

Advice for tenants living in an unlicensed House in Multiple Occupation

Tenants who live in unlicensed HMO's

Tenants who live in unlicensed Houses in Multiple Occupation are at a greater risk of poor practices from rogue landlord's and letting agents. The following information is to help and advise tenants:

Your rights to remain in your home:

Under the Housing Act 1988 an assured shorthold tenancy cannot be ended without first serving a notice requiring possession under section 21 of the Act or section 8 of the Act. Landlords of unlicensed HMOs cannot proceed to recover possession of the property and require tenants to vacate by serving a section 21 notice, while the property is unlicensed. If you are served with a section 21 notice or asked to leave without notice by the landlord or an agent, contact the Homelessness Prevention Service at the council, on 020-7974-5801. They will be able to offer further advice on your rights and validity of any notice you receive.

If a Temporary exemption or valid HMO licence application is submitted the landlord can legitimately serve a S21 but it maybe there are other reasons the s21 is invalid, please contact Homelessness Prevention Service to find out.

The Housing Act 2004 makes provision for 'Rent Repayment Orders' which may be awarded by the London Residential Property; First-tier Tribunal, to tenants to reclaim up to 12 months' rent for living in an unlicensed HMO. Please see here for further information:

[Reclaiming rent payments: Rent repayment order](#)

Your tenancy:

'Sham licences' or 'licences to occupy' are commonly used by landlords and letting agents in unlicensed HMO's to get tenants to move out without due notice. These can be also be called 'flat share agreements' or 'holiday lettings', and it is possible you will have an assured shorthold tenancy regardless of what the licence says please contact the Homelessness Prevention Service, on 020-7974-5801.

Your Deposit:

Deposits of tenants who live in an unlicensed HMO's are frequently 'not protected' or not returned at the end of the tenancy for more information please see:

[Shelter: Advice on tenant deposits](#)

Harassment and Illegal eviction:

Should you feel physically or verbally threatened, harassed or find yourself locked out of the property, the landlord or an agent could be committing a criminal offence. Please contact the Homelessness Prevention Service for advice.

In some instances you may be advised to call the police. If the threat is not immediate you can report the matter by dialling 101.

Poor letting agent practices:

Poor letting agent's practices are also common in unlicensed HMO's such as unfair fees and charges, Camden Trading Standards team has a project running to address such practices:

[Camden's Trading standards team](#)

How Camden Council enforce on unlicensed HMO operators/managers:

Enforcement on landlords and letting agents or sub-letting is carried out by Environmental Health officers (EHO's). The operator of the unlicensed HMO may be taken to court and prosecuted or a civil penalty notice can be made imposing a fine. Please note it is not always possible to prosecute or serve a civil penalty notice for every instance of unlicensed HMO operation.

EHO's will need to gather a lot of evidence to prove the property is an unlicensed HMO so may ask you for tenancy agreements, proof of who rent was paid to, identification, take photos and may ask you to complete a statement to help the case.

EHO's may visit unannounced and early in the morning, this is to ensure as many tenants are present as possible and that the agents/landlords do not have the chance to alter the building or evict tenants. EHO's will also bring any hazards (such as fire hazards) or poor conditions (such as pests) to your landlord's attention and require that they are addressed.