



HOARDING:

REASONABLE
ACCOMMODATIONS AND
COURT INVOLVEMENT

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HOARDING THAT
VIOLATES HEALTH
& SAFETY CODES
IS A LEASE **VIOLATION**

EXAMPLES OF LEASE VIOLATIONS

- Odor
- Infestation
- Blocking Exits
- Fire Hazards
 - Blocked Exits
 - Papers near stove, heating vents
 - Storing combustible items
 - Resident a smoker?



EXAMPLES OF LEASE VIOLATIONS (continued)

- Animals
 - Multiple
 - Feces, untended litter
 - Damage to carpets, other property
- Garbage
- Health/Fire Dept Citations
- Unusable bathroom facilities



EVIDENCE (for resident and court)

- Photos/videos – legal if obtain proper entry
- Health or Fire Department Citations
 - Make friends w/ inspectors, ask them to talk to residents' meetings
 - Make joint approach to specific cases
 - Your court action is defense against their citation
 - Neighbor complaints

STANDARD LEASE ENFORCEMENT

Major (serious threats to health and safety of others) or repeated violations

- Eviction Notice with reasons stated
- Meet with Resident to Discuss
 - Plan to Return to Lease compliance
 - Right to Reasonable Accommodation

Minor violations

- Lease Violation Notice
- Meet as above

DISABILITY DEFINITION

For purposes of hoarding
reasonable accommodation:

A physical or mental impairment

- that significantly interferes
- with one or more major life activities

Reasonable Accommodation Definition

- Removal barrier to equal access (Resident's inability to remain in home without assistance in removal of clutter)
- Hoarding
 - Means Time and Assistance to clean out enough to achieve lease compliance (could be worded better)
 - Does not mean health and safety violations can continue indefinitely
 - Does mean an imminent threat (usually fire, structural or contamination) must be addressed immediately

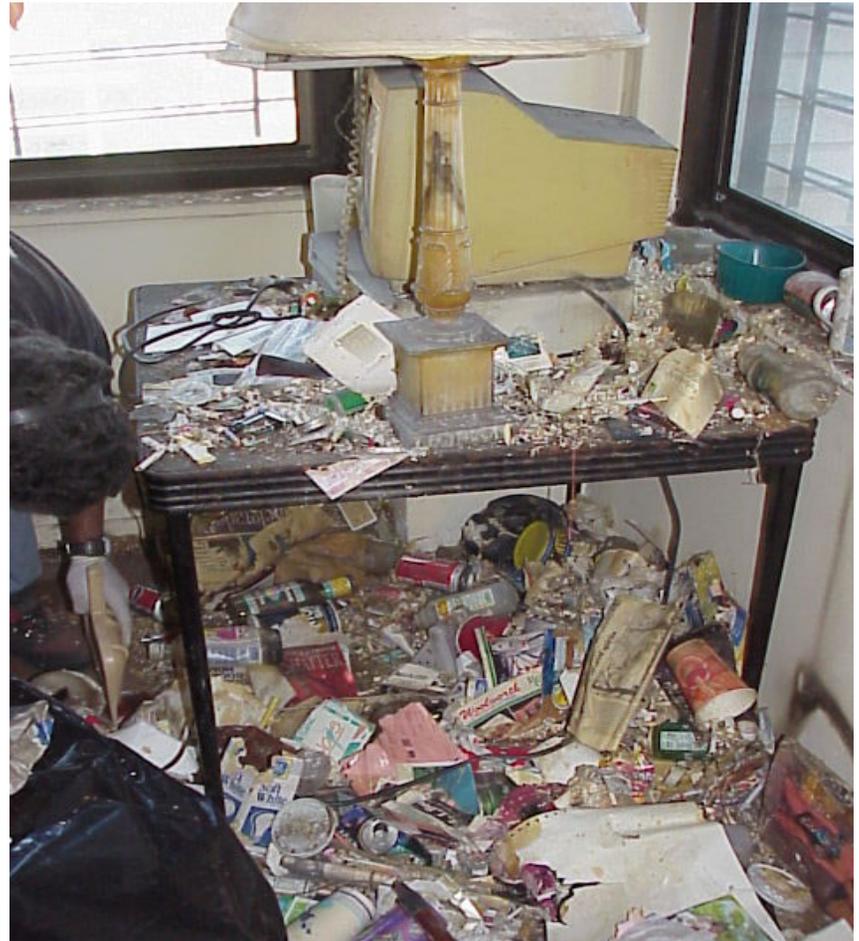
REASONABLE ACCOMMODATION

- Hoarders at lease violation level meet the definition of disability
- You must offer an accommodation even if resident does not
 - ask for an accommodation
 - admit that they have a disability
 - agree that unit needs to be cleaned up

Resident has right to refuse accommodation

MEETING WITH THE RESIDENT

- Inform resident
- Give list of specific lease violations
 - In person & in writing
 - Go over each specific violation, in stages if nec.
- Show resident the evidence
- Cite lease or health and fire codes
- Offer to make reasonable accommodation
- Offer to help w/ removal/cleaning plan
- Go to court earlier rather than later



DEVELOPING A PLAN

- Involve a service provider in plan, if possible
 - They have time
 - They have expertise
- Make agreement through the Court
 - So resident understands seriousness
 - So it is enforceable
 - So it can include lease addendum
- The greater the danger, the more certain the plan must be including the resident's cooperation.

ACCOMMODATION PLAN INCLUDES

- Specific standards in specific areas
- The timeline for each step and the deadline
- Who will do removal
- Who will check and how often
- Services resident will accept
- Relevant releases
- Method to ensure permanent resolution of problem



CONFIDENTIALITY

- Does not apply to protective referrals
 - Elders at Risk
 - Disabled Persons Protection Commission
 - Department of Social Services
- Does not apply to calling any service provider about a matter of public record
 - Fire or health department citation
 - Court order



COURT INVOLVEMENT

- Request **Tenancy Preservation referral** in any Housing Court jurisdiction

(see handout for contact information)

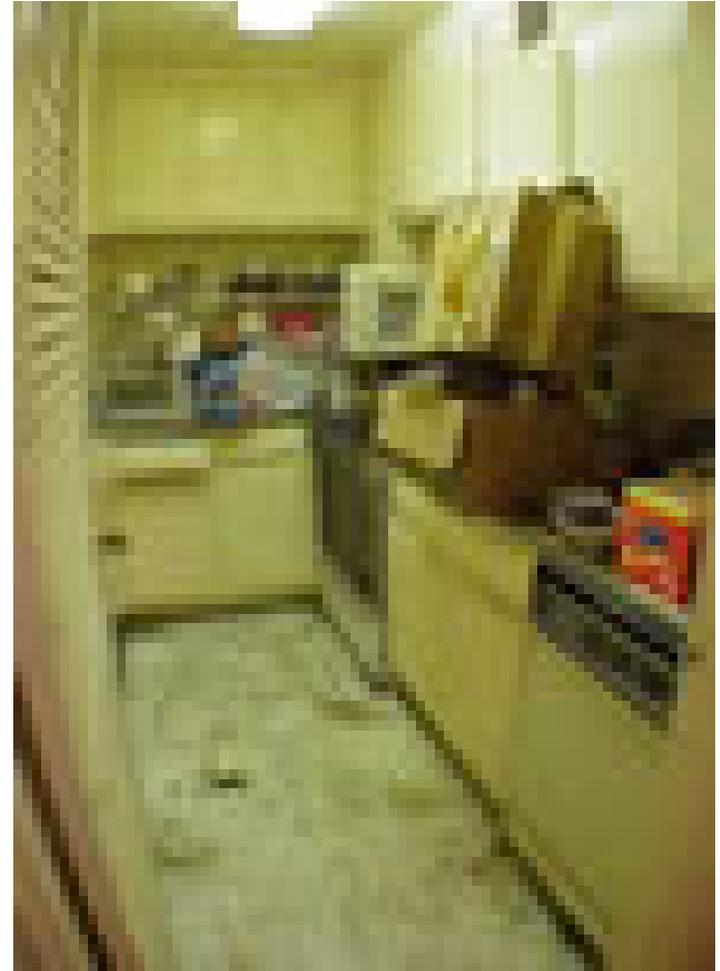
- Get specific written agreement
- Get lease addendum for permanency

SET **REALISTIC** GOALS

BATHROOM



KITCHEN



LIVING ROOM



BEDROOM #1



BEDROOM #2



DINNING TABLE



SUMMARY

- Hoarders in violation of codes & lease meet the definition of disability
- You must offer to make a REASONABLE ACCOMMODATION plan
- You almost always need COURT INVOLVEMENT to be effective
- Resident needs a PERMANENT plan