

The Borough Council of Wellingborough  
Statutory Overcrowding Assessments

What is Statutory Overcrowding?

Statutory overcrowding is a legal standard set out in the Housing Act 1985 which is used to determine if you are legally over crowded. Households that are statutory overcrowded are owed the same duty as if they were homeless.

How is the property assessed?

**1. Room standard**

The room standard looks at the number and sex of people who have to sleep in the same room. Any room you can sleep in counts, not just bedrooms. Living rooms, dining rooms and studies count as rooms you can sleep in.

Your home is overcrowded by law if:

- 2 people of a different sex have to sleep in the same room
- And they are aged 10 or over

The rule doesn't apply to couples who share a room. Children under 10 aren't counted.

**Example**

A couple with two boys and a girl all aged under 10 living in a 1 bedroom flat with a living room would not count as overcrowded under the room standard.

**2. Space standard**

This method is called the space standard. There are two ways to work out if a home is overcrowded under the law using this method.

First count the number of people:

- Anyone aged 10 or over counts as 1 person
- Children aged 1 to 9 count as 0.5
- Children under 1 year old don't count

Next, count the number of rooms or measure the floor space of each room.

Don't count any room that is:

- under 50 square feet or 4.6 square metres
- not a bedroom or living room

Check the tables below to see if your home counts as overcrowded under the law under the space standard.

## Number of rooms

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

## Floor space of each room

Room's floor space in square feet	Room's floor space in square metres	Maximum 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

### Why am I being told to use my living room as a bedroom?

The Housing Act 1985 states that any room normally used as a bedroom or living room (this would include dining rooms) should be included as a sleeping area. You don't have to be using the living room for this purpose for it to be included in the calculation.

### I don't meet the statutory threshold can the council still help?

Statutory Overcrowding is used to assess households experiencing the most serious harms of overcrowding and are thus owed a legal duty. The Borough Council of Wellingborough does however recognise that households that don't meet this threshold may also require support. As such our Housing Allocation Policy (December 2018) allows officers to complete a separate assessment based on internal policy whereby you may be allocated either a B or C banding depending on your need.