

## **Appendix B : Buildings that are not HMOs for the purpose of the Act**

### **Buildings controlled or managed by public bodies etc**

1. A building where the person managing or having control of it is:
  - (a) a local housing authority;
  - (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act;
  - (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
  - (d) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990;
  - (e) a body which is registered as a social landlord under Part 1 of the Housing Act 1996.

### **Buildings regulated by other enactments**

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
  - (a) sections 87 to 87D of the Children Act 1989;
  - (b) section 43 (4) of the Prison Act 1952;
  - (c) section 34 of the Nationality, Immigration and Asylum Act 2002;
  - (d) The Secure Training Centre Rules 1998
  - (e) The Prison Rules 1998;
  - (f) The Young Offender Institute Rules 2000;
  - (g) The Detention Centre Rules 2001;
  - (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001;
  - (i) The Care Homes Regulations 2001;
  - (j) The Children's Homes Regulations 2001;
  - (k) The Residential Family Centres Regulations 2002.

### **Certain student lettings etc**

5. A building –
  - (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
  - (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment and
  - (iii) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of exempted accommodation under section 233 of the Act.

### **Religious communities**

6. A building which is occupied principally for the purpose of a religious community whose principal occupation is prayer, contemplation, education or the relief of the suffering except if the building is a converted block of flats to which section 257 of the Act applies.

### **Buildings occupied by owners**

7. A building which is only occupied by –
  - (i) one or more persons who hold the freehold or a leasehold interest granted for a term of more than 21 years of the whole, or any part of, the building
  - (ii) and/or any member of the household of that person or persons but this exemption does apply to a converted block of flats to which section 257 of the Act applies, except for ascertaining the status of any flat within the block.

**Buildings occupied by Resident Landlord etc**

8. A building which is occupied by a person or persons to whom paragraph 7 applies (subject to the proviso therein) and no more than two other persons, not forming part of the owner's household.

**Buildings occupied by two persons**

9. Any building which is only occupied by two persons (forming two households)

**Meaning of "building"**

10. In this annex a "building" includes a part of a building.