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Community and Building Health

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When our Neighbor is a HOARDER

By Leslie Brown, ESQ.



There is something peculiar about the house on the corner. The neighbors tend to keep to themselves. They never invite people over and will talk to you only through the front door or outside on the lawn. You never see the inside of the garage and their cars are always parked outside.

Recently you have noticed an abundance of trash in and near their house and an alarming number of pests. Insects. Roaches. Furry things curiously sniffing around the premises.

If this sounds familiar, your community may be dealing with a hoarder. Hoarding is generally a compulsive condition where a person accumulates a seemingly useless amount of possessions, resulting in excess clutter that impairs a person's basic living activities, such as one's mobility, cooking, cleaning, showering, or even sleeping. Basically, the person has accumulated so much stuff, they are no longer able to carry out daily life functions.

Hoarding is considered to be a disorder and the consequences can be severe. Hoarding is usually a result of deeper mental issues, such as depression or a compulsive disorder, requiring professional help and treatment. From the association's standpoint, hoarding affects the health and safety of the entire community. Hoarding results in increased trash, odors, insects and pests, fire hazards, and, naturally, may cause resale values to suffer. The situation can be even more troublesome in condominium and multi-family living where close quarters can exacerbate hoarding symptoms.

A community experiencing a hoarding situation should take a two-pronged approach towards addressing the matter. The first prong involves notifying various county or city departments that may have jurisdiction over the situation. The second prong involves the association pursuing its own enforcement remedies against the owner.

A hoarding situation triggers county or city-wide issues. In fact, your jurisdiction may have a hoarding task force specifically designed and staffed with resources to address hoarding. Involving such a task force in a hoarding situation is usually the most quick and cost-effective way for the association to address the problem. These task forces will generally investigate a referral of a hoarding situation, contact the resident at issue, stage an intervention, and address the behavior. The task force will also contact and coordinate the various county or city departments that may also need to be involved to address the matter (mental health, social services, etc.).

If your county or city does not have such task force set up, then it will be up to the association to contact the various county or city departments that may have jurisdiction over the matter. For example, invariably, the hoarding situation constitutes a zoning violation. If you suspect a hoarder in your community, you can contact your local zoning enforcement office to investigate the situation. Zoning enforcement will be able to enforce the various zoning regulations that may be triggered, such as trash or lot maintenance.

The fire marshal is another department that should be notified of a hoarding situation because the excess clutter can constitute a fire hazard. If the hoarding situation is causing excess pests and vermin on the premises, the county or city health department should also be contacted.

Most importantly, however, your jurisdiction's department of social services or mental health department should be notified. As stated earlier, hoarding is usually a result of mental health issues or a disorder that can only be handled appropriately by professionals. The hoarder's well-being is clearly at stake and these departments are usually best positioned to handle the sensitive nature of such matters and ensure that proper care and treatment is provided. In extreme cases, the hoarder's mental state may be so fragile that involuntary civil commitment is necessary. In May 2008, the Virginia General Assembly revised the standard under which a judge or special justice may order an involuntary civil commitment, precipitated by the Virginia Tech tragedy.

Despite the sensitivity of the matter, the association may determine that covenants enforcement is needed and warranted. Almost all covenants in some form require owners to keep their property in good order, free from trash and debris and other hazards, and require owners to remain in compliance with all applicable laws. It is a violation of these covenants in which the association can generally base its covenants enforcement action against the owner.

Some level of inspection may be necessary to determine the exact extent of the hoarding issues. Most communities have at least some ability to inspect individual lots or to ensure that they are in compliance with the covenants, although some governing documents require advance notice be given to the owner prior to the association exercising its right of entry.

Based on what the association finds during the inspection, it

may need to exercise self-help remedies to correct the hazardous condition itself. Again, the association's governing documents will set forth how such rights should be exercised (such as notice requirements), although in the event the situation constitutes an emergency (which a hoarding situation could arguably be categorized as based on health and safety issues), the association may have the ability to dispense with any notice or consent requirements. However, such rights of entry should be exercised judiciously, as entry into the lot or dwelling can give rise to claims of trespass.

Generally, the association's governing documents will allow correction costs to be assessed against the lot or unit being remedied, but the association should consult with its legal counsel for verification. Often times, remedial or corrective action can be coordinated with city or county officials, such as the fire marshal (for clean-up) or the health department (pest control). Sometimes the most cost effective way to remedy the condition is to coordinate with local officials. ☐

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