

NYS Department of State
and the Cattaraugus County
Health Department Presents:

Hoarding and
Code
Enforcement



Dealing with Hoarders

- Hoarding is a human behavior that usually involves compulsive collecting.
 1. acquisition of and the keeping of large numbers of seemingly useless possessions. (Note: Cases have included animal hoarding).
- Hoarding is often seen in people with other disorders.

Packrat vs. Hoarder:

While some people may be considered "pack-rats" because they hold on to everything, hoarders take this "pack-rat" behavior to the extreme, saving anything imaginable. Some common issues that face hoarders are:

1. Difficulty throwing away items.
2. Strong emotional attachments to items.
3. Personal or practical value to them.
4. Possessive of their material.
5. See themselves as collectors rather than hoarders

How to Help a Hoarder

Hoarders may see attempts to help as not particularly helpful, or that helpers are negative, pushy, judgmental and don't understand. It is important to approach people carefully about their issues.

Tips on Working with Hoarders

Do:

- Establish a relationship of trust.
- Maintain their respect.
- See their point of view and help them see yours.
- Name the problem and define standards.
- Watch your language.
- Appeal to their intelligence.
- Help them set goals.
- Work collaboratively whenever possible.
- Try one thing at a time.
- Be persistent, patient and praise all efforts.

Tips on Working With Hoarders

Don't:

- Belittle or talk down to them.
- Underestimate their intelligence.
- Expect miracles overnight.
- Threaten them or get into a power struggle.
- Overwhelm them.
- Do not do surprise clean-ups.

When the Problem Becomes Severe:

While hoarding can be a problem for the hoarder, family and neighbors, Code Enforcement or law enforcement does not have the right to go into people's homes and dictate living conditions unless there is a clear danger observed.

What You Can Do:

- Contact the family or friends about the situation and encourage them to investigate and intervene.
- If it is a rental property, contact the landlord.
- Contact County Health if suspected Health Code violations.
- If there is a senior citizen living in the residence, contact the County Department Aging.
- If children are present, contact the County Department Social Services-Child Protective Services.

Property Maintenance Code

- The right of the code official to enter the premises in order to make the inspections required:

The right for the CEO to enter is limited.

1. Inspection from Right of way.
2. Inspection granted by the owner.
3. If CEO has reasonable cause.
4. CEO must present proper identification.

Property Maintenance Code

Inspections must be aimed at securing or determining compliance with the provisions and intent of the regulations that are specifically within the established scope of the code official's authority. Usually, an inspector must show that the property is subject to inspection under the provisions of the code; that the interests of the public health, safety and welfare outweigh the individual's right to maintain privacy; and that such an inspection is required solely to determine compliance with the provisions of the code.

Property Maintenance Code

VIOLATIONS

Violations of the code are prohibited. This is the basis for all citations and correction notices with regard to code violations.

Property Maintenance Code

- Notice of violation.

The code official is required to notify the person responsible for violating the code. The section that is allegedly being violated must be cited so that the responsible party can respond to the notice.

Property Maintenance Code

- NOTICES AND ORDERS
- Notice to person responsible.

Property Maintenance Code

Detail information on a proper form:

- Be in writing. A verbal notice is unreliable.
- Clearly identify the property.
- State why the notice is being issued. (identify what part of the code is being violated).
- Include a correction order, and state what repairs need to be made to bring the property back into compliance with the code.
- Allow a reasonable time for compliance.

My Contact Information

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Cattaraugus County Health Department

- Eric Wohlers, P.E. - Director
 - Ray Jordan – Senior Sanitarian
- Public Health Code of the Cattaraugus County Health District

"Public Health Nuisance – Shall mean any condition or wrong which annoys, disturbs, or otherwise is offensive to others. Nuisances if left uncorrected, could adversely affect public health and safety, or result in the inconvenience or discomfort of a number of people. "

"Public Health Hazard – Shall mean any condition which poses an imminent threat to the health or safety of the public. Such hazards must be corrected immediately or as specifically ordered by the Commissioner."

- Sanitary Code of the Cattaraugus County Health District

"Public Health Nuisance – Shall mean any condition which endangers the health or safety of the public."

"Public Health Hazard – Shall mean any condition which poses an imminent threat to the health or safety of the public."

Sanitary Code Changes Related to Hoarding

- Offensive Materials

PHCCC 2.31 Offensive Material – "Shall mean any **solid, liquid,** or gaseous substance which is putrescible, noxious, or **otherwise constitutes a nuisance or hazard to public health.** "

PHCCC 14.7.1 "No person shall permit, deposit, **store, or hold any** offensive material on or in any premises unless such material is so treated, screened, covered, handled or placed so as **not to create a public health nuisance or hazard.** All containers for storage of such material shall completely confine the material and **shall be kept in a sanitary condition at all times.** "

PHCCC 14.7.5 "Any person on whose property offensive material is located may be held responsible for all cleanup and removal costs, without regard to fault. "

Bathroom

PHCCC 14.6.2 "The owner of a building or dwelling, or the owner's agent in charge thereof, **wherein two or more tenants** have common use of the toilet, shall be responsible for the maintenance of such facility **so that it is kept in repair and in a clean and sanitary condition** at all times."

• Unsanitary / Unsafe Structures

PHCCC 14.9.1 "When the Department determines that any structure **constitutes a public health nuisance or hazard**, the Department may direct the owner to correct or remediate any condition contributing to the public health hazard or nuisance. The Commissioner may also order the removal or demolition of such structure.

• Vermin

PHCCC 14.5.1 "All establishments and other premises shall be maintained in such a manner as to control vermin infestation. Where the Department determines that an infestation of vermin exists and such infestation is a public health hazard or nuisance, extermination **methods and other measures to control such vermin** shall conform with requirements set out by the Department."

Investigation and Evidence

• Investigation

14.2 Complaints and Investigation

14.2.1 The Department may require that any citizen complaint regarding an alleged hazard or nuisance be submitted in writing, signed, and dated by the complainant.

14.2.2 Where in the opinion of the Department, **such alleged hazard or nuisance may affect public health or safety**, the Department shall cause an investigation to be made.

14.2.3 In accordance with Public Health Law §1303 and PHCCC 6.1, the Department may enter upon or within any place or premises for the purpose of inspection, investigation, or examination of an **alleged public health hazard or nuisance**.

• Evidence of Violation

- - Evidentiary requirements depend on suspected code violations
- - What is "public"? , How do we show it?
- - Photography
- - Sanitarian statement / opinion

Enforcement

- Right of entry
- Informal compliance
 - education
 - verbal with follow-up
 - re-inspection
- Formal compliance
 - Written NOV with timeline
 - re-inspection
 - Admin. hearing
 - BOH hearing

Contact Information

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