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A nonprofit organization protecting and advancing the legal rights of people with mental health disabilities.



*FAIR HOUSING:
IT'S THE LAW!*

Fair Housing Tip of the Month – December 2021

Reasonable Accommodation to Provide Tenants Additional Time to Address Hoarding Issues

Housing Agency Staff Member: “I work for a local housing authority. Once per year, we inspect our tenants’ apartments to make sure that all units meet minimum safety and habitability standards. After the inspections, we often require landlords to make repairs. Occasionally, tenants are also asked to take some corrective actions after an inspection. For example, some of our tenants collect many items that pile up all over their units, making it difficult to move safely about the unit. If tenants also have animals, there can be animal waste amid the clutter. Some tenants with excess clutter even store items on top of appliances, like stovetops, rendering the appliances unusable and creating a safety hazard. For tenants who we know have a history of this type of hoarding behavior, we provide notice three months in advance of our annual inspection to give them extra time to remove excess items and clean the unit. Sometimes, three months is not enough, and tenants will ask for extra time to clean and declutter before or after we perform the annual inspection. Do we need to grant these tenants extra time to clean, even after we already gave them a three-month advance notice?”

The law says: Federal and state fair housing laws require housing providers, including local housing authorities, to make exceptions to rules and regulations – called reasonable accommodations – for tenants with disabilities who need the accommodations to use and enjoy their housing. The tenants you describe, who struggle to maintain their apartments in a manner that meets minimum safety and habitability standards, may have mental health disabilities and need reasonable accommodations, such as extra time to come into compliance with housekeeping obligations, to stay housed.

By way of background, hoarding is an independent mental health diagnosis in the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders (DSM-5), though hoarding-type behaviors can also be present in a variety of mental health conditions, including depression and chronic post-traumatic stress disorder (PTSD). In particular, hoarding is often associated with traumatic life events. Many people who struggle with housekeeping and clutter are also older and may have physical disabilities associated with aging and declining physical health.

Because hoarding behaviors may come from deep-seated trauma, and frequently occur in individuals who also have mobility limitations, they can take significant time and concerted assistance to remediate. Therefore, while three months may be enough time for some individuals to declutter and clean their living spaces enough to pass housing authority inspection, others may need significantly more time.

What to do: The decision to grant or deny a reasonable accommodation request must account for the unique, disability-related needs and circumstances of each individual requestor. Consequently, blanket rules regarding accommodation limits (e.g., allowing no more than three months to clean even if there is



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a disability-related need for more time) may violate fair housing laws. In short, you must enter into the interactive process with the tenant to determine how to accommodate their disabilities so they can continue to benefit from the housing program your agency offers.

Giving the tenant additional time can enable tenants who struggle with clutter and housekeeping to secure cleaning assistance from government agencies, mental health organizations, friends, family, church groups, and/or for-profit cleaning services.

Tenants who feel their fair housing rights have been violated can file a complaint with the U. S. Department of Housing and Urban Development (HUD), the California Department of Fair Employment and Housing (DFEH) or a local fair housing organization.

To file a complaint with HUD, call 800-669-9777, or visit www.hud.gov/program_offices/fair_housing_equal_opp/complaint-process

To file a complaint with DFEH, call 800-884-1684, or visit www.dfeh.ca.gov/complaint-process/file-a-complaint/

Fair housing laws prohibit discrimination in housing based on the following characteristics: race, religion, national origin, color, sex, familial status, disability, marital status,* ancestry,* sexual orientation,* gender identity,* gender expression,* genetic information,* and source of income.*

*Covered under California law, but not federal law. (For most housing, California laws also prohibit discrimination on the basis of citizenship, immigration status and primary language.)

Disclaimer: The Fair Housing Tip of the Month is for educational purposes only and does not constitute legal advice. If you have a legal question, please contact MHAS, your local fair housing council or another attorney of your choice.

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