



Hoarding: Ooooooooooh that Smell!

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Hoarding



What is Hoarding?

- Generally: Hoarding is a mental illness or manifestation of other illnesses
- Animal hoarding: same but not necessarily



Hoarding



Hoarding generally

- Compulsion to collect and keep a lot items, even things that have no value.
- Includes difficulty throwing anything away, even garbage and unwholesome material



Hoarding



Animal hoarding specifically

3 kinds of animal hoarder

- Overwhelmed caregiver
- “Rescuer” hoarder
- Exploitative hoarder



Hoarding



Animal Hoarding: Overwhelmed caregiver

- Not a “hoarder” per se
- Passive acquisition
- Typically aware of the problem, but not aware of how to solve it.
- Responsive to offers of help

“They were gifts”

“They showed up in my yard one day”

“I just don’t know what to do”



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Animal hoarding: “rescuer”

- Narcissistic and delusional
- Network of enablers
- Resistant to help
- Active and passive acquisition

“and there you are on “Animal Cops” screaming “Don’t take my babies! These 27 angels is all I got!” Beth Behrs as Caroline Channing in Two Broke Girls



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Animal hoarding: “exploitative”

- Basically criminal
- Sociopathic
- Lacks empathy/guilt
- Financial motive

Dog Fighting



Puppy mills



Fraudulent “rescues”



Hoarding



Intervention

i.e. how to avoid the problem in the first place



Hoarding



Intervention

Hoarding in General: Outreach

- a) Neighbors/family/complainant
- b) Mental health agencies
- c) Charitable organizations



Hoarding



Intervention

Animal hoarding specifically

- a) Outreach
- b) Programs
- c) Ordinances



Beaufort Community Cat Project

Arrrgh You.....
Spayed or Neutered?

Hoarding



Where's the line?

The city's next step is seizure, i.e. taking property

What is the threshold justifying the exercise of police power?

- Generally – Nuisance
- Animals – Cruelty

Hoarding



Generally

Big Gray Line

- Personal property vs. public nuisance

City only involved when nuisance threatens others

- Fire hazard
- Harbors rodents/insects
- Noxious smell



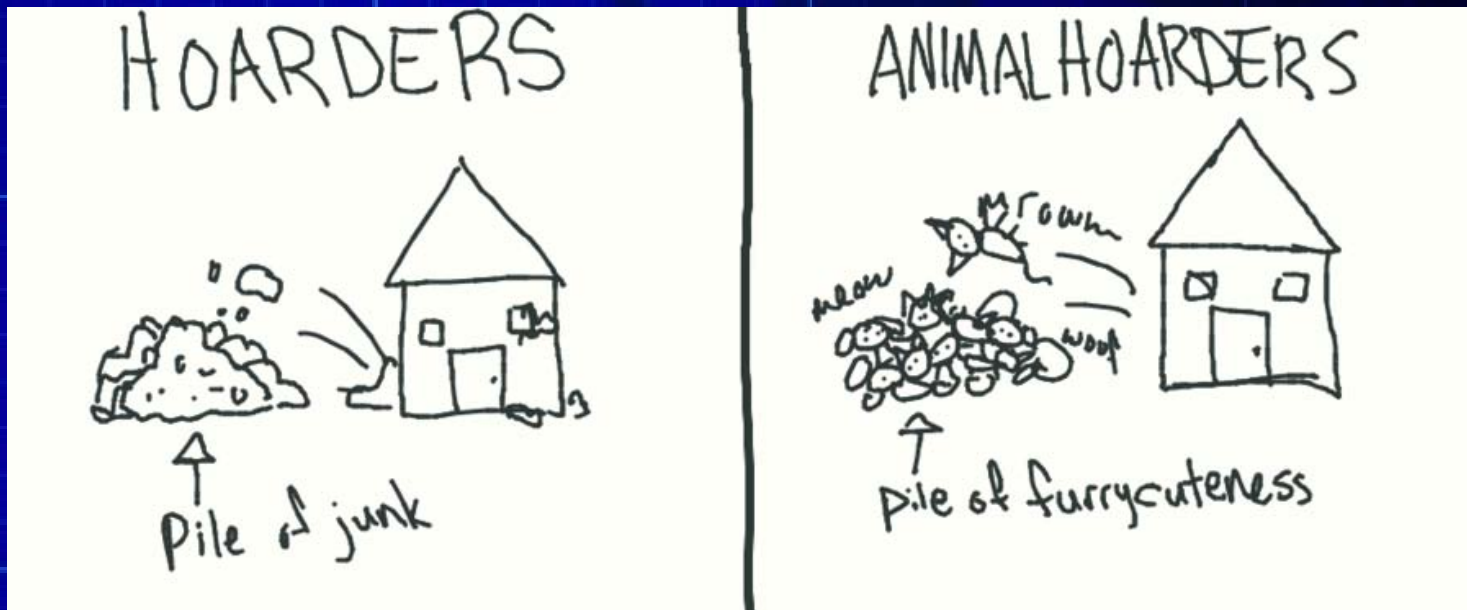
Hoarding



Animal Hoarding

Threshold issue = Cruelty to animals

- Animal ≠ nuisance
- Better suited process



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It's time to take action

Generally: abate the nuisance, i.e. throw away the garbage

Nuisance abatement – Tex. Health & S. Code Ch. 342

- Notice of violation
- 7 day waiting period
- City takes direct action
- Bill sent to property owner
- Lien filed on property

NOTICE

Dear Owner,

This is gross.
Clean it up, or else.

Hoarding



Practice tips – nuisance abatement

- Due Process – notice and opportunity to be heard
 - Expressly stated
 - Exhaustion of remedies
 - Meaningful opportunity
- Seizure warrant
- Liability concerns
 - What are you throwing out?
 - Valuables?

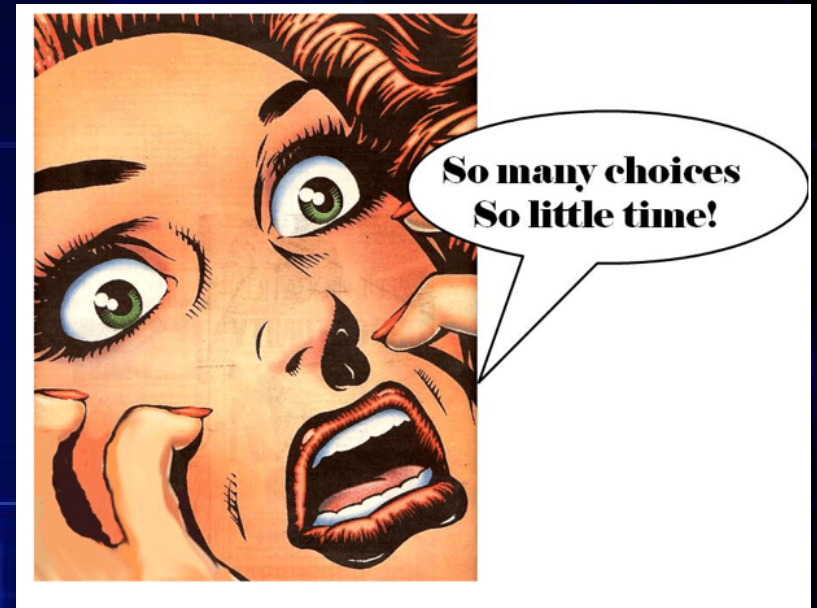


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Practice tips – nuisance abatement

- What can they keep?
- How are you throwing it out?
 - Can't fix one nuisance by creating another



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It's time to take action

Civil Cruelty Seizure process (Health and Safety Code Sec. 821.021-026)

This can be a challenge with overwhelmed caregivers and even "rescuers" because they are typically animal lovers



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Cruelty Seizure – First Step

Affidavit for Seizure warrant

Do you have PC for a cruelty seizure?

- Unreasonably deprived of necessary food, care, or shelter
- Unreasonably confined
- Caused to fight with another animal

If not, do you have PC for an ordinance violation?

- More than __ animals
- Smell/noise violation
- Unpermitted litter



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Cruelty Seizure – Second Step

Issuance of seizure warrant

- Peace officer or ACO may apply to justice or municipal court
- Seizure warrant must set date for hearing (w/in 10 calendar days)
- Officer must give written notice to owner of animal
 - Owner includes a person who has custody or control



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Cruelty Seizure – Third step Conducting the Seizure

- Who conducts the seizure?
- What do you do with the animals?
- What treatment can be provided?
 - Humane euthanasia
- Keep track of cost of impoundment, medical care, etc.



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Cruelty Seizure – Fourth Step Hearing before Muni/Justice Court

- Hearing before magistrate – civil hearing
 - Statements not admissible in criminal trial for cruelty
- Each interested party is entitled to present evidence
- Threshold finding: cruel treatment
 - Not the same as Pen. Code Cruelty
 - Pen. Code Cruelty conviction is prima facie case



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Cruelty Seizure – Fourth Step cont. Order from court

- Order return of animal (if no cruelty finding)
- Court orders disposition:
 - Public sale by auction
 - Conveyed to local shelter or non-profit
 - Humane euthanasia
- May order spay/neuter
- Order costs/appeal bond
 - This should be a big number (daily fee x # of animals)



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Cruelty Seizure – Fifth Step

Appeal

- Appeal to county court or county court at law
- Must file w/in 10 calendar days
- Must include appeal bond
- Jurisdiction set by statute



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Cruelty Seizure – Fifth Step cont.

Appeal

- Clerk has 5 days from notice of appeal to deliver record to county court.
- Within 10 calendar days of receipt of record, county court must consider the matter de novo.
- Jury trial upon request. With 10 days notice
- Animal may not be sold or given away or destroyed while appeal pending (excl. pain/suffering).
- No further appeals.



Hoarding



Let's play a game!

Hoarding or Not Hoarding



"Help control the pet population. Have your pets spayed or neutered"

-Bob Barker

Hoarding



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47 dogs

4 cats

And, wait for it

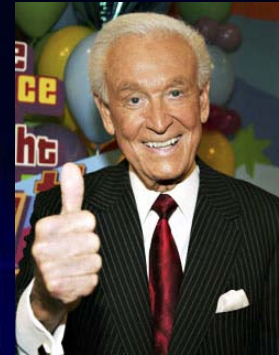
A HORSE (not pictured)



Hoarding



Not Hoarding



Hoarding



Not hoarding



Hoarding



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Anything about this a
nuisance to others?



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Not Hoarding



Police in Indiana in the process of seizing 56 cats, 10 dogs, and 26 birds

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Not Hoarding ???

6 cats in this shot.

Ordinance violation.
Sure

Buuuuut
Any evidence of
cruelty??



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Not hoarding

Yet

Litters of puppies need
to be kept with a mother
that can provide milk for
6 to 8 weeks of age

Kittens can be weaned
at about 8 to 10 weeks
of age



Hoarding



Not hoarding

This may be a display of hoarding behavior, but unless it creates a public nuisance, it is not hoarding as far as we are concerned



Hoarding



Not Hoarding

Location, location,
location

Sled dogs in the Yukon

80 dogs on one property
sounds like a lot, but...

Perky ears, smiling faces,
healthy coats, and if
anything, a tad overweight.



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Not Hoarding??

What is the difference
between hoarding and
stockpiling?

Where's the nuisance?



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Not Hoarding

In my defense, I only own
60% of the dogs in this
picture.



The End

Bob Barker is a black belt in karate and was trained by Chuck Norris and his brother Aaron. He volunteered to fight Adam Sandler in their scene together in Happy Gilmore.

