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Psychologists define compulsive hoarding as having three primary characteristics: "(1) the acquisition of, and failure to discard, a large number of possessions that appear to be useless or of limited value; (2) living spaces sufficiently cluttered so as to preclude activities for which those spaces were designed; and (3) significant distress or impairment in functioning caused by the hoarding."[1] In severe cases, compulsive hoarding interferes with basic activities such as cooking, cleaning, and moving through the house—and can put residents and others at risk for fire, falling, poor sanitation, and health problems.[2] Landlords have a strong basis to evict tenants who hoard possessions on the ground that tenants violate lease terms requiring them to maintain the property or to comply with health and safety codes. Nonetheless, because hoarding qualifies as a disability under several state and federal antidiscrimination laws, including the Fair Housing Amendments Act, hoarding tenants may be entitled to an extended period to remedy lease violations related to their condition.

Advocates can have practical strategies for asserting a reasonable accommodation defense to eviction under the Fair Housing Amendments Act in cases involving compulsive hoarding by tenants in both private and public housing, and advocates need to work with community and social service organizations in such cases to develop both short- and long-term solutions for hoarding tenants.

I. Compulsive Hoarding: Background and Treatment

Precisely how many people suffer from compulsive hoarding is unknown.[3] That the impairment affects a significant segment of the population, however, is clear from research. Psychologists estimate that compulsive hoarding occurs in roughly one quarter of cases of obsessive-compulsive disorder; this would suggest that roughly four out of every thousand people suffer from compulsive hoarding during their life-

[1]Randy O. Frost & Tamara L. Hartl, *A Cognitive-Behavioral Model of Compulsive Hoarding*, 34 Behavioral Research Therapy 341 (1996).

[2]Gail Steketee & Randy O. Frost, *Compulsive Hoarding: Current Status of the Research*, 23 Clinical Psychology Review 905, 906 (2003).

[3]No epidemiological study of compulsive hoarding has been conducted. See Sanjaya Saxena, *Is Compulsive Hoarding a Genetically and Neurobiologically Discrete Syndrome? Implications for Diagnostic Classification*, 164 American Journal of Psychiatry 380, 382 (2007). One study analyzed complaints to health departments and estimated the frequency of compulsive hoarding at 26.3 per 100,000. Randy O. Frost et al., *Hoarding: A Community Health Problem*, 8 Health and Social Care in the Community 229, 231 (2000).

times.[4] Compulsive hoarding appears to be more common in adults, and its symptoms often intensify with age.[5]

Compulsive hoarders offer a variety of reasons for collecting their possessions. The two main categories are instrumental and sentimental. When people save items for instrumental reasons, they hold onto things because they believe they might need them in the future and fear being unprepared for life's unexpected events. In sentimental saving, people keep things because they feel an emotional attachment to each possession, often viewing their objects as extensions of themselves.[6] Although many nonhoarders offer similar reasons for saving possessions, compulsive hoarders display extreme versions of these beliefs and feelings.

Researchers identify other behavior patterns associated with compulsive hoarding. For example, for some compulsive hoarders, saving possessions is a way to avoid making incorrect decisions. Other compulsive hoarders have problems processing information or forming emotional attachments to other people. They may lack confidence in their ability to remember information, so they keep everything as a record.[7] Still other hoarders lack the organizational skills necessary to maintain adequate living space.

Although hoarding has been associated with a number of different disorders—including impulse control disorders, brain injury, dementia, social phobia, and depression—it is most often treated as a symptom of obsessive-compulsive disorder.[8] However, recent work emphasizes that a significant number of hoarders do not display other typical obsessive-compulsive disorder symptoms, such as anxiety, stress, worry, and negative affect.[9] This mismatch with obsessive-compulsive disorder's typical symptoms supports the possibility that compulsive hoarding is a clinically distinct syndrome.

The diagnostic classification of compulsive hoarding can be important from the advocate's perspective. For one thing, psychologists' close association of hoarding with obsessive-compulsive disorder has influenced the kinds of treatments they have studied, and many earlier drug and behavioral treatments designed for persons with this disorder have not been effective.[10] Moreover, these studies may measure success by how well the treatment resolves all of the disorder's symptoms, not merely hoarding behaviors, whose resolution is far more important from the housing advocate's point of view. Reading these studies uncritically can give the impression that hoarding behavior is essentially untreatable, especially in the short term.[11]

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[4]Steketee & Frost, *supra* note 2, at 911. Even this number is probably an underestimate since it includes only compulsive hoarding symptoms that accompany an obsessive-compulsive disorder diagnosis. See also Frost & Hartl, *supra* note 1, at 342; Frost et al., *supra* note 3, at 231 (a different estimate of frequency of hoarding behavior based on complaints to health departments).

[5]Steketee & Frost, *supra* note 2, at 912.

[6]Sanjaya Saxena & Karron M. Maidment, *Treatment of Compulsive Hoarding*, 60 Journal of Clinical Psychology 1143, 1144 (2004). For examples of each pattern, see Randy O. Frost, *When Hoarding Causes Suffering—Working Together to Address a Multi-Faceted Problem* (2004), www.environmentalgeriatrics.com/home_safety/conference.html (last visited Sept. 26, 2007).

[7]Frost & Hartl, *supra* note 1, at 341.

[8]See American Psychiatric Association, Diagnostic and Statistical Manual of Mental Health Disorders (4th ed. 1994); see also Steketee & Frost, *supra* note 2, at 907–11.

[9]See generally Sanjaya Saxena, *Is Compulsive Hoarding a Genetically and Neurobiologically Discrete Syndrome? Implications for Diagnostic Classification*, 164 American Journal of Psychiatry 380, 382 (2007) (one study of hoarding behaviors showed 36 percent of study participants with obsessive-compulsive disorder had mild or no distress from their hoarding symptoms and 53 percent spent less than one hour per day occupied with hoarding symptoms); J.R. Grisham et al., *The Distinctiveness of Compulsive Hoarding from Obsessive-Compulsive Disorder,* 19 Journal of Anxiety Disorders 767 (2005).

[10]See, e.g., Mirene E. Winsberg et al., *Hoarding in Obsessive-compulsive Disorder: A Report of 20 Cases,* 60 Journal of Clinical Psychiatry 591, 596 (1999); see also Steketee & Frost, *supra* note 2, at 917 ("Existing treatments demonstrated effective for [obsessive-compulsive disorder] have shown little benefit for compulsive hoarding."); Sanjaya Saxena et al., *Paroxetine Treatment of Compulsive Hoarding*, 41 Journal of Psychiatric Research 481, 482 (2007).

[11]Steketee & Frost, *supra* note 2, at 916–20 (disappointing treatment results).

More recent treatment studies, however, take pains to address the distinctive characteristics of hoarding symptoms and methodological faults in previous studies. These newer studies suggest that, with the right support, many hoarding tenants can make progress in decluttering their homes. For example, one recent exploratory study found that 50 percent of hoarders who participated in multiple behavioral therapy sessions over a period of seven to twelve months showed improvement in their hoarding symptoms.[12]

Recent case studies also show that even short-term treatments can be effective for at least some compulsive hoarders. For example, in one case study, a 63-year-old woman who had filled up all three apartments in a multifamily home was able to reduce clutter and improve usability, navigation, and organization of her living space within a twelve-week period.[13] The therapy in that study consisted of using pictures of the rooms in the home to structure a plan of organizing and discarding between sessions. In another case study, a 72-year-old woman with a ten-year history of hoarding was able to reduce clutter in her home by 52 percent after a one-day program. Treatment in that case involved building a trusting relationship with the client and engaging her in detailed planning for a decluttering intervention led by a team of therapists and a case manager.[14]

Although drug therapies have typically shown less success than behavioral therapy in treating hoarding behavior, recent studies demonstrate that drugs can help some compulsive hoarders. For example, a very recent study found that short-term treatment (ten to twelve weeks) with Paxil resulted in a decrease of obsessive-compulsive disorder symptoms among approximately half of the hoarding participants. Unlike previous studies, this study found that hoarding participants who suffered from obsessive-compulsive disorder did not fare worse than participants with nonhoarding obsessive-compulsive disorder.[15]

Of course, treatment works only if the subjects are willing to participate and follow through, and compulsive hoarders often fall short in both these areas.[16] One study of how health agencies dealt with hoarding-based complaints noted that 40 percent of those contacted by the agencies flatly refused to cooperate.[17] One area of current research concerns the use of motivational interviewing techniques to help hoarders increase their motivation levels. Case studies do suggest that particular circumstances—such as the desire to sell one's home—can motivate hoarders to begin the difficult process of decluttering.[18] If this is true, hoarding tenants who face eviction might seem to attain similarly high levels of motivation to clean up their homes.

II. Legal Challenges Facing Compulsive Hoarders

In addition to facing mental health problems and physical risks, compulsive hoarders potentially face a range of serious legal issues.[19] Of particular concern are legal proceedings that threaten

[12]David F. Tolin et al., *An Open Trial of Cognitive-Behavioral Therapy for Compulsive Hoarding*, 45 Behavioral Research and Therapy 1461 (2007).

[13]Steketee & Frost, *supra* note 2, at 920.

[14]Jill Cermele et al., *Intervention in Compulsive Hoarding: A Case Study*, 25 Behavioral Modification 214 (2001).

[15]Saxena et al., *supra* note 10, at 487.

[16]Steketee & Frost, *supra* note 2, at 922–23 (motivational problems in hoarding cases).

[17]Frost et al., *supra* note 3, at 233.

[18]See Steketee & Frost, *supra* note 2, at 922–23 (attributing client's reduction of clutter in part to her high level of motivation to sell her home).

[19]See, e.g., *Alexander v. City and County of San Francisco*, 29 F.3d 1355, 1358–59 (9th Cir. 1994) (case in which police department's use of a forcible entry warrant to inspect compulsive hoarder's home for health and safety code violations caused hoarder's death); *In re B.R.*, No. C054617, 2007 WL 1830792 (Cal. Ct. App. June 27, 2007) (affirming order terminating parental rights of mother suffering from compulsive hoarding); *In re Kuehne*, No. CA98-09-192, 1999 WL 527755 (Ohio Ct. App. July 6, 1999) (affirming involuntary civil commitment of person who had been evicted several times for hoarding food).

hoarders with the loss of stable housing. For those who own their homes, legal concerns often do not arise unless the home's condition draws the attention of public health or other government officials with authority to levy civil fines or bring nuisance abatement proceedings against homeowners.[20] Hoarding tenants, however, face a constant and far more consequential threat: private judicial eviction.[21] While eviction from one's home can be devastating to any tenant, it can be truly catastrophic to those who hoard. The mental and physical conditions that produce hoarding and cluttering behavior typically also render such persons incapable of coping with the consequences of sudden homelessness. That is to say nothing of the severe effects—both economic and psychological—that hoarders experience from the massive deprivation of their personal belongings.[22]

A. Eviction Defense on Behalf of Hoarding Tenants

Compulsive hoarding and cluttering behavior is, practically by definition, incompatible with the legal obligations associated with occupancy of leased residential property. Severe hoarding may violate building codes, increase fire risks, present tripping or falling hazards, impair access by emergency workers, and contribute to the spread of contagious diseases through poor sanitation and associated insect and rodent infestations.[23] By living in an excessively cluttered home, a tenant potentially runs afoul of many so-called housekeeping duties—such as the following provision of the Uniform Residential Landlord and Tenant Act—that state landlord-tenant laws impose upon tenants:

> A tenant shall: (1) comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety; (2) keep that part of the premises that he occupies and uses as clean and safe as the condition of the premises permit; (3) dispose from his dwelling unit all ashes, garbage, rubbish, and other waste in a clean and safe manner; (4) keep all plumbing fixtures in the dwelling unit used by the tenant as clear as their condition permits; (5) use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances including elevators in the premises; (6) not deliberately or negligently destroy, deface, impair, or remove any part of the premises or knowingly permit any person to do so; and (7) conduct himself and require other persons on the premises with his consent to conduct themselves in a manner that will not disturb his neighbor's peaceful enjoyment of the premises.[24]

A tenant's failure to comply with these requirements is grounds for termination of a tenancy.[25] This assumes of course that the landlord complies with the relevant jurisdiction's procedures for bringing an

[20]See, e.g., *McGary v. City of Portland,* 386 F.3d 1259, 1260 (9th Cir. 2004) (hoarding homeowner's assertion of right to reasonable accommodation in civil code enforcement proceeding).

[21]See, e.g., *Douglas v. Kriegsfeld Corporation,* 884 A.2d 1109 (D.C. 2005) (Clearinghouse No. 55,984) (eviction from residential rental property for hoarding behavior).

[22]See Randy O. Frost et al., *The Threat of the Housing Inspector: A Case of Hoarding*, 6 Harvard Review of Psychiatry 270, 272 (1999) (case in which hoarding tenant worried that she would become "suicidal," "homicidal," or "out of control" if her belongings were removed from her apartment).

[23]Frost et al., *supra* note 3, at 229–30.

[24]Uniform Residential Landlord and Tenant Act § 3.101, www.law.upenn.edu/bll/archives/ulc/fnact99/1970s/urlta72.htm. For a list of states that have adopted provisions of the Act, see Cornell University School of Law, Law by Source: Uniform Laws, Uniform Residential Landlord and Tenant Act, www.law.cornell.edu/uniform/vol7.html#lndtn (last visited Oct. 1, 2007).

[25]See *id.* § 4.201(a) (termination of residential tenancy may be based on "noncompliance with Section 3.101 materially affecting health and safety").

eviction lawsuit (i.e., "unlawful detainer" action).[26]

Unlawful detainer actions directed at hoarding tenants thus stand on solid legal footing. However, insofar as hoarding and cluttering behavior is associated with tenants' mental or physical disabilities, rigid enforcement of these housekeeping duties (especially by lease termination) threatens to discriminate unlawfully against such tenants. Although almost any residential landlord may ultimately justify the enforcement of tenant housekeeping duties as a legitimate business necessity, a landlord is obligated to make case-specific adjustments to give a hoarding tenant the opportunity to preserve the tenant's home by decluttering the unit. A tenant who takes advantage of such an opportunity is, by civil right, entitled to continue tenancy.

B. Assuring an Opportunity to Cure Lease Violations

The first task for an attorney representing a hoarding tenant is to ensure that the tenant has the opportunity to clean up the dwelling once the landlord declares a lease violation. Securing the right to cure a lease violation is easiest when the landlord seeks to evict the tenant expressly on the ground that the tenant has failed to maintain the premises since state law ordinarily requires the landlord to give the tenant an opportunity to cure lease violations before the tenant commences an unlawful detainer action.[27] In such a situation the landlord typically sends a "comply or vacate" eviction notice, which directs the tenant either to rectify the alleged lease violation or to vacate the premises by a certain date.[28] The landlord may not initiate an unlawful detainer action unless the tenant remains in possession of the property beyond the date specified in the eviction notice without abating the clutter.[29]

In other instances, landlords may issue eviction notices that do not give tenants the opportunity to preserve their tenancies by abating the clutter. A common example is a notice to terminate a periodic tenancy, which simply directs the tenant to vacate the premises at the conclusion of the current or following rental period.[30] In most jurisdictions either the tenant or the landlord may terminate a periodic tenancy without cause as long as the tenant or the landlord gives proper notice to the other.[31] Many jurisdictions also authorize landlords to initiate an expedited eviction on the ground of "waste/nuisance."[32] Landlords start this process by submitting a written demand that the tenant vacate the premises in a very short period, usually three to seven days, for having damaged the property or for maintaining a "nuisance." A hoarding tenant presented with eviction notices of these kinds—namely, ones containing no right to cure—may nonetheless demand an opportunity to cure as a reasonable accommodation for the tenant's disability.[33]

[26]See *id.* (authorizing landlord to terminate residential tenancy with thirty-day notice if tenant fails to cure breach of housekeeping obligations within fourteen days of written demand).

[27]See *id.* § 4.201(a).

[28]See *id.*

[29]See *id.* § 4.206.

[30]See *id.* § 4.301.

[31]See *id.* Of course, when a landlord does not specify any cause for the termination, the hoarding tenant—to receive the benefit of antidiscrimination statutes—may also need to prove that the hoarding behavior was a motivating factor in the landlord's decision to terminate the periodic tenancy.

[32]The Uniform Residential Landlord and Tenant Act does not contain a "waste/nuisance" type provision. Examples of such provisions include ARIZ. REV. STAT. ANN. § 33-1368(A)(2) (2007) (five-day notice to quit when tenant's noncompliance with lease terms "materially affect[s] health and safety"); FLA. STAT. § 83.56(2)(a) (2007) (seven-day notice to quit when tenant's noncompliance with lease terms "is of a nature that the tenant should not be given an opportunity to cure"); IDAHO CODE ANN. § 6-303(4) (2007) (tenant who commits waste "thereby terminates the lease" and landlord is entitled to possession after three-day period); ME. REV. STAT. ANN. tit. 14, § 6002(1) (2007) (seven-day expedited eviction when landlord can show that tenant has caused or permitted a nuisance); WASH. REV. CODE § 59.12.030(5) (2007) (three-day notice to quit when tenant commits waste or maintains nuisance).

[33]See *Douglas*, 884 A.2d at 1120–21 (requiring stay of eviction as reasonable accommodation even though request was made after right to cure expired).

However it is derived, the tenant's opportunity to cure should not require the tenant to restore the dwelling to a pristine condition. On the contrary, a court should conclude that a hoarding tenant has cured a failure to maintain the premises when it finds that the tenant has eliminated health and safety hazards in the unit even if the unit remains cluttered or unclean by ordinary standards. Such a finding negates the grounds for eviction. Advocates who argue that hoarding tenants have eliminated health and safety hazards in their homes may wish to focus on proving the following facts:

- that flammable materials have been removed or reorganized in such a way as to minimize fire risk;
- that risks of pest infestations have been eliminated by removing open food containers, cleaning and disinfecting kitchen or bathroom surfaces, and properly disposing of garbage and rubbish;
- that unobstructed paths through all rooms to all doors and windows have been cleared so that the residence is free of trip or fall hazards and so that the tenant may safely reach an exit in the event of fire or emergency;
- that all rooms in the home are accessible to emergency workers (such as firemen in gear or medical personnel with a gurney); and
- that the tenant can utilize all fixtures and appliances, such as stoves, sinks, tubs, and toilets, without obstruction or hazard.

Attorneys who assert that a hoarding tenant has successfully decluttered the home should consistently document the state of the client's home, ideally with a log of decluttering activity and photographic evidence. Because a hoarding tenant's "decluttered" home often still appears much more chaotic and unclean than is customary among members of the general public, the use of strategic "before-and-after" photographs may alter the court's frame of reference to the tenant's advantage.

C. Maximizing the Opportunity to Cure

Whether the right to cure arises from the eviction notice itself or from a reasonable accommodation request, most tenants facing eviction because of compulsive hoarding can assert the right to preserve the tenancy by eliminating health and safety hazards. However, most statutory cure provisions expire within a matter of days and all within a few weeks—time periods far shorter than the time generally required to diagnose and treat compulsive hoarding behavior or underlying mental disorders.[34] In many cases, the amount of time is not even sufficient for a third party to perform a substantial decluttering. Moreover, these short periods may be largely or fully elapsed by the time hoarding tenants obtain professional assistance.

For these reasons, hoarding tenants often must request a reasonable accommodation in the form of additional time in which to accomplish decluttering. Such requests are sometimes prospective ("Please allow Mr. X at least until next Thursday, when AAA Chore Services is scheduled to clean the apartment"), and sometimes retrospective ("Although Mr. Y was unable to cure the clutter by July 1 as requested, AAA Chore Services performed a cleaning on July 6 that has since cured the violation"). Naturally, the larger the window of time the hoarding tenant is given to abate the clutter, the more likely the tenant can succeed.

D. Expanding the Opportunity to Cure as a Reasonable Accommodation for a Disability

Whether the needed accommodation is an opportunity to cure, an extension of time in which to cure, or something else entirely, few hoarding tenants can prevail in an unlawful detainer proceeding without asserting the right to some form of reasonable accommodation. Numerous and overlapping federal, state, and

[34]See Uniform Residential Landlord and Tenant Act § 4.201(a) (fourteen-day period for tenant to cure "noncompliance … materially affecting health and safety"); Steketee & Frost, *supra* note 2, at 917–22 (reviewing challenges associated with the treatment of hoarding).

local statutes, as well as administrative regulations from various sources, require landlords to make a reasonable accommodation when necessary to enable persons with disabilities equal access and enjoyment of residential rental housing.[35] While the details of each such statute differ slightly and the interpretations of specific language differ measurably across jurisdictions, virtually all such statutes extend this obligation to include "reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person [with a disability] equal opportunity to use and enjoy a dwelling."[36]

A tenant's request for additional time to declutter the tenant's home falls squarely within this category of accommodation.[37] A tenant's right to a reasonable accommodation presupposes that the tenant is also a "person with a disability."[38] That, furthermore, the tenant's disability caused or contributed to the lease violation must be shown.[39]

Different disability discrimination statutes define "disability" differently, but most are at least as expansive as the federal Fair Housing Amendments Act definition: "(1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment."[40] Meeting this or an analogous definition of disability is not difficult. Because self-care and basic household maintenance are "major life activities," the same proof that establishes the lease violation also tends to prove the tenant's "substantial limitation" of a major life activity.[41]

The only question, then, is whether the tenant's failure to maintain a reasonably clean and safe home is related to a "physical or mental impairment," or "a record of having such an impairment." In most cases, this connection is easily proven through a declaration from a mental health professional, medical or psychiatric records, or similar evidence establishing that the tenant either suffers from or has been diagnosed with a specific mental health disorder, such as obsessive-compulsive disorder, de-

[35]A partial list of relevant authorities includes the Fair Housing Act and the Fair Housing Amendments Act, 42 U.S.C. §§ 3601 *et seq.* (2000) (rental housing); Title III of the Americans with Disabilities Act, 42 U.S.C. §§ 12181 *et seq.* (2000) (all places of public accommodation); and the Rehabilitation Act of 1974, 42 U.S.C. §§ 701 *et seq.* (2000) (all federally assisted programs). Courts interpret the standards for discrimination against individuals with disabilities similarly in these acts. *Blatch v. Hernandez*, 360 F. Supp. 2d 595, 630 (S.D.N.Y. 2005). Virtually all U.S. states and most cities, counties, and other local governmental units offer at least cumulative, and often greater, protection. For convenience, the balance of our discussion focuses on the Fair Housing Act and the Fair Housing Amendments Act.

[36]See 42 U.S.C. § 3604(f)(3)(B). The prima facie elements of a reasonable accommodation claim include (i) that the tenant is a "person with a disability," (ii) that the landlord has actual or constructive knowledge of the disability, (iii) that the tenant's access to the dwelling unit (i.e., ability to comply with the lease) is diminished for a reason related to the disability, and (iv) that there is a "reasonable accommodation" that the landlord could make, by which the tenant could enjoy equal access to the dwelling despite the disability, and (iv) that the landlord failed to make the accommodation. See, e.g., *Tsombanidis v. West Haven Fire Department,* 352 F.3d 565, 578 (2d Cir. 2003) (Clearinghouse No. 54,455); *Groner v. Golden Gate Apartments,* 250 F.3d 1039, 1045 (6th Cir. 2001) (Clearinghouse No. 53,835); *Giebeler v. M&B Associates,* 343 F.3d 1143, 1147 (9th Cir. 2003) (Clearinghouse No. 55,404).

[37]See, e.g., *Douglas*, 884 A.2d at 1109.

[38]Some statutes, such as the Fair Housing Act and Fair Housing Amendments Act, use the outmoded term "handicapped person" instead of "person with a disability." See, e.g., 42 U.S.C. § 3604(f)(3)(B).

[39]See, e.g., *Douglas*, 884 A.2d at 1129 (causation that tenant must show in a Fair Housing Amendments Act analysis is limited to demonstrating that the requested accommodation "may be necessary" to assure "equal opportunity to use and enjoy a dwelling") (citing cases); *United States v. California Mobile Home Park Management Company*, 107 F.3d 1374, 1380–81 (9th Cir. 1997) (plaintiffs must prove that allegedly discriminatory practice "caused" denial of use or enjoyment of property); *Riggs v. Howard,* No. 99-4354, 234 F.3d 1273, 2000 WL 1648136, at *2 (7th Cir. Oct. 31, 2000) (unpublished) (failure to explain connection between tenant's eviction and her disability was fatal to Fair Housing Amendments Act claim).

[40]42 U.S.C. § 3602(h).

[41]See 24 C.F.R. § 100.201(b) (2007); 29 C.F.R. § 1630.2(i) (2007) ("Major Life Activities means functions such as caring for oneself…."); *Dutcher v. Ingalls Shipbuilding*, 53 F.3d 723, 726 (5th Cir. 1995) ("caring for oneself," in context of the Americans with Disabilities Act, encompasses normal activities of daily living, including personal grooming and cleaning home).

pression, or dementia. Ideally a mental health witness should explain the connection between the tenant's disorder and the hoarding behavior. When mental health witnesses or records are not available, as often happens when working with noncooperative hoarding tenants, advocates may successfully contend that a tenant's compulsive hoarding and cluttering behavior is an "impairment" in and of itself (or is at least indicative of an impairment), although hoarding has not yet been established as an independent psychiatric syndrome.[42] Similarly a lay opinion based on personal observations of the complainant's home and behavior should be sufficient to establish that the tenant has or is "regarded as having [a mental] impairment."[43]

Once aware that a tenant has a disability and that the disability is interfering with the tenant's ability to comply with lease provisions or other policies, a landlord has an affirmative duty to make a "reasonable accommodation." An accommodation is "reasonable" if it "could plausibly" enable the tenant to have equal access to the dwelling unit without causing an "undue financial or administrative burden" on the landlord or a "fundamental alteration" in one of the landlord's programs or services.[44] Whether an accommodation is reasonable is a highly fact-specific determination that courts must usually make on a case-by-case basis.[45]

Often the tenant's request for an accommodation puts the landlord on notice of the tenant's disability and triggers the duty to provide a reasonable accommodation.[46] The landlord is not required to make the specific accommodation that the tenant requests. As an alternative, the landlord may engage in a good-faith, interactive dialogue with the tenant to determine an appropriate accommodation (and then provide that accommodation).[47] The function of this dialogue is for the parties, through mutual, good-faith negotiations, to develop a "reasonable" accommodation when the original proposal is problematic, or to choose from among multiple alternatives when more than one potential accommodation appears "reasonable."[48] Accordingly a landlord need not provide a tenant's most-preferred accommodation if something less will do; but, by the same token, if an attempted accommodation proves unsuccessful, the landlord must continue attempting accommodations so long as reasonable alternatives remain.[49] A landlord who pursues eviction without

[42]See Steketee & Frost, *supra* note 2, at 907–8 (noting debate about diagnostic classification of hoarding); Saxena, *supra* note 3, at 380 (hoarding appears to be a discrete disorder).

[43]See *Douglas,* 884 A.2d at 1131 (lay opinion, in some circumstances, is sufficient to establish existence of disability and need for reasonable accommodation). Of course, if the landlord shares the lay opinion and thus regards the hoarding tenant as having an impairment, then the element is satisfied. Even when landlords do not themselves regard hoarding tenants as having "impairments," they probably cannot overcome the implication of a "disability" without producing evidence that attributes the tenant's hoarding behavior to some other cause, such as substance abuse or unfettered free will.

[44]See *Humphrey v. Memorial Hospitals Association,* 239 F.3d 1128, 1136 (9th Cir. 2001) (Clearinghouse No. 53,450) ("[The Americans with Disabilities Act] does not require [person with disability] to show that [the requested accommodation] is certain or even likely to be successful to prove that it is a reasonable accommodation."); *Prewitt v. U.S. Postal Service,* 662 F.2d 292 (5th Cir. 1981) ("[A]pplicant is required to make a facial showing of at least plausible reasons to believe that the handicap could be accommodated.").

[45]See *California Mobile Home Park Management*, 107 F.3d at 1380 (the "reasonable accommodation inquiry is highly fact-specific"). Courts vary in their treatment of the burden of proof in this area. Some courts hold that the burden of proof rests on the landlord to demonstrate that the landlord cannot make a reasonable accommodation; others hold that the burden of proof in a reasonable accommodation case should be on the tenant. See *Groner,* 250 F.3d at 1044–45 (discussing two positions).

[46]See, e.g., *Douglas*, 884 A.2d at 1126.

[47]See *Humphrey*, 239 F.3d at 1137–39 (employer "who fail[s] to engage in the interactive process in good faith face[s] liability … if a reasonable accommodation would have been possible"). But see *Groner,* 250 F.3d at 1047 (declining to extend duty to engage in "interactive process," which first arose in employment cases under the Americans with Disabilities Act, to housing discrimination cases because the duty is not part of U.S. Department of Housing and Urban Development (HUD) implementing regulations).

[48]See, e.g., *Humphrey*, 239 F.3d at 1137–39.

[49]See *id.*

ever attempting to accommodate the tenant's disability, or who withdraws from the interactive process without attempting viable alternative accommodations, engages in unlawful discrimination.[50] The resulting presumption of discrimination may be rebutted only by showing that no remaining reasonable accommodation was possible.[51]

A hoarding tenant ordinarily requests an accommodation to continue the tenancy despite a violation of the lease. Such an accommodation enables the tenant to have access to the housing unit notwithstanding the tenant's disability. However, allowing the tenant simply to continue living in an excessively cluttered unit—particularly one that poses distinct fire, pest, or other hazards or safety risks—almost certainly imposes "undue" financial and administrative burdens on the landlord (such as pest extermination requirements, higher insurance rates, or reduced marketability of nearby units). Thus, to be reasonable, an accommodation of this nature must generally involve a decluttering of the tenant's unit. Even then, the reasonableness of an accommodation that preserves a hoarder's tenancy may differ depending on whether the accommodation is made before or after the decluttering takes place.

After a unit has been decluttered, a hoarding tenant's request to preserve tenancy imposes no apparent financial or administrative burden upon the landlord, and obviously no "fundamental alteration" in a program or service. Thus tenants who actually declutter their units (i.e., eliminate the hazards necessitating eviction) at any point prior to a physical eviction should be entitled to preserve their tenancy as a reasonable accommodation.[52] Tenants can strengthen their position in this regard at the "eleventh hour" by proving that an arrangement for keeping the unit clean following a decluttering is "plausible." For example, the tenant might offer to show the court or landlord a chore-services agreement or evidence that the hoarding tenant is undergoing treatment.

If the home has not yet been decluttered, the tenant may also request, as an accommodation, a reasonable amount of time in which to declutter the home. In contrast to the previous scenario, in which the plausibility of the tenant's plan for cleaning is not at issue, an accommodation request at this stage generally requires the tenant to present a plausible plan for decluttering the home.[53] Tenants who have connected with social work or case management services, sought or received mental health treatment, scheduled chore services, assessments, or professional cleaning, or even secured assistance from concerned friends or relatives are much more likely to convince landlords (or, if necessary, courts) that allowing additional time to cure will do more than simply delay an inevitable eviction.[54] Accommodation requests from hoarders who have already engaged in at least some decluttering or participated in treatment therefore present a far more compelling case for "reasonableness" than do those from tenants

[50]See *id.* at 1137–38; *Roe v. Sugar Mills Associates*, 820 F. Supp. 636, 640 (D.N.H. 1993) (eviction may proceed only after a landlord has made a reasonable attempt to accommodate or demonstrated no reasonable accommodation is possible); *Douglas*, 884 A.2d at 1126 ("[U]ntil a landlord makes a good faith reasonable effort at accommodation, upon request … the landlord's continued pursuit of a pending action for possession is a discriminatory act.").

[51]See *Humphrey,* 239 F.3d at 1139. But see *Groner,* 250 F.3d at 1045 (placing burden on tenant to prove reasonableness of accommodation and failing to presume discrimination based on landlord's withdrawal from interactive process after four failed accommodation attempts).

[52]See *Douglas*, 884 A.2d at 1129. Ordinarily the only legitimate basis for a landlord to deny such a post-decluttering accommodation request is when the tenant cannot reasonably be expected to maintain the unit in a reasonably clean and safe condition (and particularly when the landlord can demonstrate that the tenant has failed to keep the unit clean following decluttering in the past). See *Josephinium Associates v. Kahli*, 45 P.3d 627 (Wash. App. 2002) (landlord's accommodation efforts were adequate despite refusal to meet with tenant when landlord had tried repeatedly to help tenant, and those efforts had failed).

[53]*Douglas*, 884 A.2d at 1129.

[54]*Id.*

who have done nothing or have refused services.[55]

A reasonable decluttering plan must entail promptly restoring the unit to a reasonably clean and safe condition. As noted, compulsive hoarders are often reluctant to part with their possessions and frequently do not cooperate in decluttering. While psychological treatment may counteract a hoarder's resistance to decluttering, this treatment often requires prolonged counseling.[56] Given the health and safety risks presented by an excessively cluttered dwelling unit, the amount of time that a landlord may reasonably be expected to allow for decluttering is probably far shorter than the typical treatment and shorter still where the clutter problem poses a threat to other tenants outside the hoarder's own unit.[57] Thus, in some cases, to expect that a tenant's compulsive hoarding may be treated in time for the tenant to cooperate in the decluttering necessary to preserve the tenant's home may be unrealistic. In such situations, advocates may need to consider more drastic measures, such as the appointment of a guardian who has the power to carry out the decluttering over the tenant's objections.

E. Hoarding or Cluttering Eviction Defense: Redux

In planning their clients' defense, advocates for hoarding tenants should recognize that the legal protections afforded such tenants are as well entrenched as the "housekeeping duties" that such tenants so often stand accused of violating. By asserting their clients' rights to reasonable accommodations and proposing feasible and expedient decluttering plans, attorneys can ensure that hoarding tenants receive opportunities to save their homes. Effective legal advocacy can also ensure that such opportunities to cure are meaningful by making clear that tenants should not be judged against idealized standards of cleanliness or held to rigid statutory time frames. Such advocacy should produce successful outcomes for hoarding tenants who are able to declutter their homes and make arrangements to keep their homes reasonably clean. Unfortunately, in the long term, some compulsive hoarders are unable to benefit from even the best legal advocacy. Because the preservation of one's tenancy necessarily requires the actual decluttering of the dwelling, the outcomes in such cases usually depend on the tenant's own level of functioning, access to psychological counseling and treatment, and the availability of services to assist that tenant in cleaning the tenant's home.

III. The Role of Subsidized Housing Providers in Accommodating Compulsive Hoarders

As discussed, a private landlord's duty of reasonably accommodating a hoarding tenant is generally limited to providing the tenant with an adequate opportunity to abate the clutter and preserve the tenancy. Compared with their private counterparts, public housing providers may have a greater duty to accommodate hoarding tenants. Hoarding tenants who live in subsidized housing are arguably entitled to more expansive opportunities to cure lease violations, to additional procedural rights, and, in some circumstances, to landlord-provided social services such as counseling or assistance in the abatement of clutter. Advocates should aggressively press such claims where appropriate. Because of the possibility of additional duties and services, advocates should not assume that hoarding tenants cannot live successfully in subsidized housing merely because they have been unable to do so in privately owned rental property.

[55]See *Blatch*, 260 F. Supp. 2d at 634 (landlord had no obligation to make an accommodation that is "actively resisted by the disabled person"); see also 28 C.F.R. § 35.130(e)(1) (2007) ("[N]othing in this part shall be construed to require an individual with a disability to accept an accommodation or benefit provided under the [Americans with Disabilities Act] … which such individual chooses not to accept.").

[56]Steketee & Frost, *supra* note 3, at 920–21 (some treatment programs lasted a year or more).

[57]See *Arnold Murray Construction LLC v. Hicks*, 621 N.W.2d 171 (S.D. 2001).

A. More Procedural Rights in Subsidized Housing

Tenants in governmentally owned or assisted residential dwellings—especially federally subsidized tenancies—hold property interests that may not be deprived without due process of law.[58] Procedurally the guarantee to due process entitles these tenants to notice and a hearing at which to contest the deprivation.[59] Substantively this due process right should typically ensure that tenants of public or government-funded housing would not be allowed to be evicted except for cause.[60]

This "for cause" requirement arguably limits the government landlord's ability to continue with eviction proceedings after a hoarding tenant cures lease violations at any point prior to physical eviction even if the tenant has misses other deadlines. Lawyers who represent hoarding tenants in this circumstance should argue that the government's pursuit of eviction after the tenant cures lease violations amounts to an "arbitrary and capricious" act. To support this argument, advocates can point to the U.S. Department of Housing and Urban Development (HUD) regulations, which specify that tenants may make disability accommodation requests "at any time during the tenancy."[61] Even when a court or administrative agency has terminated a public tenancy, advocates should insist that the landlord's duty to make such accommodations "at any time during the tenancy" persists until the tenant is physically removed from the unit and that a government agency acts arbitrarily whenever it executes an eviction justified on grounds no longer existing.

In some subsidized housing programs, a tenant's right to a hearing to contest eviction may be fulfilled by an unlawful detainer proceeding in state court.[62] In other programs, however, the tenant may be entitled to certain administrative hearings in lieu of, or in addition to, a judicial hearing.[63] Such hearings can present advantages for tenants seeking to raise disability accommodation claims. For instance, hearsay evidence is typically admissible in such administrative hearings, and, for that reason, hoarding tenants may have an easier time assembling and submitting the proof to establish their disabilities.[64] Also, administrative hearing officers may have more leeway than courts do to overturn tenancy termination decisions based on mitigating circumstances and other factors.[65] In some circumstances, an agency must complete an administrative tenancy termination process before seeking a

[58]See *Ward v. Downtown Development Authority*, 786 F.2d 1526, 1531 (11th Cir. 1986); *Ressler v. Pierce*, 692 F.2d 1212, 1215–16 (9th Cir. 1982) (Clearinghouse No. 25,595); *Billington v. Underwood,* 613 F.2d 91, 93–94 (5th Cir. 1980); *Joy v. Daniels,* 479 F.2d 1236, 1242 (4th Cir. 1973).

[59]See, e.g., *Escalera v. New York City Housing Authority*, 425 F.2d 853, 861–62 (2d Cir. 1970).

[60]See, e.g., 24 C.F.R. § 966.4(l)(2) (grounds for termination of tenancy in federal public housing); *id.* § 982.310(a) (restrictions on eviction from Section 8 housing); 26 U.S.C. § 42(h)(6)(E)(ii) (2000) (eviction for "good cause" only in low-income housing tax credit financed property).

[61]24 C.F.R. § 966.7(b). HUD's model should pertain to other tenancies as well, such as those outside public housing. See 24 C.F.R. § 5.100 ("Public housing means housing assisted under the 1937 [U.S. Housing] Act [being 42 U.S.C. § 1437f], other than under Section 8. 'Public housing' includes dwelling units in a mixed finance project that are assisted by a [public housing authority] with [HUD] capital or operating assistance.").

[62]See, e.g., *id.* § 882.511(e) (operators of federally assisted "Section 8 Moderate Rehabilitation" housing may use state court proceedings to evict tenants).

[63]See, e.g., *id.* § 966.51 (public housing grievance procedure); *id.* § 982.555 (Section 8 Voucher "informal hearing").

[64]See, e.g., *id.* § 966.56(f) (in public housing grievance hearings, "oral or documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings").

[65]See, e.g., *id.* § 966.4(l)(5)(vii)(B) (public housing provider's authority to consider circumstances in regard to tenancy termination); *id.* § 982.552(c)(2) (consideration of circumstances in termination of Section 8 voucher benefits); see also *Clark v. Alexander,* 85 F.3d 146 (4th Cir. 1996) (judicial deference shown to administrative findings and decisions by public housing authorities); *HUD v. Rucker*, 535 U.S. 125, 131 (2002) (HUD lease terms gave public housing authorities discretion to terminate lease of tenant without considering mitigating circumstances when tenant's household member or guest engaged in drug-related activity).

writ of restitution from a court.[66] In these circumstances the agency's grievance mechanism may give a hoarding tenant additional time to declutter or provide "bargaining chips," such as an agreement to forgo certain costly or lengthy proceedings or to refrain from discovery that may be expensive, embarrassing, or otherwise undesirable to the agency.

B. The Potentially Greater Duty of a Public Landlord to Accommodate Disabilities

In addition to having certain procedural advantages, hoarding tenants who live in subsidized housing may be able to secure more time to declutter their homes or obtain social services by convincing courts that government landlords have a heightened duty to accommodate tenants with disabilities.

Tenants should argue that this heightened duty derives from a number of distinct sources: the government's superior resources; its role as housing provider of last resort; and, particularly in federally funded housing programs, its duty to "affirmatively further fair housing."[67] Such heightened-duty arguments may help hoarding tenants avoid eviction at the final hour, and they can support claims that public agencies and government landlords must do more to help mentally ill tenants obtain treatment or fulfill their housekeeping obligations. For example, the duty to "affirmatively further fair housing" arguably requires public agencies to identify clients with mental illness proactively and refer them to treatment providers or, assuming they have adequate staff or resources, to provide limited social services or other forms of intervention themselves.[68] At least one court has recognized that public landlords have a duty to inform an administrative tribunal—or even a judicial one—about facts that may call a tenant's mental competency into question.[69]

Of course, when the requested services are not germane to the agency's general function, the agency has a strong argument that the accommodation in question amounts to a "fundamental alteration" in the agency's program or service and therefore need not be provided.[70] Yet for public housing authorities or even private subsidized housing operators to provide some level of counseling, social work, or referral services to tenants and program participants is not uncommon.[71] Notably, if an agency or subsidized housing provider does choose (or is duty-bound) to provide referrals or social services to other tenants with mental disabilities, it must also make similar services available to hoarding tenants. If the government landlord does not do so, it risks violating prohibitions against disparate treatment.[72]

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[66]See, e.g., 24 C.F.R. § 966.51(a)(2) (in public housing, a jurisdiction may require that a tenant receive a "hearing in court which provides the basic elements of due process" before eviction from the unit, in addition to administrative hearing rights).

[67]42 U.S.C. § 3608(d) ("All executive departments and agencies shall administer their programs and activities relating to housing and urban development (including any federal agency having regulatory or supervisory authority over financial institutions) in a manner affirmatively to further the purposes of [fair housing] and shall cooperate with the Secretary to further such purposes."); see also 24 C.F.R. § 903.7(o) (HUD-imposed duty of local public housing authorities to further fair housing in HUD-funded programs affirmatively); 26 C.F.R. § 1.42–9 (duty to further fair housing affirmatively in low income housing tax credit program); see also Exec. Order 12,892 (Jan. 17, 1994), www.hud.gov/offices/fheo/FHLaws/EXO12892.cfm.

[68]See, e.g., *Blatch*, 360 F. Supp. 2d at 623 (raising possibility that New York Housing Authority may have duty to provide certain services to tenants known or suspected to be afflicted with mental illness). This requirement is of particular importance in the exercise of adjudicative functions, where due process may require a housing provider or other government agency to "reach out to a suitable representative, possibly including a competent family member, or appoint or seek a judicial appointment of an advocate or guardian, before conducting the hearing and proceeding to a determination adverse to the tenant." See *id.* at 621–22.

[69]See *id.* at 625 (extending New York state law that landlord has obligation to bring tenant's possible mental incompetency to court's attention in eviction hearing).

[70]See, e.g., *id.* at 635.

[71]See, e.g., *id.* at 608, 618–20, 635.

[72]See *id.* at 608, 618–20, 635.

C. Generalized Advocacy for Hoarding Tenants Living in Subsidized Housing

The due process rights and heightened legal duties that government landlords and public housing providers owe to tenants with disabilities also present opportunities for more generalized advocacy on behalf of hoarding tenants. As noted, local government bodies, such public housing agencies, may be obligated to identify and provide referrals or services to tenants with mental illness proactively.[73] Thus advocates should insist that such agencies develop plans for fulfilling these responsibilities, assist in the drafting and preparation of such plans, and monitor and enforce agency compliance with the plans and their underlying obligations. Advocates should similarly enforce obligations against other federally funded housing providers, such as companies that operate project-based Section 8 housing, landlords who receive low-income housing tax credits, or landlords who participate in the Section 8 Housing Choice Voucher Program.[74]

Any time one advocates on behalf of a hoarding tenant who lives in subsidized housing, one should remember that government-funded residential facilities, particularly public housing, tend to be housing of "last resort," especially in many eastern and midwestern U.S. cities. Thus tenants evicted from these facilities are likely to become homeless. Homelessness imposes unfathomable personal costs, and it places enormous demands on a community's social and welfare apparatus, including shelters, medical providers, and the police. Advocates' ability to keep this broader picture vividly in decision makers' minds may encourage them to develop more successful and more systematic solutions.

In sum, one can make a convincing case that public housing agencies should provide, either directly or by agreements with other providers, clutter abatement and chore services to hoarding tenants, whether or not a legal obligation to do so may be enforced. Funding for such operations, including training, equipment, and personnel, would thus be appropriate. Similarly, insofar as the eviction of hoarding tenants appears to be a socially irresponsible practice of government officials, advocates may contend that public housing agencies should not pursue eviction as a remedy at all. Advocates can argue instead for a more sensible remedy, such as a judicial warrant granting permission for a public landlord to enter and declutter a hoarding tenant's home, if necessary at the tenant's own expense.

IV. Breaking Down the Barriers to Effective Advocacy

The legal situation currently facing hoarding and cluttering tenants is a difficult one, and traditional legal remedies may not fully resolve the problems facing such individuals. Current eviction law is in some ways incompatible with the needs of a hoarding tenant, even one who is diligently seeking treatment. Attorneys can ask landlords and courts to stay eviction proceedings or extend the time to cure lease violations as a reasonable accommodation under the Fair Housing Amendments Act. But they generally cannot ensure that their clients will be able either to cure the lease violations within those extended time frames or to receive the treatment necessary to ensure that the lease violations do not recur. In light of these difficulties, attorneys seeking to advocate effectively for hoarding tenants must build relationships with mental health and social service providers to deal with this multifaceted problem.

A. Partnering with Volunteer or Social Service Organizations to Provide Chore Services

One important relationship to build is between the attorney and organizations that can help with decluttering. In some states the government provides cleanup

[73]See 24 C.F.R. § 5.100 ("Public Housing Agency (PHA) means any State, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 [U.S. Housing] Act [42 USC § 1437f].").

[74]See 24 C.F.R. pt. 811–91; 26 U.S.C. § 42 (2000); 24 C.F.R. §§ 982.1 *et seq.*

services to homeowners in exchange for a lien on their property to enable the government to recoup its costs.[75] Other states provide chore services for individuals with disabilities—and attorneys should ask that these services be provided to hoarding tenants.[76] However, attorneys should keep in mind that cleaning up the home of an individual with compulsive hoarding behaviors is very expensive, and, for that reason, it is a service that may not be widely available. For example, to return a hoarding resident's home to a habitable condition can cost as much as $50,000.[77] In one small town in Massachusetts the Department of Health spent approximately 75 percent of the town's budget clearing out one person's home.[78] Often attorneys have to rely on volunteer organizations to provide assistance in cleaning a hoarding tenant's home. Such organizations are common, and attorneys should seek to build relationships with those groups in order to ensure that their clients maintain the condition of their homes.[79]

B. Partnering with Mental Health Providers to Obtain Effective Treatment

Mental health providers are another important resource—both for helping hoarding tenants clean up their homes and for developing long-term strategies to help prevent the recurrence of hoarding behavior. Attorneys can conserve resources and produce better long-term outcomes if they work to ensure that hoarding clients receive adequate mental health treatment and are actively involved in clearing out their clutter. In some cases, landlords have "taken extraordinary measures" to help tenants cure the conditions caused by their hoarding and cluttering only to discover a recurrence of the problem; these cases show that the usual court directives and timelines for curing violations may not be adequate.[80] Prof. Randy Frost, one of the preeminent experts in hoarding and cluttering behavior, observes that third-party cleaning, imposed on a client without providing effective treatment, is at best a temporary fix and may create other problems:

> When we get to the point that we have to go into someone's apartment and clean it out, we are dealing with two problems. We have the immediate problem of environmental safety and of the person's behavior. We can clean out the apartment and take care of the first problem, but we have not addressed the second problem. In fact, we may have made addressing the [problem of the person's behavior] more difficult.[81]

While individualized treatment for compulsive hoarders is often expensive and not widely available, less formal community-based groups may be able to provide effective treatment.[82] For example, the Obsessive Compulsive Foundation provides a searchable database of support groups around the country for persons

[75]Heath Foster, *Task Force Tries to Save Those Who Save Too Much,* Seattle Post-Intelligencer, Oct. 30, 2002, http://seattlepi.nwsource.com/local/93443_hoarding30.shtml.

[76]See, e.g., Massachusetts Health and Human Services, Rehabilitation Division, www.mass.gov/mrc (last visited Sept. 19, 2007).

[77]Foster, *supra* note 75.

[78]Frost, *supra* note 6.

[79]For examples of some volunteer chore services, see Eviction Intervention Services, http://members.aol.com/eisny/eis.htm (last visited Oct. 1, 2007); Catholic Community Services, www.ccsww.org (last visited Oct. 1, 2007). Often a state's department of aging services or elder care can provide a referral to a chore service. However, attorneys who have worked with volunteer services stress that many chore services do not take responsibility for the full cleanup of a compulsive hoarder's home and prefer instead to give maintenance or preventive assistance. Factors such as a client's violent tendencies or history of heavy smoking in the home may induce volunteer cleaners to refuse to clean up the premises.

[80]*Zipper v. Haroldon Court Condominium*, 2007 N.Y. Slip Op. 03179, 835 N.Y.S.2d 43, 2007 WL 1120373, at *2 (N.Y.A.D. 1 Dept. 2007).

[81]Frost, *supra* note 6.

[82]*Id.*

suffering from obsessive-compulsive disorder.[83] Given the high prevalence of compulsive hoarding among people with obsessive-compulsive disorder, such groups may be effective. Some private therapists offer online counseling.[84] Numerous online support groups provide a forum that highly motivated clients can join.[85] High-quality self-help books have recently become available.[86] Attorneys who want to ensure that their clients do not face further legal challenges at a later date should encourage those clients to participate in any treatment possible. Participation in treatment may also persuade landlords to stay eviction proceedings or make other accommodations.

V. Long-Term Solutions

Many states have made a concerted effort to integrate the legal, social services, and mental health contributions toward assisting hoarding tenants through the use of an interagency city, county, or regional task force. One or more such task forces are in California, Wisconsin, Kansas, Minnesota, Massachusetts, New York, and Virginia.[87] The San Francisco Compulsive Hoarding and Cluttering Project, for example, provides a regular support group for people who compulsively hoard and clutter, an information and referral line, and customized training for legal and social service providers on compulsive hoarding and cluttering. In particular, the support group offers a mechanism for hoarding tenants to arrange with their landlord to delay eviction in exchange for the tenant's commitment to attend the support groups and create a decluttering plan. The San Francisco Compulsive Hoarding and Cluttering Project sponsors an annual conference on hoarding to raise awareness and educate the community. Other task forces, such as those in the Washington, D.C., metropolitan area, provide crisis response teams and ongoing intervention services to ameliorate the threat posed to the community, prevent eviction, and support the hoarding tenant in attempting to resolve the problem for the long term.[88]

Where such innovative programs are not available, attorneys who recognize the need to resolve the legal, social, and mental health issues facing clients suffering from compulsive hoarding can often develop ad-hoc relationships to facilitate effective advocacy. Ultimately the success of such an approach depends on whether attorneys can postpone or prevent eviction in order to allow clients to participate in mental health treatment, whether such treatment is available, and whether social services or community organizations can provide immediate assistance to reduce the risks that excessive clutter poses to the individual client and to the community.

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[83]See Obsessive Compulsive Foundation, www.ocfoundation.org/quick_search_groups.html (last visited Oct. 1, 2007).

[84]See, e.g., Beth Johnson's Clutter Workshop, www.clutterworkshop.com (last visited Oct. 1, 2007).

[85]See, e.g. Hoarding and Cluttering Group, http://health.groups.yahoo.com/group/H-C/ (last visited Oct. 1, 2007); Reclaiming Dignity Group, www.network54.com/Index/30370 (last visited Oct. 1, 2007); Squalor Survivor Communities, http://squalorsurvivors.com/community/default.aspx (last visited Oct. 1, 2007).

[86]See, e.g., Gail Steketee & Randy Frost, Compulsive Hoarding and Acquiring: Workbook (2006); David Tolin et al., Buried in Treasures: Help for Compulsive Acquiring, Saving, and Hoarding (2007).

[87]See Children of Hoarders, www.helpinghoarders.com/resources.html (last visited Oct. 1, 2007).

[88]Metropolitan Washington Council of Governments, Hoarding: A Dangerous Secret (2006), www.mwcog.org/uploads/pub-documents/zllWXQ20061121162353.pdf.

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