



Chartered
Institute of
Housing
Scotland

Consultation Briefing: Adding new categories to the HMO definition

Background

Concerns have been raised that in some cases contract and transient workers are being housed in accommodation that is usually used for short-term lets and therefore not subject to the same standards as Houses in Multiple Occupation (HMOs). Transient workers may be particularly vulnerable to poor standards and overcrowding. The Scottish Government is now consulting on whether the definition of HMOs should be amended to cover accommodation for workers.

The consultation is open until 8 July and the full document is [available online](#).

What is being proposed?

Under current legislation, a property is only classified as an HMO if three or more people from three or more families are living there **as their only or main residence**. This definition means that even when workers are staying in short-term accommodation for weeks or months at a time, it can be argued that the home is not an HMO because it is not the person's only or main residence.

In these cases it has been suggested that the owners of the accommodation often make special arrangements for the workers that would not usually be made available for other guests or tourists. For example, allowing access to the kitchen or modifying the accommodation to provide cooking facilities in the bedroom.

The consultation proposes extending the definition of an HMO and includes a draft Order to be introduced - The Houses in Multiple Occupation (Scotland) Order 2019.

The proposed definition would allow local authorities to take into account the way in which a property is being used, not just whether it is the occupants' main or only residence. Under the proposals the definition would apply if the owner of a B&B, hotel or backpackers' hostel has made physical or operational changes to accommodate the residents that wouldn't usually be made for tourists. The definition would also apply to seasonal or agricultural workers and workers waiting to be transferred offshore or on their way home from being posted offshore.

About this briefing - This is a new type of briefing exclusively for members. These briefings are designed to inform you about current consultations, highlight potential implications for the sector that you might want to consider in your own response and set out CIH Scotland's position.

The draft Order also includes a time pattern for manners of occupation to ensure that when accommodation is being used by workers irregularly or just for a few days at a time, the HMO definition would still apply.

What does this mean for the housing sector?

Changes to the definition would potentially increase the safety of workers who need to travel and stay away from home and often don't get to decide where they will be living. However, it is not clear how the change in definition would be monitored or enforced.

It is possible that some owners who currently let out accommodation to workers may decide not to do so if it was thought to be too costly in terms of the licensing fee or any work that would have to be done to bring the accommodation up to standard.

What is the CIH position?

We want to ensure that everyone can live in a home that is safe and meets minimum standards regardless of tenure. We support the Scottish Government's proposals to amend the definition of HMOs to cover workers. However, we are seeking clarity on how any changes would be monitored and enforced.

Have your say

CIH Scotland will be developing a response to this consultation. If you would like to contribute to the response, please send your feedback to scotland.contact@cih.org

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