

ABERDEEN CITY COUNCIL

COMMITTEE	Housing & Environment
DATE	27 th August 2013
DIRECTOR	Pete Leonard
TITLE OF REPORT	Licensing of Houses in Multiple Occupation (HMO) - Overprovision Consultation Feedback
REPORT NUMBER:	H&E/13/050

1. PURPOSE OF REPORT

The Housing & Environment Committee, at its meeting on 28th August 2012, instructed officers to monitor and consult on (with Community Councils) the issue of HMO overprovision in Aberdeen and policy development across Scotland, and to provide a further report following consultation. This report details the outcome of this consultation and the developing position across Scotland.

2. RECOMMENDATIONS

It is recommended that Committee:

- I. Agrees that following analysis of the current HMO provision in the city and the responses to the consultation that no policy on HMO overprovision is introduced.
- II. Instructs the Director of Housing & Environment to continue to monitor policy and legal developments in HMO overprovision across Scotland and report back to Committee as appropriate if there are developments which require the Council's position on HMO overprovision to be reviewed.
- III. Agrees that a review of the position of overprovision should be formally undertaken in 2016 if this has not been required earlier by recommendation II above.
- IV. Notes that any HMO application that is the subject of a representation will be considered by the Licensing Committee who will decide whether to grant a HMO licence.
- V. Remit this report and Committee decision to the Licensing Committee for their information and independent action.

3. FINANCIAL IMPLICATIONS

The introduction of an HMO Overprovision Policy would impact on the number of HMO licence applications being received and as such the amount of HMO licence fees paid to the Council to manage the HMO licensing function.

4. OTHER IMPLICATIONS

The introduction of an HMO Overprovision Policy would lead to some additional work to be done required by the HMO Unit in order to provide information in relation to the number and capacity of licenced and pending HMO licenced properties within the locality of the HMO application.

5. BACKGROUND/MAIN ISSUES

In Scotland HMO licensing has provided control over the standard and safety of property to be used as HMO accommodation.

On 31st January 2012 new powers were introduced which allow HMO licensing authorities to control the spatial distribution of HMOs where it considers that there is overprovision in a locality.

These new powers are included in the Private Rented Housing (Scotland) Act 2011 and insert a new section 131A into the Housing (Scotland) Act 2006. The section from the Act for these powers is attached as Appendix 1.

Scottish Government Guidance

The Scottish Government provides Statutory Guidance on HMO Licensing for Scottish Local Authorities. This was updated in January 2012 to reflect these new powers.

“4.11 A SECTION 131A - OVERPROVISION

4.11 A.1 The local authority has the discretionary power to refuse to grant an HMO licence if it considers that there is, or that the grant of a licence would result in, overprovision of HMOs in the locality. It is for the local authority to determine the locality. In considering whether to refuse to grant a licence on this ground the local authority must have regard to whether there is an existing HMO licence in effect in respect of the living accommodation and, where known, the views of the applicant and any occupants. In considering whether there is overprovision, the authority must have regard to the number and capacity of licenced HMOs in the locality, as well as the need for HMO accommodation in the locality.

4.11 A.2 Generally an HMO licence is granted for three years. Where there are large numbers of HMOs it will be open to a local authority as to how it treats applications from existing owners. If it refuses an application from an existing owner it will reduce HMO numbers, but this will have an adverse impact on existing landlords and possibly tenants.

4.11 A.3 It will be for local authorities to decide whether and how to apply this power. Scottish Ministers would however expect local authorities who wished to use this power to develop, and consult on, an explicit overprovision policy. Local authorities may wish to jointly develop best practice guidance to facilitate this process."

On 26 March 2013 the City Council commenced a consultation regarding the development of an HMO Overprovision Policy. The consultation was hosted on the Council's website.

Details of the survey were issued to:

Current HMO licence holders
HMO licence applicants Community
Councils

Officers of Aberdeen City Council (Social Work, Housing
Managers, Homelessness & Planning)
Councillors
Student Organisations (AUSA, RGU & Aberdeen
College) University Accommodation Officers
(Aberdeen & RGU) Local Press

Originally the consultation was due to close on 19th April 2013, however, Old Aberdeen Community Council requested additional time to prepare a response. The closing date was extended until 3rd May 2013.

As a result of this extended closing date this report could not be prepared in time for Committee on 14th May 2013 and so was postponed until this

Existing HMO Provision

The background information issued with the consultation stated

"Aberdeen City Council currently has 945 licensed HMO properties. From the current register of HMOs it is clear that there is a geographic concentration of HMOs in particular areas of the city. These areas are traditionally where students will seek accommodation whilst studying at the city's universities and colleges. These areas stretch from Old Aberdeen through the city centre to Garthdee. It is also clear that there are large areas of the city where there are a very limited number of HMOs and therefore no issues with overprovision at present. It is recognised that HMOs are an important way of providing lower cost accommodation for students and others. Information from student

representatives, further education establishments, changes to welfare policy and the Council's Housing Need and Demand Assessment together with the occupation of HMOs all point to a continuing demand for this type of accommodation. As this demand is market driven we can assume that there is also a continued demand to live within this type of accommodation."

Policy Development Across Scotland

Since the report was presented to the Housing & Environment Committee there has been further activity across Scotland.

Glasgow City Council undertook a public consultation on a similar basis to the one we conducted. Their consultation commenced after our consultation, ending on 7th June 2013. As yet we have no indication on the likely outcome.

Edinburgh City Council are currently at an early stage in looking at options for an overprovision policy.

Fife Council - North East Fife Area Committee adopted Supplementary Planning Guidance (SPG) in relation to Houses in Multiple Occupation (HMOs) in the Central St. Andrews Conservation Area. Details of the guidance are provided in the next 3 paragraphs.

"Proposals for multiple occupation of a house or a flat that requires planning permission will not be supported within the St Andrews Central Conservation Area. The policy will apply to new planning applications or proposals for change of use of existing properties and does not affect the availability and operation of HMOs already with the benefit of planning permission.

The Town and Country Planning (Use Classes) (Scotland) Order 1997 includes within the definition of a house that it is the sole or main residence of not more than five residents living together, including a household where care is provided for residents. In planning terms therefore, it is only where more than five unrelated people living in a house that it is considered 'development' and planning permission is required.

In determining the use of a flat as an HMO, it is a matter of fact and degree whether the nature of the use is materially different from that of a family flat. In Fife it is considered that three or more unrelated people living together in a flat is materially different from family use. Planning permission is therefore required where HMOs are created in flats that will be occupied by three or more people."

It should be noted that this policy is in place through planning and not housing legislation.

Individual HMO applications and objections

A HMO applicant is required to display a Notice of HMO Application in a public place outside the property in a position, where it is capable of being easily read by all neighbours and passers-by. This Notice must remain on display for 21 days.

Should the Council receive any representation / objection to the proposed HMO then the HMO Application is referred to the Council's Licensing Committee. The applicant and the objector are invited to the Licensing Committee where all parties will be given the opportunity to speak for/against the HMO application, following which the Committee will decide whether to grant an HMO Licence, subject to all requirements being met, or refuse the application.

Conclusion

The consultation received relatively few responses as detailed in the following section.

The responses do not provide an overwhelming argument for restrictions to apply to HMO provision across the city with the vast majority against this. It should be noted that the responses were primarily from HMO licence holders, applicants or their agents.

There is no consensus from the respondents on either the need for restrictions to apply or indeed if they were introduced how the City Council could define a 'locality' for this purpose.

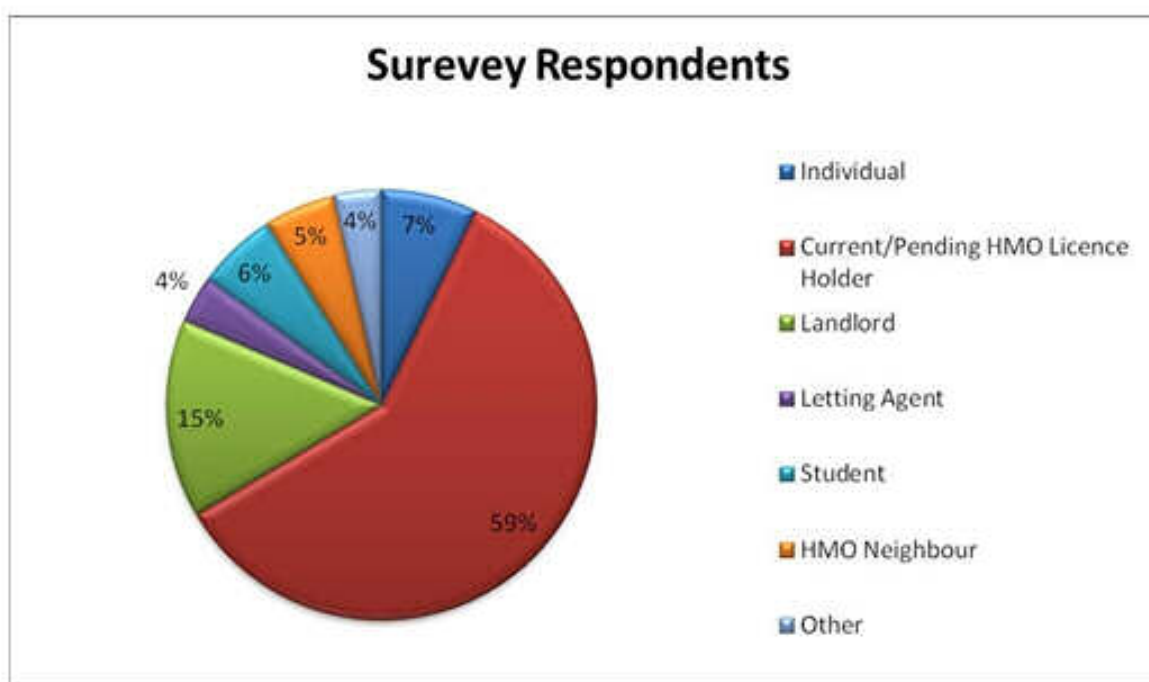
The mapping of existing HMOs show that there are areas of higher and lower concentrations of HMOs. If the recommendations contained in this report are agreed the mapping of HMOs will be maintained to assist with future reviews.

HMO Overprovision Policy Consultation & Survey Responses

There were 168 respondents who completed the survey. Full details of the responses to the survey and individual representations are attached as an appendix to this report.

Survey Respondents

99 of the 168 respondents (59%) were current HMO licence holders or applicants,. A further 31 were either landlords or agents. These combine to 130 or 78% of the respondents.



Within the 'Other' category were AUSA (Aberdeen University Student's Association), SAL (Scottish Association of Landlords), SAL Aberdeen Branch, Old Aberdeen Community Council and two respondents that advised they were a multiple of the above options.

Several respondents completed the survey and provided supplementary letters/emails to highlight particular concerns in relation to the proposed policy that were not highlighted within the survey. Some of these concerns were:

What evidence Aberdeen City Council had to support the introduction

of an overprovision policy.

What an overprovision policy would mean for current licence holders

when applying for renewal. It would be unfair to refuse to licence at renewal stage.

That HMO licenced premises would decrease within the city as a result of the introduction of further sanctions on those who try to operate within the law.

Current HMO licenced premises reducing number of tenants to two sharing to avoid both HMO licensing and overprovision policy.

The number of unlicenced HMOs would increase.

Impact on house prices. A licenced HMO within an area of overprovision becoming more valuable on resale and therefore unaffordable to both families and potential HMO landlords.

Impact of large purpose built HMO properties. For example an HMO property that is close to student halls. The provision and demand for HMO properties is market lead.

In

theory demand and supply should be governed by the market. If an overprovision policy is introduced detail will need to be publicly

available in relation to what areas the policy applies in order to ensure that landlords can make an informed choice prior to the purchase of any property.

Concerns for large purpose built developments in relation to information being provided at the earliest stage possible (for new developments).

The continued high rental and demand for a property once it becomes

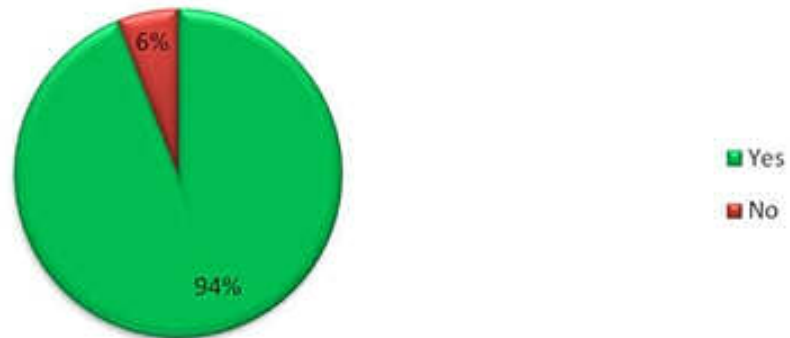
available for relet are evidence of there not being a problem in relation to overprovision within the City.

Council has no idea of the 'real' number of HMOs therefore no assessment can be made in relation to the number of HMOs and therefore any overprovision within the City. This would be impossible until all unlicenced properties become licenced.

The loss of family housing within areas. Neglect of properties from absentee landlords.

Lack of community cohesion where there is a high transient population.

Do you believe that there is a continued need for the provision of HMO Properties within Aberdeen?



The general consensus was that there was a continued requirement for HMOs within Aberdeen. Not only for students but as a source of affordable housing for other groups including those affected by changes to housing benefit.

This is evidenced by comments received from landlords, students, letting agents, landlord associations and The University of Aberdeen. This is also supported by the strong market demand for this type of accommodation and the short time to let when a property becomes vacant.

Some of the comments received

'Lack of affordable accommodation for sale or rent in Aberdeen area'

'There is always a VERY high demand for HMO properties in Aberdeen; it is a city with two big universities where most students

'To regulate houses of multiple occupation and stop slumlords.'

'There are many people both working and looking for work that can not afford to rent a flat and HMO properties give them a more cost effective options.'

Do you believe that Council should introduce a policy on overprovision of HMOs?



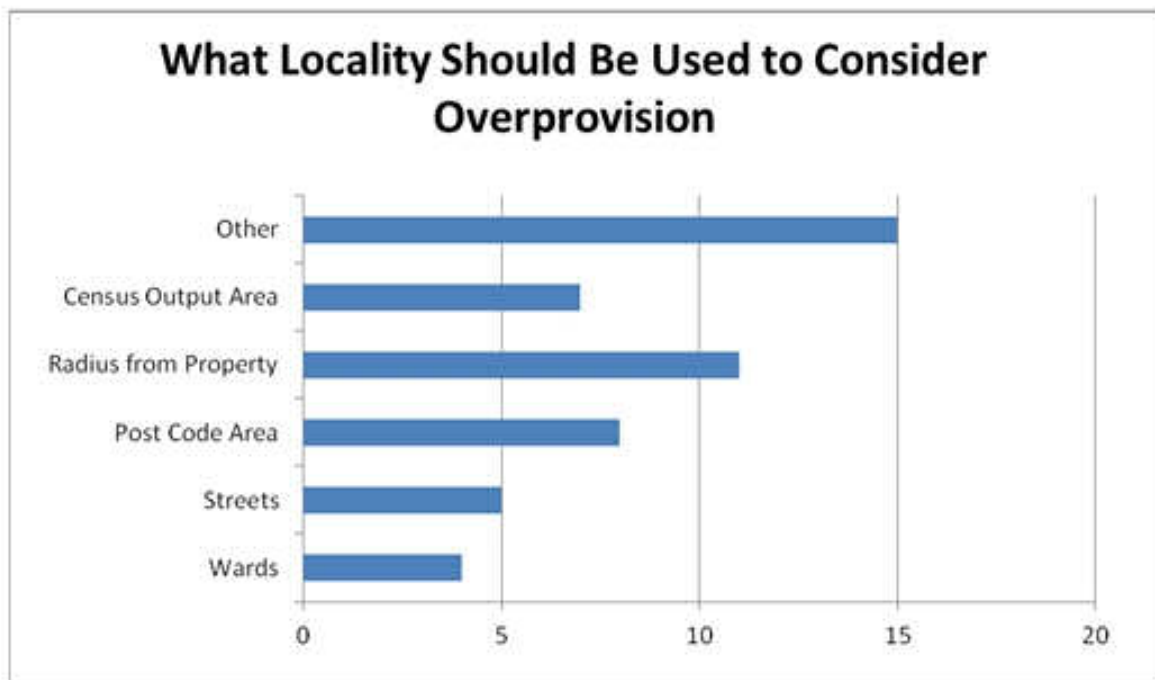
78% of responses were against the introduction of an HMO Overprovision policy.

Those who were in favour of the introduction of an HMO Overprovision Policy were concerned about the provision of a balanced and mixed community (particularly within Old Aberdeen). Members of the Community Council and Old Aberdeen Heritage Society feel that their communities now contained an unbalanced community with an increased transient population. The impact they felt this had on their community was a 'lack of community cohesion' and concern to the 'deteriorating physical standards' of properties in relation to absentee landlords and the introduction of driveways in place of gardens. It is important to note that the overprovision guidance from the Scottish Government takes no consideration of the management of an HMO property and that within the conservation area planning permission would need to be sought in order to change a garden into a driveway. Planning officers have advised that there would be no difference between an owner of a HMO property seeking this change of use and a non HMO property owner. As such planning permission for this change could not be withheld on the basis that the property was an HMO.

There is alternative legislation available in order to redress management issues in relation to HMO properties and to tackle poorly maintained private properties (rented or owned). The overprovision legislation can only consider the number of HMOs within an area not the impact of the number of HMOs within an area.

Those who are against the introduction of an HMO Overprovision Policy have raised concerns in relation to the reduction of the provision of HMOs within the City.

Concerns have been raised in relation to the increase of rental cost for HMOs that could be considered as 'premium', that is that they are already established within an HMO Overprovision area (which by default would be areas that were close in proximity to the Universities/College). There are also concerns that the introduction would lead to an increase in HMOs operating without a licence which would undermine the safety elements that HMO licensing was introduced to ensure. Or that landlords would simply reduce the number of tenants (also removing the need to adhere to safety standards) or remove themselves from the market altogether and therefore reduce the number of this type of affordable accommodation within the City.



Due to the small numbers of those in favour of the introduction of an HMO Overprovision policy it is difficult to ascertain the most suitable location to base any policy on. Of the 168 respondents 46 responded to this question.

Some of the 'other' suggested localities were:

Smaller localities

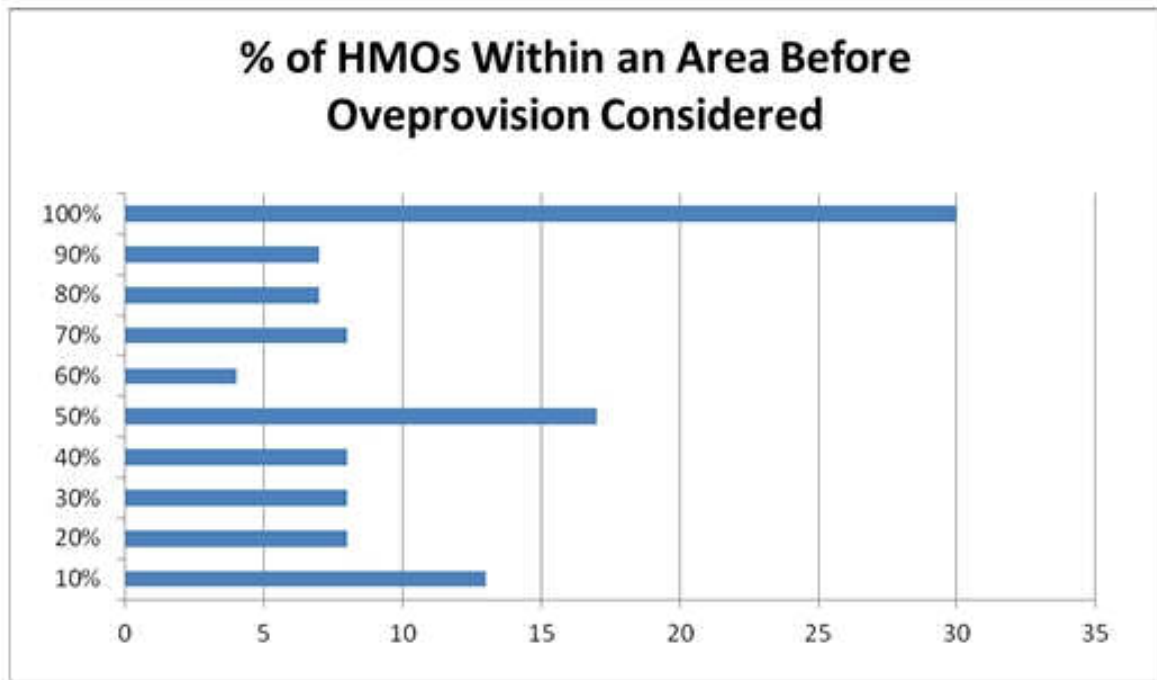
Other suggestions were less about locality in relation to establishing any overprovision and more about the policy in general.

The policy should look to objective criteria such as level of validated complaints of anti social behaviour or criminal behaviour, stress on services or quality of accommodation. I believe that a one size fits all mathematical formula, such as a radius rule will lead to anomalies and unfairness for landlords. If a problem really exists in a particular area that should be identified clearly and any restriction introduced should apply to new applications only. Any renewals should not be subject to the new policy as this would clearly be unfair. The criteria and procedures for renewing HMOs are rigorous and expensive already and if they are subject to cancellation under a new policy or criteria this would be disproportionate to any perceived problem. These comments should be taken in the context of my view that likely no extra policy is required given existing criteria.

Introduce a moratorium on the conservation areas of the City in particular and give special consideration for conservation areas.

| When would it be appropriate to consider that overprovision of HMOs in an area has been reached?

When considering the percentage based calculation 110 responded in relation to what percentage of properties should be considered 'overprovision'. However, given the high number of negative responses in relation to the introduction of an HMO Overprovision Policy the responses are not surprising.



Respondents were invited to provide alternative calculations to determine overprovision of HMOs. Some of the responses are contained below:

There should be no more than one HMO in the smallest units - e.g.

a

crescent or short row of houses of fewer than 10 dwellings.

Too many large HMOs in one area or anti social behaviour need to be

considered.

Supply and demand in specific areas, not all areas are the same for

obvious reasons so it is totally unfair to apply one formula to all areas

There should be a free market which will be self

adjusting. Don't issue any more HMOs.

It should be based on application by application basis and not as a

fixed rule.

Respondents were invited to provide any other comments they had in relation to the introduction of an HMO Overprovision Policy. 127 provided extensive comments. These are provided in detail as an appendix, however, the following are provided as an example.

A property with an HMO licence may not necessarily be let as an HMO all the time. I will be moving out of the sector as too onerous to be an HMO landlord.

The views of neighbours must be taken into account before granting HMO licence.

HMO levels in Old Aberdeen are in urgent need of restraint.

Families are now overrun in Old Aberdeen as HMO move in and knock on means less parking spaces more run down gardens and excess rubbish around end of university when move on.

I think a policy like this is a terrible idea which would cause many problems for the people of Aberdeen. From my perspective as a student the current HMO policy is ideal and makes it much easier to find a home where I can feel safe and study effectively.

It would be more useful in the Council could spend money on publishing and enforcing the HMO rules as a number of tradesmen I had round for quotes didn't even know what that was.

I think that it is only fair to give precedence to those landlords re applying, particularly those that have paid the high fees in the last few years.

Quite unbelievable how much money the Council wastes on hammering the best landlords in Aberdeen, whilst doing nothing to catch or punish the bad landlords. This will encourage more bad landlords. Enough is enough!

It is nowhere set out why a high no. of HMOs is a bad thing. Surely the

way HMOs are run is the issue not the number of HMO units in itself. Now that anyone under 35 will only receive a shared room rent allowance, it will increase demand for HMO licenced properties so now is not the time to be limiting the provision of licences.

There is an old saying - "if it aint broken, don't fix it." Unless the Council can identify a good reason for introducing a policy - unless the number of HMOs is demonstrably impacting adversely on citizens, then there should be no further regulation. This, potentially, looks like regulation for the sake of regulation.

6. IMPACT

Corporate - None arising from this report.

Public - This report will be of interest given the public consultation which has led to the drafting.

7. MANAGEMENT OF RISK

The Council in determining an application for a HMO licence is ultimately open to legal challenge by either an applicant or objector. Any such challenge could lead to a decision by the Licensing Committee being reviewed by a Sheriff.

8. BACKGROUND PAPERS

Responses to the survey and the letters received during the consultation are attached to this report.

9. REPORT AUTHOR DETAILS

Graeme Stuart - Housing Strategy and Performance
Manager ph. (52)3043
E-mail - gstuart@aberdeencity.gov.uk

Private Rented Housing (Scotland) Act 2011

131A Overprovision

(1) The local authority may refuse to grant an HMO licence if it considers that there is (or, as a result of granting the licence, would be) overprovision of HMOs in the locality in which the living accommodation concerned is situated.

(2) In considering whether to refuse to grant an HMO licence under subsection (1), the local authority must have regard to— a) whether there is an existing HMO licence in effect in respect of the living accommodation,

b) the views (if known) of—

- i. the applicant, and
- ii. if applicable, any occupant of the living accommodation,

c) such other matters as the Scottish Ministers may by order specify.

(3) It is for the local authority to determine the localities within its area for the purpose of this section.

(4) In considering whether there is or would be overprovision for the purposes of subsection (1) in any locality, the local authority must have regard to—

a) the number and capacity of licensed HMOs in the locality, b) the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need, c) such other matters as the Scottish Ministers may by order specify.

(5) Before making an order under subsection (2)(c) or (4)(c), the Scottish

Ministers must consult—
local authorities,

such persons or
bodies as
appear to
them to be
representative
of the interests
of—

- i. landlords,
- ii.

c) such other persons or bodies (if any) as they consider appropriate

(which may include landlords or occupiers of houses)".

Mr Graeme Stuart
Housing Strategy & Performance Manager
Aberdeen City Council
Business Hub 1 – Lower Ground Floor South
Marshall College
Broad Street
Aberdeen AB10 1BA

17 April 2013

Dear Graeme

HMO OVERPROVISION CONSULTATION

I refer to your letter of 26 March 2013 and our subsequent conversation.

I am pleased to provide you with our feedback in respect of the new powers introduced by Scottish Government which allow licensing authorities (Councils) to refuse to grant an HMO licence where it considers that there is an overprovision in an area.

I have completed the short questionnaire but I question whether there is a need to introduce a specific policy.

Background

The new powers included in the Private Rented Housing (Scotland) Act 2011 are reflected in updated statutory guidance on HMO Licensing. The guidance states that: *"The local authority has the discretionary power to refuse to grant an HMO license if it considers that there is, or the grant of a license would result in, overprovision of HMO's in the locality"*. It is further stated in the guidance that: *"It will be for local authorities to decide whether and how to apply this power."*

The first main question therefore is whether or not there is an issue of over provision in Aberdeen.

What is Overprovision?

As the largest independent provider of student accommodation in Aberdeen we have been fully let for the last 10 years and we expect that to continue. I think it is fair to conclude that in terms of the demand for HMO accommodation there is currently an underprovision in terms of supply.

If you class overprovision as a percentage of existing stock again I cannot see any suggestion that as a percentage of housing stock we are close to a situation where one could suggest there is an overprovision of HMO accommodation in Aberdeen.

There are two sides to the definition of overprovision and the needs of the tenants who require accommodation close to places of work or study have to be recognised alongside those who do not wish anymore rented accommodation in their area. The guidance states that in considering whether there is capacity of licensed HMO's in the locality consideration must be given to the need for HMO accommodation in the locality.

Your own assessment recognises that HMO's are an important way of providing lower cost accommodation for students and others. I agree with the conclusion in your assessment that there is a continuing demand for this type of accommodation.

You state that it is important that **"a balance is kept by continuing to support the provision of HMO's as well as ensuring that overprovision does not exist."** The evidence is that overprovision does not exist.

There is in my view, and based on your own assessment, no overprovision of HMO's in Aberdeen. There is therefore no need to introduce a policy. The Scottish Government guidance is clear that it is for local authorities to decide whether and how to apply the new power.

If it is the Council's view that a policy should be introduced to address the possibility of a concern on overprovision in the future then great care is required to avoid unintended consequences for existing HMO license holders.

Unintended Consequences for Existing HMO Licence holders

Ardmuir has invested over £20 million into the development of high quality purpose built rented accommodation in Aberdeen and is now home to over 600 students. No one can argue that the existing HMO regulations have not improved the safety and quality of all the licensed HMO stock in Aberdeen and we have worked closely with your HMO department over the years to ensure we abide by all the statutory regulations. To us it is very simple, there is a rule book and we stick to the rules. If we break the rules then we run the risk of losing our licence. However there is a new rule that we have no ability to abide by such as the potential loss of our licences due to the risk of overprovision then we can only give our funders, tenants and employees security for the length of time we have left on our licence. No business can operate like that, least of all a major accommodation provider such as Ardmuir.

I appreciate the intention of an overprovision policy it not to put companies out of business BUT a policy which could remove an existing licence from a lawfully operating HMO accommodation provider, when it comes to renewal of a licence, would do EXACTLY that. Our licences are not individually dotted around the city but are concentrated on 4 purpose built developments varying in size from 26 beds to over 500 beds so it is not just a case of losing a bit of income here and a little there. On the contrary the loss of any of our licences would have dire implications on our business.

The guidance touches on this point when it notes that where there are large numbers of HMO's it will be open to a local authority as to how it treats applications from existing owners. The guidance recognises however that if *"it (the local authority) refuses an application from an existing owner it will reduce HMO numbers, but this will have an adverse impact on existing landlords and possibly tenants."*

If a policy on overprovision is to be introduced it must make clear an absolute presumption in favour of retaining existing HMO license holders. HMO licenses are renewed every three years. There is an opportunity to address any failings by the HMO license holder through that process. That cannot however include a concern on overprovision. If a policy is to be introduced it must acknowledge a presumption that existing compliant HMO licenses cannot be refused at renewal due to overprovision.

Overprovision policy for new licence applications (requiring a planning consent)

If a policy is adopted on overprovision then the council needs to be aware that developers such as ourselves who focus on building new accommodation will need to be advised at the time we are making a planning application whether the council will allow such building to be occupied as an HMO having regard for the overprovision policy. I think it is reasonable to suggest no one would develop anything if they didn't know they would be allowed to let it out once complete. It would be like completing a building and then being required to make a second planning application to allow you to let it.

New Policy

My view is that a policy is not required. If however a policy is to be drafted I have a couple of points to make.

You have noted that: *"as written, the legislation is principally about overprovision in numerical terms and does not concern itself about whether the concentration of HMO's has any impact on the locality."* I do not agree with that

interpretation. Concentrating solely on the number of HMO's is completely arbitrary, the issue of "overprovision" must relate to a concern about the impact that "overprovision" has on the locality.

It is my view that to concentrate on the number of an appropriate percentage within a locality is meaningless. The difficulty perhaps in considering this is because there is not an issue with overprovision in Aberdeen.

Against that background it would not be appropriate to concentrate on a locality, particularly the smaller area suggestions in the consultation paper. Rather than a quantitative assessment, any policy if introduced, should include a qualitative assessment of the impact a new HMO may have on the locality, with new build that should apply at the planning stage.

Summary

If I could leave 3 keys points with you:

- 1) From my experience I do not believe there to be an overprovision of HMO accommodation in Aberdeen.**
- 2) An application for the renewal of an existing HMO licence cannot be refused on the grounds overprovision.**
- 3) New build HMO accommodation will require absolute confirmation that overprovision will not be grounds for refusal of an HMO licence at the planning stage.**

I hope this is a helpful contribution to the consultation process. If you want to discuss any of the issues raised please do not hesitate to contact me.

Yours sincerely,

– Director

Ardmuir

To : Graeme Stuart

CC policy@scottishlandlords.com

From:

Subject: HMO Overprovision Consultation

Date: 2nd May 2013

Dear Graeme, with respect to your recent letter regarding HMO Overprovision. I have completed the online questionnaire, however I feel that the questions were somewhat 'loaded' and didn't go into much detail, however I would like to request that you make public the response to the survey and explain what conclusions you have reached.

Currently I own 2 HMO properties and am applying for a licence to operate a third. I am a registered landlord and a member of the Scottish Association of landlords. My business model is to purchase ex social housing on the open market within a central location. These properties are refurbished by me and brought up to a relatively high standard and comply with all legislation forced upon me. In the location which I target, I would dispute vigorously that any 'overprovision' exists and to my knowledge, out of 60 identical 3 bedroom homes situated in a very small physical footprint within my location, I estimate that there are only 4 registered HMO tenancies. In my opinion, no one could seriously consider this as 'overprovision'!

'Overprovision' is a very emotive term and I believe that this has come from other areas nationwide where they may indeed be a problem. A small university town with a relatively large university such as St Andrews may indeed suffer from 'overprovision' however the market is what it is and students need accommodation. Is the Scottish Parliament considering capping the number of students attending certain universities due to the lack of suitable accommodation? Students and landlords will find a way round this and it is likely that more students will revert to 2 bedroom properties which are currently unlicensed and do not need to comply with any legislation applicable to HMO's. Is this really what Govt. want and how flawed is this thinking?

In your letter you mention that you are seeking the opinion of interested parties and asking them to answer what they would consider an 'appropriate locality and calculation to decide'. This phrase worries me. Realistically, how can you decide the locality? Are you suggesting that most students are located in Garthdee because it's near to RGU? Perhaps Seaton or Powis because they are close to Old Aberdeen and how to decide on a calculation? And how do you intend to force landlords into purchasing properties within these locations? I realise that you are only the messenger and acting under instructions however this guidance note is seriously flawed, see below:

- If after determining that there is 'overprovision' in any particular area how will you decide which properties will retain their licence?
- Will long-standing HMO properties get preferential treatment over new applications?
- Will Aberdeen City publish a list of areas and locations where they will not issue a licence?
- Will Aberdeen City maintain a register of licences in all areas and then inform the public when HMO applications become available in certain areas again

- Will there be a compensation scheme put in place to compensate existing licence holders in the event that Aberdeen City decides not to renew their licence for a particular property?
- This legislation may lead to an increased level of unlicensed properties
- Have you taken legal advice regarding this legislation?
- This legislation is anti-business. Individuals, owners, developers and companies cannot run a business based on the uncertainty that will be caused by this proposal. I'm pretty certain that hotel owners are not subjected to such foolish proposals. In my opinion there is an overprovision of large hotels in certain areas of Aberdeen which have been welcomed by the business community and no doubts by Aberdeen City Council because of the rates (tax) which they generate.
- Please provide me with information to show the location of all current HMO licences existing in Aberdeen.
- Has Aberdeen City consulted with the universities regarding their position on this legislation before going public with the consultation? What was their position on this?

Once you have had time to consider my response and those from other HMO owners I presume that you will contact all respondents and arrange a public meeting to present your findings. Further I think you should review your diary and make time to attend the next local branch meeting of the Scottish Association of Landlords (???????) and give the HMO owners present, a status update and indicate the current position regarding this consultation.

Regards

Mr Graeme Stuart,
Planning and Policy Housing,
Business Hub 11, 2nd Floor West,
Aberdeen City Council,
Marischal College,
Broad Street,
Aberdeen AB10 1AB.

6th May 2013

Dear Mr Stuart,

HMO Overprovision - Consultation

Old Aberdeen Community Council has been aware over a number of years, with rising student numbers, of the problems associated with HMO and student accommodation referred to in the "Scottish Government Circular of 2012 on Houses in Multiple Occupation: Guidance on Planning Control and Licensing".

Our area is already experiencing high concentrations of HMOs, both licensed and unlicensed, and this shows every sign of continuing to increase.

The following issues are of particular concern to us:

- the loss of family housing as two, three and four bedroom houses are being increasingly bought up by landlords as HMO investments, which consequently drives down the number of families resident in the area
- increased competition for private houses and the associated rise in house prices which can exclude those who want to put down permanent roots in the area.
- the potential neglect of properties where there are absentee landlords
- the change of character to the residential environment as, for example, gardens are ripped out for easier maintenance
- new build areas which were designated for family housing but which are now heavily skewed towards the HMO market
- the lack of community cohesion where there is a constantly high transient population

All these have led to a considerable imbalance in our community.

We are aware that other university towns in Scotland already have some form of over-provision policy to deal with the problem of excessively high HMO concentrations:

Dundee local authority have a general threshold of 12.5% of mainstream housing, a policy we understand that has been in place for around 7 years

Stirling council have a threshold of 15% in the city centre and 5% outwith the centre

Inverness have a threshold of 10% across the city and a moratorium on any new HMO applications in the city centre where they are experiencing problems

Glasgow have proposed a general policy of not more than 5% HMOs across the city in "any street, block or other identifiable unit". In addition they have a specialised local policy for particular parts of the west end around the University where concentration is such that no further applications for HMOs will be granted.

Fife have identified a major problem in St Andrews within the central conservation area and a moratorium has been placed on any further HMO licences.

We highlight what is happening elsewhere in Scotland as we propose a maximum HMO threshold of 10% for Aberdeen city as a whole, based on Census output areas which are small enough to reflect localised identity and whose boundaries can be seen as impartial.

However, care would need to be taken to ensure that small concentrated pockets of HMO accommodation were avoided, such as small lanes and cul-de-sacs.

Any attempt to use radius from the property would need to be flexible and sensitive enough to reflect whether the dwellings were flatted properties or family housing with large gardens.

OACC recognises that there is and will continue to be a need for HMO student accommodation in Aberdeen city but we feel that to date Old Aberdeen has borne the brunt in a small community of the negative impact of such a high concentration.

It is our view that the Old Aberdeen area, and in particular the conservation area deserves special consideration both to protect its historic character and to preserve the balance of the community in the face of the increasing pressures from HMO licence applications.

We therefore consider a moratorium should be put in place covering the whole of the Old Aberdeen Community Council area on any further HMO licences for a two year period, like St Andrews, while this whole issue is thoroughly investigated and discussed.

We are particularly keen that both the Planning and the Licencing departments collaborate on a joint overprovision policy to address the city's and our community's particular needs and challenges.

Yours sincerely,

Graeme Stuart

4

From:
Sent: 02 May 2013 18:44
To: Graeme Stuart
Subject: Over provision of HMOs

Dear Mr. Stuart,

I would like to comment on the consultation for overprovision of HMOs in Aberdeen.

When I last renewed in 2010 I had to pay £1000.00 for a renewal for a three bedroom flat . I know that the fees have since come down. I think that it would be unfair for those of us who already have HMOs and who paid the higher fees to be turned down in preference to a completely new applicant in the same area.

Many people did not apply for HMOs as it was too expensive taking into consideration the fees, compliance with smoke alarms, Periodic Electrical inspections etc. and were actually putting two couples into two bed flats as it was the cheaper option and they were maximising their income. In this instance there are actually more students in the area than just renting a 3 bed with a lease stating that no more than 3 can live in the property.

There is a huge demand for properties with HMOs in Aberdeen. Obviously in certain areas if students (who are the main occupiers of these properties) were causing a nuisance on a quiet residential street then they and the owners should be warned and if necessary the licence revoked. You do however have a record of these legally registered properties which makes it easier for you to apply the law. However there are still many properties not registered through landlord registration.

Yours sincerely,

(5)

Graeme Stuart
Housing Strategy and Performance Manager
Aberdeen City Council

Dear Graeme,

HMO OVERPROVISION CONSULTATION IN ABERDEEN

RESPONSE FROM _____ ; LANDLORD

I have reviewed both the Document on your website and Section 131A of the Private Rented Housing (Scotland) Act 2011. I completed the online survey on April 8, in which I stated I would write to explain my views.

As you state, the legislation is principally about "overprovision" in numerical terms and does not concern itself about whether the concentration of HMOs has any impact on the locality. As an HMO landlord in the main student area of AB24 I can assure that there is serious under provision. I had 63 enquiries re my 3 HMOs in 10 days, with people racing to get their deposits in first. I am sure if the Council speaks to the University Accommodation personnel this will be confirmed

I note the quoted figure of 945 HMOs in Aberdeen. As we all know there is a large number of unregistered, unlicensed HMOs in the city. Thus any numerical analysis done using this figure must be seriously flawed. Furthermore, since AUSA are proactive in ensuring student landlords are registered and licensed the distribution of this analysis will also be skewed, with areas popular with Aberdeen University students appearing to show very high HMO populations (I do not know if RGU have a similar Policy).

Thus in such areas it is clear that students need as many beds as they can legally get, and at a reasonable price. Should the number of HMOs be reduced then rents are bound to increase – this could have a seriously detrimental effect on numbers at the Universities.

Any HMO reduction would make landlords just as resentful as the tenants. Excessive licence fees, now reduced, but still well beyond what is needed to balance the books (as required by Legislation), on top of the high costs of meeting the standards have meant that major investments have been made by landlords, particularly since these standards change with every licence renewal. If licences were to be withdrawn from existing law-abiding landlords with HMOs, how could this be done equably, within one building, one street, one locality etc? In this scenario I suggest the fact that the Council has continually failed to police the unlicensed HMO landlords could lead to serious consequences.

Another issue is that the more HMOs there are, the safer and better maintained properties will be, since non-HMO flats have far less exacting fire and maintenance standards to meet.

Taking the matter back to the start, I viewed with interest the options set out in your Document re counting HMOs in a given area. However, what represents "overprovision" other than market forces? Are there recorded complaints against HMO tenants for activities or actions that would not have occurred if the properties had not been HMOs?

My view is thus that there is no current, or foreseeable, overprovision of HMOs in Aberdeen. Additionally, no reliable assessment of the situation can be done until all HMOs are licenced. Even then, without real justification, it would be reckless of the Council to start an HMO reduction programme.

I would add that I am an active, founder member of the Scottish Association of Landlords in Aberdeen, at whose meetings the subject of HMOs is always raised. I thus believe the above comments to be factually correct and well-informed.

I hope this letter is of help to you.

Yours faithfully,



Scottish Association of Landlords

Representing landlords across Scotland

Graeme Stuart
Aberdeen City Council
By email

29 April 2013

Dear Graeme

Consultation on overprovision of HMOs in Aberdeen

The Scottish Association of Landlords (SAL) has concerns regarding the proposed policy on overprovision of HMOs in Aberdeen. We feel that there is an under provision of HMOs and not an overprovision as suggested. This is indicated by the relatively high rental prices for HMOs as well as the considerably high demand in the city from Students and young professionals for shared accommodation. This must show that the demand is exceeding the supply of properties available.

It is important to remember that HMO legislation is in place in order to protect the tenant's living in these properties and by restricting the amount of licensed HMOs in the city you run the risk of creating a large and potentially dangerous unlicensed sector. A large unlicensed sector could not just put people at risk, but cause potential social problems between neighbours and within communities.

Without an increase in the number of licensed HMOs available there will possibly be an increase in demand for the use of smaller properties to share therefore increasing competition and rents for couples and small families within the PRS. Increasing competition for these properties will no doubt lead to an increase in homelessness applications from single persons and families who cannot afford the increased rents.

By allowing the provision of safe properly licensed and maintained HMOs you can increase the quality of the housing stock available within the city. A strong supply of licensed HMOs will mean a strong and safe Private Rental Sector without forcing up rents to any particular type of tenant and help support good communities.

Yours sincerely

Chief Executive

Registered office: Hopetoun Gate, 8b McDonald Road, Edinburgh, EH7 4LZ ☎ 0131 564 0100

✉ info@scottishlandlords.com 🌐 www.scottishlandlords.com

Company no. SC216764

(7)

10 April 2013

Graeme Stewart
Aberdeen City Council
Rent Management
Housing & Environment
Business Hub 1
Lower Ground Floor South
Marischal College
Broad Street
Aberdeen
AB10 1BA

Dear Sir

HMO Overprovision Consultation

Thank you for inviting me to comment in this consultation process.

In my opinion there should be no restrictions applied. Many students prefer to live off campus in normal residential communities. Additionally, such private accommodation is cheaper than managed halls.

Your proposals would no doubt be supported by the big residential companies that would prefer students to have limited alternatives to their expensive accommodation.

I can understand that you may be concerned by the erosion of your Council tax base. However you need to balance this loss with the fact that students bring a lot of income to the City.

By limiting the number of HMO licences you will risk impacting property values in a negative way. It would also have the effect that a house with a licence could be worth much more in the same street than an otherwise identical house without a licence.

Furthermore, your well regulated HMO licencing system ensures that nuisance tenants and rogue landlords are eliminated. This begs the question – what real problem are you trying to fix.

Yours sincerely

8

Tel: Home
Mobile

Email:

Email:

Wednesday 10th April 2013

Dear Graeme

Ref: HMO OVERPROVISION CONSULTATION IN ABERDEEN

We have reviewed both the document on your web site ,responded to your online survey and enclose a letter to outline our concerns.

We are registered HMO landlords with registered properties and active members of the Scottish Association of Landlords in Aberdeen.

Aberdeen is a university city with 2 main universities. There is therefore going to be a demand and a higher concentration of this particular ethnic group requiring HMO properties within certain areas of the city .

Based on our experience the demand for HMO properties far exceeds supply The law on HMO; in Scotland is more stringent than England (3 +in Scotland) which we think is a good step forward to ensure HSSE standards of properties and the safety and welfare of tenants.

HMO properties are also covered by antisocial behaviour legislation.

The average outlay costs to a landlord for provision of an HMO property is £10k which is required to be recouped over time.

As registered landlords we are already having to comply with a raft of legislation / documentation and as such are law abiding , what about the number of unregistered landlords and unregistered HMO properties ? – what is the council doing to address these illegal practices ?

When you say "overprovision "does this mean targeting this particular ethnic group – students ?

Our view is there is currently not an HMO overprovision in Aberdeen but the opposite.

How would it be measured – if it is based on the number of objections received when applying for an HMO licence then we feel this needs to be reviewed, as in our experience, someone can make an objection without any substantial evidence and they do not even have to turn up to a council committee meeting. This wastes not only the councils, police, fire but the HMO representatives time with the resulting loss of revenue – possibly another barrier for people not to register or legally comply!

Does the council collate the number of positive comments received ? – as registered landlords also vet their tenants and we have received many positive comments from our neighbours as to the type of tenants we choose.

Finally – as members of the Aberdeen SAL branch the topic of HMO licences is brought up at each meeting and we would welcome the opportunity have a representative from the council at each of our meetings and for us to work with the council.

~~Yours~~ sincerely

SAL(Scottish Association of Landlord Membership nos: 1
Property Registration nos: -----
Office -----



OLD ABERDEEN HERITAGE SOCIETY

CONFIDENTIAL

Mr Graeme Stuart
Planning and Policy Housing
Business Hub 11, 2nd Floor West
Aberdeen City Council
Broad Street
Aberdeen AB10 1AB

6th May 2013

Dear Mr Stuart,

Consultation on HMO Overprovision Policy

We welcome the opportunity to respond to this Consultation, and we are glad that this longstanding problem is being addressed.

While we recognise the need for continued provision of shared housing, the cumulative impact on residential neighbourhoods of the changes brought about by the proliferation of HMOs is a matter of serious concern. It is our view, therefore, that this provision should be regulated to avoid the negative impact of concentration in any one area.

As is recognised by recent Scottish Government legislation and guidance, and as has been the experience of many communities, a high concentration of houses in multiple occupancy in an area can substantially alter the nature of a neighbourhood, by changing the dynamics of a community. It can introduce an imbalance in the population, with an increasing proportion of transient residents, who will often be present only for 9 months of the year, and will then move on.

In Old Aberdeen, this has become an especially significant problem, where the concentration of HMOs has reached levels which are having a distinctly negative impact on the cohesion of the community, and also on the character of the Conservation Area.

Where once there was a majority of permanent residents in the area, who have a settled interest in, and commitment to Old Aberdeen as a community with all its concerns, there is increasingly in some parts a majority of temporary residents, who do not generally have that interest or commitment. This change in dynamics can undermine the stability of an area, and a high turnover of residents does nothing to bring people together as a community. The under-occupation of buildings in the weeks outside term-time brings with it other problems, not least the sense that

parts of the residential area are deserted, and this has a propensity to decrease the level, or at least the perception of the level of personal safety in the neighbourhood.

The steady increase in the numbers of HMOs in Old Aberdeen has been one which, for various reasons, has not been able to be checked. As a result of the lack, up until now, of appropriate legislation to support an overprovision policy by the Council, there has been a huge pressure put on private housing in the area, as a result of landlords (often not from the Aberdeen area) seeking to invest in properties and convert them into HMOs. Such landlords are able to pay over the odds for any property which comes on to the market, with the result that local people who want to put down roots in Old Aberdeen are prevented from doing so. This is much to be regretted.

Concentrations of HMOs in some parts of Old Aberdeen are running at particularly high levels, both in flatted accommodation and in groups of terraced or detached houses. In this situation, a viable, settled community cannot be sustained, and it is clear that without intervention by the local authority in the form of an overprovision policy, the negative change in the character of the area could become entrenched.

We are particularly concerned about the effect on the Old Aberdeen Conservation Area. As noted in the 2012 Government Guidance, there is a potential in areas of high concentration of HMOs for deteriorating physical standards in relation to properties, and a noticeable feature has been the tendency to remove front gardens in favour of gravel or paving, which do not have to be attended to in the same way. Traditional front gardens with shrubs and flower garden make a valuable contribution to the character and amenity of the Conservation Area and its environs, and this can easily be lost.

We have noted the policies being operated or proposed by other local authorities in Scotland, mostly as a result of the new legislation, and the levels at which they have chosen to place a threshold. For Aberdeen as a whole, we feel that a similar threshold, viz. of 10% in any one locality, beyond which an application for a HMO would not be granted, would help to even out the levels across the city.

We do, however, feel that Old Aberdeen merits particular and individual consideration, in view of the specific pressures placed upon it by its proximity to the University. In many ways, the situation here is exactly parallel to that in St Andrews; both historic mediaeval burghs; Conservation Areas full of attractive architecture and listed buildings; both traditionally tight-knit communities on a linear pattern; and both suffering the effects of excessively high concentrations of HMOs, to the detriment of the community.

Fife Council has introduced a moratorium for two years in the St Andrews Central Conservation Area, and no new licences have been permitted since then. The immediate benefit of such a measure is, of course, to prevent further increases in HMO levels, but in the long-term there will also be a benefit when problems in the area are thoroughly researched and addressed.

We propose that Aberdeen City Council place a moratorium on the granting of any type of HMO licence in the Old Aberdeen Conservation Area. It would also be appropriate to do the same for the residential areas immediately adjacent, which are also under great pressure. This measure would protect the whole Old Aberdeen area from any increase in the negative impact caused by the

high concentration of HMOs. Meanwhile, there could be an in-depth assessment of the community amenity impact of these levels of concentration on the residential balance of the area.

As for the question of "locality" mentioned in the 2011 Act, we suggest that for the city in general, an appropriate measure for division might be that of Census Output Area, given its smaller size and its definition by population, with the proviso that this must not result in small enclaves of concentrated HMO accommodation in one output area. If this cannot be achieved by Census Output Area, we then need the further control of a radius measurement.

There should, however, as we have indicated, be an exception to the general policy, for the Old Aberdeen Conservation Area and adjacent areas, in recognition of the already high levels of HMO concentration, and this whole area should be treated as one, with what some Councils call a Specialised Local Policy; in this case a moratorium on further licences.

In assessing overprovision in any area, account also has to be taken, of course, of the existence of unlicensed HMOs, and it is to be hoped that the situation regarding these can be regularised.

Also to be noted is that many flats of two bedrooms or fewer, which do not need a licence, are also occupied by temporary residents, so that the proportion of permanent residents in the area is considerably lower than would be apparent simply by examination of the percentage of HMOs. This should perhaps be taken in to account when deciding on percentage thresholds.

Looking to the future, we suggest that it would be a good idea to attach Section 75 conditions to the planning permission granted to new homes built in the Conservation Area. These conditions would stipulate that these houses should not at a later date be converted to houses in multiple occupation. This would be another way of preventing the loss of purpose-built family housing to HMO accommodation, which has regrettably happened in several instances in Old Aberdeen.

We understand that the new legislation also gives Councils the power to set occupancy levels in relation to the requirement for either an HMO licence or planning permission. We believe that the current level in Aberdeen, set in the Planning Policy, for flats, is far too high, leaving too many properties outwith Planning Control, and our view is that it should be reduced to "three or more" in line with other Local Authorities around Scotland. Similarly, the occupancy level for unrelated persons at which a house requires planning permission for change of use in Aberdeen is higher than that of other Planning Authorities, and should be reduced to "five or over". This would restore a greater measure of control to the local authority in the consideration of applications for change of use to an HMO.

In conclusion, we would like to stress that we believe it to be important that Aberdeen City Council has a Regulation Strategy for HMOs which is a joint undertaking between Licensing/Housing and Planning Departments. This would enable them more closely to align the two operations, and produce a joint policy which would give greater control over the granting of licences and planning permission. We believe also that a specific HMO overprovision policy should be put together jointly, and that it should be applied to all applications for HMO properties, whether flats or houses, with occupancy levels of three or more. Only with this level of control can the proliferation of all HMOs, including the many smaller ones, be restricted, in order to

protect the amenity of residential neighbourhoods. A joint approach to HMO Overprovision, we believe, is very much the intention of the Scottish Ministers in the new legislation, and this could be of great benefit in addressing many of the current problems with overprovision, and in restoring balance to communities.

Yours sincerely,

(") } Co-CHAIRMAN

Copies to Bridget Turnbull – Planning Department
Daniel Harrington – Planning Department
Daniel Lewis – Planning Department

(12)

Graeme Stuart - HMO over provision in Aberdeen

From: ..
To: <gstuart@aberdeencity.gov.uk>
Date: 29/03/2013 16:40
Subject: HMO over provision in Aberdeen
CC:

Hello Graeme,

I thought that Andy Pitblado usually performed this roll?

On the subject of the HMO over provision legislation?

I have already submitted some comments via your survey, but want to reiterate my thoughts by email.

This legislation has come in because an MSP? from St Andrews had this law passed. Firstly, as St Andrews is a very small town with a large University, then obviously student accommodation must dominate the housing stock. Surprise surprise??? So how do you quantify over provision in a university town. Will St Andrews University now have to shrink in size to suit the limited student accommodation in St Andrews or will the students have to be bussed in from adjacent towns?? Why does one wee upstart of an MSP cause so much trouble for law abiding people.

With regard to ACC implementing this new legislation, I see very serious consequences?

Firstly is there a problem of over provision in Aberdeen? Has there been valid complaints? Or is it just because ACC has to jump on the Saint Andrews band wagon? If something works then why tamper with it?

1. Personally I will not wait until I suddenly find out one day that any of my licences have been refused because of over provision. I plan to anticipate this issue.
2. People cannot run a business with uncertainty. Because this legislation is now on the table, then even if ACC state that they will not be adopting it just now, how do the landlords not know that it will be implemented in a couple of years.
3. Uncertainty will kill the HMO property business in Aberdeen.
4. There are over 20,000 students in Aberdeen, therefore by definition, there has to be a significant number of students living close to each other.
5. How come there was not an over provision of student accommodation 10 or 20 years ago. Obviously because there was no licensed student accommodation.
6. Can you tell me how many live in licensed properties? The balance either live in unregistered HMOs or one and two bed properties? I am looking to see what percentage of students live in HMOs to see if this legislation is only focusing on a small percent of student accommodation?
7. I see that the implementation of this legislation is at the discretion of the local authority, therefore why is ACC wanting to implement it? Is there a problem in Aberdeen with too many HMOs in certain areas? Have there been lots of complaints. By the time this gets implemented, I think that you will find a lot less HMOs in Aberdeen.
8. Can I see the map of the existing HMOs
9. Since you have mapped out the HMOs, have you performed an exercise to see the impact on over provision criteria. I.e. DELETE the adjacent HMOs within say 20, 40, 60, 80, 100, 200 meters of one and see how many will not have their licences renewed? This way you will know how many HMOs will be left in the city? I will be expecting to see a copy of this exercise to see if any of our HMOs are affected.
10. If the over provision criteria is based on a mathematical formulae, then it will decimate the HMO

stock.

11. Since you have a map of all the HMOs, you will be able to inform the relevant owners in advance, who will not be having their HMO licences renewed. This way the losing HMO landlords will know well in advance , so that they will not waste their time re-applying.
12. I know of several tenements where there are up to four HMOs in them. How is this going to work? Is there going to be only one, as clearly they will be within 5m of each other.
13. Will it be the lucky HMO owner in one in these tenements with multi HMOs, who has his licence renewed , because his existing licence expiry date is later than the other HMO licence expiry dates in the tenement, because the council will have refused the other two or three on the grounds of 'over provision'
14. What will happen if a landlord has tenants with a lease termination date later than the present licence termination date. Will the HMO landlord obtain a licence for the period to cover the tenants lease period?
15. Will the council be considering renewing a licence, but inform the landlord that their licence will not be renewed after the term of this licence. (reasonable notice to the HMO owner)
16. Has ACC consulted with the Universities on student accommodation in the city. We are inundated with enquires for HMO accommodation.
17. The words ' over provision' infers that there are too many HMOs when in fact there is an under provision in Aberdeen.

I am sure that I have a few questions and will forward as I think of them. I also suggest that you call a public meeting on this subject before you make any decisions on implementing this legislation.

Regards

(11)

Graeme Stuart - Over provision of HMO properties

From:
To: <gstuart@aberdeencity.gov.uk>
Date: 30/03/2013 08:49
Subject: Over provision of HMO properties

Dear Graeme,

I have provided "feedback" as requested, but as is usually the case with these surveys, they don't ask the right questions.

You have been good enough to provide your email address, so I am writing to you to further elaborate my concerns.

I do not want to spend too much time on this, as I find even the suggestion of over provision as preposterous, and as an HMO landlord I am already overburdened with costs and red tape. The addition of the possibility of my HMOs' being refused after I have spent so much time and money on them leaves me dumbfounded !

There is an **UNDER PROVISION** of HMO properties in Aberdeen: ask any HMO landlord in Aberdeen how many disappointed students he has to turn down each year. St Andrews can sort out it's own problems, lets not let the tail wag the dog !

The problem in Aberdeen is, that the most diligent of landlords (HMO), are being squeezed every year , yet the rogue, un registered landlords are left to go their own way with their unsafe overcrowded, properties, uncluttered by rules, regulations, fees, fines and in a lot of cases.... paying any tax !!

We are the "good guys" or easy targets / low hanging fruits of the landlord business (as the council sees us). We put our heads above the parapet, and usually get them shot at !

This is a much wider problem Graeme, but to stick to the point, if you start to cut down on existing HMO properties, you will encourage the bad landlords as above. Students will suffer both in the pocket and from a safety point of view.

For new HMO registrations, there may be a grain of sense, but can you tell me how many "over provision" complaints you have had in Aberdeen ?

The ridiculous rule that states the HMO goes with the Landlord and not the property, makes it a lottery for prospective landlords thinking of starting up or expanding their portfolio.

The persecution of HMO landlords has gone far enough, the council should not waste even more tax payers time and money on this: scrap the consultation and state categorically that this will not be happening in Aberdeen.

Sincerely

Mr Graeme Stuart
Aberdeen City Council

Date: 3 May 2013

Dear Mr Stuart

HMO OVERPROVISION CONSULTATION

Thank you for the opportunity to comment on the issue concerning the overprovision of HMOs.

Firstly, some brief background information about our company. Established in 1997, Grant Property has grown to become one of the UK's leading provider of residential property investment. Based in Edinburgh, we currently manage 1135 mainly HMO properties in twelve university cities. Further information regarding our business is available from our website www.grantproperty.com

Most recently, we have made our first two property acquisitions in Aberdeen on behalf of investors with plans to increase our presence in your city. After acquiring the properties, we develop them to HMO standards and typically our investors are spending c£30,000 on the property refurbishment. When we advertised our first property to let we were overwhelmed with fifty positive enquiries for the property. It is therefore very clear to us that prospective tenants are seeking good quality accommodation that is well managed and safe to occupy which is exactly what we provide.

We are accredited by both ARLA and a number of voluntary accreditation schemes. We also consider ourselves reasonably well qualified to speak on the subject of development controls as we already operate in a number of areas which has such measures in place.



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20a Whitehall Crescent
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Tel. 01382 203838
Email. dundee@grantproperty.com

In Aberdeen, as elsewhere, the private rented market performs a key role in supporting economic development and meets a range of housing needs and demands from students, incoming workers and companies which cannot be met through social housing or home ownership.

We provide accommodation mainly for students with a smaller number of properties specifically identified for professional lets.

As you will be aware, HMO Planning restrictions have already been introduced in some areas including Glasgow, Dundee and Stirling. In one city, Glasgow, we are unable to advise investors to acquire properties due to the uncertainties of the position in terms of Planning. These measures have undoubtedly had an impact on investment decisions and may indeed have resulted in monies being diverted into other investment channels rather than housing.

HMO Licensing

We would acknowledge that there can be a correlation between a concentration of HMOs and adverse impact on amenity. However, landlords are more accountable today than they have ever been. The introduction of mandatory HMO licensing has led to improved standards for tenants and neighbours.

Any adverse impact referred to is likely to involve the behaviour of tenants and their visitors or failure by tenants to undertake their responsibilities such as stair cleaning. In some cases, unwillingness on the part of landlords to participate in communal repairs may also be the experience of some neighbours and communities. However, such matters should be managed by the landlord or his agent and prudent landlords should provide neighbours with their contact details irrespective of whether this may be required, for example, as part of a HMO licensing scheme.

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Email. dundee@grantproperty.com

We always encourage our landlords to actively participate in required communal repairs as clearly it is in their best interests to protect their investment.

Neighbours of HMOs, and indeed the residents of HMOs, have a right to quiet enjoyment of their property and we acknowledge that the development of the private rented market should not be at the expense of long term residents living in communities.

However, it should be borne in mind that there already exist significant effective controls and penalties to address issues of adverse impact on amenity caused by a concentration of HMOs.

HMO licensing requires safety, physical and management standards to be met before licences are issued. These standards must continue to be met throughout the duration of a licence. For new and renewal applications, members of the public and others can lodge formal objections to an HMO licence being granted. Ultimately, the duration of a licence will be determined by the Council which must take into account any timeously submitted written objections. Both the Police and the Scottish Fire Service are statutory consultees.

Once granted, licences can be varied, suspended or revoked by local authorities. The reasons for refusing an application for HMO licence available to local authorities provide wide discretion including, inter-alia, 'the suitability of the applicant / agent', 'the location of the premises' and 'the possibility of undue public disturbance'. Licensing Authorities can also apply any reasonable conditions and have powers to instigate a rent suspension and issue HMO Amenity Notices. A licence can be revoked for breach of conditions.

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Measures such as those identified above together with further legislative requirements imposed by the Antisocial Behaviour etc. (Scotland) Act and the Housing (Scotland) Act 2006, already provide local authorities with significant powers and sanctions to deal with poor landlord practice.

Any scheme of regulation requires robust enforcement. As an alternative to using planning enforcement, consideration could be given to examining how effective the enforcement of HMO licensing and Landlord Registration is and the constraints which exist which frustrate more efficient and effective action.

Landlords are rightly expected to take effective measures to deal with antisocial behaviour caused by their tenants. It should be borne in mind that the law however provides landlords with only discretionary grounds to recover possession. There are therefore significant evidential requirements associated with an action to recover possession before someone loses their home.

Supply of accommodation

Restricting the supply of available licensed HMO accommodation may have a number of adverse effects. In high demand areas, this could increase rents and force tenants into poor quality accommodation that may not meet required standards. This in turn may involve local authorities in additional enforcement work.

In addition, there will be an impact on the economy of local communities.

Operational difficulties could be faced in decision making as areas may well fluctuate between being designated above or below a defined threshold.

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Decisions in such areas will be influenced by the date on which an application for HMO licence is considered and the number of available licences, if any, available at that point in time and the number of other new applications in process.

It will be essential that local authorities maintain robust data to enable them to make informed determinations based on accurate information. Critically, we would need to be able to access such information to enable us to make informed decisions regarding investment opportunities.

A policy on overprovision should not apply to applications for renewal of HMO Licences. Those responsible for the management of existing licensed HMOs will have added incentive to robustly manage their properties and timeously apply for the renewal of licences.

Should a new policy be introduced, we would respectfully suggest that the impact on housing supply should be monitored and reported with market information being sought from landlords, investors, students, university representatives and employers.

Presuming that a new Planning Policy is adopted, we would wish there to be a lead-in period before the introduction of any new Planning measures. In this regard, we would propose a minimum period of six months. New HMO licence applications being processed (but not yet granted) by the commencement date of the new policy being implemented should not be subject to the new measures.

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If an HMO is sold, and the new owner also applies timeously for an HMO licence, then this new application should be treated as not adding to the total number of HMOs in any defined area / census output area.

It should not be presumed that one of the outcomes of implementing some form of restriction of HMOs will be an expansion of HMOs into other areas or an expansion of non-HMO accommodation to meet demand. Again, this should be the subject of research following any implementation.

This is not an issue that should be rushed and Members should give very careful consideration to the matter before embarking on any overprovision policy.

We hope these comments may be of some assistance when considering the issue of HMO overprovision. Should you wish to discuss any aspect of this submission, please do not hesitate to contact me on 0131 247 3123 or 07900924233 or by email brian.grieve@grantproperty.com

Yours sincerely

HMO Operations Manager

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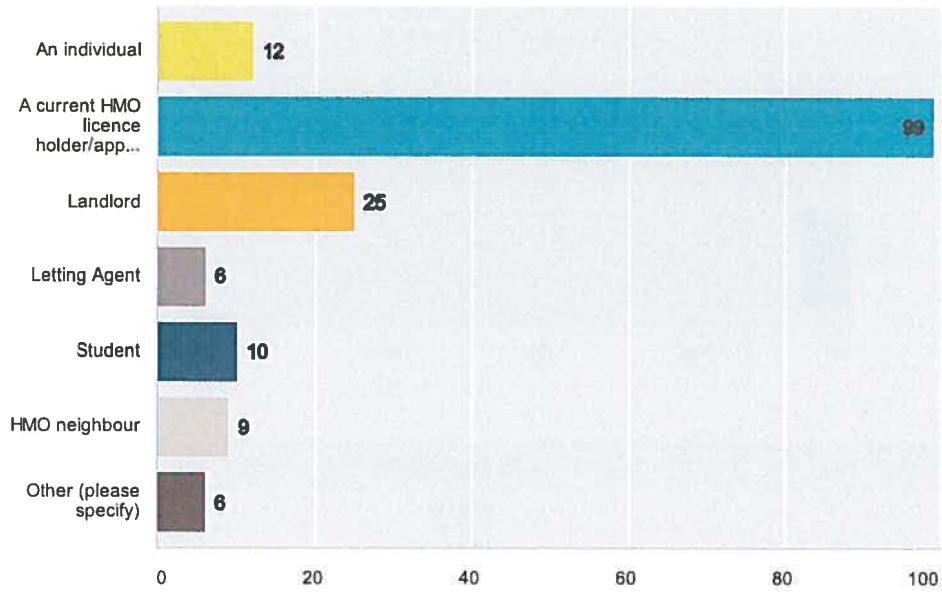
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Q1 Please advise if you are responding as:

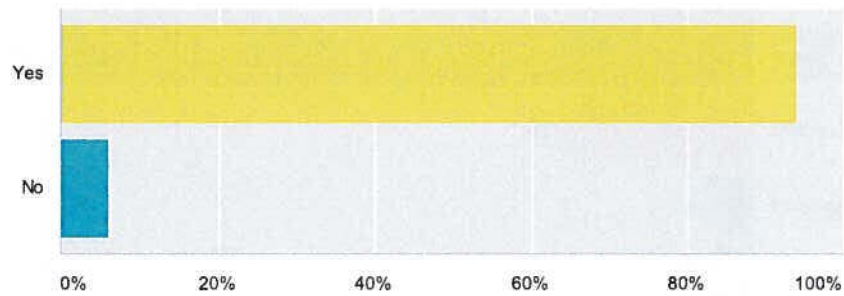
Answered: 167 Skipped: 1



#	Other (please specify)	Date
1	AUSA Aberdeen University Students' Association	5/8/2013 2:31 AM
2	SAL Scottish Association of Landlords (Aberdeen)	5/2/2013 2:16 AM
3	OACC Old Aberdeen Community Council	4/19/2013 5:10 AM
4	SAL(Scotland) Scottish Association of Landlords	4/18/2013 10:48 AM
5	Landlord/HMO I am both landlord and current HMO licence holder	4/4/2013 6:02 AM
6	Multiple of Above A multiple of above	3/29/2013 12:30 PM

Q2 Do you believe that there is a continued need for the provision of HMO properties within Aberdeen?

Answered: 167 Skipped: 1



Answer Choices	Responses	
Yes	94.01%	157
No	5.99%	10
Total Respondents: 167		

#	Please provide reasons for your answer	Date
1	The continuing requirements from many students.	5/8/2013 3:02 AM
2	Inspection procedure ensures a standard of accommodation which gives peace of mind to parents and individuals.	5/8/2013 2:58 AM
3	While both Aberdeen Universities are rated good then there will always be a place for both large and small HMO properties.	5/8/2013 2:55 AM
4	Private individuals need property/	5/8/2013 2:48 AM
5	Lack of affordable accommodation for sale or rent in Aberdeen area.	5/8/2013 2:44 AM
6	Because at present 'need' seems unregulated in consideration of regular employment availability.	5/8/2013 2:33 AM
7	For many students, HMO properties represent the only form of affordable accommodation. Without this, many of the 60,000 students in Aberdeen would be forced into illegal, unlicensed properties or into non HMO properties, thus pushing up demand and prices, and making the housing shortage in Aberdeen even worse.	5/8/2013 2:31 AM
8	As at present there is no clear regulatory body supervising the no. of HMOs which can be set up in any given area.	5/8/2013 2:24 AM
9	but spread more evenly across the city	5/7/2013 1:09 AM
10	for students	5/6/2013 1:10 PM
11	these are primarily required for students	5/6/2013 8:37 AM
12	But the right ones by responsible providers. Where profit is not the sole purpose.	5/6/2013 7:42 AM
13	There will always be a need for this type of accommodation in a large University City, but it should be kept under control.	5/4/2013 5:46 AM
14	At the present time there are insufficient suitable HMO licensed properties to meet the demand required of a City which has two large Universities and a College.	5/4/2013 5:11 AM
15	The market will dictate this and the property owner should have the flexibility to decide if they want to continue to let their property. I have just advertised my flat and received over 60 replies in less than 48 hours. Also I don't think private providers of student accommodation should hold a monopoly.	5/3/2013 9:29 AM
16	There is an ongoing need for student accommodation particularly for foreign students	5/3/2013 7:10 AM

HMO Overprovision - Consultation

#	Please provide reasons for your answer	Date
17	There is a huge demand for HMO property in Aberdeen	5/3/2013 6:27 AM
18	I let out 2 HMO properties every year and the response from applicants is enormous, therefore there is certainly the demand.	5/2/2013 6:12 AM
19	With two universities and a large medical school there is a huge semi-transient population needing good quality accommodation to a proper standard.	5/1/2013 7:26 AM
20	The demand is very high and with the introduction of new courses within each University in Aberdeen student accommodation is at an all time high	5/1/2013 1:58 AM
21	Students and young people like to live together	4/30/2013 1:04 PM
22	Easy to see there is a demand for it on 'wanted' pages	4/30/2013 10:13 AM
23	Given the number of students in the City	4/30/2013 10:05 AM
24	High rents in Aberdeen	4/30/2013 10:00 AM
25	students face problems of finding HMO flats	4/25/2013 10:26 AM
26	It provides opportunities for people who can't afford living on their own, rent is extortionate in Aberdeen as it is, don't make it even more higher!	4/22/2013 10:41 AM
27	There is always a VERY high demand for HMO properties in Aberdeen, it is a city with two big universities where most students share with more than two people.	4/21/2013 11:10 AM
28	Rent is High in Aberdeen already - if students can't live together they are going to have to study elsewhere	4/20/2013 5:30 AM
29	Large student populations and problems in providing student accommodation	4/20/2013 4:50 AM
30	It's a city with two universities and lots of post graduates and young professionals who regularly want to live with a larger number of people, for economy or social reasons.	4/20/2013 3:30 AM
31	Estate agents are finding it increasingly difficult to house students in the city, we provide this service	4/19/2013 12:00 AM
32	there is demand from students for HMO accommodation as shown by responses to advertising	4/18/2013 12:02 PM
33	Our landlord members in Aberdeen are reporting record high levels of rent being achieved and report that the interest in renting HMOs has significantly increased/	4/18/2013 10:48 AM
34	Under supply of student accommodation and too many unlicensed properties which should be the focus	4/18/2013 10:21 AM
35	I know that there is not enough student accommodation my son was a medical student in Aberdeen and he could not get satisfactory accommodation so in the end we bought a property which he shared with other students. We continue to own it now he has left and we have no pre-lets at all in letting it as a HMO property	4/18/2013 6:06 AM
36	Present building expansion policy	4/18/2013 5:55 AM
37	not enough HMO 's to keep up with demand	4/18/2013 4:51 AM
38	Accommodation suitable for students is needed in addition to halls of residence	4/17/2013 3:27 PM
39	to meet the demands of students	4/17/2013 2:29 PM
40	The demand each summer for my property (3 bed in Garthdee) is huge.	4/17/2013 7:42 AM
41	A great number of students and others employed in Aberdeen need cheap rented accommodation - in general there is a shortage making prices higher	4/17/2013 7:03 AM
42	We believe that there is a shortage of good quality private let flats within Aberdeen which is based upon the number of applicants we generate each year for the flats we manage.	4/16/2013 6:14 AM
43	I am overwhelmed by response to the advertisement for rental purposes for this property. I therefore believe there is a market for rental properties of this nature in this area of Aberdeen.	4/16/2013 6:14 AM
44	Extremely high demand for HMO properties, both to the professional sector as well as the student sector	4/16/2013 3:22 AM
45	I deal purely in HMO properties for students and am continually told there is a real shortage of larger properties for rent near the Uni and in general when compared to demand	4/16/2013 2:18 AM
46	Universities (especially) still indicate and report a shortage of student accommodation which are the main users of HMO properties.	4/15/2013 6:05 PM
47	There is a proven demand for under and post graduate accommodation within Aberdeen City	4/15/2013 8:05 AM

HMO Overprovision - Consultation

#	Please provide reasons for your answer	Date
48	Of course! My wife and I have one flat with an HMO Certificate. As and when we require to look for new tenants - and we specifically look for students as we have had a "run" of excellent trouble free young tenants - we are inundated with applications. Students seek to start a bidding war - which we resist - because of the demand for three bedroomed flats.	4/15/2013 6:12 AM
49	Student population need places to live	4/15/2013 4:17 AM
50	Required for student accomodation	4/15/2013 1:24 AM
51	It allows students to ensure that have a good standard of accommodation and offers protection so that they are not taken advantage of.	4/12/2013 11:07 PM
52	To support standards for students accommodation and prevent the exploration and discrimination of said students.	4/12/2013 11:01 PM
53	bigger accommodation is always in demand	4/12/2013 12:21 PM
54	I have recently got an HMO for a property (3 bedroom). After posting it on aberdeen uni website, I have had 47 groups of 3 requesting to view the flat.	4/12/2013 11:35 AM
55	possible overstretching of resources for buildings	4/12/2013 8:51 AM
56	ensures properties are kept to proper and safe standards	4/12/2013 1:58 AM
57	Because of the number of students in the locality and their desire to live in groups	4/12/2013 1:25 AM
58	consumer demand will regulate the quantity of HMO property	4/11/2013 5:32 AM
59	To ensure HSSE compliance of properties and for the safety & welfare of tenants. Demand currently exceeds supply.	4/10/2013 7:06 AM
60	There is insufficient 1/2 bedroomed properties available in Aberdeen which requires any prospective landlord to seek the HMO route where the properties are larger .	4/9/2013 7:44 PM
61	There is a continued demand for low cost rental property	4/9/2013 2:05 PM
62	For the provision of affordable accomodation which can be shared	4/9/2013 8:52 AM
63	I had 63 enquiries re my 3 HMOs in 10 days, with people racing to get their deposits in first	4/8/2013 2:50 PM
64	Absolutely - the normal size of property for Students is two beds which fall outwith HMO guidelines. There are fewer three bedroom and four or five beds are scarce. It is important that standards are maintained in any tenanted accommodation and HMO helps ensure this.	4/8/2013 9:56 AM
65	if the demand is there	4/8/2013 7:34 AM
66	Insufficient HMO accommodation for student demand	4/8/2013 6:39 AM
67	Student population and market demand for reasonable quality accommodation is apparent	4/8/2013 6:39 AM
68	i have 3 beds properties without an hmo license so i only let to families but when i advertise i get dozens of applicants who i have to turn away so i am sure there is a demand for more HMO licensed properties.	4/8/2013 4:30 AM
69	There is a strong demand for student accommodation	4/7/2013 9:14 AM
70	The cost of homeownership is now beyond a huge part of society so shared properties provide a low cost housing solution. Also there is a huge transient population in Aberdeen, oil contractors, students etc who need short term temporary accommodation (6 months for example). there aren't enough low cost flats/houses.	4/6/2013 6:18 AM
71	We as students find it o difficult to find flats every year and the rents keep increasing.	4/5/2013 10:13 AM
72	high no. of students	4/5/2013 9:17 AM
73	Safety of tenants are a priority	4/5/2013 7:38 AM
74	In order to provide a choice to those seeking accommodation in the private rented sector there must exist as many choices to prospective tenants as possible.	4/5/2013 6:19 AM
75	To Regulate Houses of \multiple Occupancy and stop slumlords	4/5/2013 4:48 AM
76	I think it is a waste of money that drives up rent prices in a city which is expensive to live in	4/4/2013 12:04 PM
77	My property is at 261 Clifton Road, a well established dwelling area for students at Aberdeen University. The large numbers of students at all three major education institutes in Aberdeen mean there is a requirement for a lot of shared or HMO properties in Aberdeen.	4/4/2013 6:02 AM

HMO Overprovision - Consultation

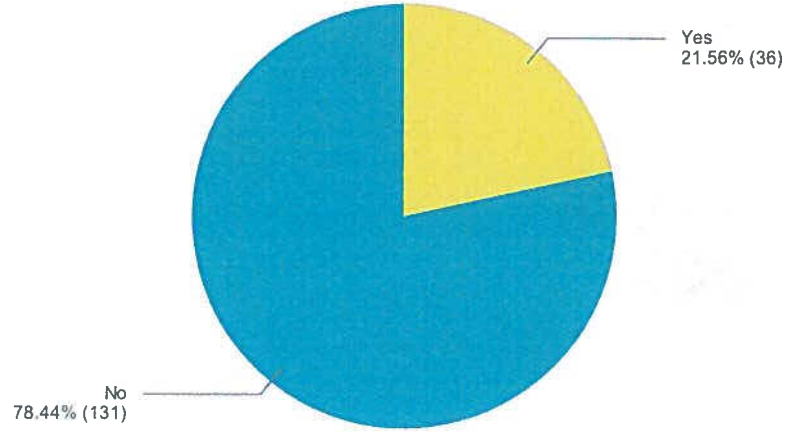
#	Please provide reasons for your answer	Date
78	If there was no need for them, they'd all have empty rooms.	4/4/2013 5:58 AM
79	There is always lots of demand for my flats by students	4/4/2013 5:26 AM
80	high student population they need quality safe accomodation	4/4/2013 5:10 AM
81	3+ bedroom flats provide far greater value for students. I always have huge demand for my 3 bedroom property when I require new tennants. I have been told by students of peers having to sleep in hotels/lecturers spare rooms due to a lack of affordable accomodation in Aberdeen.	4/3/2013 11:42 AM
82	It is a cheaper option for students and others to share costs in our present economic crisis. Students have always shared before HMO was ever introduced.	4/3/2013 10:24 AM
83	Of course. The law requires it. You would be banning house-sharing by stopping provision.	4/3/2013 8:52 AM
84	High student population - the demand is there, otherwise landlords would not be seeking to apply for HMO's.	4/3/2013 7:04 AM
85	Demand outstrips supply	4/3/2013 6:51 AM
86	The number of fully occupied HMO properties.	4/3/2013 5:57 AM
87	A flat with council tax and bills is a huge financial burden for an individual. Shared housing helps offset.	4/3/2013 5:40 AM
88	Severe shortage of medium and short term rented accommodation	4/2/2013 3:11 PM
89	The number of HMOs is self evident and further education is important to AberdeenAberdeen	4/2/2013 9:10 AM
90	To satisfy increasing demand mainly from the student population	4/1/2013 5:53 AM
91	The cost of buying a property in Aberdeen results in a demand for rented property. People automatically think of students in association with HMO but there are many that are rented to professional people and cause no problems.	4/1/2013 5:02 AM
92	If there was not then rentals would drop as market forces will always prevail	4/1/2013 3:53 AM
93	Requirement for student accommodation	4/1/2013 2:00 AM
94	My son is a student in Aberdeen and he, and other students, need somewhere to live	3/30/2013 1:15 PM
95	When our flat is advertised for let, the vast majority of applicants are groups of three students not from the same family	3/30/2013 10:52 AM
96	Demand is still higher than supply in the city. Tenants in one of my properties are struggling to find alternative HMO accommodation now that their situation has changed.	3/30/2013 6:25 AM
97	Growing Student demand, particularly at RGU	3/29/2013 8:02 AM
98	When our flat was up for rent last year we had a large number of applicants as there are so few properties available with a HMO licence	3/29/2013 7:01 AM
99	Within much stricter guidelines	3/29/2013 5:15 AM
100	there is a shortage of student accommodation to rent, and since almost all are classed as HMO due to being non-related people, there will always be a need for HMO flats	3/29/2013 4:51 AM
101	Market works on supply and demand - there is evident demand for flatted accommodation which is not being adequately serviced by purpose built flats.	3/29/2013 2:45 AM
102	Safest houses in the city for our students	3/29/2013 2:11 AM
103	There is a need in Aberdeen for reasonably priced, decent accommodation to enable folks to accept employment in Aberdeen but still retain their family homes in other cities.	3/29/2013 1:14 AM
104	Strong demand for provision from student population although I cannot speak for other neighbourhoods	3/28/2013 4:10 PM
105	The need for low cost housing in the private sector is huge as Aberdeen suffers for overblown pricing due to exceptional demand	3/28/2013 8:09 AM
106	Heavy demand from large student population	3/28/2013 6:11 AM
107	Aberdeen is an extremely expensive place to rent a property and when 3 or more than 3 can share it can make renting more affordable. HMO licenses provide a standard for landlords to comply with therefore improving standards. Nowhere in the country would a landlord go through the inconvenience and expense of applying for an HMO unless there was a demand for it	3/28/2013 5:36 AM
108	HMO properties are normally in demand	3/28/2013 4:51 AM

HMO Overprovision - Consultation

#	Please provide reasons for your answer	Date
109	We only own one property in AB24. Last week we advertised the 3 bedroom flat for 2 day with the Aberdeen students union, and received 9 contacts, 8 viewings and 3 definite applications. Fro his I would say there is a need for more HMOs in this area.	3/28/2013 4:13 AM
110	Aberdeen is highly regarded as a place place of study both throughout the United Kingdom and internationally. Aberdeen also has many young professionals in the early stages of their career. The property market is such that the provision of housing for these two groups is best met through the rental market and in particular properties that have a HMO license. The HMO license not only allows a larger social group to live together in one residence but also helps keep rent at an affordable level. The city of Aberdeen also has, in my opinion, less provision of homes that have sufficient rooms to make a HMO license possible or practicable in comparison to other scottish cities such as Glasgow. For this reason properties that currently qualify for a HMO license should be allowed to continue to do so. Removing HMO licenses will make Aberdeen unaffordable for many students and young professionals and will have a significant negative impact on the local economy.	3/28/2013 1:46 AM
111	Students need high quality safe accomodation	3/28/2013 12:16 AM
112	to provide affordable accomodation for increasing student population	3/27/2013 2:29 PM
113	Market Forces. Demand for this type of accommodation.	3/27/2013 1:48 PM
114	Our flat has never been empty and I get about 10 replies to every room I have available no matter at what time of year	3/27/2013 11:46 AM
115	students need somewhere safe to live	3/27/2013 10:50 AM
116	Aberdeen students tell me there is not enough good quality accommodation near the University.	3/27/2013 9:54 AM
117	Oo off-set rising living costs, increased population and changing social trends - more demand for single person dwellings.	3/27/2013 9:17 AM
118	Students are an important demographic sector within Aberdeen. HMO properties by the fact they need to be licensed provide a SAFE and REGULATED source of accommodation.	3/27/2013 9:06 AM
119	The number of students seeking accomodation in the area is higher than the number of available properties.	3/27/2013 7:49 AM
120	Student demand	3/27/2013 6:51 AM
121	students at Aberdeen Uni need a place to live	3/27/2013 6:48 AM
122	Based on advice from Lawyer and letting agent	3/27/2013 6:28 AM
123	because the demand far outstrips supply for students	3/27/2013 6:05 AM
124	There are many people both working and looking for work that can not afford to rent a flat and HMO properties give them a more cost effective options	3/27/2013 5:28 AM
125	Because of Companies in the area, there is a great need for accommodation, the people in my flat say they would not like to live in town, it is more convenient in Dyce, because of volume of traffic also from town to Dyce!	3/27/2013 4:49 AM
126	I could fill my HMO properties ten times over, such is the demand from tenants. It is a very popular way to live for students and I also get feedback from their parents that they also prefer this type of accomodation as their children are in a group and feel more secure. They are also aware that the HMO properties are licensed and seem to feel happier that their children live in such accomodation. The two excellent universities will continue to supply a constant amount of students who require somewhere to live.	3/27/2013 2:27 AM

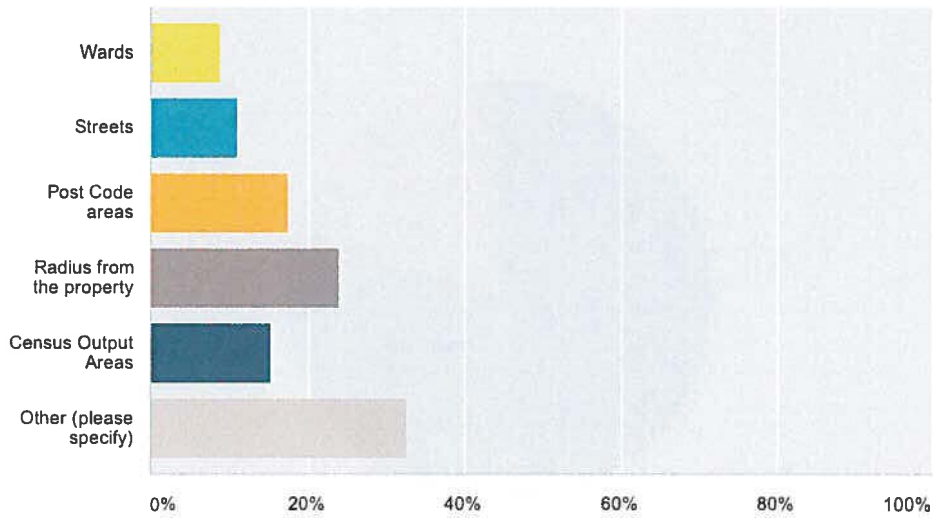
Q3 Do you believe that the Council should introduce a policy on overprovision of HMO's?

Answered: 167 Skipped: 1



Q4 If Yes, what locality do you think this should be based on?

Answered: 46 Skipped: 122



Answer Choices	Responses
Wards	8.70% 4
Streets	10.87% 5
Post Code areas	17.39% 8
Radius from the property	23.91% 11
Census Output Areas	15.22% 7
Other (please specify) Responses	32.61% 15
Total Respondents: 46	

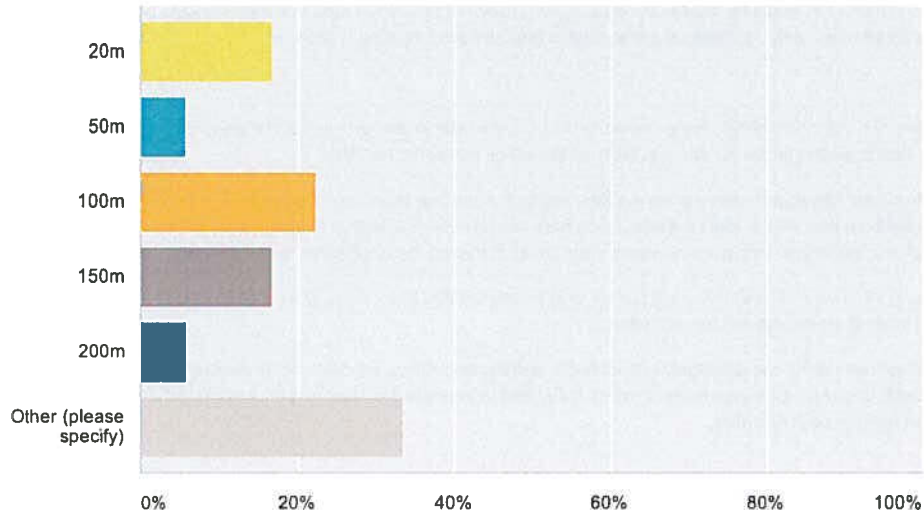
#	Other (please specify)	Date
1	This will be determined by need and cost to students.	5/8/2013 2:55 AM
2	or even smaller areas.	5/8/2013 2:26 AM
3	Introduce a moratorium on the conservation areas of the City in particular and give special consideration for conservation areas.	5/8/2013 2:24 AM
4	both could be necessary: census output areas to define the area and radius to ensure too many HMOs do not crowd together. Radius would be needed for example to ensure St Machar Place could not all become HMO properties	5/7/2013 1:09 AM
5	Numers of residents of HMO's (density of population). They are too clustered which defy any other type of definition.	5/6/2013 7:42 AM
6	Difficult to be specific about this, areas in all cities have their own characteristics which would be influenced by the number of HMO's. I think different areas could sustain different percentages of HMO's and one important criterion could be where the number adversely affects the character of the locality, altho I can see that defining that could be very difficult!	5/1/2013 7:26 AM
7	It is difficult to base it on streets/post codes as students obviousl look for accommodation within walking distance to Uni or college.	4/17/2013 7:42 AM
8	Current and future demand from potential HMO tenants but also taking views of other residents in the area	4/15/2013 8:05 AM
9	.	4/8/2013 9:56 AM

HMO Overprovision - Consultation

#	Other (please specify)	Date
10	The policy should look to objective criteria such as level of validated complaints of anti social or criminal behaviour, stress on services or quality of accommodation. I believe that a one size fits all mathematical formula such as a radius rule will lead to anomalies and unfairness for landlords. If a problem really exists in a particular area that area should be identified clearly and any restriction introduced should apply to new applications only. Any renewals should not be subject to the new policy as that would clearly be unfair. The criteria and procedures for renewing HMOs are rigorous and expensive already and if they are subject to cancellation under a new policy or criteria this would be disproportionate to any perceived problem. These comments should be taken in the context of my view that likely no extra policy is required given existing criteria.	4/8/2013 6:39 AM
11	By tenant type	4/6/2013 6:18 AM
12	To be fair, I feel that any policy should have "localities" which are similar in size with similar numbers of properties so that any comparison is more equitable. ie like will be compared with like.	3/30/2013 1:15 PM
13	If one was introduced I'd suggest electoral ward is the most logical but that information would have to be very clearly displayed on a map on the HMO website. The others would be even less able to take account of the differing densities, characters and, types of accommodation and 'student focus' of areas across the city.	3/30/2013 6:25 AM
14	It would certainly be unwise to base this on radius as most properties that have capacity for a HMO are concentrated in small areas adjacent to each other.	3/28/2013 1:46 AM
15	Forced to answer question 3, the dichotomy in question 3 restricts the options for discussion - dealing with HMOs. The ability to say no (policy on overprovision) is sensible in principle, how and why it's used and the consequences need to be anticipated.	3/27/2013 9:17 AM

Q5 If you ticked radius from the property, what radius do you believe would be appropriate?

Answered: 18 Skipped: 150



Answer Choices	Responses	
20m	16.67%	3
50m	5.56%	1
100m	22.22%	4
150m	16.67%	3
200m	5.56%	1
Other (please specify) Responses	33.33%	6
Total		18

#	Other (please specify)	Date
1	500	4/16/2013 6:14 AM
2	500m	4/16/2013 6:14 AM
3	No radius should be considered	4/16/2013 3:22 AM
4	10m	4/10/2013 1:17 AM
5	It would certainly be unwise to base this on radius as most properties that have capacity for a HMO are concentrated in small areas adjacent to each other.	3/28/2013 1:46 AM
6	Not applicable	3/27/2013 6:56 AM

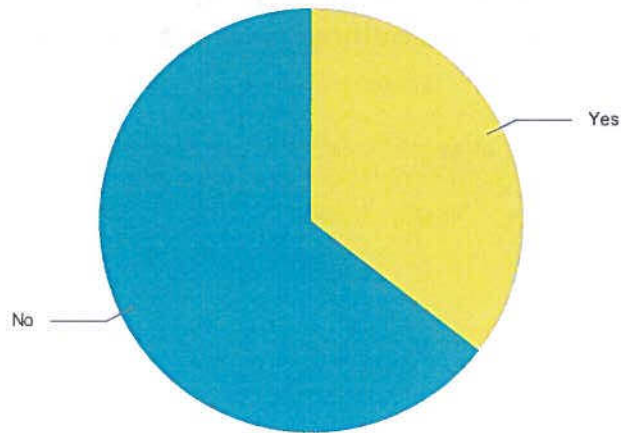
Q6 When would it be appropriate to consider that overprovision of HMO's in an area has been reached? For example when the percentage of licensed HMOs has achieved a certain percentage of the number of dwellings within a locality.

Answered: 110 Skipped: 58

	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%	Total	Average Rating
(no label)	11.82% 13	7.27% 8	7.27% 8	7.27% 8	15.45% 17	3.64% 4	7.27% 8	6.36% 7	6.36% 7	27.27% 30	110	6.08

Q7 Do you believe there is another appropriate overprovision calculation?

Answered: 127 Skipped: 41



Answer Choices	Responses	
Yes	35.43%	45
No	64.57%	82
Total		127

HMO Overprovision - Consultation

Q8 If yes to 7 above please provide details

Answered: 48 Skipped: 120

#	Responses	Date
1	There should be a free market which will be self adjusting. When HMOs are not needed then any overprovision cannot occur, the situation is self balancing under normal market rules. Very close to student colleges it is likely and unusual that HMO numbers will be higher than miles away from them.	5/8/2013 3:02 AM
2	Each building could be considered on its own merits, taking account of facilities eg bicycle storage and each area should have a balance of HMOs to 'private' or uncertified flats/houses.	5/8/2013 2:58 AM
3	Too many large HMOs in one area or anti social problems need to be considered,	5/8/2013 2:55 AM
4	A calculation to comply with employment availability.	5/8/2013 2:33 AM
5	There should be no more than one HMO in the smallest units - eg a crescent or short row of houses of fewer than 10 dwellings.	5/8/2013 2:26 AM
6	There should be a sensible balance between private family homes and HMOs otherwise the danger is that ordinary families will no longer wish to live in such areas of overprovision.	5/8/2013 2:24 AM
7	Some means whereby the type of dwelling with a locality could come into the deliberations, e.g. family housing which is incredibly precious in Old Aberdeen and we really shouldn't lose any more	5/7/2013 1:09 AM
8	Numbers of people living in the HMO's	5/6/2013 7:42 AM
9	I don't believe there needs to be an overprovision calculation.	5/3/2013 9:29 AM
10	See 9	5/1/2013 7:26 AM
11	When the number of people fined for not having an HMO license decreases rather than increases, areas of the city will always have a higher/lower number of HMO dwellings due to a number of factors eg proximity to universities	4/30/2013 10:13 AM
12	5%	4/30/2013 8:16 AM
13	see follow up letter,	4/18/2013 4:51 AM
14	Would it work to base overprovision calculations on the Council receiving more than a certain number of complaints from other local residents?	4/17/2013 3:27 PM
15	I think that if there if there is a certain percentage of HMOs already in a locality then there should be no overprovision. It may be worthwhile having certain areas where there are none being kept that way.	4/16/2013 6:14 AM
16	Supply and Demand in specific areas, not all areas are the same for obvious reasons so it is totally unfair to apply 1 formula to all areas.	4/16/2013 2:18 AM
17	There are certain areas within the City Centre where mostly students live. They are comfortable within this environment and provided no "Ghettos" are created this is not necessarily a bad thing. We need to encourage our young people to stay within our city and contribute to its future success. We should be encouraging the availability of more rented accommodation for our youngsters not trying to restrict it. My own children confirm that rented accommodation is extremely hard to find within our city, especially of a reasonable standard.	4/15/2013 8:05 AM
18	concentrate and amalgamate student areas	4/12/2013 12:21 PM
19	Don't issue any more hmo	4/12/2013 12:10 PM
20	I believe that it completely depends on the area. For example, the powis area which is opposite aberdeen university is in high demand. The majority of flats in powis would be a worthwhile investment when they are 3 bedroom properties. If there was a threat to new investors that a property may not get an HMO licence, they would not bother with the flats. This would reduce the number of flats available and would immediately push up the prices of the ones that have managed to get an HMO. Within walking distance of universities, there should be no limit, other areas, maybe.	4/12/2013 11:35 AM
21	provided that the HMO properties were at a reasonable distance from each other overprovision may be determined by the type of tenant catered for, for example, unemployed, hospice, homeless and (perhaps) students tenanted HMOs having the 'overprovision' legislation being applied more rigourously to them and being expressed as lesser percentage compared with HMO properties that cater for employed tenants.	4/11/2013 5:32 AM
22	Where the HMO is provided in areas that are predominantly 1 or 2 bed flats.	4/9/2013 7:44 PM

HMO Overprovision - Consultation

#	Responses	Date
23	The use in the area, i.e University, Industrial, etc.	4/9/2013 4:51 AM
24	Each case according to its own circumstances having to regard to other relevant factors at the time	4/8/2013 9:56 AM
25	See comments above. With regard to percentage calculations surely it all depends on the location. A common stair which is 100% HMO may actually be less contentious than one which is 50/50 . Two sides of a semi detached property being HMOs may similarly be less contentious than every second house in a small street.	4/8/2013 6:39 AM
26	it should be based on an application by application basis and not as a fixed rule	4/8/2013 4:30 AM
27	By 'Tenant Type' for example do not restrict HMO lets to professionals (the most desirable and well behaved part of the rental market) but do restrict to HMO properties let to students and social tenants (where a large part of antisocial problems arise).	4/6/2013 6:18 AM
28	Demand for HMO housing from tenants	4/5/2013 9:53 AM
29	Data from the police or from the Council's enforcement team that indicate that a particular locus is subject of complaints regarding behaviour/noise/disturbance/anti-social behaviour	4/5/2013 6:19 AM
30	Demand for HMO rooms in an area; if all the rooms are let, there isn't an overprovision of HMOs. Even if 100% of the properties are HMOs, if they are all full, then they are all needed.	4/4/2013 5:58 AM
31	Level of vacant HMO premises	4/4/2013 2:53 AM
32	The distance of the HMO property to a university or college should be considered to allow for the higher percentage of HMO's that are seen around these sites.	4/3/2013 3:19 PM
33	'over provision' should not exist. HMO's offer the highest current standard of rental accommodation.	4/3/2013 8:52 AM
34	The ratio of population to amenities	4/3/2013 5:57 AM
35	A separate calculation should be done to take into account council operated homeless hostels and other state institutions, as these have a disproportionate effect on the percentage of HMOs in a particular area	4/2/2013 3:11 PM
36	The type of persons that rent the property should be taken into account.	4/1/2013 5:02 AM
37	Market forces	4/1/2013 2:00 AM
38	Some areas have greater numbers of students who wish to stay there and this should also be reflected in any policy	3/30/2013 1:15 PM
39	Dependent on residential area under consideration	3/29/2013 8:02 AM
40	Consider HMO - is there already a good provision of accommodation in the area offered by Universities to students, are there outstanding issues regarding anti-social behaviour within the property and what standard of accommodation is being offered within the HMO.	3/29/2013 1:14 AM
41	Is there an over provision situation in Aberdeen? If not then why is there a need to discuss an over provision strategy.	3/28/2013 9:57 AM
42	When decent HMO properties remain on the market for rent more than 28days	3/28/2013 8:09 AM
43	The term overprovision is subjective. I don't believe there is overprovision of this type of accommodation	3/28/2013 7:11 AM
44	A calculation based on level of demand. I am not sure how this could be done but if there was an underprovision rents would rise in a way that would make rented accommodation unaffordable for many	3/28/2013 6:11 AM
45	The overprovision calculation (or at least the chosen locality) must also take into account the size of the properties in the locality and the local services and amenities available. For example if it is simply based on the percentage within a arbitrary geographic locality the following could arise: Locality A has 100% homes with 4 or more bedrooms and has a local centre with shopping and all required community facilities. Locality B has 100% homes with 2 or less bedrooms and has no shopping or community facilities and only acts as a purely residential suburb. Based on a geographical locality their HMO overprovision limit is the same however. This certainly would not make sense.	3/28/2013 1:46 AM
46	Wider set of variables; including density (population/land use), demand, crime/safety assessment, longer term and strategic/local plans, changes to the law, transport, employment, immigration policy to name a few - is the legal option given to LA's a blunt tool?	3/27/2013 9:17 AM
47	Please disregard the answer to 6 above. I do not agree with the premise of the question, and there is not provision for a "not applicable" answer.	3/27/2013 6:56 AM
48	see answer to no 9	3/27/2013 6:48 AM

Q9 Do you have any other comments

Answered: 127 Skipped: 41

#	Responses	Date
1	A property with an HMO license may not necessarily be let as an HMO all the time. I will be moving out of the sector as to onerous to be an HMO landlord.	5/8/2013 3:03 AM
2	Due to Council monitoring HMO accommodation is better quality than others. It is unfair to limit or cancel the livelihoods of HMO accommodation landlords especially if there has been no local complaints. Such would limit choice to the detriment of standards.	5/8/2013 3:02 AM
3	I was very unhappy with the £1000 I had to pay in 2010 for my 3 tenant property this sum being for the 3-10 category. The revised scale is more realistic and acceptable for smaller properties. the fee should be scaled to reflect the no of tenants ie income for the property.	5/8/2013 2:58 AM
4	The Council must remain neutral and transparent in all areas and cannot be biased towards large business HMOs or small or the corruption which can occur due to incentives. The Council must show regard towards value for money to students both with cost, standards - of cleanliness, security and safety whether this is in large or small HMOs. flats for students will always be needed, near to or slightly further away depending on what the costs are and the travel implications. HMO provision should be based on whether landlords are good or not - not the distance between them. Aberdeen Council should be valuing the good landlords that this city has and welcoming them to continue to operate. The Council should however be doing more to combat rogue landlords who do not upkeep their premises and who advertise by devious means, bring them to court and use the fines imposed to chase more. This does not appear to be happening, I have not seen any report regarding prosecutions of rogue landlords - why not? Any interference from the Council with regard to choosing landlords by postcode could alter the overall rating of the universities concerned and therefore be detrimental to Aberdeen itself. I believe that the overprovision policy will only cause problems with the HMO system being operated and create more red tape/expense for good landlords and could also allow unscrupulous landlords to flourish just because of their postcode.	5/8/2013 2:55 AM
5	The views of neighbours must be taken into account before granting HMO licence.	5/8/2013 2:44 AM
6	When meeting with ACC to discuss the introduction of a policy to look at future applications of HMO licenses it was acknowledged that the main issue was that if the private landlord as opposed to the main Halls of Residence accommodation within the City. It was further acknowledged by all parties that once the Council had shown in detail the current locations of all HMO licenses across the City, these were mainly in the Old Aberdeen and Garthdee areas for obvious reasons but there had/had been no evidence of any antisocial behaviour within any of these clusters of HMO properties, indeed with properties being occupied by University Personnel as students and in many cases international postgraduate students it was felt this brought the benefits of a multi cultured community to these areas. From a staff housing perspective, HMO properties provide affordable basic accommodation for junior research members of staff, post docs and PhD staff who require accommodation in Old Aberdeen as these members of staff often work long hours in the office or library due to the nature of their work and their single status. Local accommodation is safer and easier for them to be returning home in the dark winter evenings. Many of our staff tenants are foreign and often receive no salary and affordable accommodation on campus is preferred due to them not having their own transport. They welcome the opportunity to share with other similar staff because they do not know anyone locally and would find it difficult to live outwith campus or on their own in a flat. Many of the staff tenants are here for short periods (3-6 months) and prefer to live locally for the period. The University of Aberdeen would not be supportive of the introduction of HMO licenses within certain areas as we feel this would bring additional concerns with regard to student and staff safety and well being and potentially cause negative issues in their ability to register for local medical and dental services	5/8/2013 2:42 AM
7	We would like to draw attention to the response submitted by the National Students to the consultation on HMOs and Possible Planning Responses in 2009, available online at http://www.nusconnect.org.uk/asset/mews/6096/09_09_NUS-Consultation-HMO.pdf	5/8/2013 2:31 AM
8	HMO levels in Old Aberdeen are in urgent need of restraint. They are taking over the area.	5/8/2013 2:26 AM
9	This is a very timely consultation	5/7/2013 1:09 AM
10	families are now overrun in old aberdeen area as HMO move in & knock on means less parking spaces more run down gardens & excess rubbish around end of uni when move on.	5/6/2013 1:10 PM
11	I have lived in Old Aberdeen for more than 23 years and in that time, the number of student occupied properties has mushroomed. When The Orchard was first built, it was primarily occupied by families and couples. Now, there is a significant number of student properties in a very small area. This has knock-on difficulties with parking etc.	5/6/2013 8:37 AM

HMO Overprovision - Consultation

#	Responses	Date
12	<p>Aberdeen City Council HMO Consultation We respond as residents who are surrounded by HMO's in Old Aberdeen. Provision within an area We think the provision of HMO's in an area should be on the total number of students (occupiers) in a certain area not the number of dwellings as HMO's. This would include halls of residence. Smoking Areas All HMO's should have areas where the tenants can smoke without impinging on the neighbouring properties. It is standard practice for landlords of HMO's to stipulate they are non-smoking residences which is sensible but one of the biggest nuisances for neighbours is the residents all congregating right outside the doors (back and/or front) smoking. The smoking tenants as well as impinging on privacy of the neighbours talk away all hours of day and night when having their cigarettes which is disturbing. (The smoke comes inside our house through the ventilators and through the windows. In my case I did request the students smoke elsewhere but was ignored (afterall they had paid their rent so they could do what they liked!). The landlord also refused to take any action. Numbers of tenants within HMO's Around us, it is the HMO's with large numbers of residents that cause most bother. We have 5, 6 and two 9 bedroomed properties adjacent. This causes management issues between the residents themselves and the landlord when trying to get the tenants to take the responsibility for such things as rubbish, recycling and keeping the place tidy. Clearer guidelines for new build student accommodation policy New builds should have clear provision for amenity areas and green areas (standards). How the development relates to the neighbours is the top priority to be considered before granting planning permission. If there are new builds they should be separate from existing residential areas, for example Unite at West North/Mealmarket St is not directly in contact with established neighbouring residential areas (a buffer zone exists). The Universities have land which is suitable for student housing, could this not be released or the Universities come to some suitable arrangements with developers? Immediately students appear in an area long established residents drift away. This is not to infer students are bad this is just what happens in practice. There should be consultation and if any new HMO residences are built regular meetings should be held between HMO's and local residents. The idea that students do not have cars and so a minimum number of spaces of 1 parking place per 10 students is considered as adequate needs revising. Overcrowding We have observed that many two bedroom properties with living room are used as 3 bedrooms with no living rooms. This is overcrowding. There should be no consent for living rooms to be converted into bedrooms. HMO officers should inspect properties before the licence is granted to make sure that there is sufficient communal space before granting a licence. Next door a 5 bedroomed property was turned into 6 bedrooms by partitioning the living room. Day to Day management (Landlord responsibilities). A contact in Aberdeen is essential. We have issues with one block nearby where the landlord lives in Edinburgh. Rubbish bins are put out on the wrong day (sometimes a week ahead or put out when the students leave for Xmas, Easter vacations). When I raised this issue with the landlord he suggested I speak to his tenants to remind them of their obligations. Another example is door closers. One of the properties next door's door-closer is set "too tight" and every time people come and go out the door it goes bang and sends vibrations throughout neighbouring properties. Door closers are requirements for fire regulations but they should be set correctly. Licence renewal should be every 2 years not 3 It's a long time to wait to raise your complaints if you are a disturbed neighbour. Fees for HMO's licence Fees should be based on the number of bedrooms not between numbers of bedrooms.</p>	5/6/2013 7:42 AM
13	<p>needs also to take into consideration the type of area. Well established residential areas should include low proportion of HMO's, which should be capped at 10% maximum.</p>	5/5/2013 8:22 AM
14	<p>I think a policy on this is a terrible idea which would cause many problems for the people of Aberdeen. From my perspective, as a student, the current HMO policy is ideal and makes it much easier to find a home where I can feel safe and study effectively. I spend long hours in the library and I like to go out in the evenings. I know the area around university and the centre and I feel safe there. I would not be wanting to walk home in the dark to places further away without other students nearby. I cannot work at the same time as study, so I have to be careful with money. I can feel money saving becoming harder and harder, without yet another strain on my parents. Less housing adequate for students who make up a large proportion of Aberdeen's population, would cause all sorts of other problems for the community and the university. Moving people further away from where they look to find properties causes problems in terms of travelling. Public transport is already expensive and limited and we are in an era when driving cars should be kept to a minimum. There are many reasons why I strongly feel this is a bad idea. It would cause so much disruption only to cause more and worse problems than we already face.</p>	5/4/2013 5:46 AM

HMO Overprovision - Consultation

#	Responses	Date
15	<p>There are competing demands for the provision of rented housing between students and temporary workers (oil industry) in Aberdeen. Students prefer to live in accomodation which will house at least three at any one time as it reduces the overall utility bill cost for each individual. They also prefer to be able to walk to University as it saves the cost of bus fares. As a result most accomodation that Students seek will require an HMO. Therefore using postcodes etc may be rather skewed. I feel one of the main problems which do impact on local residents is the fact that Landlords are legally able to cram so many students into a property e.g.even using the Lounge as a bedroom. The primary nuisance issues for local residents tend to be noise and litter. Five or more students in a property are unwittingly more likely to create more noise coming and going seperately as well as producing more litter than would be produced by a family of five. To try and address these issues it would perhaps be an idea for the Council to make a provision to uplift litter more frequently in areas where it is known that there is a high number of HMO'S. Over the next month many students will be leaving for Summer vacation and the current fortnightly service will be completely inadequate for the amount of rubbish that will need to be put out when properties are vacated. This would go some way to addressing some of the issues that the local residents have with HMO'S Students make a substantial contribution to the economy of Aberdeen and therefore there needs to be an adequate plentiful supply of HMO's. Aberdeen does not have as high a concentration of tenemented properties close to the University unlike Edinburgh or Glasgow where it may be more appropriate to introduce restrictions. As I do not feel there is an overprovision I think it would be inappropriate to impose restrictions.</p>	5/4/2013 5:11 AM
16	<p>I don't see any benefit in an overprovision policy. It should be market driven. Surely the more landlords with HMO licences the better, as they require higher safety standards to be met, than smaller properties not requiring an HMO. Why this is set at 3 unrelated people has always baffled me (it seems arbitrary). I imagine that HMO's particularly cluster around the 2 Universities - always likely to be the case in any University city, though I expect there remains a mix of ordinary residents in these areas too. If I were no longer licenced, letting my flat would become unviable and I would be forced to sell or rent to a family, neither of which would be particularly desirable to my needs. Is it helpful to drive law abiding private landlords from one locality to another depending on the percentage of HMO's in an area. Are commercial providers of student accommodation covered under the same regulations or will they have a monopoly on the locality? Would it be better to focus on the activites of unregistered, unscupulous landlords, rather than restricting those trying to do the right thing? Thank you for consulting with us.</p>	5/3/2013 9:29 AM
17	<p>I understand that in some areas/cities, there may be overprovision. Aberdeen if anything is underprovided for - there is a shortage of student accommodation and there is also a transient workforce who also wish to rent HMO properties. We need to do more to encourage HMO Landlords</p>	5/3/2013 6:27 AM
18	<p>I think that it is only fair to give precedence to those landlords re applying, particularly those that have paid the high fees in the last few years</p>	5/2/2013 10:00 AM
19	<p>In my experience, many landlords are moving away from HMO's because of the burden, both financial and administrative. I therefore see any problems in this regard resolving themselves in the coming few years.</p>	5/2/2013 6:12 AM
20	<p>The Scottish Association of Landlords (SAL) has concerns regarding the proposed policy on overprovision of HMOs in Aberdeen. We feel that there is an under provision of HMOs and not an overprovision as suggested. This is indicated by the relatively high rental prices for HMOs as well as the considerably high demand in the city from Students and young professionals for shared accommodation. This must show that the demand is exceeding the supply of properties available. It is important to remember that HMO legislation is in place in order to protect the tenant's living in these properties and by restricting the amount of licenced HMOs in the city you run the risk of creating a large and potentially dangerous unlicenced sector. A large unlicenced sector could not just put people at risk, but cause potential social problems between neighbours and within communities. Without an increase in the number of licenced HMOs available there will possibly be an increase in demand for the use of smaller properties to share therefore increasing competition and rents for couples and small families within the PRS. Increasing competition for these properties will no doubt lead to an increase in homelessness applications from single persons and families who cannot afford the increased rents. By allowing the provision of safe properly licenced and maintained HMOs you can increase the quality of the housing stock available within the city. A strong supply of licenced HMOs will mean a strong and safe Private Rental Sector without forcing up rents to any particular type of tenant and help support good communities.</p>	5/2/2013 2:16 AM
21	<p>Ref Q6, please see my response to Q4, I think it is impossible to give a sensible blanket figure to cover all the city. Also I think the number of bedrooms in the property should be considered, as larger properties will be more "efficient" than smaller.</p>	5/1/2013 7:26 AM
22	<p>The provision of HMO should depend on the size of the property and the number of bedrooms in a property. Currently the policy is contadictory depending whether people are in a relationship or not. Why do a couple count as 1?</p>	4/30/2013 1:04 PM
23	<p>It would be more useful if the council could spend money on publicising and inforcing the HMO rules as a number of tradesmen I had round for quotes didn't even know what that was.</p>	4/30/2013 10:13 AM
24	<p>Aberdeen in a student town with two Universities. Aberdeen also has very good economy due to the oil industry. Rents, compared with Edinburgh or Glasgow are very high.</p>	4/30/2013 10:00 AM

HMO Overprovision - Consultation

#	Responses	Date
25	I am concerned about the number of family houses that are being turned into HMO rather than rented to families. It should also be considered that this consultation and any subsequent decisions can only be based on official applications for an HMO. In practice there are probably many more properties rented out to multiple occupants than actually have a licence.	4/30/2013 8:16 AM
26	Demand should be met. Not council targets. Some areas need more some don't. Let the market decide	4/30/2013 8:01 AM
27	not only students live in shared flats, but also young professionals.	4/25/2013 10:26 AM
28	Aberdeen has a high student population, whether in the Universities or the colleges and therefore it would not be logical to introduce a limit on HMO provision.	4/21/2013 11:10 AM
29	Each year in Aberdeen there is news of students having to spend extended periods of time in temporary accommodation as there is overcrowding or overbooking in the campus accommodation. Restricting the number of properties which have HMO licences would create further problems for students who need to live in shared accommodation as rents are too high to live alone. As there are two universities and many students renting rooms together this should be taken into account and seriously considered before taking any action with regard to the restriction of HMO licences.	4/20/2013 4:50 AM
30	Around the universities there will always be a higher concentration of properties with a HMO, why does the number need to be limited? It seems to me that there is a lack of properties available with HMO for the number that require them. Why limit it even further?!	4/20/2013 3:30 AM
31	Old Aberdeen Community Council are concerned that more & more family houses are being turned into HMO's. In general these houses have poorly kept gardens and bins remain outside all week. Some parts of our community are being turned from a quality residential into a student ghetto's.	4/19/2013 5:10 AM
32	Yes. We provide accommodation to a vital population near the University who would lack housing otherwise. Hence there is likely to be a concentration of HMOs in that locale as with any other University city. The University of Aberdeen has no plans to extend halls of residence therefore this need for student accommodation will continue. I can not see any rationale or purpose in your document for this proposal other than a numbers exercise. What is the intended benefit that you see because I am at a loss.	4/19/2013 12:00 AM
33	I am concerned that present HMO licence holders could be penalised if new applications are submitted . We have successfully rented accommodation to students for 13 years in Aberdeen and have followed all regulations to the letter. We feel we have provided accommodation which students are looking for judging by the multitude of enquiries we get and also from present tenants wishing to stay on in our property. Even when I was student at Aberdeen University 50 years ago there were areas near the University which were popular - and nothing appears to have changed. There have always been a greater proportion of properties let to students in areas around the University .	4/18/2013 12:02 PM
34	It seems apparent from a survey of our members in Aberdeen that there is a significant under-provision in supply of HMOs in the city which has resulted in higher rents and greater demand for this type of housing. Consideration needs to be given to the valuable contribution students bring to the city and the growing demand among young professionals to flat share as they are unable to afford to buy property. If the city wishes to encourage young professionals and students to live in the city, more consideration needs to be given to providing good quality and well managed HMO accommodation.	4/18/2013 10:48 AM
35	I do not believe there to be an over provision in Aberdeen and as a result there does not need to be an active policy on the issue. If a policy was implemented, then existing HMO operators with licenses need absolute assurance that a compliant license renewal cannot be refused due to over provision and instead should focus on new applications only. As a landlord who focuses very strongly on student safety I believe Aberdeen City Council should focus on rogue landlords operating unlicensed properties. This would be easy to achieve through reviewing properties claiming Council Tax relief which don't have HMO licenses.	4/18/2013 10:21 AM
36	Does the Council think that there is enough student accommodation? If so on what do they base their evidence?	4/18/2013 6:06 AM
37	We have more demand than we can satisfy (AB15 8BB)	4/18/2013 5:55 AM
38	This could have severe repercussions if this is Implemented /enforced	4/18/2013 4:51 AM

HMO Overprovision - Consultation

#	Responses	Date
39	1. There is an obvious current demand and prospective increasing demand for Private Rented Housing provision - my own property has never been without tenants since first becoming available to the rental market over a considerable number of years. 2. Private rented accommodation is essential to provide the necessary accommodation for students and young persons in Aberdeen City due to the high purchase costs for even the smallest property and the demand can be satisfied by the provision of HMO licensed accommodation - high property purchase costs in Aberdeen City are generally prohibitive if not impossible for students/young people and it is highly likely that the financial status of both the student/young person and even "better off" parents cannot accommodate purchase/mortgage cost commitments to buy rather than rent a property. 3. Provision of rented accommodation within Aberdeen City is likely to provide easier access to colleges, universities and places of work whilst at the same time reducing traffic congestion, traffic pollution and over-burdening street parking. 4. Indications are that demand for private rented accommodation will continue to increase, not only due to the ever expanding University course provision but also the business sector opportunities for young persons in this "Oil Rich" area.	4/18/2013 12:18 AM
40	I feel the present system appears to be working well, but a new policy is probably necessary now in response to the new government legislation. I think several of the ways of calculating locality could work equally well. Thank you for asking our views and giving us the opportunity to participate in this consultation.	4/17/2013 3:27 PM
41	Provision of letting properties exists on supply and Also not enough properties means not enough students which in turn means not as much money coming into aberdeen from the student population. This is a very unwise move.	4/17/2013 3:17 PM
42	If you calculate by whichever means that an area has an over provision of HMO properties, it would be sensible to limit or suspend new hmo applications however it would be extremely unfair not to renew HMO of properties which already have a license. As an honest landlord I have gone to great lengths and costs to meet the ever changing HMO requirements. I am very surprised there is such a low number of HMO licensed properties in Aberdeen. There are 2 Universities and a college all within a relatively small area therefore here is a huge demand for safe, clean, affordable accommodation. As the mother of a student and a landlord I do not want the process of students finding suitable accommodation made any more difficult.	4/17/2013 7:42 AM
43	I am a paraplegic who has shared his house with students to whom he lets rooms since 1981, that is for over 30 years. They have provided company and a great deal of necessary help and it has been a very good system of life both for me and for them. I do not think the council needs to form a policy until there have been a sufficient number of complaints on the grounds of overprovision in particular areas, and then consider what special features makes these areas problematic. It would be WRONG to form a policy before one knows the shape of the problem. It is a large house providing attractive accommodation for them as well as a garden. I make the rent cheap in due of the help they give me which has saved the public services a lot of worry and expense.	4/17/2013 7:03 AM
44	I am concerned by the implications that you may refuse an existing Landlord's renewal application on the grounds of overprovision alone. This will have a serious impact on that property and its ability to be relet. Considering the significant costs which HMO flats are required to spend to meet legislative demands which makes the flat unsuitable for normal use.	4/16/2013 6:14 AM
45	I think that this is grossly unfair that this process may impede the renewal of existing licences as I have spent considerable amounts of money to adapt the property to fulfil legislative demands and as such the property is no longer habitable by a single or double occupant.	4/16/2013 6:14 AM
46	In 8 years of trading as a letting agency with a great number of HMO property under our 'Fully Managed' portfolio, we have never received a complaint by a neighbor regarding the property or its occupants. Adherence and full implementation of current legislation should suffice to control the sector	4/16/2013 3:22 AM
47	I don't think that overprovision of HMO's can be based on the number of HMOs in a given location or against a number of dwellings. Surely the requirement for rented accomodation is the overriding factor here? What is the basis for this survey on this 'overprovision'? Has there been a complaint, investigation into the the number of HMOs in the city?	4/15/2013 6:05 PM
48	ACC and the Scottish Government imposed strict obligations on landlords - it is about time you enforced these on those landlords who choose not to participate. Yet again it appears that further legislation will be passed when if the existing legislation were enforced properly any potential problems would solve themselves.	4/15/2013 8:05 AM

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49	There is an old saying - "if it aint broken, don't fix it". Unless the Council can identify a good reason for introducing a policy - unless the number of HMOs is demonstrably impacting adversely on citizens, then there should be no further regulation. This, potentially, looks like regulation for the sake of regulation. There do not even appear to be any clear or meaningful statutory criteria on the basis of which the Council can determine whether or not any local policy is required. Aberdeen has a massive student population, it needs that population and they like to be housed in HMO properties. I am unaware of any evidence to suggest that the student body housed in any area impacts adversely on other within that area of Aberdeen. In any event, limiting HMOs would not necessarily make any difference as students could seek housing within the same areas in smaller properties that did not require an HMO. In my limited but long experience, tenants other than students - such as those with a drug or other "social problem" create difficulties for their neighbours at least as much as students do. I thought that we were meant to be living in an age where de-regulation was to be encouraged, not the over regulation of "non-problems". The proposals now advanced are quite amazing and the associated expense of such regulations, upon whomsoever it may fall, an unwarranted imposition. If a policy of limiting HMO is introduced, the most likely impact will be to encourage rogue landlords to forego an HMO application and just let our their property.	4/15/2013 6:12 AM
50	Students like to live near the university for travel costs and time. If there is uncertainty over the provision of HMO licenses, landlord will withdraw their funding and reinvest their money in other options and cause a shortage of accomodation for students causing a problem. If students start living in other areas not currently occupied by students, residents will not be happy at the potential disruption. A better use of the council's time would be tracking down those landlords letting out properties without the necessary HMO License.	4/15/2013 1:24 AM
51	There is a flaw in this survey in that it assumes that those who don't believe there should be a policy on overprovision should not have a say in how such a policy would be applied should it be introduced, against their wishes. I have therefore answered questions 4 and 6 despite the survey discouraging me from doing so.	4/14/2013 7:34 AM
52	HMOs are in place to ensure a quality of living for students in their accommodation. By restricting HMOs based on location you are reducing the students rights to live (in quality) in certain areas. This is discrimination against students.	4/12/2013 11:01 PM
53	I don't think there is another university town in scotland that would consider trying to redistribute what is predominately student accommodation, Students reside near the education facility and lend a bohemian touch and enhance the culture of the area for example marchmont area in edinburgh and byres road in glasgow.	4/12/2013 12:21 PM
54	property owners should be consulted in area and any issues or problems based on last HMO licence should be adressed.	4/12/2013 8:51 AM
55	I see no need for an overprovision policy because; 1. Aberdeen is a university town and will have students. 2. Students need accommodation and do not want to travel far due to cost and time. 3.An overprovision policy could see student numbers reduce with resultant loss of revenue for Aberdeen. 4. Existinf landlords will loose confidence, sell and re-invest elswhere causinfg greater accommodation problems in an already tight market. Rents will go through the roof due to chronic shortages. There wil be no long term investinment in the properties due to to uncertainty in obtaining an HMO certificate. 5. Restrictions will cause movement from already established student areas to other areas not used to students and causing major problems. 6. There should be more emphasis in identifying landords operating without HMO cetrtificates.	4/12/2013 1:58 AM
56	Unless there were outbreaks of disease or violence relating to overcrowding it seems appropriate to satisfy the needs of particularly students, provided the current licensing rules are maintained.	4/12/2013 1:25 AM
57	It is not clear why there is concern for over provision. If it is concern about the hostels for the homeless etc and their concentrations and the problems experienced with their tenants then surely it is about how these properties are run and not about the concentrations. How these premises are run by the landlord is more important than over provision. HMO properties that cater for DSS etc tenants need not be be in geographically strategic locations but may be highly desirable to employed tenants who may choose an HMO on the basis of proximity to workplace or transport. To ration or refuse a HMO license, in a geographical desirable area, which aims to cater for tenants with incomes will deprive that area of a personal and financial contribution made by the tenants.	4/11/2013 5:32 AM
58	Please see letter sent separately by (Landlords) SAL(Scottish Association of Landlord Membership nos:) Property registration nos:	4/10/2013 7:06 AM
59	If over provision exists the fairest way to deal with this is for those who have already spent a lot of money to obtain the licence should be able to keep it for that particular property and reduce the number of new licences as appropriate.	4/9/2013 7:44 PM
60	We understand the need for the regulation of HMOs in a specific area to avoid the potential 'ghettoisation' of a particular district. However there is still a demand for well-regulated HMO properties and there has to be a balance between the necessity to provide rented accommodation and the possible effects this will have on the rest of the community.	4/9/2013 2:05 PM
61	I believe Aberdeen is still far from reaching an overprovision of HMO's.	4/9/2013 4:51 AM

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62	See my letter to G. Stuart (to be sent by email)	4/8/2013 2:50 PM
63	HMOs are a way of maintaining standards for tenants in any rented property and exposing them to regular authority inspection. University or high demand rental centres there should be a nearer 50% HMO to owner occupiers otherwise 30%.	4/8/2013 9:56 AM
64	Hmos are needed for students. The demand will determine the market. If my properties were turned down for HMO, then the property would still be rented to students. There would be fewer tenants, at an increased rent, but that would be the only change.	4/8/2013 7:34 AM
65	Does Aberdeen really have a problem in this regard? If not I suggest the Council spend its energy on other things and watch developments elsewhere before formulating any policy.	4/8/2013 6:39 AM
66	Now that anyone under 35 will only receive a shared room rent allowance, it will increase demand for HMO licensed properties so now if not the time to be limiting the provision of licenses.	4/8/2013 4:30 AM
67	As an HMO landlord who lets strictly to mature professionals, I find that in 10 years and 500+ tenants in that time, I have had NO antisocial problems/incidents. The over populated HMO areas are those with too many students/DSS tenants and where properties are not managed on a daily basis. HMO properties require 'micro management' . Those landlords who have a good performance rate such as myself are penalised with terrible costs and over legislation. With changing legislation re DSS rent payments now being paid direct to the tenant instead of the landlord, a huge amount of social landlords now intend to no longer rent to DSS claimants (especially when there is a queue for professional renters waiting to take type of accommodation). The upward pressure for accommodation combined with the constant Aberdeen property shortage will make HMO properties absolutely critical to prevent mass homelessness in the very near future.	4/6/2013 6:18 AM
68	The council needs to consider we students who move to Aberdeen and often stay here after graduating and need well managed flats to live in. Reducing HMOs will do nothing to increase standards and everything to increase our rents. Making it more expensive to live here really puts us off considering settling in Aberdeen and making it our home after graduating.	4/5/2013 10:13 AM
69	Tenants need the housing - demand is high and rents rising. No need for such a policy. Where will all the young professionals and students live? These are the areas of choice for them	4/5/2013 9:53 AM
70	It is nowhere set out why a high no. of HMOs is a bad thing. Surely the way HMOs are run is the issue, not number of HMO units in itself.	4/5/2013 9:17 AM
71	As a landlord, I believe that the HMO standards give tenants an element of safety - fire doors etc/ smoke detectors etc. We are landlords for a property which our son co-owns but wished to share with his friends, therefore we had to re-fit the flat accordingly to make the necessary changes in line with HMO requirements. We completely accept that there needs to be a guideline for landlords to provide safe accommodation but the cost of making these alterations can be considerable. In our case they were not insignificant. We were unable to purchase the property of our choice as the period doors would have to have all been replaced which unfortunately was not an option as our funds were not undeterminable. That was disappointing and in my view period properties can be negatively altered at their expense in order to achieve HMO status - bearing in mind that some of these extremely well built properties have stood for many many years and housed great numbers without problem. Admittedly not the same issue with some more modern properties. We purchased a relatively new build property but still had to pay out several thousands of pounds to make it conform to HMO requirements. If there are restrictions on the number of HMO licences being granted, this will not deter landlords from renting out their properties, they will simply do so without having a licence. As you are aware, many do. This will result in safety standards being ignored. For example, a new buyer who purchases a property, and applies for a licence to rent to tenants, if consequently he is unable to obtain an HMO through over provision, he is unlikely to shrug his shoulders and accept that a 4 bed property can now only be let to 2 persons. He is perhaps unlikely to be in a position to do that even if he chooses. It will just be an excuse not to bother. Obviously in certain areas, such as within close vicinities of the universities, there is more likelihood of "over provision" of HMO due to the nature of renting to students. This cannot be avoided. Safety must come first. Our experience of HMO's are that there are many misunderstandings surrounding them - many people think that if they are living in the property themselves together with paying tenants, then this negates having to have an HMO. Interestingly, having had several children living in different parts of the UK, each local authority has different rules as to what number of tenants living in the one property constitutes an HMO licence. Maybe 3 is too few? There are enough landlords falling though the HMO net without making it more difficult to obtain the necessary consents. It is more important to encourage good conscientious landlords and a safer environment for tenants - over provision restrictions will simply undermine this. Also, properties change owners regularly, how will the council keep abreast of who still is in need of an HMO - if a family moves into a property previously rented by +3 tenants, will that therefore create a "vacancy" for provision of an HMO in a previously over provisioned area? Sounds like a lot of extra paper work to me.	4/5/2013 7:38 AM
72	Only detailed research will provide evidence that for whatever reason there is a requirement to introduce some form or restriction of any further provision/development of HMOs	4/5/2013 6:19 AM

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#	Responses	Date
73	If an overprovisioning law comes into force, it will drive Houses of multiple occupancy away from applying for HMO licenses, and landlords will let illegally, and I honestly believe the council lack the resources to police HMO licenses/or unlicensed properties, by deregulating and making it easier to obtain ie the current situation it allows a simple system, if you overcomplicate it will deter landlords from applying, thus driving rent for students up. if you search today for an HMO property to let there are 0 on the rental market!	4/5/2013 4:48 AM
74	As stated in Two above, it is my belief that as a major university city, Aberdeen has a need for a large number of HMO properties. Residents of Aberdeen are used to the numbers of students and the number of student-occupied properties. If there was no need for these properties, then they would not rent out and would be taken off the market or changed in use. It is possible that in some cities, there may be too many HMO properties, but I do not believe this is the case in Aberdeen, or even close to that level.	4/4/2013 6:02 AM
75	All property is about supply and demand, if people want to live in an area there will be demand for accommodation in that area and HMO rooms will be filled, where there are empty rooms in HMOs within a locality there is a case for overprovision. Until then, the concentration of these types of property simply reflects that the types of people who want to live in HMOs, such as students, also want to live in the areas where there is a large concentration of HMOs. The supply meeting the demand.	4/4/2013 5:58 AM
76	Aberdeen is a university city and therefore students require properties to live in usually within walking distance of the university. Therefore there is a need for HMO properties for them, in some areas there will be a high concentration of such properties.	4/4/2013 5:26 AM
77	there has to be balance between private landlords and private student style hALLS ACCOMODATION PRIVATE INDIVIDUALS SHOULD NOT BE PENALISED BECAUSE THEY ARE WITHIN RADIUS OF A LARGE COMMERCIAL "HALLS"TYPE PROPERTY NOT EVERY STUDENT WANTS TO LIVE LIKE THAT, IT DOES NOT SUIT THEM ALL BUT OTHER STUDENTS SHOULD NOT BE DEPRIVED OF SAFE ACCOMODATION ESPECIALLY IF IT IS CLOSE TO THE COLLEGE OR UNIVERSITY THEY ARE ATTENDING.	4/4/2013 5:10 AM
78	Market forces should determine whether there is a overprovision of HMO properties, not ACC. If HMO property owners are having problems with void periods and the property is not commercially viable they are unlikely to renew the HMO thus managing the amount of HMO properties comparad to the demand in the market.	4/4/2013 2:53 AM
79	I understand reasons for not wanting areas to be overpopulated with HMO properties but these properties are required for a city with so many students. I am currently looking to purchase a further 3 bedroom property and am a little concerned that attaining an HMO license might not be possible.	4/3/2013 11:42 AM
80	This is a farce. The government via councils introduces HMO legislation which forces a high safety standard on shared accommodation but ignores the quality of rented properties for families or single parents with children etc. HMO Landlord's increase rents to cover costs of fire doors, maintaining safety paranoia, constant regulation changes etc. The council is now consulting on whether the HMO's are some sort of problem to society and therefore perhaps should be restricted? Why? HMO's offer the highest standard of rental accommodation currently possible. There are laws to deal with anti-social behaviour so that is not an issue here. What is going on here? The market should dictate how many HMO's there are. The council should not meddle with this, and should concentrate on reducing the cost of licences and improving clearer guidelines. Every time I have renewed by HMO licence (total rip-off) the council has introduced a new measure. This means I have to keep extra cash for addressing whatever the council decides to change next. This uncertainty is bad for investment. Restricting HMO's would add further discrimination to individuals who want to house-share. Not only are these individuals denied a right to judge their own risks as at present, they would also be subject to the affects of the council's corruption of the rental market through interference of HMO availability and the subsequent affects on rent prices of shared accommodation. This is a 'no-brainer'. Should not even be considered.	4/3/2013 8:52 AM
81	Using HMO properties only when deciding if there is overprovision of private rented accommodation in any given area of the city, in no way takes into account private rented properties that fall below HMO occupancy. If the aim of this consultation is to determine overprovision of private rented accommodation within a given area, those properties that fall outwith HMO legislation are far more numerous. Restricting HMO's will do little to change any overprovision.	4/3/2013 6:51 AM
82	If the council is aware of problems that are attributable to HMO properties, then this power may be used, such as the number of private vehicles that need to park in the locality or children attending local schools, patients at the local surgery or dentist, then there may be considered to be an over provision. However, as a free market exists, such problems will serve to drive down population densities and a balance will exist between the problems and the demands for housing of this type. It would not be appropriate to reduce the opportunity for students who wish to live in HMO accommodation to find such properties. It is also notable that it is not considered appropriate to monitor or control the number of people who buy and own their homes and may have very large families although this measure seeks to regulate and control the housing preferred by people who are not related through family ties. It is appropriate for local authorities to ensure that the population density does not outstrip the provision of local services, local planning authorities often take this stance when considering planning applications that would increase the number of dwellings and the same considerations may be appropriate to apply to HMO licence applications so that such measures would apply to all types of housing.	4/3/2013 5:57 AM

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83	<p>HMOs allow individuals to share bills and have fixed outgoings every month. This in turn allows them save to get a deposit for a place of their own. It is also helpful for oil industry commuters who go back to their families in other parts of Scotland at the weekend and for lower income workers. There is a huge shortage of acceptable accomodation in Aberdeen. The focus should be on quality and space not overprovision. Why are there any unlicensed HMOs in Aberdeen? You should crack down on this. Also, there are certain areas of the City where a number of Council Operated HMOs are operated. Any percentage calculation for such an area should take this into account as otherwise it risks shutting out private enterprise and puts the entire burden of affordable accomodation back on the Local Authority. Privately owned and properly operated HMOs are a valuable resource in Aberdeen. Also, those who already have licenses and comply with the sensible criteria therein, should not at any stage be disadvantaged by any percentage calculation.</p>	4/3/2013 5:40 AM
84	<p>Clearly there is currently no overprovision of HMO's in Aberdeen at present as there is still an acute shortage of student accomodation - particularly with easy access to the Universities. I manage 4 HMO's around Aberdeen Uni and I never have to advertise these as they are in demand from one year to the next and usually pass between friends or by word of mouth. My job as Landlord and HMO holder is vet these contacts and to ensure that the tennants understand their responsibilities in regard to their neighbours and act in a responsible and mature manner throughout their tennancy. This legislation is primarily aimed at Edinburgh & Glasgow where the student population is often concentrated in large tenamented flats. Aberdeen does not have those sort of properties in its stock which is why there is a limited number of individual properties in this class. The shortage in accomodation has had to be filled by developers building large scale purpose built accomodation like those run by Unite. To arbitrarily look at an area and decide that there is an overprovision in the current housing stock would be a nonsense . IF there are an properies large enough for conversion then that maybe should be a consideration however there are currently some flats of HMO size that do not have licences as they are owned by families who have maybe two siblings at Uni in Aberdeen. - The nature of the occupants is not going to change if sold to a landlord so setting any arbitrary limit would be a nonsense. Where the Council has a duty is in considering any developement plans for new buildings which are designed to accomodate students as this may impact on an area - however as there is an overal shortage brown field site redevopement of this nature should probably be encouraged.</p>	4/3/2013 12:03 AM
85	<p>We have been private landlords for a licensed HMO for many years. Our property is always full, as we offer affordable but clean and well managed accommodation in the city centre. More recently there has been even more demand for rooms to let, with rooms often being taken by the first person who sees them. All our tenants are hard working professionals. Our HMO property, and others like it, are providing a much needed service to many people in Aberdeen which as the oil capital of Europe has a large transient working population. In addition, several of our previous tenants have saved money whilst staying at our HMO property with enough to pay for a deposit for their own property later on. In this way HMOs can provide a much needed leg-up for younger people onto the property ladder. The survey questions appear to be slanted negatively against HMOs. Yet it is clear that HMO provide a vital service to this city. Also to answer the survey fully, it would be useful to have more information on current distribution of HMOs in Aberdeen and percentages by area. The purpose of HMO Over-Provision Policy is unclear. Other than following the legislation provided by the Scottish Government it is not clear what benefit this policy will provide. The first question should be "Is there a problem with HMOs"? If so, how it is to be addressed. It is my view that in Aberdeen there is no specific problem with HMOs provided that they are licensed and well run. This legislation appears to have arisen from specific problems in other cities (Dundee and St Andrews), which are not seen here in Aberdeen. By far the biggest problem in Aberdeen is the lack of accommodation, in particular short and medium-term rented accommodation. The Council should be looking to supporting HMOs rather than closing them down, which would make the accommodation shortage even worse. Finally, it is not clear whether the over-provision policy would apply only to new HMO license applications or to renewals as well. I very strongly feel it is unfair and grossly disproportionate to apply this policy to renewal of existing HMO licenses, especially where (a) there have been no other objections related to the HMO, (b) closing down an HMO would render many tenants homeless.</p>	4/2/2013 3:11 PM
86	<p>The Council has the power to introduce an overprovision policy but it should not use it.It already has substantial powers to ensure HMOs are of a good standard and should concentrate in this area. Many HMOs are of a very high standard and occupants are good citizens,some University Halls of residence provide poor accommodation and poor supervision of residents. Any overprovision policy is likely to stigmatise students and should be avoided.</p>	4/2/2013 9:10 AM
87	<p>There is already a shortage in the area given that I have had over 20 groups of applicants per HMO property I own.</p>	4/1/2013 10:14 AM
88	<p>I am not convinced a limit on HMO numbers is necessary or appropriate. If so, why not have a limit on 1 person-households, properties with no children etc and thus undertake a social engineering exercise to create the 'right' population mix in any one area? I'm not convinced that a problem has been diagnosed and thus the need for a 'solution' is not clear. If it is simply a question of balancing supply and demand, you havenot provided any quantitative evidence on which to make an analysis and consequently a reasoned view.</p>	4/1/2013 5:53 AM
89	<p>I would hope that existing HMOs would continue to be licensed and that a sufficiently high threshold is introduced that a lack of HMOs does not exist and that rents are then driven up. That would be unfair for tenants.</p>	3/30/2013 1:15 PM

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#	Responses	Date
90	Aberdeen has a very large student population, many of who do not wish to live in halls. It also has a very large population of transient workers, many of whom are forced to live in unsuitable B and Bs and guesthouses because there is not enough HMO accommodation. I would say there are enough problems for people on lower incomes in relation to accommodation in the city without the local government artificially exacerbating the problem by attempting to control the market. I was a student in Aberdeen before and I know for a fact there are large numbers of unregistered HMOs and any artificial restrictions on the numbers of registered HMOs will only make this situation worse. U registered HMOs have fire hazards which are very dangerous to tenant's safety. If the council does anything it should try and get these unregistered HMOs to be registered properly. I can't see any good reason for restricting the number of HMOs on a street in line with some arbitrary percentage. Of course the nearer you get to a university the higher percentage of houses will be HMOs. That's the same everywhere.	3/30/2013 10:52 AM
91	I do not think it should really be the concern of the council as to whether there is an overprovision - that should be a market led decision. Prior to the introduction of HMO's which were brought in to purportedly protect vulnerable tenants and give neighbours more easy access to landlord info an area could have been 100% occupied with what would now be classed as HMO properties. There is nothing wrong with that, especially in a student area. Aberdeen still has a chronic under provision of HMO's, as evidenced by the frenzied clamour for them when they become available and the 5 month search that tenant's of mine have had trying to find an alternative HMO property to move to.	3/30/2013 6:25 AM
92	This is a law which allows discrimination. Consider the possibility that only one segment of society were to live in an HMO, say students. Thus a limitation on HMOs in any one area would be a limitation on students being able to live in an area. That is discrimination. 10% of Aberdeen's population are students.	3/29/2013 12:30 PM
93	Areas close to University's will by necessity have to be granted special status in order to Cater for Student demand	3/29/2013 8:02 AM
94	There seems to be a lack of HMO property in Aberdeen; which is always good for landlords!	3/29/2013 7:01 AM
95	HMO properties provide a valuable service for groups such as students to be able to cohabit together.	3/29/2013 6:27 AM
96	Owner occupiers usually look after their property and street amenities best. Long term tenants leasing the property also seem to be reasonably consciencious. Short term multiple occupation tenants don't seem to have any interest. Their landlords generally seem to be affluent buy to let investors who have never lived in the area, and want to maximise financial return for minimal outlay. They are very often very amateur landlords. My area at the far end of George Street has seen a definable drop in standards as many properties are granted HMOs. Gardens are left untended. Rubbish bins left out for weeks. Properties suffering from a lack of maintenance. Many more loud latenight parties. Some 2 bedded flats can be made more profitable by turning the lounge into a 3rd bedroom and applying for an HMO. One HMO landlord confessed to me that as they'd purchased at the height of the boom, they now needed to go the HMO route to maximise returns. Why should the Council help these business people to compensate for naive investment at the expense of the existing owners amenities? Parking has also become an issue as a 1 car property may now have 2 or 3. I've raised this with the Council in a couple of objections I've raised, but because I couldn't attend the hearings, these were set aside.	3/29/2013 5:15 AM
97	HMO is now such a large category it is difficult to differentiate. There is a huge difference between large properties divided into multiple separate bed-sit type accommodation, and a small residential flat where 3 or 4 students or young professionals share, effectively living as a family. One can entirely understand the reluctance to allow an area to become overwhelmed with properties of the former type, but to restrict all HMOs would stop the latter type which is really a totally different category. My own belief is that the HMO category should be substantially revised to make much clearer distinctions. Unless this happens, then the unintended consequences of any kind of overprovision rules will be that there will be a severe lack of rented accommodation available for students, young workers, and anyone other than families. This will seriously damage the market in Aberdeen and lead to major difficulties for people seeking rented accommodation.	3/29/2013 4:51 AM
98	While setting limits, the Council should take into consideration that, over and above the registered HMO properties within an area, there will likely be many further let properties;- As one or two bedroom flats As unlicensed 3+ bedroom properties.	3/29/2013 2:45 AM
99	Quite unbelievable how much money the council wastes on hammering the best landlords in Aberdeen, whilst doing nothing to catch or punish the bad landlords. This will encourage more bad landlords. Enough is enough !	3/29/2013 2:11 AM
100	If there are a high proportion of HMOs in a street/area which have continual anti-social behaviour issues causing neighbours grief these HMOs should be considered as being an over provision in their area. We live in an area where there is a high proportion of HMOs but we have never had any anti social-behaviour complaints.	3/29/2013 1:14 AM
101	I have been canvassed on this issue but have been provided no information to define "overprovision". We purchased our current property jointly to provide for our daughter who was an undergraduate in Aberdeen and would have sold if market conditions had not deteriorated with recession. The property is located conveniently for University and Hospital and provides high quality affordable rental that attracts many interested parties on occasions where student tenants have graduated and moved on. There is no sign whatsoever of "overprovision" in this locale.	3/28/2013 4:10 PM

HMO Overprovision - Consultation

#	Responses	Date
102	<p>1. Have there been complaints about over provision of HMOs in Aberdeen? 2. I thought that there was insufficient HMO properties in Aberdeen so why apply legislation which will significantly reduce their number. 3. ACC have a group of enforcement officers catching rogue HMO landlords. What will now happen when they find one in an over provided area? or will these officers be made redundant since ACC will not want to find anymore HMO properties 4. Current HMO landlords are not going to wait to see if they will not get their licences renewed. They will take appropriate action to ensure that they have a continuity of rent. I.e sell their HMO properties. Result less HMOs and fees. 5. The current HMOs are located in student friendly areas, this is why there are several of them grouped together. It is not practical for a current HMO landlord to sell a property with a refused licence and buy another one in an area that is not over provided, because students do not want to live there. 6. What is going to happen if a licence is not renewed, but the landlord has tenants living in the property and there is a lease which has a termination date later than the licence end date? 7. The council needs to think seriously about the consequences before they enact an over provision policy in Aberdeen. 8. What is classified as over provision? is it the number of properties or the number of students walking in the street. If it is the number of students walking in the street, then the Unite student accommodation buildings will be classed as over provision. so will they be closing?</p>	3/28/2013 9:57 AM
103	<p>Whilst the regulation of HMOs are a necessity, the fees charged are excessive. This costs only get passed on to the tenants who tend to be in the lowest income bracket.</p>	3/28/2013 8:09 AM
104	<p>Your survey questions are also prejudicial to fairness. By going down this route, you are discriminating against those who need to live in affordable housing, by attempting to limit them by denying them the provision of such housing at locations that are best suited to them. Question 6 clearly shows how prejudicial and one sided this survey is. I cannot complete the survey without answering that question.</p>	3/28/2013 7:11 AM
105	<p>There are regular stories in the local press about the shortage of rental accommodation in Aberdeen. Even this week a top Aberdeen relocation company owner was quoted in the Press and Journal speaking about the lack of properties. As I have said in my answer to question 2, no landlord in their right mind would go through the HMO process unless there was a demand for it, let that be your gauge rather than this "consultation" which the cost of will no doubt come out of the HMO licence fee money. The last time I renewed mine I questioned the considerable rise in cost and was told by someone from the HMO office "you landlords can afford it"</p>	3/28/2013 5:36 AM
106	<p>I do not believe based on my experience as a landlord that there is currently an issue with overprovision of HMOs. However if any restriction were imposed then existing HMO properties should continue to be renewed as Landlords may have previously spent considerable sums of money upgrading their property and it would be unfair then to turn round at a renewal and say it is not being renewed because of overprovision.</p>	3/28/2013 4:51 AM
107	<p>My impression is that students can benefit an area, and should be encouraged.</p>	3/28/2013 4:13 AM
108	<p>If this policy does go ahead the method and reasoning used to determine localities must be completely transparent. The method and reasoning used to determine the overprovision limit for each locality must also be completely transparent. Any decision to grant a HMO license to one property in a particular locality while denying a HMO licence to an identical property in the same area must have a full and reasonable justification. All HMO licenses granted in each locality should be available publicly for examination with full details of the property and reasons why the HMO was granted. Compensation should be considered where a change in policy devalues property.</p>	3/28/2013 1:46 AM
109	<p>Aberdeen Council should have NOTHING to do with this. The guidance from the Scottish Government states that, "it will be for individual local authorities to decide whether and how to apply this power." I feel that Aberdeen Council should NOT apply this power. If they do, rents will go up for young people, more people will take up unregistered accommodation and the HMOs will just be pushed into other areas. The Council should have nothing to do with this.</p>	3/28/2013 12:16 AM
110	<p>I dont understand why any council might want to do this, it will increase the number of landlords who operate without them and jeopardise the safety of tenants. Additionally, my agent is constantly contacted by people and companies looking for them and there seems to be major under supply in Aberdeen, which again makes this proposal strange to understand.</p>	3/27/2013 11:26 PM
111	<p>You cannot generalise like this. Speaking as a student and HMO license holder, many places may seem over-provided, but in reality they are the only places accessible to students. If you were to limit the HMO provision in a given area, students would end up living further from uni and would require cheaper public transport in order to maintain their existence. I understand why this is an issue in other ways, but think that it is an issue unavoidable in university localities.</p>	3/27/2013 2:53 PM
112	<p>Surely the market will dictate overprovision. Increased meddling by national and local govt will reduce the amount of HMO availability and drive up prices to the disadvantage of renters and potentially increase the no. of rogue landlords. It may also force people into 2 bedroom accommodation which is not monitored.</p>	3/27/2013 2:29 PM
113	<p>More unnecessary red tape!</p>	3/27/2013 1:48 PM
114	<p>It is simply supply and demand if there were too many then landlords would not be able to let their property. There is obviously a lack of decent accommodation for students and workers alike in the area.</p>	3/27/2013 11:46 AM

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115	Students require appropriate accommodation, these properties are difficult and expensive to prepare for an HMO. If there was a surplus of properties in a particular area a landlord would have to quickly change his target tenant and rent to, perhaps a family, in this case he would cease holding an expensive HMO license. Therefore the system is self regulating. As you say on your webpage some areas will require more HMOs than others mainly due to their location with respect to University Campus, it would be foolish to restrict HMOs in these areas forcing students to have to live further afield or in inappropriate accommodation.	3/27/2013 10:50 AM
116	Homes need to be affordable, HMOs are a part of this (so to are Council Houses) - incorrect use of regulation can increase costs. There is so much more to this subject however i'm sorry i can't give more time to answer. NB forced to answer question 6 to send reply please ignore answer to question 6.	3/27/2013 9:17 AM
117	HMO licensing is so important for safety of tenants, without it, properties with students and other sometimes vulnerable groups could be open to unscrupulous practises and being treated unfairly by unregulated Landlords. Without HMO anyone could buy a property and let to however many, it could be damp, could be fire hazards, could be in flats without means of escape..... etc etc etc. restricting HMO by saying over provision would be creating a much bigger, more dangerous problem.	3/27/2013 9:06 AM
118	I would have thought that if the demand in the local economy is such that HMO licences are required then the City Council should do so	3/27/2013 8:22 AM
119	There is a large demand for properties from students , capping the allowance of HMOs will make it difficult for students to find accomodation and may ultimately result in fewer people relocating to Aberdeen or electing to join Aberdeen or Robert Gordons University	3/27/2013 7:49 AM
120	This is an unbelievable exercise in bureaucracy. There is an implication that a particular form of occupation of a property is per se an issue for society. This is a form of social engineering and borders on very dangerous territory. What other social factors could be used to lead to an officially sanctioned purge? Ethnicity? Gender? Social class? Occupational status? Car ownership? What about business use - could shops be forced to close if there are too many in in an area? Would social housing have to be sold off if it became disproportionate to privately owned stock in an area, or vice versa? Wherein lies the evil of a citizen choosing to rent out property they own to people who wish to occupy rented accommodation? Why is the issue of HMO status so significant in this context? If the existence of an HMO licensed property or a number of these in close proximity creates a danger to the community, then there might be a cause for action. I am unaware of any such penicious threat, and indeed if any specific property gives rise to such concern, then powers exist to deal with this at present. HMO liences were originally introduced to ensure adequate standards in private rented accommodation, which was a laudible and reasonable step. What is now being proposed is grossly disproportionate to the original legislation, and the taking up of such powers as the newlegislation allows should be totally disregarded by the Council. Any oversupply of HMO licensed accommodation will be reflected in the market, with falling rentals leading to a proportionate reduction in licensed properties. No reasonable person is going to continue to rent a property where oversupply leaves them losing money on the rental. If there is increased demand for HMO accommodation, then it reflects a positive trend for the local community as more people wish to reside there for academic, business or social reasons. The Council should be happy about this rather than seek to engineer a market which would lead to rising rental costs and fewer incoming residents. In an era of severe challenges to local authorities, pursuing these putative powers is a waste of time and resources which could be much better used in other aspects of service delivery.	3/27/2013 6:56 AM
121	Some areas will undoubtedly have larger numbers of HMOs than others ie those properties within walking distance of Uni or college where as some areas may not have any HMOs. Students need a choice of good, comfortable properties available otherwise unscrupulous landlords will be able to over charge for unsatisfactory properties.	3/27/2013 6:48 AM
122	I am attempting to get HMO and have been provided with requirements by your inspectors. If I was to spend thousands based on this advise, then found I was refused due to overprovision, I would probably be seeking legal advice.	3/27/2013 6:28 AM
123	The last thing HMO landlords want is more regulation with regard to HMO properties, I am allready thinking of moving away from HMO properies because of the current regulations.	3/27/2013 6:05 AM
124	The council should have a clear policy of what should be allowed and should provide quarterly information on how close to the limit each area is to overprovision. This will allow communities and HMO providers see clearly what is happening in their area.	3/27/2013 5:28 AM
125	I think that if you ask any letting agent, Student or tenant seeking rental how easy it is to find accommodation in Aberdeen (HMO or standard) they would answer your question very quickly. Aberdeen is desperately short of HMO and regular tenancies so to have ANY sort of suggestion on overprovision is mind blowing.....I think facts need to be taken into account not survives like this. As a Director of Aberdeen largest leasing agency I'm happy to discuss the massive short fall in properties across the board in the rental sector; i invite your reply. dlamb@a-p-l.co.uk	3/27/2013 4:52 AM
126	I do not think people who rent would be very happy, if for instance they cannot get accommodation in the area!!	3/27/2013 4:49 AM

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127	<p>My fear is that while demand is so high for HMO properties in the immediate area around the universities that students will resort to renting unlicensed properties if the council prevent any new licences to be obtained. This will then defeat the purpose of any good work that the current HMO officers have done in the last few years. I feel that it is important to have hmo properties licensed properly and the basis for granting a license should be on quality and not quantity. An HMO property that is looked after properly does not need to be seen to have a negative effect on any street.</p>	3/27/2013 2:27 AM

