

Legal guide for registration contracts and agreements for retirement facilities – what you should consider

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Translated from the Hebrew by Norman Silbert

General

THE DECISION to move to a retirement facility is one of the most significant decisions taken during a lifetime. The most important step in the process is setting your personal expectations. It is vital to select a facility where you feel safe, which meets your physical requirements, provides a sense of security and which provides the knowledge that you will receive the best medical treatment. No less important is for the facility selected to also meet your social and cultural expectations.

The choice of a retirement home requires investigation, comparison, and careful examination. It is best to check a wide range of facilities. Initially, identify the difference between an old-age home and a retirement residence facility in order to gain a true perspective on what is really important to you.

Selection is a complex process and has several important parameters:

▪**Location:** Choose whether you want an urban or a rural environment, a familiar area, or maybe to be close to family or friends. You should also examine proximity to public transport or the option of in-house transportation services. Another

suggestion is to check proximity to shopping and entertainment centers such as a library, movie theaters, and coffee shops.

▪**Attributes:** Is it a match to your background? Consider the character of the facility: Is it religious or not? Do they speak Hebrew, English, or another language? Is the demographic area compatible?

▪**Cost:** Check all the cost options offered by the facility. Take into account the deposit required, entrance fee, maintenance charges, and the cost of any other services not included.

▪**Profile:** Collect as much information as possible, including the name of the operating company, its track record, financial stability, as well as recommendations from residents.

▪**Indicators:** The type and size of the apartment and its fixtures. Are the public areas well cared for?

▪**Accessibility:** Check the accessibility of the public areas as well as inside the apartment and whether it complies with legal requirements and your personal needs.

▪**Range of services:** Check what this includes: medical and nursing services, cultural and social activities, security, exercise facilities, swimming pool, etc. Note whether the

If you are experiencing or suffering with **anxiety, abuse, trauma, grief, fear, depression, relationship problems, Aliya difficulties** or any other emotional issues.

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menus are varied and healthy. How many, if any, meals are included in the payment?

■ **Staff:** Check what the staff is like as well as their level of training and experience.

■ **Medical services:** Pay careful attention to the medical services available, for example, do they provide frail-care and up to what level? How do they respond to emergencies? Can you hire a caregiver privately?

■ **General:** Other issues to be addressed could be whether pets are allowed or if visitors can use the swimming pool.

Retirement Residence Agreement

THE MOVE is undoubtedly a very significant step. It is a complex process made up of many parameters and every retirement residence facility agreement is important and has financial and legal implications such as a deposit/high entrance fee which is amortized over a period of time, monthly maintenance and charges for services not included in the basic range of services; the method used to calculate raising monthly maintenance charges which could become a burden; the method for protecting the deposit and the option of canceling the agreement.

The move involves a significant financial commitment which includes an element of financial risk to the resident as well as long-term implications. It is therefore important to view it as a binding legal agreement, like the purchase of a home.

A retirement residence facility agreement constitutes the legal basis regulating the relationship between the resident and the operator of the residence. It contains dozens of pages and clauses, and usually also addendums. It is important to understand that the agreement can be changed following commercial and legal negotiations with the residence representatives, aimed at amending the agreement to ensure the resident's rights.

Key Issues to Consider in a Retirement Residence Facility Agreement:

- License to operate the facility
- Range of services offered
- Maintenance fees and the method in place to calculate any rise of fees
- Regulations for payment of additional charges

- Securities to safeguard the deposit and the cost of said securities

- Linkage of the deposit

- Amortization of the deposit

- Repayment of the deposit on termination of the agreement

- Prohibition of an exit penalty for termination of the agreement

- Trial period and termination of the agreement

- Conduct of desired lifestyle in the apartment

- Accommodation for caregiver

- Move to frail or nursing care unit

- Eviction of resident from the apartment

- Option of a separate agreement with an external service provider

- Appointment of a residents' committee

- Making changes within the domain of the retirement residence facility

- Obligation to provide a document of full disclosure before signing the agreement

- Assignment of rights and obligations in accordance with the agreement

In conclusion, the implications of the Retirement Residence Agreement affect the resident's lifestyle, health, property, and heirs. Therefore, caution is necessary before signing any initial documents or addendums.

The decision to make the move is important to the next stage of your life. In recent years, retirement residence has become synonymous with quality of life, providing social and personal security. Preparation will ensure the best results for the move.

Please note: The information contained herein is general in nature, is provided for informational purposes only, and should not be construed as legal or financial advice. You should consult with a certified lawyer before making any decisions in respect of the subject matters contained herein.

■ *Advocate Shavit Ben-Chorin specializes in "Elder Law" with regard to all its different aspects and issues. He holds an LLB degree from Tel Aviv University and has special certification from the Ministry of Justice for the implementation of an "Enduring Power of Attorney", and is a member of the professional committee for Enduring Power of Attorney- Israeli Bar Association (Tel Aviv District). He is also a lecturer on "Advanced Legal Planning for the Elderly".*