

Hoarding and the Law: When does hoarding cross the line?

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Disclaimer

- I believe that all people need structure and support to be their best selves. This presentation is primarily about the laws in place that define an unhealthy or unsafe environment, but defining and enforcing such structures are only one part of helping people with hoarding behaviors live healthier and safer lives.
- The Philadelphia Hoarding Task Force seeks to balance the rights of individuals who struggle with hoarding behaviors and the needs of the family, the neighbors and the community.
- I'm not a lawyer. If you need legal advice, you'll have to speak to one.

Overview

- Property Laws & Standards
- Protection Laws & Standards
- Pathways to a Healthy & Safe Home: A Harm Reduction Approach to Compliance

Property Laws & Standards Philadelphia Code

- **Laws**
 - City of Philadelphia Property Maintenance Code
 - City of Philadelphia Fire Code
- **Enforced by**
 - City of Philadelphia Department of Licenses & Inspections (L&I) – Operations
 - Philadelphia Fire Department (PFD) – Fire Code Unit
- **Applies to**
 - Philadelphia homeowners, landlords and tenants, including public housing
 - When there is hoarding, L&I involvement appears to be more common for homeowners.

Property Laws & Standards

Philadelphia Code

- **Property Maintenance (PM) Code**
 - PM-302.2 EXTERIOR PROPERTY AREA SANITATION
 - PM-303.2 INTERIOR AREA SANITATION
 - PM-303.3 DISPOSAL OF WASTE MATTER
 - PM-303.4 INFESTATION
 - PM-304.1 EXTERIOR STRUCTURE
- **Fire (F) Code**
 - F-308.1.9 PORTABLE HEATING AND COOKING EQUIPMENT
 - F-315 STORAGE OF COMBUSTIBLE MATERIALS
 - F-907 SMOKE ALARMS
 - F-908.7 CARBON MONOXIDE ALARMS
 - F-1003 EGRESS PATHS

Property Laws & Standards

Housing Quality Standards

- **Laws**
 - HUD Housing Quality Standards (HQS) for Section 8 Housing Choice Voucher units
- **Enforced by**
 - Philadelphia Housing Authority (PHA) Inspections Department
- **Applies to**
 - Landlords and Tenants in the Section 8 Housing Choice Voucher program

Property Laws & Standards

PHA Housing Quality Standards

○ General Health & Safety

- Is there an acceptable fire exit from this building that is not blocked?
- Is the unit free from rats or severe infestation by mice or vermin?
- Is the unit free from heavy accumulation of garbage or debris inside and outside?
- Are there adequate covered facilities for temporary storage and disposal of food wastes, and are they approvable by a local agency?
- Are interior stairs and common halls free from hazards to the occupant (e.g. loose, broken, or missing steps on stairways; absent or insecure railings; inadequate lighting; or other hazards)?
- Is the interior of the unit free from any other hazard not specifically identified previously?

Property Laws & Standards

Lease Agreements

○ Laws

- Pennsylvania Contract law

○ Enforced by

- Municipal Court and Court of Common Pleas Judges

○ Applies to

- Tenants in Philadelphia

Property Laws & Standards

Lease Agreements

- **Common alleged breaches of lease agreements**
 - Failure to maintain property in a clean and habitable condition.
 - Failure to prepare for or allow for extermination.
 - Failure to permit access to landlord, inspectors or contractors.
 - Failure to maintain utilities.

Protection Laws and Standards

Child Protective Services (ages 0-17)

- **Laws**
 - Pennsylvania Code
- **Enforced by**
 - Philadelphia Department of Human Services (DHS)
 - Community Umbrella Organizations (CUAs)
- **Applies to**
 - All minors in Philadelphia. Disproportionately impacts vulnerable populations due to bias.

Protection Laws and Standards

Child Protective Services (ages 0-17)

- **For children residing in a hoarded home, the most common issue is neglect.**
 - Neglect is the withholding of or failure to provide a child with the basic necessities of life: food, clothing, shelter, medical care, attention to hygiene, or supervision needed for optimal physical growth and development.
- **Potential safety threats recorded in the DHS In-Home Safety Assessment Worksheet:**
 - Caregiver(s) in the home are not performing duties and responsibilities that assure child safety.
 - Caregiver(s) do not have or do not use resources necessary to meet the child's immediate basic needs which presents an immediate threat of serious harm to a child.
 - Caregiver(s) overtly rejects CPS/GPS intervention; refuses access to a child; and/or there is some indication that the caregivers will flee.

Protection Laws and Standards

Adult Protective Services (ages 18-59)

- **Laws**
 - Adult Protective Services Act of 2010
- **Enforced by**
 - Pennsylvania Department of Human Services (DHS)
 - Liberty Healthcare
- **Applies to**
 - All people with disabilities ages 18-59 in Philadelphia.

Protection Laws and Standards

Older Adult Protective Services (ages 60+)

- **Laws**
 - Older Adult Protective Services Act
- **Enforced by**
 - Pennsylvania Department of Aging (PDA)
 - Philadelphia Corporation for Aging
- **Applies to**
 - All people ages 60+ in Philadelphia.

Protection Laws and Standards

Adult & Older Adult Protective Services

- **Voluntary services only.**
 - Exception: imminent risk of death, serious injury or serious bodily injury.
- **For adults and older adults residing in a hoarded home, the most common issue is neglect.**
 - Failure of oneself (self neglect) or the failure of a caretaker (caregiver neglect) to provide goods or services essential to avoid a clear and serious threat to physical or mental health.
- **Assessment documented in Report of Need (RON)**
 - Reported problems with the physical environment of Consumer:
 - Architectural barriers (ie. inaccessible, bathroom, stairway)
 - Garbage/trash accumulation
 - Inadequate utilities (ie. heat, plumbing)
 - In need of repair
 - Insect/pest problem(s)
 - Pet/animal problem(s) (ie. overpopulation, inadequate care)
 - Safety hazard(s) (ie. fire danger, leaky roof)

Pathways to a Healthy and Safe Home

A Harm Reduction Approach to Compliance

- **Initial Benchmarks, not necessarily full compliance**
- **Start with these 8 goals to reduce risk and improve safety in your home.**
 - Clear 3 feet wide pathways throughout the home including hallways and stairs.
 - Reduce all piles to no more than 4 feet above the floor.
 - Reduce all piles near windows to below window sill height and keep windows accessible so they can be opened.
 - Keep all doors clear of belongings, so that they can be opened freely.
 - Keep the stove and oven clear of all clutter, so that the oven door can open completely. Keep paper and other flammable materials at least 1 foot away from the stovetop.
 - Keep belongings at least 1 foot away from heaters, heating equipment, hot water heaters and electrical panels.
 - Regularly remove rotting food, food containers and garbage from the home.
 - Keep outlets, surge protectors and extension cords clear of clutter. Do not run extension cords across piles or pathways.
- **Once you've got these covered, you're well on your way to a healthy and safe home!** Remember, if your home also has structural, electrical, plumbing or infestation issues, then there will be some additional steps to take to ensure a healthy and safe home.

Contact Information

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