

Housing Rights – England & Wales

Whether you are a tenant or a home owner, there could be times when your OCD symptoms can become debilitating and distressing.

If you own your home, you are less likely to encounter objections to the way you live with your OCD experience, 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 fulfil 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, such as those related 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:

➤ **Contamination Fears Within OCD**

OCD can manifest in varied and unique ways, so there may be many different reasons for why someone with OCD may feel distressed at the idea of someone entering their home. One of the most common cases where this is experienced is when someone with OCD struggles with contamination fears and experiences anxiety or distress around others coming into their home to maintain or improve the property. 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 anxiety or distress in relation to your OCD experience.

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 symptoms 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 symptoms. If you decide to disclose that you struggle with OCD to your landlord, then they may be able to make reasonable adjustments for you. If a landlord isn't aware that you are experiencing distress because of your OCD symptoms, then they may be less empathetic and understanding of your situation. The reasonable adjustments a landlord may need to make will not prevent them gaining access at times.

Some examples of reasonable adjustments may be requesting that any visiting workmen wear overshoes, use clean dust sheets, or give you sufficient notice of any visit.

If after having explained your position to your landlord the situation remains unresolved, it may be a good idea to seek legal advocacy support 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**

If someone is struggling with Hoarding Disorder, this can impact their housing situation. Hoarding Disorder is a recognised mental health condition in which a person becomes very emotionally attached to either specific items or accumulating items in general, making it difficult to get rid of anything and often meaning the person brings in a lot of new items into the home. According to the eleventh revision of the International Classification of Diseases (ICD-11), Hoarding Disorder is considered an OCD-related condition, though it is a separate condition to OCD. It is also possible for someone with OCD to struggle with hoarding as a compulsion, which is distinct from struggling with Hoarding Disorder.

A person may not be able to move from room to room because of the amount of hoarded 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 some extreme cases, Hoarding Disorder may produce health risks from infestations, falls, and fires, and may make it difficult for people to accessibly use the space. If you do struggle with Hoarding Disorder, 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 Disorder. These powers amount to the council insisting that an occupier tidies up or gets rid of items that the council deems 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

Due to the nature of OCD and related conditions like Hoarding Disorder, many people may find it very difficult to talk about their condition and may feel reluctant to disclose it. Pressure put upon you to disclose may not only impact your condition but may also 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 people with disabilities 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.

The Equality Act 2010 sets out a definition of discrimination arising from 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 person's home if they are disabled and if requested to do so by the tenant or someone acting on their behalf. There is no definition of what a reasonable adjustment is, however reasonable adjustments can take any form and are individually based on the person's needs ('adjustments') and what is possible by the service provider ('reasonable'). 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. If you intend to take legal action at a future date under the Equality Act 2010, it is important that you have disclosed that you struggle with OCD to your landlord or local authority 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, such as 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, and 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, they 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 AND ADVICE

The following are organisations you can contact who can advise you of your position with 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.

- **Legal Advice** – to find details of a housing solicitor in your area visit: www.lawsociety.org.uk
- **Civil Legal Advice (CLA)** - 03453454345 Monday to Friday 9 – 8 /Saturday 9 – 12:30
- Your local **Law Centre** which you can find by contacting the Law Centres Federation here: www.lawcentres.org.uk
- **Law Works** – provide free legal advice to those who meet their criteria and/or mediation: www.lawworks.org.uk
- **Equality Advisory Support Service (EASS)**
www.equalityadvisoryservice.com
Provides advice to people in England and Wales on discrimination and equality issues – can be contacted on 08088000082 Monday to Friday 9 – 8/ Saturday 10 – 2.
- **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 – England
www.sheltercymru.org.uk – Wales
- **Citizen's Advice Bureau**
www.citizensadvice.org.uk

➤ **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

- **Hoarding UK:** www.hoardinguk.org , 07908225511 / 02032391600 / info@hoardinguk.org

Approaches to treatment: [Hoarding and Treatment](#)

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:

<https://www.cieh.org/media/1248/hoarding-and-how-to-approach-it-guidance-for-environmental-health-officers-and-others.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 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 OCD, a good place to start is with your GP who can prescribe anti-obsessional medication or refer you for Cognitive Behavioural Therapy with Exposure and Response Prevention

(CBT with ERP). 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 with ERP.

If you would like further information about OCD please contact the OCD Action Helpline on support@ocdaction.org.uk, **03006365478**, or visit our website at 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 or advocacy support. Please consult a legal expert if you need specific legal information about your case.

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