

Fair Housing Tip of the Month

Tip #11 – Hoarding

“My building manager called the fire department to do an inspection of my unit because management received complaints from other tenants. The fire department issued a citation putting me on notice that I need to clear out papers and clothing to make paths and keep spaces open for going in and out. They said I have a hoarding problem. My landlord has given me a 3-day notice to cure the nuisance or quit. I need more time. What can I do?”

The law says: Tenants have an obligation to take care of their units and keep them clean and habitable. Landlords have a duty to their tenants to make sure that neither the building nor its units pose a fire or safety threat. If a landlord feels that the hoarding situation poses such a threat, the landlord might give notice to you that you have created a nuisance and are in breach of your lease. Since hoarding is a recognized disability that makes it difficult for a person to dispose of possessions quickly, you can request a reasonable accommodation in this situation, such as more time to remove possessions from your unit. Your landlord is obligated under fair housing laws to engage in a process of interactive negotiation to find an accommodation that does not impose an undue burden or fundamentally alter the landlord/tenant relationship. The landlord does not have to continue a tenancy that would constitute a direct threat to the health or safety of others or result in substantial physical damage to the property of others, unless the threat can be eliminated or significantly reduced by reasonable accommodation.

What to do: If you receive notice from your landlord that your hoarding constitutes a breach of your lease, ask for a reasonable accommodation in writing. You can ask for more time to clean out your unit. This may be a reasonable accommodation for the landlord to grant so long as the amount of time you request is reasonable and does not itself pose a direct threat of harming people or causing property damage. You may need to get a letter from your treating professional stating that the accommodation is necessary due to your disability. Keep copies of your requests and letters.

If your landlord refuses to consider your request for reasonable accommodation or refuses to engage in an interactive process, you can file a complaint with a local fair housing agency, the California Department of Fair Employment and Housing (DFEH), or the federal Department of Housing and Urban Development (HUD).

To file a complaint with HUD, call [800-669-9777](tel:800-669-9777), or visit https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/complaint-process

To file a complaint with DFEH, call [800-884-1684](tel:800-884-1684), or visit <http://www.dfeh.ca.gov/complaint-process/complaint-forms/>

Fair housing laws prohibit discrimination in housing based on the following characteristics: Race, religion, national origin, color, sex, marital status*, ancestry*, familial status, disability, sexual orientation*, source of income.*

*Indicates a prohibited basis for discrimination in California, but not under federal law.

Disclaimer: The Fair Housing Tip of the Month program 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.

The Fair Housing Tip of the Month is funded by a grant from U. S. Dept. of Housing & Urban Development Fair Housing Initiatives Program (Grant #FEOI160050-01-01).