



Mulcahy Memo - May, 2015

Published for clients and friends of the Mulcahy Law Firm, P.C.

by Beth Mulcahy, Esq.

Dear Clients and Friends,

Our temperatures are starting to rise! Once the temperature starts to hit triple digits, many of our board members head to cooler climates.

During the summer months, please don't forget that Arizona law allows board members to appear telephonically at board meetings. Specifically, a quorum of the board (or any board member who cannot attend in person) may meet by telephone if there is a speaker phone available in the meeting room that allows board members and unit/lot owners to hear all parties who are speaking during the meeting. Also, don't forget that even though board members can "dial in" to a board meeting, the board meeting still must be held in Arizona.

Our Survey Results are in!

Over the past nine months, our firm has taught approximately 38 classes on Arizona community association law to more than 1,000 board members and owners. As part of these classes, we conducted a survey asking the participants to let us know what topics they wanted to learn more about. The results are in! Please click on the link below to see the topics that board members and owners are most interested in. We will be focusing our 2015 -16 education classes on these topics.

[Topic Survey Results](#)

The Arizona Legislature

The 2015 Arizona legislature adjourned on April 3, 2015. Although there was no new legislation, there were several changes to existing laws that affect planned communities and condominiums. Set forth below is a link to a summary of the bills. These statutes become effective 91 days after the date of adjournment (unless otherwise noted) which is July 3, 2015.

[2015 Legislative Update](#)

Hoarders:

Our firm recently hosted a luncheon of almost all of the neighborhood services departments throughout the valley. A main topic of discussion at this luncheon was the issue of the increasing number of "hoarders" in community associations. As such, our Mulcahy Memo for this month is focusing on hoarders and the best ways to handle hoarders in a community association.

Join us on [Facebook!](#)

Our firm is very active on Facebook. Please consider "liking" us on Facebook so that you can receive up-to-date information on a weekly basis about community association law and tips to run your association more effectively!

Have a great month!

Sincerely,
Beth Mulcahy, Esq.
Founder and Senior Partner



Beth Mulcahy, Esq.

Handle Hoarders Carefully

By Beth Mulcahy, Esq.

There is a growing problem in community associations - owners who hoard books, newspapers, trash, knick-knacks, furniture, scrap metal, animals, rotting food and everything in between. The problem is common and has been identified as a serious behavioral illness. "Hoarders" are usually isolated and suffer from the psychological issues that produce the clinical definition of hoarding, which is "retaining items of no value in quantities that interfere with the victim's ability to function". The effect of this creates a fire danger, structural problems to the home, health risks and additional problems for the hoarder, their family, often the neighbors and the association.

"Hoarders" are people whose piles of debris impair their own lives and, potentially, the lives of those around them. Set forth below are a few general guidelines for boards and associations dealing with "hoarders":

Talk to the Owner:

Before taking action, talk to the unit/lot owner. If the "hoarder" is a renter, the owner may want to consider eviction proceedings. If the owner is the "hoarder", talk with them and possibly their relatives (if the association has their contact information). The relatives might not be aware of the situation. The board may consider offering volunteer clean-up help, (by third parties, not associated with the board) but, please note that an offer of help is typically not accepted by a clinical "hoarder".

Look for Resources to Help:

A source of help may be the municipality the hoarder lives in. Municipalities have neighborhood programs and code enforcement personnel that could offer information.

If the clutter becomes a potential health code violation contact the **Maricopa County Environmental Services Department at 602.506.6616 or webmail@mail.maricopa.gov**. The department may send an inspector, issue a citation to the owner ordering a clean-up and take further action if the owner does not comply. From the association's perspective, it is easier and less expensive to have a third party work with the hoarder. Additionally, since this is dealing with a mental condition, professionals are better equipped to handle the situation. Please Google, The Arizona Hoarding Task Force, a nonprofit, to find a multitude of services offered to hoarders, their families and those concerned.

Enforce Association Documents:

The provisions that will most likely come into play are those prohibiting "nuisances" and requiring owners to maintain clean and sanitary conditions in their residences. But, the board must have a tangible basis for acting. Clutter on/in the owner's property must be visible from the exterior or it must pose a potential danger to the health or safety of other residents. A starting point would be for the board or management company to send a violation letter and, if the problem persists, then refer the matter to the association's attorney.

File a Lawsuit:

This can be the most expensive option; evidence must show that the hoarding situation poses an imminent threat and courts are reluctant to intervene.

Whatever action the board takes, it is important to remember that "hoarding" is an illness first and a violation of the community's rules second. Focusing on the owner's need for help as well as on the need to enforce the community's rules may produce a faster and more long-lasting solution to the problem.

***If your association requires assistance or has questions regarding this topic please contact
Mulcahy Law Firm, P.C. at 602.241.1093.***