

## OCD & HOUSING – England & Wales

### Your rights

Whether you are a tenant or a home owner, 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, you will most probably have a tenancy agreement or other contractual obligations that you might need to fulfill in order to keep your tenancy. For example, landlords have a legal responsibility to make sure that any gas heating systems or gas appliances in their properties are inspected at least once a year for gas safety, so if you are a tenant you will have to let someone who works on behalf of your landlord into your 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 a number of common issues that seem to cause disputes between home owners or tenants and external authorities and or neighbours:

### People Coming Into Your Home

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 local 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.

If you are a tenant then your responsibilities to your landlord/housing provider will be outlined in your tenancy agreement. You might also have a Tenant's Handbook where you can find information on your responsibilities.

Your tenancy may be put in jeopardy if you do not comply with those responsibilities, even if your OCD is the reason that 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. If you let your landlord know about your OCD then they may be able to make reasonable 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. The adjustments a landlord may need to make will not prevent them gaining access at times. When

coming into your flat or doing work, you might consider requesting that any visiting workman wear overshoes, uses clean dust sheets etc and that you're given sufficient notice of any visit. You could approach our advocacy service for help with this.

If, having explained your position to your landlord, the situation remains unresolved it is a good idea to seek legal advice or advice from an independent advice agency in order to safeguard your tenancy. Some organisations offer free legal advice. If in doubt check this out when you first make contact. You can find information about where to access help at the end of this information sheet.

### **Hoarding Disorder**

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 Hoarding Disorder. Hoarding Disorder 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. The Diagnostic & Statistical Manual of Mental Disorders (DSM) published by the American Psychiatric Association in 2013 (DSM-V) defined a Hoarding Disorder as a separate disorder distinct from OCD. It is thought that approximately 20% of people with Hoarding Disorder have OCD.

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

### **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' in England & Wales 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 and if a statutory notice is issued under the Public Health Act 1936 you have no right of appeal.

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.

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 and you are refusing to or are assessed as lacking the capacity to make the decision to accept help, the Mental Health Act 1983 or the Mental Capacity Act 2005 can be used to remove you from your home or detain you elsewhere. The Court of Protection can be asked to make best interest decisions which can include removal from your home. 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 wellbeing.

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.

### **LEGISLATION THAT MAY HELP YOU**

It may be very difficult for you to talk about your OCD (and you may not wish to disclose it) and 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 1998 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 2010 may offer you some protection, but this protection can only apply if you have disclosed that you have OCD to your landlord/housing provider. OCD can be recognised as a disability under the Equality Act 2010 and 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.

The Equality Act 2010 place a duty on all public authorities to:

- Have due regard, when carrying out their functions by taking steps into account of 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.

There is a responsibility on all landlords both public and private not to discriminate on the grounds of disability when they are disposing of accommodation e.g. making an offer of accommodation or managing that accommodation.

### **How Could this Affect Your Housing Situation?**

The Equality Act 2010 sets out a 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 that 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 places a duty on landlords to consider making reasonable adjustments to a disabled person's home if requested to do so by the tenant or someone acting on their behalf. There is no definition of what a reasonable adjustment is. Furthermore, especially in private rented accommodation the landlord may be able to argue that they do not have to carry out a reasonable adjustment where it is disproportionately expensive, where it may lead to a depreciation in the value of the property or where it may deter from the landlord being able to rent out the property in the future.

In order to safeguard your rights you may need expert help and guidance to give you a clear picture of your situation. It is important that you seek advice and support as 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.

### **Adaptations**

If your landlord is the local housing authority or a housing association then you may be able to ask them to carry out an adaptation to your home to make it more suitable for you. The type of work carried out will depend on your needs. Council and housing association tenants do not have to pay for adaptations on their home.

Some minor adaptations may require the agreement of an Occupational Therapist, for example the installation of a shower; a ramp; graduated steps or grab rails. Major adaptations such as bedroom or bathroom extensions; new heating systems; vertical lift or stair-lift; provision of ground floor toilet will always require an assessment by an Occupational Therapist.

### **Eviction**

All landlords have to follow special legal procedures in order to evict tenants. There are laws to protect you. Whether or not your landlord can evict you and how the process works will depend on the type of tenancy you have. If your landlord doesn't follow the right procedure, s/he may be committing a criminal offence.

If your housing provider has talked to you about the possibility of eviction please seek legal advice and support

promptly as waiting until eviction procedures are well underway can make it more difficult to resolve issues and may result in you losing your home.

## **SUPPORT & ADVICE**

The following are organisations 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. Please make sure that you seek support and advice as soon as problems arise otherwise you could risk losing your home.

- **Legal Advice** – to find details of a housing solicitor in your area:

[www.lawsociety.org.uk](http://www.lawsociety.org.uk) England & Wales

- **Civil Legal Advice (CLA)** - 0345 345 4 345 Mon-Fri 9-8 /Sat 9-12:30

- Your local **Law Centre** which you can find by contacting the Law Centres Federation:

[www.lawcentres.org.uk](http://www.lawcentres.org.uk)

- **Law Works** – provide free legal advice to those who meet their criteria and/or mediation.

[www.lawworks.org.uk](http://www.lawworks.org.uk)

- **Equality Advisory Support Service (EASS)**

[www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

Provide advice to people in England, Wales & Scotland on discrimination & equality issues.

0808 800 0082 Mon-Fri 9-8/ Sat 10-2

- **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](http://www.shelter.org.uk) – England & Scotland

[www.sheltercymru.org.uk](http://www.sheltercymru.org.uk) - Wales

- **Your local Citizen's Advice Bureau (CAB)**

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

- **OCD Action Advocacy** – If you are an adult with a diagnosis of OCD and need support please phone our advocacy service on: 020 7253 5272

## **Hoarding Disorder**

For more information on hoarding and its treatment the following websites have information and sources of support for people affected by hoarding:

- Help for Hoarders: [www.helpforhoarders.org.uk](http://www.helpforhoarders.org.uk)

- Hoarding UK: [www.hoardinguk.org](http://www.hoardinguk.org) 07908 225511 / 020 3239 1600 / [info@hoardinguk.org](mailto:info@hoardinguk.org)

**Approaches to treatment:** A Psychological Perspective on Hoarding – Good Practice Guidelines British Psychological Society:

[http://www.bps.org.uk/system/files/Public%20files/a\\_psychological\\_perspective\\_on\\_hoarding.pdf](http://www.bps.org.uk/system/files/Public%20files/a_psychological_perspective_on_hoarding.pdf)

This document is guidance issued by the Chartered Institute of Environmental Health to Environmental Health Officers explaining what hoarding is and suggesting how people who hoard might be helped:

[http://www.cieh.org/uploadedFiles/Core/Policy/Publications\\_and\\_information\\_services/Policy\\_publications/Publications/Hoarding\\_PPN\\_May09.pdf](http://www.cieh.org/uploadedFiles/Core/Policy/Publications_and_information_services/Policy_publications/Publications/Hoarding_PPN_May09.pdf)

### **TIPS: GETTING HELP WITH A HOUSING PROBLEM**

- Talk to your Housing Officer/Tenancy Sustainment Officer – make sure that they are aware of your diagnosis of OCD, your housing problem and what reasonable adjustments/help and support you are asking for.
- A local mediation service might be available where a trained individual from an independent organisation can assist you and your housing provider to reach a mutually agreeable solution to the issue. Contact Law Works – see details above or: [www.civilmediation.justice.gov.uk](http://www.civilmediation.justice.gov.uk) to find a mediation service in your area.
- If you are unhappy with your housing provider consider making a formal complaint – all social housing providers e.g. housing associations, local councils will have a complaints procedure available on their website detailing the steps you would need to take to make a complaint.
- Contact some of the organisations listed in this fact sheet if you need legal advice on your housing issue. Please be aware that recent changes to legal aid means that legal advice from an individual solicitor may not be free unless eviction proceedings have been started against you – please check possible costs with any solicitor you contact.
- If you want to access treatment for your OCD a good place to start is with your GP who can prescribe medication Selective Serotonin Reuptake Inhibitors (SSRIs) or refer you for Cognitive Behavioural Therapy (CBT). If you live in England you may be able to self-refer to your local Improving Access to Psychological Therapies (IAPT) service which can offer you CBT.
- Access the OCD Forums to share your experience and get support from others with OCD.
- If you have OCD you can phone the OCD Action Advocacy Service for help and get telephone, email and/or face-to-face support : 020 7253 5272

**If you would like further information about OCD please contact the OCD Action Helpline on 0845 3906232 or visit [www.ocdaction.org.uk](http://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.

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