

2012 Council Study Issue

DPS 12-02 Explore Tools for Resolving Interior Hoarding Conditions at Residential Properties

Lead Department Public Safety

History 1 year ago None 2 years ago None

1. What are the key elements of the issue? What precipitated it?

This study issue was suggested by Councilmember Moylan at the November 29, 2011 City Council meeting. It was proposed after staff presented RTC number 11-253 "Proposed Ordinance Allowing Neighborhood Preservation to More Effectively Address Blighted and Vacant Properties." The proposed ordinance primarily addresses exterior adverse property conditions. As a result, Councilmember Moylan expressed his desire for code enforcement staff to study how NP staff could resolve interior health and safety hazardous conditions, specifically hoarding.

The Mayo Clinic defines hoarding as *"the excessive collection of items, along with the inability to discard them. Hoarding often creates such cramped living conditions that homes may be filled to capacity, with only narrow pathways winding through stacks of clutter."*

The Mental Health Association of San Francisco describes it as *"Compulsive hoarding and cluttering is the acquisition of, and failure to discard, possessions which appear to be useless or of limited value. Compulsive hoarding and cluttering can lead to safety and health hazards."*

The Sunnyvale Municipal Code already allows NP staff to address interior structural violations (such as construction work done without permits) and substandard housing conditions (such as a lack of running water or electricity). However, existing codes and resources do not allow NP staff to abate, or foster the abatement of, internal nuisances or conditions of blight associated with hoarding.

As part of this study, NP would research what other jurisdictions are doing to resolve interior hoarding conditions, and also review other options such as establishing or participating in a regional hoarding task force. NP would also work with the Office of the City Attorney regarding the legalities of resolving interior hoarding cases. Entry into a private residence involves significant legal review to ensure compliance with the 4th Amendment to the Constitution. The 4th Amendment prohibits unreasonable search and seizure. Entry into a private residence without identified exceptions requires judicial review and the issuance of a warrant upon a finding of probable cause.

2. How does this relate to the General Plan or existing City Policy?**Land Use and Transportation Element**

Policy N1.1 Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

Action Statements

N1.1.5 Establish and monitor standards for community appearance and property maintenance.

Housing & Community Revitalization Sub-Element

Policy B.1 Encourage property owners to maintain rental and ownership units in sound condition through the City's neighborhood preservation and housing rehabilitation programs.

Socio-Economic Element

Policy A.5 Maintain City neighborhoods as safe, healthy places to live.

3. Origin of issue

Council Member(s) Moylan and Lee

4. Staff effort required to conduct study Moderate

Briefly explain the level of staff effort required

Research other public agencies in California to determine if and how they address interior hoarding situations. Explore the use of non-profit agencies specializing in helping hoarders clean-up their homes. Research the possibility of developing or joining a regional task force made up of non-profits, social service agencies, and cities and counties, created specifically to resolve interior hoarding situations. Determine the legal parameters of conducting interior inspections when interior hoarding situations are reported or suspected, in addition to search and seizure laws pertaining to the actual clean-up and removal of personal possessions.

5. Multiple Year Project? No **Planned Completion Year** 2012

6. Expected participation involved in the study issue process?

Does Council need to approve a work plan? No

Does this issue require review by a Board/Commission? No

If so, which? none

Is a Council Study Session anticipated? No

7. Briefly explain if a budget modification will be required to study this issue

Amount of budget modification required

Explanation

8. Briefly explain potential costs of implementing study results, note estimated capital and operating costs, as well as estimated revenue/savings, include dollar amounts

Are there costs of implementation? Yes

Explanation

The cost is unknown until the study is complete. There are several different approaches that will be explored including developing or joining a regional hoarding task force and creating a program specific to Sunnyvale to resolve interior hoarding cases. Each approach will have a different set of costs associated with it. The majority of costs associated with any of these approaches would most likely be NP and OCA staff time. It's also anticipated that the actual clean-up of properties would be charged to the property owners.

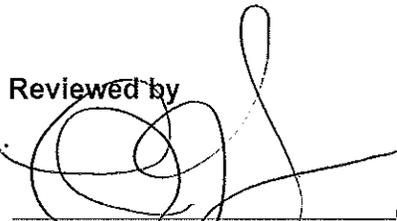
9. Staff Recommendation

Staff Recommendation Support

If 'Support', 'Drop' or 'Defer', explain

Members of the community have recently expressed concern about interior hoarding and its potential impact on surrounding properties. This study would explore the extent of the issue and

identify the potential for the City to play a positive role in reducing related health and safety hazards posed by hoarding to the community.

Reviewed by 

Department Director 12/5/11
Date

Approved by 

City Manager 12/6/11
Date