

The Golden Girls — More than Emotional Support and Cheesecake: Benefits and Legal Issues of the Shared Housing Model as a Senior Housing Option

Kacey Vooght, JD Candidate 2024

BACKGROUND AND APPROACH

The Golden Girls

The Golden Girls was a wildly popular sitcom that aired from 1985-1992. The concept behind the show was three “young” senior women (Blanche, Dorothy, Rose), along with Dorothy’s “elderly” senior mother, Sophia, live together in a house owned by Blanche. The show was considered trailblazing for its portrayal of senior women and for its commentary on social and political issues.

Research Approach and Use of *The Golden Girls*

The purpose for this research was to explore a legal issue facing seniors and discuss possible solutions. I chose to research shared housing as alternative housing option for seniors. I used *The Golden Girls* concept and select episode themes to provide an illustrative example of the benefits and legal issues that can arise when seniors chose to share a home. My research goal was to identify legal risks associated with the house sharing model and paths to mitigating such risks.

THE NEED FOR SENIOR HOUSING

“*Shady Pines, Ma!*” – Dorothy

In *The Golden Girls*, “The Shady Pines Retirement Community” is often used as a threat by Dorothy to her mother as an alternative to living in their shared home. But this “threat” is not actually an attainable option for many seniors, due to availability and cost.

Senior citizens are expected to comprise 24% of Canada’s population by 2036. The need and demand for appropriate senior housing is already great and will continue to grow as the “Baby Boomer” generation enters their senior years. There is also a desire for seniors to “age in place” in their homes or within their chosen communities.

Affordable, accessible alternatives to retirement communities and long-term facilities are required to meet seniors’ changing levels of health care needs and their desire to remain in their chosen communities or homes.

THE SHARED HOUSING MODEL

The shared housing model is a form of communal living where two or more individuals live together in one home. Unlike “roommates” where all the parties are tenants to a third-party landlord, generally the home is owned by one of the parties in sole ownership. The other parties agree to contribute to expenses of maintaining the home: mortgage costs (if applicable), utilities, taxes, and other maintenance expenses.

The shared house model may also be realized through joint ownership of a home. The parties purchase the home together as either joint tenants or tenants in common. The parties contribute equally to the initial and ongoing expenses.

BENEFITS OF SHARED HOUSING AS A SENIOR HOUSING OPTION

Financial

The expenses associated with owning and maintaining a home is the main driver that leads individuals to share a home.

Women are more likely to be in a financially precarious position than men in their senior years.

Rose: “We are **alone**...We really are. Our families are gone and we are alone. And there are too many years left and I don’t know what to do.”

Sophia: “Get a poodle.”

Security

Seniors experience an increased sense of physical safety by having others in the house. Security is also provided knowing that others are available in the event of a medical event.

Companionship

While finances may drive the initial decision, an unexpected benefit for many seniors is companionship. As the parties age, companionship has been found to be more important to involved parties than the financial benefit. Increased social connection and its corresponding decreased levels of loneliness have been found to be influential on psychological health, physical well-being, and lifespan. Companionship and social engagement at home has been found to contribute to house sharing seniors being more willing to leave the house and engage in other social activities.

LEGAL ISSUES WITH SHARED HOUSING

Potential issues depend on how the property is owned:

Sole Ownership

- Housing instability for house share parties in the event the sole owner sells the house or dies leaving house to third party or it passes through intestacy.

Joint Tenants with Right of Survivorship

- Whoever lives longest (and their estate) gets the home. Potential for disappointed beneficiaries of other parties.

Tenants in Common

- If one party dies or decides to sell, the other parties may be unable to “buy out” the inherited share or find an appropriate new party to “buy in.”

Impact of Bankruptcy of Any Owning Party

- Property may be sold to satisfy debt. Joint tenancy severed with other parties unable to purchase the share.

MITIGATING THE LEGAL RISKS

Tenancy Agreement

- A tenant agreement that meets the requirements of *The Residential Tenancy Act, 2006* provides an implied interest under *The Land Titles Act, 2000*.

Cohabitation Agreement

- For all forms of ownership, parties would be wise to enter into a cohabitation agreement that outlines:
 - Shared expenses.
 - How property will be dealt with in event of death or sale of share by the owner(s).
 - Dispute resolution process.

Valid Will

- If the sole owner wishes to pass the house to their companions, instead of any other beneficiaries, a properly executed Will makes this possible.

“Thank you for being a friend...”

BUT SHOULD THAT FRIEND HAVE LEGAL RIGHTS?

The Golden Girls depicts a relationship that goes beyond the normal expectations of friendship. Their friendship has crossed into what is referred to in the literature as an “interdependent adult relationship” where they are dependent on one another economically, socially, and emotionally.

This type of significant friendship (“families of friends”) often develops for seniors, particularly senior women. As significant as these friendships are, there is no legal recognition of rights to shared housing property through any Saskatchewan statutes. Arguments have been made for recognition of significant adult personal relationships (friendships) through statute or opt-in registration scheme, but challenges with establishing legal recognition of friendship include:

- Definition of “friend” for purposes of legal recognition:
 - Alberta’s *Adult Interdependent Relationship Act* for potential list of factors, but limitations with this Act’s scope.
- Scope of legal rights.
- Potential to diminish the efforts undertaken for recognition of same-sex spousal relationships.
- Societal shift to support the legal prioritization of friendship alongside, or potentially over, kinship.

“THE PORT PERRY GOLDEN GIRLS” 4 WOMEN MAKE THE DREAM A REALITY IN ONTARIO

Four women in Ontario ages 67-74 purchased a home together in Port Perry, Ontario as an alternative to costlier retirement options. The house was remodeled to allow for aging in place, including the installation of an elevator to the upper levels and other design considerations of potential future accessibility needs.

Initial and Ongoing Financial Commitment:

- 252,800/person for purchase and renovation.
- \$20,000/person into joint account for shared-use purchases/fixtures.
- \$300/month/person for contingency fund.
- \$1,100/month/person for shared expenses (taxes, maintenance, cleaning services).
- \$100/week/person for groceries.

Benefits Experienced

- Financial savings compared to monthly retirement committee costs.
- Went from acquaintances to friends: regularly eat together, socialize and co-host social gatherings at their home.
- Their extended families have benefited from the interaction with one another.

Mitigation of Risk:

- Joint ownership of the property as tenants in common.
- Prior discussion and agreement about expectations:
 - The arrangement is not designed for the women to be one another’s care aides. Third party care will be paid or shared by the number of women requiring advanced levels of care.
 - Agreed to hire a cleaning service to avoid potential conflict.
- Cohabitation agreement drafted with legal assistance prior to beginning the process. The agreement includes clauses that cover:
 - Shared expenses.
 - Decision-making and dispute resolution process for adding a new housemate if one party dies or wants to sell their share.
 - “Vote off the Island” clause that outlines the process to remove a housemate.

CONCLUSION

“We are staying together I don’t care what happens.
We are family. We are a team” - Blanche

The benefits of the house sharing model make it a viable senior housing option. Participating seniors experience financial and emotional benefits that can increase their ability to live independently for longer and age in the house or community of their choice.

There is no legal recognition of the significant friendship that can develop in a house sharing arrangement and such recognition would require significant societal shift in willingness to prioritize such a relationship. Parties can use private law to protect their legal interests. Properly drafted, valid agreements and testamentary instruments clarify expectations of the parties and provide housing stability.

