

Housing in East Jerusalem

2020 Review

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Report by : International Peace and Cooperation Center (IPCC)



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Abbreviations

ICBS	Israeli Central Bureau of Statistics
IPCC	International Peace and Cooperation Center
IJM	Israeli Jerusalem Municipality
PA	Palestinian Authority
PCBS	Palestinian Central Bureau of Statistics
PLO	Palestinian Liberation Organisation
UNFPA	United Nations Population Fund
OPTS	Occupied Palestinian Territories

INTRODUCTION

In any city, a dysfunctional housing sector drives poverty and homelessness. In East Jerusalem it deepens the antagonisms and desperation of residents living under occupation in a city divided by ethnic conflict. This review aims to explain the dysfunctions in both the planning and delivery components of East Jerusalem's housing supply as well as the demographic trends that are determining demand. In addition, it outlines potentials for future development.

Assessment of the housing sector in East Jerusalem is hindered by the absence of reliable data. The Jerusalem Statistical Yearbooks published by the Jerusalem Institute for Policy Research provide thorough information on the city overall but often do not distinguish between East and West Jerusalem. When particular information on East Jerusalem is available it typically has disproportionately low sample sizes that render any trends inconclusive. The majority of original data is collected by the Israeli Central Bureau of Statistics' (ICBS) which do not necessarily have the ability to access East Jerusalem's largely informal economy and housing sector. As such detailed, targeted, independent studies, beyond the scope of this review, are required to obtain a more

accurate picture of current trends. In addition, more rigorous methods of combining and assessing data from smaller studies and surveys need to be established. By culminating the information currently available, this review makes a first step towards a more focused monitoring of the housing sector from which further studies can be launched.

The review is divided into four sections: first state of affairs, the second section evaluates the housing stock and supply in terms of its location, affordability, legality, density and access to public services and infrastructure. The third section describes the Israeli planning system and restrictive policies. The fourth addressing the housing shortage combines demographic and housing indicators to estimate a present and future housing needs.





State of Affairs

STATE OF AFFAIRS

I.1 Deficiencies in Existing Stock

Rectifying East Jerusalem’s existing housing stock represents a challenge as building decent affordable housing for the future. The true scale of this task has been obscured by the absence and inaccuracy of official data, which has struggled to keep track of East Jerusalem’s informal neighbourhoods. These, by all accounts contain far larger populations than suggested by the official statistics.

East Jerusalem has undergone large population transitions since the 1980s. Attracted by lower property prices and restricted to build within the city, large numbers of Palestinian Jerusalemites migrated outside the Israeli defined Municipal borders to adjacent areas developed in the late 1980s and 1990s as a suburbs of East Jerusalem such as Ar-Ram, Al Eizariya, and Bir Nabala. This flow was reversed in 1996 following the enactment of “the Centre of Life policy”, whereby Palestinian’s were required to prove that

they lived within Municipal borders in order to maintain their permanent residency statuses. The return to the city hastened with the construction of the Separation Wall in 2002, which increased households’ fear of losing access to the city. (Map 1) The panicked return resulted in a swell of unpermitted house construction within the city from families in desperate need of an address to prove that their ‘Centre of Life’ was in Jerusalem. In response the Municipality stepped up efforts to restrict it, introducing stronger punitive measures and tighter controls on construction. This resulted in the average number of house demolitions per year tripling between “2003-2010” compared to the previous decade. The harsh application of punitive measures weren’t matched with any policies that alleviated the difficulties in obtaining construction permits so formal construction remained constant, (see Figure 1).

House Demolitions and Overcrowding

Proportion of households with more than 2 persons per room

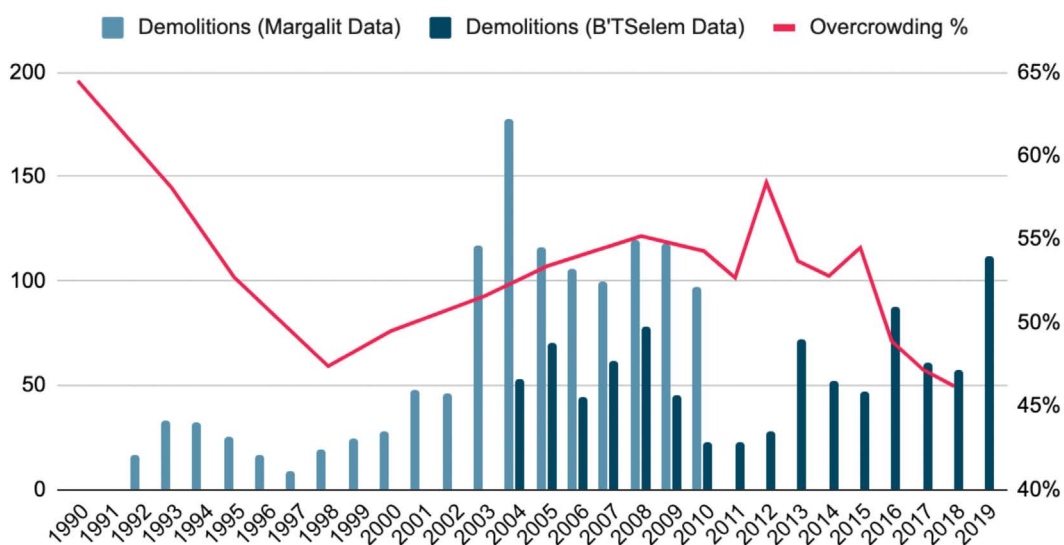
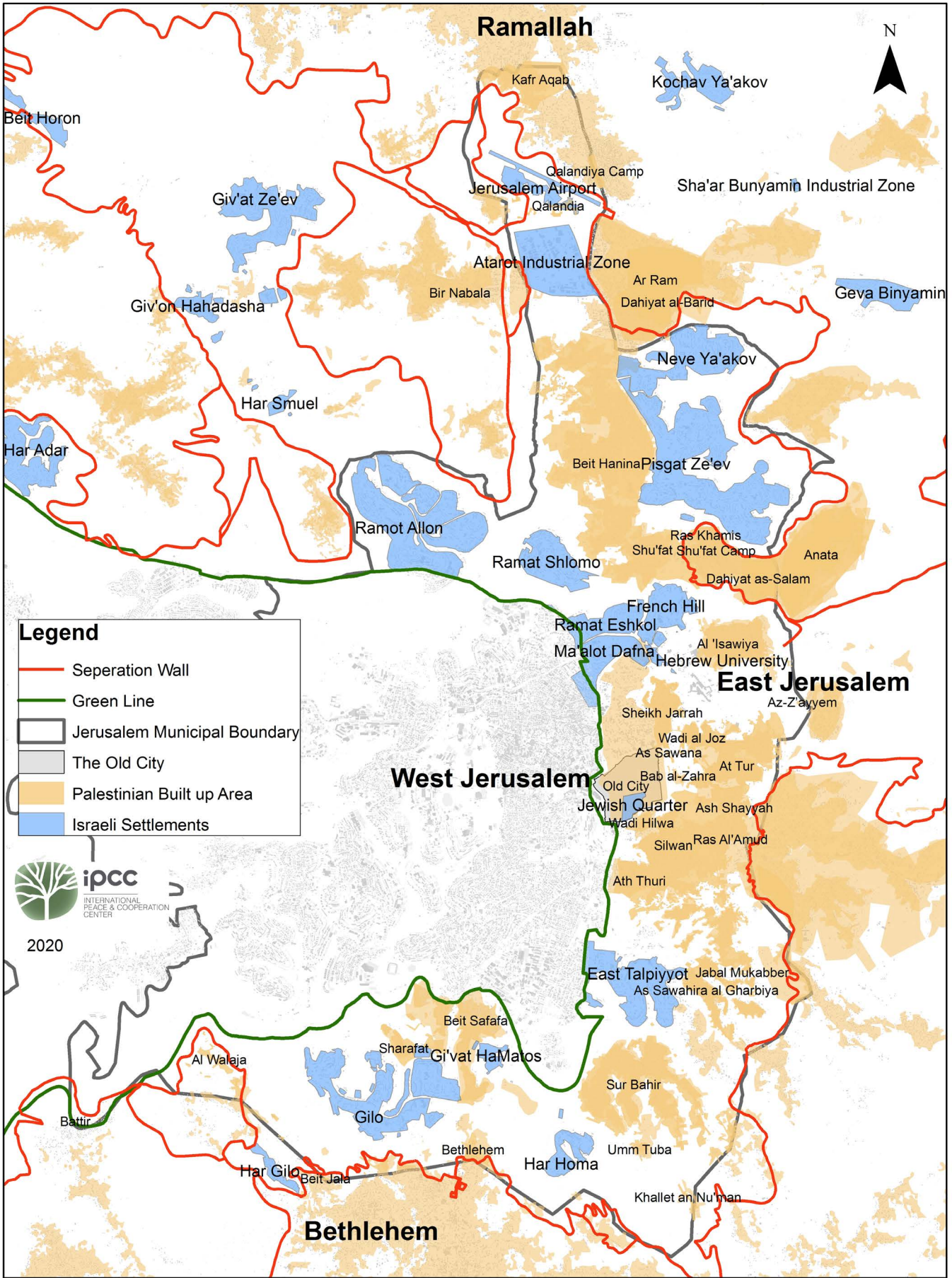


Figure 1: House Demolitions and Overcrowding

1 Margalit 2015, Demolishing Peace



Map 1 : East Jerusalem Neighbourhoods

1.2 Migration Beyond the Wall

After the construction of the Separation Wall in 2002 the Israeli Authorities² stopped enforcing planning regulations in areas on West Bank side, even if they were technically within the municipal boundaries. These areas include Kafr 'Aqab, Shu'fat Refugee Camp, Anata and Ras Khamis. They receive virtually no services from the Jerusalem Municipality, lacking basic sewage, parking and road infrastructure let alone public spaces and play areas.

The lack of enforcement and the ever-increasing demand for housing led to an inevitable surge in construction in these areas on a scale never seen before in the city. According to ICBS data, these neighbourhoods grew at an average rate of 10% per year between 2010-2017, nearly doubling in population from 30,746 to 59,840. This would suggest the percentage of Jerusalemite Palestinians living in neighbourhoods beyond the wall has been increasing at a rate of around 1% per year from 11.0% in 2010 to 17.9% in 2017. These growth rates are consistent with IPCC buildings survey. While population shift to such poorly serviced and vulnerable neighbourhoods makes the actual size of the population is likely to be double the official figures.

The informality of these neighbourhoods makes population estimates difficult. The last Israeli Census was in 2008 and like most of East Jerusalem the sample rates in these areas were low. Moreover, these neighbourhoods offer the opportunity for Jerusalem ID holders to live with family members from the remaining West Bank, and who are therefore not permitted to enter the city. A study by the Israeli Civil Administration (ICA), a year before the census, already estimated these areas to house 55,000 residents, which at ten percent annual growth would equate to a 2017 population of 142,700.³ This figure concurs with a 2017 estimate by Gihon Sewage and water Company in the Jerusalem, that Kafr 'Aqab and Shu'fat Refugee Camp areas each contained between 60-80 thousand inhabitants, so

a total population of 120-160,000.⁴ A 2018 study by the Israeli Ministry of Jerusalem and Heritage, points to the lower end of these estimates. It concluded that Kafr Aqab and Shu'fat Refugee Camp contained 12,300 and 11,250 inhabited housing units respectively, which would imply a total population of 122,460 assuming an average household size of 5.2.^{5,6}

These studies do not distinguish between residents with or without Jerusalem ID. The default assumption of the official data is that the additional 50-100,000 residents that various government studies have pointed to must be Palestinians without Jerusalem ID. There is strong evidence to suggest they are in fact mostly ID holders. Firstly, the number of Jerusalem ID holders registered with the Israeli Ministry of Interior is far higher than the CBS figures. In 2012, the registered number was 360,000, indicating a 64,000 gap with CBS figures. Assuming the same growth rates as the official data, by 2017 this would have totalled 415,000, an 81,000 difference with CBS data. Therefore, it is entirely feasible that the majority of the residents of these areas are Israeli ID holders.

A couple of Israeli studies have supported this. A Ministry of Interior study of Shu'fat Refugee Camp in 2017 found that third of the households included one or more members without Jerusalem ID. This would imply that only 33% of the population do not hold Israeli ID, however it is almost certainly lower as in most cases it is one partner who does not hold ID. In 2012, the Jerusalem Envelope Administration estimated the number of ID holders in these areas to be 60,000 which at 10% growth would equate to 96,631 by 2017, putting the proportion of ID holders at between 68-88% depending assuming totals of 110-160,000, (see Tables 1 and 2).

² Demolitions may be carried out by the Jerusalem Municipality or the Ministry of Interior

³ Jerusalem Statistical Yearbook 2018

⁴ Ibid

⁵ MoJH 2018

⁶ The study also found 3,048 vacant units in Kafr Aqab and 849 in Shu'fat Refugee Camp

Table 1 - Population Estimates for Areas Beyond the Wall 2017

All residents	Kafr Aqab area	Shu'fat Refugee Camp area	
		Refugee Camp area	Total
Gihon sewage and water Company	60-80,000	60-80,000	120-160,000
Ministry of Jerusalem and Heritage (2018) *	63960	51,131	110,389
Civil Administration (2007) *			142,656
Residents with Jerusalem ID			
Jerusalem Envelope Administration (2012) *	-	-	96,631
Israeli CBS Estimate	29,020	30,820	59,840
Municipality Data	23,580	-	-

* A 10% annual growth rate has been applied to estimates not from 2017. This reflects the average annual growth of CBS data for these areas between the years 2010-2017.

Table 2 - Total East Jerusalem Population Estimates 2017

Source	Notes	Population	Households
ICBS	Based on 2008 census	334,770	66,954
Ministry of Interior	Extrapolation of 2012 figure at 2.6% growth	415,300	-
IPCC	Adding ICBS data to estimates for areas beyond the wall	384,930	76,986



Separation wall around Shu'fat Refugee Camp (Tram depot to the left)

Ultimately, the distinction between those who do and don't hold East Jerusalem Israeli residency ID is meaningless from a planning perspective. Most non-East Jerusalem ID holders (mainly holding Palestinian West Bank ID) are family members and therefore should be considered as a permanent part of the total population of East Jerusalem. On 31st July 2003, Israel enacted the Nationality and Entry into Israel Law. This law prohibits family unification granting residency status to Palestinians from the 1967 Occupied Palestinian Territories (OPTs) who are married to Jerusalem ID

holder or Israeli citizens. The Law affects thousands of families, that's why areas cut from the city by the separation wall attracted families with some of its members holding Palestinian ID. Regardless of current status, these are families living in Jerusalem's Municipal boundary and must be considered de facto in the evaluation and provision of housing.

Adding these together it is reasonable to assume a total population of 380,930 of which approximately 111,000 (29%) were living in neighbourhoods behind the wall and cut off from municipal services.

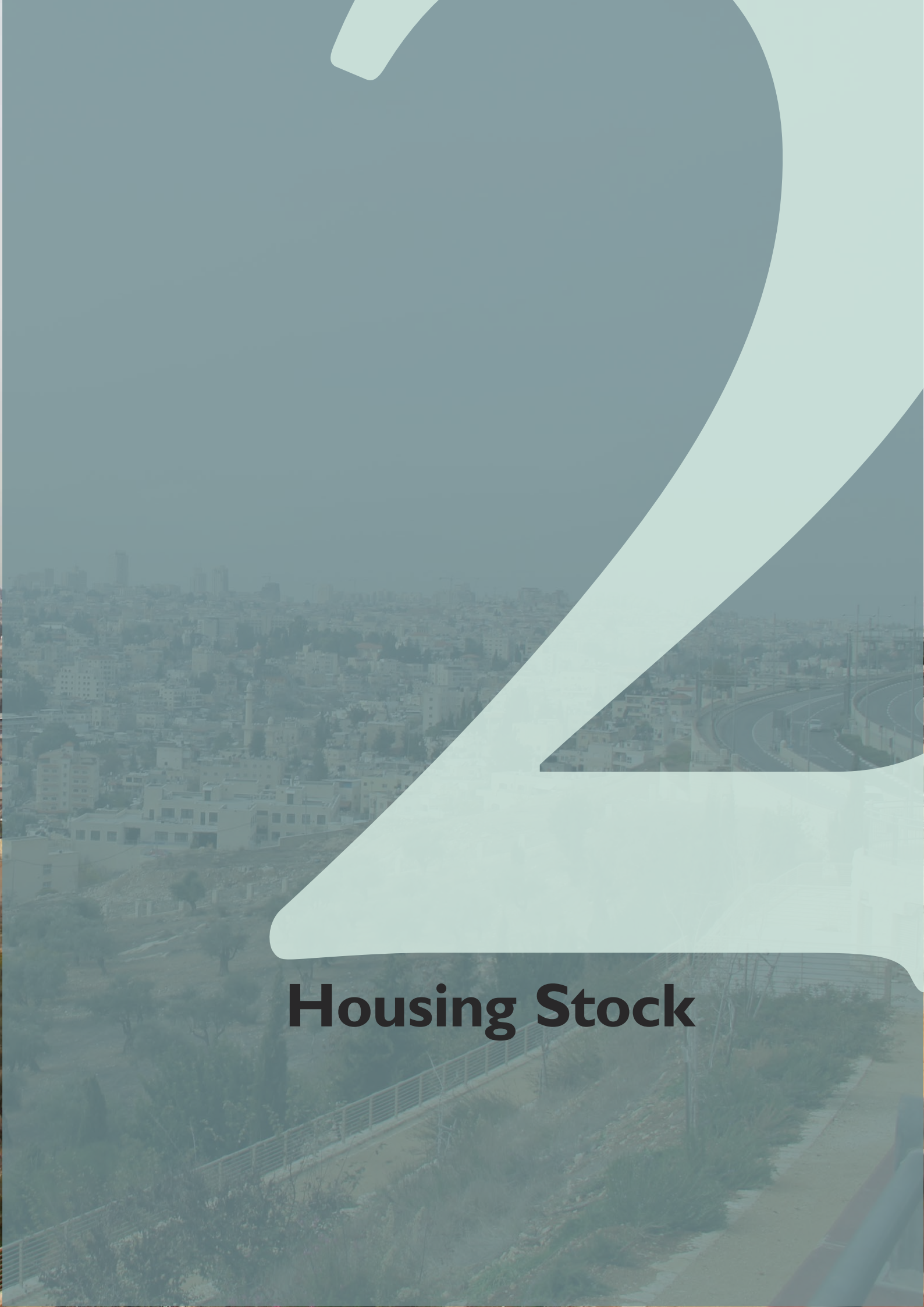


The continued expansion of neighbourhoods beyond the Wall is unstable. There is a possibility that the Israeli Government will relinquish Municipal control of these neighbourhoods which will put all inhabitants' residency permits at risk of revocation.

The news of one Kafr Aqab resident losing their residency status could trigger the temporary return of thousands of households to inside the Wall. The continued growth of these neighbourhoods locates an increasing number of residents in areas with little to no municipal services and no security against permit revocation.







Housing Stock

HOUSING STOCK

The official number of housing units in East Jerusalem in 2018 was 56,629. This data is derived from municipal tax ‘Arnona’ payments and as with the Census derived population data, under-represents neighborhoods behind the wall. When the 2018 Israeli Ministry of Jerusalem and Heritage study is included the total rises by 16,873 units to 73,502. This figure tallies with the 80,000 units predicted to have been realized by 2020 in the Jerusalem 2000 Master Plan.

Extent of Informality

Estimates of the proportion of unlicensed stock is typically around a third; however given the rapid growth in neighborhoods beyond the wall in recent years the real figure is almost certainly higher.

An approximate figure can be ascertained from analysis of building permit data dating back to 1967. A 2013 report by BIMKOM concluded around 4,300 building permits had been allocated in East Jerusalem since 1967, with an average allowance of four housing units. Adding to this recent Peace Now data would imply a total of 20,300 units permitted between “1967-2018”. Assuming a 1967 population of 68,600 and a household size of 6.5, suggests there were around 10,554 housing units in 1967, all of which will have received permits. This brings the total to 30,837 licensed units, which would imply that of the official total of 56,629 units, 25,700 are unlicensed (45%), and this grows to 42,600 unlicensed units using the more realistic total of 73,500 units, implying 58% of housing stock is informal, (see Table 3 and Map 2).

Table 3 - Total Licensed Housing Stock

	Units
Pre existing 1967	10,554
Permits granted	
1968-2012	17,200
2013-2018	3,083
Total	20,283
Total Licensed	30,837

Annual Housing Units

1990-2019

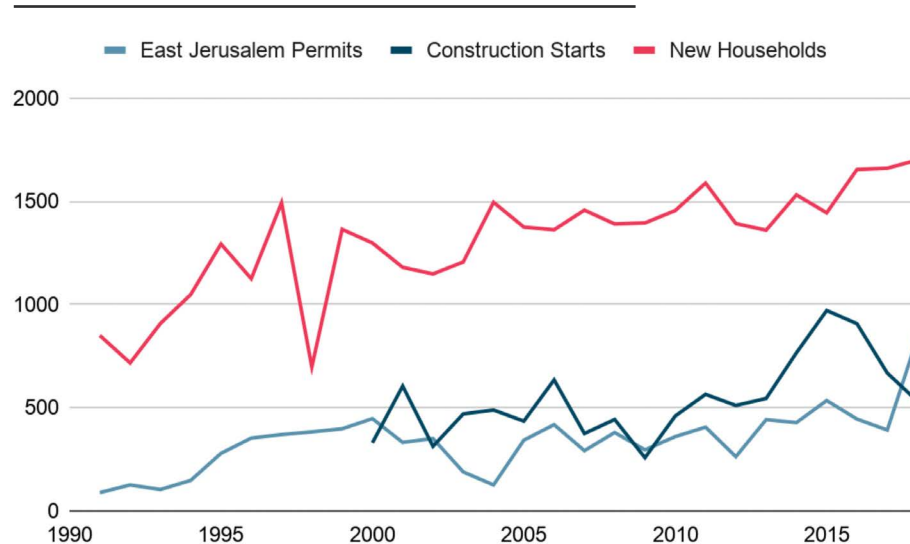
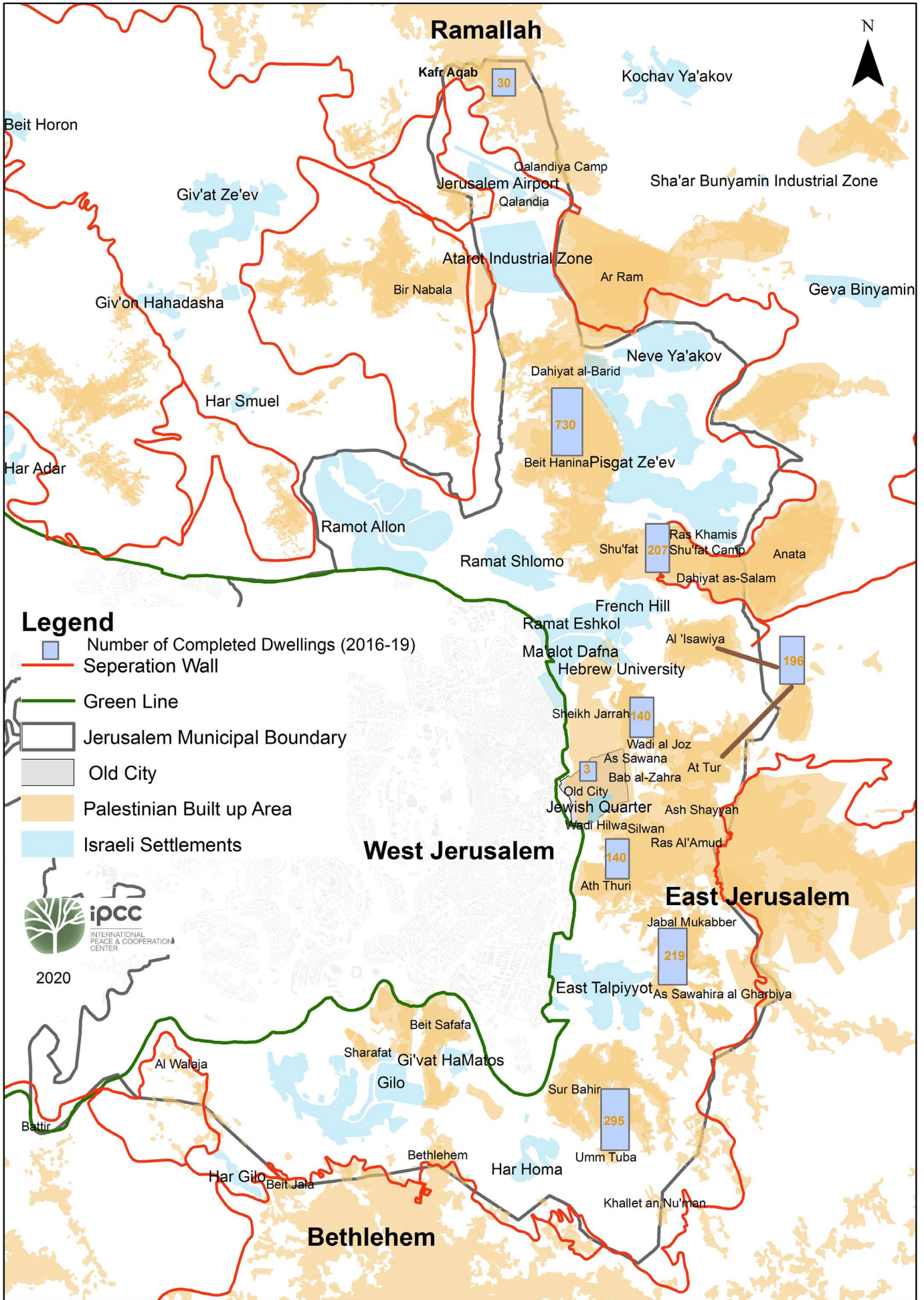


Figure 2: Permits, Construction start and New Households

Sources:

New households: Calculated based on JIIS Jerusalem Statistical Yearbooks 2004-2020, Tables III/1, III/9
 Construction Starts: JIIS Jerusalem Statistical Yearbooks 2004-2020, Table IX/7
 JerusalemPeaceNow 2018 - Obtained by a freedom of information request to the Jerusalem Municipality



Map 2 : Completed Dwellings in East Jerusalem (2016-2019)

2.1 Services and Infrastructure

East Jerusalem's public areas - roads, sidewalks, playgrounds and parks - are dilapidated and overburdened. Comparison between the public spaces and facilities of East and West Jerusalem neighborhoods highlights the extent of neglect. West Jerusalem has over 16 times the area of parkland per person, four times of sidewalks and three times of roads. Sanitation is not fit for purpose in many neighborhoods, with 90% of sewage pipes located in West Jerusalem.⁷ Open sewage pools are a problem in some neighborhoods and there have been outbreaks of sanitation associated diseases such as hepatitis.⁸ The severity of dilapidation varies somewhat across East Jerusalem; nonetheless, even the most affluent neighborhoods face considerable infrastructural deficiencies.

A 2010 survey by the Jerusalem Municipality, estimated that East Jerusalem needs NIS 1.9 billion (USD 531 million) to upgrade infrastructure to adequate levels.²³ It is likely that significantly more investment is required to match standards enjoyed in West Jerusalem. The cause of such disparities is both under investment and inadequate planning. Multiple studies of municipal spending have suggested that under the Israeli occupation Palestinian neighborhoods have received a maximum of 12% of the Municipality's budget.

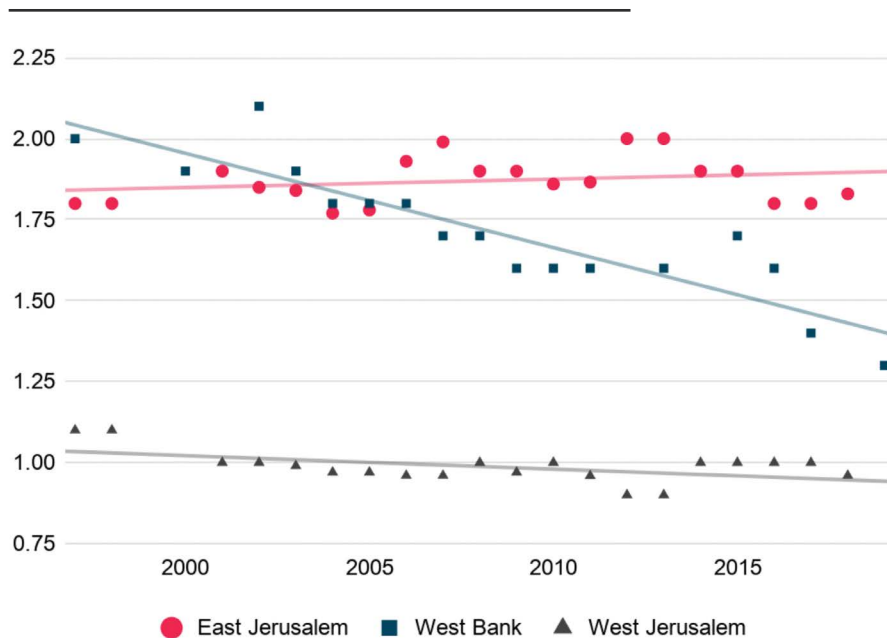
Infrastructure provision is dependent on adequate planning. While neighborhoods lack suitable master plans and the proportion of unpermitted housing increases, East Jerusalem's infrastructure will continue to degrade (see Map 3).

Btselem, Neglect of infrastructure and public services in East Jerusalem http://www.btselem.org/english/Jerusalem/Infrastructure_and_Services.asp

⁸ EWASH, Water and Sanitation in East Jerusalem

Living Density

Avg. Persons Per Room 1997-2019



Sources: East & West Jerusalem: Jerusalem Statistical Yearbook, years 2005, 2007, 2008, 2009, 2011, 2015, 2016, 2017. Tables VI/ 21-23 West Bank: PCBS, Percentage Distribution of Households in Palestine by Housing Density RL: http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/AN-Hous-2016-E-4.html

Figure 3: East Jerusalem Living Density comparison with West Bank and West Jerusalem (1997-2019)

Informal development tends to assign all land for private use, thereby reducing available space for public services and infrastructure and increasing the load on existing services. It is already a challenge to find suitable land for essential public facilities and the longer Palestinian areas remain unplanned, the harder it will be to rectify.

Neighborhoods behind the wall face the most challenging infrastructural problems. The Municipality effectively stopped providing services to these areas after the construction of the Separation Wall. At the same time, unlicensed building dramatically increased, placing further burden on what infrastructure there was. The worsening infrastructural situation in these neighborhoods, will disproportionately

ffect poorer households who are forced to live in these more affordable areas.

2.2 Dwelling Densities

The cost of housing has inevitably decreased dwelling space per capita. East Jerusalem's average room density in 2018 is 1.8 persons per room, higher than the Palestinian average, which average at 1.4 (1.3 in the West Bank and 1.6 in Gaza Strip)¹⁸ (see Figure 3). The difference is even starker in comparison to West Jerusalem where the average room density is almost half, 1.0 person per room (average in Israel 0.8).¹⁹

Living Density Distribution

Persons Per Room 1997-2019

Sources:

Jerusalem Statistical Yearbook, years 2005-2017.

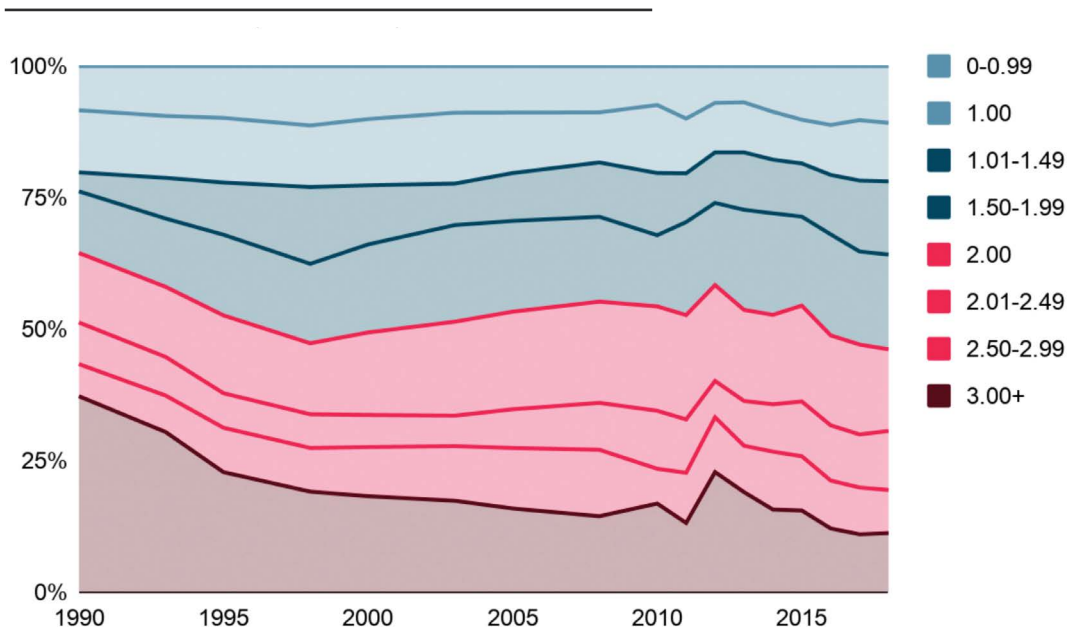
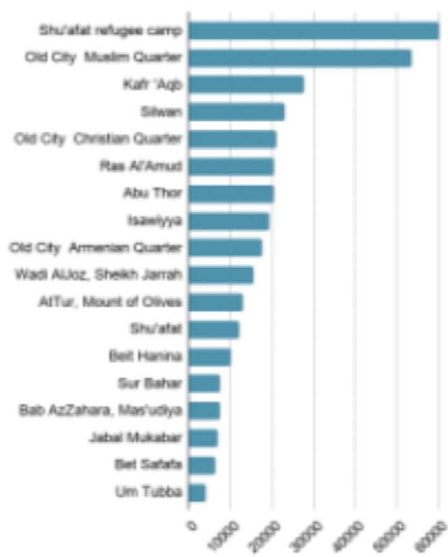


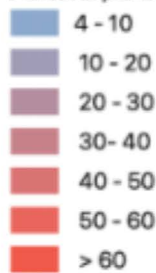
Figure 4 :
Palestinian Households in Jerusalem by Housing Density

Neighbourhood Densities

Persons per Sq Km



Persons per sq km (1000s)



Map 3 :
Neighbourhoods Density person
per Square km

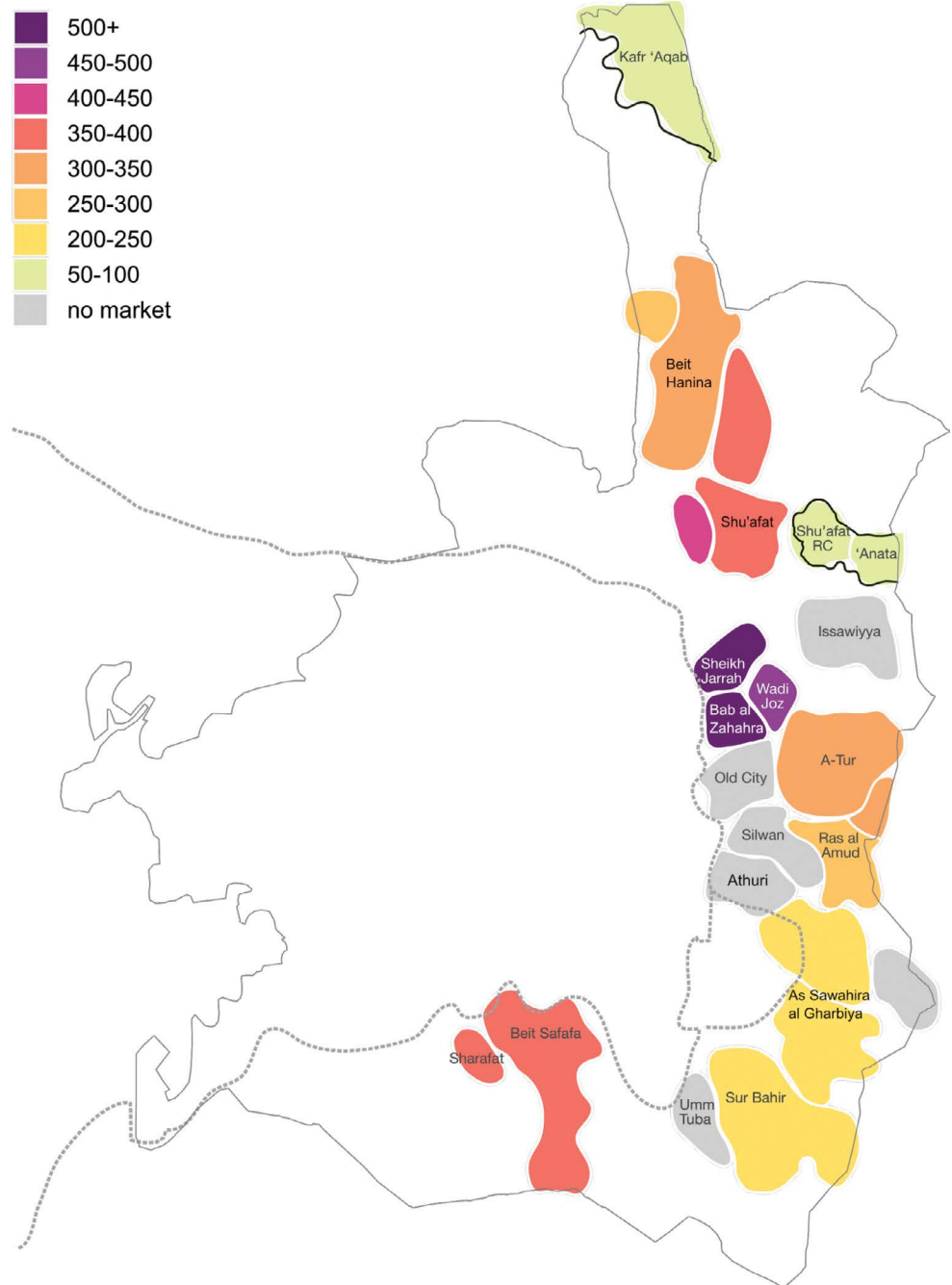
2.3 Affordability and housing precarity

By all measures East Jerusalem's house prices are unaffordable and helping to trap Jerusalemite families in cycles of poverty. Data from 2014 showed that East Jerusalem's average house price was over 14 times the average annual salary. House prices have risen in East Jerusalem in the context of a rapid house price growth throughout Israel between 2008-2018. Although East Jerusalem is intricately linked to the Israeli economy, it faces

its own distinct housing pressures. There is little reliable data on East Jerusalem's housing market and the high levels of informality make gathering data difficult.

Although prices are high compared to salaries there is large variation throughout the city. In the central neighborhoods, such as Sheikh Jarrah, and Wadi al Joz average prices range between USD 450-500 thousand, northern neighbourhoods such as Beit Hanina and Shu'fat range between USD 300-400 thousand and southern neighbourhoods such as Jabal Mukaber and Sur Bahir range between USD 200-

Map 4 :
Average House Prices 2020
\$ USD



Source: prices based on interviews with estate agents and property developers, August 2020

250 thousand. Beyond the wall, the average drops to between USD 50-100 thousand. Using the average neighborhood market prices with weighting by size of neighborhood implies an average cost \$325,000 for neighborhoods inside the wall in East Jerusalem, over 4 times that of housing beyond the wall, (see map 4) Such an extreme price difference makes moving from one side to the other a considerable challenge. Even the most affordable southern neighborhoods are still three times the cost beyond the wall. This implies that a young family living in Kafr

Aqab wanting to both move to licensed housing within Wall and add an additional room might be paying 4-5 times to live in even the cheapest neighborhoods. Such stepping up will require affordable loans.

2.4 Renters

Renters are generally the households most exposed to rising housing costs. Israel has a relatively unregulated rental market. The Fair Rental Law was only introduced in 2017 and regulates minor aspects of the private rental market, including setting minimal standards for a liveable apartment, establishing the maximum amount of the security bond, making brokerage fees the responsibility of the landlord, and obligating the landlord to repair any damages not caused by the occupants.⁹ However the law does not stipulate on the length of contract or on price increases, leaving the financially struggling households exposed to the market. The precarity of renters is evident in CBS data on housing expenditure. The bottom five income deciles all spend over 30% of disposable income on rent and other housing expenditures, with the bottom two deciles spending on average 62%, and 45%.¹⁰

Aside from the large subsidies given to promote settlement construction, Israeli government housing support has been largely on the supply side. Only 2% of Israel's population live in public-

ly funded social rental housing. Instead the Government provides needs tested housing support which averages between 500-1500 NIS per month depending on the number of children in the household. Housing expenditure figures for Israel would suggest this support is insufficient to make housing affordable as 55% of households in the bottom income decile are spending over 30% of their income on housing.¹¹ Among renters the situation is more acute with households in the bottom decile spending an average of 62% of their disposable income on rent. These figures relate to Israel however it is likely that the situation in among Palestinians in Jerusalem is even more extreme given that house prices in Jerusalem are higher than the Israeli average, and Palestinian salaries lower. The high cost of housing for the poorest households in the city is trapping families in poverty.

2.5 Land Confiscation and House Demolition

Despite the high value of property, a large proportion of homeowners are also living in precarious situations. The majority of housing in East Jerusalem is

- ⁹ Adva 2017 p24
- ¹⁰ Adva 2017 p12
- ¹¹ CBS. March 2017. Well-being, Sustainability, and National Resilience Indicators 2015



Home demolition
in Silwan 2020

12 Margalit, M 2015,
Demolishing Peace

13 Ibid

14 Bimkom 2019

15 UN 2015

16 PLO 2005

17 Ir Amim 2010

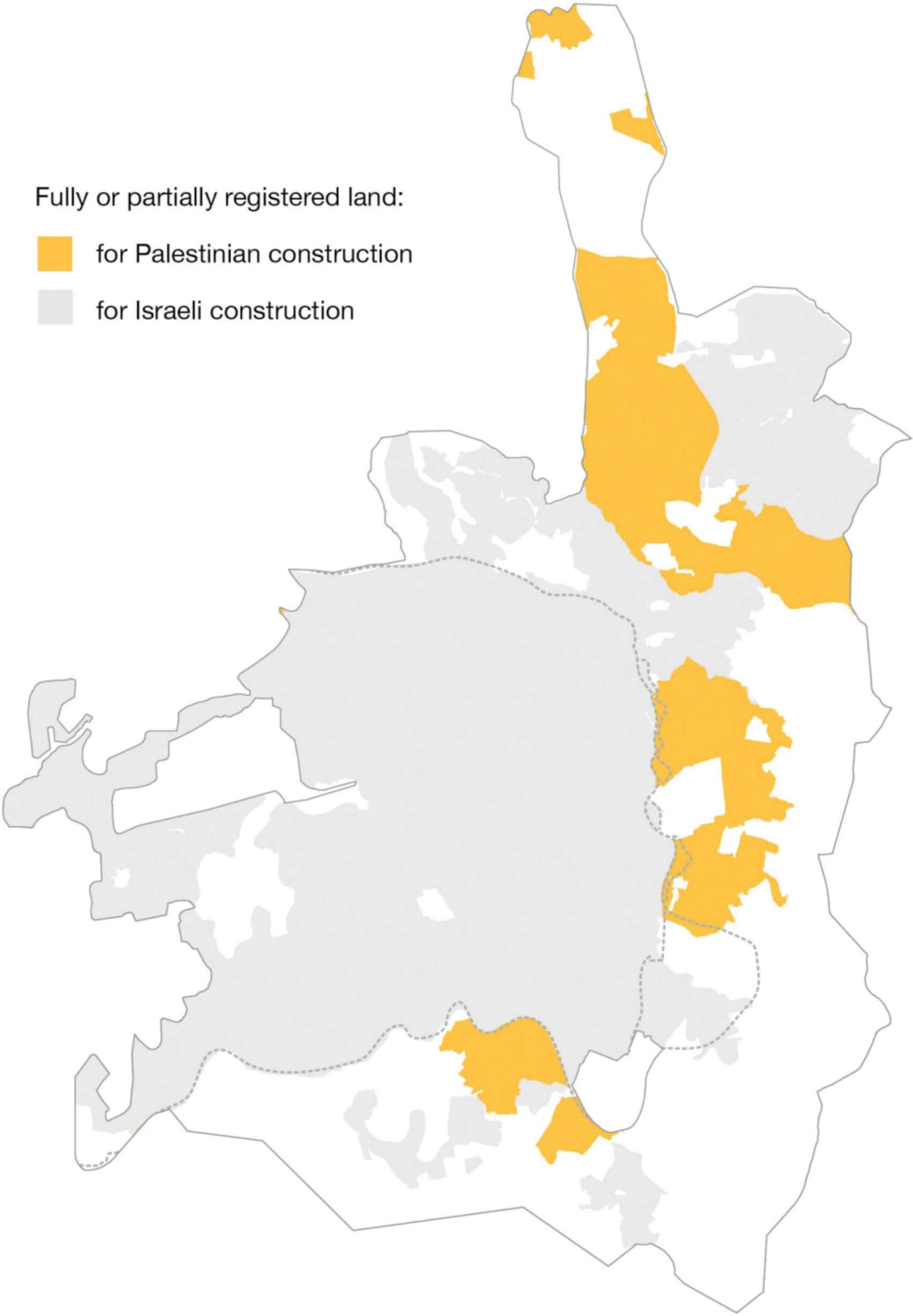
informal which brings several risks. Punitive measures against unpermitted construction are pursued with vigilance by the Municipality and Ministry of Interior in the form of fines, demolition and, in some cases, imprisonment. Enforcement is particularly focused in East Jerusalem neighborhoods within the Separation Wall. The severity of measures applied has increased in recent years. Since 2000, the Municipality has started levying repeated fines against households who have previously paid but not managed to legalize their property. Between 2000-2010 the municipality collected over NIS 220m in fines, of which 70% (154m) are estimated to be from Palestinians.¹² Approximately 100 demolitions are conducted each year either by the Municipality, Government or the owners themselves. This figure masks the true number of households facing demolition orders, which is thought to be in the region of 10,000.¹³ In rare cases courts have ordered imprisonment of homeowners, with standard terms of between 3-6 months. This is usually enacted when the homeowner cannot afford the fine, and therefore disproportionately affects poorer households. The penalties facing Palestinians were harshened in

2017 with Amendment 116 to the Planning and Building Law.¹⁴

Another precarity facing many homeowners in East Jerusalem is ownership with anyone deemed to be an 'absentee landlord' by the Israeli authorities, whose share of the ownership may be transferred to the state under the Absentee Property Law. The interpretation and application of the Absentee Property Law has varied considerably since 1967. The latest 2015 ruling by the Israeli Supreme Court upholds the interpretation of Israel's right wing parties that all Palestinians now living in the West Bank are 'absentees' and their land can be confiscated without compensation.¹⁵ The principal application of this has been for settlement construction for example in 1991 when land was confiscated from residents of Beit Sahour for the settlement of Har Homa.¹⁶ However, a more common application and threat to homeowners is the revealing of 'absentee' owners when opening a file in the Israeli Lands Registry.¹⁷ Similarly 'absentee' owners have been revealed by Settler organizations who actively seek opportunities to transfer land ownership.



2.6 Land Registration



Areas of fully or partially registered land within Jerusalem’s Municipal boundary. While nearly all of West Jerusalem and Israeli Settlement areas have registered parcels, large areas of Palestinian neighbourhoods have no form of land registration.

¹⁸ PCBS: Sustainable Housing Development in Palestine 2007, 2017. August 2020

¹⁹ Jerusalem Yearbook 2020

²⁰ PLO 2005

²¹ Ibid

²² Calculated from PeaceNow Micro Settlement Data - online map: <https://peacenow.org.il/maps/peacenow-desktop/index.html>

²³ Jerusalem Yearbook 2018

The amount of land under the threat to be claimed by ‘absentees’ is unknown but thought to be considerable. The PLO estimate that more than half of developable land is threatened by ‘absentees.’¹⁸ Micro settlements are primarily concentrated in the central neighborhoods such as Silwan, the Old City and Sheikh Jarrah but have been expanding to other less central neighborhoods in recent years. Moreover, the establishment of a micro settlement and its related 24-hours security apparatus has a detrimental impact on values of neighboring properties and the safety of residents and therefore represents a wider indirect threat to Palestinian households beyond those that have lost their property. The NIS 2 billion East Jerusalem investment bill passed in 2017 (Government Decision No. 2684) has renewed concerns about the revelation of ‘absentee’ law. Widespread land

registration throughout East Jerusalem is proposed as part of the law although the details of how this will be conducted are still unknown. The threat of confiscation combined with the phenomenon of Micro Settlements represents a broad existential risk faced by a large proportion of Palestinian homeowners in East Jerusalem, (see Table 4).

The policies imposed by the Israeli authorities create widespread housing precarity for all forms of tenure. Although high house prices should benefit homeowners, there are few beneficiaries under the present system. Although renters in the private market are typically the most vulnerable group many homeowners are also at risk of destitution facing the threat of demolition of their home as well as the ongoing legal fees and municipal fines.

Table 4 - Summary of Housing Precarities

Type	Risk	Scale
Unlicensed ownership	Recurring fines highly likely, demolition possible	20,000 households - only applicable to properties within the Wall ¹⁹
Unregistered ownership	High taxes on undeclared deals In the last 53 years of occupation.	92% of land ²⁰
Threat Absentee Ownership	Partial or entire confiscation of property	6% of land and ~50% of developable area ²¹
Ownership of home in Settler targeted areas	Political risk, changing the Palestinian character of the city Security risk, loss or devaluation of property	~100 buildings ²²
Living beyond the wall	Slum conditions, residency permits insecure	25,000-30,000 households ²³
Private Rental	Paying unaffordable rates (above 30% of income)	No data





Planning System

PLANNING SYSTEM

The principle impediment to house construction in East Jerusalem is the difficulty faced in obtaining building permits. According to the Israeli Planning and Building Law 1965 a building permit is required for any construction within the municipal borders of Jerusalem. Permits are granted by the Jerusalem Local Planning and Construction Committee subject to compliance with the requirements of a myriad of municipal and government agencies. PeaceNow's study of all permits approved in Jerusalem between "1991-2018" found that only 9,536 housing units had been approved in Palestinian neighbourhoods.²⁴ This represents just 16.5% of all the housing units permitted in this period demonstrates the degree to which these obstacles exclusively affect Palestinian neighbourhoods. This section will explore the major obstacles faced by Palestinians in obtaining permits under the current system.

3.1 Background

The greatest obstacle to obtaining permits in East Jerusalem is the planning

system. Land-use is determined by a hierarchy of plans ranging from the scale of the site to the "national" level.

Despite being government led, the system was notoriously slow taking upwards of ten years to approve a plan.

Legislatively the principle barrier to housing in East Jerusalem has always been inadequate outline plans at the neighbourhood level. The neighbourhood Outline Plans provide land-use guidance including specific types and densities of residential development, the road network and areas for public facilities. It wasn't until 1983 that the first plans were developed for East Jerusalem.²⁵ These were characterised by highly restrictive rural development rights and bearing little resemblance to the reality on the ground. Vast areas were designated as 'green' space, often this included existing buildings. Where development had been allocated it was at low densities sometimes lower than what already existed. Little attention was paid to existing road networks and new roads were planned through existing built-up areas. The imposition of these plans, which in some neighbourhoods remain as statutory documents, created an

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Jerusalem Municipal Data Reveals Stark Israeli-Palestinian Discrepancy in Construction Permits in Jerusalem, PeaceNow 2019 <https://peacenow.org.il/en/jerusalem-municipal-data-reveals-stark-israeli-palestinian-discrepancy-in-construction-permits-in-jerusalem>

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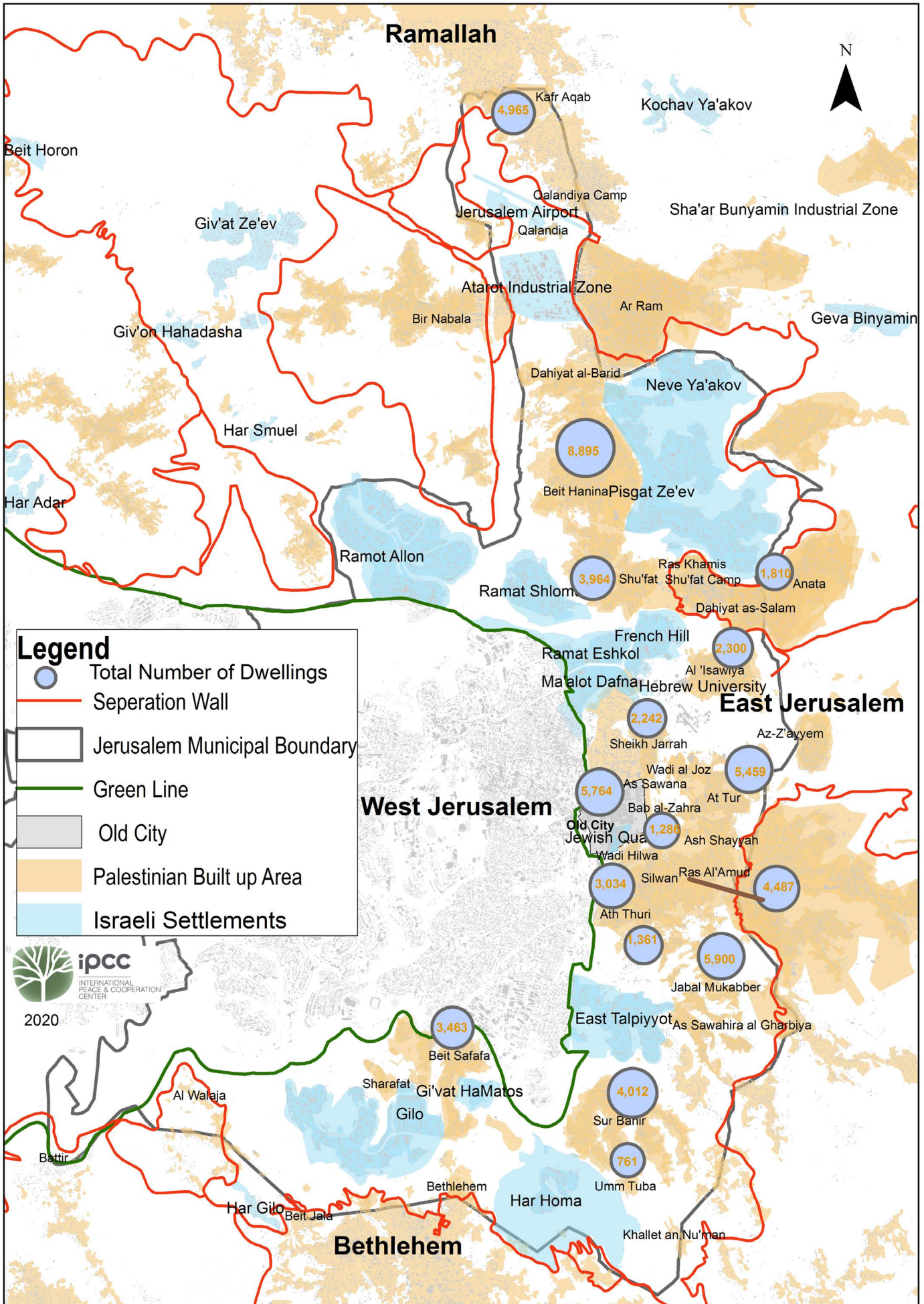
impossible development scenario, legislating for near zero or even negative new development opportunities.

Despite reforms, the Israeli planning system is still largely centralised with government ministries able to exert considerable control over the production and implementation of master plans. Decision making throughout the country is dominated by six District Planning and Building Committees which are predominantly composed of representatives from government ministries. This has allowed politicians at the national level who are ideologically opposed to Palestinian development to derail planning efforts. For example, the Jerusalem 2000 plan, has never been ratified and remains a guiding document owing to the intervention of the then Interior Minister, in 2009, who objected to the plan granting, what he considered, excessive development rights for Palestinians. The case highlights the overtly national agenda guiding the planning system and that any significant increase in Palestinian development rights will require support at the government level.

The Jerusalem 2000 Plan remains selectively as guiding document for planning in East Jerusalem. As its deposition was frozen in 2009 it is not a statutory document. Table 5 shows that the plan allocated 16,505 units by 2020 in the neighbourhoods of Beit Hanina and Shu'fat of which only 20% were realised until now. Similarly, around 5,200 new units were allocated for Al 'Isawiya, of which just 305 have been built; a realisation rate of just 6%. Realisation rates are higher in the southern neighbourhoods; Jabal Mukkaber 38% of the 7,282 units allocated, similarly for Silwan and Ath Thuri 39% of the 7,500 units have been realised. With the exception of At Tur and the Old City, all neighbourhoods within the wall have been developed at much lower rates than planned. The shortfall has been accommodated by neighbourhoods beyond the Wall which now stand at 2.6 times the maximum capacity allocated within the plan. Such deviations can only be interpreted as a policy failure. Map 5 shows the official number of dwellings in each neighbourhood in East Jerusalem by end of 2019.

Table 5 - Jerusalem 2000 Plan Estimated vs Realised Units

	JERUSALEM 2000 PLAN			Reality Realised (2019)	Difference between planned and reality
	Existing (early 2000s)	Nominal Capacity	Estimate Realised		
Kafr Aqab, Atarot	1,727	4,992	4,468	13,284	8,816
Beit Hanina, Shu'fat	9,419	25,926	22,182	12,859	-9,323
Shu'fat Refugee Camp, New Anata	1,500	4,825	4,825	12,150	7,325
Al 'Isawiya	1,995	7,212	6,294	2,300	-3,994
Wadi al - Joz	2,375	4,581	4,227	3,528	-699
At Tur, Mt of Olives	3,151	3,645	3,481	5,459	1,978
The Old City	5,122	4,530	4,530	6,402	1,872
Silwan, Ath Thuri, Ras Al Amud	5,961	13,484	12,681	8,882	-3,799
Jabal al Mukkaber, As Sawahira	3,150	10,432	8,501	5,900	-2,601
Sur Bahir, Um Tuba	1,889	6,430	5,424	4,773	-651
Beit Safafa, Walajeh	1,937	8,492	4,285	3,463	-822



Map 5 - Official number of Dwellings in East Jerusalem Palestinian Neighbourhoods 2019

26 Ir Amim 2015

27 Bimkom 2014

28 UN-Habitat 2017

29 Bimkom 2017

30 Ibid

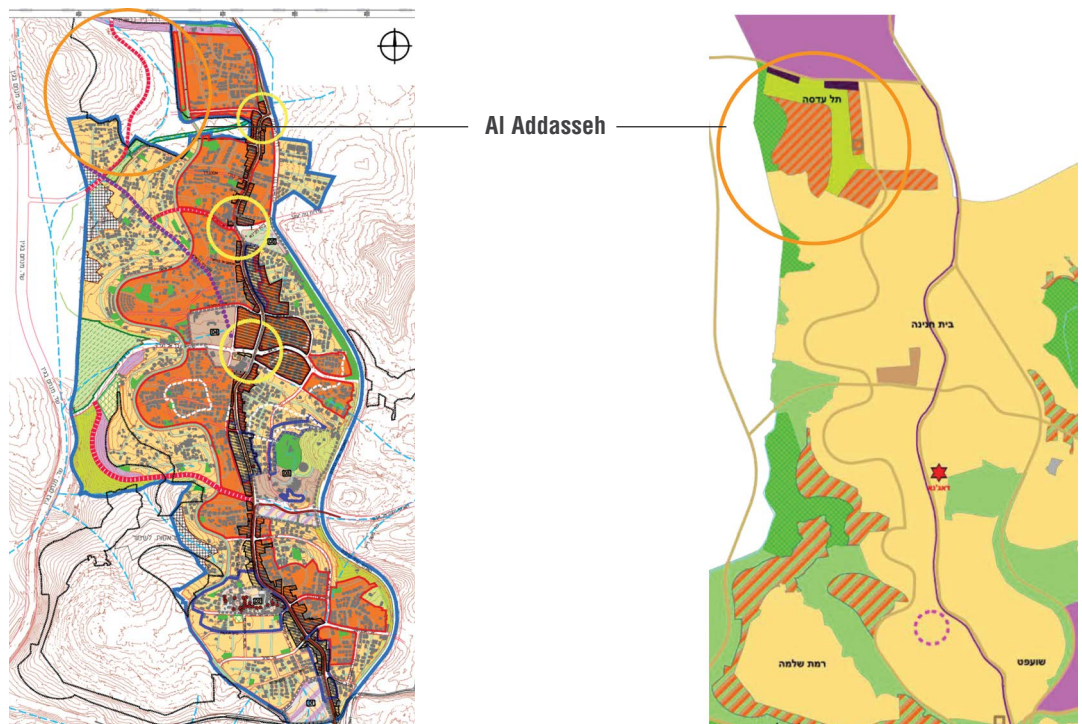
BIMKOM & ACRI, 2013, Petition to the Jerusalem Administrative Court <https://law.acri.org.il/en/2013/10/01/je->

3.2 Neighbourhood Outline Plans

The Jerusalem 2000 Plan provided several expansion areas in East Jerusalem for the development of new Palestinian neighbourhoods. However, it preconditioned the development of these areas on the formulation of neighbourhood level plans for these areas.²⁶ Large number of community led plans have been developed since end of 2000's, none of those plans were approved by the Israeli planning authorities. A vast amount of work has gone into attempting to prepare neighbourhood detailed Outline Plans that comply with Israeli planning codes. A plan for the northern Beit Hanina neighbourhood of Al Addasseh was initiated in 2003, Deir Alamud and Almintar in Sur Bahir in 2003, Khilet al-Ein in At Tur in 2005. Plans were also developed for Al 'Isawiya, Ath Thuri, Silwan among others. These efforts involved hundreds of community members, and millions of dollars spent on engineers and surveyors, often at the community's expense and the international community. In some cases, these plans were allocating over 50% of the land for public use.²⁷ Reaching agreements for such large transfers to public use among dozens of landowners is a notoriously difficult process. In almost all cases the plans were developed

in close coordination with the Jerusalem Municipality, but all were ultimately blocked at the District Committee level.²⁸ Collectively these plans contained development potential for thousands of new units through expansion and densification in addition to providing a legal basis for the formalisation of thousands of unlicensed units. One of the challenges in getting plans approved for Palestinian areas in East Jerusalem has been persistent obstruction by right-wing groups within the Municipality.²⁹ In response, the planning system has relied on non-statutory plans to guide decision making; neither the Jerusalem 2000 Plan nor many of the pertinent Outline Plans being used today have been approved as statutory documents. Following objections from the Interior Minister the deposition of the Jerusalem 2000 Plan was frozen in 2009 and has since been used as a 'policy document'.³⁰ This practice allows decision makers to circumvent requirements of statutory master plans, such as public consultations. This practice is also used for neighbourhood level outline plans. For example, planning committees are using the General Outline Plan for Beit Hanina (figure 5) as a policy document despite lacking statutory status or having public consultation.

Figure 5: General Outline Plan for Beit Hanina - Shu'fat (plan 101-0219540- left) expansion areas as designated in the Masterplan 2020 (to the north west of Beit Hanina) was excluded.



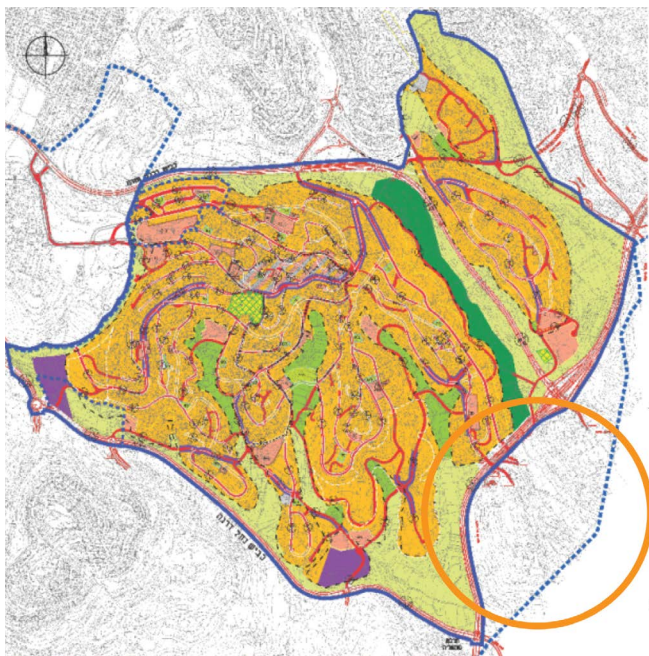
In this case, the residential expansion area of approximately 2500 housing units allocated to north Beit Hanina in the Jerusalem 2000 Plan has been removed. In a 2010 report the State Comptroller describes the use of non-statutory master plans as follows:

Promoting local outline planning in this manner enables the establishment of a local outline framework without dealing with objections from landowners, being exposed to lawsuits demanding compensation for those harmed, requiring the authorities to act towards building infrastructure and to carry out mandatory regulations, and at times even without having to receive authorization from different government authorities.

The use of non-statutory planning at both the city and neighbourhood level, and the failure to approve many of the community initiatives has effectively denied Palestinians development and expanding new areas, another example similar to the Beit Hanina is Sur Baher (See Figures 7 and 8).



Figure 6:
IPCC detailed Plan for Addasseh area in Beit Hanina (IPCC detailed Plan for Addasseh area in Beit Hanina) was excluded.



Deir Alamud and Almint ar

Figure 7: Sur Bahir General General Outline Plan for Sur Baher (plan 101-0124412) expansion areas as designated in the Masterplan 2020 (to the east of Sur Baher) was excluded.

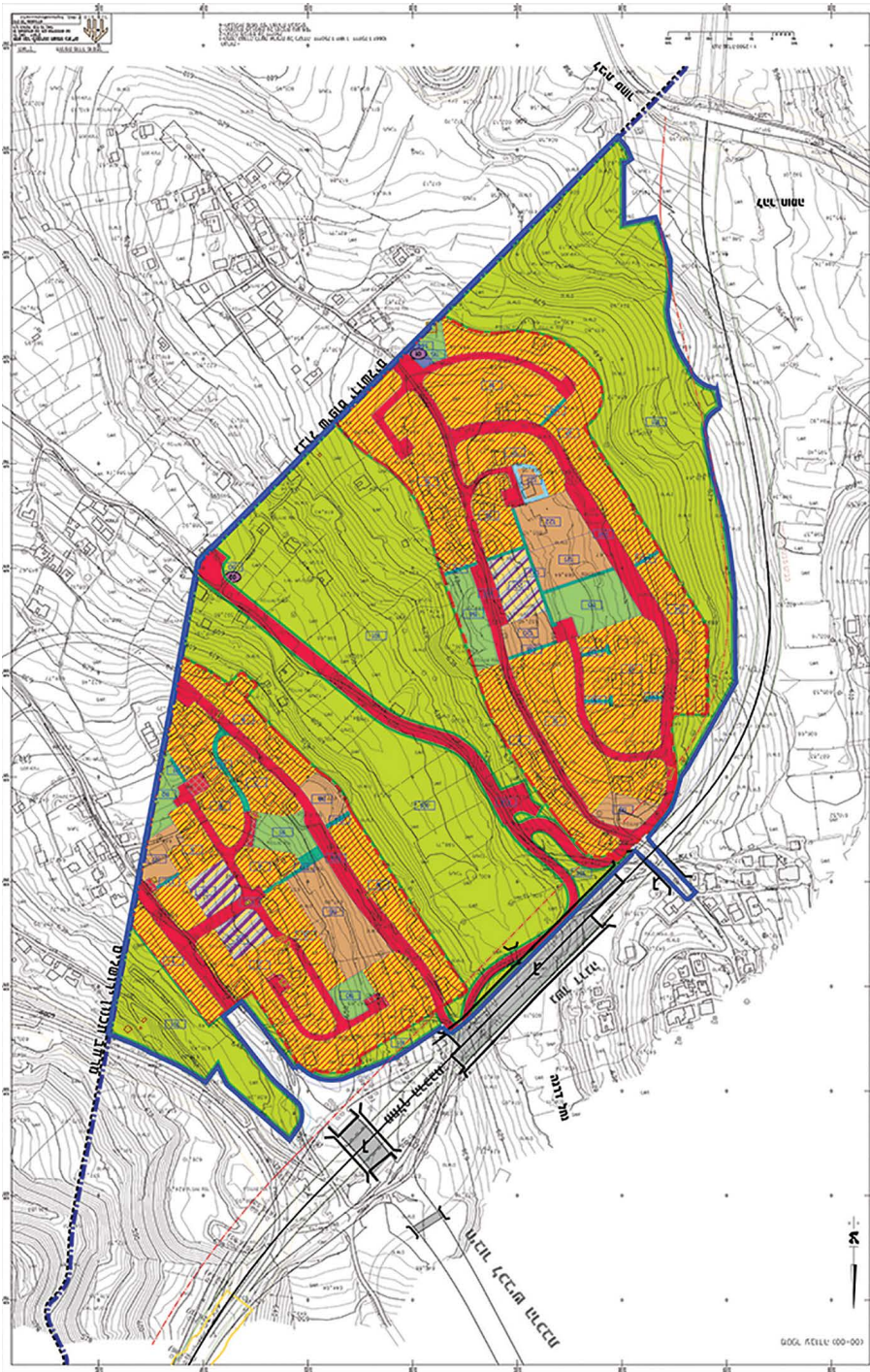
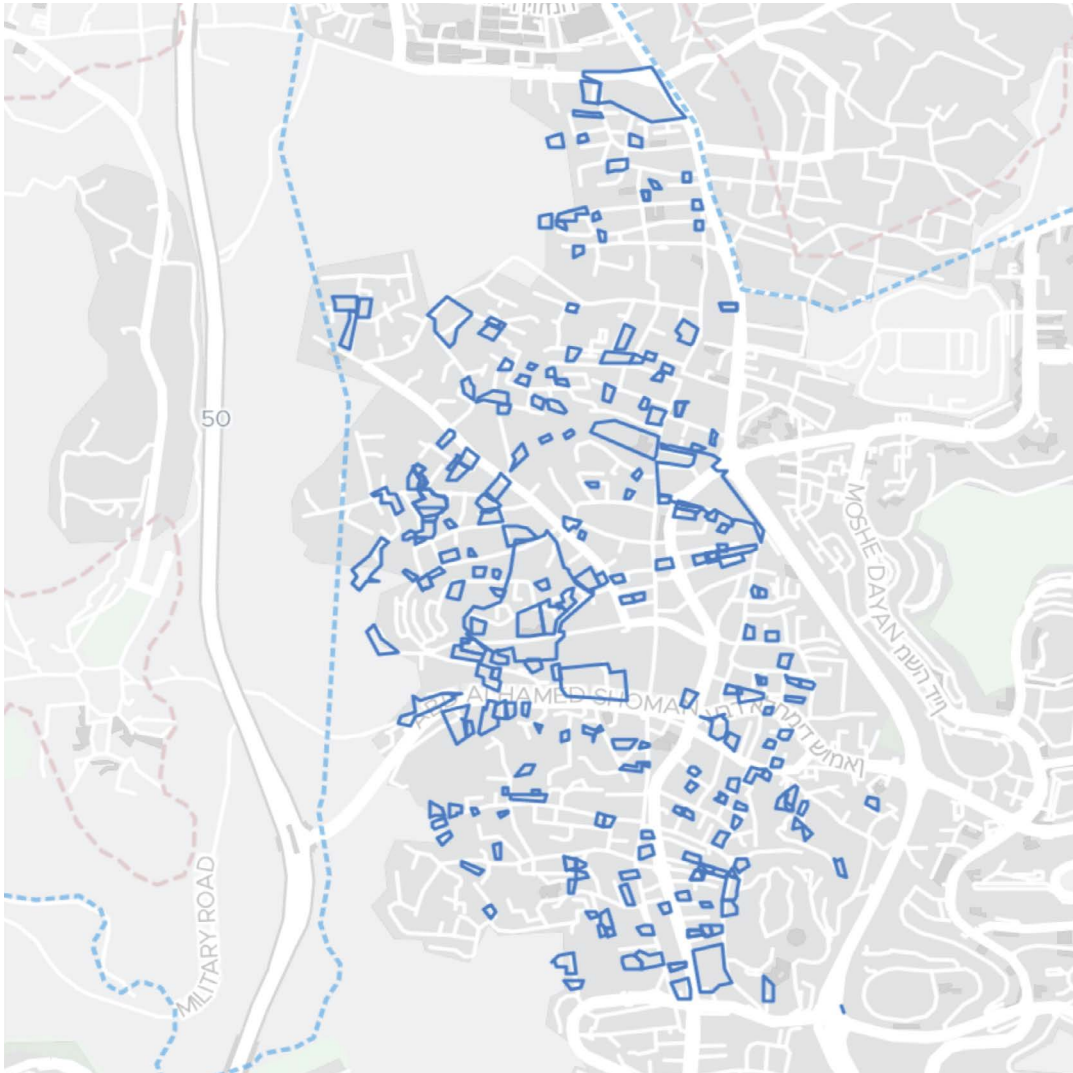


Figure 8:
IPCC detailed plan for Deir Alamud and Almintar in Sur Baher

Small planning schemes both submitted and approved in East Jerusalem increased in the latest ten years. In Beit Hanina the number of approved schemes increases from 44 between “2010-2014” to 127 between “2015-2019”. Despite the increase in the number of approved schemes due to a decrease in the average size of each plan submitted, the overall area approved decreased between the two periods from 580 to 400 dunum which would indicate little change in the total number of housing units approved.³¹ See Figure 9 and map 6.



Map 6 : Beit Hanina Approved Spot Plans 2015-2019

Number of Approved Planning Proposals

Beit Hanina 1975-2019

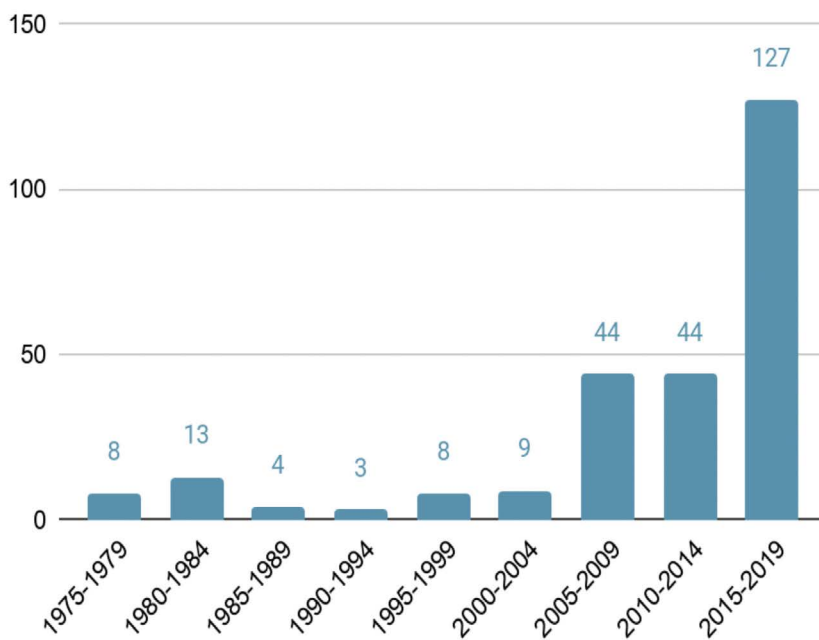


Figure 9: Number of Approved Planning Proposals for Beit Hanina

Source:

IPCC analysis of data collected from the Mavat system

[31rusalem-2000-petition/](#)

There is insufficient data published in the Mavat system to properly compare the two periods as additional housing units allocated within a plan

Small planning schemes both submitted and approved in East Jerusalem increased in the latest ten years. In Beit Hanina the number of approved schemes increases from 44 between “2010-2014” to 127 between “2015-2019”. Despite the increase in the number of approved schemes due to a decrease in the average size of each plan submitted, the overall area approved decreased between the two periods from 580 to 400 dunum which would indicate little change in the total number of housing units approved.³¹ See Figure 9 and map 6.

3.3 Restrictive Densification Policies

The vast majority of development allocated in the Jerusalem 2000 Plan is supposed to be realised through densification of the existing built area; either through infill of undeveloped sites or through vertical or horizontal extension of existing buildings. Restrictions on how this can be achieved have both limited the densification of neighbourhoods to well below their allocated capacities and inhibited attempts to formalise unlicensed structures. Policies such as minimum parking requirements, minimum plot sizes and road widths for buildings over six stories are unimplementable in East Jerusalem’s

Table 6: Restrictions limiting densification in East Jerusalem areas

Restriction	Document	Notes
A maximum of two stories can be added to an existing structure. Original structure should be rebuilt if more required.	Jerusalem 2000 Plan	Limits vertical densification of existing neighbourhoods and formalisation of existing extensions. Many structures can withstand greater loads and ignores alternative reinforcement options.
A minimum plot size of 10 dunum is required for buildings of six stories or more.	Jerusalem 2000 Plan	Plot sizes in East Jerusalem are typically much smaller than this.
A minimum road width of 20m is required for buildings of six stories or more.	Jerusalem 2000 Plan	Most existing roads in East Jerusalem are narrower and informal. Limited statutory planned roads implemented. Most of developed roads serve settlements connection parallel to the Palestinian road system.
A minimum of one car parking bay per unit.	Plan #5166 (Jerusalem Parking Standards)	Prohibits formalisation in existing neighbourhoods where there is insufficient space for parking and adds unnecessary cost to new construction. Many European cities have removed minimum parking standards to mitigate car dependency.
Plots must be adjacent to a statutory road.	Planning and Building Law	The road schemes developed in the early neighbourhood outline plans didn’t reflect the reality on the ground and were never implemented meaning many existing roads are not statutory.

dense urban fabric, (see Table 6). Alternative solutions and special regulations are required as they are for the historic cores of cities internationally. Extension of policies such as Amendment 104 which permits deviations of up to 30% of development rights for Arab localities in Israel would help to formalise large part of the city. However, if the realisation rates of the Jerusalem 2000 Plan are to

be achieved bespoke policies for East Jerusalem will be required that alleviate the more onerous planning restrictions.

The hindrances to housing development in East Jerusalem exist at every stage of the process, from obtaining building permits to house construction. Together the laws, planning regulations and Municipal policies, restrict Palestinian construction in East Jerusalem to



Addressing the housing Shortage



ADDRESSING THE HOUSING SHORTAGE

4.1 Housing Need

Obtaining an accurate picture of East Jerusalem's housing need is difficult due to the high degree of informality and lack of accurate data. Vacancy rates are one of the most sensitive indicators of a housing shortage. An ideal vacancy rate for East Jerusalem would be 4% assuming a rental rate of 45% and ideal rates of 1.5% for owned dwellings and 7.0% for rented. A rate reduction to 1%, would indicate a shortage of around 2,000 units. Aside from the lack of accurate data the problem with vacancy rates is that they don't account for the suitability of housing. Studies suggest there may be up to 4,000 vacant units in neighbourhoods behind the wall but these are of little value to families who don't want to live in these areas. Moreover, it is not clear whether these vacant units are available on the market - as families may purchase a house in Kafr Aqab as proof of residency, while living elsewhere.

An approximate idea of the current level of housing shortage can be determined by comparison of household sizes. Household sizes are influenced by a range of factors including family size, societal acceptance of multigenerational living, and the availability and affordability of suitable housing. Disparity in household size between culturally similar populations can be attributed to factors of housing demand. Palestinian household sizes have fallen across the West Bank and Israel, but in East Jerusalem household sizes are being artificially raised against trends in cultural norms. CBS figures suggest that in 2018 there were an average of 5.3 persons per household in East Jerusalem, considerably higher than the 2019 West Bank average (4.6), the average for Arabs in Israel (4.5) and the average for urban localities in Ramallah (4.4).

Comparison with other Palestinian areas indicates the natural household size of East Jerusalem to be between 4.5-4.9. Within Palestine, there is a strong correlation between household size and age distribution of the population; this can be seen by plotting household size against youth dependency (Figure 10). East Jerusalem is a clear outlier; based on its youth dependency rate a household size of 4.75 would be expected, around 10% lower than the 2018 CBS estimate of 5.29.

A further comparison can be made to the West Bank which has near identical age distribution to East Jerusalem (Figure 11), 47.6% and 47.3% youth dependency rates respectively, but a 13% lower household size. Analysis of household size distribution shows that major difference between the two contexts is in households of seven or more persons which constitute 26.9% of households in East Jerusalem and only 17.6% in the West Bank. In 1997, this proportion was 40.7% in the West Bank meaning large households have more than halved, whereas in East Jerusalem the proportion has only reduced by only a quarter. The large reduction experienced in the West Bank reflects changing living arrangements of Palestinian families in this time, a change that has been constrained in East Jerusalem by the extreme housing shortage.

In estimating the extent of the current shortage, it should be noted that East Jerusalem's actual household size may vary from the CBS figure. Since 1990 it has fluctuated between 5.1 and 5.8 without an obvious trend suggesting a high margin of error. A range of 5.1-5.5, would equate to between 70,200 - 75,00 households, from a total population of 386,200. Whereas a natural range of 4.9-4.5 would indicate a current requirement for 78,800 - 85,800 housing units and therefore a shortage of up to 15,600 units, (See Table 7, Figure 12).

Regional Household Sizes

Size vs Youth Dependency (under 20)

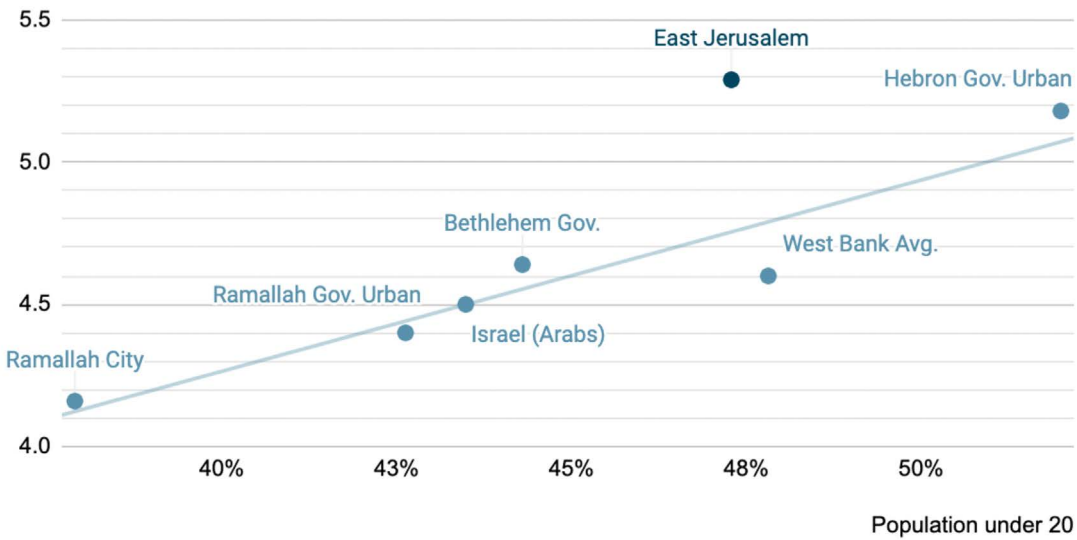


Figure 10: Size and Youth Dependency: Regional Comparison

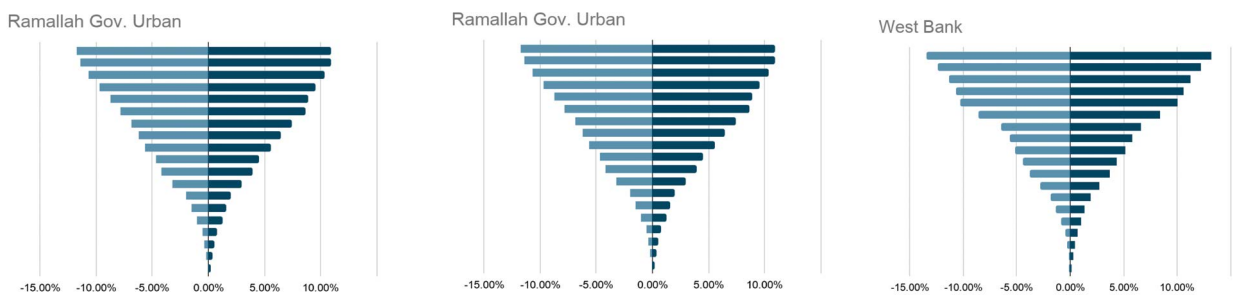


Figure 11: Comparison of Age Pyramids

Population	Actual Size		4.9	4.8	4.7	4.6	4.5
	Natural Size	Households	78,826	80,468	82,180	83,967	85,832
386,246	5.1	75,735	3,091	4,733	6,445	8,232	10,098
	5.2	74,278	4,548	6,190	7,902	9,688	11,554
	5.3	72,877	5,949	7,591	9,303	11,090	12,956
	5.4	71,527	7,299	8,941	10,653	12,439	14,305
	5.5	70,227	8,599	10,241	11,953	13,740	15,606

Table 7: Potential Housing Shortage in East Jerusalem

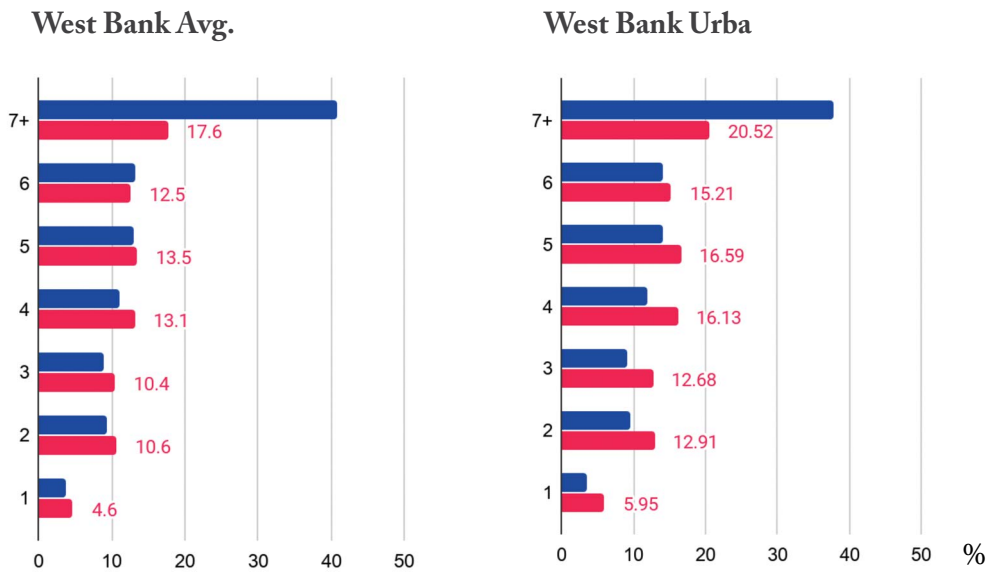
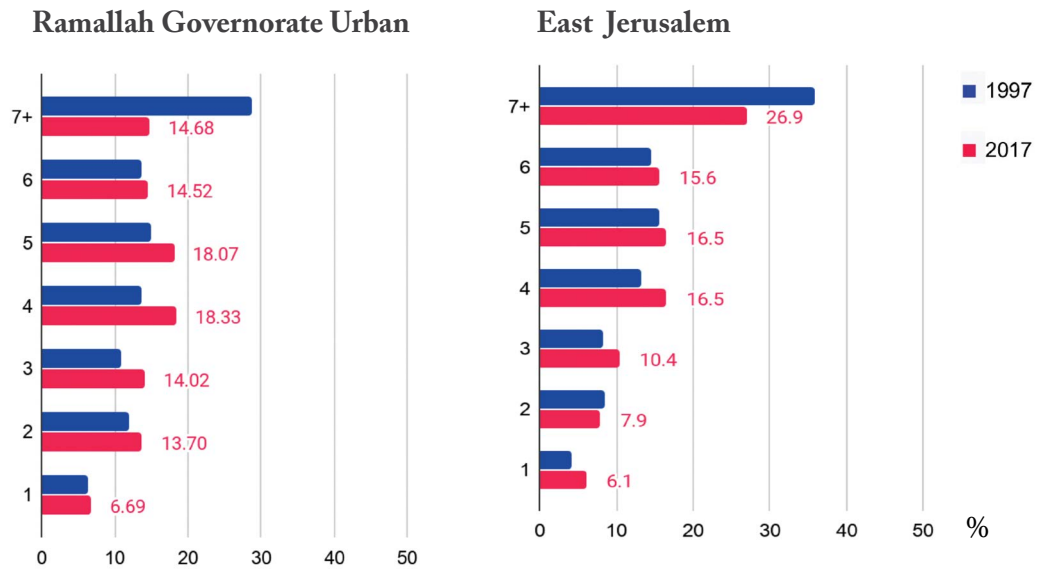


Figure 12: Distribution of Household Sizes

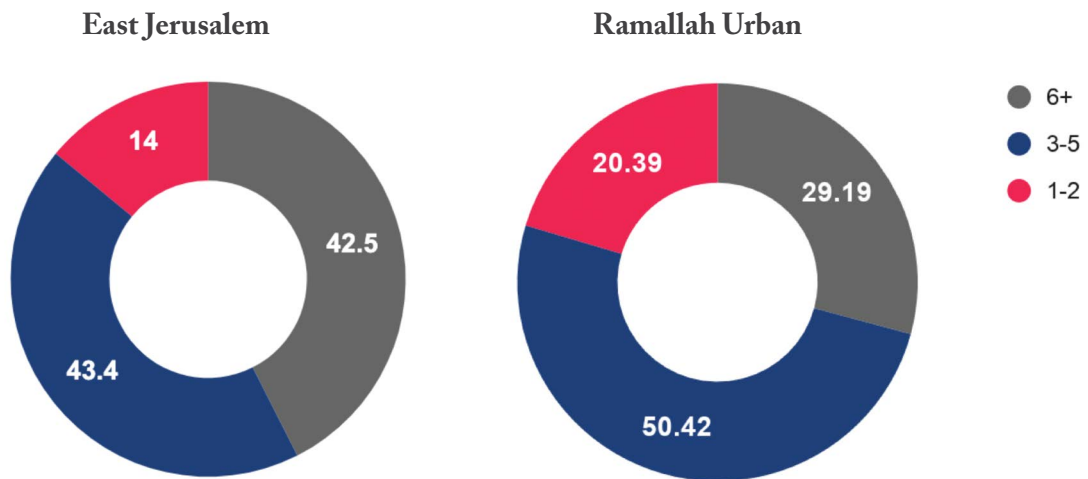


Figure 13: Household Size Distribution 2017



New construction in Kufr Aqab Oct 2019

4.2 Future Need

4.2.1 Population Growth

The model uses the UNFPA population growth estimates for East Jerusalem, which predicts a steep decline in growth from a 2016 rate of 2.67% to a 2020 rate of 1.91%. The decline is predicted to continue until 2030 where it flattens, moving from 1.11% to 1.01% between “2030-40”, see Figure 14. Using the population estimates that adjust for the neighbourhoods beyond the wall, such rates of growth predict a rise of 165,294 persons over the next twenty years from 2020, from 412,653 to 538,258.

It should be noted that recent ICBS population estimates do not corroborate

such a steep decline. Assuming growth continues to fall at its current rate, a 2040 population of 592,425 can be expected by 2040(Figure 15). A more accurate picture of growth could be obtained by comparing ICBS fertility rates with Ministry of Interior population data however such analysis is beyond the scope of this report. Nonetheless, the UNFPA rates used should be considered as the lower end of likely growth.

The model assumes continued Israeli occupation of East Jerusalem and controls on migration. Where East Jerusalem to be incorporated into a Palestinian State with control of its own borders, significant Palestinian immigration to the city would be feasible and larger growth would be expected.

Fertility and Growth Rates

East Jerusalem 1998-2050

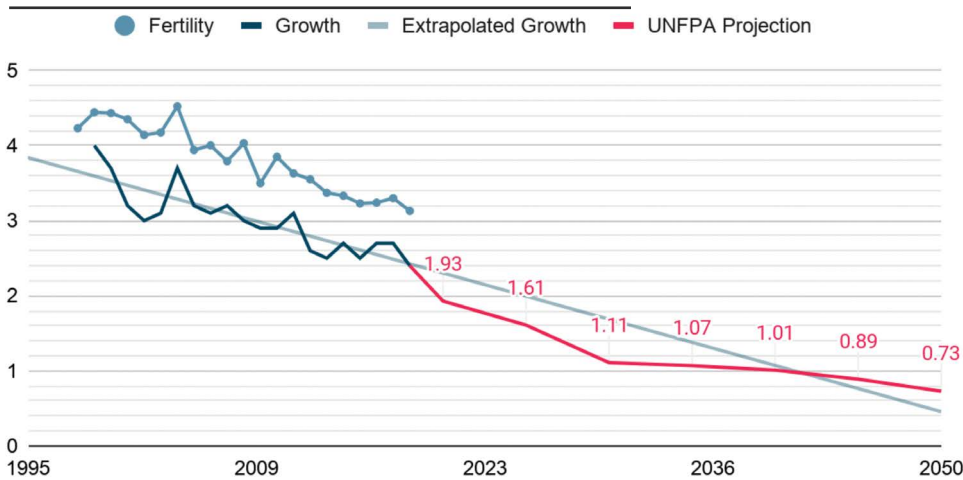


Figure 14: East Jerusalem Fertility and Growth Rates 1998-2050

Projected Annual Population Increase

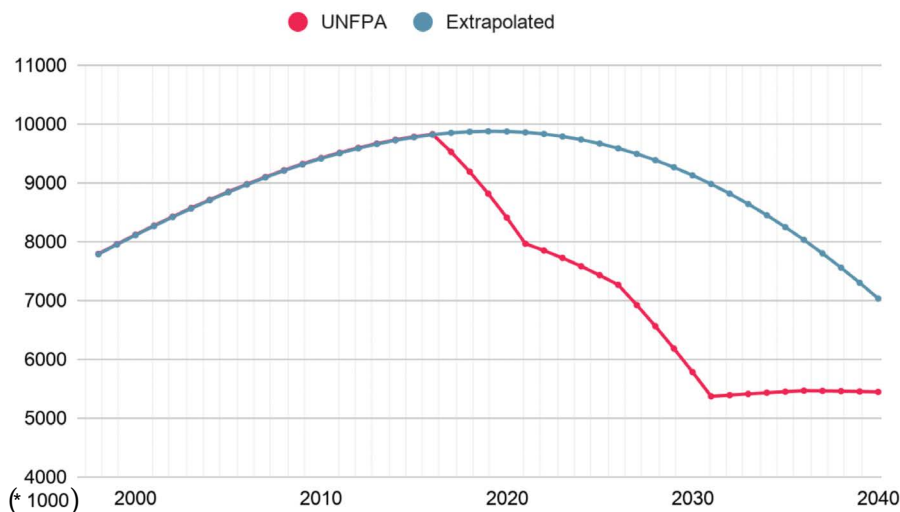


Figure 15: Projected Annual Population 2040

4.2.2 Household Formation

Given the decline in growth rates the largest contributor to housing need over the next twenty years will be a decreasing household size. While there are no official predictions for how this will change, extrapolation of historic trends for Palestinian household sizes in the West Bank and Israel indicate an average of 3.4 and 3.5 persons per household respectively.

Some discrepancy will be inevitable owing to the higher prices of housing in the city and Israeli policies restricting Palestinians development. The model assumes a 2018 starting size of 5.3 which will reduce to 4.0 persons by 2045 (Figure 16). This would bring down household size at the rate experienced over the past 40 years in the West Bank. It would not,

however, allow East Jerusalem to catch up with sizes in the West Bank which at their current rate will have fallen to 3.4 by 2045. While in the current political climate this may not be feasible the model shows what is required to bring East Jerusalem housing provision to levels expected in other Palestinian cities.

The model estimates a requirement for just over 50,000 housing units in East Jerusalem over the next twenty five years. Of these 23,567 (46.5%) are due to a household size reduction, 24,636 (41.7%) are for population growth. An increase in vacancy rates of 2-4% has also been modelled requiring a further 2457 units, making up 4.9% of the requirement, (Figure 17).

Household Sizes

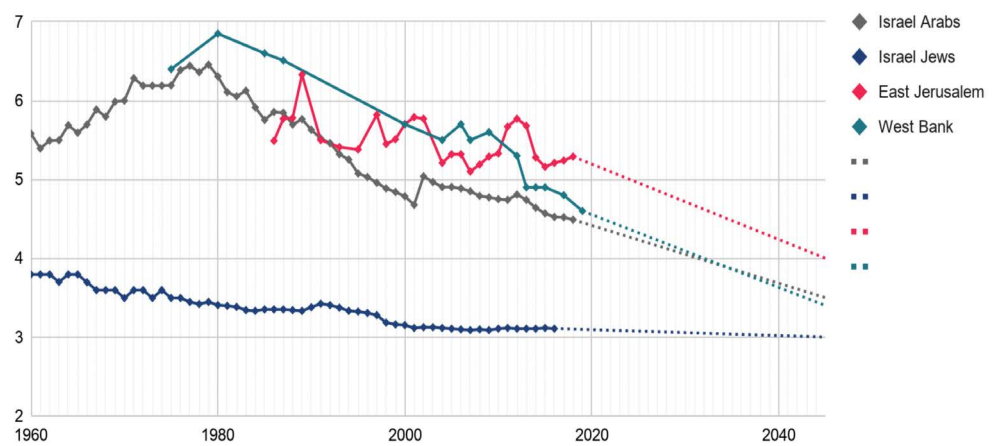


Figure 16: Household Sizes Regional Comparison

Housing Needs 2021-2040

Units by Requirement

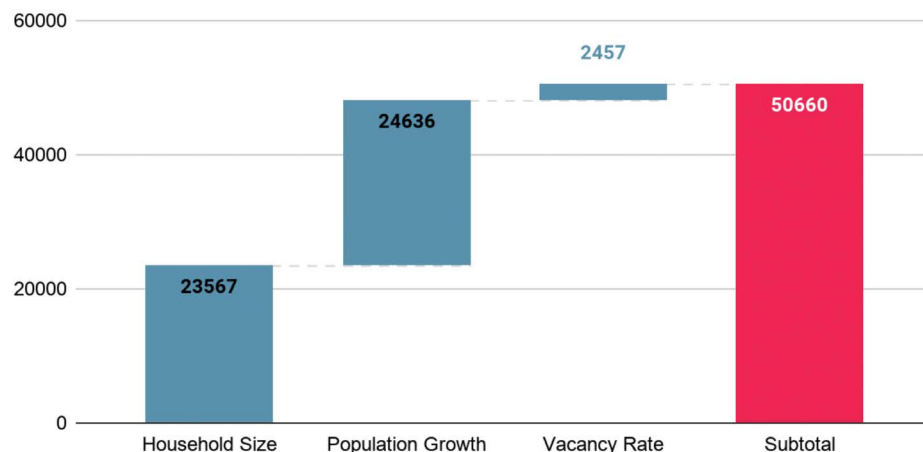


Figure 17: East Jerusalem Housing Needs 2021-2040

4.2.3 Supply

Meeting this requirement will necessitate an average annual construction of over 3,500 units. Given that between “2001-2017” an annual average of 415 licensed units were constructed, a ten fold increase in licensed development is required. Given the difficulties in increasing the rate of housing delivery, the model assumes a gradual increase in the delivery rate until 2040 to reach a peak of around 3,500 units per year followed by a gradual decline, see Figure 18)

Current household size may, in reality, be lower than 5.3 in which case fewer units will be required(Figure 19). However, even from a baseline of 5.1 realigning East Jerusalem’s household size with that of other Palestinian areas will

require a step change in housing delivery in addition to the significant shift in licensed housing already required to meet population growth. While the quantities to bring down household size may seem large they are in effect addressing decades of under supply in East Jerusalem which has maintained Jerusalemite household sizes at the same level, in the face of ubiquitous reductions throughout Palestinian cities in the West Bank and Israel. The results offer some general guidance for future house construction. Further research is required in order to calculate variances in housing need within different household income groups and household sizes.

Projected Supply Model

Housing Units required to meet latent and future housing needs 2021-2045

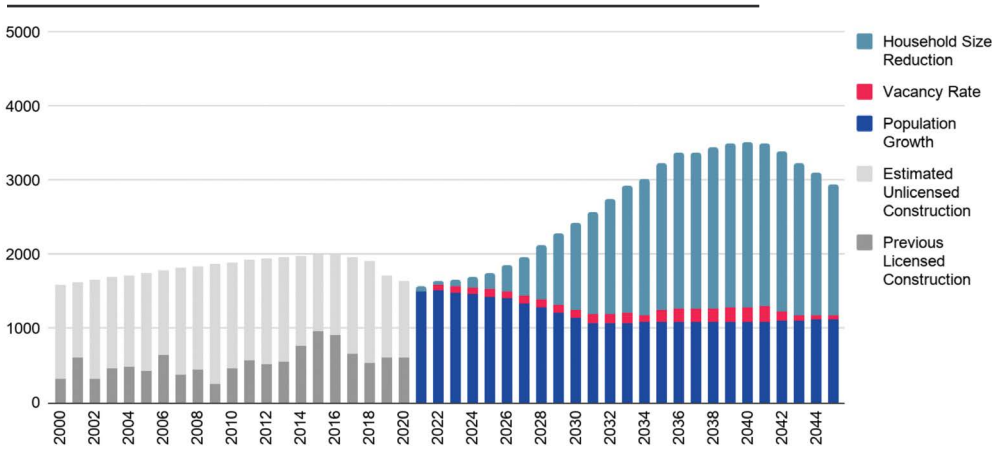


Figure 18: Projected Supply Model 2021-2045

Modelled Decrease in Household Size

Persons per household

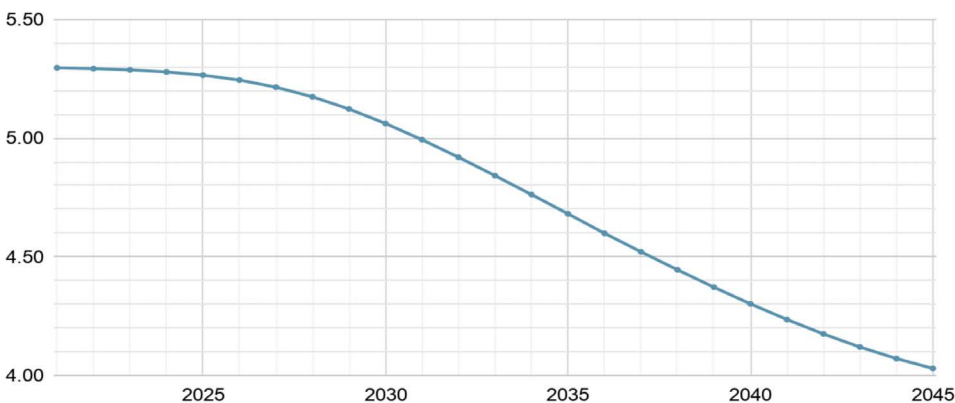


Figure 19: Modelled Decrease in household size



Awqaf Housing Project in Wadi Joz, Aug. 2015



CLOSING REMARKS

A step change is required in the planning, financing and construction of housing in East Jerusalem. Housing provision continues to be mired by obstructions at every stage. The shortage of secure affordable housing has left the majority of Palestinian households facing multiple forms of housing precarity ranging from financial insecurity to demolition.

Addressing the housing crisis requires interventions at all levels of the housing delivery process. This report has documented the major issues facing the sector and provided some possible solutions for overcoming these challenges. Advancing Palestinian urban rights and resilience are intended to preserve the Palestinian rights and national interest to the city within the current political realities.

The greatest challenge is provision of affordable housing at the lowest income levels. Until now much of the lower to

medium income demand has been met, albeit in a substandard manner, by informal construction beyond the wall. However, their continued growth is unsustainable as there is little low density or undeveloped land remaining and increasing the density of existing areas would entail unaffordable costs. Therefore, to avoid low-income Palestinian households being forced out of the city altogether, affordable development opportunities need to be unlocked in neighbourhoods within the wall.

This needs to happen at an unprecedented speed and scale. Until now, every year, the majority of licensed construction has taken place in West Jerusalem and the Settlements, around 2,000 units compared to 400 in East Jerusalem. To meet the future demand for Palestinian household formation that balance will have to shift. Palestinian housing need has been accommodated through unlicensed construction and artificially high household sizes that do not reflect the changing cul-



tural expectations of young families. Even if by 2035 annual licensed Palestinian construction has increased nine-fold to 3,600 units a year the average household size will only have reduced to the current West Bank average of 4.6.

Addressing the need will necessitate a fundamental shift in the Israeli planning system and the way it handles Palestinian development. As the occupying power it is incumbent upon the Israeli authorities to allow Palestinians to meet their housing needs, something it has wilfully failed to do.

Considerable planning work is required to rehabilitate and formalise the existing built fabric and enable future development. Outline and Detailed plans need to be developed in parallel in order to align outline level land-use zoning with reparation of land ownership boundaries at detailed level. In addition to enabling new housing development opportunities, neighbourhood level planning is required

to rehabilitate existing urban developments and improve their functionality. This includes increasing access to public spaces, facilities and infrastructure, improving pedestrian and vehicular transport networks and generating commercial and employment opportunities. Shifting away from individual private development to planned new neighbourhoods will entail significant additional upfront costs, which are currently unaffordable to a large proportion of Palestinian households. Addressing the affordability gap requires change to both the supply and demand sides of development including new development models and new financing schemes to support them.

Safe, secure housing is a basic human right that is being denied to Palestinian East Jerusalem. Addressing obstacles to housing provision as outlined in this report is foundational to reversing the social and economic decline witnessed in the city in recent decades.

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