

Freedom of Information Request – Guest Houses and HMO

Date received – 10/01/23

Request & Response:

Please provide a copy of the Local Authority's policy on when a Guest House (or similar) becomes, in the LA's opinion an HMO and therefore subject to HA 2004.

Please see link to our policy which references the legislative definitions: <https://www.eastleigh.gov.uk/housing/housing-strategies-policies-and-plans>

However, due to the variability as to circumstances and arrangements, guest house temporary accommodation for homelessness relief can only be definitively determined on a case by case basis.

The key part being whether it is seen as a persons 'only and main residence' or not. If it is intended to be temporary and not on an Assured Shorthold Tenancy, or otherwise occupied under such terms that they would not have the right/expectation to use it as their legal address e.g. on driving licences, bank accounts etc then it would generally not be considered as the 'only and main residence' and so would not therefore be an HMO.

This question is raised in particular with regard to the considerable number of Guest Houses which house 'homeless' persons on a temporary or short term basis whilst permanent accommodation is found for them.

The policy (or additional notes) should explain how the LA judges whether each such individual is a "guest on licence" or a "tenant on implied AST".

Please note this request is being made to multiple Local Authorities

This information will be used to give advice to landlords and so its accuracy is vital.

Any additional information that would help this firm in explaining to landlords your LA's distinctions (and therefore their liabilities within your LA area) would be welcomed.