaration, means any person who, to the knowledge of the local housing authority, is—
- (a) a person having an estate or interest in the building or part of the building concerned (but is not a tenant under a lease with an unexpired term of 3 years or less), or
 - (b) a person managing or having control of that building or part (and not falling within paragraph (a)).
- ^{F3}(13) For the purposes of this section and section 256, “appropriate tribunal” means—
- (a) in relation to a building in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
 - (b) in relation to a building in Wales, a residential property tribunal.]

Textual Amendments

- F1** Words in s. 255(7)(a)(b) substituted (1.6.2009) by [Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 277** (with Sch. 5)

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- F2** Words in s. 255(9) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 178(a)** (with Sch. 3)
- F3** S. 255(13) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 178(b)** (with Sch. 3)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)