



State Comptroller of Israel | Local Government Audit | 2022

Systemic Audit

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# **Local Authorities' Treatment of Hazardous Buildings**





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## Background

Hazardous buildings endanger human lives. A concrete example of this is the collapse of a residential building in Holon in September 2021. This event ended without any casualties as the building's occupants were evacuated a day before it collapsed due to the danger it posed to their lives. The combination of circumstances of hundreds of thousands of buildings built in Israel not according to a binding earthquake resistance standard, the aging of the buildings, the difficulty of maintaining them, and the lack of comprehensive regulation of maintenance – creates the potential for many hazardous buildings in Israel. Hazardous buildings that are not maintained can be a "ticking bomb", endangering everyone around them and exposing the occupants, owners, and local authorities to significant consequences for which they are not always prepared.



## Key figures

**610,000**

estimated number of housing units built before 1980, which may not meet the earthquake resistance standard for buildings, as of 2021<sup>1</sup>

**41,626**

number of housing units granted permits under a national outline plan for the reinforcement of existing buildings against earthquakes (NOP 38) in 2005 – 2020<sup>2</sup>

**7%**

housing units rate which were granted permits under NOP 38 up to 2020 compared to the number built before 1980

**4,840**

number of hazardous buildings in the 44 local authorities audited (4 were audited in depth and 40 sampled by questionnaire)<sup>3</sup> as of the audit date

**49 (19%)**

number/rate of local authorities out of 257 that do not have hazardous buildings by-laws

**24 (55%)**

number/rate<sup>4</sup> of audited local authorities that did not establish a procedure for handling hazardous buildings

**39 (89%)**

number/rate<sup>5</sup> of audited local authorities that did not discuss hazardous buildings in their council plenum

**34 (77%)**

number/rate<sup>6</sup> of audited local authorities that did not map or survey potentially hazardous buildings or neighborhoods

## Audit actions



From June to November 2021, the State Comptroller's Office examined local authorities' handling of hazardous buildings. An in-depth audit was conducted in four local authorities – **Beer Sheva, Bat Yam, Kiryat Yam, and Tel Aviv-Yafo** – focusing on the treatment of hazardous buildings by-laws and procedures, declaring and treating hazardous buildings procedures, hazardous public buildings treatment; assistance to owners of hazardous buildings or those occupying them. Completion audits were conducted at the local planning and building committees of **Beer Sheva, Bat Yam, the Krayot, and Tel Aviv-Yafo**. In addition, a questionnaire was sent to another 40 local authorities and

<sup>1</sup> Data provided by the Israel Builders Association to the audit team in September 2021.

<sup>2</sup> Government Authority for Urban Renewal, Urban Renewal Report for 2020 (April 2021).

<sup>3</sup> There were dozens of other buildings treated by hazardous buildings units in these authorities that were not declared hazardous buildings.

<sup>4</sup> These data refer to both the 40 local authorities sampled in the questionnaire and the four local authorities examined in depth.

<sup>5</sup> See footnote 4 above.

<sup>6</sup> See footnote 4 above.



nine local (regional) planning and building committees. Additional completion examinations were conducted at the Prime Minister's Office, the Ministry of Interior, the Ministry of Construction and Housing (the Ministry of Housing), the Ministry of Welfare and Social Affairs, the Ministry of Education, and other relevant bodies.

## Key findings

-  **The treatment of hazardous buildings by-laws** – the Sample By-Law for the Treatment of Hazardous buildings, published by the Ministry of Interior 50 years before the end of the audit (in 1972), is not detailed. However, the Ministry of Interior has not updated it and has not issued a new by-law recommended for use by local authorities. Of the 208 local authorities with a hazardous buildings by-law, about 86% have outdated by-laws enacted before 2010. Disparities were found in the by-laws of **Beer Sheva, Bat Yam, Kiryat Yam, and Tel Aviv-Yafo** concerning basic definitions indicating differences between their handling manner of hazardous buildings and the rights and obligations of the residents of the local authority who occupy or own hazardous buildings.
-  **Hazardous buildings treatment procedures** – **Kiryat Yam** municipality does not have a procedure for hazardous buildings. The procedures of **Beer Sheva, Bat Yam, and Tel Aviv-Yafo** municipalities do not define a "hazardous buildings" using criteria for distinguishing between different levels of danger and do not fully define the work procedure required by all the local authority parties for handling hazardous buildings and the manner of cooperation between them.
-  **Monitoring and control discussions on hazardous buildings** – **Beer Sheva** municipality and the **Beer Sheva, Bat Yam, Krayot, and Tel Aviv-Yafo local planning and building committees** did not discuss hazardous buildings; **Kiryat Yam** municipal council held a single discussion on hazardous buildings after the collapse of the building in Holon; **Bat Yam** municipal council discussed, among other things, the amendments approval to the hazardous buildings by-law; **Tel Aviv-Yafo** municipal council discussed the by-law approval of buildings.
-  **Hazardous structure treatment unit** – the Ministry of Interior has not established regulations requiring the establishment of a dedicated unit for hazardous buildings treatment and of the needed manpower for their treatment, depending on the size of the local authority or other characteristics to be determined by the Ministry. The Ministry of Interior has not issued guidelines regarding the threshold conditions for those handling hazardous buildings and their required training. The Ministries of Interior and Housing did not provide training and instruction for local authorities employees in hazardous buildings. The employees who handle hazardous buildings in **Beer Sheva,**



**Bat Yam, Kiryat Yam, and Tel Aviv-Yafo** include engineers or practical engineers were not trained or instructed in hazardous buildings before beginning their work. Moreover, they do not participate in ongoing training on this topic.



**Initiated inspections to locate hazardous buildings** – the Ministries of Interior and Housing did not instruct the local authorities to survey buildings, including details of how the survey should be prepared, the frequency of preparation required, and the identity of the inspecting entity. Of the 40 local authorities sampled in the questionnaire, 35 (87.5%) did not formulate work plans for locating and treating hazardous buildings. **Beer Sheva, Bat Yam, Kiryat Yam, and Tel Aviv-Yafo** did not survey hazardous buildings or prepare work plans for locating hazardous buildings. Moreover, the central government bodies examined – the Ministry of Interior, the Ministry of Housing, the Planning Administration, and the Land Enforcement Authority (formerly the National Unit for Enforcing Planning and Construction Laws) – did not map the areas with the potentially buildings at risk.



**Carrying out an on-site inspection after receiving a suspicion inquiry of a hazardous building** – out of 40 authorities sampled, 24 (60%) did not set a maximum time for an on-site engineering inspection from the date of suspicion inquiry receipt of a hazardous building. From January 2015 to June 2021, 92 buildings in **Bat Yam** (13% of the buildings for which on-site inspections were carried out) were inspected 60 days or more after the inquiry date (467 days was the maximum period); 2 buildings in **Beer Sheva** (0.16% of the buildings for which on-site inspections were carried out) were inspected 60 days or more after the inquiry date (68 days was the maximum period); 48 buildings in **Tel Aviv-Yafo** (1.4% of the buildings for which on-site inspections were carried out) were inspected 60 days or more after the inquiry date (313 days was the maximum period) – much longer than the determined time in the by-laws and procedures.



**Declaration of a hazardous building and the treatment thereof** – the central government bodies examined – the Ministry of Interior, the Ministry of Housing, the Planning Administration, and the Land Enforcement Authority – have no data on the buildings declared by the local authorities as hazardous and on the status of the treatment thereof. **Beer Sheva, Bat Yam, Kiryat Yam, and Tel Aviv-Yafo** have not set detailed criteria for declaring a "hazardous building" in their jurisdiction. The percentage of hazardous buildings declared from all the buildings in **Kiryat Yam**, and **Beer Sheva** is significantly lower, 0% and 1%, respectively, than their share in **Bat Yam** and **Tel Aviv-Yafo**, 13% and 20%, respectively. **Kiryat Yam** municipality did not declare any building within its jurisdiction as a hazardous building, but instead sent warning letters to the owners and did not monitor the warning letters, nor has consolidated data on them.



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**Management of enforcement proceedings and imposition of fines for the treatment of hazardous buildings** – in **Bat Yam**, 654 active cases are being handled by the Hazardous buildings Unit and 363 cases by the municipal prosecution, some of which have been open for about a decade. Currently, they are still handled and pose a danger. **Beer Sheva** municipality has 18 active hazardous buildings case files handled by the Hazardous buildings Unit and seven active cases handled by the municipal prosecution, one case has been open for five years, and another has been open for about four years. **Tel Aviv-Yafo** municipality has 681 open cases handled by the Hazardous buildings Department and 59 open cases handled by the municipal prosecution, two open cases from 2019, nine from 2020, and 48 from the first half of 2021. **Kiryat Yam** municipality did not transfer cases for handling to the municipal prosecution. **Beer Sheva, Kiryat Yam, and Tel Aviv-Yafo** did not impose fines on owners of hazardous buildings who did not repair the defects as required. **Bat Yam** municipality did not take steps to empower it to impose a fine on the subject and did not impose such fines.
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**Publication of information on hazardous buildings** – the Ministry of Interior did not instruct the local authorities regarding the information they must publish about hazardous buildings being handled by them, and the format of information publication or its transfer to the building files. 39 of the 40 local authorities sampled in the questionnaire (97.5%) do not publish the list of buildings to the public on their website, including local authorities that have hundreds and even thousands of hazardous buildings. 37 local authorities (92.5%) do not have an information layer about the dangerousness of the buildings in their geographical information system.
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**Educational institutions** – although the Ministry of Education has set detailed obligations for compliance with safety requirements and for carrying out various safety inspections in educational institutions, it has not imposed to check the stability of educational buildings occasionally, in particular – depending on the age of buildings, even though hundreds of children pass through them every day.
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**Assistance means for owners and occupants of hazardous buildings** – none of the 40 local authorities audited extend assistance grants to residents for repairing defects in hazardous buildings, and 37 of them (92.5%) do not assist through loan grants. **Bat Yam, Tel Aviv-Yafo, Kiryat Yam, and Beer Sheva** have not set up a dedicated fund to assist apartment owners in financing renovation work and repairing defects in hazardous buildings, whether by grants or loans. The assistance the Association of Better Housing provides to renovate buildings can be given to only 12.5% of the housing units in the country, whose owners pay for their membership in the Association. In the four local authorities examined, the Association's assistance was provided to homeowners in 90 buildings in 2015–2021 out of 4,424 hazardous buildings declared in those years. The Ministries of Housing and of Welfare and Social Affairs do not have dedicated programs to help apartment owners remediate dangers in their homes or help tenants suddenly



forced to vacate their homes. The Ministry of Interior does not have a procedure that enables and instructs local authorities to assist tenants in an emergency.



**Tel Aviv-Yafo assistance in building facades renovation** – the state comptroller's office commends the activity of **Tel Aviv-Yafo** municipality through Ezra & Bizaron Housing Co. Ltd., providing a solution for tenants unable to finance the renovation work and remediate hazards in their buildings. This activity also addresses the barrier of reluctant tenants, who sometimes undermine the promotion of building renovation projects.

**Promoting the treatment of hazardous buildings and their consequences** – following the collapse of the building in Holon, several government ministries, at the initiative of the Prime Minister's Office, took steps to promote the treatment of hazardous buildings. Consequently, a professional team was established, consisting of representatives from the Ministries of Housing, Interior and Justice, the Urban Renewal Authority, the Planning Administration, the National Planning Council at the Ministry of Interior, the Budget Division at the Ministry of Finance, and the Home Front Command. The team's goal is to study the matter and recommend policy steps in the short and long term.

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## Key recommendations



It is recommended that the Ministry of Interior consider, following the international review presented in the report, the institutionalization of provisions and additional mechanisms required to empower local authorities to optimize the treatment of hazardous buildings. It is also recommended that all local authorities promulgate and update hazardous buildings by-laws.



It is recommended that the local authorities audited, and all local authorities, establish procedures and prepare orderly work plans for the inspection of the buildings in their jurisdiction according to criteria to be determined, to locate hazardous buildings or those suspected of being hazardous within their jurisdiction. It is recommended that the Ministry of Interior instruct local authorities to apply procedures and increase uniformity between local authorities in their handling of hazardous buildings. It is further recommended that the Ministry of Interior, in cooperation with the Ministry of Housing, consider promoting the recommendation to periodically inspect buildings, guide local authorities to survey, identify hazardous buildings, and instruct them to prepare multi-year work plans on the matter.



As the classifications of a building as a hazardous are not clear, it is recommended that local authorities establish detailed and transparent criteria for declaring a building as hazardous, and accordingly examine the buildings and ensure that the hazard is



removed, among other things, through external factors. The Ministries of Interior and Housing should instruct the local authorities regarding the criteria for declaring a building as hazardous, its treatment and the rescinding of the declaration – among other things regarding the classification of the buildings' degree of danger, depending on the nature of the buildings, the risk arising therefrom or the urgency.

- 💡 The local authorities audited, and all local authorities, should act transparently and publish information on all declared hazardous buildings within their jurisdiction, including the update date, among other things to ensure that the emergency and rescue authorities, including fire and rescue, police and MDA can be updated on the list of hazardous buildings regularly. It is recommended that the Ministry of Interior instruct local authorities to publish information on hazardous buildings, including the details required, the method and the publication procedure.
- 💡 The State Comptroller's Office recommends that the Ministry of Housing and the Urban Renewal Authority promote urban renewal projects in districts where the number of construction starts as part of urban renewal is low or where there are almost no such projects, and consider promoting urban renewal projects that will provide a response to hazardous buildings.
- 💡 It is recommended that the Ministries of Interior and of Housing distribute to the local authorities guidelines of public buildings handling methods – their inspection and treatment of buildings suspected of being hazardous. As there are many activities in the educational institutions attended by hundreds of children every day, the State Comptroller's Office recommends that the Ministry of Education consider establishing provisions for a periodic inspection of the stability of educational institutions.
- 💡 It is recommended that the Ministries of Housing and of Interior consider increasing assistance for the renovation of hazardous building, whether through the establishment of a government mechanism or by increasing the assistance of the Association of Better Housing in financing the renovation of hazardous buildings. Moreover, they should publish a guiding procedure on the matter for local authorities. It is also recommended that local authorities consider the establishment of dedicated funds to assist, whether through a grant or a loan, to repair hazardous buildings by criteria to be determined.
- 💡 It is recommended that the Ministry of Housing nationally map safety hazards buildings, including buildings defined by the local authorities as hazardous, and formulate a nationwide multi-year plan to treat these buildings, especially in peripheral areas, to promote the treatment thereof. The professional government team should promote the issue and regulate policies for local authorities and property owners to deal with hazardous buildings, including assisting populations worthy of promotion – especially in peripheral areas, as the concentration of such occupants in hazardous buildings exacerbates the difficulty in coping with the building's hazardous nature and with the



remediation of hazards. It is recommended that the team consider establishing an integrating body, which will serve as a central guiding body for the local authorities and oversee their detection and treatment of hazardous buildings. It is recommended that the team examine mechanisms formulated in different countries worldwide for treating hazardous buildings and maintaining condominiums through the prism of the international review presented in the report.

### The residential building in Holon that collapsed in September 2021



To the right - is a photograph of the audit team from September 2021;  
To the left - is a photograph from a document of the Hod Hasharon Municipality from October 2021, prepared for a discussion on hazardous buildings in the municipality following the collapse of the building in Holon.

## Summary

As stipulated in the legislation, the local authority's mandate to handle hazardous buildings does not specify how to exercise it. At the audit time, the central government bodies, mainly the Ministries of Interior and of Housing, did not promote hazardous buildings treatment by the local authorities nor address the economic and social consequences it entails. These bodies, as well as the local authorities, have not proactively located hazardous buildings, even though they may be life threatening. The constant concern of an earthquake in the State of Israel, along with the concern over a collapse of unmaintained old buildings, similar to the



events in 2021, and the considerable damage potential of hazardous buildings, highlight the need to regulate hazardous buildings and reduce disparities between local authorities. Local authorities should exhaust the means at their disposal to ensure the effective treatment of hazardous buildings and the removal of the safety hazard looming over their occupants and the public while carrying out proactive mapping and supervision actions without unnecessarily harming building owners.

