



GOOD MANAGEMENT PRACTICE GUIDE FOR HOUSES IN MULTIPLE OCCUPATION

MAY 2004



INVESTOR IN PEOPLE

**Housing
Executive**

The Regional Strategic
Housing Authority for Northern Ireland

Introduction

This Guide is supplementary to the Statutory Registration Scheme for Houses in Multiple Occupation in Northern Ireland, and is primarily intended to be read in conjunction with the scheme. It is aimed at anyone who owns a house in multiple occupation, or who is a person having control of or managing a house in multiple occupation. It does not in any way negate the obligations of any person to comply with any HMO legislation, and it should be read in conjunction with other relevant legislation and case law.

Failure to comply with the Guide is not in itself an offence. However the Housing Executive may take into account any part of the Guide in determining whether there has been a "relevant management failure" under the Statutory Registration Scheme for Houses in Multiple Occupation in Northern Ireland.

The Housing Executive may also wish to persuade the Courts to admit the Guide in evidence, and it may be used to help demonstrate that the standard of management is acceptable or unacceptable to either party.

Effective management procedures should take account of the characteristics of the residents, including age, vulnerability, disabilities or dependencies. It may be necessary to make special provision for individuals such as providing written information in large print or in another language.

Effective management also relies in part on residents being fully aware of their responsibilities. They should be made aware that they are either required by regulation or by the terms of the tenancy agreement not to act in a way that obstructs the manager, or causes nuisance or annoyance to neighbours, and also be made aware of the consequences if they do not comply with this. The Guide takes account of these issues.

Note: Department for Social Development proposals for a new legislative framework envisage Tenancy Agreements becoming mandatory, and it is anticipated that some provisions of the Tenancy Agreements will be statutory requirements while others will be negotiable.

In view of this, and of anticipated inputs from interested parties, the Good Management Practice Guide is subject to continual review and amendment as required.

A) Provision of Information to Tenants

Residents should be aware of the duties owed to them by managers and the responsibilities they owe to the manager, to other residents, and to neighbours. Managers should provide tenants with an information pack including information on these aspects. The pack should also include information on what to do in the event of fire, how to operate and reset fire and security alarms, how to operate appliances provided within the accommodation, and arrangements for the disposal and collection of waste and other information deemed appropriate.

Information provided should be written in plain English, but also in large script or another language as required.

The written tenancy agreement should contain the following clauses and information:

- The start date and the duration of the tenancy;
- The amount of rent to be paid and how and when it will be collected;
- The amount of any tenancy deposit and what it covers;
- An undertaking that tenancy deposits will be returned, where no case for their retention arises, within 3 weeks of the termination of the tenancy;

- 24 hours notice of intention to enter a tenant's room, except for emergencies;
- Agreement not to cause, or allow any employee or representative of the owner/manager to commit, any act of violence or any form of harassment against the tenant, the tenant's family or anyone visiting the HMO;
- Arrangements for bringing the tenancy to an end by the manager or the resident;
- Agreement to contain a statement that pursuit of repossession will be by lawful procedures only;
- Agreement that practices and procedures in letting properties will not discriminate, directly or indirectly, against persons for reasons of religion, race, gender, disability, age or sexual orientation;
- An undertaking that the manager of the dwelling shall instruct all new tenants in the use and testing of all fire detection and alarm equipment, in means of escape from fire and in the use of all fire fighting equipment;
- An undertaking from the manager to provide, and maintain the provision of, suitable refuse and litter bins or other suitable receptacles on a scale adequate to the requirements of residents, except in so far as such provision is made by the district council;
- An undertaking by the manager to make such supplementary arrangements for the disposal of refuse and litter from the house as may be necessary having regard to any service provided by the district council;
- Agreement that the landlord may bring any issues or behaviours adversely affecting the amenity or character of the area in which the house is situated to the attention of guarantors, University or College, the Police Service and Environmental Health Noise Pollution Control Departments;

- Tenant not to cause, or allow any person occupying or visiting the house to cause, nuisance or annoyance to neighbours or to cause any nuisance or annoyance within the area in which the dwelling is situated;
- Tenant not to allow any pet to cause nuisance to neighbours;
- Tenant not to cause, or allow any visitor or member of his/her household to cause, any act of violence or any form of harassment against the landlord or any member of his staff;
- Tenant not to interfere with any equipment and services;
- Tenant not to interfere with fire precautions;
- Tenant to use refuse and litter bins and suitable receptacles provided to properly store refuse and litter;
- Tenant to keep house, garden and curtilage clean and tidy at all times, and free from litter except where properly stored pending disposal;

The written tenancy agreement must not include unfair terms.

Apart from the written tenancy agreement landlords should also provide the tenants with other useful written information including:

- An inventory of what is present in the accommodation at the commencement of the tenancy;
- Information on who is responsible for repairs, decoration, cleaning, and maintaining gardens and boundary walls;
- The procedure for the residents to report problems or repairs;
- The procedure for the landlord and/or manager to access the resident's accommodation;

- The procedure for any workers or repairs people to access the resident's accommodation;
- Information on gas safety and electrical safety, together with copies of certificates for gas installation and electrical installation;
- Information on the operation of fire safety equipment, including fire drills and demonstration of escape routes.
- Information on the Furniture & Furnishing Fire Safety Regulations and the Electrical Equipment (Safety) Regulations 1994, including demonstrating the labels that confirm compliance;
- Information on how anti-social behaviour in and around the building will be dealt with;
- Guidance on what pets are allowed;
- Guidance on what furniture and appliances may be kept at the accommodation;
- Guidance on insurance obligations of landlord and residents;
- Grounds for possession so that residents are aware of the reasons why they can be evicted.

B) Record Keeping

Good record keeping can be used by a manager to demonstrate responsiveness to tenants and neighbours, and will assist a manager to demonstrate that all reasonably practicable steps have been taken under Special Control Provisions as set out in section 10 of the registration scheme. It is therefore important for the manager to leave appropriate contact information with residents and with neighbours who may be affected by the existence of the property or the behaviour of its residents.

The manager should therefore follow the following recommendations:

- Make a record of the names of the tenants at the time of letting of the property. Tenants should be required to advise the manager of any changes of occupancy so that records can be kept up to date;
- Provide contact details with the tenancy agreement, and display contact information in the property in accordance with Article 14 of the Housing (Management of HMO) Regulations (NI) 1993;
- Provide near neighbours with a contact telephone number to enable them to report problems;
- The manager should be available to be contacted by telephone during normal working hours, and should be available to meet residents or near neighbours by arrangement;
- Residents should not abuse any system put in place for emergency contact and therefore managers should provide simple guidelines to show residents what constitutes an emergency;
- Managers should keep written records of contacts with residents where complaints are involved. The record should include the action taken as a result of the complaint;

- Managers should keep written records of contacts with affected neighbours where complaints are involved, and should record any action taken as a result of the complaint;
- Managers should keep a written record of any contacts with any body or any person to assist demonstration that appropriate reasonable practicable steps have been taken to prevent or reduce any adverse effect on the amenity or character of the area in which the house is situated;
- Managers should keep a record of the testing, servicing and maintenance of fire detection and alarm systems, of emergency lighting systems and of fire extinguishers in a log book to be provided by the Housing Executive.

To facilitate record keeping a log book is provided to enable managers to record, and hence demonstrate, the testing, servicing and maintenance of all fire protection equipment.

C) Anti-social Behaviour

The HMO manager should have systems in place to ensure that anti-social behaviour is minimised. The manager should have particular regard to:

- Requesting references from new tenants. Managers may take into account any previous inappropriate behaviour when deciding to offer accommodation;
- The inclusion of clauses relating to behaviour in written tenancy agreements. This will help set the parameters and boundaries for behaviour at the outset. It is then possible for a manager to consider eviction on grounds of breach of the tenancy agreement should problem behaviour arise;

- Liaising with affected neighbours, Universities, Police Service, Environmental Health and other people and services;
- Any local mediation service which may be approached to resolve problems between parties;
- The establishment of a complaints procedure as set out in Part E of this Guide which will also be helpful in connection with anti-social behaviour.

D) Insurance

- Landlords should have buildings insurance and liability insurance. (Buildings insurance may include cover for accidental damage, theft, vandalism or malicious damage by tenants);
- Landlords should be aware that a number of factors may affect insurance premiums for rented accommodation, including
 - a) The standard of provision and maintenance of fire detection and alarm systems;
 - b) The standard of provision and maintenance of security provisions;
- Residents should be made aware of the terms of insurance through the tenancy agreement;
- Residents should be made aware if the landlord's insurance does not cover residents' belongings, and that they will have to take out their own insurance if they want to be covered.

E) Complaints Procedure

If residents are dissatisfied with action or lack of action on the part of the manager they should be aware of how to make complaints to the manager. They should also be made aware that when complaints are made they will be properly and effectively investigated. Therefore managers should follow the procedures set out below:

- Have a formal complaints procedure in place which is easily accessible and which provides a reasonable timescale for investigation of complaints;
- Provide tenants with a written copy of the complaints procedure on commencement of the tenancy;
- Provide a contact telephone number to neighbouring properties to enable neighbours to report problems associated with the tenants;
- Provide neighbours with contact information for the Police Service and for Environmental Health Noise Pollution Control Departments to enable neighbours to report relevant problems to the authorities;
- As far as possible respond to complainants in writing;
- Keep a written record of complaints and of contacts and action taken to deal with them;
- Managers with a large number of properties may wish to consult "British Standard BS 8600 Complaints management systems. Guide to design and implementation" when setting up and managing a complaints procedure.

This document is available in alternative formats. Contact:

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April 2004
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