

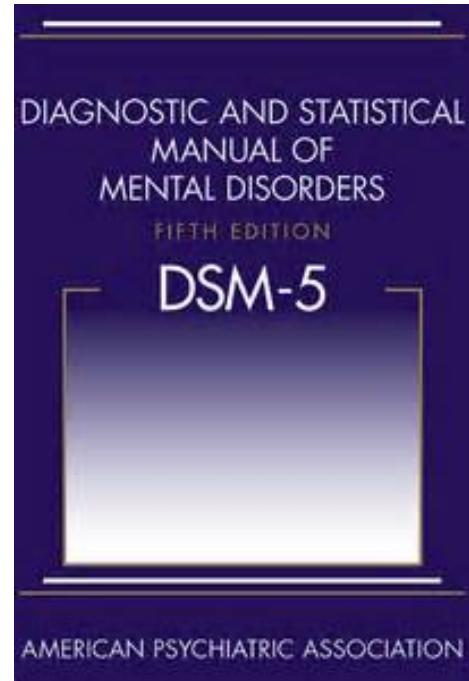


# BATTLING THE GROWING HOARDING EPIDEMIC

THE VIRGINIA FAIR HOUSING OFFICE  
“Where the greatest weapon in the fight  
against housing discrimination is  
EDUCATION!”

# NEWLY ADDED DSM-5 DISABILITIES

- Autism Spectrum Disorder
- Binge Eating
- Post-Traumatic Stress Disorder (PTSD)
- Dysregulation
- Gender Dysphoria



# AND...

The extreme form, HOARDING, is now a distinct psychiatric disorder, defined in the new **Diagnostic and Statistical Manual-5** as "persistent difficulty discarding possessions, regardless of their value" such that living areas cannot be used.



MORE COMMON THAN BELIEVED TO BE...

ARE THE SAD NEWS

# HOARDING IS NOT A NEW PHENOMENON...



# COLLYER BROWNSTONE



# THE SAD OUTCOME OF HOARDING



"HOARDER" FOUND DEAD UNDER PILES IN CHESHIRE HOME  
POLICE SAID THE HOME SUFFERED SIGNIFICANT STRUCTURAL  
DAMAGE AND IS CONSIDERED A HAZMAT SITUATION.

By Ari Mason and Jamie Ratliff

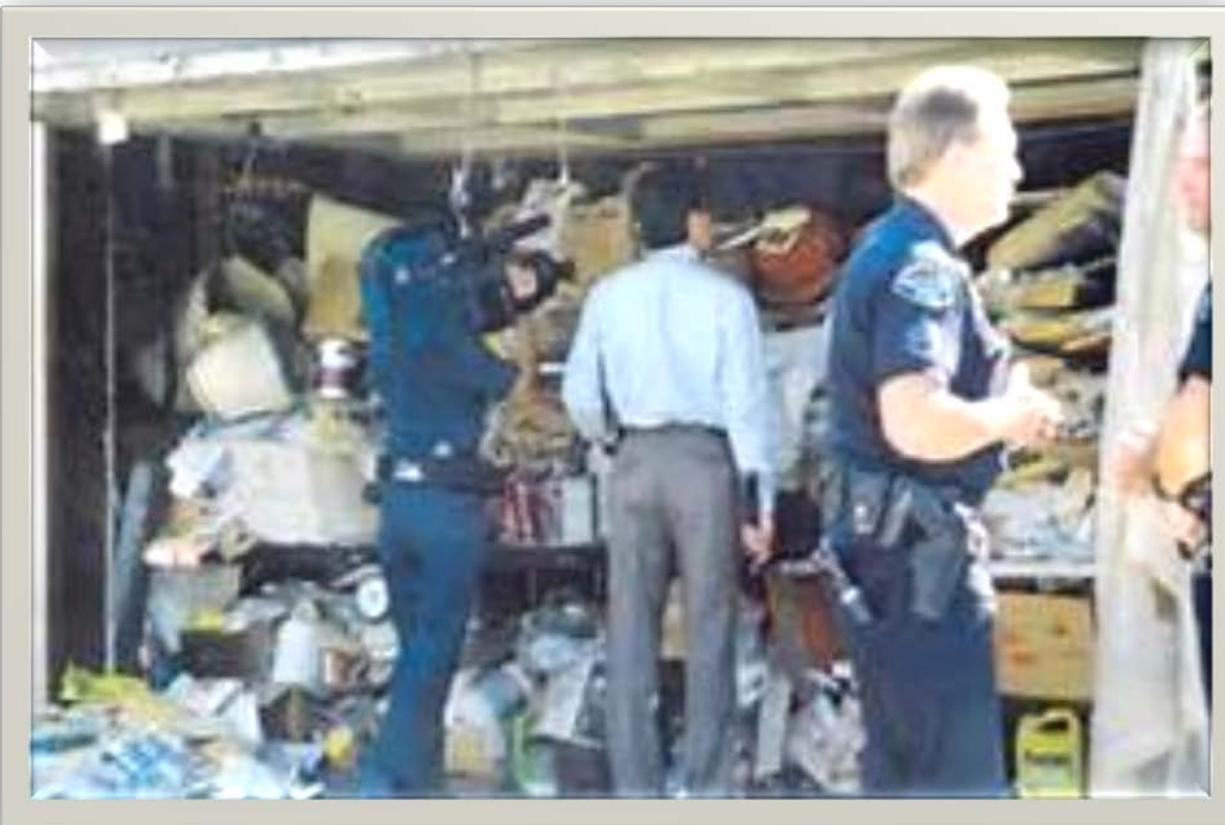
<http://www.nbcconnecticut.com/news/local/Cheshire-Police-Investigate-Untimely-Death-Body-Home-263199041.html>

## WOMAN'S BODY FOUND UNDER HOUSE CLUTTER AFTER FOUR MONTHS [LINK]

The 67-year-old woman, Billie Jean James, was described by her friends as a hoarder who constantly bought small items and knick-knacks from thrift stores. Her husband, Bill, and police had reportedly searched the house on several occasions, even using police dogs to help locate the woman. Apparently, the sheer volume of clutter in the house prevented even the dogs from tracking the scent of the missing woman.

It wasn't until last Wednesday when Bill James spotted a pair of feet poking from beneath a "floor-to-ceiling pile of junk," that he realized his wife had actually been in their home the whole time.

# ABOUT HOARDING



# DEFINITION OF HOARDING

**Compulsive hoarding is:**

- The collection of and failure to discard a large number of possessions that appear to be useless or of limited value
- Living spaces are sufficiently cluttered so as to preclude activities for which those areas are designed
- Significant distress and impairment in functioning caused by the hoarding

**BATHROOM CANNOT BE USED FOR  
WHAT IS WAS DESIGNED...**



# COMORBIDITY

Though hoarding is a disability in itself it is linked to other mental disorders such as:

- OCD
- ADHD
- Anxiety
- Social Phobias
- Depression
- Obesity

# THE PROBLEM WITH HOARDING

- The behavior can result in unwanted health and safety issues that affect other residents, staff and the property.



# AWARENESS OF A RESIDENT WHO HOARDS USUALLY RESULTS FROM...

- Putrid or foul odors emanating from the residents or unit
- An infestation of insects or rodents



## THE LEASE...

- Based on the Virginia Landlord Tenant Act, hoarding may constitute a lease violations...



# LEASE VIOLATIONS DUE TO HOARDING INCLUDE...

- Blocking Exits
- Fire Hazards
- Infestation - roaches, bedbugs, silver fish, fleas
- Animals - excessive numbers, feces, damage
- Accumulation of Garbage
- Citations by Health/Fire Departments
- Rooms unusable for the intended purpose

# THOUGH A HOUSING PROVIDER'S...

- First thought or action is the removal of the hoarder...

*Tenants Giving You The Runaround?*



# VIRGINIA FAIR HOUSING LAW

It is the policy of the Commonwealth of Virginia to provide for fair housing throughout the Commonwealth, to all its citizens, regardless of

- race,
- color,
- religion,
- national origin,
- sex,
- elderliness,
- familial status,
- or handicap,

and to that end to prohibit discriminatory practices with respect to residential housing by **any person or group of persons**, in order that the peace, health, safety, prosperity, and general welfare of all the inhabitants of the Commonwealth may be protected and insured. This law shall be deemed an exercise of the police power of the Commonwealth of Virginia for the protection of the people of the Commonwealth

# STANDARDS OF THE LAW

Under the fair housing law there are 2 key elements:

- Whether the resident has a disability
- Whether the landlord discriminated against the resident



# A RESIDENT MAY ESTABLISH A CLAIM IF...

- He/she has a disability
- The landlord knew or should have known of the disability;
- An accommodation may be necessary to afford the resident with the disability equal use and enjoyment of the his unit;
- The resident requested an accommodation; and
- The landlord refused to grant the request

# THE DEFINITION OF DISABILITY

- (i) a physical or mental impairment that substantially limits one or more of such person's major life activities;
- (ii) a record of having such an impairment;
- Or, (iii) being regarded as having such an impairment.



# UNDER THE FAIR HOUSING LAW

- The definition of handicap is very broad
- A specific diagnosis of mental disorder is not necessary
- If a resident is perceived as having a disability, it triggers FH protection against discrimination.
- If a resident is receiving SSI or SSDI benefits, in most cases, that is enough to meet the definition of disability

# REASONABLE ACCOMMODATIONS

Disability laws state the following in reference to reasonable accommodations:

- The Virginia Fair Housing Law: Changes in rules, policies, practices, or services that are necessary for a person with a disability to have an equal opportunity to “use and enjoy” housing
- Section 504: (*applies to federally funded property*) Changes to rules or policies AND structural changes that are necessary for a person with a disability to “use and enjoy” housing.
- The property always bears the responsibility of providing the reasonable accommodation at **NO COST** to the resident.

# REASONABLE ACCOMMODATIONS MEANS...

- Be prepared to make...

**CHANGES**

**ADJUSTMENTS**

**EXCEPTIONS**

# UNDER THE FAIR HOUSING LAW

- A resident must show that his/her disability requires the landlord to make a reasonable accommodation. (Remember that the threshold for showing causation is very low.)
- The request must be reasonable
- The landlord must enter into dialogue with the resident
- The landlord should explore the request in “good faith”
- If the request is reasonable and will alleviate the problem, the landlord should grant the request or run the risk of violating the fair housing law.

# UNREASONABLE ACCOMMODATIONS

A request for a reasonable accommodation may be rejected if it is unreasonable:

- The test under both the VFH law and Section 504 is whether the accommodation would pose an undue financial and administrative hardship *OR*;
- The accommodation would fundamentally alter the nature of the program.
  - “Fundamentally Alter the Nature of the Program” means the resident requests something outside the scope of the program’s mission or undermines the reason for the program’s existence.

# PATENTLY UNREASONABLE ACCOMMODATIONS...

The landlord does not have to carry out this request. It is possible to evict the resident when the hoarder:

- Is a threat to the health and safety of others and the health and safety issues cannot be addressed through a reasonable accommodation;

# PATENTLY UNREASONABLE ACCOMMODATIONS...

- Caused significant damage to the unit and will not reimburse the landlord for repairs;
- Will not participate in any dialogues about the hoarding or cooperate with in an attempt to comply with the lease and living standards that are reasonable.



# A RESIDENT MAY FILE A FAIR HOUSING COMPLAINT...

- Under the Virginia Fair Housing Law as a civil action or affirmative defense or a counterclaim against a landlord seeking to evict him/her.
- A resident may also file a complaint through HUD
- If the resident prevails, they could be awarded actual damages, punitive damages, attorney's fees and injunctive relief.

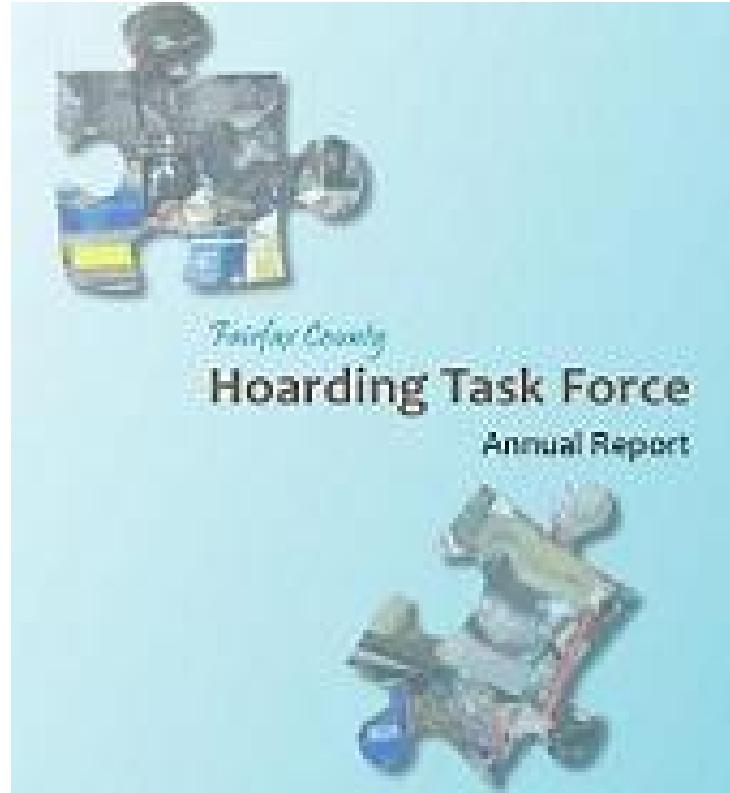
# SEVERAL STATES ARE TAKEN PROACTIVE STANCE

In dealing with residents who are hoarders

- Massachusetts
- Maryland
- Ohio

# VIRGINIA BOASTS WITH PRIDE

- Has the first ever Hoarding Taskforce in Fairfax County
- Started in 1998



# EDUCATION AND AWARENESS



# RESEARCHED FACTS ABOUT HOARDERS

- Make up 6% of the population ... 15 million
- Anyone can be a hoarder... men, women or children (as young as 13)
- Elderly women are more likely to hoard
- Hoarders are not nasty lazy, nasty or defiant
- Hoarders are usually very intelligent.

## FACTS CONT'D ...

- May be rocket scientists, engineers, teachers...
- Hoarders have a mental disability and MUST be granted a reasonable accommodation even if they did not request one
- The accommodation may be in the form of more time to bring the dwelling up to code

## FACTS CONT'D ...

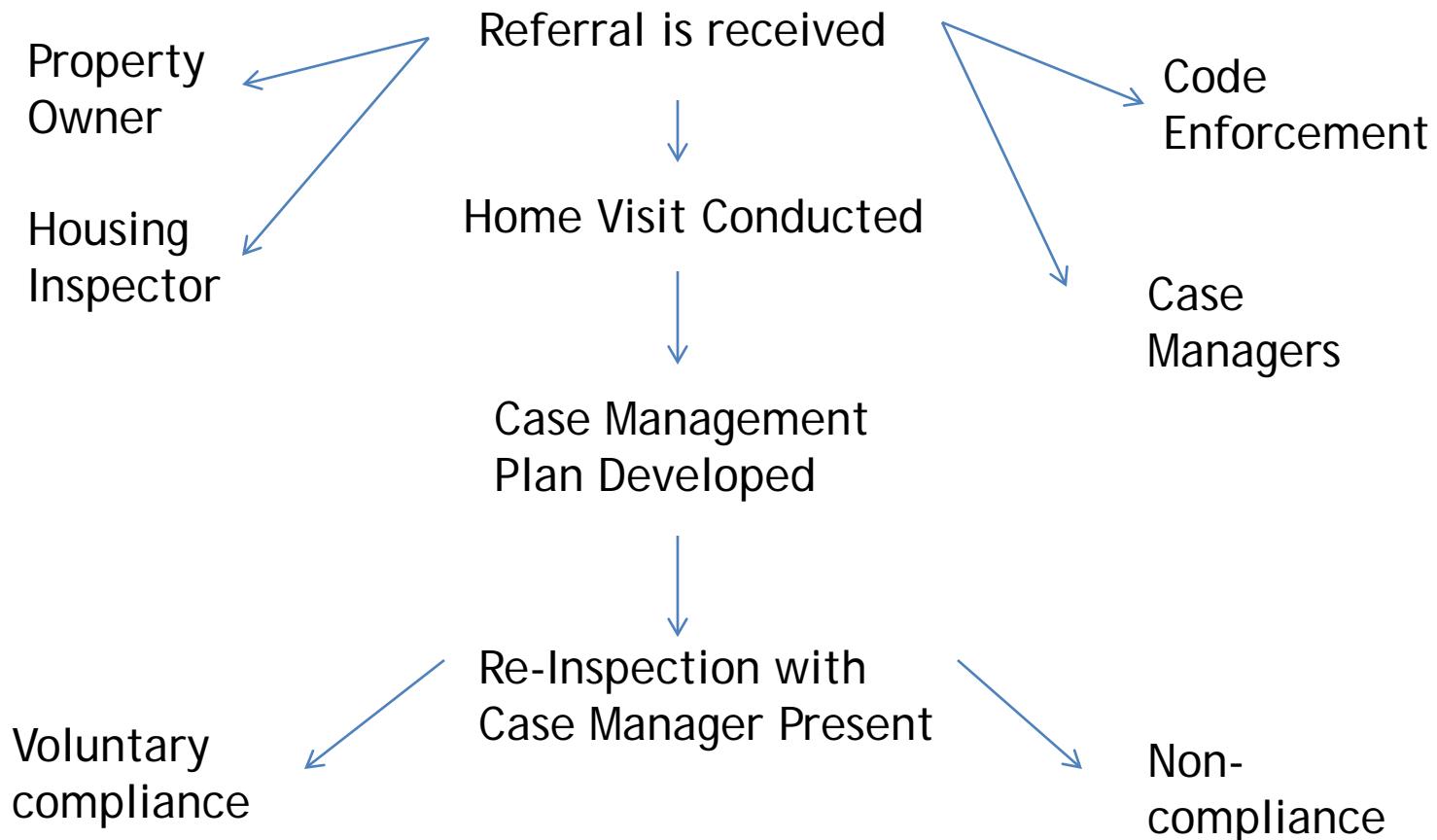
- Early intervention is the best offense
- It takes a community...



# IN DEALING WITH RESIDENTS THAT HOARD, YOU MUST HAVE

- Respect
- Patience
- Set Achievable Goals
- Have a Written Viable Plan
- Be disciplined... not judgmental when it comes to working with the resident
- Do not be emotional
- And remember, "You will never know if the plan works unless you try it"

# IT TAKES A COMMUNITY...



Partnership Model example used by Metropolitan Boston

# MAIN GOAL...

- Educate housing providers and consumers about this disorder.
- Create a Resource Guide of service providers in every jurisdiction of Virginia, trained and ready to work with housing providers who are dealing with residents that are possible hoarders.

# BEHIND ALL THAT CLUTTER IS A HUMAN BEING

- That did not plan to be a hoarder



# ARE YOU READY FOR THE CHALLENGE?

- ◎ If you are ready, let's press the button and get started!

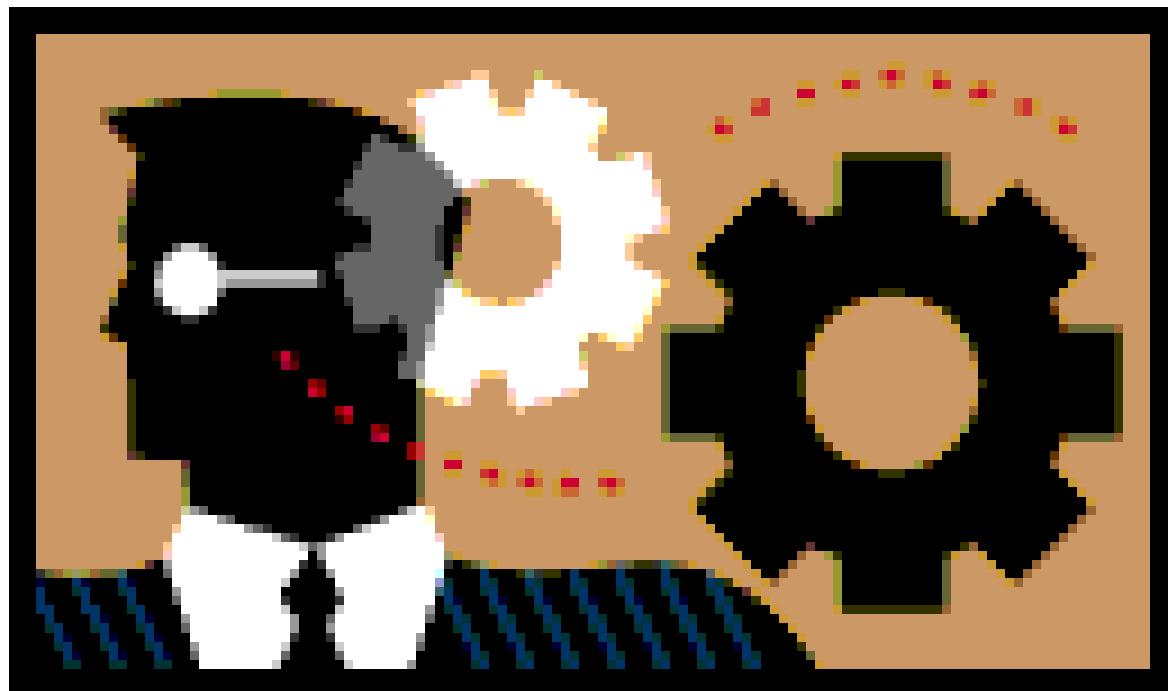


# A LITTLE HUMOR ...



# AND NOW

THE WORK BEGINS...



# QUESTIONS



# PRESENTER



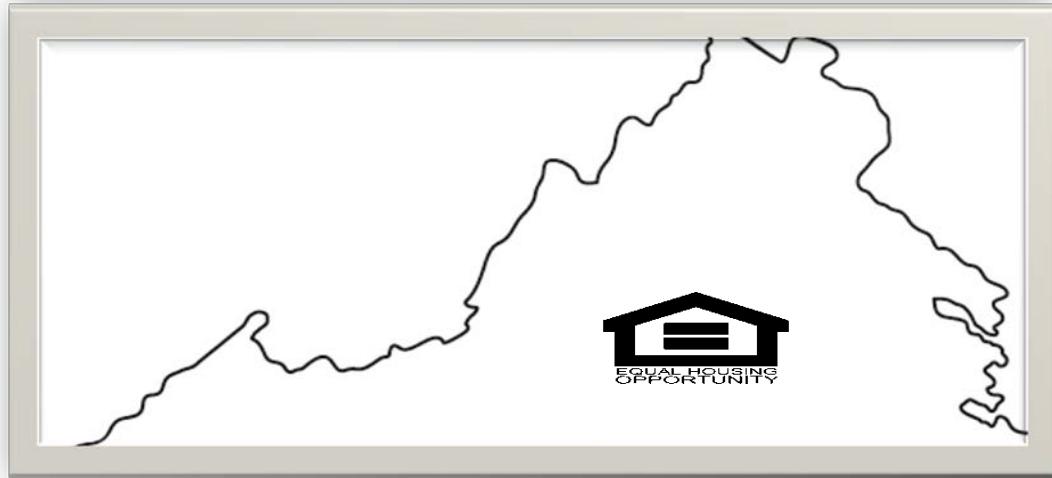
**Mahalia I. Dryden-Mason aka MALLY**

Fair Housing Training Specialist

[Mally.Mason@dpor.virginia.gov](mailto:Mally.Mason@dpor.virginia.gov)

(804) 367-4873

The Virginia Fair Housing Law  
protects you - but you must report illegal  
or unfair housing practices!



**1-888-551-FAIR (3247)**

# PLEASE NOTE!

This presentation is a personal interpretation regarding the provisions of and protections in the Virginia Fair Housing Law and Federal Fair Housing Act. It is a working and ever-evolving product tailored for personal use by the presenter. The information contained in and presented during the presentation is not to be construed as legal advice or instruction issued by the Virginia Fair Housing Office, the Department of Professional and Occupational Regulation or the Commonwealth of Virginia. Therefore, use by other persons, groups or agencies is not advised.

(MIDM - Created 3-2017)