Temporary Exemptions for an Additional, Selective or Mandatory HMO Licence

## Temporary Exemptions for an Additional, Selective or Mandatory HMO Licence

A temporary exemption notice can be issued if the applicant demonstrates that s/he is (or will) be taking steps to ensure that the property is no longer subject to licensing, e.g. if the landlord intends to live in the property or sell it into owner-occupation or sell it to a person who intends to occupy it.

## Additional and Selective Licence Temporary Exemption

You need to apply for a Temporary Exemption Notice if you are the landlord or manager of a property which is required to be licensed, but you intend to take particular steps to ensure that the property is no longer required to be licensed.

Examples:

* Where there is a sale agreed to someone who intends to live in the property themselves
* Where the owner is moving back into the property
* Where there are current conversion works underway to change the use of the property to commercial premises

The notice exempts the property from the requirement to be licensed for 3 months from the date of service.

The council can serve a second temporary exemption notice providing a further period of three months exemption if you give further notification that it is required. However, the council must consider that there are exceptional circumstances that justify a second exemption notice.

Application for a Temporary Exemption Notice may be made by “a person having control of or managing” the property in question. This will usually be the owner/landlord, employed manager or managing agent but others who receive the rent for the premises may come within the definition.

For more details, please refer to The Housing Act 2004; Section 86

Charities, Regulatory Bodies, Local Authorities and Public Sector Bodies are already exempt from Private Rented Property Licensing (Selective Licensing).

## Mandatory HMO Licence Temporary Exemption

You need to apply for a Temporary Exemption Notice if you are the landlord or manager of a property which is required to be licensed, but you intend to take steps to ensure that the property is no longer required to be licensed.

Examples:

* Where there is a sale agreed to someone who intends to live in the property themselves
* Where the owner is moving back into the property
* Where there are current conversion works underway to change the use of the property to commercial premises

The notice exempts the property from the requirement to be licensed for 3 months from the date of service.

The council can serve a second temporary exemption notice providing a further period of three months exemption if the you give further notification that it is required. However, the council must consider that there are exceptional circumstances that justify a second exemption notice.

Application for a Temporary Exemption Notice may be made by “a person having control of or managing” the property in question. This will usually be the owner/landlord, employed manager or managing agent but others who receive the rent for the premises may come within the definition.

For more details, please refer to The Housing Act 2004; Section 62

Regulatory Bodies and Local Authorities are already exempt from Mandatory HMO Licensing.

## Address of property to be licensed

|  |  |
| --- | --- |
| House name/Flat No. |  |
| House number |  |
| Street |  |
| Town/City |  |
| County |  |
| Postcode |  |

|  |  |
| --- | --- |
| If the Application is for a Selective Licence then please answer the following question:How is the Property Let?  | Tick any |
| Council | [ ]  |
| Housing association | [ ]  |
| Business Let | [ ]  |
| Business Licenced to Sell  | [ ]  |
| Agricultural Land | [ ]  |
| Student Let (by educational establishment) | [ ]  |
| Holiday | [ ]  |
| Long Lease (original tenant) | [ ]  |
| Long Lease (family of original tenant) | [ ]  |
| Shared occupancy with landlord | [ ]  |
|  | [ ]  |

|  |  |
| --- | --- |
| If the Application is for a Selective Licence then please answer the following question: | Tick any |
| The Children Act 1989 | [ ]  |
| The Prison Act 1952  | [ ]  |
| Nationality, Immigration and Asylum Act 2002  | [ ]  |
| Young Offenders Institute Rules | [ ]  |
| The Criminal Justice and Court Services Act 200 Approved premises Regulations 2001  | [ ]  |
| The Care Home Regulations 2001  | [ ]  |
| The Children’s Homes Regulations 2001  | [ ]  |
| The Residential Family Centre Regulations 2002 | [ ]  |

## Temporary exemption

|  |  |
| --- | --- |
| Is there already a Temporary Exemption in place on the Property? | Yes [ ]  No [ ]  |

If yes, please give details

|  |  |
| --- | --- |
| Start date:  |  |
| End date:  |  |
| Reference number: |  |

If you are applying for a Mandatory or Additional Licence Exemption, please answer the following questions, otherwise continue from section “Applicant”:

## Management orders

|  |  |
| --- | --- |
| Is there already a Temporary Exemption in place on the Property? | Yes [ ]  No [ ]  |

If yes, please give details

|  |  |
| --- | --- |
| Issues date |  |
| Reference number |  |

|  |  |
| --- | --- |
| Is there a Final Management Order in force at the property? | Yes [ ]  No [ ]  |

If yes, please give details

|  |  |
| --- | --- |
| Issues date |  |
| Reference number |  |

## Applicants

|  |  |
| --- | --- |
| Is the applicant an individual or an Organisation?  | Tick one only |
| Individual or Individuals | [ ]  |
| A company | [ ]  |
| A partnership | [ ]  |
| A charity | [ ]  |
| A public sector body | [ ]  |
| Another type of organisation | [ ]  |

## Applicant

If type of applicant is “Organisation”, “Charity” or “Public Sector Body” then continue from section ‘Applicant Organisation’.

|  |  |
| --- | --- |
| Title |  |
| First name(s) |  |
| Surname |  |
| Date of Birth |  |
|  |  |

## Address

|  |  |
| --- | --- |
| House Name/Flat Number: |  |
| House number |  |
| Street |  |
| Town/City |  |
| Countr/Region/State |  |
| Postcode |  |
| Country |  |

## Contact details

|  |  |  |
| --- | --- | --- |
|  |  | IndicatePreferredContactMethod |
| Telephone |  | [ ]  |
| Mobile |  | [ ]  |
| Fax |  | [ ]  |
| Email address |  | [ ]  |
|  |  |  |

If organisation, charity or public sector body, please complete the following:

## Applicant organisation

|  |  |
| --- | --- |
| Full Name of Organisation  |  |
| Company Registration Number  |  |
| Charity Number (Mandatory and Additional licences only) |  |
| Your Position in Organisation |  |

## Company Principal Trading Address

|  |  |
| --- | --- |
| House Name/Flat Number: |  |
| House number |  |
| Street |  |
| Town/City |  |
| Countr/Region/State |  |
| Postcode |  |
| Country |  |

## Contact details

|  |  |  |
| --- | --- | --- |
|  |  | IndicatePreferredContactMethod |
| Telephone |  | [ ]  |
| Mobile |  | [ ]  |
| Fax |  | [ ]  |
| Email address |  | [ ]  |
|  |  |  |

## Applicant details

|  |  |
| --- | --- |
| Are you (the applicant) also any of the following? |  |
| Manager (Managing Agent) | [ ]  |
| Freeholder (owner of the property) | [ ]  |
| Leaseholder (landlord) | [ ]  |
| Mortgagee | [ ]  |

Please tell us why you think you should be exempt from Licensing (Mandatory / Additional / Selective Licensing). You will also be able to upload any supporting documents following submission of this application.

|  |
| --- |
|  |

## Declaration

I/we declare that the information contained in this application is correct to the best of my/our knowledge. I/we understand that I/we commit an offence if I/we supply any information to a local housing authority in connection with any of their functions under any of Parts 1 to 4 of the Housing Act 2004 that is false or misleading and which I/we know is false or misleading or am/are reckless as to whether it is false or misleading.

[ ]

## Electronic communication

I/we agree that London Borough of Tower Hamlets may contact me via email or via the internet with reference to this application and in accordance with section 247 of the Housing Act 2004 to serve relevant documents.

[ ]

|  |  |
| --- | --- |
| Applicant’s signature |  |
| Date |  |
| Print full name |  |
| Position (if acting on behalf of a company) |  |