

# **‘Stuff’, ‘Mess’ and ‘Hoarding’: a maze of language and law**

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inspiring achievement

**Some people have lots of ‘stuff’**

**Some places are messy**

# Legal 'mess'

'junkyard'

'untenantable  
condition'

'unsightly'

'unreasonable use'

'nuisance'



'insanitary'

'not just  
fair wear  
and tear'

'normal  
residential  
use'

'untidy'

# Balancing expectations

‘In any urban community and especially in a block of units there may be aspects of other tenants’ behaviour which do not accord with another’s tastes or standards. For the Tribunal, it is a matter of balancing those competing interests.’

*Ringwood & Noblett v Nancarrow*  
[1996] SARTT 1  
Per Ms S Raymond  
[S90]

# Some people HOARD

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# No single pattern

- Life skills
- Mental health
- Anti-social behaviour
  
- Temporary/episodic
- Chronic
  
- No insight/much insight
- Isolated/connected
- Older/younger
- Male/female

# Responses: more pattern

- Risk analysis
- Exercise of discretion
- Compliance not enforcement
- Workers' anxiety
- Conflicting pressures

[e.g.: liability; Ombudsman;  
Treasury; media...]

# Disability Discrimination

## **A duty to make 'reasonable accommodations' for people with a disability**

'A man who has an obsessive compulsive disorder and was described as a "pathological hoarder" complained that he had been discriminated against by a public housing provider: he was subjected to frequent inspections and faced with eviction. The provider indicated that they had concerns regarding fire safety because of the amount of material on the premises and the way it was stored. The matter was settled with an agreement to have an independent fire risk assessment conducted, develop a joint action plan for storage of some material and to install metal storage shelves.'

HREOC 2004 at [http://www.hreoc.gov.au/disability\\_rights/decisions/conciliation/accommodation\\_conciliation.html](http://www.hreoc.gov.au/disability_rights/decisions/conciliation/accommodation_conciliation.html)

# Forced clean-up

Forced clean-ups by strangers that do not engage the occupier can be very traumatic, 'like rape'. In some cases they may provoke self-harming or suicidal behaviour.

**Issues of duty of care may arise.**

Their effect on the property is only temporary.

# Eviction

**‘Evidence was given of tenants being evicted for hoarding behaviour. Workers noticed that the threat of eviction exacerbated the behaviour.’**

*Australian Senate Inquiry into  
Mental Health 2005-evidence*

# Helping hoarders stay home

- A common language: inspections, reports, complaints
- Shared understandings
- Establish contact
- Engage existing support systems: family, friends, professional, welfare
- Identify available resources
- Develop inter-agency networks: who can help?
- **Develop a sustainable plan with the client: detailed, mentored, monitored, supported, possibly Tribunal/Court-endorsed**

# Challenges

- **No 'silver bullet'**
- A shortage of **expertise**, training and resources/support for staff  
for clients
- **Perceptions:** individual problems, not 'an issue'
- **Shortage of time!** Managing cases is slow work, leaving staff and agencies exposed to criticism, despondency and challenge: can compromise outcomes
- **Balancing interests** – at every level of decision-making

# A issue for the 21<sup>st</sup> Century

- **More** Australians over 65
- **‘Densification’** of development
- Increasing **range of ‘tenures’** (strata/community/shared equity/reverse mortgage/retirement villages/residential parks)
- **Research and interest increasing**
- **Awareness** increasing
- Councils, housing agencies, welfare agencies **developing plans**