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SOME ASPECTS OF ISRAEL HOUSING LAW AND GOVERNMENTAL HOUSING POLICY

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Israel is one of the countries facing the mass stream of immigrants. Individuals related to Israel, trying to return to their historical motherland.

In this connection the question of realization of housings rights for natives and immigrants gets up sharply; the question of public policy in housing economy gets an edge. Research of the Israel variant of solving of housing problem at legislative level requires a careful research and evaluation.

The article of this research is the legislative regulation of housing rights for the citizens of Israel and persons, immigrating to Israel. During the research we analyzed a current legislation of Israel, researches of The Association for Civil Rights in Israel, is in the area of housing policy, Israel periodicals with a legal emphasis.

Research purpose is to find out features of the solution of the item of housing rights within the state of Israel.

The main ways of acquisition of housing rights in Israel:

- 1) ownership (baalut – תולעב),
- 2) rent (skhirut – תוריכש), long-term rent (hahira – הריכה),
- 3) Mortgage Loan (mashkanta – אמתכשם),
- 4) easement (zikat ana'a – האנה תכיו),
- 5) the pre-emptive right to acquire (zhut kdima – המיידק תוכז).[1, 2]

The right to housing is not the same as the right to own a home. This is not in essence a property right, but a social right: the right to some form of adequate housing. Every country may choose how to implement this right in accordance with its own considerations. Some countries encourage home ownership while others encourage public or private rental housing. However, countries that choose to encourage ownership as the main avenue to realize the right to housing must do so in a suitable way. Those governments must ensure that even families of little means have access to housing, whether by subsidizing loans to acquire a home or by ensuring that housing is accessible for purchase.

Israel encourages private ownership as the primary avenue for housing. Seventy percent of the

households in Israel live in a home they own, a high percentage in comparison with other developed countries. Private ownership is considered a preferred alternative for various reasons. For one, it deepens the connection of an individual with society, and confers some measure of security and economic independence. In addition, home ownership, if it is accessible to low-income populations, can provide family capital that is passed on to the next generation, serving to narrow socioeconomic gaps [3].

The rental market for housing in Israel, which makes up some 26 % of all housing units, is a market in which most of the consumers are low-income. The proportion of those living in rented homes in the lowest decile of the population is more than three times the proportion in the upper decile.

Examination of the existing regulatory mechanisms suggests that – although in Israel it is commonly believed that developed countries do not intervene in the rental market – in practice, Israel is one of the only countries in the developed world that does not intervene at all in rental conditions, the rental price, or the frequency of rental price increases.

In Israel the private housing rental market is not regulated at all. The law concerning rental contracts is the Rental and Borrowing Law (1971). This law, however, does not obligate the parties and it applies only when provisions in the rental contract do not deal with the issue [3, 7].

The law is also very general and applies to all types of rentals – it does not address the public importance or special aspects of renting a place to live. The Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law (2000) prohibits anyone who supplies goods or a public service or who operates a public place from discriminating against someone who seeks to enjoy that place, goods, or public service. The law also obligates private individuals. This law defines what constitutes public place and public services, but housing is not specifically cited. Therefore it is unclear if this law can prevent discrimination in housing, such as rejecting someone

every month and directly transferred into the new immigrant's bank account.

The sum of the assistance varies according to family status and the number of years in Israel, but will not exceed 95 percent of the rental fees:

1) A single new immigrant will receive a rental allowance of NIS 223 a month during the second, third, and fourth year of making Aliyah. In the fifth year, assistance amounts to a monthly subsidy of NIS 89.

2) Single-parent families are automatically eligible for assistance for a period of five years, beginning from the second year in Israel and up to six years from the date of making Aliyah. Rental monthly assistance amounts to NIS 402 in the second year of making Aliyah, in the third year to NIS 332, in the fourth and fifth year to NIS 223, and in the sixth year to NIS 134.

3) An immigrant family will receive a monthly rent allowance of NIS 402 in the second year after making Aliyah, NIS 332 in the third year, NIS 223 in the fourth year and NIS 99 in the fifth year.

4) Immigrant soldiers serving in the Israeli Defense Forces within their period of eligibility for rental assistance will be entitled to continued assistance based on the fourth year (fifth year in Israel) for the duration of their regular service at a rate of NIS 223. Lone immigrant soldiers who are in regular service in the IDF will receive additional rental assistance.

5) Immigrants, including the elderly and families living on National Insurance allowances are entitled to increased rental assistance.

When purchasing a first home in Israel as a new immigrant, the period of eligibility for government assistance on Israel mortgage allowance is 10 years from the date of Aliyah. Immigrants who are still within their period of eligibility are entitled to receive a low interest rate compared with the current interest rates in the market for the amount of NIS 150,000 on a mortgage loan from the bank.

In addition, new immigrant home-buyers are entitled to a discount on purchase/acquisition taxes

(Mas Rechisha) when acquiring a property within a period of seven years of making Aliyah. Purchase taxes in Israel on a residential dwelling for Israeli home-buyers are progressive and divided into three levels according to the value of the property: on the first level of the value of up to NIS 1,084,935, the tax rate is 0 percent; on the second level of the value of between NIS 1,084,935 and NIS 1,524,770, the tax rate is 3.5 percent; on the third level of the value of over 1,524,770, which is the highest bracket, the tax rate is 5 percent.

While new immigrant home-buyers get a discount which can be substantial depending on the value of the property, Olim will pay a purchase tax of 0.5 percent on a home price value of up to NIS 1,393,200 and 5 percent on a home price value of over NIS 1,393,200. (see Mas Rechisha/Purchase Tax calculator)

During one of the first two years after making Aliyah, new immigrants are entitled to a discount of between 70 percent to 90 percent in Arnona municipal monthly tax payments limited to a period of 12 months. The rate can vary from one city to another. In order to benefit from the discount new immigrants will need to transfer the Arnona bill into their name at the city's municipality.

The information in this article serves as guidelines to entitlements of rights and benefits which can be subject to change over time by the Israeli government. Up-to-the minute information can be obtained from any local branch of the Ministry of Immigrant Absorption (Misrad Haklita) for reconfirmation that conditions are still the same and rates have not changed [5].

So, the State of Israel provides special legal protection of citizens and immigrants. In the context of public policy in Israel there are several ways to protect the housing rights:

1. public housing;
2. state aid in the case of purchasaing of real estate;
3. specific conditions for the purchase of housing rights of immigrants.

LITERATURE

1. Закон Израиля о продажах квартир 1973 года [Electronic source]. — Access mode : <http://www.advokat-israel.com/>
2. Закон Израиля о продажах. (пер. В.Миллера) [Electronic source]. — Access mode : <http://www.advokat-israel.com/>
3. Gan-Mor Gil, Real Estate or Right s:Housing Rights and Government Policy in Israel [Electronic source]. — Access mode : <http://www.acri.org.il/pdf/DiurEng.pdf>
4. Housing rights and benefits for Olim [Electronic source]. — Access mode : <http://www.buyitinisrael.com/housing-rights-and-benefits-for-olim/>
5. O'Sullivan Eoin, De Decker Pascal, "Regulating the Private Rental Housing Market in Europe" [Electronic source] // European Journal of Homelessness. — Vol. 1 — Dec. 2007. — Access mode : http://eohw.horus.be/files/freshstart/European%20Journal%20of%20Homelessness/Volume%20One/EJH_Vol1_Article4.pdf
6. Porat Ellen, Legal Aspects of Buying Property [Electronic source]. — Access mode : <http://www.nbn.org.il/aliyahpedia/community-a-housing/buying-renting-home/943-legal-aspects-of-buying-property.html>

7. Tikva Ron, Housing Distress in Israel // Knesset Center for Research and Information, — March 2008 (Hebrew) [Electronic source]. — Access mode : <http://www.knesset.gov.il/mmm/data/pdf/me02294.pdf>
8. Воробьев В. П. Государство Израиль: правовые основы возникновения и статус личности / В. П. Воробьев. — М. : Национальное обозрение, 2001. — 167 с.
9. Миллер В. Несколько общих заметок о договорах в Израиле [Electronic source]. — Access mode : <http://www.israel-rus.ru/?p=532>
10. Миллер В. Сделки с недвижимостью в Израиле [Electronic source] / В. Миллер. — Access mode : <http://www.advokat-israel.com/>

АНОТАЦІЯ

Омельчук О.С. Деякі аспекти житлового права та житлової політики держави Ізраїль. – Стаття.

Стаття висвітлює питання придбання житлових прав у державі Ізраїль, способи придбання останніх. Розмежовуються житлові права і права володіння житлом за законодавством Ізраїлю. Показано законодавчі способи забезпечення житлових прав державою в контексті державної житлової політики.

Ключові слова: житлові права, житлова політика, житло.

АННОТАЦИЯ

Омельчук А.С. Некоторые аспекты жилищного права и жилищной политики государства Израиль. – Статья.

Статья освещает вопросы приобретения жилищных прав в государстве Израиль, способы их приобретения. Разграничиваются жилищные права и права владения жильём по законодательству Израиля. Показано законодательные способы обеспечения жилищных прав государством в контексте государственной жилищной политики.

Ключевые слова: жилищные права, жилищная политика, жилье.

SUMMARY

Omelchuk O.S. Some Aspects of Israel Housing Law and Governmental Housing Policy. – Article.

The article deals with the acquisition of housing rights in the State of Israel and with how to purchase them. It differentiates housing rights and the rights of tenure in Israel laws. It displaying legal ways to ensure the housing rights of the state in the context of the government's housing policy.

Keywords: housing rights, housing policy and housing