



Hoarders, Boarders, And Boomers



Thursday, September 13, 2018

HOARDERS, BOARDERS & BOOMERS

September 13, 2018

AGENDA

11:30 A.M. – 12:00 noon	Registration
12:00 – 12:05 p.m.	Welcome & Introductions
12:05 – 12: 25 p.m.	Signs of Mental & Physical Incompetence & Traditional & Non-Traditional Community Association Solutions & Dealing with Squatters Melanie Oyama, Esq.
12:25 – 12:45 p.m.	Problems caused by mentally or physically impaired seniors Alan Takumi, PCAM®, CMCA®, AMS®
12:45 – 1:05 p.m.	Naturally Occurring Retirement Communities Dr. Cullen Hayashida, Ph.D.
1:05 – 1:25 p.m.	De-Clutter Solutions for Hoarders Cynthia Arnold
1:25 – 1:30 p.m.	Evaluation and Adjournment

This educational effort is entirely or partly funded by funds from the Condominium Education Trust Fund (CETF), Real Estate Commission, Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs, State of Hawaii for condominium unit owners whose associations are registered with the Real Estate Commission.

The materials and information provided in this educational effort is intended to provide general education and information and is not a substitute for obtaining legal advice or other competent professional assistance to address specific circumstances. The information contained in this presentation is not an official or binding interpretation, opinion or decision of the Hawaii Real Estate Commission (Commission) or the Department of Commerce and Consumer Affairs

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SPEAKERS

Melanie Oyama, Esq. is a Partner in the firm of Motooka & Rosenberg. She started at the firm as a legal assistant, and was a collections and litigation paralegal for more than ten years. Her practice focuses on representing homeowner associations. She has experience in delinquency collections, litigation, general matters, and rendering opinions on house rules violations. She also handles conveyance matters. She has served as Co-Chair for the CAI's annual Board leadership workshop known as ABCs since 2016. She is a graduate of the Arizona Summit School of Law, and has a BA in Justice Administration from Hawaii Pacific University.

Alan Takumi, ARM, PCAM, is a Honolulu native who joined the United States Air Force after graduating from McKinley High School and retired as a Chief Master Sergeant after 30 years of service in aircraft maintenance. He started as a portfolio manager with Associa Hawaii on July 5, 2000. He served as a vice president supervising other portfolio managers, interim CEO, and vice president of logistics operations before moving to become the resident manager of a 229-unit condominium in Hawaii Kai. He has served on the Hawaii Chapter of CAI for six years (5 years as secretary), several years on several committees (Legislative Action, Education, ABCs). As a CAI national faculty instructor, he teaches the fundamental community association management course for property/site managers, and also teaches higher-level courses for managing facilities, communications, governance, and finances.

Cullen Hayashida, Ph.D. is the Director and Founder of the Kupuna Education Center at Kapi'olani Community College, Hawaii's only gerontology center at the community college level. Over the past 40 years, he has been involved with developing over 50 elder care service projects in the hospital, nursing home, home care, college and community settings and has provided technical assistance to other organizations locally, nationally and in East Asia. His experience as an educator and as an elder care program developer have been directed towards finding more cost effective solutions for elder caring in the least restrictive environment. Today, he is working on active aging initiatives to promote age as well-care and an asset to our communities. He is affiliated with the University of Hawaii's Sociology Department.

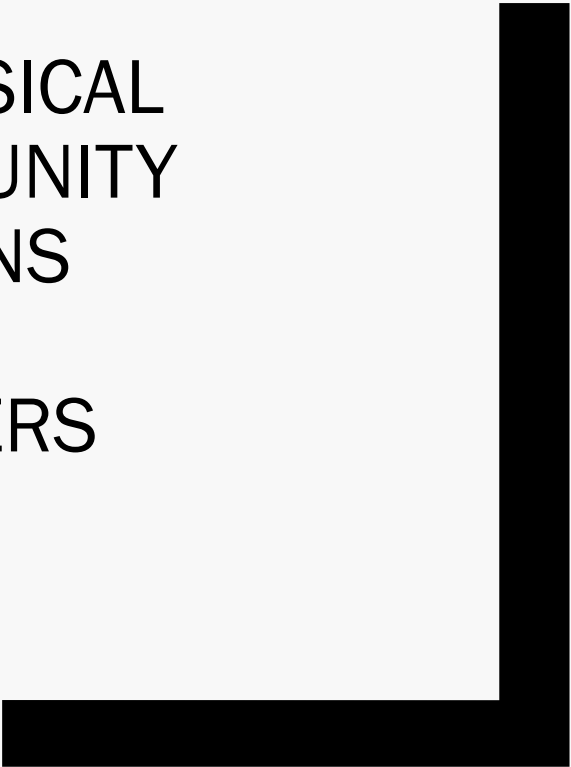
Cynthia Arnold is the Vice President of Senior Move Managers and De-Clutter Hawaii. These companies help clients de-clutter and downsize their homes to either move or age in place. She has a wealth of knowledge in this area and has helped to grow this company dramatically over the last 8 years. Prior to working with Senior Move Managers, she was the Marketing and Fundraising Manager with the American Diabetes Association as well as a Catering Manager with Ala Moana Hotel.



SIGNS OF MENTAL & PHYSICAL INCOMPETENCE & COMMUNITY ASSOCIATION SOLUTIONS

DEALING WITH SQUATTERS

Melanie K. Oyama, Esq.
Motooka & Rosenberg, LLC



Signs of Mental or Physical Incompetence

- *Deteriorated personal hygiene*
- *Noxious odors emanating from an apartment*
- *Inappropriate or inadequate clothing when in public*
- *Incomprehensible, abusive or inappropriate verbal interaction or response to ordinary conversation*

Signs of Mental or Physical Incompetence

- *Physical attacks on other residents*
- *Aimless wandering around the community*
- *Collecting garbage and trash within the apartment or home*
- *Any other mental or physical condition that leads to being incapable of self care, incapable of managing the property, or likely to harm him/her self or others*

Initial Steps

Dealing with Elderly
Suffering from
Mental or Physical
Incompetence

- *Determine whether lucid enough to understand and respond*
- *If not competent to understand the issues being raised about their conduct, evaluate approaches and solutions.*
- *Attempt to contact family*
 - They may be aware of the problem but do not want to get involved

Traditional Community Association Solutions

- *Send demand letter*
 - Demand apartment be cleaned and treated for infestations
 - Set deadlines
 - Emphasize Association's right of entry to protect other units or the common elements.
- *Seek injunctive relief from the Courts*
- *Initiate Eviction action against tenants*
 - No ownership rights – so easier to do
 - Owners are generally willing to comply, because of the threat of fines

The Next Frontier – Non-Traditional Approaches to the Aging-in-Place Population –

Find new ways to address the needs of the aging-in-place population

Woman in early stages of Alzheimer's disease could still care for herself

- Left the range on and several fires were set in the kitchen
- The Association obtained a Court order to have the range replaced with a microwave oven

Seniors have difficulty getting the groceries to their apartment from the car

- An Association permits owners and residents to purchase 15-minute time increments from their security staff to assist seniors and other handicapped owners to get the groceries to their apartment

A single senior who is financially well but has not paid his maintenance fees

- Mentally ill Man
- Being poisoned by rays coming through the electrical outlets (did not pay electricity bill)
- Water damage because he forgets to turn off the water
- Lost mailbox key (piled up and unread)
- No next of kin could be identified
- Board applied to the Court to appoint a guardian ad litem to handle the resident's finances and affairs and to arrange for a live-in caregiver

HRS § 514B-142

Aging in place or disabled;
limitation on liability

- The Association does not have liability for any actions addressing any complaint related to an elderly or disabled unit owner who may require help to maintain independent living
- Applies to elderly or disabled owners whose actions or non actions pose a risk to health and safety and who exhibit any of the following characteristics:
 - *Inability to clean and maintain an independent unit*
 - *Mental confusion*
 - *Abusing others*
 - *Inability to care for oneself*
 - *Inability to arrange for home care.*

HRS § 514B-142

Aging in place or disabled;
limitation on liability

- Upon receiving a complaint, the Board may (without legal responsibility or liability)
 - *Request a functional assessment*
 - *Request recommendations for services such as mental health/medical practitioners and government agencies*
 - *Recommend available government or non-profit services*

HRS § 514B-142

Aging in place or disabled;
limitation on liability

- No affirmative duty
- Association is not liable for requesting or for declining to request a functional assessment
- Association may file appropriate information, pleadings, notices, etc., with local agencies and courts
- Definition of Elderly & Disabled
- Costs and Fees as per Project Documents
- Not applicable to Condos licensed as assisted living facilities

Fair Housing Act

- *The Federal Fair Housing Act does not protect older persons.*
- *The State Fair Housing Act, however, does prohibit age discrimination*
- *Both Fair Housing Acts also protect against discrimination based on mental or physical disabilities.*
- *Regardless of the age of a person, a housing provider may not discriminate based on disability.*

DEALING WITH SQUATTERS

Melanie K. Oyama, Esq.
Motooka & Rosenberg, LLC

Do's and Don'ts

DO

(1) Contact the owner:

Confirm whether the occupant of the unit has permission to stay there

Confirm whether the owner left the unit secured or locked

If the owner lives off-island:

- Check whether the owner has a rental agent or other representative handling the owner's affairs on-island.
- If not, offer the option of executing a limited power of attorney for the Association to keep their property secure (at their expense) while they are off-island.

If the owner lives on-island:

- Arrange a time for them to come to the property to meet with whomever witnessed the squatter on the property to file a police report.

Do's and Don'ts

DO

(2) Call the police while the squatter is in the unit, and report a “trespass in a dwelling.”

- Tell the police before they go to the unit that you have contacted the owner and confirmed the squatter does not have permission to be in the unit.



Police by Zaigee in Flickr.com

Do's and Don'ts

DO

- If police do not want to act if the owner is not present, ask them to obtain identification information from the squatter.
- See if HPD will cite them for a trespass violation or assist you in issuing an Association trespass warning.

(3) Know the law: Be familiar with the provisions of the Hawaii Penal Code applicable to your situation.

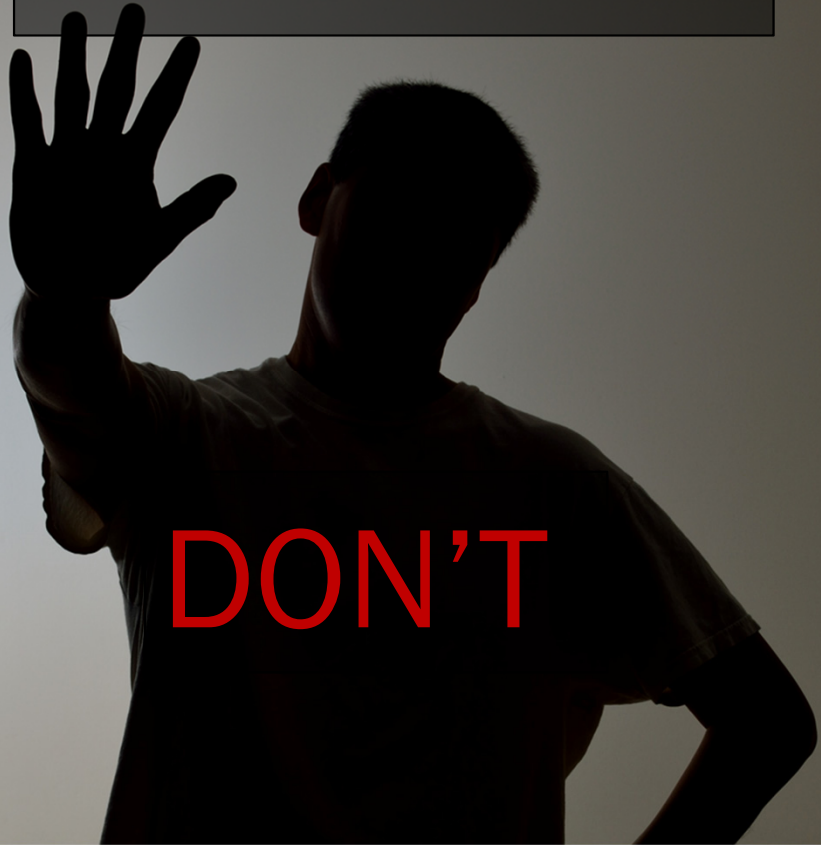
Do's and Don'ts



- (1) *Change the locks, unless you have written authority from the owner to do so.*
 - The unit was likely locked in the first place, so changing the locks isn't likely to dissuade a squatter.

- (2) *Knock on the door to ask the occupant to identify themselves and/or tell them that they must leave.*

Do's and Don'ts



Stop by Edwin Torres in Flickr.com

(3) Send your staff to knock on the door to ask the occupant to identify themselves and/or tell them that they must leave.

- Dealing with a squatter face-to-face is not your or your staff's job and it's not worth compromising your or your staff's safety; leave that for HPD

Know the Law

- Hawaii Revised Statutes (“HRS”) § 708-815 Simple Trespass

- A person commits the offense of simple trespass if the person knowingly enters or remains unlawfully in or upon premises.
- Simple trespass is a violation.

- HRS § 708-800:

- *"Premises" includes any building and any real property.*

Know the Law

HRS § 708-814 - Criminal trespass in the second degree

A person commits the offense of criminal trespass in the second degree if:

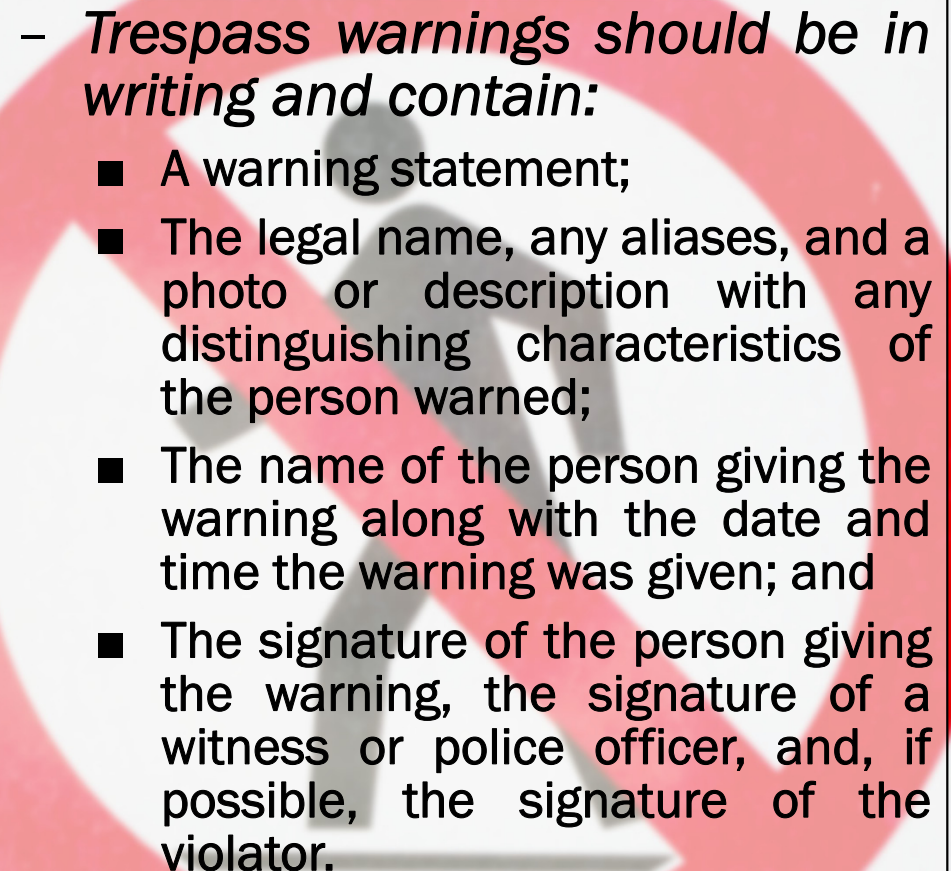
- The person knowingly enters or remains unlawfully in or upon premises that are enclosed in a manner designed to exclude intruders or are fenced;

- The person enters or remains unlawfully in or upon commercial premises after a reasonable warning or request to leave by the owner or lessee of the commercial premises, the owner's or lessee's authorized agent, or a police officer; provided that this paragraph shall not apply to any conduct or activity subject to regulation by the National Labor Relations Act.

Criminal trespass in the second degree is a petty misdemeanor

CONTENTS OF A TRESPASS WARNING

HRS § 708-814

- 
- *Trespass warnings should be in writing and contain:*
 - A warning statement;
 - The legal name, any aliases, and a photo or description with any distinguishing characteristics of the person warned;
 - The name of the person giving the warning along with the date and time the warning was given; and
 - The signature of the person giving the warning, the signature of a witness or police officer, and, if possible, the signature of the violator.

CONTENTS OF A TRESPASS WARNING

HRS § 708-813

Criminal trespass in the first degree

- A person commits the offense of criminal trespass in the first degree if that person knowingly enters or remains unlawfully:
 - In a dwelling; or
 - In or upon the premises of a hotel or apartment building

Criminal trespass in the first degree is a misdemeanor



THANK YOU

Questions and Comments

Mel@MyHawaiiLaw.com

Alan Takumi, CMCA[®], AMS[®], PCAM[®]

Problems caused by mentally or physically impaired seniors

My experiences dealing with residents who had impairments from my portfolio manager past and my resident manager term.

How to resolve hoarder issue in a small unit.

Physically weak resident.

Functional resident who calls police monthly and drives who has had his license revoked.

Resources

State of Hawaii Department of Health, Executive Office of Aging

Street Address: 250 South Hotel Street, Suite 406, Honolulu, Hawaii 96813

Phone Number: (808) 586-0100

FAX: (808) 586-0185

Email: eoah@doh.hawaii.gov

Website: <http://health.hawaii.gov/eoa/>

Healthy Aging Partnership A statewide public-private partnership committed to improving the health and well-being of residents. The partnership offers evidence-based health promotion and disease prevention programs: EnhanceFitness (EF) Program, Ke Ola Pono Disease Self-Management Programs- Chronic Disease Self-Management (CDSMP), Arthritis Self-Management (ASMP) and Diabetes Self-Management (DSMP). Ke Ola Pono classes are open to adults 18 and older.

In-Home and Community-Based Services Services are available to assist older adults in remaining independent and active. Types of services provided: adult day care, assisted transportation, attendant care, case management, chore services, congregate meals, home delivered meals, homemaker/housekeeper, information and assistance, legal assistance, nutrition education, personal care, and transportation. There are also support services available to family caregivers such as: information, assistance, individual counseling, support groups and training, respite, and supplemental services.

Family Caregiver Support program This program provides caregiver support services to enable care recipients to remain in their familiar environment.

For information on accessing services in your local area, please contact your county office on aging:

Honolulu: (808)768-7705 • **Hawaii:** (808)961-8600 • **Maui/Molokai/Lanai:** (808)270-7774 • **Kauai:** (808)241-4470

State of Hawaii Department of Health, Adult Mental Health Division

Street Address: 1250 Punchbowl Street, Room 256, Honolulu, Hawaii 96813

Phone Number: (808) 586-4686

FAX: (808) 586-4745

Website: <http://health.hawaii.gov/amhd/>

I am (or someone I know is) experiencing a mental health crisis. Who can I call?

The AMHD Crisis Line of Hawaii provides a team of trained and experienced professionals to help individuals in times of a mental health crisis. The Crisis Line of Hawaii is there to help you 24 hours a day, 7 days a week. On Oahu, call at 832-3100. On the neighbor islands, call toll-free at 1-800-753-6879.

If you are experiencing an emergency or believe you are a danger to yourself and/or others, please call 911 or go to the nearest emergency room for immediate assistance.

City & County of Honolulu Elderly Affairs Division, Aging and Disability Resource Center

Phone Number: (808) 768-7700

Website: <https://www.elderlyaffairs.com/>

Maui County of Aging and Disability Resource Center

Phone Number: (808) 270-7774 (Maui)

Phone Number: (808) 553-5241 (Molokai)

Phone Number: (808) 565-6818 (Lanai)

Website: <https://www.mauicountyadrc.org/>

Hawaii County of Aging and Disability Resource Center

Street Address: 1055 Kinoole Street, Hilo, Hawaii 96720-3872

Phone Number: (808) 961-8626 (Hilo)

Phone Number: (808) 323-4390 (Kona)

Website: <https://www.hcoahawaii.org/>

Kauai County of Aging and Disability Resource Center

Phone Number: (808) 241-4470

Website: <https://www.kauaiadrc.org/>

Be Proactive

Inspect your community with the view point of your handicapped residents and also for your weaker residents. I've asked my wheelchair and elderly residents for inputs.

Ensure all common doors are easy to open.

Check entry ways and fire exits to ensure easy access/exits.

Monitor walkways for condition (no buckling).

Ensure all residents have an emergency contact person listed with the association.

Have residents with special needs identified and if the resident needs help with evacuations, please have the list available for the first responders.

Naturally Occurring Retirement Communities (NORC)

What is it? Why are they Important?
Implications for the Development of Elder-
Friendly Communities in Condos

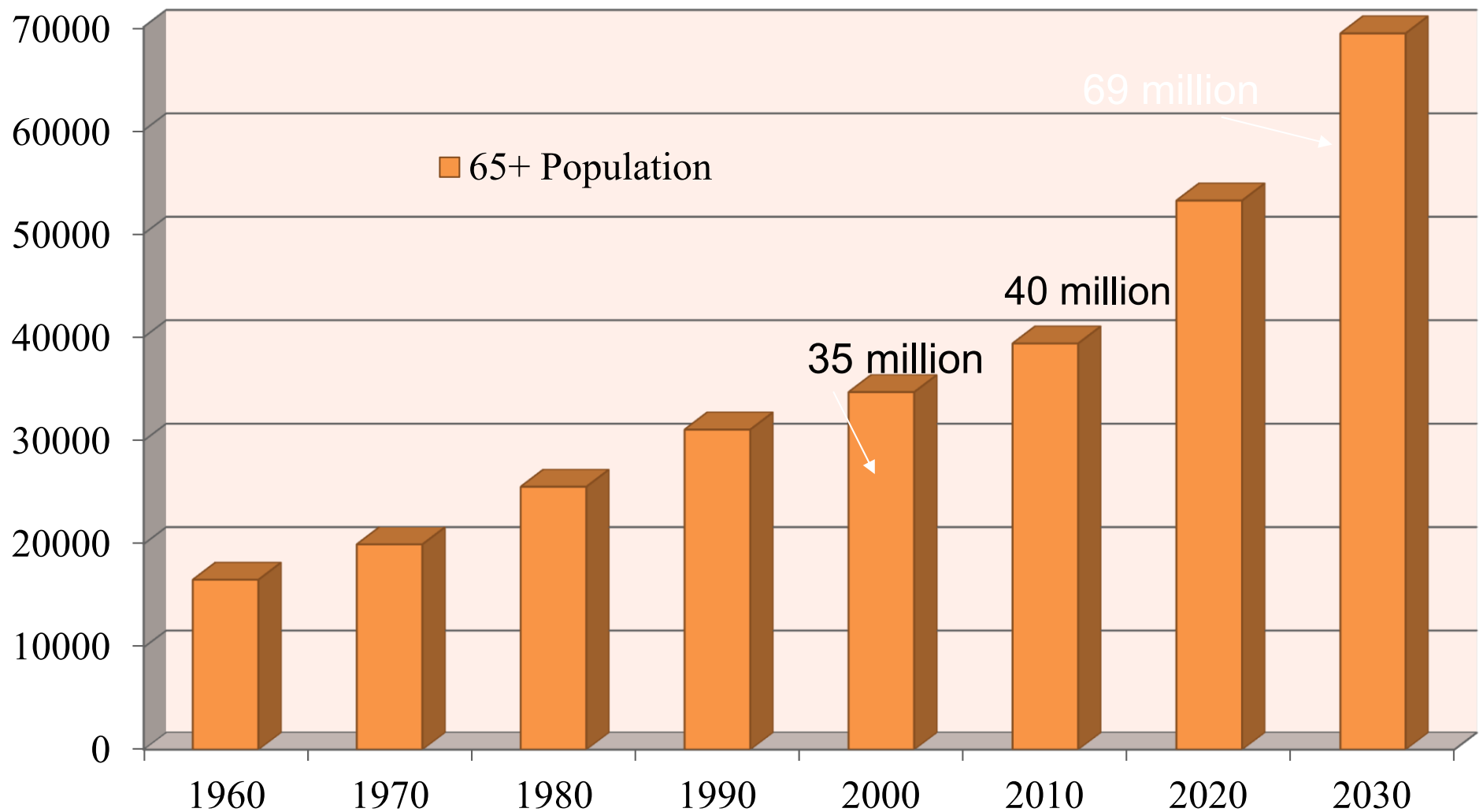
Cullen T. Hayashida, Ph.D.

Department of Sociology

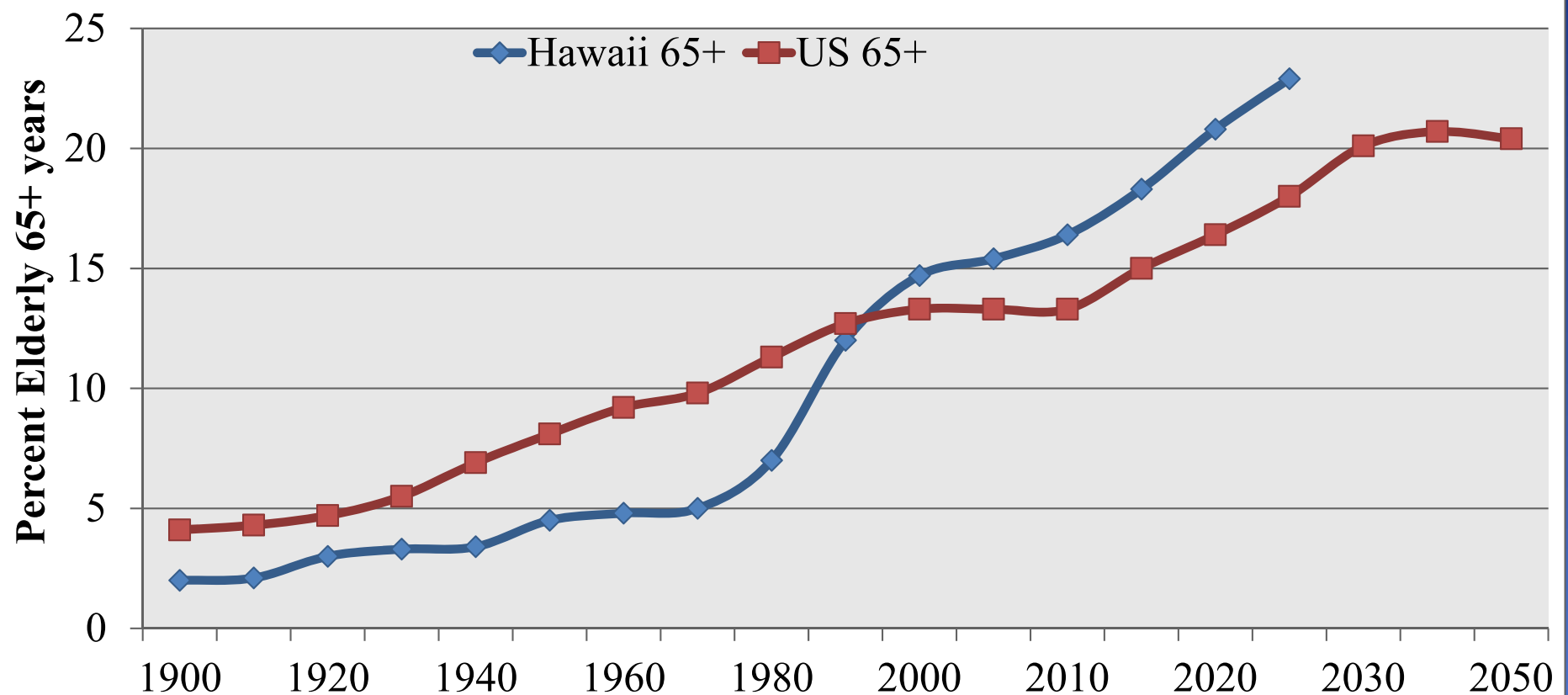
University of Hawaii

September 2018

Past and Projected U.S. Population 65 Years and Older

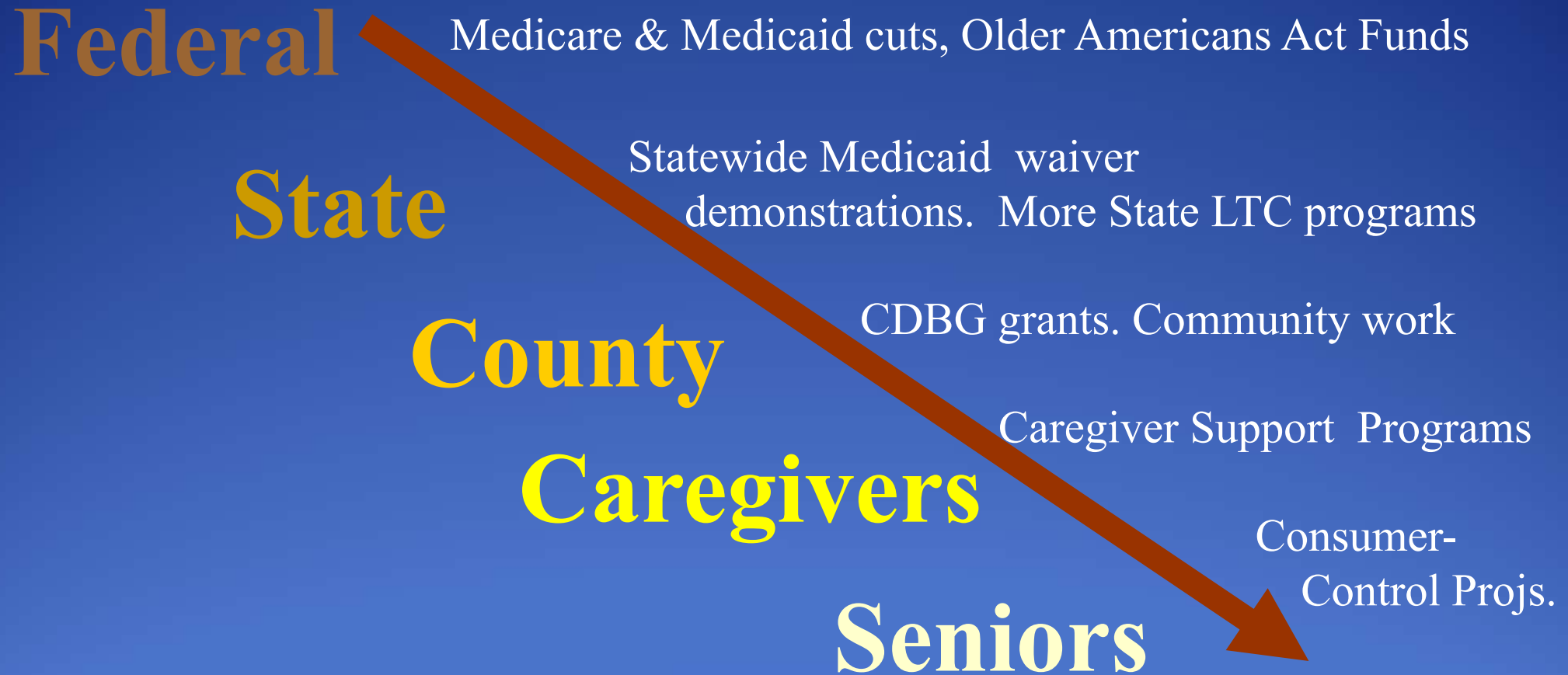


Hawaii's Elderly Growth Rate Explodes Pass National Average After Year 2000



Source: Hawaii State Department of Business, Economic Development and Tourism, 11/1999. ; U.S. Bureau of Census, 1975, 1993, 1998.

Devolution of Responsibility



Creating Elderly Friendly Communities: Phase I

N O R C

NORC and NORC-SSP

- **Percent Elderly:** NORCs are identified as communities with age-integrated housing where 50% or more of the population aged 60 and over have aged in place.
- **High Rise Condo or Neighborhood:** NORC may be high rises or neighborhoods with a large (50%+) senior population.
- **Supportive Service Program :** A NORC-SSP program developed first in 1986 is a kind of “supportive service program” that represents a collaboration among community residents, housing companies, social services and health care providers, government agencies, and funders.

**ELDER
FRIENDLY
COMMUNITY**

A

**ELDER READY
COMMUNITY**

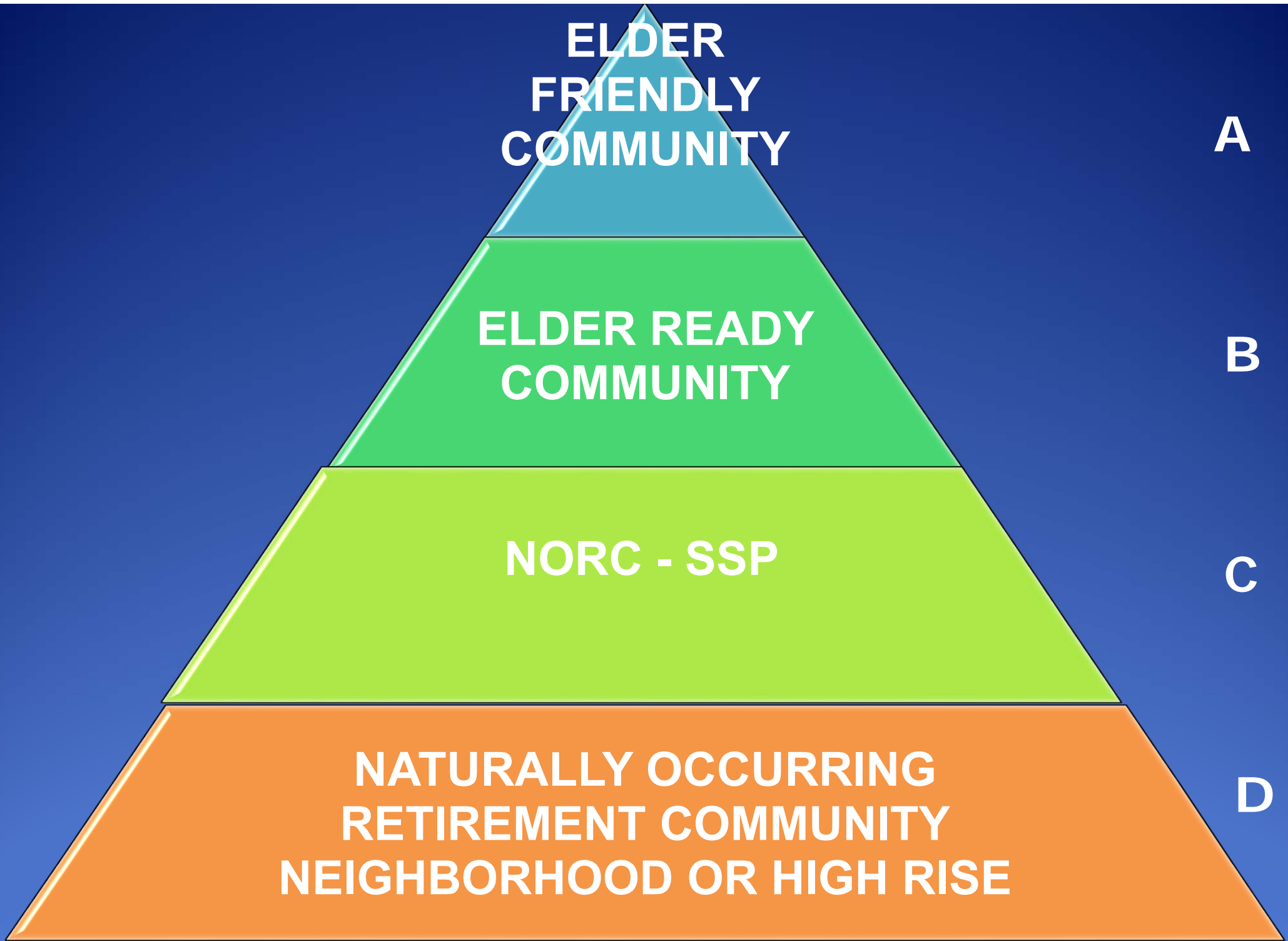
B

NORC - SSP

C

**NATURALLY OCCURRING
RETIREMENT COMMUNITY
NEIGHBORHOOD OR HIGH RISE**

D



Building Communities As A LTC Services Resource: Some Terms

- A. Elder Friendly Communities – Communities with positive reputations resulting from infrastructure
- B. Elder Ready Communities – Infrastructure in place
- C. NORC – SSP (Social Supportive Program) – NORC with supportive services programs
- D. Naturally Occurring Retirement Communities – High rises or neighborhoods where seniors have aged-in-place (50%+). No SSP



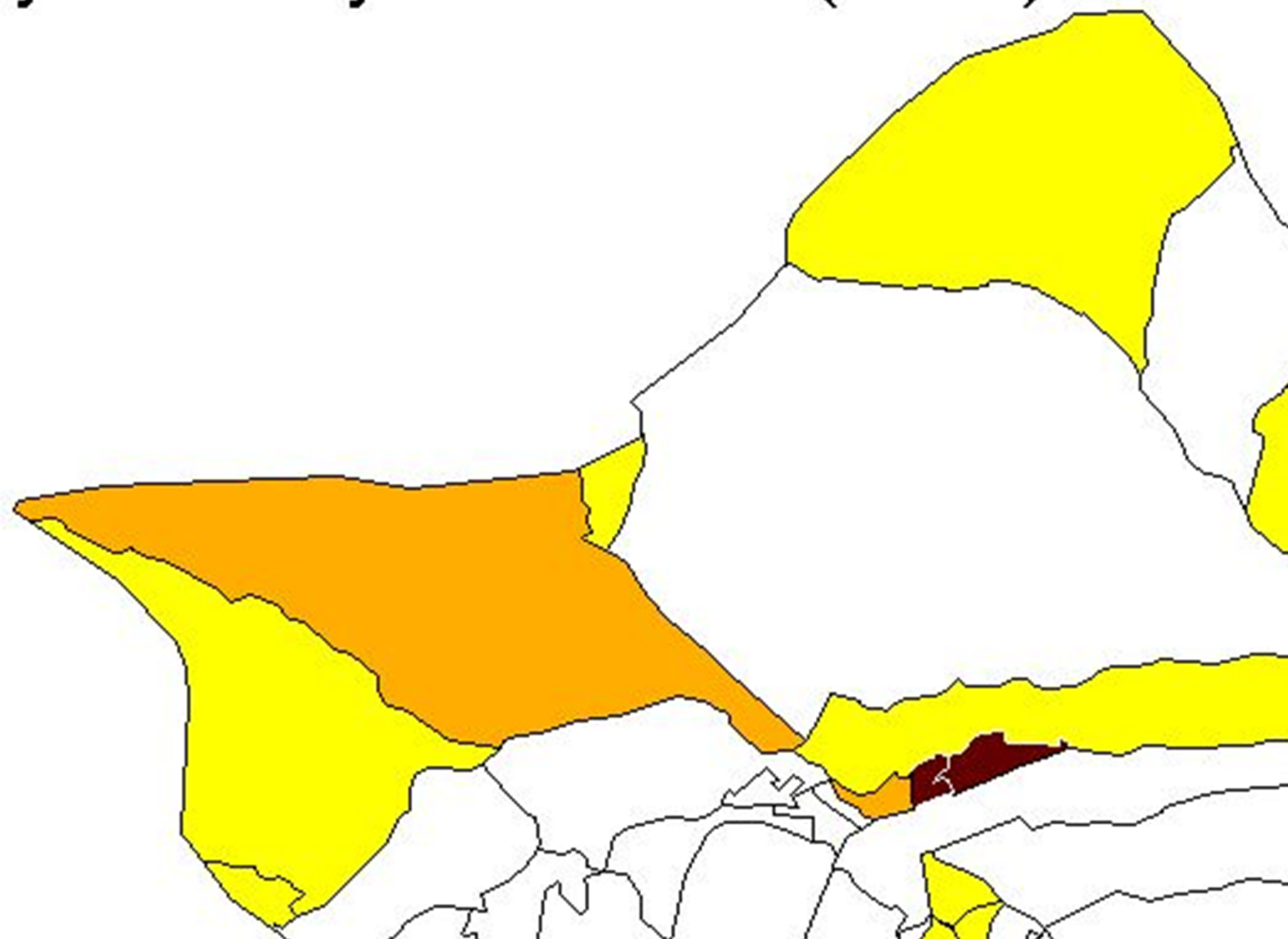
Problems Identified from Survey of 8 Condominiums (2005)

- The Inability to Clean & Maintain Apartment
- Mental Confusion
- Abusing Others
- Inability to Care for Oneself
- Inability to Arrange for Home Care
- Loneliness and Neglect
- Inappropriate Requests of Others for Assistance

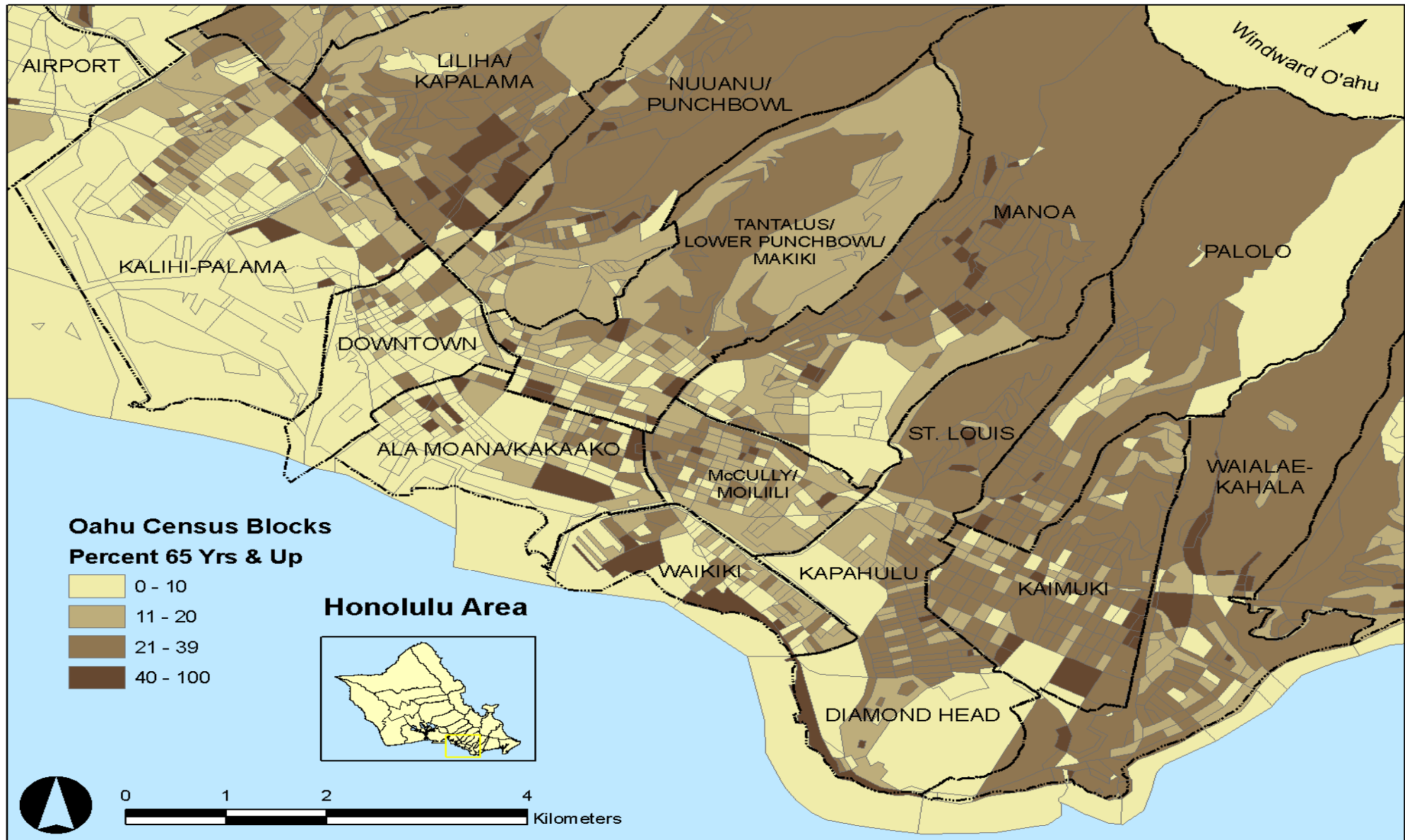
Finding High Rise NORCs:

Phase 1

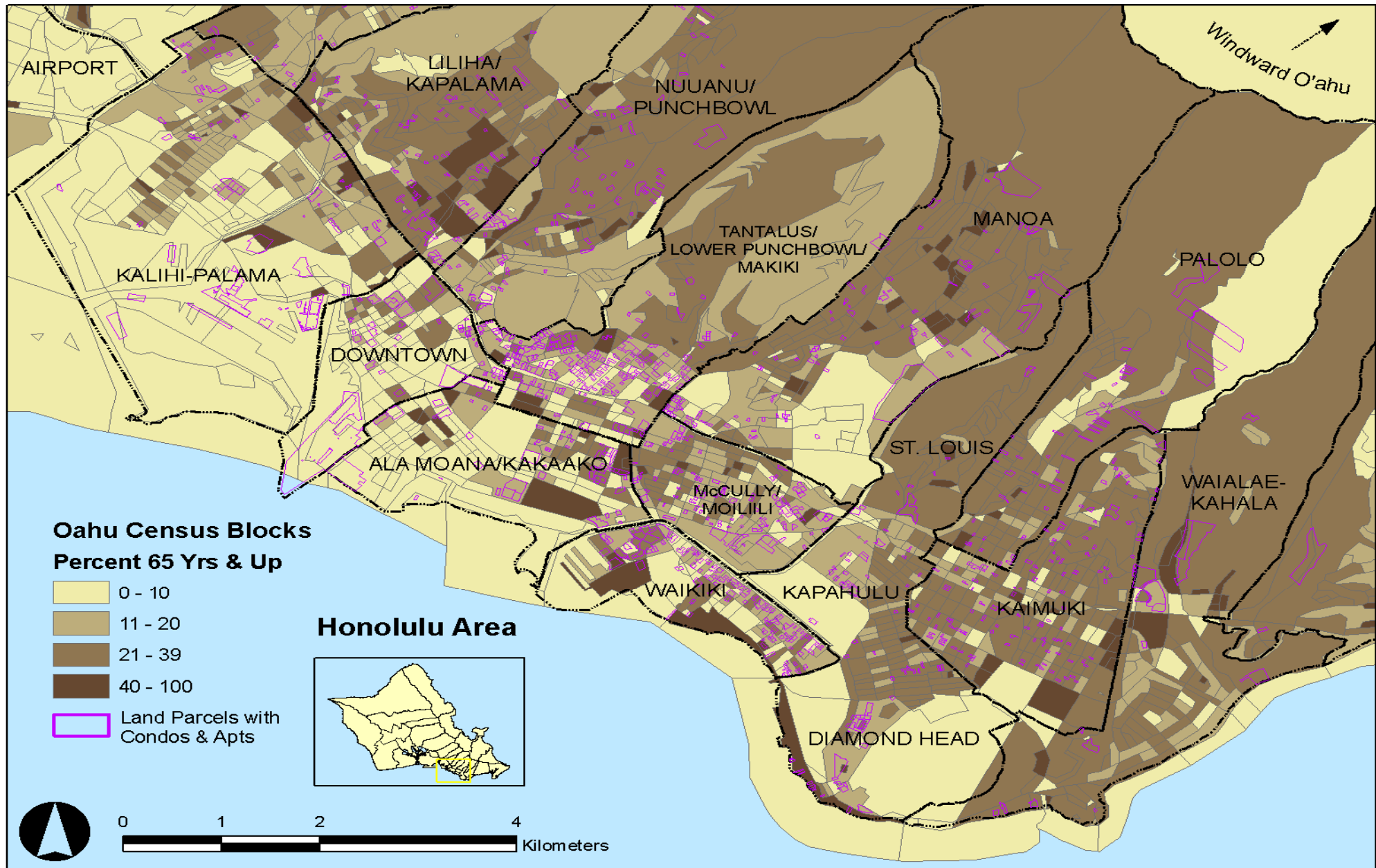
Concentration of Elderly(65+) by Census City & County of Honolulu (Oahu)



Clustering of Seniors in Honolulu City:2000



Location of Honolulu's Condos in Relations to Where Seniors Reside



Condo/Apt Parcels Intersecting Blocks w/ High Density of Elderly

Land Parcels with Condos & Apts

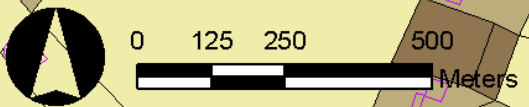
Streets

**Oahu Census Blocks
Percent 65 Yrs & Up**

- 0 - 10
- 11 - 20
- 21 - 39
- 40 - 100
- I-H-1 Freeway

**Punchbowl Crater &
National Memorial
Cemetery of the Pacific**

MAKIKI / LOWER PUNCHBOWL AREA



Problems faced by Elderly in Condos

- Wandering
- Roaches
- Urination – defecation
- Fire hazards
- Unread mail
- Delinquency in bill payments
- Smells from apartments
- Storing too much on lanai area
- Wheelchair in lobby or hallways
- TV on too loud due to hearing impairments
- Falls

Types of Elderly Issues

- Rule violations - change rules to allow aging in place; reasonable accommodations;
- Condo Problems – improve lighting, elevator closure speed, permit good neighbor policies; increase handicap parking spaces; institute emergency procedures; revision of rules to permit easier access and egress.
- Safety Issues – condo association needs to keep logs and records

Phase 2

Creating Elderly Friendly Communities in NORCs

1. Create a Senior Concerns Committee
2. Arrange for Expert presentations about services
3. Promote Health and Fitness programs
4. Conduct a Needs Assessment
5. Evaluate surroundings –lighting, elevators, sidewalks, signage, traffic lights, walking paths, crime control, etc.

NORC Community Development Methodology

Goal:

1. Improve Quality of Life for Seniors
2. Increase ability to create and maintain elder friendly communities

Method:

- Build Relationships – seniors, neighborhood resources, Promote Active Aging
- Identify – Needs, Assets, Resources
- Development Skills & Knowledge – leadership, community action, Common Vision, Values
- Mobilize for Community Action







Phase 3

NORCs Helping NORCs

1. Negotiate for reduced rates from service agencies
2. Promote cooperation among Condos/High Rises
3. Promote NORC development with State and County Government
4. Working in Partnership: Vertical and Geographic NORC Communities

**The best way to predict the
future is to create it!**

Peter Drucker

De-Clutter Solutions for Hoarders

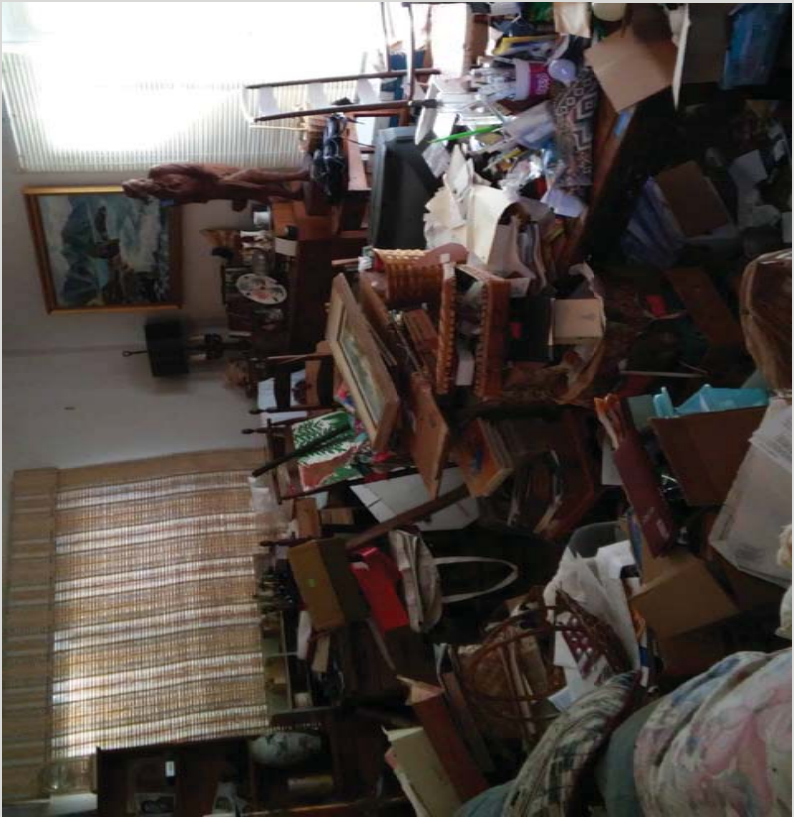


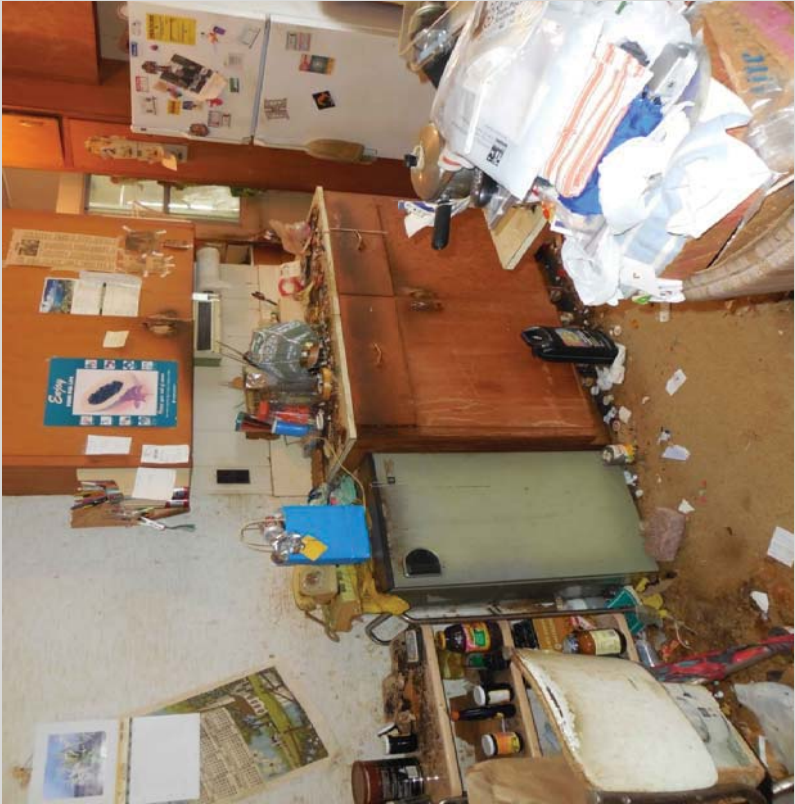
What to do about Hoarders ?

- What is a Hoarder?
- Categories of a Hoarder
- How to communicate with a Hoarder?
- Common Characteristics of a Hoarder?
- How can a Professional Help?

What is a Hoarder?







What is a Hoarder?

- The **definition of a hoarder** is someone who collects things in their home obsessively, including things that would commonly be thrown away: bags, old food, or broken items.
- Chronically Disorganized Individual = CDI
- People who keep useless objects and can't get rid of things
- Me – You – My Wife – My Husband

Clutter - Hoarding Scale

Level I: LOW = Home is considered standard

Level II: GUARDED = Clutter beginning to obstruct areas & requires some professional advice

Level III: ELEVATED = Pivot Point between cluttered home and potential hoarding home

Level IV: HIGH = Home is considered a hoarded home & requires professional help

Level V: SEVERE = Home has extreme clutter & non-livable (food, human or animal waste, hazardous)

How to communicate with a Hoarder (CDI)?

- Offer Encouragement
- Listen without Judgement
- Focus on good qualities of the person
- Recognize and Acknowledge incremental process
- Remember it is emotional for them

Common Characteristics of a Hoarder (CDI)

- Accumulates things vs Collecting things
- Has difficulty parting with things and letting go
- Has a wide range of interests and many uncompleted projects
- Easily distracted or lose concentration

How can a Professional Help?

- Are you unsure as to where or how to begin organizing?
- Do you have a deadline?
- Are you dealing with medical, physical or psychological issues in addition to disorganization?
- Will you need ongoing help?
- Do you want or need the opinion from a 3rd party?

Tips to Conquer Clutter

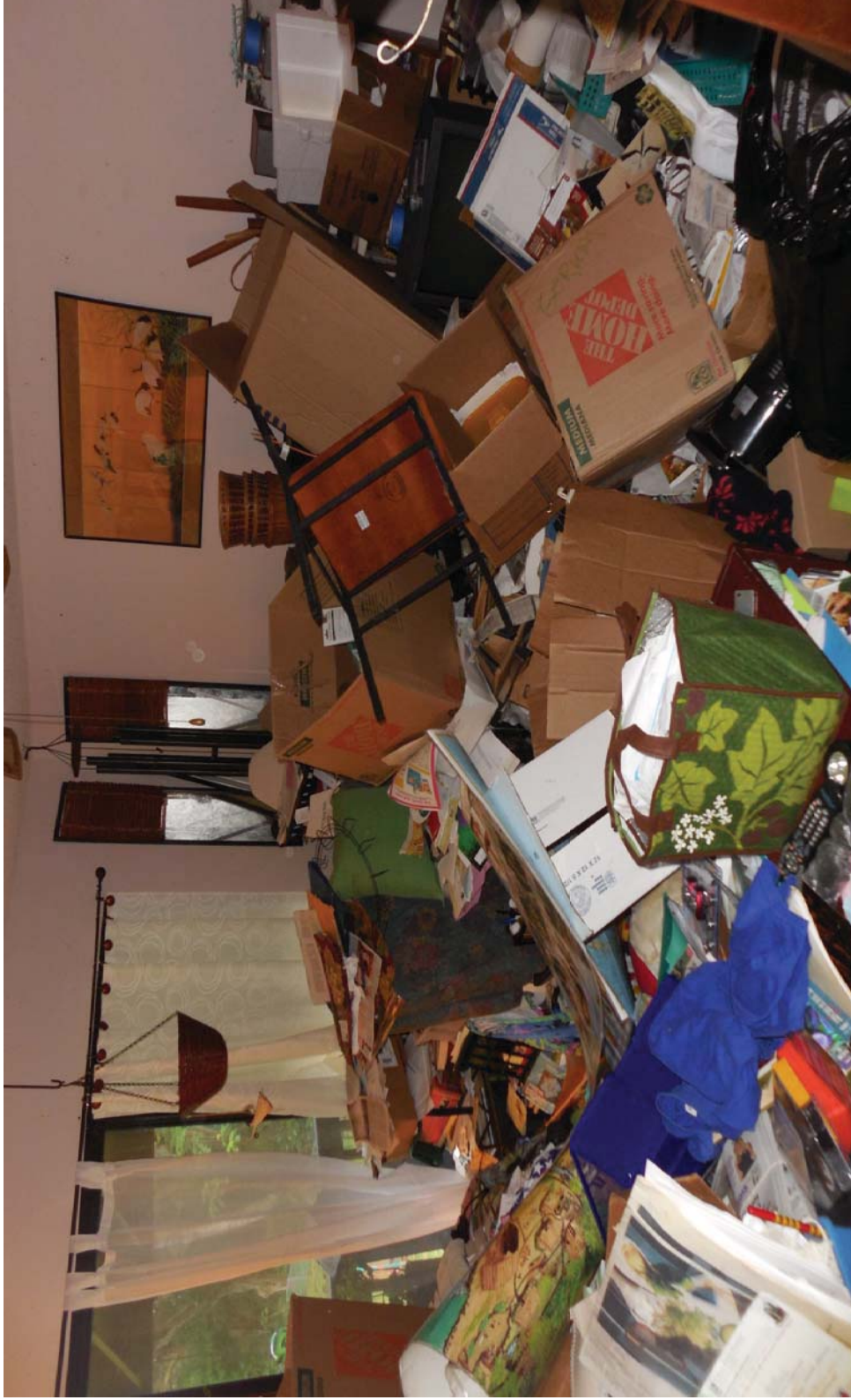
1. Start with least used rooms or closets.
2. Schedule a time to start & set mini goals.
3. S.O.R.T. your things into 4 categories.
4. Begin with high traffic areas to increase safety.
5. Minimize incoming items.
6. Share your goals. It will help with accountability.

Downsize Personal Belongings

SORT: Sell - Offer - Retain - Toss

- 3) **Sell:** coordinate estate sale or sell online
- 2) **Offer:** offer to family/friends or donate
- 1) **Retain:** identify items to retain or take
with you to your new residence
- 4) **Toss:** coordinate removal and disposal of
unwanted items

Why do we **S.O.R.T.**?



This is what we find.....





Before

Kitchen



After

Bedroom



Before



After

Living Room



Before



After

We are available to do Private Presentations for your group:

- Provide information about decluttering
- Tips on how to declutter
- Where to start?
- Process of going through your things

If you are interested in having me come to your building and speak to your residents/group, please give me a call and we can schedule your Private Presentation. I usually ask for 45-60 minutes, I will bring a projector and lap top as well as some refreshments.

cynthia@smmhawaii.com

Phone: 808-221-8345

www.smmhawaii.com



COMPASSION is...

**...being tender with the young, kind and gentle with the aged,
sympathetic with those who are striving, tolerant with the weak, caring
for those in need, and forgiving with the wrong...because sometime in
your life you will have been all of these.**



2018 Calendar of Events

- | | |
|--------------|---|
| September 13 | Hoarders, Boarders, & Boomers – Growing Problems Facing Associations; Dealing with the Homeless |
| October 18 | Do's & Don'ts of Contracting, Bidding & Financing Major and Minor Projects |
| November 2 | CAI Membership Annual Meeting |

2018 Professional Management Development Courses

December 6-7 M 205 – Risk Management

2019 Calendar of Events

- | | |
|--------------|--|
| February 7 | Case Law Update |
| March 7 | Going Green to Save Green |
| May 11 | Board Leadership Development Workshop (aka ABCs) |
| June 20 | Hot Buttons in Insurance |
| July 18 | Legislative Update |
| August 8 | Top Traits of Boards and Managers |
| September 12 | Solving the "P" Problem – Pets, Prostitutes, & Problem Owners & Boards |
| October 10 | Almost Free Legal Advice |

2019 Professional Management Development Courses

June 20-21 M 204 – Community Governance

October 18 M 203 – Community Leadership

November 14-16 M 100 – Essentials of Community Association Management