

**Disputed Public Housing: A Critical Reading
of Judicial Decisions regarding the
"Continuing Tenant"
in Israeli Public Housing**

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This research analyzed approximately 250 judicial decisions between 2005 and 2013 in the magistrate, district and Supreme Court in Israel, adjudicating disputes between public housing tenants and public housing companies. The main issue in these proceedings was the status of the public housing tenants, many of whom demanded to be recognized as "continuing tenants" under the Public Housing (Purchase) Act. This legal status would enable them to continue living in a public housing dwelling following the death of the original ("contractual") tenant, usually a parent or grandparent. In some cases, recognition as a continuing tenant would entitle them to purchase their apartment at a significantly discounted price. This research continues a previous one that examined the struggle of public housing "second and third generation" claimants to secure their right to live in the family apartment following the death of the original tenant. The previous research drew a clear connection between the identity of these tenants and their original country of immigration to Israel. It explained the reason for a high correlation between the status of public housing tenancy and immigration from North African countries to Israel, mainly from Morocco, hence demonstrating the distributive effects of the legal status. The current research shows that the courts' tendency is not to recognize claimants who asked to be recognized as continuing tenants as a

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distinguished social group; courts thus disregarded their historical and social characteristics (i.e., country of origin). In most cases, the courts adopted the formal narrative of the state (and public housing companies), which situates the continuing tenants in rivalry to those who are eligible for public housing but are on a "waiting list" for a vacant apartment. Hence, direct and specific competition is formed between two disempowered groups over a public resource. Such competition over the distribution of social resources is not created in other contexts, such as welfare, where there is no specific waiting list. The study suggests implementing the rights of continuing tenants in public housing in a broader manner that recognizes the historical and distributive features of this legal issue, and calls for expanding resources for public housing in Israel.