

Housing Act 2004 s62 Licensing of Houses in Multiple Occupation

Application for Temporary Exemption Notice

This form should be used if you have control of or manage a House in Multiple Occupation (HMO) which is required to be licensed by law but you have good reasons for seeking a temporary exemption. Examples could be that you have applied for planning permission to convert the house into offices or that you have started the procedure to reduce the number of tenants to four or less.

There are no long-term exemptions from licensing of licensable HMOs. However the law allows a Temporary Exemption Notice (TEN) to be issued if the applicant notifies the Council of his/her intention to take particular steps with a view to securing that the house is no longer required to be licensed.

A TEN can only be issued for a period of three months although in exceptional circumstances, a further TEN can be issued for another three months.

Please note that the information you provide as answers to the question numbers marked with a ▲ may be entered into a public register. See notes on Data Protection at end of form.

The answers you provide to Questions 14 – 20 will not influence the Council's decision on whether a TEN is issued but may affect the way the house is monitored during the TEN period.

1▲	Address of HMO	Post Code
2▲	Your Full Name	
3▲	Your Address	Post Code
4	Telephone Number	
5	e-mail address	
6	Agent's Name, Address & Telephone Number (if applicable)	

Please Answer Yes/No, or provide information requested

7	Please state if you are the owner, manager or agent for the house. If you are none of these, please state in which capacity you are applying.		
8	How many storeys does the house have? You should include habitable attics and basements to which occupiers have access		
9	How many lets are there in the house?		
10	How many occupiers are there in total?		
11	What is the maximum number of occupiers?		
12	Does the house have a gas supply?		
13	Do you have a valid "Landlord's Gas Safety Record" obtained within the last 12 months?		
14	has the property ever been accredited under the Coventry Accredited PropertyScheme (CAPS)?		
15	Are any of the tenants:	Aged less than 17?	
		Asylum Seekers?	
		Refugees?	
		Students?	
		Receiving "Supporting People" benefits	
16	How many heat/smoke detectors are installed in the house?		
17	How many fire doors are installed in the house?		
18	Do you have any convictions, or have you received a formal caution in respect of these offences:	Fraud (including benefit fraud)	
		Violence	
		Drugs	
		Matters listed in Schedule 3 to the Sexual Offences Act 2003	

19▲ Please State below what steps you are taking to secure that the house is no longer required to be licensed.

(Please use a separate sheet if necessary)

There are a number of ways of securing that an HMO will not need a licence. Some of these are:

- Reducing the number of qualifying storeys
- Reducing the number of occupants
- Taking steps to take the house outside the definition of an HMO.
- Passing Ownership/Management to an exempt organisation such as a Residential Social Landlord.

You should seek legal advice to establish that your intentions will achieve your aims. In particular the Council advises against attempting to evict tenants without following the proper procedures set out in law. A tenant cannot be forced to give up the tenancy of a property except as provided by a court order. Any attempt to harass or unlawfully evict a tenant could lead to prosecution under the Protection from Eviction Act 1977.

You should also note that even if an HMO is not licensable, it still needs to comply with the Council's HMO standards and all relevant legislation.

The Council may need to visit the property to assess it's condition before considering the service of a TEN. The Council may also wish to make enquiries with other connected persons to verify that you have taken the steps you have mentioned and that matters are proceeding without undue delay.

The Council aims to decide whether or not to issue a TEN within 15 working days of receiving a request . If you are aggrieved by the Council's decision, you may appeal to the Residential Property Tribunal. Further information on appealing will be provided in the decision notice.

I/We apply for a Temporary Exemption Notice.

I/We declare that the information contained in this application (all forms) 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

I/We understand that the Council may need to carry out investigations to assess whether I/we am/are (a) "fit and proper" person(s) for the purposes of Part 2 of the Housing Act 2004. I/We authorise the Council to make such enquiries and share information as it sees proper in connection with the matters listed in s62 of the Housing Act 2004 (Tests for fitness etc. and satisfactory management arrangements). Such enquiries may include Criminal Records Bureau checks, liaison with the police, fire service and other local authorities.

I have read and understood the notes on the reverse side of this sheet headed "*Notes Relating to Misrepresentation and Data Protection*"

Signed

Dated

Return this form to

HMO Licensing
Floor 2
Civic Centre 4
Much Park Street
Coventry
CV1 2PY

hmo@coventry.gov.uk

Notes Relating to Misrepresentation and Data Protection

Application for Temporary Exemption Notice for HMO

Misrepresentation

Please note that it is a criminal offence to knowingly supply information which is false or misleading for the purpose of obtaining an HMO Licence or TEN. Evidence to support any statements or information made in the application may be required at a later date. If the Council subsequently discovers something which is relevant and which you should have disclosed or which is incorrectly or imprecisely stated or described, the TEN may be withheld or other action taken. This may also affect licences for HMOs with which you have any connection.

Data Protection

All of the information provided in the application form will be handled in accordance with the provisions of the Data Protection Act 1998

To fulfil the Council's obligations under Part 2 of the Housing Act 2004, the Council requires you to provide the information asked for in this form for the following purposes:

- 1) To identify the persons involved in the management of the HMO and to facilitate legal proceedings in the event of any offence connected with the licensing of the HMO or the issue of a TEN.
- 2) To obtain basic information needed to assess the fitness and competence of persons involved in the management of the HMO
- 3) To link properties and persons involved in the management, control and ownership of the HMO and any other relevant HMOs
- 4) To obtain information concerning the suitability of the property to assess whether it is reasonable to allow it to continue to be occupied as an HMO despite it not being licensed.

The information you provide may be shared to the extent that it may need to be verified with other agencies such as the Police, other local authorities and other departments within the Council.

Some of the information you provide will be entered into a public register but only to the extent required by law. Answers to questions indicated by the ▲ symbol will be included in the public register.

The Council may be required to disclose to government agencies certain information you provide

The information may also be used for research, analysis and statistical purposes