



Report of the State comptroller of Israel | January 2024

The Defense System

Approval of Protected Spaces by the Home Front Command and the Control Institutes as Part of the Building Permit Granting Process



Approval of Protected Spaces by the Home Front Command and the Control Institutes as Part of the Building Permit Granting Process

Background

To prepare for the defense of the home front against the threat of rocket and missile fire, several critical operations were carried out to protect the civilian population and prevent loss of life, minimize property damage, and the damage to the population's sense of security, allowing the civilian population to maintain its routine, and lessening the damage to the economic activity. One of the measures is setting the standards required for establishing a residential protected room (Mamad) or communal protected space (Mamak) as part of the building licensing process. According to the Home Front Command (HFC), protected spaces are the best solution for protecting the population during missile and rocket fire, and they offer protection against other threats, such as earthquakes, fire, and the spillage of hazardous materials.

Along with the need to grant a building permit for residential and other buildings, the law in Israel requires approval for a protection annex from the HFC or those authorized by it. Indeed, each year, the HFC processes tens of thousands of requests for approval of protected spaces to obtain a building permit for a new building or an addition to an existing structure, including applications for exemption from protection, as well as applications for a certificate of completion of construction, to confirm the integrity of the protected space constructed. To receive approval for the protection annex, applications for approval must comply with the HFC's professional guidelines. Approval involves a professional examination, after which the applications are sometimes returned to their submitters, even several times, for correction (iterations).

Following the collapse of the floor of a hall in Jerusalem in May 2001 (the Versailles Hall disaster), a state investigative committee was appointed regarding the safety of buildings and locations used by the public (the Zeiler Committee). The Committee recommended, among other things, the establishment of private and professional inspection centers supervising the planning of the buildings and the construction (control institutes) as part of the building licensing procedure – during the licensing and execution stages. In December 2006, the government adopted the Committee's recommendations and other government resolutions, leading to a comprehensive amendment of the Planning and Building Law (Amendment 101). In 2018, the planning and building regulations regarding establishing control institutes and



their working methods were amended, and the institutes began their work (the first phase)¹. More work is planned to be added to the control institutes (the second phase) in January 2024.

Key Figures

26,375

the number of applications for the HFC approval of a protection annex in 2022. An increase of 53% compared to 2019

70,608

the number of iterations carried out by the HFC in 2022 to approve the protection annex with applicants. A 200% increase compared to 2019

2.7

the average number of iterations between the applicants and the HFC for the approval of a protection annex in 2022, compared to 1.4 in 2019

only 2%

of all content control applications² were processed at the control institutes in 2022. For comparison, the rate of applications that were suitable for handling at the control institutes was about 22%

60% of applications

submitted to the HFC every week³ for the approval of a protection annex, were returned to the applicants to correct and complete

3–4 months

the time required to complete the approval process of the protection annex (according to a Planning Administration survey) Compared to the 18 days set by the HFC


26

the number of inspectors authorized to perform content control of the protection annex operating in the control institutes


- 1 Until July 2021 in a voluntary manner, that is, the applicants may choose whether to submit the application to the HFC or to one of the institutes.
- 2 Various controls by professional parties as part of the process of processing the application for a building permit.
- 3 A sample examination performed by the audit team for the months of November – December 2022.




Audit Actions

 From October 2022 to April 2023, the State Comptroller Office audited the HFC's part in the process of approving applications for building permits that included approval for protected spaces and its cooperations with the control institutes. The audit was conducted at the HFC, at the Ministry of Interior's Planning Administration and at two local authorities: the Kiryat Shmona and the Ashkelon Municipalities, which were chosen due to their proximity to conflict zones. The audit team held meetings with representatives from engineers' and architects' organizations as well as with representatives from a control institute.

Key Findings

 **Approval of Applications for the Protection Annex and a Certificate of Completion by the HFC** – over the last five years, the number of applications for a protection annex and for a certificate of completion approved by the HFC has increased from 12,784 in 2018 to 26,375 in 2022. The number of iterations required rose from 23,567 in 2019 to 70,608 in 2022. Over the past four years, the average number of iterations needed, to approve an application increased from 1.4 in 2019 to 2.7 in 2022. However, the number of application inspectors in the HFC has hardly changed over the last ten years and remains at about 25 on average.

 **The Service Norms for Approving Applications by the HFC and Compliance Therewith** – the audit team examined the weekly reports the HFC began to generate from November 2022, documenting compliance with the service norms for those submitting applications, and determined that the HFC met the deadlines it set for itself, 18 calendar days for a response, in about 98% of the iterations directed to it. However, about 60% of them were returned every week to the applicants for corrections and completion (at any given time, about 6,000 applications at the applicants' possession for correction and completion, sometimes for periods exceeding six months). It was further found that these reports do not specify how many times the applications were returned to the applicants, and there is no documentation of the reason for the return. Hence, although the HFC allegedly meets the timetables defined in the service norms for responding to the applicants, this does not express the overall duration of the application processing, the cause for the delay in the overall processing, and the applicants' dissatisfaction. The length of time until receiving a response, the multitude of returns, the lack of clarity regarding the reason for the return, and the lack of direct contact



indicate inefficiency in the approving protection annex, leading to a considerable delay in their processing.


📌 The HFC Licensing System – the audit raised that the HFC licensing system does not provide the HFC with complete and updated data at various points in time regarding its compliance with the schedules according to the planning and building regulations and the norms it set for itself as derived therefrom. Furthermore, the HFC has no documentation (except for weekly reports that it began to generate in November 2022) of conducting statistical analyses regarding its handling of applications addressed to it. I.e., the HFC cannot examine whether it complies with the deadlines set in the regulations (30 days) and as it defined for itself (18 days) to draw lessons and improve the response to the applicants.


📌 Use of the Online System and the Reduction of Direct Meetings – meetings held by the audit team with engineers and architects raised that although the use of the online system improved the processing of requests for approval of the protection annex, the reduction of direct meetings impairs the quality of the service provided to the applicants, while the number of requests has increased significantly over the past years (by about 200%).


📌 The Scope of the Control Institutes' Applications Approval – from the Planning Administration's data, based on the Available Licensing System⁴, it was raised that about 76% of the permits (13,702 permits) issued by the licensing authorities in 2018–2021 were given for low-rise construction (up to two stories), which are about 18% (16,199 housing units) of the total housing units; 22% of the permits (4,054 permits) were given for high-rise construction (three to nine stories), which are about 49% (43,913 housing units) of the total housing units. Hence, most of the applications for residential building permits do not meet the conditions for content control by the control institutes. Therefore, the HFC is the only body handling the approval of the protection annex for these applications. Of the applications that were suitable for handling by the control institutes, it was found that the scope of the content control carried out by the control institutes in 2022 was 442 applications, 2% of all the applications approved this year by the HFC and the control institutes combined (the HFC handled the rest of the applications in the aspect of the protection annex). This is even though the potential volume of applications that were supposed to go through the control institutes in the first phase is estimated at 22% at least (about 5,900 applications) of all content controls. Hence, the control institutes are not fulfilling their role in handling content control according to the milestone of the first phase established on July 6th, 2021, regarding the control obligation in the control institutes.

4 These data include data only from the committees that fully work with the Available Licensing System and do not include information from the committees in Tel Aviv and Jerusalem. According to the Planning Administration, the data of the Central Bureau of Statistics are similar for these committees as well, therefore in their estimation, this distribution can be regarded as reflecting the situation in the entire country.



 **The Competence Level of the Inspectors at the Control Institutes** – the audit raised that the HFC, responsible for the protection standards, the training of the inspectors of the control institutes and maintaining their competence, and which has thus far trained 46 ones (in 2018–2022), is not satisfied with the competence level of the inspectors, examining the protection annex. Without maintaining an appropriate level of competence, failures, and defects may occur in the content control by the authorized inspectors.

 **The Inspectors Powers at the Control Institutes** – the audit found that, contrary to the legislator's intention in transferring content controls to the control institutes to optimize the control system, the HFC guidelines for the construction of protected space, limit according to the limitation that applies to HFC engineers, the power of the authorized inspectors at the control institutes to approve unusual applications. Given the complexity of planning protected spaces and the need that sometimes arises to handle unusual applications, a considerable rate of the applications received at the institutes are not processed and are forwarded to the HFC. Thus, about 50% of the applications received at a specific institute in 2022 were not processed by the institute and were sent to the HFC for review.

 **Documenting the Applications Handled by the Control Institutes and Their Follow-up** – according to the representatives of the control institutes and the Planning Administration, the control institutes partially fulfill the HFC's directive of the documentation of the applications they approved and their uploading to the HFC system, due to its complexity. As a result, the HFC cannot conduct adequate control as required by the regulations, which may lead to the approval of the construction of a protected space that does not meet HFC requirements.









The HFC Website – the HFC website provides detailed and accessible information that serves the applicants when submitting applications for approval of the protection annex.

Holding Conferences and Certification of Architects – the HFC held informative conferences for the applicants and initiated a course for the certification of architects to approve the protection annex. These improved the quality of the submitted applications and consequently reduced the burden on the HFC.

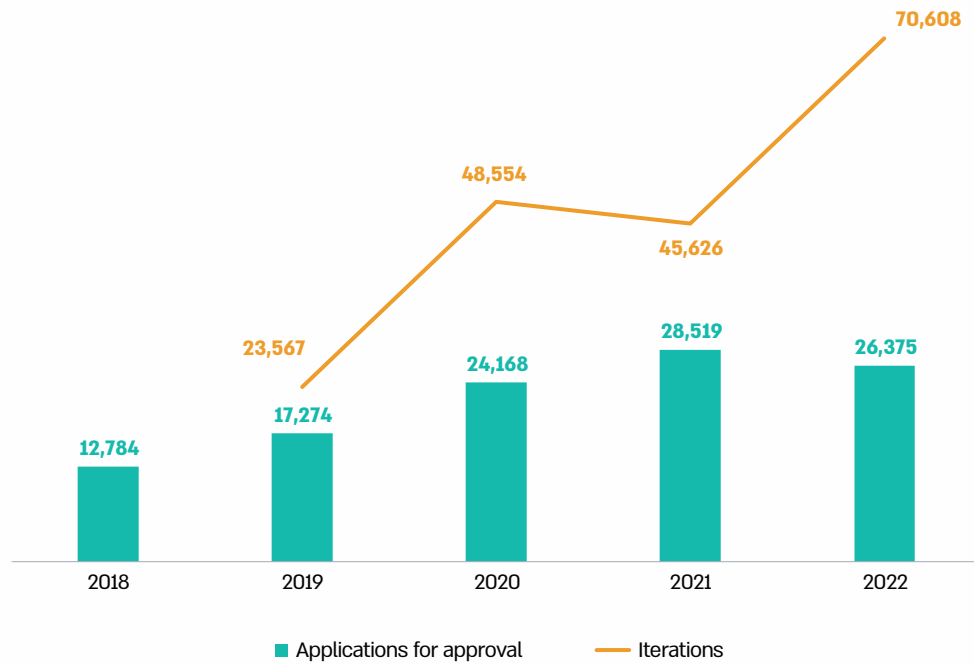


Key Recommendations

-  It is recommended that the HFC set annual and multi-year goals to improve the ability of applicants to meet professional requirements, thus reducing the number of iterations in the application approval process. Therefore, the HFC must monitor the number of iterations for each application and the time it takes to process it from its submittal to the completion of the processing thereof.
-  It is recommended that the HFC set goals for conducting training and other measures for improving the knowledge of the planning public. As the HFC's goal is to improve the professional level of the applicants to optimize the work of all those involved in the application approval process, it is recommended that the HFC examine the extent of its training's success by measuring the improvement of the applicants' performance and constantly consider ways to improve the training system and the training method.
-  It is recommended that the HFC complete and implement the information system to enable complete control and monitoring of the applications it handles. Thus, the service indicators will reflect the overall time required to process the application from its initial submission until the end of its processing and the reasons.
-  It is recommended that the Planning Administration work amongst the local committees so that the control institutes will handle all the content controls designated for the first phase according to the implementation of Amendment 101 of the Planning and Building Law, that is – transferring to the control institutes the performance of all content controls, including the approval of the protection annex.
-  It is recommended that the Planning Administration, in cooperation with the HFC, consider creating an automatic online interface between the institutes' systems and the systems of the approving bodies, including the HFC, to coordinate between the computerized systems and ensure that the institutes comply with HFC requirements in documenting approved applications and uploading them to the HFC system. It is recommended that upgrading the Available Licensing System to an online interface between all the approving bodies, accepted by everyone for its necessity, be done through dialogue in cooperation with the Planning Administration and under its leadership.
-  It is recommended that the Planning Administration and the HFC, in cooperation with the control institutes, consider ways to expand the activities of the control institutes to approve all buildings where a protected space is required, on the one hand, and to expand the certification of authorized persons (for architects and engineers) for self-certification of protection annex, on the other hand. These will streamline the approval process of the protection annex and maintain the HFC as a regulatory body for protection standards and instructions and for the certification of licensed architects or engineers and the protection inspectors in the control institutes.



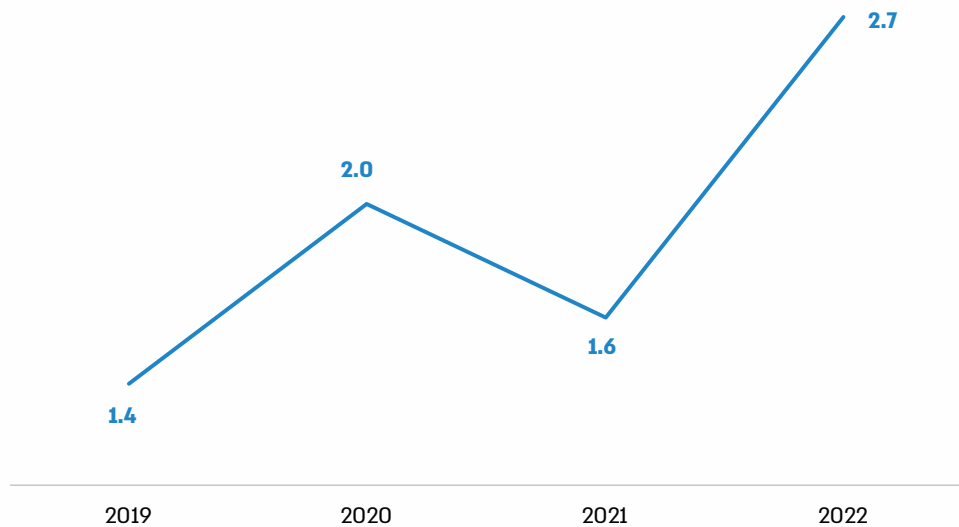
The Number of Applications for Approval of a Protection Annex and for a Certificate of Completion Approved by the HFC and the Number of Iterations Required, 2018–2022



According to HFC data, was processed by the Office of the State Comptroller.



The Average Number of Iterations Required for Approval of the Protection Annex and a Certificate of Completion, 2019–2022



According to HFC data, was processed by the Office of the State Comptroller.



Summary

In recent years, the threat of missiles and rocket fire has materialized in Israel when its citizens in different regions of the country were called to enter the protected spaces for varying periods. Israel's building laws and regulations require that a protection annex be approved by the HFC or those authorized as an integral part of obtaining a building permit.

In addition to a significant increase in the number of applications for the approval of a protection annex, their approval as part of the process of receiving the building permit requires a lengthy period. The integration of the control institutes in approving the building permit applications, including the content controls, is slow. In 2022, the scope of applications for the approval of a protection annex approved by the HFC increased by about 53% compared to 2019, and the number of iterations required for these approvals increased in 2022 by about 200% compared to 2019.

The HFC is examining proposals and measures to improve it. Despite the intention to expand the integration of the control institutes in the content control process under the existing legislation, the publication of the scope of the planned expansion indicates that in the coming years, there will not be much change in the HFC's extensive involvement in the process. To streamline the processing of building permit applications while maintaining the HFC's status as a regulator in the protection guidelines and the certification of inspectors for the protection annex, it is recommended that the Planning Administration and the HFC, in cooperation with the control institutes, consider expanding the activities of the control institutes to include most of the applications for building permits where a protected space is required on the one hand, and the expansion of authorized certification (for architects and engineers) for self-certification of protection annex, on the other hand.

