

Association of Protected Housing Residents in Israel

www.isra-senior-res.org.il

Annual Newsletter September 2024

The Association of Protected Housing Residents in Israel was established in 2000 with the aim of protecting the rights of residents in assisted living homes. The association currently has about 9,000 members—residents of 45 protected housing facilities.

The acting associates—board members, audit committee, treasurer, and secretary—are all residents of protected housing facilities and perform their duties voluntarily.

The association is recognized by the Ministry of Justice as a "consumer organization." This recognition allows the association to represent its members, including filing lawsuits, to protect their rights. The association is also authorized to discuss matters related to assisted living homes with the relevant government ministries.

Each year, the association receives a "Certificate of Proper Management" from the Registrar of Associations. After many years of effort, the association succeeded in passing the Protected Housing Law, which was approved by the Knesset in June 2012, and most of its provisions came into effect in December 2012. The law regulates the field of protected housing, provides protection of residents' rights, and establishes supervision of protected housing facilities. (The full text of the law, including an English translation, is available on the association's website).

Parts of the law relating to supervision have not yet been implemented because the final set of regulations needed to achieve full supervision and grant licenses has not yet been completed. We are working to expedite the completion of this legislation.

Additionally, we are active in the legislative field on other issues related to the quality of life of our members and the protection of their rights.

Another significant success was the association's initiative to amend the Protected Housing Law concerning the provision of guarantees to residents for the deposits they have placed with homeowners. Indeed, the significant efforts paid off, and the Knesset passed the amendment to Section 27 of the law—the guarantees section—which came into effect in January 2020.

Just recently, the long-term care fund and the management fund were established and activated to support residents in case the housing facility encounters insolvency. "(Funds to which all assisted living homes are required to deposit money)"



Dear Members of the Association of Protected Housing Residents in Israel,

Even during the difficult year we have faced, and unfortunately continue to face, we have not ceased our activities on behalf of our members. As is our custom, ahead of Rosh Hashanah, we are distributing an informational newsletter to all members of the association, presenting what we have accomplished this past year and what we intend to address in the coming year. The purpose of the newsletter is to update all residents on the activities carried out by the association. The information will also help new residents understand the association's work and activities, in the hope of encouraging some of you to volunteer and take part.

For regular updates, we direct you to the chairperson of the residents' committee, who receives all the information on a monthly basis and is expected to disseminate it to the residents.

During the last 11 months, we have tried as much as possible to maintain routine. We are part of the home front. When the home front is strong and operates in an orderly manner, it provides important support to our soldiers fighting on various fronts. At the beginning of the year, in January 2024, and also in June 2024, we held our annual meetings and even conducted elections for the board and the audit committee.

We extend our thanks to the members who have completed their terms: Micha Ramaty, Yigal Shapira, Amos Shvueli, and Dan Tamari, and we warmly welcome the newly elected board members: Haggai Sheffer, Yigal Brandeis, Amos Shlafman, and Micha Yitzhaki.

The current board members are: Leah Schatz Soffer – Chairperson, Yoram Avnimelech – Deputy Chairperson, Israel Ben Yosef, Martha Dagan, Micha Yitzhaki, Haggai Sheffer, Yigal Brandeis, Eitan Bloch, Amos Shlafman.

The current audit committee members are: Shoshana Rubinfeld – Chairperson, Ilana Sivan – Member. Unfortunately, there were no additional candidates for the audit committee, but it is possible to operate with just two committee members.

Additionally, our dedicated treasurer, Nitza Rofe and our wonderful secretary, Yehudit Gabor, continue to serve us all with loyalty and devotion.

All board members, audit committee members, the treasurer, and the secretary are residents of a protected housing facility and carry out their duties voluntarily.

Recently, we have encountered a situation where in some facilities residents are struggling to find volunteers willing to serve on the residents' committee. This issue impacts the residents themselves. Proper representation of the residents is crucial for dialogue with the management, solving problems, and advancing issues and projects important to the residents. After the elections, we renewed the allocation of homes among the board members, who serve as mentors to the residents' committees.

The board operates according to the issues raised by its members and those brought up by residents' committees throughout the year and in our general assemblies. Some issues require legal action. In such cases, we consider the benefit to the association members at large. For example, a problem at one home that necessitates legal action may ultimately benefit all the homes that are part of the association. Our motto, like the Musketeers, is: "All for one, and one for all."

For example, lawsuits were filed with the Court for Standard Contracts (recently regarding the erosion of the principal from the deposit, which is still ongoing), as well as class action lawsuits concerning the failure to provide guarantees to residents and the excessive fees from residents for the employment of a personal caregiver.

Regarding all **matters related to the work of the Knesset and/or government ministries** – as is known, since October 2023, they have been dealing exclusively with issues related to the war. Therefore, the process of approving **financial stability regulations**, which would allow for the granting of licenses to homeowners and corresponding oversight, has been delayed due to ongoing events. Nevertheless, we have managed to restart the process. There were quite a few obstacles along the way. Time and again, draft proposals arose that halted the legislative process. The association was determined not to compromise on a thorough examination of the financial stability of protected housing facilities. The process is being led by Attorney Preminger with close consultation from our advisor, CPA Ofer Beck.

Indeed, after combined efforts by the association and with the assistance of the Ministry of Welfare, we made progress towards an agreed-upon version. However, despite everything, we did not manage to reach the Knesset before it went into recess. The Knesset's Labor and Welfare Committee must approve the regulations in order for them to come into effect. We are working to bring the regulations for approval by the committee during the recess.

Additionally, other issues that we sought to enshrine in legislation, such as **regulating construction on inhabited homes and a 0% VAT**, are also being delayed due to ongoing wartime legislation, including issues related to IDF casualties, hostages, terror victims, bereaved families, evacuees, and more. Nevertheless, as always, our legislative advisor in the Knesset, Attorney Ruth Preminger, is keeping a close watch on developments in the Knesset, and as soon as it is possible, we will bring the matter to the agenda.

One of the good news we received is the long-awaited **activation of the nursing and managerial funds** – as you may recall, following the legislative amendments to Section 27 of the Protected Housing Law (the Financial Securities Section), which ensures operational continuity of the homes in case of insolvency and supports those who need to move to a nursing facility. The regulations were finally enacted in the summer of 2023 and dictated the establishment of the nursing and managerial funds within one year. Indeed, in July 2024, these funds began to operate.

There is also the issue of regulating ways and methods of taking care of those becoming increasingly frail and in need of different services than those provided to independent residents, which we refer to as **"patient supportive housing."** The discussion on this matter with the Ministry of Welfare has been ongoing for a long time, and we hope we will soon find the best solution to the problem. It seems that legislation will be needed in this area as well.

Among our achievements is the **offsetting of maintenance fees against rental income** received by residents from renting out their apartments for income tax calculation purposes—suitable for those who submit an annual tax return. Thanks to the ongoing monitoring by our representative in the Knesset and the government, Attorney Ruth Preminger, a legislative amendment was included in the Omnibus Law of Arrangements in the State Economy that ensures that residents of sheltered housing also have the option to offset maintenance fees against rental income from one apartment they own for tax calculation purposes (i.e., a tax benefit). Until January 2023, this option was only available to those living in nursing homes.

Amendment to the Protected Housing Law Regulations - Concerning the Residents' Committee

After receiving requests and reviewing the situation at hand, we concluded that Regulation 4, which currently states, "A general assembly is considered lawful if a notice of its occurrence was given as specified in Regulation 3 and at least half of the residents participated in it, in person," needs to be changed.

From a survey we conducted among the member homes' committees, we learned that the requirement for the presence of at least half of the residents does not align with the reality on the ground.

We have been informed that the Ministry of Welfare will require a number of revisions to the Assisted Living Law after the publication of the latest financial stability regulations in order to allow the supervisor to exercise their legal powers and begin issuing licenses. It is important to note that the Residents' Committee Regulations and the Assisted Living Law do not require the Residents' Committee to bring every issue to the general assembly of the residents for a decision, except on matters specified by law and regulations, primarily the election of the Residents' Committee.

Synchronization of Medical Records

This is a topic we have worked on extensively. Our legislative and regulatory advisor has been working with relevant consultants at the Ministry of Health and the Knesset. Several meetings were held with the Chairman of the Health Committee, MK Yonatan Mishraki (Shas). During these meetings, the importance of transferring all existing medical records from the health funds' computers to the clinic within the sheltered housing facility was emphasized. The process of transferring private and confidential information is complex and touches on issues of privacy, making such regulation very complicated. To date, the task has not yet been completed. There is partial regulation in various facilities, but nothing on a national scale.

The government published a bill on "Medical Information Portability" that imposes an obligation on health funds and health institutions to transfer the insured's medical information. It also allows patients full access to their complete medical records. The bill lays the necessary groundwork to enable patients to access the medical information available about them in order to receive optimal care. The law benefits patients by allowing them to switch between health funds freely and without fear of losing information. Their medical history, including diagnoses, treatments, medications, and tests, will move with them to another medical institution. The law will also allow doctors to receive a complete and accurate picture of the patient's medical condition, help prevent medical errors, provide appropriate treatment, and adjust the correct medications. When all the information is available, the doctor can make more informed decisions and provide optimal care. It is important to note that there are sources and recipients of information who act as "information sources," and they must receive permission from the Ministry of Health to give or receive information, provided they have sought the consent of the person whose information is requested. In addition, it is important to note that the information is received for the purposes of transferring from one health fund to another and for the purpose of providing information to the insured and about the insured.

Due to the prolonged process of reaching agreements on the government bill, MK Yonatan Mishraki (Shas), Chairman of the Health Committee, decided to submit a private member's bill that was promoted and even approved in July 2024 in the Knesset plenary and registered in the laws of the State of Israel. Since the requirements for implementation are very complex and require special preparation, some sections of the law have already come into force, while others will be phased in over the next three years. The law will be fully enacted in three years. At this stage, it was decided to apply this only to the records of the health funds and hospitals, not to private clinics such as those in sheltered housing facilities. Our legislative advisor, Attorney Preminger, participated in the discussions and even presented the association's position. Our position was recorded in the Knesset protocol, as was the committee chairman's response that the second phase of the legislation would also include clinics in sheltered housing facilities. Leah Schatz Soffer also attended the meeting via Zoom.

Upgrading the Association's Website –isra-senior-res.org.il. We have been working for over a year on upgrading the website. It has indeed been a lengthy process, and the work has been extensive. We hope that the new website will be launched by Rosh Hashanah.

May the year 5785 bring with it peace and security for all of us.

May we find within ourselves the strength and hope to overcome the challenges before us.

May we witness days of peace, tranquility, and the return of all our captives home.

May it be a year of light, hope, concord and harmony.

