

CONNECTICUT LEGAL RIGHTS PROJECT

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Public Safety & Security Committee Public Hearing 2/19/15 Testimony of Kathleen Flaherty, Associate Executive Director Connecticut Legal Rights Project

Connecticut Legal Rights Project supports (with conditions) Proposed S.B. 18, An Act Establishing a Task Force to Study Hoarding

Senator Larson, Representative Dargan, and members of the Committee:

The Connecticut Legal Rights Project (CLRP) is a legal services organization that advocates for low-income individuals in institutions and in the community throughout the state who have, or are perceived to have, psychiatric disabilities. We support initiatives that integrate individuals into the community.

Hoarding is an issue that needs to be addressed, especially when it results in a threat to the health and safety of the individual, or others. A group of concerned professionals has been meeting for since last fall to discuss this issue and potential solutions. This group was convened voluntarily and involves a wide ranging group of state and municipal officials, social service providers, and advocates for people with disabilities from across the state. CLRP participated in the group.

When the members of this legislative task force are appointed, it should include a similarly broad group of participants. **Most important from our perspective, it must include representatives from the mental health advocacy community and from legal services.**

The group suggested that the task force's study be focused on three goals: the identification of best practices, the identification of barriers to best practices, and a determination of whether legislation could overcome those barriers.

When the person who hoards is a tenant living in rented premises, her situation frequently comes to the attention of her landlord prior to the involvement of municipal officials. Often what is needed is referral to, and engagement with, appropriate assistance, including mental health services. Because both referral and remediation of the problem take time, granting the individual a reasonable accommodation, pursuant to the Americans with Disabilities Act and/or state and federal Fair Housing laws--in order to allow for services to be accessed – can result

in a successful outcome for all involved. CLRP has been involved in several cases that were worked out in this way.

The intersection of laws that may be applied to a hoarding situation is complex. Responders who find a person living in what they perceive to be dangerous living conditions may bring that person to a hospital for assessment, but are upset and discouraged when the hospital discharges the individual, and there is nowhere else for that person to go other than his home. CLRP is concerned that responders sometimes believe that the hospital should detain individuals in these cases. While every case is different and every situation specific, the law regarding holding people against their will is very clear and provides a balance between protecting people and not violating constitutional rights to liberty.

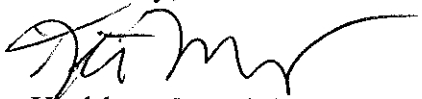
In situations where a home is condemned or deemed unfit for habitation, the municipality is required under the state relocation act to provide relocation assistance to those who had been residing in the premises. (C.G.S. §§8-266 et seq.)

It is important for the task force to use the laws we have to protect everyone in our communities. In the end, hoarding situations will not be fixed by legislation, but by cooperation and coordination among all parties involved.

A task force with a diverse membership that reflects all of the interested parties will generate a healthy debate of these issues and should result in building consensus regarding useful recommendations and paths to potential solutions to this difficult issue. If you don't have the right people at the table, you will not create workable solutions.

Thank you for your consideration of these concerns.

Sincerely,



Kathleen M. Flaherty