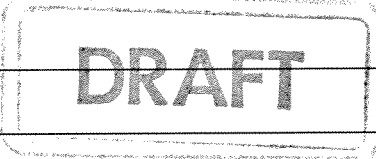


**TO: Mayor via City Secretary      REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> To approve an ordinance amending Chapter 10 of the Code of Ordinances to address hoarding and related behaviors.		<b>Page</b> 1 of 1	<b>Agenda Item</b> #
<b>FROM (Department or other point of origin):</b> David Feldman, City Attorney Charles McClelland, Chief of Police		<b>Origination Date</b>	<b>Agenda Date</b>
<b>DIRECTOR'S SIGNATURE</b> David Feldman  Charles McClelland		<b>Council District affected:</b> All	
<b>For additional information contact:</b> Tom Allen 832-393-6411		<b>Date and identification of prior authorizing Council action:</b> N.A.	
<b>RECOMMENDATION: (Summary)</b> That Council approve an Ordinance adding Article XX ("Hoarding and Related Behaviors") to Chapter 10 of the Code of Ordinances. Article XX will declare as unlawful certain accumulations of objects or substances likely to create a safety or health hazard for an occupant of an adjoining dwelling unit.			
<b>Amount and Source of Funding:</b> N.A.			
<b>SPECIFIC EXPLANATION:</b>  Members of Council, the Mayor, and multiple City Departments continue to receive complaints about hoarding behaviors, which may create safety or health hazards for occupants of adjoining properties. Hoarding may be the result of mental illness, a fact acknowledged by the new edition of the <i>Diagnostic and Statistical Manual of Mental Disorders</i> ("DSM-V").  The City's present tools to respond to allegations of hoarding are limited and somewhat unclear. To some extent, the City may rely on its inherent power to make laws "necessary ... to preserve the public security [and] ... health." <i>Black's Law Dictionary</i> , 8 <sup>th</sup> ed. (definition of "police power"). Such vague grants of authority, however, can result in either underenforcement or overly zealous enforcement. Current provisions of the Code of Ordinances, the Building Code, and the Fire Code address certain of the conditions that may result from hoarding, but the City lacks a focused, comprehensive ordinance to address the problem in a manner that balances the rights of an occupier of residential property against the rights of his neighbors to enjoy their properties without being subjected to hazardous conditions.  The proposed ordinance prohibits the occupant of a "dwelling unit" from accumulating "objects or substances of a nature or in a quantity reasonably likely to create a hazard to the safety or health of an occupant of another dwelling unit on the same or a contiguous property." <b>If the hoarding behavior has no impact outside the hoarder's own property, the behavior will not be unlawful under Article XX.</b> The scope of the ordinance is limited to residents of apartments, condominium units, and townhomes sharing an interior wall.  In addition, the ordinance clarifies the circumstances under which an enforcement officer must obtain a warrant to enter a dwelling unit in response to a hoarding complaint, and it prescribes specific procedures for such entries. Significantly, the ordinance also authorizes the enforcement officer to consult with an approved mental health organization in appropriate circumstances; an uncodified provision requires promulgation of an operating procedure for such consults. Finally, although the ordinance is enforced by criminal citation, the ordinance declares Council's "expectation that prosecutors assigned to handle [such] citations ... will be mindful of the relationship that may exist between mental illness and [hoarding] and will exercise their lawful prosecutorial discretion accordingly."			
<b>REQUIRED AUTHORIZATION</b>			
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	