

# Planned Negligence:

How Palestinian Neighborhoods  
Disappeared from Jerusalem's Current  
& Future Urban Planning Policies

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Written by:

**Aviv Tatarsky, Planning Policy Researcher**

Edited by:

**Atty. Oshrat Maimon & Dr. Yudith Oppenheimer**

English Translation By:

**Isaac Kates Rose**

English Editing By:

**Rachel Schwartz**

Graphic design:

**Lior Cohen**

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# I. Introduction

“There are a few things that must be done in the mid-to-long term. The most important, most critical thing, in this city, is to build as much as possible: thousands of residential units in **every part of the city**. To be clear: if we do not [build extensively], we will never strengthen this city. [...] The name of the game needs to be maximal construction **in every possible place. This includes all of the neighborhoods in Jerusalem, including the Haredi neighborhoods.**”<sup>1</sup>

- Jerusalem Mayor Moshe Leon, in a discussion at a Jerusalem Day event hosted by the Knesset Research and Information Center and the Jerusalem Institute for Policy Research; June 3, 2019 [emphasis added].

Jerusalem Mayor Moshe Leon made these remarks during a celebratory event - jointly organized by the Knesset Research and Information Center and the Jerusalem Institute for Policy Research - hosted on the Knesset grounds in honor of Jerusalem Day. In his speech, Leon described the core of his plans for Jerusalem’s progress. The Mayor referred to East Jerusalem residents and discussed in extensive detail his intentions to advance and expand services for the city’s Palestinian population. Yet, specifically during this portion of his speech, there was absolutely no mention of residential planning. In other words, there the topic of construction in Palestinian Jerusalem was glaringly absent. In contrast, planning and construction were central pillars of the future that Leon presented with regard to Jerusalem’s Israeli neighborhoods.

The above quote, taken from the Mayor’s remarks that day, directly demonstrates how those who set Jerusalem’s planning policy relate to Palestinian neighborhoods in the city. At this point, overlooking the

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1) Recording of the Jerusalem Day event at the Knesset, including Mayor Leon’s remarks, [The Jerusalem Institute for Policy Research, June 3 2019 \[Facebook\]](#).

planning and housing needs of Jerusalem's Palestinian population has become so entrenched in policy and practice that Mayor Leon can emphasize the necessity to build in "all Jerusalem's neighborhoods," and then proceed to explicitly outline housing plans for exclusively Israeli neighborhoods.

The omission of Palestinian neighborhoods from "all the neighborhoods in Jerusalem" does not just occur at the mayor's podium, but rather it is an accurate reflection of both municipal planning policy and practices on the ground throughout the city. The discrimination against Palestinian residents of Jerusalem in the realms of planning and building is a well-known fact reflected in the statistics and analyses which have been produced and published extensively in the past.<sup>2</sup> However, new decisions approved over the last few years will only exacerbate the issue.

This report will expound upon these new decisions made at the municipal and state level and the vast impact they will have on planning policy and subsequent building in Jerusalem for at least the next two decades. These governmental decisions include the allocation of planning budgets; reliance on the light rail system to increase the building ratio; and shifting the focus of planning initiatives to urban renewal and densification projects. In particular, attention must be given to the Housing section of the "Israel 2040 Strategic Plan,"<sup>3</sup> approved by the government in 2017, which will oversee and guide all activities of the planning authorities for the next 20 years until 2040. This paper will describe how the directives within the strategic plan include almost no plans for implementation in Palestinian neighborhoods – a plan, which was ostensibly informed

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2) See Ir Amim and Bimkom's joint publication, "[Everything According to Plan](#)" (Heb), February 2017; or Ir Amim's report, "[The Stark Rise in Home Demolitions in East Jerusalem in 2019](#)," January 2020.

3) [Israel 2040 Strategic Plan](#), Website of the Israeli Government's Planning Administration (Heb).

by professional consideration and expert opinions, that has essentially sentenced hundreds of thousands of Palestinian residents of Jerusalem to the ever-worsening planning chokehold. The Israel 2040 Strategic Plan will drastically exacerbate the crisis beyond the already-astronomical cost that planning discrimination currently exacts from East Jerusalem's residents.

## II. Planning Discrimination - The Current Reality

In 2019, according to the Planning Administration, plans were underway in the District Planning Committee for 21,400 building units in Jerusalem's Israeli neighborhoods (on both sides of the Green Line), in stark contrast to the 2,600 housing units planned for the city's Palestinian neighborhoods. Housing units advanced for Palestinian neighborhoods in 2019 amounted to only 10.8% of expected new housing.<sup>4</sup> The situation in 2020 was much of the same: the District Planning Committee advanced detailed outline plans that included 12,672 housing units.<sup>5</sup> Of those, only 9% - 1,142 units - were part of plans designated for Palestinian neighborhoods. The Palestinian population, however, currently constitutes nearly 38% of the city's residents.

This overview reveals a consistent policy of rampant discrimination in the realms of building and planning, stemming from a policy of demographic control that seeks to constrain the Palestinian population of Jerusalem. Since 1967, Israel has expropriated more than 38% of the lands of East Jerusalem to build tens of thousands of housing units for Israelis. The outline plans that Israel approved for Palestinian neighborhoods in the 1980s and 1990s consigned vast tracts of land as "open areas," thus prohibiting any residential construction on them. Since then, in the majority of Palestinian neighborhoods, only specific and limited building plans have been authorized. Updated outline plans - necessary for development and a requisite for determining land allocation for residential purposes and other population needs- have not been advanced nor approved. Despite Palestinians comprising more than 37% of Jerusalem's population, only 8.5% of the city's lands are allocated to their housing and residential

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4) Dotan Levy, "Building for Next Generations: How Much More Construction Can Jerusalem Take?", [Calcalist](#), 20.6.19 (Heb).

5) This total was arrived at by adding all construction plans with a scope of 100 or more housing units.

needs; moreover, on this already insufficient amount of land, the permitted building ratios are inadequate and likewise scarcely maximize the space given. Of the 57,737 housing units that received permits between 1991 and 2018, only 16.5% were located in Palestinian neighborhoods.<sup>6</sup>

The widespread crisis in housing and planning in East Jerusalem is reflected in a 2019 study, conducted by the Jerusalem Institute for Policy Research to map how Jerusalem residents – both Israelis and Palestinians - assess their quality of life in the city. The study showed that the most pressing issue facing East Jerusalem residents is the absence of opportunity for residential development and building a home.<sup>7</sup>

State authorities are not only inactive in addressing ongoing planning discrimination, but in recent years have chosen to increase the scale of home demolitions in East Jerusalem. Between 2016 and 2019, 385 housing

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6) Peace Now analysis of Jerusalem Municipality statistics obtained by the Movement for Freedom of Information: “Jerusalem Municipal Data Reveals Stark Israeli-Palestinian Discrepancy in Construction Permits in Jerusalem,” [Peace Now](#), 12.9.19.

According to a breakdown of the municipality’s statistics, between 1991 and 2018, building permits were issued for 57,737 housing units in Jerusalem. Only 9,537 housing units (16.5%) were located in Palestinian neighborhoods. 48,171 housing units (83.5%) were located in Israeli neighborhoods. 37% of all Jerusalemites are Palestinian and live in Palestinian neighborhoods.

7) Tami Gavrieli and Michal Korach, “Indicators of the Quality of Life - A Subjective Assessment,” [Jerusalem Institute for Policy Research](#), June 2019.

In contrast, the city’s Israeli population is preoccupied with entirely other subjects; housing does not even make their list of the five most central issues in the context of their quality of life assessment.



units were demolished in East Jerusalem<sup>8</sup> with an average of 96 housing units per year- nearly double the annual average in the preceding decade. In 2020, a record-high 144 housing units were demolished, constituting a further 50% increase from the years prior. A considerable amount of the rise in demolitions followed the implementation of Amendment 116 to the Planning and Building Law (also known as the Kaminitz Law). This amendment restricts the ability of the courts to intervene and protect residents from home demolitions, while severely increasing punitive measures for building without a permit.<sup>9</sup> This context has exacerbated the existing stress put on East Jerusalem residents, whose ability to provide for their family's housing needs through legalized construction is – in the case of many – denied by this sustained system of planning discrimination. Beyond the fact that no action has been undertaken to rectify the current situation, the new planning policy, which will ostensibly dictate the upcoming 20 years of development and implementation of outline plans, will only deepen planning discrimination against East Jerusalem residents with devastating consequences.

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8) This number does not include 52 housing units that the Civil Administration demolished in July in the Wadi Hummus area, just east of the Palestinian Neighborhood of Sur Baher. Wadi Hummus is located in the West Bank, however it abuts the border of East Jerusalem's annexation, and is on the Israeli side of the Separation Barrier. The owners of the homes that were demolished are East Jerusalem residents who were forced to relocate to Wadi Hummus after planning discrimination made it too difficult to receive a building permit inside Jerusalem. To read more about the context behind these Wadi Hummus demolitions, and about the Israeli government's actions on land that is part of the West Bank's Areas A and B (where planning and construction is under the jurisdiction of the Palestinian Authority), click [here](#): Nir Hasson, "[High Court Allows Demolition of 13 East Jerusalem Buildings Under Palestinian Control](#)," Haaretz, 7.6.19.

9) For overview and analysis of Amendment 116 to the Building & Planning Law, see Efrat Cohen-Bar and Sharon Karni-Cohen, "[Amendment 116 To The Planning And Building Law And The Palestinian Neighborhoods In East Jerusalem](#)," a joint publication by Ir Amim and Bimkom, published January 7, 2020 (7.1.20).

One extreme ramification of the discrimination levelled against Palestinians in Jerusalem is the situation that Israel has generated in the East Jerusalem neighborhoods located beyond the Separation Barrier. These are residents of Jerusalem living in areas under the auspices of the Jerusalem Municipality and within the municipal border, but in neighborhoods that are physically detached from the city by the Separation Barrier. Tens of thousands of Palestinians who are unsuccessful in obtaining building permits on the Israeli side of the Separation Barrier are forced to relocate to neighborhoods on the other side. Due to the negligence and non-function of state entities in these areas - including almost zero provision of services or repairs to infrastructure - there is hardly any enforcement against non-permitted construction. Consequently, the neighborhoods beyond the Separation Barrier are sites of significant building, but with no urban planning and inadequate infrastructure of any kind. In these areas, which constitute a tiny percentage of the lands of East Jerusalem, more than a third of Jerusalem's Palestinian population currently resides – between 120,000 and 140,000 individuals. The confluence of overly dense construction, rapid population growth, and the state's lack of provision of basic services, has made these neglected neighborhoods massively overcrowded and impoverished. The Coronavirus crisis severely affected these neighborhoods and constituted a searing indictment of the state's failure to address the most basic needs of its residents.

### III. The Denial of Eligibility for Subsidized Housing

The government has attempted to promote various solutions to the housing crisis in Israel. The Israel Land Authority (ILA) has in recent years begun allocating a considerable portion of new apartments in their advertised Jerusalem-area building tenders towards subsidized housing (once called “project-resident pricing,” and now called “reduced pricing”). The high poverty rates and housing strain among East Jerusalem residents would make them prime candidates for such a project. However, governmental building tenders for these construction projects are only published in the city’s Israeli neighborhoods, and never take place in its Palestinian ones. In essence, this excludes Palestinian neighborhoods from subsidized housing.

Moreover, it has recently emerged that nearly all East Jerusalem residents are being systematically denied eligibility for subsidized housing no matter where they live. Even in the event they wanted to move to an Israeli-majority neighborhood, they would not be eligible for the subsidized housing scheme. The reason for this is that the ILA determined that one of the criteria for subsidized housing eligibility is Israeli citizenship,<sup>10</sup> yet 95% of East Jerusalemites are non-citizens and instead hold a status of permanent resident. Thus, they are denied the possibility of receiving government subsidies, no matter how impactful and integral that aid would be. Furthermore, since the option of subsidized housing includes a considerable portion of the apartments published in tenders, it is clear that the denial of eligibility also restricts, by a significant amount, the public housing supply available to East Jerusalem residents.

Together with 24 residents of East Jerusalem, Ir Amim submitted an appeal in early 2021 against the discrimination found in the residential

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10) [“Amendment to Sub-Section 4.7 of Israel Land Council’s tender for reduced-price housing,”](#) Israel Land Council decisions: Amendment 3/20, 5.12.20 (Heb).

building tender issued for the new Israeli settlement/neighborhood of Givat Hamatos.<sup>11</sup> Givat Hamatos is a planned settlement to be built on the land of the Palestinian neighborhood of Beit Safafa. The location of Givat Hamatos is extremely problematic and serves to further preclude the possibility of any future agreement for the city whereby it is the capital of two peoples. The settlement has until now remained unbuilt due to longstanding red lines in international policy. Additionally, the plan constitutes severe discrimination against Palestinian residents, especially those from Beit Safafa who are in desperate need of land for residential development. Despite this, the tender was issued - like all ILA tenders - with the requirement of citizenship as a basic criterion for subsidized housing eligibility.

The first hearing on this topic was scheduled in Jerusalem's Administrative Affairs Court for May 2021 and later postponed to October 2021.

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11) [Land Claims Court, Administrative Appeal No. 27542-01-21](#), Ir Amim and appellants versus Israel Land Authority and Ministry of Housing and Construction (Heb).

## **IV. Deepening Discrimination: The New 2020-2040 Planning Policy Program and the Erasure of Palestinian Housing Needs in Jerusalem**

This section will review the government's recent planning decisions that as laid out above completely overlook the housing needs of the Palestinian population in Jerusalem. As a result of these decisions, in the coming years the scope of discrimination rooted in current policies will expand exponentially. The consequences will be devastating, entrenching the inequity of East Jerusalem's housing situation and denying Palestinian residents the ability to keep a roof over their heads.

### **A. The Municipality and the Israel Land Authority's Framework Agreement to Build Thousands of Residential Units - Exclusively in Israeli Areas**

In February 2019, an agreement was signed between the Jerusalem Municipality and the Israel Land Authority (ILA) for "Planning, Marketing, and Developing Areas in Jerusalem."<sup>12</sup> The agreement included ILA funding for the construction of 23,000 housing units, at a total cost of 1.4 billion NIS.<sup>13</sup>

The construction arrangements included in the agreement are located exclusively in Israeli neighborhoods. Of those, 9,463 housing units are parts of planned expansions to existing neighborhoods; 5,250 units will be part of a brand-new neighborhood built at the expense of undeveloped land in the Jerusalem hills<sup>14</sup>; and 8,000 units will be part of urban renewal projects. The agreement does not include a single Palestinian neighborhood.

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12) "Memorandum of Understanding for Planning, Marketing, and Developing Areas in Jerusalem," [Israeli Government Website of the Israel Land Authority](#), March 2019 (Heb).

13) 600 million NIS in funding from the ILA and 800 million NIS in the form of fees and levies on marketing housing units.

14) The new neighborhood will be built on the slopes of the Lavan Ridge in south Jerusalem, below the neighborhood of Givat Massuah and the suburb of Moshav Ora.

Preceding the agreement's signing was a major debacle that almost led to its annulment. In September 2018, at the close of former Mayor Nir Barkat's term, the municipality announced that the framework agreement had been signed. The original version of the agreement also detailed construction exclusively for Israeli neighborhoods, already excluding construction plans in any and all Palestinian neighborhoods. However, city council members from the Haredi communities refused to vote for an agreement that, in their view, discriminated against the city's Haredi population since it similarly contained no construction in Haredi neighborhoods. As a result, the agreement did not get approval from the Jerusalem City Council<sup>15</sup> and only upon the agreement being modified to include funding for construction in the city's Haredi neighborhoods was it again brought to the council for approval in February 2019.

In the amended agreement, there was again not a single mention of any Palestinian neighborhood. The modifications that were inserted at the last minute in response to the demands made to address Haredi housing needs further underscored the total erasure of Palestinians in Jerusalem.

## **B. Urban Renewal - Exclusively in Israeli Areas**

“When I say [build] ‘in every possible place,’ that means a lot of urban renewal. If we do not revive areas and if we don’t advance urban renewal, there is no chance that this city will ever remain competitive. Building means, in the urban renewal sense, that I take a few multi-story buildings, 3 or 4 stories ... and I build on top of them new, tall buildings. There’s no need to fear tall buildings. [...] It’s ultimately about **quadrupling both the population and the capacity for the population**. And when we talk about

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15) Kuti Fundaminsky, [“A Broken Framework: Why did the Mayor postpone a discussion around construction coordination in Jerusalem?”](#) Ynet Jerusalem, 3.9.18 (Heb).

quadrupling the population, we first and foremost have to create a large supply of housing.”

Jerusalem Mayor Moshe Leon, in discussion at a Jerusalem Day event hosted by the Knesset Research and Information Center and the Jerusalem Institute for Policy Research; June 3, 2019 (emphasis added).<sup>16</sup>

As the Mayor’s remarks make clear, urban renewal is currently the primary approach to increasing the number of available apartments in Jerusalem. The practice, involving removing existing tenants to renovate or replace old buildings, is known in Hebrew by the rhyme *pinui-binui* (lit. “eviction-construction”), which is often analogized to gentrification. The previous mayor, Nir Barkat, was likewise a major advocate of the approach, stating in the final years of his term that “in urban renewal we see the city’s proper path forward.” He continued, “this method is one of our main tools to expand the housing supply in our capital.”<sup>17</sup>

The Globes Israeli economic newspaper published an article in 2017 that identified 44 existing urban renewal plans in Jerusalem, with a total potential of 11,059 housing units.<sup>18</sup> In a Knesset session held on Jerusalem Day 2017, then-Mayor Nir Barkat declared that there existed a potential for 30,000 housing units via urban renewal practices, explaining that it was his preferred approach to expanding Jerusalem’s housing supply.<sup>19</sup> Ir Amim has thoroughly analyzed the outline plans that the District Planning Committees in Jerusalem reviewed over 2019 and 2020. The research

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16) Recording of the Jerusalem Day event at the Knesset, including Mayor Leon’s remarks, [Jerusalem Institute for Policy Research, June 3 2019 \[Facebook\]](#).

17) Anat Daniel, “Jerusalem: Plans approved for **pinui-binui** [eviction-construction] to establish 800 apartments,” [Calcalist](#), 26.12.17 (Heb).

18) Ori Khody, “Jerusalem: Increase in approvals for National Master Plan projects prompts stampede towards **pinui-binui** [eviction-construction],” [Globes](#), 18.3.19 (Heb).

19) [Minutes of the Interior Committee meeting](#), May 29, 2017, (Heb).

suggests that 43% of all housing units that have been advanced in the city over these two years were part of urban renewal projects.

Urban renewal, in the way that it is advanced and implemented in Jerusalem, is not without its problems and has received considerable professional criticism.<sup>20</sup> Massive accelerated construction which these projects require comes with negative consequences, such as overcrowding, straining communal ties, and environmental harms. The review processes that these projects went through were rushed as a result of political interests; there was no proper due process of in-depth professional review and public hearings around the anticipated environmental impacts and the possible means of mitigating that harm. Nonetheless, this was the path chosen by the national and municipal governments in order to supply housing and provide for the future planning needs of the city's residents.

The central reliance on urban renewal plans is also a key consideration in the Housing section of the 2040 Strategic Plan, which received approval from the government's housing cabinet in early 2017.<sup>21</sup> According to the Strategic Plan for Housing, "the distribution of future housing units, as proposed in the plan, indicates an increase in urban renewal in high-demand urban areas. In the Jerusalem district, the proportion of plans that will implement urban renewal stands at [...] 30%." According to Government Decision 2457, 20% of these apartments are already intended to be built "as part of the pre-existing fabric," and according to the Strategic Plan for Housing, 40% of all apartments that will be planned

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20) See, for example, [this](#) interview with Ofer Greidinger who until recently directed the Urban Planning Department at the Jerusalem Municipality: Nir Hasson, "[The Master Plan for Building in Jerusalem? Preserve a Jewish Majority](#)," Haaretz, 13.4.21.

21) Press Release from the Ministry of Finance: "[Housing Cabinet approves the 2040 Strategic Housing Plan: Target of 1.5 million housing units built in the next 24 years](#)," February 13 2017 (Heb).



for construction in Jerusalem between now and 2040 will be the product of urban renewal projects.<sup>22</sup>

These grand announcements omit the fact that the Israeli authorities are advancing urban renewal projects exclusively in the city's Israeli neighborhoods, and the issue takes on greater importance when noting that these projects are of such colossal complexity that they require massive amounts of funding and involvement from various state entities. Private developers cannot initiate urban renewal projects without the support and involvement of the state, which is accountable to the needs of the current tenants of the building. It likewise oversees the improvement of existing infrastructure to accommodate the increase in tenants and responsible for funding and subsidizing the major costs of such large-scale projects.

Towards these ends, in 2014 the Urban Renewal Administration was established in Jerusalem.<sup>23</sup> The administration's creation was the decision of the municipality, and it currently operates under the auspices of the Jerusalem Development Authority. The Urban Renewal Administration receives its budget from the Jerusalem Municipality, the Jerusalem Development Authority, and the Ministry of Housing and Construction. Its declared purpose is to "increase the city's housing supply," by increasing "the pace of planning and rate of project completion for Jerusalem's urban renewal."<sup>24</sup> According to the Jerusalem Municipality's published budgets, the funds dedicated to promoting and subsidizing urban renewal totaled 8.47 million NIS in 2019 and increased to 9.72 million NIS in 2020.<sup>25</sup>

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22) Ofer Raz-Dror and Noam Kost, "[The Strategic Plan for Housing: 2017-2040](#)," the National Economic Council of the Prime Minister's office, May 2017 (Heb).

23) [Israeli Government Website of the Urban Renewal Administration for Jerusalem](#) (Heb).

24) "Announcement for Home-Owners and Residents," [Israeli Government Website of the Urban Renewal Administration for Jerusalem](#) (Heb).

25) Jerusalem Municipal Budget for [2019](#) and [2020](#) respectively (Heb).

The Urban Renewal Administration aids existing tenants, home-owners, and developers in the complex and expensive processes involved in removing residents from their homes and building anew on top of the property lot. They accompany the involved parties from the very first stages and – in certain cases -are involved until the plans are finalized. The aid they provide includes assessment of economic feasibility, advancing the planning process, and aiding in attempts to acquire assent from all the current tenants (often involving mediation and negotiation).<sup>26</sup> In addition to partially covering the costs involved in planning and appraisal, the administration also provides consultations to the home-owners, aid with logistical preparations, and help acquiring funding for planning from the Ministry of Construction and Housing. The costs associated with this support are covered by the Jerusalem Municipality and by the Ministry of Construction and Housing.<sup>27</sup>

The state subsidizes urban renewal projects in various ways, including exemptions from various taxes on property improvements, and allocations of land to urban renewal developers to make projects economically viable.

When discerning its involvement in various projects, the Urban Renewal Administration focuses its activities in Jerusalem's Israeli neighborhoods and addresses itself to the city's Israeli residents. The Administration's website and consultation materials are only available in Hebrew. The Administration's work-plan is derived from the original Jerusalem 2000 Outline plan document, which identified three neighborhoods - all Israeli - as areas of urban renewal.<sup>28</sup> Since then, the policy of urban renewal has undergone serious expansion and currently, eight neighborhoods appear

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26) Excerpted from: "Announcement for Home-Owners and Residents," [Israeli Government Website of the Urban Renewal Administration for Jerusalem](#) (Heb).

27) Ibid.

28) "Master Plans," [Israeli Government Website of the Urban Renewal Administration for Jerusalem](#) (Heb).

on their website. All eight neighborhoods are Israeli; not one Palestinian neighborhood appears on the list. Fourteen (14) distinct urban renewal projects that are currently in the implementation phase are detailed on the website; all of these are also located in Israeli neighborhoods in the city.<sup>29</sup>

The Administration did, however, hire a Palestinian urban planner in 2020 and tasked her with assessing the possibilities of advancing urban renewal projects in Palestinian neighborhoods. This is undoubtedly a positive change. However, unlike her colleague who consults on issues related to the Haredi community, this planner does not appear on the staff page of the Administration's website. This seems to suggest that her role receives minimal resources, and further testifies to the minimal attention given to Palestinian neighborhoods by the Administration. In comparison to the scope of activity that have already achieved 'lift-off' in Israeli neighborhoods, including thousands of housing units across urban renewal projects, any progress in East Jerusalem is barely even on the runway.

Advancing urban renewal projects - which, as mentioned, is already a difficult undertaking - in the city's Palestinian neighborhoods will require navigating a host of unique barriers on the path to implementation: from ascertaining private land ownership; to the cultural and communal aspects that make multi-story residential buildings more unfeasible; to the severe dearth of adequate infrastructure (transportation, electricity, water, sewage, roads - all of which are in dire need of improvement and investment if they are to provide for the increased population that urban renewal projects allow). If urban renewal can even be implemented in East Jerusalem, these barriers must all be addressed and tailored solutions must be proposed. But the relevant bodies - the government's housing cabinet, the Interior Ministry's Planning Department for the Jerusalem

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29) [Israeli Government Website of the Urban Renewal Administration for Jerusalem](#), checked on February 7, 2021 (Heb).

district, etc. - show no investment whatsoever in furthering urban renewal initiatives in East Jerusalem, nor in problem-solving and making proposals tailored to the Palestinian population. Even the minimal and marginal attempt to advance urban renewal in East Jerusalem, by appointing the aforementioned Palestinian planner to this portfolio, was the initiative of the Urban Renewal Administration and therefore is denied the federal-level support that would be needed to respond to these barriers.

To summarize: urban renewal, as defined by the municipal and national governments, is a central mechanism in the creation of new housing, and is a current provider of approximately 40% of new units being built in Jerusalem. This approach has the potential to provide an additional 30,000 housing units in the city's Israeli neighborhoods. But, as of today, this enormous resource has absolutely nothing to offer Jerusalem's Palestinian residents, and is no address whatsoever for their needs.

### **C. Densification along the Light Rail Tracks**

“In recent years we have advanced, in a very significant way, the issue of public transportation and the light rail. [...] What's ultimately going to happen is there will be three light rail lines, very significant [...] And the significance of it is that along the routes of the light rail, we'll be able to build high [multi-story buildings]. When I say build high, I'm talking about 20, 30 stories.”

Jerusalem Mayor Moshe Leon, in discussion at a Jerusalem Day event hosted by the Knesset Research and Information Center and the Jerusalem Institute for Policy Research, June 3, 2019.<sup>30</sup>

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30) Recording of the Jerusalem Day event at the Knesset, including Mayor Leon's remarks, [The Jerusalem Institute for Policy Research, June 3 2019 \[Facebook\]](#).

In April 2019, the District Planning Committee published an updated policy paper regarding densification along the light rail lines.<sup>31</sup> This policy depends upon the light rail routes as public transportation infrastructure that allows for a significant density of residential construction. According to the updated policy, building heights of up to 10 stories on plots that are under 1.5 dunam (1500 sq. m) will be permitted along the light rail lines; on plots that are larger than 1.5 dunam, construction of up to 18 stories will be permitted (as well as a building ratio of 720<sup>32</sup>); and on plots that are larger 1.5 dunam that are situated along the ridge line, construction of up to 30 stories (with a building ratio of 1,200) will be permitted.<sup>33</sup>

Currently, work is underway to extend the light rail's existing Red Line to connect it from the neighborhood of Neve Ya'akov to the Hadassah Ein Karem hospital (a total length of 23 kilometers over 41 stops). In parallel, during 2020, construction began on the new Green Line, which will stretch from Mount Scopus to the center of the Gilo neighborhood (totaling 19 kilometers over 36 stops). And finally, in April 2020, the main process towards the establishment of the Blue Line began; the Blue Line will extend from the neighborhood of Ramot to the neighborhood of Gilo (a total length of 23 kilometers over 42 stops), with a planned launch in 2028.<sup>34</sup>

When examining the routes of the light rail lines, and which neighborhoods they pass through, it becomes clear that here, too, only the Israeli population of Jerusalem will benefit from new housing created through the light rail densification plan. Out of a total of 119 light rail stations, only 10 are located

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31) [Summary of Decision regarding Updated Construction Policy along the Length of Light Rail Tracks](#), Planning Administration, Jerusalem District, April 8 2019 (Heb).

32) Building ratio is calculated as a percentage of the size of the building to the land on which it stands. When the ratio is high, the property isn't being used to its fullest potential; when it's low, the property is already at full capacity.

33) Ibid.

34) For further information about the light rail routes, see the [Jerusalem Transportation Master Plan](#) website (Heb).

in Palestinian neighborhoods (five Red Line stops which currently go through the Shuafat and Beit Hanina neighborhoods and alongside Sheikh Jarrah; and five planned stops along Dov Yosef St. which will cross above - not in - Beit Safafa). In total, the complete light rail network is ultimately slated to include six lines, only one of which—the Brown Line—will pass primarily through the city's Palestinian neighborhoods. However, planning of the Brown Line is yet to begin and is currently only in the concept phase; this route is not expected to be built before the year 2040.

The Jerusalem District Planning Bureau has already begun advancing multi-story construction projects along the future light rail tracks, and predictably, all of these construction projects are in Israeli neighborhoods: the Bezeq Telecommunications complex in Kiryat Yovel; a major building site in Pisgat Ze'ev; two plans placed along Hebron Road; one in the neighborhood of Gilo; and another in downtown Jerusalem.

According to an unofficial evaluation conducted by architect Dr. Malka Greenberg Ra'anan, the densification along the light rail tracks could provide 25,000 housing units. Since the light rail lines, for almost the entirety of their routes, pass only through Israeli neighborhoods in Jerusalem, so too will the considerable scope of construction made possible by the densification serve only Israeli housing needs. The planning authorities hire professionals and dedicate meaningful labor towards setting a planning policy along the extensive length of the light rail infrastructure, and in practice, fully neglect the need to develop a planning policy that provides for the city's Palestinian neighborhoods.

## V. Conclusion

This report reviewed three central processes being led by the planning authorities that are purported to address the housing needs in Jerusalem for the coming decades, yet will be implemented almost exclusively in Israeli neighborhoods. The framework agreement between the Jerusalem Municipality and the Israel Land Authority provides funding for 23,000 housing units in Israeli neighborhoods, yet does not include construction in a single Palestinian neighborhood. In the plan's urban renewal projects, there is currently potential for 30,000 more housing units, yet again designated exclusively for Israeli neighborhoods. Likewise, the light rail densification program is estimated to provide an additional 25,000 housing units; however, since the current and planned routes of the light rail are either located in or pass almost exclusively through Israeli neighborhoods, the significant residential construction sites will also be limited nearly entirely to Israeli neighborhoods. The planning authorities did not even dedicate a thought as to how the unique barriers to construction might be successfully navigated in light of pre-existing building density in Palestinian neighborhoods.

Moreover, it is near-certain that the planning authorities will use the emphasis placed on building densification as a pretext not authorize plans that might change the designated use of available lands to meet development needs in Palestinian neighborhoods. That is, not only will the new planning policy fail to respond to the needs in Palestinian neighborhoods, it is likely that the policy will create yet another consequential barrier to an appropriate planning response to those needs.

According to statistics from the Jerusalem Institute for Policy Research, the city currently has 227,729 housing units, of which only 57,235 are located in Palestinian neighborhoods (accounting for approximately 25% of

existing housing).<sup>35</sup> A rough estimate suggests that the planned additional housing will lead to a maximal increase of 78,000 more units for Israelis, in comparison to a nearly non-existent increase in housing for Palestinians. If this is indeed the case, the massive gaps caused by planning discrimination against the Palestinian population will widen and the crisis will only worsen (approximately 81% of all construction being directed towards the Israeli population versus only 18.7% for Palestinians).

At present, the authorities' planning chokehold gripping East Jerusalem has caused a major housing crisis. Despite Palestinians comprising over 37% of Jerusalem's residents, only 8.5% of the city's lands are designated for their residential purposes, and even on these limited lands, the building ratios permitted are especially restrictive. Due to the impossibility of receiving building permits in the areas where Israel systematically denies the authorization of adequate outline plans, there are an estimated 20,000 housing units that have been built in East Jerusalem without a permit. Instead of addressing the need with appropriate outline plans for the city's Palestinian neighborhoods, the state has opted to expand the scope of home demolitions and to further toughen legislation and punitive measures against "illegal" Palestinian construction.<sup>36</sup> The combined consequence of planning discrimination and increased home demolitions inflicts massive harm on East Jerusalem residents. There have been a record number of demolitions, while over a third of Palestinians have been forced by these practices to live in neighborhoods located beyond the Separation Barrier. The Israeli authorities neglect to advance proper planning for Palestinian neighborhoods carries additional consequences on life in East Jerusalem. For example, municipality asserts that the shortage of classrooms in East

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35) Dr. Maya Choshen, ed., "Jerusalem Statistical Yearbook - 2019," Part B, Table 16, [Jerusalem Institute for Policy Research](#), June 2019.

36) Amendment 116 to the Building & Planning Law, also known as the Kaminitz Law after former Deputy Attorney General Erez Kaminitz, approved by the Knesset in 2017 and the full implementation of which began in 2018.



Jerusalem, estimated at over 3,000, is due to an absence of available lands; similarly, the municipality suggests that the limited job supply stems from the absence of high-employment areas in East Jerusalem.

The policy of erasing the planning needs of Jerusalem's Palestinian residents, and the stark discrimination that they have contended with for over half a century, is further exemplified in Government Decision 3790. In May 2018, the government approved the investment of 2.1 billion NIS over five years towards closing socioeconomic gaps and economically developing East Jerusalem.<sup>37</sup> Yet the decision included absolutely no mention of the topic of residential planning or development. Decision 3790 neither allocated a budget towards the preparation or progress of outline plans in Palestinian neighborhoods, nor did it draft a work-plan towards solutions for Palestinian housing needs in the city. In stark contrast, the 2015 Government Decision 922, designated to close gaps causing suffering to Arab citizens of Israel, addressed the matter of planning in a comprehensive manner, and allocated significant government resources to developing Arab communities inside Israel. It was passed a means to address the decades-long discrimination that this sector has faced in the realm of planning and housing.

Ongoing planning discrimination is creating a crippling housing crisis that is violating East Jerusalem residents' basic right to a home, and is displacing them from the city. Those who are forced to relocate away from Jerusalem will face growing environmental problems, remain plagued by housing shortages and issues of inadequate infrastructure that continue to worsen. The government's new planning policy is transforming the existing planning discrimination against East Jerusalem residents into a pre-determined, quasi-professional policy quagmire which will shape the planning landscape for decades to come. There is an essential and urgent

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37) Noa Dagoni, "Monitor Reports on Government Decision 3790 – First Quarter 2019," Ir Amim, May 2019. For all monitor reports on Government Decision 3790, please see [here](#).

need to act imminently to amend these government decisions to include tailored solutions for Palestinian neighborhoods and to provide for the housing needs of East Jerusalem residents.



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Ir Amim is an apolitical Israeli NGO that focuses on Jerusalem within the context of the Israeli-Palestinian conflict.

The mission of Ir Amim is to render Jerusalem a more equitable and sustainable city for the Israelis and Palestinians who share it and to help secure a negotiated resolution on the city.

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Tel 02-6222858 | Fax 02-6233696 | [www.ir-amim.org.il](http://www.ir-amim.org.il)

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