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## Options For Dealing With Older Condo Residents Who Are Unable To Care For Themselves

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Like the rest of the world, the United States is an aging society. Between 2000 and 2050, the number of older people is projected to increase by 135%. And the population aged 85 and over, is projected to increase by 350%. In fact, the proportion of the population that is age 85 and older will increase from 1.6% in 2000 to 4.8% in 2050. The aging of our society will place additional pressure on health care facilities and support programs for older people. It's also going to place additional pressures on community associations. This is because, for one reason or another, older people are deciding to remain in their condominium units rather than move into senior assisted living facilities. Many call this "aging in place," which simply means that these seniors are choosing to remain in their own homes rather than move into an assisted living facility. We are now finding that many seniors are moving into senior communities and remaining in place for too long. Many seniors are just not able to deal with the fact that they cannot effectively care for themselves any longer. In some cases they have waited too long and their dementia, physical ailments, or Alzheimer's has made it difficult for them to make a change.

What we have found is that many of the seniors have no family or at least no family that is able or willing to assist them. In some cases these seniors have alienated family members. In other cases, the family members do not live in the area or are just unwilling to get involved. Sad but true!

So what is a condo association Board of Directors to do when they find Harry wandering the halls, unable to determine where he lives? Or what about Sally, who still likes to cook, but forgets to turn the stove off? Or Irving, who over the last several years has gotten into the habit of hoarding and his hoarding collection has consumed his unit so now he is barely able to maneuver in his unit and he is sleeping in his kitchen, in a sleeping bag, on the floor? Obviously, the association has an interest in ensuring that



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these seniors are able to care for themselves so that they don't create a burden for management or the Board or an unhealthy or unsafe situation for themselves and their neighbors. Frequently, the association's management is brought into the situation due to many complaints they receive about the owner's conduct and less frequently by the senior owner/resident who is looking for help.

For the Board of Directors and management, these situations are troublesome because dealing with the seniors can be problematic, as well as time consuming. They need help but may be unwilling to accept help from the association to assist with their mobility or even the impact of their hoarding.

There may be some solutions. In preparing this blog post, we came across a 2008 article that was published in the LA Times: Resources for Those 'Aging in Place.' Follow this link for this article.

Often times seniors are unable to take advantage of these resources. They're just not able to care for themselves any longer and in many cases are not cognizant of their limitations. In dealing with one of these senior situations involving an elderly gentleman who has a hoarding habit that has led to mice infestation, it became increasingly clear that he was not able to care for himself, which resulted in creating a liability for the association. Working with the association, we learned about the Public Guardian, which is part of most California counties Departments of Mental Health.

According to one website, the Public Guardian has been named by the Court as conservator for thousands of persons who are physically or mentally disabled. These individuals cannot care for themselves without help. When such a person is brought to the attention of the Public Guardian, an investigation is made to determine whether friends or family are able and willing to act in the disabled person's best interests. If not, the Public Guardian petitions the Court to be named conservator, and the disabled person becomes the conservatee.



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We spoke with a representative from The Public Guardian's office (in Los Angeles). We learned that under the provisions of the Probate Code, the Public Guardian may be appointed conservator to protect and care for a person such as a senior who is unable to care for themselves and to administer the estate of those who, without assistance, cannot provide for the basic needs of food, shelter, or clothing or are unable to resist fraud or undue influence.

The Public Guardian may also be appointed for persons who, as set forth in the Welfare and Institutions Code, are considered gravely disabled (unable to provide for food, shelter, or clothing by reason of a mental disorder) and who are unwilling or unable to accept psychiatric treatment voluntarily.

Probate referrals may be made by any individual or agency aware of the person being referred: relatives, friends, attorneys, neighbors, public or private social work or health agencies, or offices of elected officials.

As Conservator of the Estate, the Public Guardian is responsible for the "prudent use of money and property" belonging to the conservatee. Conceivably, this could include issues such as hoarding, forgetting where they live, locking themselves out, leaving the stove on, etc.

Many of our larger senior community association clients have "Public Guardian" type social workers working on either their staff or the staff of their managing agent. If your association is not that fortunate, and you are experiencing issues with a senior who is in need of assistance with their basic care, social skills and health issues, find out if your county has a Public Guardian program to help.