

Hoarding
What Managers should know and do about hoarding
HUD San Francisco Multifamily Hub, July 21st, 2011

1. Hoarding Topics

- a. What is Hoarding?
- b. Health and Safety Issues
 - i. Hoarding VS HUD Decent, Safe and Sanitary Requirement
- c. Legal Issues
 - i. Reasonable Accommodation
 - ii. What You Can Do

2. Hoarding: What is Hoarding?

- a. Excessive acquisition of possessions (and failure to discard them), even if the items are worthless, hazardous or unsanitary.
- b. Compulsive hoarding may impair mobility and impede necessary access to or egress from the unit, creating a potential health and safety hazard.

3. Hoarding: What is Hoarding?

- a. Characteristics
 - i. Acquisition of & failure to discard large number of possessions
 - ii. Living space sufficiently cluttered limiting activity
 - iii. Significant distress or impairment functioning caused by Hoarding
 - iv. Reluctance or inability to return borrowed items

4. Hoarding: What is Hoarding?

- a. In addressing the complexities of hoarding, each case is unique. Everyone will not have the same issues so you may want to have either the service coordinator (if your property has one) or a caseworker involved in the process

5. Hoarding: Health & Safety Issues

- a. The most obvious problem with hoarding is violation of building and public safety codes by blocking access to exits, windows, and hallways or interfering with proper ventilation in the rental unit, which could result in injuries or fire.
- b. The clutter may encourage pest infestations.
- c. Clutter can prevent emergency workers from getting to resident and endanger workers as well.

6. Hoarding: Health & Safety Issues

- a. Hud housing must be in decent, safe, sanitary and in good repair.
- b. Section 5.701(c), Must maintain housing in a manner that meets the physical condition standard set forth in this section. Standards addresses:
 - i. The site
 - ii. building exteriors
 - iii. building systems
 - iv. the dwelling units
 - v. common areas

- vi. health and safety considerations

7. Hoarding: Health & Safety Issues

- a. Dwelling Unit: each Dwelling unit must:
 - i. Be structurally sound, habitable, and in good repair in all areas of the dwelling unit;
 - ii. Have hot and cold running water;
 - iii. If unit has sanitary facilities, these must be in proper working order;
 - iv. Include a proper working smoke detector
- b. Hoarding may prohibit maintenance from doing annual unit inspections or providing general maintenance to the unit.

8. Hoarding: Health & Safety Issues

- a. Health & Safety Concerns: all areas and components of housing must be free of health and safety hazards.
 - i. garbage and debris
 - ii. infestation
 - iii. no evidence of fire hazard, electrical hazard
 - iv. proper ventilation and free of mold
 - v. odor or other observable deficiencies
- b. Due to clutter issues, hoarders create a hazardous environment to the property, other residents, staff and themselves.

9. Hoarding: Legal Issues

- a. Reasonable accommodation: since hoarding may be a symptom of an underlying behavioral issue, addressing this problem might include some form of reasonable accommodation.
- b. If you have a service coordinator or the individual has a caseworker, you may want to enlist their assistance in addressing this issue. They may make some recommendations that have been successful in the past or have experience with this behavior.

10. Hoarding: Legal Issues

- a. First and foremost, always thoroughly document what you have done.
- b. What you can do: strategies include:
 - i. providing housekeeping notices
 - ii. terminating subsidy for not complying with
 - iii. health, safety and sanitary provisions in the lease
 - iv. bringing resident to market rent and eviction for non-payment of rent
- c. Every step should be thoroughly documented.

11. Hoarding: Legal Issues

- a. Housekeeping: lease violations should be issued to the resident.
 - i. Make sure you have some standards in your policy or house rules, not just the lease.
- b. Give the resident some specific timeframe in order to cure the problem.
 - i. If the timeframe is not met, you can either refer to the service coordinator

- or caseworker to work with the resident to address the issue.
- ii. An agreement should be drawn up in order to give specific guidance and timeframes to clean up.

12. Hoarding: Legal Issues

- a. If the problem still persists then subsidy can be terminated for non-compliance with the decent, safe and sanitary requirements in the lease.
- b. Resident's rent should go to market and if unable to pay then eviction proceedings should be initiated for non-payment of rent.
- c. A court may ask what you have done to accommodate the resident or resident may litigate for failing to provide a reasonable accommodation.

13. Hoarding: Legal Issues

- a. If behavioral issues are raised, It becomes your responsibility to meet the burden of proof that you reasonably accommodated the resident.
- b. Keep in mind that most California courts do not want to evict individuals unless there is non-payment of rent, particularly in cases involving mental health or behavior issues.

14. Hoarding: Legal Issues

- a. You may want to request a stipulated judgment from a court.
- b. This is an agreement between all parties to specific conditions (such as the tenant agreeing to remove the clutter to come into compliance with the terms of the lease).
- c. The agreement is signed by both the property and resident.
- d. Violation of the stipulated judgment would warrant removal of the resident.

15. In Summary

- a. Hoarding involves the excessive acquisition of possessions (and failure to discard them,) even if the items are worthless, hazardous, or unsanitary.
- b. Hoarding may violate the decent, safe and sanitary requirements in the lease by creating an unsafe condition in the unit that would impede proper maintenance, annual inspection and infestation of pests.
- c. Consider Involving a caseworker or service coordinator in the process.

16. In Summary

- a. Consider some form of reasonable accommodation to address the issue.
- b. Thoroughly document your process.
- c. Explore the possibility of a stipulated judgment.