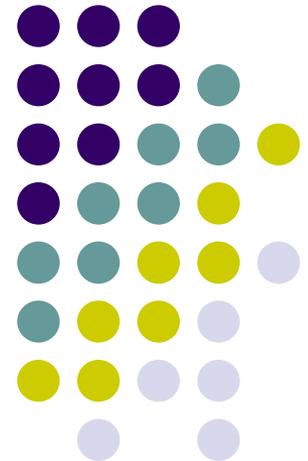
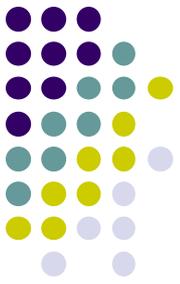


# Fair Housing and Hoarding

Springfield Healthy Homes  
January 19, 2021

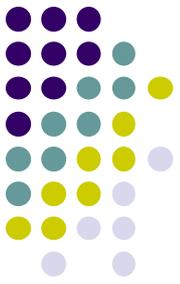


# The Fair Housing Act – Title VIII of the Civil Rights Act of 1968



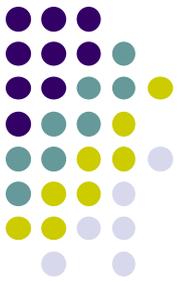
- Federally Protected Categories:
  - Race
  - Color
  - National Origin
  - Religion
  - Sex
  - Familial Status (families with children)
  - Handicap

# The Massachusetts Fair Housing Act, M.G.L. Chapter 151B, §1



- Additional Protected Categories in Massachusetts:
  - Marital status
  - Age
  - Sexual Orientation
  - Gender Identity and Expression
  - Military or Veteran Status
  - Ancestry
  - Public Assistance
  - Housing Subsidies or Rental Assistance
  - Genetic Information

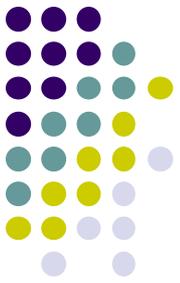
# Violations of the fair housing laws



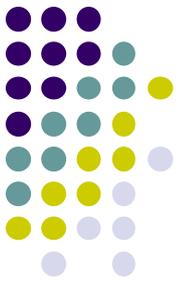
- Refusal to rent or sell
- Different terms and conditions
- Steering
- False representations of nonavailability
- Statements
- Advertisements



# Harassment & hate crimes:

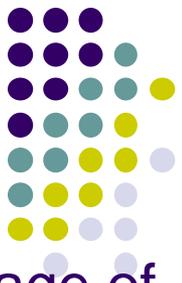


- Landlords may have a duty to affirmatively act to protect tenants against hate crimes.
  - Investigate...



# Housing Quality Issues

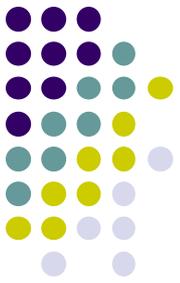
- State Sanitary Code
- All municipal and building codes
- Housing Quality Standards (HQS) with Section 8
- Other subsidy program standards



# Families with Children and Lead Paint

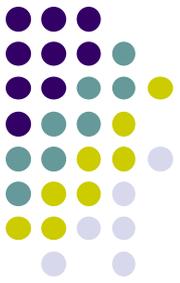
- It is illegal to refuse to rent to a family with a child under the age of 6, even if there is lead paint present in the rental unit.
- Massachusetts Lead Paint Law
  - Requires removal/covering of lead paint hazards in homes built before 1978 where children under the age of six live.
  - Lead paint hazards include loose lead paint and lead paint on windows and other surfaces accessible to children.
  - Owners are responsible for complying with the law, including owners of rental property and those living in their own single family home.
  - Financial help is available through tax credits, grants and loans.
  - **Trumps MGL 151B exception for two-family, owner-occupied building!**

# Disability – Who is covered?



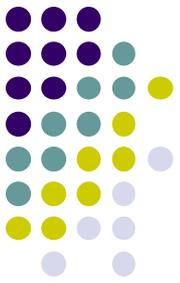
- Persons who have a physical or mental impairment that substantially limits one or more major life activities
  - Caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working...
  - ADA Amendments Act of 2008 expanded this category
- Persons who have a history of such an impairment; or
- Persons who are regarded as having such an impairment.

# Disability – Who is not covered?

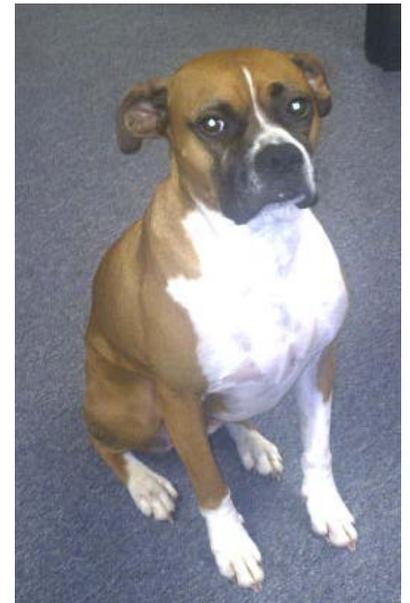


- Persons currently engaged in illegal drug use
- Sex offenders
- Persons whose tenancy would constitute a “direct threat” to the health and safety of other individuals, unless a reasonable accommodation would eliminate the threat

# Reasonable Accommodations



- A change in rules, policies, practices, or services to afford equal opportunity to use and enjoy dwelling
- Housing providers **must** make reasonable accommodations for persons with disabilities **when** requested at expense of landlord
  - i.e. designated parking spots, permission to have an assistance animal, or permission to transfer to a larger unit
- Not required to make changes that would fundamentally alter the program or create undue financial and administrative burden
- Can be requested at any time

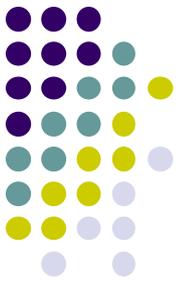


# Reasonable Modifications



- Housing providers **must** allow persons with disabilities to make reasonable modifications
- Structural modifications are made to allow persons with disabilities the full enjoyment of the housing and related facilities
  - i.e. install a ramp into a building, lower entry threshold of a unit, install grab bars in bathroom
- Expense on tenant unless it is publicly funded housing or a building w/ 10 or more units, then landlord must pay

# Documentation can be requested if the disability isn't obvious...



## Reasonable Accommodation/Modification Disability Verification Form

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

The person named above has a disability defined as a **physical or mental impairment that substantially limits one or more major life activities**. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, operation of muscular skeletal system, seeing, learning working, breathing, speaking and hearing.

The impairment is:

- Physical (specify): \_\_\_\_\_  
 Mental (specify): \_\_\_\_\_  
 Both (specify): \_\_\_\_\_

The major life activity substantially limited is: *(check all that apply)*

- Caring for oneself       Seeing       Breathing  
 Performing manual tasks       Learning       Speaking  
 Walking       Working       Hearing  
 Operation of muscular skeletal system       Other *(please specify)* \_\_\_\_\_

In my opinion, allowing \_\_\_\_\_ to \_\_\_\_\_  
Name      Accommodation/Modification to be granted  
\_\_\_\_\_ is a reasonable accommodation/modification of her/his

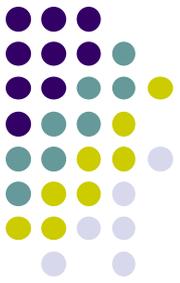
disability that provides her/him with an equal opportunity to use and enjoy her/his housing

because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

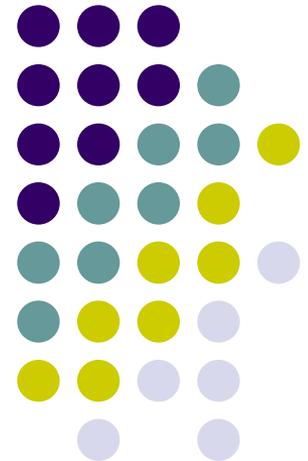
# Hoarding as a disability



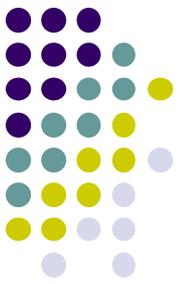
- Compulsive hoarding was originally viewed as a type of obsessive compulsive disorder (OCD).
- Most recent *Diagnostic and Statistical Manual* (DSM-5) now defines **Hoarding Disorder** as discrete disorder characterized by extreme and enduring difficulty parting with possessions, even if they have no tangible value.
- Affects an estimated 2-5% of the population – more prevalent than schizophrenia.
- In 2009 Australian study, it was estimated that hoarding contributed to 24% of preventable deaths in house fires.
- Comorbidities:
  - Some estimate that 19 to 25% of people with OCD also manifest compulsive hoarding. (At the same time, research suggests that 17% of people with compulsive hoarding have non-hoarding OCD symptoms.)
  - Various other mental illnesses, such as dementia (23% in one study) and schizophrenia.

# Hoarding as a disability

- A 2009 Australian study estimated that hoarding contributed to 24% of preventable deaths in house fires.



# Defining compulsive hoarding:

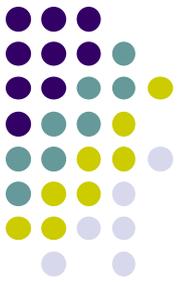


Compulsive hoarding is defined as the acquisition of and failure to discard items that appear to be useless or of little value.

- Three features define compulsive hoarding:
  - (1) the accumulation and failure to discard a large number of possessions that appear to most people to be useless or of limited value
  - (2) excessive clutter in living spaces that precludes activities for which the rooms were designed, and
  - (3) significant distress or impairment in functioning caused by the hoarding (*Frost & Hartl, 1996*).

Note that: This definition distinguishes hoarding from collecting, in which individuals maintain collections of objects that are generally considered interesting and valuable (*Steketee & Frost, 2007*).

# Defining compulsive hoarding



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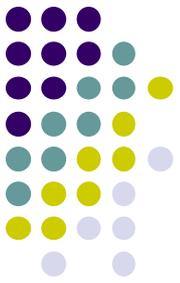
Note that: This definition distinguishes hoarding from collecting, in which individuals maintain collections of objects that are generally considered interesting and valuable (*Steketee & Frost, 2007*).

## Examples of hoarding

- Majority of unit not accessible
- No egress path
- Unable to access bath or shower
- Limited access to bathroom sink
- No access to oven/stove
- No space on bed for sleeping



# Health and Safety Issues: Hoarding is a danger to the hoarder and to others



- Infestation / pests
- Disease
- Danger of fire
- Blocked access to exits
- Physical appearance of building
- Odors

# Clutter Image Rating: Living Room

Please select the photo below that most accurately reflects the amount of clutter in your room.



1



2



3



4



5



6



7

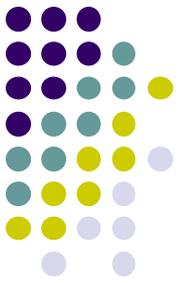


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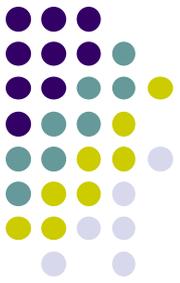
9

# Intervention: What constitutes hoarding?



- If field staff can place a unit on the image rating scale just shown at or above the #4, it's probably time to intervene.
- If you get involved while the rating is low, we have the opportunity to intervene before housing stability becomes an issue.

# Thank you



MERIS BERGQUIST, Esq.  
Massachusetts Fair Housing Center

H. JOHN FISHER  
Way Finders