

Introduction

When a tenant is identified as needing a larger home we must consider whether there are any serious crowding and space hazards at the property. Where we have concerns that a family is subject to overcrowding we must ensure that the appropriate action is taken.

Background

The 'statutory overcrowding' standard detailed in the Housing Act 1985 was first introduced in 1935 and comprises a very low, prescriptive standard which includes living and dining rooms as often being suitable as sleeping rooms. This is an out-dated piece of legislation which does not reflect modern standards. Nowadays we can assess crowding and space hazards using the Housing Health and Safety Rating System (HHSRS), outlined in the Housing Act 2004.

The HHSRS assessment does not just measure overcrowding. But also takes into account other factors such as layout, amenities, location and presence of recreational space within the home. Additionally, the number of bed spaces is an important consideration when we are deciding whether or not the current accommodation is suitable for a particular family.

Government guidance on using HHSRS states: *'There should be sufficient provision for sleeping having regard to the numbers likely to be accommodated in the dwelling. As a guide, and depending on the sex of the household members and their relationship, and the size of the rooms, a dwelling containing one bedroom is suitable for up to 2 persons, irrespective of age. A dwelling containing 2 bedrooms is suitable for up to 4 persons. One containing 3 bedrooms is suitable for up to 6 persons, and one containing 4 bedrooms is suitable for up to 7 persons'.*

This refers to the "Bedroom Standard" which specifies the number of bedrooms which a household needs, based on the assumption that no-one has to share a bedroom unless they are a couple, both aged under ten, or both aged under twenty-one and of the same sex. Households lacking one bedroom will be considered to be overcrowded and those lacking two bedrooms will be 'severely overcrowded'.

'Permitted numbers' shown within Open Housing can be used as a guide to the size of a property. However, when Derby Homes are considering what needs to be awarded on a rehousing application we consider the number of bed spaces available. This information can also be found in Open Housing and gives an indication of room size, for example 4 bed spaces in a 2 bedroom property means there are 2 double bedrooms. 4 bed spaces in a 3 bedroom property indicates 1 double bedroom and 2 singles.

When assessing crowding and space, official guidance suggests that a room of a minimum of 6.5m² will normally be suitable as a single bedroom and a room of 9.5m² or above is considered suitable as a double bedroom for 2 persons. However, this is not a hard and fast rule as the design and shape of rooms should be sufficient to accommodate the furniture and circulation space required.

Policy

- We will visit families where we identify suspected overcrowding. We will make an assessment as to the size of property that a family needs depending on the family make up and the number and size of bedrooms in their current homewith reference to Government HHSRS guidance
- We will carry out an internal case conference to consider the best option to follow to resolve the case and monitor progress against the agreed actions on a quarterly basis
- We will inform the tenants of our proposed action plan and the steps we intend to take. We will keep the tenants regularly informed on progress no less than on a quarterly basis, but more frequently where necessary
- We will register all families who are lacking 3 or more bed spaces for rehousing, award them the appropriate needs and activate autobidding on their application.
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- We will work with the tenant and private sector landlords to find solutions within the private sector and use all incentives within the PRS scheme to do so
- We will make up to three offers of what we consider to be appropriate accommodation for the family's needs either from within social housing stock or from within the private rented sector. If those offers are not accepted we will consider our duty to be discharged and the case closed
- We will look at whether the situation can be resolved by rehousing family member(s) living in the property that are old enough to hold their own tenancy If so we will ensure that up to 3 offers of accommodation are made either from within social housing stock or from within the private rented sector. If those offers are not accepted we will consider our duty to be discharged and the case closed
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- Along with rehousing we will consider other options which might alleviate the overcrowding situation. These may include altering the existing accommodation with internal modifications, building an extension, or in exceptional circumstances, look at combining two adjoining properties into one.
- We will conduct a safe and well check in all cases to ensure that the family know how to prevent a fire and also have an emergency plan in place.
- We will carry out an annual review to check whether the family circumstances have changed – whether the overcrowding has got worse or has been resolved with the addition or leaving of family members. This annual review will continue until the overcrowding has been resolved or we have exercised our duty.

- If the tenants refuse to cooperate with our agreed action plan either by refusing to have their property extended, or by refusing to accept a reasonable offer of alternative accommodation, (including a move to a property in the private rented sector) either as a whole family or in part that would resolve the overcrowding then a decision will be made at an internal case conference that our duty is discharged and the case closed. The case conference will consider whether or not the reasons the tenant has given for refusal were reasonable and may also decide to continue to try to resolve the case by other means if it is felt the tenants refusal reasons were reasonable

Requests for review

If a tenant is unhappy with the decision to close the case because we believe our duty is discharged, they can request for this to be reviewed. The case will then be reviewed by the Head of Service for Housing Management.