

DEALING WITH DIFFICULT RESIDENTS

Questions and scenarios have been submitted in reference to dealing with specifically residents with mental disabilities. Let's first examine the definition of reasonable accommodation as defined by the Department of Housing and Urban Development.

A reasonable accommodation is a change in rules, policies, practices, or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common space. A housing provider should do everything s/he can to assist, but s/he is not required to make changes that would fundamentally alter the program or create an undue financial and administrative burden. Reasonable accommodations may be necessary at all stages of the housing process, including application, tenancy, or to prevent eviction.

Notice the wording of "changes that would fundamentally alter the program". This means if someone chooses to not pay rent or recertify, then they are not abiding by the program rules. Also consider the lease. This is a legal contract. Are you using the correct lease? If you have a HUD property, is it a HUD approved lease? Does it cover everything you need it to cover? When you go into a court of law, the judge may not know all the rules for HUD or whatever program you have in place. But the judge will know the tenant landlord law of the state of jurisdiction.

Who signed the lease? Was it the resident themselves or power of attorney or a case worker? Whoever signed the lease is legally contracted to follow all the points, such as housekeeping, rent paying, noise, etc. If a person signed the lease for a resident, then they are legally contracted to the document even if they are "fired" by the resident.

Additionally, the reasonable accommodation requested must have a direct correlation to the disability. For instance;

- A person with a chemical sensitivity could ask for a visual smoke detector, but a medical professional may not sign off on such a request.
- A person with sight impairment may ask for a reserved parking space, but again, a medical professional may not sign off on such a request because the individual does not drive.

While we do not have the right to request from a medical professional the applicant's/resident's ability to live independently, we do have the right to verify a request for an accommodation. It is imperative that you have a Reasonable Accommodation plan in place and that it is followed in the same way for every applicant/resident.

Resident's must abide by the lease and city and state ordinances. This includes but is not limited to laws regarding health issues such as housekeeping and leash laws. It cannot be said too many times that policies must be in place. To help avoid future issues on housekeeping, it would be a good idea to have a policy of monthly or quarterly inspections. Then issues could be dealt with before they get too out of hand. Sometimes residents don't understand this and think it is the responsibility of the landlord.

Infestation – A decade ago we would be talking about mice, spiders, and roaches. Unfortunately we now, (once again) have to add bedbugs. Staff should be educated on bedbugs and know how to discover their presence and should be inspecting furniture at every unit inspection. It's also a good idea to educate your residents in the matter. In the directives from HUD, we have been given the right to inspect used furniture brought in by the resident. The cost of bedbug treatment is extremely expensive and must be kept under control.

So let's examine the 5 points that make a good resident.

1. Does the resident pay his rent in full and on time?

2. Does the resident not interfere with the quiet enjoyment of the other residents?
3. Is the unit safe and sanitary?
4. Does the resident not destroy the property above normal wear and tear?
5. Does the resident not conduct criminal activity on or around the property?

All of the points listed above should be covered in the lease along with the recertification process of timelines and penalties. If you do end up in court with the resident, you have the lease to hand to the judge and show violation.

Violation – When the resident does not follow the rules, have you issued lease violations in accordance with the lease and state law? Just telling the resident to clean their apartment or to quit bothering the other residents, does not hold up in court. Remember, if it's not in writing, it didn't happen.

CASE STUDIES

Women in her 80's:

- Complains daily that she can't hear or see well

Sometimes we have residents that complain just to get attention. While the resident may have problems hearing or seeing well, until she asks for the help, maybe she doesn't want it. Service Coordinators are there to help. If the resident doesn't want the help, we can't force it on them. We may see her complaints as a plea for help. When in reality the resident may just want the attention or someone to talk to.
- Service Coordinator has assisted her with getting hearing aid's at no cost - resident will not wear them

Again, we are here to offer help and find help for the resident. We cannot force our help on anyone. Though we may see how the hearing aid could improve her quality of living, we can't force her to take advantage of our help.

If you had a resident that was an amputee and refused to wear their prosthesis, we probably would not be trying to talk them into it even if we helped them to get it. We would just assume that the resident had some reason for not wanting to wear it and chose not to tell us the reason. Residents still have dignity in their later years and we must respect their decisions.

- Service Coordinator has assisted with getting her info about cataract surgery - resident refuses

This is the same as above. From the medical standpoint, someone with cataracts may not be totally aware of how the surgery may improve their eye sight. Maybe the resident is afraid of surgery. There could be a multitude of reasons for the resident declining the services.

If the resident has family available, you may want to discuss this with them. That is of course as long as the resident gives permission. The same may be true if the resident has some kind of caseworker outside the housing area.

- Resident paces the hallways all day, interrupts others, always into/concerned about other residents property/conversations/business

A resident may roam the hallways for many reasons. They may be avoiding depression from being alone. They may be exercising. But based on the comment sent in, it would appear the resident is always in the hallways so as to be involved in everything that is going on. First let me say this is true of a lot of seniors or persons with disabilities. Consider residents in this category have a feeling of uselessness and may have families who aren't very involved in the resident's life. Hence the resident tries to create their own drama.

Now that we understand some of the reasons the resident interacts in this manner, we need to consider the other parties. Every problem that you think you have with a resident either refers to a violation of the lease or a personality issue. Are the other resident's complaining? Is the complaint valid in a way that it is a violation of the lease? If so, then the offended resident must be willing to put the complaint in writing and/or testify in court of the offense. Most residents won't do this. Remember the 5 things that make a good

resident. Is the resident interfering with the quiet enjoyment of other residents?

Of course counsel with the interfering resident. Talk to the other residents who are complaining. Techniques for these meetings are learned in the original Dealing with Difficult Residents seminar.

- Manager and Service Coordinator have tried to talk to her about these issues and she leaves the meeting telling others we "treat her like a kid" and we "want to kick her out"

As stated above, use some of the techniques from the original seminar and maybe the resident will calm down. Good communication skills are essential and gaining the trust of the resident is what it will take for both of you to see the others point of view.

Resident with multiple physical disabilities and personal dilemmas:

- Acting like a "mother hen" to neighbors

We talked earlier about residents feeling as though they have lost their usefulness in life, they are not needed or have any purpose. To a degree the "mother hen" is not an issue, but other residents will not like being mothered. It must be their decision to choose to avoid the mother hen.

- As any new resident moves in, she overwhelms them with herself

During the move in orientation of a new resident (especially one who has not lived in a community environment such as this) an explanation (without using names) should be discussed about some of the resident's behavior that may be detrimental or annoying to others.

- Many will notice quickly and distance themselves from her; however residents that are vulnerable get "sucked in" resulting in numerous problems from money to medication issues

Besides discussing these problem residents at move in orientation, it might be a good idea to have a little afternoon get together with cookies and coffee and discuss these things. Never ever mention names or specific behavior. Just things like;

- a) Don't loan other residents money or have any kind of financial interaction with them. Don't give any information about Social Security numbers and credit cards. You can incorporate all this into a get together by itself on Identity Theft, Senior Abuse and Exploitation, or Credit and Budgeting.
- b) An afternoon tea explaining how loaning a resident one of your RXs can be detrimental to the health of another and could even result in breaking the law and criminal charges being filed.
- c) Provide more activities to give residents more to talk about than just gossip.
- d) Encourage residents not to gossip. Create scenarios for them about how gossip could be harmful to all involved.
- e) Create good will with residents talking about the Golden Rule and to think about what they are saying before they say it.

Residents with housekeeping/hoarding issues:

- They don't see it as a problem

Of course they don't. They wouldn't do it if they did. There may not ever be a way to convince them that this is an issue. Some of them are still from the depression era and want to keep everything.

- Easily upset with management or service coordinators discuss situation or want to inspect apartment (hoarding or dirty apartment)

Policy and Procedures – Inspections monthly or quarterly – No exceptions! This should be discussed at move in orientation and meetings along with postings. Residents must understand that the consequences for not allowing entry into their unit could result in termination of lease. Again, is this stated in your lease that you have the right to enter with proper notice? If you want to

change the procedure for unit inspections, ie, do more, then you only have to send a 30 day notice to each resident of the change. The residents will become accustomed to the change in procedure and some will look forward to you entering their clean and well decorated homes.

- Or residents that have strong body odor, due to bathing issues but have a clean house - often very defensive and upset when the problem is addressed.

I do not recall any lease that says the resident has to bathe. It is very common with some seniors and disabled that they chose not to bathe. There are some subtle hints that can be dropped like spraying room freshener in the office when that certain resident comes in. My best advice is to not stand too close.

- A tenant continues to feed stray cats on her patio. We have had them trapped and removed from the area but the tenant finds more cats. She has been warned but it's hard to evict when you don't have proof because she removes the food dishes after she feeds them. She has been seen by neighbors feeding the cats.

When you are doing those unit inspections, as you are checking the cabinet door hinges, you might discover cat food and question the resident. Otherwise, install an outside camera or ask a resident to snap a picture of the cat and/or cat food.

- A man has applied for an apartment but was denied based on reference. He continues to send applications and call asking why he can't get approved. He is elderly and living in a nursing home facility. He has also called an attorney to report that we wouldn't rent to him.

Okay. Have you been contacted by the Fair Housing office? Let's talk about your Resident Selection Criteria. Do you have one that is approved by HUD or your state agency? Are you following it to the letter? Not just on this resident, but every resident. If you are, and you have all your paperwork documented, there should be no problems.

An individual may submit an application at any time unless your waiting list is officially closed. However, if the applicant is still asking for applications after they have been denied, you wouldn't have to give it to them as long as your Resident Selection Criteria states the procedure for applications being submitted after one has been denied and they have to wait a certain amount of time to re-apply.

Don't forget that the denial must be sent in writing with the reason for denial and give the applicant the right to appeal.

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- An elderly tenant continues to just walk in other tenants' apartments whether they are home or not. He makes racist comments to other tenants of a nationality different than his. He is mentally challenged but very capable of living on his own. When he is talked to about these situations, it improves or stops for a while but begins again.

Don't just talk. Be sure this is in writing. Send a lease violation if in fact the lease has been violated. Talk to other residents about safety and locking their door when they go inside and leave their unit. Don't mention any names; just discuss it as a safety issue.

If a resident makes racist remarks and you do nothing about it, you are in fact in violation of Fair Housing. You must address this Fair Housing issue in writing with not just a lease violation but a violation such as a 14-30 day notice of lease violation and impress upon this resident that if it continues, you will have no choice but to terminate the lease.
