

## Public Notice

### **Designation of an area for Additional Licensing of Houses in Multiple Occupation under Section 56, Housing Act 2004**

1. City of York Council (“the Council”) West Offices, Station Rise York YO1 6GA HEREBY GIVES NOTICE in accordance with paragraph 9 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (SI 2006/373) and Section 59 of the Housing Act 2004 (“the Act”) that the Council in exercise of its powers under section 56 of the Act has designated the area described in paragraph 4 below as subject to additional licensing for Houses in Multiple Occupation (“HMOs”). The scheme will be cited as [“City of York Council Additional Licensing of HMOs Scheme”]. The scheme will operate alongside the mandatory licensing scheme for HMOs.
2. The designation was made on [INSERT DATE] and shall come into force on the 1st April 2023. The designation will last for 5 years and shall cease to have effect on the 31st March 2029 or earlier if the Council revokes the scheme under Section 60 of the Act.
3. The designation falls within a description of designations for which the Secretary of State has issued a general approval under Section 58 of the Act, namely the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015. Therefore, the designation does not need to be confirmed by the Secretary of State.
4. The designation will cover the Council’s following electoral wards within the City.
  - Clifton
  - Guildhall
  - Heworth
  - Micklegate
  - Fishergate
  - Hull Road
  - Fulford & Heslington
  - Osbaldwick & Derwent

Further information and a map of the area designated can be viewed on the map [insert web link](#) on the Council's website.

5. The scheme includes all HMOs in the designated area that are not already subject to mandatory licensing (or exempted by the relevant sections of the Act), subject to the exceptions below.

**Exceptions:**

- Buildings converted entirely into self-contained flats (s257 HMOs), although the individual flats may be licensable in their own right.
- Purpose built student accommodation where the organisation which manages the building is subject to a national approved code of practice and the building in question is subject to that code.

6. Subject to paragraph 5 above, every HMO of the description specified in that paragraph in the area specified in paragraph 4 above shall be required to be licensed under Section 61 of the Act.

7. Anyone who would like to inspect the designation, make an application for a licence or require information and general advice should contact the Council's Healthy and Sustainable Homes Services:

Email: [HMOlicensing@york.gov.uk](mailto:HMOlicensing@york.gov.uk)

Telephone: 01904 552300

Post: Healthy and Sustainable Homes, City of York Council, West Offices, Station Rise York Y01 6GA

Visit: [insert website](#)

The designation can be viewed in person at West Offices, Station Rise York Y01 6GA during the Council's office hours.

8. All landlords, property managers or tenants within the designated area should seek advice on whether their property is affected by the designation by contacting Healthy and Sustainable Homes at the above address or via the telephone number or email address above.

9. A person having control of or managing a property which requires licensing by virtue of this designation must apply to the Council for a licence. An application to license an HMO must be in a prescribed format, must contain certain particulars and must be accompanied by a prescribed fee.
10. Upon the designation coming into force on the 1<sup>st</sup> April 2023, any person who has control of or manages a licensable HMO without a licence, or knowingly allows a licensed HMO to be occupied by more households or persons than authorised by a licence is liable to prosecution and upon summary conviction to an unlimited fine under the provisions of Section 72 of the Act. It is also an offence to breach any condition of a licence, punishable by a fine not exceeding level 5 (currently £5,000). As an alternative to prosecution for these offences, the Council may impose a civil financial penalty of up to £30,000 under Section 249A and Schedule 13 of the Act. In addition, liable persons may be required to repay up to 12 months' rent if the tenant or the Council, in the case of housing benefit payments, apply to the First-Tier Tribunal (Residential Tribunal) under the provisions of section 73 and section 74 of the Act for a rent repayment order. Under Section 75 of the Act, no notice under Section 21 of the Housing Act 1988 may be given in relation to an assured short-hold tenancy of the whole or part of an unlicensed HOM so long as it remains an unlicensed HMO.
11. The Council will comply with the notification requirements contained in Section 59 of the Act and shall maintain a register of all properties registered under this designation, as required under Section 232 of the Act.

Signed by xxxx behalf of City of York Council, Tel: 01904 551550

Email: [HMOlicensing@york.gov.uk](mailto:HMOlicensing@york.gov.uk)