



HOARDING: KNOW YOUR RIGHTS

Legal help is available for people who struggle with hoarding, clutter, and home maintenance problems.

*Legal Advocates For
Low-income Families*



NORTH PENN LEGAL SERVICES

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Hoarding

What is hoarding?

Hoarding involves acquiring and keeping objects, resulting in a home that is so cluttered that it causes the resident distress or is difficult or dangerous to live in.

What are some examples of hoarding?

- Keeping stacks of paper or objects so that you have to create paths to walk through a room
- Having too much clutter in the kitchen to be able to use the oven or stove
- Finding it difficult to get rid of objects
- Acquiring objects you do not need because you are worried they will go to waste
- Losing things in the clutter, such as money, bills, or other important documents
- Having too much clutter in the bedroom to sleep in the bed
- Keeping more animals in your home than you can care for in a sanitary way



Hoarding and Housing

How does hoarding affect my housing?

Having too much clutter can be a problem, regardless of where you live. Clutter can make it difficult to walk around your home, increasing the chances that you trip and fall. Clutter can also be a fire hazard if it blocks access to doors or windows, or if the clutter is especially flammable, such as papers, boxes, or clothes.

Clutter may prevent you from thoroughly cleaning your home, so that garbage piles up or the home becomes infested with mice or roaches. It may be more difficult to exterminate bed bugs if a home is cluttered, because the bed bugs have more places to hide.

Some people are embarrassed by the clutter in the home, so they do not invite family or friends over, leading the resident to feel isolated or alone. People may also be scared that a landlord will evict them if the landlord sees the cluttered apartment, so they may not call the landlord to request necessary repairs.

What if my landlord is concerned about my hoarding?

Your landlord may be concerned about the amount of clutter in your home, particularly if the clutter is a fire hazard, tripping hazard, or if it harbors mice, roaches, or bed bugs. Your landlord may require you to clean or organize your apartment, and may threaten you with eviction if you do not. If you have a disability and the clutter is related to your disability, you can request a reasonable accommodation of additional time to clean or to stop an eviction. Reasonable accommodations are discussed on pages 7-10.

What if I live in public or subsidized housing?

People who live in public or subsidized housing may fail house-keeping inspections if they have too much clutter. Your landlord, management company, or public housing authority may give you another chance to get rid of the clutter, or they may terminate your lease and begin the eviction process. If you have a disability and the clutter is related to your disability, you can request a reasonable accommodation of additional time to clean or to stop an eviction. Reasonable accommodations are discussed on pages 7-10.

What can I do if my landlord tells me to clean or if I fail a housekeeping inspection?

If your landlord requires you to clean because your home is cluttered, ask your landlord to give you a reasonable amount of time to clean. If you fail a housekeeping inspection, ask your landlord to schedule another inspection. You should ask for the cleaning deadline or the follow-up inspection to be scheduled after a reasonable amount of time so you can clean or organize your home.

Be realistic about how long you need to clean or organize before the follow-up inspection. Don't tell your landlord your home will be ready for inspection tomorrow if you need more time to prepare. Your landlord may not be obligated to give you extra time, but it is worth asking.

If you fail an inspection because your home is too cluttered and the clutter is related to your disability, you can ask your landlord for a follow-up inspection as a reasonable accommodation.

What if I am a homeowner and the city issues a citation because of my hoarding?

Cities and municipalities have local ordinances requiring homeowners to keep their homes in habitable condition, to prevent homes from becoming a public nuisance. The city or municipality's Code Enforcement office may inspect a home and issue a citation if the home is not in compliance with local ordinances. For example, Code Enforcement may issue a citation to a homeowner if the home is so cluttered that doors and stairways are blocked.

Homeowners who are cited have the right to appeal the citation to the city or municipality's Property Maintenance Board of Appeals. At the hearing before the Board of Appeals, the homeowner may be able to request a reasonable accommodation from the Board.



Disability and Reasonable Accommodations



Who is considered disabled?

There are state and federal laws that prohibit housing discrimination on the basis of disability. These laws are called “fair housing” laws, and they protect a resident with a disability’s opportunity to use and enjoy his or her housing. Fair housing laws cover most housing, but there are a few exceptions.

According to fair housing laws, the following people are considered to be disabled:

- Individuals with a physical or mental impairment that substantially limits one or more major life activities,
- Individuals who are regarded as having such an impairment, or
- Individuals with a record of such an impairment.

Major life activities include seeing, hearing, speaking, walking, breathing, caring for oneself, performing manual tasks, and learning. If you receive Supplemental Security Income or Social Security Disability Insurance, you are likely to be considered to be a person with a disability under fair housing laws, but the clutter must be related to your disability to request a reasonable accommodation.

Here are a few examples of how a physical or mental disability can be related to the clutter:

- You are depressed or anxious and find that you have trouble getting rid of objects so they pile up.
- You have a physical disability that prevents you from bending over to clean or organize.
- You are obsessive compulsive and collect objects that create clutter in your home.
- You have wrist or hand problems that make it difficult for you to hold objects to move or clean.

What is a reasonable accommodation?

A reasonable accommodation is a change, exception, or adjustment to a rule, lease term, practice, or service.

When can I ask for a reasonable accommodation?

You can ask for a reasonable accommodation at almost any time, including during the application process, when moving in or moving out, while living in the unit, when your landlord changes a rule or policy, in response to your landlord complaining about you or taking an adverse action against you, at an informal conference or grievance hearing with a public housing authority, or at an eviction hearing in Magisterial District Court.

If you are a homeowner and the city or municipality cited your home because your hoarding caused you to be in violation of local ordinances, you should appeal the citation to the Property Maintenance Board of Appeals. You should file your appeal as soon as you receive the citation. The appeal deadlines are usually very short, often 10 days from the date the citation was issued. At the hearing, you should request a reasonable accommodation.

How do I ask for a reasonable accommodation?

You can ask your landlord for a reasonable accommodation in person, over the phone, or in writing, but it is best to put the request in writing. There is a sample request for reasonable accommodation on page 14. Date the request and keep a copy for yourself.

If you are a homeowner appealing a city or municipality's citation, you should write a short letter to present to the Board of Appeals at the appeal hearing. The letter should be similar to the sample request for reasonable accommodation on page 14, but your letter should be addressed to the Board of Appeals. You should write in the letter that cities and municipalities are covered by the Fair Housing Act (*Resident Advisory Bd. v. Rizzo*, 564 F.2d 126 (3rd Cir. 1977)) and the Pennsylvania Human Relations Act (46 P.S. 954(a)). Date the letter and keep a copy for yourself.



What should I ask for in my reasonable accommodation request?

Tenants and homeowners being asked to clean their homes so they can pass inspection by the housing provider or Code Enforcement should ask for additional time to correct the problem. You may want to explain why you will be able to clean your home now, even though you were not able to clean your home before. Reasons could include



now understanding the seriousness of the problem; having the assistance of family, friends or a paid cleaner; recovering from an episode or flare up of your disability; starting or increasing the frequency of your counseling; and starting or adjusting medication for your disability. You do not need to reveal your diagnosis or give a lot of detail.

What will a landlord do in response to my reasonable accommodation request?

Your landlord should consider your request and grant it, unless it would be an undue financial or administrative burden for your landlord, or it would be a fundamental alteration of the landlord's operations. Whether a request would be an undue financial or administrative burden or a fundamental alteration is considered on a case-by-case basis.

If your landlord takes a long time to respond or does not respond at all, your landlord may be violating federal and state fair housing laws.

If your landlord denies your request, your landlord should propose a different accommodation that meets your needs. Fair housing laws encourage a landlord to engage in a dialogue with a tenant if the landlord thinks the tenant's initial request is an undue financial or administrative burden, or would require a fundamental alteration to the landlord's operation.

If your landlord denies your reasonable accommodation request and will not engage in a dialogue with you, or if your landlord does not respond to your request, contact North Penn Legal Services.

What will the Board of Appeals do in response to my reasonable accommodation request?

The Board of Appeals should consider your request and grant it, unless it would be an undue financial or administrative burden for the city or municipality. The Board of Appeals could also deny your reasonable accommodation request if your home is a direct threat to the health or safety of others, such as your neighbors.

What if my landlord asks for proof that I am disabled?

If your disability is not obvious, your landlord may ask for more information in order to evaluate your reasonable accommodation request, particularly how your request is related to your disability. If your landlord wants more information, you can ask your doctor to write a letter or sign a form similar to the sample “proof of need for reasonable accommodation” form on page 16. However, neither you nor your doctor needs to reveal your diagnosis to your landlord.

If your disability is obvious, your landlord cannot request verification by a doctor, but your landlord can ask you to explain how your reasonable accommodation request is related to your disability.

What if the Board of Appeals asks for proof that I am disabled?

If your disability is not obvious, you should also bring to the appeal hearing a proof of need for reasonable accommodation form completed by your medical provider. There is a sample proof of need for reasonable accommodation form on page 16. Keep a copy of the completed form for yourself.



What are the consequences for landlords or local governments that discriminate on the basis of a tenant or homeowner's disability?

Tenants and homeowners with disabilities whose reasonable accommodation requests are denied can challenge the denial as disability discrimination under fair housing laws. North Penn Legal Services can assess your case and advise you how to file a complaint.

Tenants and homeowners can file a complaint with the Department of Housing and Urban Development (HUD) within 1 year of the discriminatory act or with the Pennsylvania Human Relations Commission (PHRC) within 180 days. Tenants and homeowners in Allentown and Bethlehem can file a complaint with the city Human Relations Commission within 180 days, and tenants and homeowners in Easton can file a complaint with the Easton Human Relations Commission within 300 days.

Additionally, tenants or homeowners can file a lawsuit in state or federal court within 2 years. Contact North Penn Legal Services or a private attorney if you are unsure what counts as the discriminatory act in your case.

If a court, HUD, PHRC, or a city Human Relations Commission determines that a landlord or local government violated fair housing laws, the landlord or local government may owe the tenant or homeowner monetary damages and attorney's fees. The landlord or local government may also have to change institutional practices or undergo training about fair housing laws.



Eviction

If your landlord files an eviction action against you that is related to hoarding, first send your landlord a reasonable accommodation request asking for the eviction to be stopped (sometimes called “stayed”) to give you time to correct the problem. You may want to include in your request why you will be able to correct the problem now. For example, if you had a flare up or episode that has since subsided, you have friends or family to help you clean, you have started or increased the frequency of your counseling, or you have started or adjusted your medication. Again, you do not have to give your landlord a lot of detail or reveal your diagnosis.

It is very important to go to the court hearing. Call the court to confirm if your landlord tells you that the hearing was cancelled or you do not have to go to the hearing.

If your landlord does not grant your request or you were not able to correct the problem, you will need to attend the eviction hearing. At the hearing, you should tell the judge that you have a disability and your disability is related to the reason your landlord is evicting you. Tell the judge that you requested a reasonable accommodation from your landlord, but your landlord did not grant your request. Show the judge your copy of the request and any response from your landlord. Bring a copy of the letter from your doctor or the proof of need for reasonable accommodation request if you submitted one to your landlord. Repeat your reasonable accommodation request so the judge can determine if your landlord should have granted it.

Contact North Penn Legal Services for assistance as soon as your landlord notifies you that you will be evicted or you receive a notice of eviction hearing. For more information about the eviction process, visit the following web page:

<http://northpennlegal.org/news/category/knowledgebase/landlord-tenant-handbook/>



Resources

North Penn Legal Services provides civil legal representation to low-income individuals and families. You can contact North Penn Legal Services toll-free at 1-877-953-4250 (TTY 800-654-5984). If you live in Lehigh or Northampton Counties and you are having housing problems related to hoarding, call 610-317-5322. Government agencies may be able to help.



Residents of Lehigh County can contact the Lehigh County Office of Aging and Adult Services at 610-782-3034. Residents of Northampton County can contact the Northampton County Area Agency on Aging at 610-559-3245 or Northampton County Mental Health, Early Intervention, or Developmental Programs at 610-974-7555. Adults under 60 years of age can contact their county Adult Services, Mental Health, or Behavioral Health office. If you are 60 years old or older, contact your local Area Agency on Aging for assistance, referrals, and more information about services offered.

Persons with disabilities should contact their local Center for Independent Living for assistance. Residents of Lehigh and Northampton Counties with disabilities should contact the Lehigh Valley Center for Independent Living at 610-770-9781 or www.lvcil.org.

If you have a disability and do not have an intensive case manager (ICM), ask your doctor if he or she thinks an ICM would be helpful to you. An ICM may be able to assist you in addressing your hoarding behavior or connect you to local resources that can help you.

Many people dealing with clutter turn to family or friends for help cleaning or organizing their homes. Family and friends may also be able to help pay for someone to clean or organize. Members of your community organization, church, synagogue, mosque, or temple may also be able to help you. If your family or friends cannot help, contact local charitable organizations or visit websites such as www.hoardingcleanup.com or www.helpforhoarders.com for resources and assistance.

Sample Letters

Sample Request for Reasonable Accommodation

Date

Landlord's Name

Landlord's Street Address

Landlord's City, State and Zip Code

Dear Sir or Madam:

I am your tenant at [your address]. I qualify as a person with a disability according to the federal Fair Housing Act and the Pennsylvania Human Relations Act.

I am requesting a reasonable accommodation in order to have an equal opportunity to use and enjoy my apartment. I believe the reasonable accommodation will eliminate the grounds for which you are evicting me. Housing providers like you are required to make "reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford [a person with a disability] equal opportunity to use and enjoy a dwelling." The Fair Housing Act, 42 U.S.C. §3604 and/or the Pennsylvania Human Relations Act, 43 P.S. §955(h)(3.2).

I am requesting the following accommodation:

I need this accommodation because:

Please respond to my request in writing within ten (10) days. You may not inquire as to the nature or severity of my disability.

Sincerely,

(Signature) Your Name

Date

Your Street Address

Your City, State and Zip Code

Your Phone Number

Sample Instructions to Give to Medical Provider with Proof of Need for Reasonable Accommodation

To: Qualified Professional

As a qualified professional knowledgeable of the below person's disability, you are being asked to verify his or her disability, and the relation of his or her disability to the housing accommodation requested.

Person requesting reasonable accommodation:

_____ (Name)
_____ (Street Address)
_____ (City, State and Zip Code)
_____ (Phone Number)

Housing accommodation requested:

Reason for housing accommodation:

Definitions:

A person has a handicap or disability, if the person has:

- (1) a physical or mental impairment which substantially limits one or more major life activities;
- (2) a record of having such an impairment; or
- (3) is regarded as having such an impairment.

Fair Housing Act, 42 U.S.C. §3602(h), and the Pennsylvania Human Relations Act, 43 P.S. §954(p.1)

"Major life activities" can include seeing, hearing, speaking, walking, breathing, learning, performing manual tasks, or caring for oneself.

Please complete the accompanying "Proof of Need for Reasonable Accommodation" form and return the completed form to the patient or mail directly to the housing provider listed on the form.

Sample Proof of Need for Reasonable Accommodation

Date

Landlord's Name

Landlord's Street Address

Landlord's City, State, and Zip Code

Dear Sir or Madam:

I am currently providing health-related services to _____. He/she has contacted me regarding his/her need for a reasonable accommodation so that he/she can have an equal opportunity to use and enjoy his/her apartment. He/she has told me that he/she requested the following type of accommodation:

I am aware of the nature and extent of his/her disability. I am also aware of the requirements to qualify as a person who is disabled or handicapped. I hereby verify, in my opinion as a qualified medical professional, that:

1. _____ meets the definition of "handicapped" under the Fair Housing Act, 42 U.S.C. §3602(h), and the Pennsylvania Human Relations Act, 43 P.S. §954(p.1), and
2. His/her request as stated above is related to his/her disability.

I am not allowed by law to give information concerning the nature or severity of his/her disability.

Sincerely,

Qualified Professional's Signature

Date

Print Name

Address

Notes

Notes

Notes

Disclaimer

This pamphlet provides general information for tenants and homeowners with hoarding issues. This pamphlet does not provide legal advice, which you can only get from an attorney.

For more information, visit NPLS' website at www.northpennlegal.org or call 610-317-5322.

TTY Relay Service: 800-654-5984

For legal help not related to hoarding or housing discrimination, call NPLS' centralized intake number:

877-953-4250.

