



## **ACCOMMODATION AND PROPERTY SERVICES**

Providing housing for a disabled family member to occupy in the future is a common predicament faced when there are no other family members able or willing to take on a 'parent' role.

Future Living Trust supports parents and relatives in making arrangements for their disabled family member to stay in the in the comfort and familiar surroundings of the family home or assists in securing a suitable house to live in once other members of the family are unable to care for them.

While the Trust cannot act in all ways as a 'parent', it can act as the legal means by which a family's wishes about the home or the proceeds of its sale are carried out. The Policy outlined below provides a balance between the desires of a disabled person's family and the activities the Trust can legally and responsibly promise to do.

- The Trust will accept property on the condition it is to be used for accommodating the disabled family member or if not considered suitable, sold in order to purchase a suitable property or accommodation.
- The property must be given to the Trust as an absolute gift. The Trust will abide by any specific wishes the giver has made and the Trust has agreed to, as far as is practicable.
- The Trust currently does not accept property as a life interest only – in other words, it does not accept property if it is to return to someone else after the disabled family member dies, or ceases to be able to live in it.
- The Trust will provide a Personal Support Service at no cost to the disabled family member as part of the Property Trust Contract.

It is important to understand that the gifting a property to Future Living Trust does not mean that the Trust will provide or arrange full or even partial care of the disabled family member who will reside there. The Trust will however endeavour to act on behalf of the disabled family member to carry out the wishes of the parent or family, by negotiating with other human service organisations to provide necessary care and support.

Future Living Trust Incorporated 41 Bishop St Jolimont WA 6014  
(Formerly The Hawkevale Trust Incorporated)

Phone 9387 8288 Fax 93870492 E-Mail [info@futureliving.org.au](mailto:info@futureliving.org.au) Web [www.futureliving.org.au](http://www.futureliving.org.au)

Incorporated in 1989 under the Associations Incorporation Act 1987. Registered under the Charitable Collections Act. ABN No 62 492 609 487

The cost of outgoings, maintenance and management of a property is covered by the Trust charging the disabled family member a rental on the property that is negotiated as part of the contract and does not exceed the HomesWest rent to income percentage. The Trust can also assist in arranging for other people with disabilities to be co-tenants of the house if that is desirable.

Many parents look to build purpose built accommodation such as a house, unit, or duplex for a disabled family member to live in. Families, with the help of the Trust, can consider applying for joint funding with the Department of Housing that assists financially although conditions can often be stringent and onerous.

The Trust is experienced in assisting families with building a suitable home for their family member and can act in a project management capacity alleviating the stress associated with a building project. The Trust negotiates a fee for this service, usually between 5% and 8% of the project cost. The benefit to families of a purpose built house or unit is that it can be designed specific to the needs of the person with a disability and their carers. Other benefits include a saving on GST due to the charitable nature of the Trust.

Providing a property in this manner through the Trust works in the same way as an established house in that it is given as an absolute gift and is for the purpose of accommodating a disabled family member.

Gifted properties provide the Trust with a solid base and capital growth that can in the future be reinvested into providing an accelerated housing program for other people with disabilities.

## Property Trust Will Clause

The following clause has been prepared for Future Living Trust. It is how the Trust would prefer the gift of the property is recorded in your Will.

This clause should be provided to your solicitor or the person drafting your Will. It is preferable they follow the wording exactly, however the Trust will consider alternative versions if necessary. Please be aware that different wording is likely to fall outside the Trust's policy, which means the Trust may not be able to accept the gift.

*"I give my house at [address and legal description goes here] the [described] (Property) to FUTURE LIVING TRUST (INC) of 41 Bishop Street, Jolimont in Western Australia, free of all taxes and duties on condition that during the lifetime of my [son or daughter {full name}]: (a) The Trust will use the {described} Property for the accommodation of my [son or daughter {name}] so long as he or she is reasonably capable of living there with other persons of a similar level of disability. In the event that my [son or daughter {name}] is not reasonably capable of living at the {described} Property, the Trust will sell or lease the described} Property and apply the proceeds to acquiring a suitable property or an interest in a suitable property that he or she will be reasonably capable of living in with other persons of a similar level of disability.*

*In the event that my [son or daughter {name}] becomes incapable of living at the {described} Property or any property bought or rented in its place but instead requires fully supported hostel or nursing home accommodation, the*

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*Trust is to apply the proceeds of the sale or rental of the {described} Property to the accommodation needs of my {son or daughter {name}} to the extent they are not otherwise provided by Government subsidy, rebate, payment. Pension or allowance: and The Trust will provide a Personal Support Service to my {son or daughter {name}} on the terms as set out in the Personal Support Service Contract dated this the \_\_\_ day of \_\_\_\_\_ 200\_\_.*

*The Trust's decision as to whether my [son or daughter {name}] is capable of living at the {described} Property is entirely at its discretion, but it must exercise its discretion reasonably and in good faith."*

## **Taxation**

All Wills can have taxation implications. The Trust is not able to provide any advice on the financial consequences of the clauses as drafted and strongly suggests you obtain legal and/or accounting advice.

## **Other Options**

The Trust is continually exploring a range of options to assist families in obtaining the accommodation and care they desire for their family member with disability.

There are many variants on what might be possible and the Trust's Executive Officer will assist parents and families to explore alternative options and discuss what they wish to achieve and ideas they might have. For example, the Trust might take on the Head lease of a home built by Homeswest and negotiate with other organisations for provision of care or perhaps look to assist a group of like-minded parents establish cluster housing for their children, perhaps in conjunction with the local council or with Homeswest.

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