

HACKNEY OVERCROWDED WORKSHOP FACT SHEET



Legal definition of overcrowding since 1985: Overcrowding is when there are not enough rooms for the amount of people living in a home.

Definition of a bedroom: Can include box rooms, dining rooms, rooms used as home offices, living room:

https://england.shelter.org.uk/housing_advice/repairs/check_if_your_home_is_overcrowded_by_law

There are **2 legal Standards** that can be used to work out whether a property is overcrowded or not. A dwelling is statutorily overcrowded if either or both standards apply.

1. Room Standard:

- Is based on the number and sex of people who must sleep in one room.
- The room standard does not limit the number of people of the same sex who can live in the same room (but see the Space Standard for more information).
- The room standard is breached if two people of the opposite sex aged 10 and above must sleep in the same room.
- The exceptions to this rule are:
 - Cohabiting couple or married couples.
 - Children under the age of 10.

Number of rooms	Max. number of people allowed
1	2
2	3
3	5
4	7.5
5	10

2. Space Standard:

- Is based on the maximum number of people who can sleep in a dwelling of a particular size.
- The permitted number of people depends on the size of the room, the number of living rooms and bedrooms in the dwelling, and the age of the occupants.
- You can use this handy calculator online: <https://goodcalculators.com/room-size-calculator/>
- Do not count any room that is:
 - Not a bedroom or living room
 - Under 50sq feet or 4.6 square metre

Room's floor space in square feet	Room's floor space in square metres	Max. number of people allowed
50-69	4.6-6.4	0.5
70-89	6.5-8.3	1
90-109	8.4-10.1	1.5
110	10.2	2

For both Standards:

- Children under 1 year old are ignored in any calculation.
- Children under 10 years old but above 1 count as a '0.5' (half a person).
- People above 10 years old count as 1 person.
- Rooms under 50 square feet are ignored.
- A room is counted if it is either a living room or a bedroom
- There is no guidance about how a room should be measured. Local authorities have the power to enter premises to take measurements on giving 24 hours' notice.

If you believe that you are overcrowded according to the Room and Space standards, please see the following options available to you:

Private Rented Sector tenants:

- Make a complaint to environmental health and request an inspection
privatesectorhousing@hackney.gov.uk. You can also call them on 020 8356 4866 but send a follow up by email. They can inspect your property and order your landlord to take action to deal with anything that poses a risk to your health and safety.
- Request an Occupational Therapy assessment if related to health.
- Look for alternative private accommodation independently. Consider looking at properties in neighbouring boroughs.
- Apply to join the housing register if you qualify.
- Make a homeless application on the basis the property is unreasonable to continue to occupy.

Temporary Accommodation:

- Within 21 days of accepting the TA property, ask the council for a s202 (1A) Housing Act 1996 internal review of suitability if you think the accommodation is unsuitable as statutory overcrowded.
- You can also request an **out-of-time review** if you did not manage to request a review on time or you have become overcrowded since you moved into the Temporary Accommodation. However, it will be up to the local authority to decide whether to carry out the review.
- If your TA is owned by a private landlord, you can also take the steps listed under 'private tenants' to get your home inspected and enforce repairs via the **Environmental Health team**.

Hackney Reviews Contact information:

- Email: reviewsandappeals@hackney.gov.uk

Please note that if you are in s188 Interim (Emergency) Accommodation you cannot request a review via this process. You will need legal advocacy to ask the courts for a Judicial Review.

Social housing and Housing Association tenants:

- You can apply for a **transfer** to a larger property through the council or your housing association.
- You could register for **Mutual Exchange** to swap your home with another social housing tenant
 - You can do this through pages like [HomeSwapper](#) or [Exchange Locata](#)
- Council tenants cannot request an inspection from Environmental Health, but housing association tenants may be able to.