

Crowding and Space Hazards Policy



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 This is an out-dated piece of legislation which does not reflect modern standards but has not been repealed. Nowadays we can assess crowding and space hazards using the Housing Health and Safety Rating System (HHSRS), outlined in the Housing Act 2004.

There are therefore two legal definitions for Statutory Overcrowding, the room standard and the space standard. A household is deemed to be Statutory Overcrowded if either, or both standards apply.

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'.

Bed spaces 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 award on a rehousing application, we consider the number of bedrooms 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

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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 home with 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 register all families who are lacking 3 or more bed spaces for rehousing, award them the appropriate needs and activate autobidding on their application.
- We will talk to the family about all the options available to them. These include: registering on Derby Homefinder, mutual exchange, private renting and wherever possible, making alterations to the existing property.
- 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 also encourage the tenant to consider any options available under the mutual exchange scheme.
- We will consider if it is possible to make alterations to the existing property. This may include making internal modifications, building an extension, or in exceptional circumstances, look at combining two adjoining properties into one.
- We will discuss our proposed action plan with the tenant and explain 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 make up to 2 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.

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- We will also 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 2 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.
- We will conduct a safe and well check on an annual basis to tenants whose serious overcrowding remains. This is to give them advice about how to prevent a fire and also to check they have an emergency plan in place if a fire were to break out.
- Where tenants have chosen to remain living in overcrowded accommodation, we will also revisit the options available to them to relieve their overcrowding.
- This annual review will continue until the overcrowding has been resolved or we have exercised our duty.

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 Director of Housing Services within 21 days. Requests for a review should be made within 28 days of the tenant being informed of the decision.