

# HOARDING ISSUES IN THE COMMON INTEREST COMMUNITY

By: Sara E. Barry CMCA CAM PCAM – Nevada Licensing Insurance Producer.  
Posted to Site: 070716

Did you happen to notice the HOA in the word “Hoarding”? This issue in a condo or townhome can become not only a “disorder” for the hoarder, but becomes a risk to neighboring units, the other building resident, any maintenance staff and the building structure itself.

Having grown up as a very poor farm girl, the instinct is to save everything as you may not have the money in the future to purchase the “thing” again and you might need it. Trust me when I say that it is hard to not follow through with this natural state of hoarding when you have been so poor. You look at others as being “wasteful” when they throw away something that still has a useful life.

Having said that, there are serious dangers to be aware of as a director, manager or homeowner when this condition exists in the community. Here are a few of those serious dangers, just to name a few of the most obvious.

- I. Fire Hazards
  - A. Unfortunately, first response fire fighters may not be able to get into the unit to put the fire out and look for any victims that may be inside.
  - B. If any easy ignitable wiring that is exposed or covering heating systems, puts the whole building at risk.
- II. Insurance Concerns
  - A. If the board and/or the manager are aware of a risk of this type, fill out an application stating that there are no known risks, you may not have coverage. It is the insurance company's fault should you knowingly lie on the application.
  - B. Most insurance policies exclude mold. Many water leaks could go undetected in a unit for a considerable amount of time allowing dangerous mold build up undetected, which can cause serious health issues throughout the building.
  - C. Undetected mold and water intrusion can ultimately cause structural damage, which would not be covered by insurance.
- III. Health Concerns
  - A. Along with the health issues from the above mentioned mold, insects and rodent infestations can exist and spread to other units.
  - B. There can be high amounts of ammonia in the unit and respiratory infections can become an issue.
  - C. Rats, mice and cockroaches and other infestations can spread to other units and cause health issues in the affected units.

Please remember that a “problematic” unit must represent a true health & safety issue before an association can take action. Poor housekeeping is not enough to warrant court relief. California had a case in 1998 addressing this issue. (Fountain Valley Chateau Blanc HOA vs. Dep't of Veterans Affairs).

If the association is notified of a hoarding situation, however, the association should document signs of the condition, talk with the owner, send written notice to the owner, and give the owner an opportunity to remedy the situation. Look at the enforcement policy, that you are required by law to have, and possibly levying fines or ultimately getting the association's attorney involved.

In Tennessee in 2011, an association ultimately, through the courts, determined that the owners behavior and violation of the associations governing documents gave the association the right to take possession and control of the owners' s unit along with the right to sell it. (4215 Harding Road HOA vs. Harris). Very scary to even consider, but for health and safety reasons for the safety of the other owners, the board may have no other choice. This would definitely be prudent that you get your legal counsel involved as

you don't want run afoul of HUD or other federal, local or state agencies who may come in to defend the owner.