



HAVEBURY HOUSING PARTNERSHIP

BEDROOM SIZE POLICY

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Legal Advice Sought	Confirmed - no comments recommending amendments received

1 Context

- 1.1 With the introduction of the Welfare Reform Act, from April 2013, and The Licensing of Houses in Multiple Occupation (Mandatory Conditions in Licences) (England) Regulations 2018, all current and future working age tenants renting from a local authority, housing association or other registered social landlord will be subject to a 'size criteria' and receive housing benefit based on the need of their household.
- 1.2 The Havebury Housing Partnership (HHP) has a range of property types, some of which are of non-traditional layout, where clarification may be sought by tenants on whether a room should be considered a bedroom, based on its size and or location.

2 Purpose

- 2.1 The aim of this policy is to provide a clear framework against which decisions can be made where queries arise as to what constitutes a bedroom.

3 Scope

- 3.1 This policy extends to all HHP rented properties and tenancy types.
- 3.2 This policy is an Asset Management Policy. This policy should be read in conjunction with HHP's Hardship Fund Policy and Allocations and Tenancy Policy.

4 Framework

- 4.1 In determining the number of bedrooms in a property, HHP will apply policies that are fair, independent and accountable and have due regard to the prevailing legal and regulatory requirements. The word bedroom is not defined in the Housing Act 2004, Housing Benefit Regulations 2006 or 2012 Amendment Regulations and this is a matter of fact to be determined on a case by case basis.
- 4.2 HHP will consider each case on its merits. Section 326 of the Housing Act 1985 mandates space standards for "persons sleeping in dwellings". The Act makes allowance for children aged under one and those aged over one and under ten. Floor area under a height standard of 1.5m should not be included in the calculation of floor area.
- 4.3 The Licensing of Houses in Multiple Occupation (Mandatory Conditions in Licences) (England) Regulations 2018 prescribe the following conditions of Part 2 Licences:
 - 6.51m² (70sqft) for one person over 10 years of age
 - 10.22m² (110sqft) for two persons over 10 years
 - 4.64m² (50sqft) for one child under the age of 10 years.
 - A mandatory condition that any room less than 4.64m² (50sqft) may not be used as sleeping accommodation.
 - No part of a room should be included in the calculation where the ceiling height is less than 1.5m

4.4 There is no intention to apply a blanket reclassification to large numbers of HHP properties. Considerations will follow the principles laid out in the following framework:

- a. Rooms identified as bedrooms and sufficient to contain a bed and a means to store clothes (in any event no less than 4.64m² (or 50sqft)) will generally be considered sufficiently large enough to be classed as a bedroom, unless compelling evidence is provided to the contrary. All relevant information will be considered. Opinions to suggest that the room is 'small' are not in themselves however considered compelling evidence for re-classification. Primary considerations here will include that the room cannot physically house at a minimum a single bed of standard size and proportions, or that room size is not the only consideration i.e. rooms with bulkheads for example.
- b. Secondary considerations may include; consideration of the rent charged on the property and the manner in which the property was allocated. These secondary considerations however do not in themselves materially outweigh the consideration at 4 (a) or (b).
- c. Where extensive adaptations have been undertaken to a property to meet the needs of a disabled tenant or family member, which as a consequence has rendered a bedroom unusable for the life of that tenancy, the number of bedrooms the property is deemed to have is reduced accordingly.

For example;

Where a bedroom has been wholly converted to a wet room for a tenant/family member or a through floor lift has been fitted which renders the remainder of the bedroom into which it enters unusable. This will not apply to minor adaptations to properties, where the bedroom is still available for use as such.

- d. A room is available as a bedroom if it is of a type normally used in the locality as a bedroom, irrespective of its location within a property i.e. Bedrooms located on the ground rather than the first floor.
- e. In determining the need for reclassification, due regard can be given to a number of additional considerations, the prevailing need for that accommodation type in the locality, the need to create balanced sustainable communities or the need to reduce void rates on particular difficult to let property types.

5 Effective Date

5.1 Decisions will take effect immediately from the date of the decision.

5.2 Where a decision to reclassify a property size materially affects the rent payable on the tenancy, for the avoidance of doubt, the effective date will be the decision date and determinations will not be backdated.

6 Responsibilities

- 6.1 The Operational Committee will be responsible for monitoring its effectiveness. This will be achieved by notifying (by exception) of any changes in legislation, instances that the policy, and the parameters established, are challenged by a tenant, or others that are deemed important by Committee Members.
- 6.2 Day to day responsibility lies with the Chief Executive and the Leadership Team. The Director of Operations will be the nominated “Controlling Authority”.
- 6.3 In exceptional circumstances, the Director of Operations has delegated authority to agree decisions on individual cases with the Chair of Operational Board.

7 Monitoring and Appeals

- 7.1 Incidents of queries raised on bedroom sizes will be recorded and the decision noted in each case.
- 7.2 Where a complainant is dissatisfied with the investigation or the decision on their query, they may pursue an appeal through HHP’s complaints procedure.

8 Policy Review

- 8.1 This policy will be reviewed every three years.