

Whether you are a tenant or a home owner, there could be times when your OCD is making your life very difficult. Knowing your rights and where to get support, will make you feel far less vulnerable.

OCD & HOUSING

WHAT YOU NEED TO KNOW



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There could be times when your OCD is making your life very difficult. If you own your home, you are less likely to encounter objections to the way you live with your OCD, unless the things you do are affecting others. If you are a tenant, then people are more likely to visit your home and you will most probably have agreements or contractual obligations that you might need to fulfil in order to keep your tenancy. For example, landlords have to make sure that each of their properties are inspected at least once a year for gas safety, so everyone who is a tenant has to let someone who works for their landlord into their property at least once a year.

Whether or not you own your own home, you still need to comply with public health, housing and environmental laws that apply to everyone, for example in relation to noise nuisance or public health.

There may be times when utility providers (gas, electric, water etc) or builders need to access your property if you need readings taken or remedial works carried out.

There are two common areas that seem to cause disputes between home owners or tenants and external authorities and or neighbours:

Contamination: The first is that some people with OCD who have contamination fears, may have problems with others coming into their homes to maintain or improve their properties. An example of this might be that if you were living in a Housing Association or Council property, mandatory repairs, improvements or inspections may need to be carried out at your home. If you have concerns about contamination then having workmen in your home may cause

you problems. Additionally, if you have perfectionist tendencies, then if work was carried out and it did not meet your standards, this could cause anxieties for you and problems for the workmen who are unlikely to understand your condition. Your tenancy may be put in jeopardy if you do not comply with certain contractual obligations that are required of you, even if your OCD is the reason why you cannot allow access or agree to works being carried out. It is worth thinking about letting your landlord know that you are having difficulties allowing access because of your OCD. This gives the landlord the chance to make adjustments for you. If a landlord isn't aware that you have issues because of your condition, then he or she is likely to be less sympathetic and understanding of your situation. If, having explained your position, the situation continues to deteriorate, seeking legal advice is a sensible option. Some organisations offer free legal advice. You can find information about where to access help at the end of this information sheet.

Hoarding: The other issue that affects both home owners and tenants is hoarding. Hoarding is a relatively common problem in the general population (lots of people keep things they don't need), but only a small number of people will meet the clinical criteria for compulsive hoarding. Compulsive hoarding is most commonly defined by obsessional fears of losing important items that a person believes will be needed in the future, but accumulation of these items leads to clutter that can cover living and work spaces, making them unusable.

A person may not be able to move from room to room because

of the amount of paper, furniture or items in their home. They may have accumulated food or domestic waste which has attracted insects or vermin that have then spread to other properties. In severe cases, hoarding produces health risks from infestations, falls, fires, and inability to cook or eat in the home. It is thought that hoarding occurs in 20-30% of people who have OCD. The Institute of Environmental Health, surveyed which items people were most likely to hoard and their research identified specific categories. The first group was "anything and everything" (50% of cases) the other 50% of cases covered hoarding of household refuse, (much of it food related), newspapers and magazines, clothing, animals (mainly dogs and cats), mail order goods and toys, electrical or mechanical good and human waste.

LEGISLATION THAT MAY HELP YOU

If you do hoard, you may find that there are times when you may come into conflict with your neighbours and authorities such as the Police, Social Services and Housing Authorities.

It may be very difficult for you to talk about your OCD (and you may not wish to disclose it) and most people are unlikely to understand your OCD and how it affects you. Pressure put upon you may not only affect your OCD but may be a breach of your rights under legislation such as the Human Rights Act 1998 and the Equality Act 2010. The Human Rights Act, contains rights that a lawyer may be able to defend for you in court, such as rights protecting your property and private or family life. The Equality Act offers you some

protection, but this protection can only apply if you have disclosed that you have OCD to your Housing provider. OCD can be recognised as a disability under the Equality Act and under the Act it is unlawful for landlords and other people connected with the selling, letting and managing of premises to treat disabled people less favourably for a reason related to their disability, unless they can show that the treatment is justified.

Amongst other things the Equality Act places a Duty on all public authorities to:

- Have due regard, when carrying out their functions by taking into account a disabled person's disabilities, even where that involves treating disabled persons more favourably than other persons;
 - Eliminate unlawful discrimination and unlawful harassment of disabled people
 - Improve the equality of opportunity for disabled people.
- The Act includes a new Public Sector Equality Duty. It is proposed that the Public Sector Equality Duty will come into force in England and in Scotland from April 2011, and in Wales in Spring/Summer 2011. The Duty will cover all the protected grounds: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion and belief and sexual orientation. The Disability Equality Duty in the existing legislation will be replaced by this.

HOW COULD THIS AFFECT YOUR HOUSING SITUATION?

The Act sets out a new definition of discrimination arising out of disability. For landlords this

means they will need to make investigations when granting tenancies or when taking any action against a tenant to make sure they are not indirectly discriminating against them on the grounds of disability and to keep records as to why specific action has been taken.

The Act extends the Duty on landlords to make reasonable adjustments to disabled tenants' homes to common areas, when they are requested by the tenant or someone acting on their behalf.

In order to safeguard your rights you may need expert help and guidance to give you a clear picture of your situation. If you intend to take legal action at a future date under the Equality Act 2010, it is important that you have told your landlord or local authority about your OCD in order to have given them time to make 'reasonable adjustments' for you.

If you feel you need information about your rights under Housing Law, please contact your nearest Law Centre, Citizens Advice Bureau or local branch of 'Shelter'. There are also many Solicitors that specialise in Housing Law and you can access a list of these by contacting the Law Society – www.lawsociety.org.uk. You can also find out more about your rights under the Equality Act by accessing the: Equality and Human Rights Commission www.equalityhumanrights.com. Government Equalities Office website: www.equalities.gov.uk and download 'Equality Act 2010- What do I need to know?' *A summary guide to your rights.* Or the OCD Action Advocacy Service 0845 3906234

CAN YOU BE FORCED TO CLEAN UP?

There are a variety of 'Powers' (sometimes called Duties) under which local authorities require the removal of articles and the cleaning of premises.

Statutes such as the Public Health Act 1936, the Environmental Protection Act 1990 and the Housing Act 2004 all contain 'Powers' that a local authority (council) can use to deal with the results of hoarding. These 'Powers' amount to the council insisting that an occupier tidies up or gets rid of items that the council deem to be a danger to the occupier's or other people's health, that may cause a nuisance or a danger, or that are hazardous to health and safety. A local authority may insist that the occupier allows or complies with works on their property. Perhaps the most commonly used 'Power' is under section 83 of the 'Public Health Act 1936' which deals with 'filthy or verminous' premises. Councils have a 'Duty' to act in such cases to prevent disease or infestation. Consequently councils can issue statutory notices which mean that you have to comply with the clean up. Councils can have discretion as to whether to charge for these clean up works to take place, especially if you are unable to meet the costs.

Whilst the council can remove items from your home, they do not have the right to dispose of them indiscriminately and you must be given notice if this is their intention. If you feel that items are going to be disposed of without your consent, you should seek legal advice as soon as you can.

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If a public authority such as Social Services or the NHS believe that your mental health has deteriorated to a state where you are putting yourself (usually because of severe self-neglect) or others at serious risk of harm, the Mental Health Act 1983 or the National Assistance Act 1948 can be used to remove you from your home or detain you elsewhere. It is rare that these powers are used in relation to people with OCD and they are reserved for exceptional circumstances where there is a significant threat to life and well being.

There are areas where best practice is being encouraged in the handling of cases involving people with OCD who hoard. Mental Health Care Professionals are encouraged to work closely with Environmental Health Officers and Social Services to fully understand why a person hoards and as a result offer as much support as they can. Enforced removal of items is considered to be a fairly short-term solution, as people can continue to hoard if their underlying OCD is untreated.

CONTACTS

The following are organisations and people you can contact who can advise you of your position in regards to the law and your rights as a tenant and a home owner.

■ Community Legal Advice Service

☎ 0845 345 4 345

📞 www.communitylegaladvice.org.uk

■ The Disability Law Service

(DLS) They provide information and advice to disabled people.

📞 www.dls.org.uk

■ Shelter

Shelter gives free advice and legal assistance about some housing issues. They may have caseworkers who can come out and visit you.

📞 www.shelter.org.uk

■ Your local Citizen's Advice Bureau (CAB)

📞 www.adviceguide.org.uk

■ Local Govt Ombudsman

📞 www.lgo.org.uk/making-a-complaint

☎ 0300 061 0614

If you are not happy with the outcome of a complaint you have made against your local council, then you can take your complaint to the Local Government Ombudsman.

■ Housing Ombudsman

☎ 0300 111 3000

info@housing-ombudsman.org.uk

The Housing Ombudsman Service is set up by law to look at complaints about "registered" housing providers. Their service is free, independent and impartial.

■ Your local Council

Each local authority has Environmental Health Officers who enforce compliance orders on people who may be a harm to themselves or others in terms of environmental issues eg. rubbish accumulation, fire hazards, sanitation. They are now being encouraged to work with people in an initially far less punitive way.

■ Tenancy Support Officers- some councils and housing associations have officers to help tenants with these issues. Please ring your local authority for more details.

TIPS : GETTING HELP WITH HOARDING

■ Access the OCD Action Website to get information about hoarding and find out about support groups near you: www.ocdaction.org.uk

■ Phone the OCD Action Advocacy Service for help and get telephone or face-to-face support :0845 390 6232

■ Contact some of the organisations listed in this fact sheet if you need free legal advice on your housing issue.

■ Download the "How to Disclose" booklet on the OCD Action website including the print-out card on OCD that you can hand to officials from housing services, landlords, etc.

■ Access the OCD Forums to share your experience and get support from others with OCD who may have advice on how to manage housing issues.

■ If you want to stop hoarding there are treatments that can help such as Cognitive Behavioural Therapy (CBT) and some medicines used to treat OCD such as Selective Serotonin Reuptake Inhibitors (SSRIs). Seeing your GP is a good place to start to ask for help. There are cards available from OCD Action which you can give your GP to explain in detail what OCD is and how to treat it.

■ You can also contact your local Community Mental Health Team. They can give you help and advice. Ask for a referral from your GP.



If you would like further information about OCD please contact the OCD Action Helpline on 0845 3906232 or visit www.ocdaction.org.uk

OCD Action takes every care to make sure that information is up to date and accurate, the charity however, does not offer legal advice. Please consult a legal expert if you need specific legal information about your case.