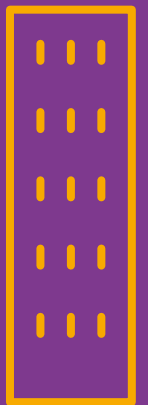


SECTION 257 BUILDINGS

What you need
to know



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I OWN A CONVERTED BUILDING, DOES IT NEED A LICENCE?



Some buildings which have been converted into self-contained flats now need to be licensed. These are known as Section 257 HMOs.

Section 257 of the Housing Act 2004 relates to a building (or part of a building) which has been converted into, and entirely consists of, self-contained flats.

You will need to apply for an additional licence if you operate a property which was converted into self-contained flats where:

- Less than two-thirds of the flats are owner-occupied.
- The conversion did not comply with the relevant building regulations in force at that time and still does not comply.

“Relevant building regulations” usually means the 1991 Building Regulations or whichever later building regulations applied at the time the work was undertaken and completed.

We will do desktop checks, but owners, landlords, and managers may be asked for further information in support of the licence application.

OWNER-OCCUPIED IS DEFINED AS OCCUPATION:

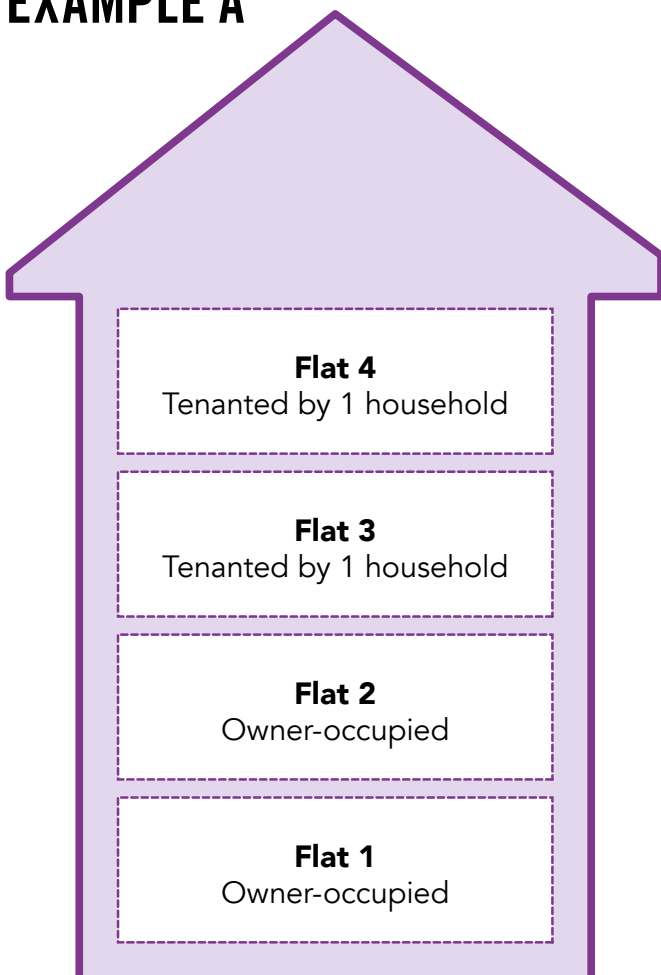
- By a person who holds the lease of a flat which has been granted for a term of more than 21 years or by a member of their household.
- By a person who holds the freehold estate in the converted block of flats.

EXAMPLES OF WHAT A 257 PROPERTY DOES AND DOES NOT LOOK LIKE:

All of the examples on the following pages assume that the premises meet the first part of the test in Section 257, namely that the conversion does not comply with 1991 building regulations.

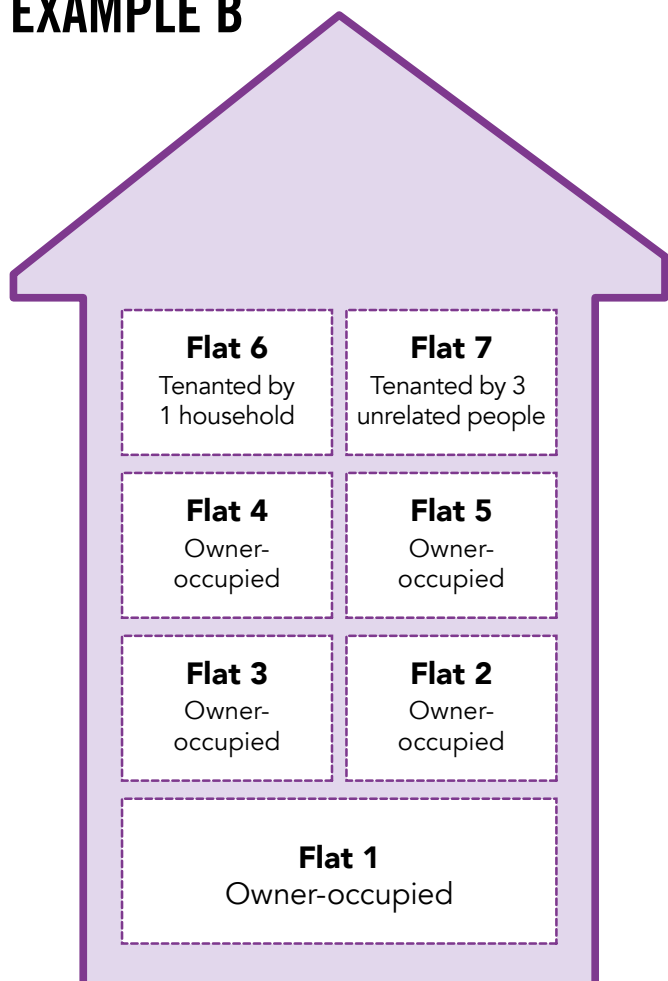
A glossary of terms used in these examples can be found on the last page.

EXAMPLE A



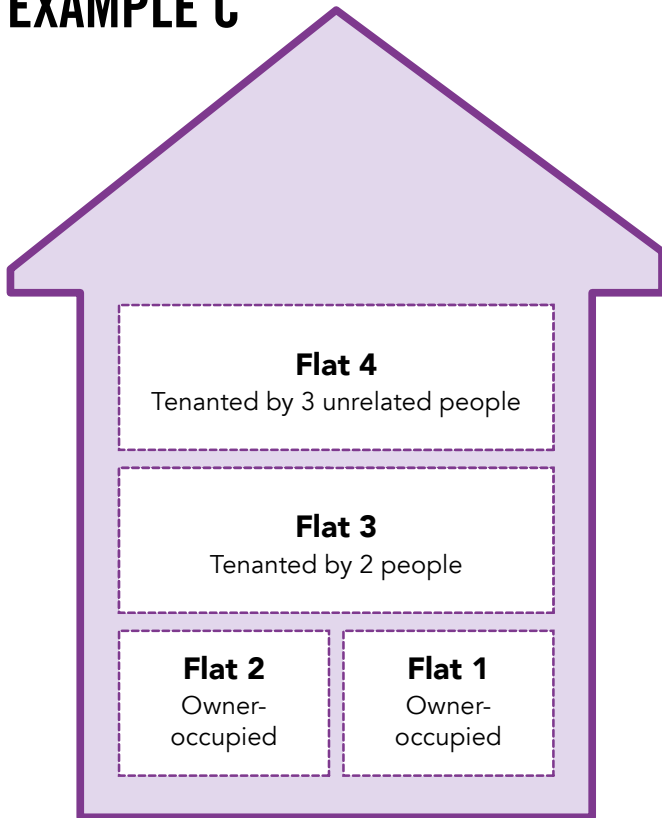
This property will require a Section 257 Additional Licence as two thirds or less of the flats are owner-occupied. The tenanted flats will require a Selective Licence if within the Selective Licensing Designation.

EXAMPLE B



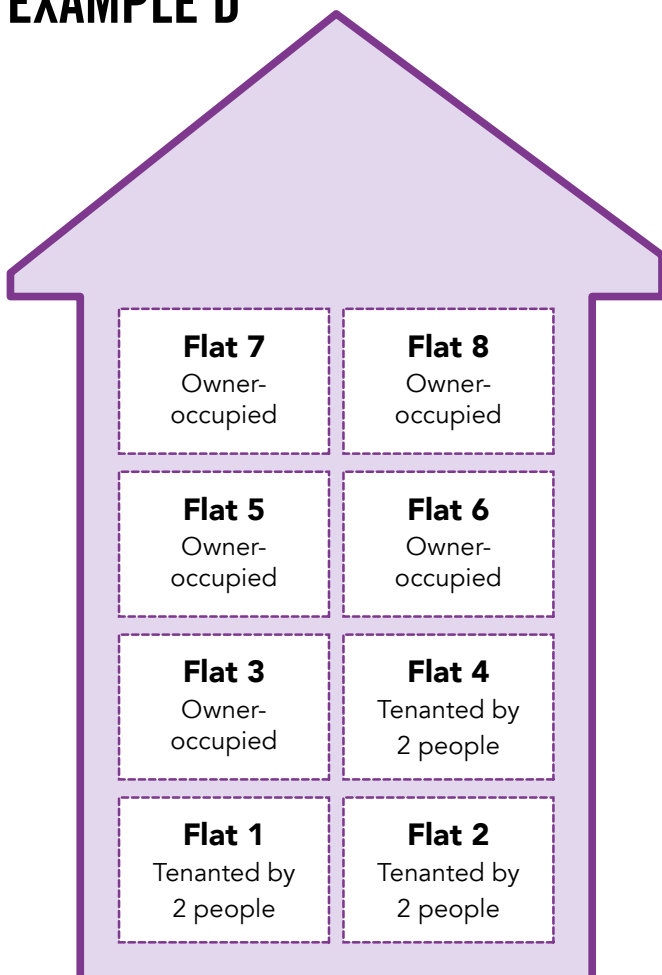
This property will not require a Section 257 Additional Licence as more than two thirds of the flats are owner-occupied. An Additional HMO Licence will be required for the flat that is occupied by three or more unrelated people. A Selective Licence will be required for the flat occupied by one household if the property is within the Selective Licensing Designation.

EXAMPLE C



This property will require a Section 257 Additional Licence as two thirds of the flats or less are owner-occupied. The flat tenanted by 3 unrelated people will require an Additional HMO Licence. The flat tenanted by two people will require a Selective Licence if the property is within the Selective License Designation.

EXAMPLE D



This property does not require a Section 257 Additional Licence as more than two thirds of the flats are owner-occupied. A Selective Licence will be required for the tenanted flats if the property is within the Selective Licensing Designation.

GLOSSARY

Additional Licensing - Additional Licensing requires houses in multiple occupation shared by 3 or 4 unrelated people who are forming 2 or more households and who share facilities such as kitchens and bathrooms, to have a licence in all parts of the city. Although the legislation refers to 'houses' this does cover a variety of housing types including flats.

Selective Licensing - Selective Licensing requires most private rented properties within a designated area to be licensed. It means that houses need to be licensed where they have a family or one or two tenants living there. Like Additional Licensing, although the legislation refers to 'houses' this does cover a variety of housing types including flats.

Details of the Council's selective and additional licensing designations can be found at:

www.birmingham.gov.uk/prpl

Email:

PL@birmingham.gov.uk



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