

Obtaining Housing For A Special Needs Family Member

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is brought to you by

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America has a shortage of housing for the disabled. During the estate planning process, parents of special needs children find this scarcity of housing to be a major obstacle. There are many reasons for this housing shortfall. Although some cities encourage developers to build special needs housing communities, many residential homeowners' associations do not want such communities built near their own neighborhoods. According to Professor Carole N. Brown of the University of Richmond T.C. Williams School of Law, the "Not In My Backyard" sentiments associated with housing for the disabled are the result of "irrationality and discrimination due to ignorance." The more special needs individuals are part of community life, the greater they will be appreciated as people with "special rights, special needs, special passions, and special skills," Professor Brown notes. However, special needs communities are often far from urban centers, a fact which makes this critical inclusion in community life harder to accomplish. Even when care is available in a nearby local setting, other challenges arise in the special needs housing process. This article addresses these challenges.

Traditional Housing Options

Many parents of the disabled believe their child should live with them for as long as possible. This arrangement likely provides the highest level of individualized care, but it is not always feasible. Some disabled children cannot live at home. Others, while able to do so, are better in an environment that is built around their needs. Moreover, a parent must balance the impact that a disabled person will have on their siblings.

Housing a disabled family member at home often requires structural changes to a residence to ensure the safety and well-being of the special needs child. For example, a motion sensor can provide an alarm if the surface of the water in a swimming pool is broken. The Poolguard Inground PGRM-2 System is one of many appliances which help those with special needs live at home. AmeriGlide Wheelchair lifts are also commonly installed under this living arrangement; such a lift system can be operated by some disabled persons themselves without caretaker assistance.

Like many people, special needs individuals do not like changing their living conditions, and thus parents should consider whether the family member who will inherit the home will continue to allow the disabled child to live there in the

Obtaining Housing For A Special Needs Family Member – Cont'd

future. As this is often not the case, parents should consider introducing the disabled child to potential living alternatives, including couplet housing and community housing.

"Couplet" Home Planning

Some families decide to purchase two side-by-side condominiums to ensure that the caretaker of their disabled child is immediately available. Other families build a small residence for a disabled child on their property. This arrangement is referred to as "couplet" home planning. The second home can be held in trust for the caretaker. Of course, some families have the means to purchase two unattached houses next to each other. Even when this is possible, the real estate taxes in such an arrangement may be problematic, depending on the life expectancy of the disabled person. Couplet planning is wonderful, but most families simply cannot afford it over the long-term. Thus, it is often a temporary arrangement.

Community Housing

Special needs communities are often highly beneficial to the intellectual and emotional life of a disabled person. Opportunities for employment, outdoor adventures, academic growth, and socialization abound in such communities. However, parents should carefully consider a plan to ensure that the Trustee of the child's Special Needs Trust, or other caretaker, has the ability to move the child from one community to another if circumstances change. Disabled housing communities, like all residential settings, can transition rapidly. Parents should specifically agree whether the disabled person will have a roommate. If the individual is active in the workforce, as many special needs individuals are, commuting arrangements should be discussed. Employment prospects can change; thus, a caretaker should review the life goals of a special needs individual on a continual basis.

Virginia Housing Development Authority

The Virginia Housing Development Authority (VHDA) is a governmental agency created to help citizens of the Commonwealth obtain the American dream of home ownership; for the disabled, the VHDA allows families to pool their resources to create group homes. This option can be wonderful for some families who would not otherwise have the ability to find a group home due to financial constraints or logistical challenges.

Letters of Intent

A Letter of Intent lists information that only caretakers are likely to know about a special needs individual. Although every parent should write a Letter of Intent for their disabled son or daughter, a Letter of Intent is especially important in community settings. How does the disabled person react to different social environments? How does the disabled person react to changing circumstances, and what are his or her favorite leisure activities? Are there certain things which create frustration for him or her that caretakers are unlikely to be able to foresee? These and other issues are important to consider when completing a Letter of Intent.

Conclusion

Finding proper housing for a special needs family member is a challenging process. If you are the parent, guardian, or loved one of a special needs individual and have questions regarding housing options, please contact the Hook Law Center for an initial consultation. We will gladly assist you.



Ivory Update

Hook Law Center: Kit Kat, what are countries doing to discourage the illegal acquisition of African ivory?

Kit Kat: I am happy to say there have been a lot of steps taken to discourage poachers and the illegal hunting of African elephants for their tusks which are a source of ivory used in the making of jewelry, game pieces, etc.. What several countries are doing is destroying any confiscated ivory to make the point that they are serious about not marketing ivory or any of its products. So, the United States crushed nearly 6 tons of illegally-procured ivory last November (2013). China did the same with a like amount this January 2014. France recently destroyed 3 tons, so it is a worldwide effort.

In the US, the White House announced in February 2014 a National Strategy for Combating Wildlife Trafficking. This effort will attempt to stop any elephant ivory or rhino horn from being sold in the US or passing through the US to other countries. In addition, the Humane Society of the US and the Humane Society International are working with NY state and Hawaii, 2 states with the highest demand for ivory, to prohibit its trade.

A side benefit of these efforts is that the human toll will be reduced as well. Many park rangers are killed in the process of defending elephants and rhinos from poachers. Outnumbered, they are no match for ruthless hunters. So, hopefully, these efforts will reduce the number of human casualties, while the number of elephants and rhinos being slaughtered is also reduced. Good things happen when people and organizations work together.

(Catherine Vincenti, "Taking Stock," [All Animals](#), May/June 2014, p. 8.)

Upcoming Events

- Shannon Laymon-Pecoraro will be at the YMCA of Portsmouth for Senior Day on **May 21, 2014** from 10:00 am to 1:00pm.
- Andrew Hook and Shannon Laymon-Pecoraro will be speaking on Financial Exploitation at the Virginia Department for Aging Rehab Center on **May 30, 2014** at 9:00am.
- Jessica Hayes will be speaking on Hook Law Center's Practice Area's at Westminster Canterbury on July 1, 2014 at 10:00 am.

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