



SHELTER AND PROTECTION SECTORS JOINED HOUSING, LAND AND PROPERTY (HLP) TEMPORARY
TECHNICAL COMMITTEE (TTC)

Guidance Note on Housing, Land and Property Rights in the context of the Beirut Port Blast Response

This document was developed in October 2020 by the Housing, Land and Property (HLP) Temporary Technical Committee (TTC) formed by the Beirut Blast protection and shelter sector working groups; chaired by UN-Habitat and NRC with contributions from Caritas, Habitat for Humanity, URDA, Legal Action Worldwide, CLDH and IRC..

Table of Contents

1. Introduction.....	3
2. Key definitions.....	3
3. HLP issues identified in the context of Beirut port blast.....	4
4. Legal framework.....	5
5. Rented properties, rights and responsibilities of tenants and owners.....	7
6. HLP due diligence.....	8
7. Referral pathways to legal services.....	9
8. Link with other shelter activities.....	10
9. Recommendations.....	12
10. Advocacy messages.....	13

Annex I: Due Diligence Checklist

Annex II: Inter-Agency Minimum Standards on Referrals

1. Introduction

On August 4, 2020, an explosion occurred at the Beirut Port, resulting in large-scale damage to buildings and infrastructure, losses in lives, homes and businesses, and a disruption in the services provision of several facilities. It is estimated that the Port explosions directly impacted 291,180 individuals living in 72,265 apartments within three kilometers of the epicenter (UNOCHA, 2020).

Property occupants, including owners and tenants, households living in affected dwellings or forced to relocate due to the level of damage in their property might face particular challenges with regards to their HLP rights.

Considering the complexities characterizing HLP issues in this particular context, this guidance note serves to practically guide shelter actors providing relief support to affected households in the rehabilitation of their shelter and living conditions. It aims to mainstream HLP rights in the immediate and longer-term shelter response to the blast, in order to ensure a do-no-harm approach in the intervention. It also aims to contribute to a comprehensive and sustainable "build-back-better" approach that covers the different components of the right to adequate housing, from the physical restoration of the shelter, to securing the tenure rights of households affected by the blast, during and after displacement. Providing safe, secure and dignified housing and the protection of HLP rights is paramount within the emergency response.

2. Key definitions

Housing, Land and Property Rights: HLP rights are about having a home, free from the fear of forced eviction, a place that offers shelter, safety and the ability to offer a livelihood.¹ HLP rights include more than ownership rights. They include a range of statutory, customary and religious rights pertaining to the use, control, transfer, and enjoyment of HLP and its assets.

Due diligence: A process of research and analysis in any given situation to avoid harm to other persons or property.²

Tenure rights: Tenure rights refer to the rights that individuals or groups hold in the usage of a land or property according to their status in relationship to that land or property (tenure arrangement).

Tenure security: Security of tenure guarantees legal protection from forced eviction, harassment and other threats. Legal security of tenure occurs when HLP relationships are defined by statutory or customary law or through informal or hybrid understandings in a manner that enables those concerned to live in security, peace and dignity.³

Tenure arrangement: Tenure arrangement can include private ownership, public or private rental accommodation, cooperative housing, lease, occupation or rent in informal settlements, and customary or traditional arrangements.⁴

Right to adequate housing: Housing must contain certain facilities for health, security, comfort and nutrition in order to be considered adequate. All persons should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, adequate sanitation and

¹ Housing, Land and Property Rights (HLP) in Shelter Due Diligence Guidelines, HLP Sub-Cluster Iraq (December 2013).

<https://reliefweb.int/report/iraq/housing-land-and-property-rights-hlp-shelter-due-diligence-guidelines-enar>

² Land rights and shelter. The due diligence standard, December 2013, Shelter Cluster.

<https://www.sheltercluster.org/sites/default/files/docs/2013-December-Due%20diligence%20in%20shelter-A4.pdf>

³ UNHCR Emergency Handbook, Housing, Land and Property: <https://emergency.unhcr.org/entry/214524/housing-land-and-property-hlp>

⁴ Ibid.

washing facilities, means of food storage, refuse disposal, site drainage and emergency services. The criteria for an adequate standard of housing includes security of tenure; cultural adequacy; affordability; availability of services, materials facilities and infrastructure; habitability; accessibility and location.⁵

Forced eviction: The permanent or temporary removal against the will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of and access to appropriate forms of legal or other protection.⁶

3. Housing, land and property issues identified in the context of the Beirut port blast

The Lebanese Red Cross (LRC) multi-sectoral assessment (MSNA) survey and the NRC multi-sectoral needs assessment⁷ provide a first overview of the HLP issues identified in the aftermath of the Beirut blast. However, the continued monitoring of HLP issues faced by households residing in the areas affected by the blast is required in a fast-changing context in order to inform programming and advocacy efforts.

The NRC multi-sectoral needs assessment was conducted in August and September 2020 in Karantina and Mar Mikhael neighborhoods. The main findings are based on a survey of 280 buildings and 641 accessible apartments, including interviews with 541 households living in the affected areas.

The households surveyed (49.46% Lebanese, 39.17% Syrians and 11.37% other nationalities) reported the following occupancy status: owned property (24% of the respondents, mainly Lebanese nationals), rented property (73%, of the respondents - mostly Syrian nationals, some Lebanese nationals and other nationalities) and hosted (3%, mainly Syrian nationals and other nationalities). The majority (82.5%) of the tenants reported having rented the property after July 22, 1992⁸, and 17.5% (mainly Lebanese nationals) reported having rented before July 22, 1992. 57.2% of the respondents (mainly Syrian nationals, other nationalities and some Lebanese nationals) that are renting property reported not possessing a housing document (written lease agreement). Only 3.2% of the respondents reported having damaged or lost HLP related documents due to the Beirut Port blast.

The LRC MSNA, conducted in the affected areas, has identified 4.3% (source MSNA of Sep. 2020) of surveyed individuals to have lost personal documents as a result of the blast.

The following list highlights additional HLP issues observed by humanitarian organizations⁹ and civil society groups in the areas affected by Beirut port blast.

It should be noted that HLP issues might differ according to the location, occupancy type and status of the damaged properties. Moreover, some HLP matters are likely to have existed also prior to the blast.

Main HLP issues identified:

⁵ OHCHR, the right to adequate housing factsheet 21: https://www.ohchr.org/documents/publications/fs21_rev_1_housing_en.pdf

⁶ General Comment No. 7, Covenant on Economic, Social and Cultural Rights (CESCR).

⁷ Extended version of LRC MSNA Survey

⁸ Lease agreements signed before 22 July 1992 were bound by the provisions of the Law no. 160/1992 and its amendments, which established rent control, to regulate a process of urban renewal and protect disadvantaged populations in the post-conflict period. Lease agreements signed after 22 July 1992 are bound by the provisions of the Law no.159/1992 in virtue of which lease can be freely agreed between property owners and tenants based on their mutual consensus.

⁹ The HLP TTC circulated a survey to collect information on the identified HLP issues from shelter and protection partners operating in the damaged areas.

- Missing HLP documents (property deeds, lease agreements, etc.): Lost, damaged or lack of documents (e.g tenants and property owners often rely on verbal agreements).
- Lack of information or awareness of the legal pathways available to claim HLP rights and means to retrieve HLP documentation in case of loss.¹⁰
- Threats of eviction due to: inability to pay rent or refusal to pay rent until damages are fixed, owner's plans to repurpose or upgrade the property, and owners arguing that the property is unsafe despite a lack of a proper technical assessment. Groups at particular risk of eviction are likely to be low-income households, LGBTQI individuals, refugees and migrant workers, particularly those with informal rental agreements.
- Refusal of owners to rehabilitate the damaged property or to allow for a rehabilitation to be carried out by a third party. Particularly common seems to be the refusal of owners to rehabilitate a property when the tenants have a rental arrangement that is about to expire and the owners are not willing to extend it.
- Disputes between property owners and tenants on who holds the responsibility to carry out and bear the cost of repairs related to the damage resulting from the blast. In principle, the damages caused by the blast should be repaired by the property owner, however, many property owners lack adequate insurance and do not have the means (or access to funds and savings in the bank system) or interest in repairing the buildings and properties adequately.
- Disputes between property owners and tenants over the currency and exchange rate used for rental payments (for example: property owners might require tenants to pay in USD or to higher value than originally agreed in LBP) and increase in rental fees.
- Lack of clarity by the affected households on the criteria and procedures of governmental compensation mechanisms related to the damages caused by the blast, especially if repairs were conducted by third parties.
- Tensions and eviction threats related to the assistance provided as compensation for the damages of Beirut blast.
- Lack of awareness among people affected on how to seek legal support and counselling on HLP for free or at affordable rates.
- Lack of ability to seek recourse to the judicial system over HLP issues.
- Pressure on property owners with a lack of financial resources to make necessary repairs to sell their properties to developers or investors.

4. Legal framework related to Beirut port blast

- **High Relief Commission announcement (issued on 6 August 2020)**

In the aftermath of the blast, the High Relief Commission¹¹ (HRC) announced that it will work with the Lebanese Army's Damage Assessment Committee to identify all the damages caused by the Beirut port blast. The Commission requested the affected citizens to document the damages through photos and videos, to provide a proof of ownership of the damaged apartments, cars, buildings, shops or businesses, along with a copy of their identification cards, and report to the respective Mukhtar in order to be issued with certificates describing their situation and the damages. All documents need to be submitted to the

¹⁰ If possible, in order to provide a residence proof document, refer to the mukhtar, UNRWA (in case of Palestinian refugees) or UNHCR (in case of Syrian refugees).

¹¹ The High Relief Commission (HRC) was established by the decision no. 35/1 after being granted approval of the Council of Ministers in its session held on 15/12/1976. It is an inter-ministerial commission, its functions were extended in 1997 to disaster management and management of matters of urgent relief and in 2000 to emergency responses.

Lebanese Army's Committees either through the Mukhtar, online¹² or in person.

The High Relief Commission also pointed out that the affected persons can begin repairing the damages at their own expenses if they consider it feasible, provided that they secure official invoices indicating the type of work done and its cost, in order to be submitted to the committee at later stages.

In addition, the Lebanese government passed several laws relevant to HLP following the blast:

- **Law 185/2020 relating to the prorogation of the suspension of legal, judicial and contractual deadlines** [Official Gazette No 36 dated 27/08/2020]
 1. Extending the implementation of the Law 160/2020 dated 8/5/2020 on suspension of legal, administrative and judicial deadlines until 31/12/2020.
 2. Granting the heirs of those who passed away in the sea port blast of 4/8/2020 a waiver from inheritance fees, provided that they submit to the Ministry of Finance the required declarations and documents with proofs within one year from the entry into force of the law.
 3. Waiving the Built Property Tax due for 2020 for all the residential and non-residential buildings damaged due to the blast. The Minister of Finance shall issue further directives on how this waiver should be implemented.
 4. Waiving the municipal fees due for 2020 for all the residential and non-residential buildings damaged due to the blast. The Minister of Interior shall issue further directives on how this waiver should be implemented.
- **Law 194/2020 on the protection and support to the reconstruction of the areas affected by the Beirut port blast** – [published in the Official Gazette No 41 dated 22/10/2020]

The main provisions of the law are the following:

1. All acts aiming at transferring the ownership of any real estate property (building, lots, co-properties) in El Merfaa, Saifi, Medawwar and Rmeil areas are prohibited for two years starting the entry into force of the law.
2. Existing rent contracts under the law 2/2017 for damaged buildings, are valid even if the property is severely damaged, and rights of the tenants regarding these existing contracts are preserved.
3. Damaged buildings are exempted from municipal and fiscal taxes throughout the duration of the rehabilitation/ reconstruction process.
4. A committee is created, headed by the representative of the Lebanese Army Command having the following responsibilities: I) Receive and inspect all documents pertaining to damages that were assessed since the blast and until the implementation of this law; II) Estimate the cost of reconstruction or rehabilitation or the approximate value of repairing damages, and estimate the appropriate compensation¹³ for every real estate by following transparent procedures; III) Opening a file for each property located in the damaged areas in the capital, detailing the type of

¹² Through the Beirut Bar Association portal.

¹³ The Lebanese Council of Ministers shall establish the amount of compensation/modality of payment (not only for Rmeil, Marfaa, Saifi and Medawwar areas - but all areas affected by the blast) and shall inform and notify the above-mentioned committee.

damage, the estimated value of the damage, the estimated cost of repair, the financial and social situation of the occupants or those who are in charge of the building, the date of occupation and its legal authority, and any additional information; IV) Ensure that the restoration of heritage buildings is carried out according to the laws in force.

5. The compensation for damages shall be considered as cash assistance for the purposes of reconstruction and rehabilitation, and shall be distributed in accordance with the Lebanese Armed Forces or High Relief Commission's damage assessment to those affected based on their needs and vulnerability level, particularly to those who have not received any assistance.
 6. The Ministry of Culture shall put in place a separate plan for the reconstruction and / or restoration of the damaged buildings classified as heritage. Rebuilding a demolished heritage property requires clearance from the Ministry of Culture - who should, according to the law - ensure that the design and characteristics of those properties are maintained.
- **Clarifications and administrative conditions necessary for requesting permits to repair buildings affected by the port explosion on 04/08/2020** - Order of Engineers and Architects' (OEA) decision dated 22 September 2020¹⁴.

The OEA issued a decision related to the rehabilitation of buildings that were damaged by the explosion of Beirut Port on August 4, 2020, for works related to the consolidation, restoration and reconstruction of damaged parts of ceilings and columns. The OEA decided not to collect permit fees for these works, regardless of their area, and engineers' quotas. The requirements for the permits are the following: an agreement between the property owner(s) or his/her representative and the architect/engineer responsible for overseeing the rehabilitation process, an agreement between the main and the joint architect/engineer and a certificate listing the rehabilitation work required.

The application for permits related to the buildings included in the Ministry of Culture' list of heritage buildings shall include a certificate issued by the Ministry, approving the restoration and/or rehabilitation.

In addition to the above conditions and requirements, the decision of the OEA calls the applicants to provide the relevant maps and technical documents related to their damaged properties, including photos showing the damages caused.

Last, the OEA confirmed rejecting all applications requesting permits for establishing additional buildings since such requests fall under the category of building permit requests which are subject to a different set of requirements.

- **Governor of Beirut communication to the Beirut Police command [05.10.2020]**

In accordance with article 205, and articles 194 and 197 of the Law number 17/1990¹⁵, owners and occupants of the damaged buildings constructed on a specific lot, are permitted to conduct necessary

¹⁴ <https://www.oea.org.lb/Arabic/NewsDetails.aspx?pageid=6401>

¹⁵ Interior Security forces organizing Law No. 17/1990.

repairs and rehabilitation (internal and external) and remove parts at risk of collapsing, and return them to the original status (before the blast) without any increase in the unit area, nor a modification in the internal layout, and under the supervision and responsibility of an engineer, with full coordination with the Ministry of Culture, and the Directorate General of Antiquities (DGA) - for buildings classified as heritage - , and under its direct supervision. Units are to be delivered back to its occupants, immediately after the completion of the rehabilitation or repair works, in addition to the removal of the debris to the allocated landfills.

5. Rented properties - Rights and responsibilities of tenants and owners

From a legal perspective, Lebanon's domestic framework and its international obligations (UDHR and ICESCR) regarding the right to adequate housing create a consistent foundation for the protection of households' HLP rights.

Knowledge about tenants and owners' responsibilities can guide the shelter actors in the implementation of activities and mitigate eventual disputes.

Rights and responsibilities of tenants and owners can be described as follows:

I) Tenants

According to Lebanese laws, tenants have the right to have a written contract referred to as a lease agreement. The lease agreement is a bilateral agreement between two parties: the property owner and the tenant.¹⁶

In order to enter into a valid lease agreement, the following conditions should be met: to define the location and status of the premises, the cost of the rent and the duration of the lease.

A verbal rental contract is also valid and gives the holders the same rights as those provided by a written contract according to the law. In general, the length of a contract signed after July 1992 is three years with possibility of extension.¹⁷

The tenant has the right to live in a property that is safe and in a good state. The tenant also has the right to be protected from any unilateral changes in the contractual obligations (e.g increase in rental fees, changes in the duration of the agreement) and eviction without a lawful justification and due process. The tenant has the right not to be discriminated against based on race, religion, nationality, gender, sexual orientation, disability.

The tenant should pay the stipulated rental fees in due time, preserve the premises and use them only for the purposes that were agreed upon and carry out minor repairs.

¹⁶ The tenant also has the right to sublease the premises to others unless the lease agreement mentions otherwise.

¹⁷ The parties are free to determine the duration of the lease, but the Law allows the tenant, in rent agreements signed after July 1992 and that are for a duration less than 3 years, to extend the lease up to three years, even if the lessor has objections.

In case of death of the tenant holding a rental agreement prior to the 22 of July 1992, due to the blast, the rental contract should be transferred to the family of the deceased, provided that their family members were living with the tenant in the unit.

The tenant should hand over the property to the owner when the lease agreement reaches its term, in the same conditions it was provided, taking into consideration the usual wear and tear.

II) Property owners

The property owners have the right to receive the correct amount of rent fee in due time. The owner has the right to request from the tenant to carry out small repairs in case the property was damaged by misuse or negligence (e.g repairing tiles, taps and doors) and prevent the tenant from changing the purpose of the lease.

The owner should handover the premises in the condition agreed upon in the lease agreement, to secure the tenants ability to enjoy the premises during the lease and abstain from actions that could hinder the tenant from the agreed usage.

The property owner has the right to reclaim the unit for the purpose of family need¹⁸ and reclaim the building for demolition. Under the current circumstances, buildings are to be demolished only if there is recommendation to do so, following a structural damage assessment.

Major repairs to ensure adequate housing, including repairs pertaining to the damage caused by the Beirut Port explosion, are the owner's responsibility. The agreed rental fees should not be modified in case the owner or shelter actors are conducting minor repairs and/or rehabilitation of the property¹⁹. Rental fees can be revised only upon consensus of both parties or, after the expiration of the existing lease agreement, in case of renewal.

6. HLP due diligence process

In order to ensure that HLP rights are mainstreamed in the shelter response related to the Beirut port blast, it is necessary to understand the context that shelter actors are operating in and the main HLP issues that arise in that specific emergency setting. HLP rights should be promoted and protected by the shelter actors involved in the response, taking into consideration the principle of do no harm. HLP issues should be identified prior and during the shelter intervention in order to be addressed in a timely and effective manner, to avoid an increase of social tensions, disputes and potential evictions.

Prior to the implementation of a shelter response (in particular related to minor repairs and rehabilitation of damaged properties and cash for rent assistance) and in parallel with the completion of shelter technical and vulnerability assessments, due diligence should be carried out. This includes verifying the property ownership and usage rights. Doing so is important to ensure a minimum standard of certainty regarding the lawful possession of the targeted property, the presence of a tenancy agreement if the property is rented, the consent of the parties involved to any assistance provision, to prevent the risk of

¹⁸ "Family need" entails the need of the owner and direct relatives. If the owner does not have any other owned shelter, he/she can reclaim the rented unit.

¹⁹ Lebanese Code of obligations and contracts, 1932.

disputes over HLP and liability of the actors involved and the loss of the intended impact of the humanitarian intervention. A checklist has been developed by NRC for this purpose and validated by the HLP TTC, to support shelter actors in the HLP due diligence process (see Annex I, *Due diligence checklist*).

The HLP due diligence is carried out through:

- a. Interviewing the property owner or legal representative.
- b. Interviewing the tenant / resident / user of the apartment or house targeted by the shelter intervention.
- c. Obtaining information to confirm the right of ownership or possession of the property, including through corroboration with other parties (ex. mukhtars) and collecting documents as a proof.
- d. Ensuring there are no disputes or conflicts over the property which could raise issues of liability.
- e. Collecting the written consent of the parties involved (tenants and owners, other parties if required) regarding the shelter intervention.

Staff conducting the due diligence assessment should complete the checklist prior to the provision of assistance. Where possible written confirmation of ownership or tenancy rights should be obtained, such as through a copy of property title, utility bills or a lease contract. However due to the complexity and sensitivity of property issues as well as the frequent informal usage arrangements, it may not always be possible to obtain written documents. In this case, staff should collect as many details as possible about the property ownership or usage arrangements and duration of the occupancy in order to corroborate these details, make a correct assessment and informed decision.

Any dispute or conflict over the property identified during the assessment, along with eviction threats and forced eviction cases should be referred to legal actors specialized on HLP, in order to provide legal services tailored to each case.

7. Referral pathways to legal services

In order to promote and protect HLP rights, it is important to offer a referral for free legal assistance in terms of information sharing, awareness raising, legal counseling, legal assistance and representation. Referrals can be made by shelter partners to the legal actors operating in the Beirut blast response under the protection sector upon the identification of a household facing a situation where their HLP rights are at risk.

Referral for legal assistance can include:

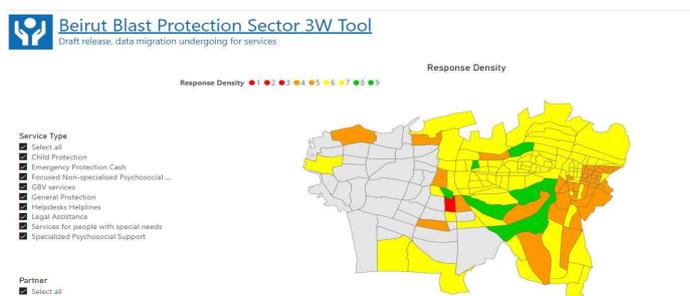
- Provision of information and awareness raising on HLP rights (security of tenure, rights and responsibilities of property owners and tenants, existing compensation mechanisms among other topics)
- Provision of tailored counselling and legal assistance on HLP (ex. replacement of property deeds, inheritance issues, among other topics)
- Engagement in collaborative dispute resolution between property owners and tenants if there is a dispute related to HLP or a risk of eviction due to inability to pay rent or other reasons. Support for both tenants and property owners (of all nationalities) in acquiring damaged and lost documentation and identification papers.
- Assistance in case of death of the tenant due to the blast, with the need to transfer the rental contract to the family of the deceased.
- To ensure the do-no-harm principle, the shelter actor should work closely with legal actors providing services on HLP in order to advocate for sustainable solutions and fair legal

considerations for the tenant's right to return to their originally rented shelter (in case the household was forced to relocate to another shelter due to an emergency situation).

Priority to these services should be given to the most marginalized and vulnerable groups, including female heads of households, persons with disabilities, migrant workers and refugees and LGBTQI individuals.

Referral pathway

The Beirut Blast Protection Sector's 3W tool²⁰ promotes coordination among protection actors. It is accessible to shelter partners and can provide an overview of the service type offered by each partner and the geographic distribution by zone within the damaged areas. Partners providing information, counselling and legal assistance /representation on HLP and civil documentation can be contacted for referrals depending on the identified needs. The use of the Interagency referral form is recommended for this purpose (Annex II).



8. Link with other shelter activities

The following is a summary of the main recommendations made by the HLP TTC to the standard operational procedures and guidelines developed by the Shelter sector in the context of the Beirut blast response: cash for rent assistance and minor repairs and rehabilitation interventions.

• Cash for rent assistance

Ensuring tenure security and protecting HLP rights during the provision of assistance period entails adopting measures on two levels: (i) tenure should be secured throughout and ideally beyond the period of provision of cash for rent (CfR) in the temporary housing arrangement; (ii) tenure should also be secured for the beneficiary household in their original residence (whether owned or rented) in cases where they have had to relocate seeking temporary housing due to the level of damage of the property.

In order to ensure HLP rights are secured during CfR provision for a temporary housing arrangement, it is recommended to ensure that a bilateral lease agreement (in case is not present) between tenant (who in this case is the household in need of cash assistance to cover rent, whether having been displaced from their original home or not) and property owner is in place, accompanied by a document detailing the CfR between the implementing agency and the beneficiary to whom the conditional cash is being transferred to (whether it is the tenant or the owner, depending on the finalized agreement among the parties).

²⁰ The tool can be accessed on this link: <http://ialebanon.unhcr.org/bblastprotection>

Securing tenure rights in the original residence can be done through the provision of legal counseling to assure households concerned that they will be able to return to their original homes. The agreement should be preceded by an HLP due diligence check as part of the case assessment. These measures are important to prevent HLP disputes throughout and after the assistance period.

- **Minor repairs and rehabilitation intervention**

It is recommended that if minor repairs and rehabilitation works are agreed on with a property owner, that implementation organizations negotiate a security of tenure component to be included for the tenant, as is currently done under the Lebanon Crisis Response Plan (LCRP).

Such a component could be occupancy free of charge (OFC), rent freeze or rent reduction. It is best to perceive the intervention in a holistic approach covering different response levels, from restoration of damaged units, addition of basic accessibility features where needed (handrails in toilets, removal of thresholds within the living spaces etc.), to mitigating cost-inflation risks and securing the tenure of residents of such units. As repairs and rehabilitation works might contribute to increasing the value of the property, it is recommended that the outcome of the intervention is closely monitored after the conclusion of works (and after an OFC/ rent free/ reduction period ended) as to record any spillover rental price effects on the area.

As listed in Section 3, some of the main HLP issues observed in the damaged neighborhoods are interlinkages between threats to tenure security and rehabilitation, therefore an HLP due diligence process is crucial before the initiation of works, where consent of the parties should be collected and observed disputes can be referred and provided with the needed legal counseling and mediation.

- **Common areas in buildings**

As stated in the "Guidelines on Upgrade of Common Spaces in Buildings" (Shelter sector, 2017), in order to rehabilitate common spaces in buildings, the following aspects should be taken into consideration:

- Local authorities are informed about the activity;
- List of households residing in the building;
- Approval from property owner or legal representative;
- Building permit or similar if required²¹;
- Statement of the property owner or legal representative regarding property ownership;
- Positive feedback from the beneficiaries.

The rehabilitation of common areas should also include the identification and elimination of major physical barriers to accessibility for persons with disabilities.

In order to conduct the rehabilitation of common areas in buildings, prior to the intervention, the implementation of due diligence activities through the use of the suggested checklist (Annex I) is required in order to assess the property ownership and the existence of an association of owners²², in charge of

²¹ TTC recommends that clarification to be issued by the Order of Architects and Engineers regarding common building areas.

²² Buildings built after 1983 should form associations according to law if the property has more than three owners, an association called the General Owners Association, which takes over the management of the real estate according to the provisions specified in the law 88/83 and the provisions of the MoU of the assembly/association. Association of owners take all administrative decision related to the property and common areas.

taking administrative decisions related to the property and common areas. Residents' committees should also be consulted in the process.

For the purpose of the common areas rehabilitation it is recommended to consult and collect the consent of the property owners and/or the association of owners, if present.

9. Recommendations

The HLP TTC is recommending the following actions and priorities to shelter actors:

1. Assess the HLP context prior to and during the shelter intervention. This includes conducting HLP due diligence activities and monitoring the situation during and after the shelter interventions has been completed, to best assess the longer-term impact that the shelter intervention had on the HLP situation of the household.
2. Mainstream HLP in the shelter response through the provision of tenure security components (such as an official lease agreement between property owner and tenant, occupancy free of charge or rent reduction or freeze) in the response, and link them to the provision of legal services.
3. Closely coordinate with legal actors under the Protection sector and refer matters related to information and rights provision, counselling, on collaborative dispute resolution, mediation and HLP cases to legal actors following the provided referral pathway, particularly for vulnerable individuals and groups.
4. Work closely, when possible, with municipal authorities and civil society groups to identify the most vulnerable households in need of HLP legal aid, and to track additional housing units and buildings (preferably in the vicinity of the damaged areas) that can be used by some affected families (including through provisions of cash for rent or other interventions) and to connect the different actors working in the same area.
5. In collaboration with the legal aid actors, raise awareness on the provisions of the relevant laws related to HLP and their implications on the reconstruction process in the damaged areas among shelter actors.
6. Include HLP considerations in assessments and analysis conducted by the different shelter actors to better inform programming.

10. Key advocacy messages

To the Lebanese government:

- To promote compliance with the provisions of the Law 160/2020 and Law 185/2020 on suspension of legal, administrative and judicial deadlines and the waiver on inheritance fees for the heirs of those who passed away due to the blast, built property tax fees and municipal fees for all the residential and non-residential buildings damaged by the blast.

- To ensure the adequate implementation of the Law 194/2020 and the establishment of clear guidelines by the Council of Ministers on the amounts for the compensation of damages due to Beirut port blast, criteria, modalities of payment and any other required directive, within two months from the enforcement of the law.
- To ensure that the distribution of assistance within the compensation scheme is based on the need and on vulnerability criteria, when targeting the affected households, without any discrimination related to nationality, legal status, religion, race, sexual orientation and disability.
- To ensure alternative housing for the temporary displaced while implementing a moratorium on evictions.

To humanitarian actors:

- To create a unified inter-sectorial monitoring tool to report HLP issues identified in the affected areas (including eviction threats and cases), which could directly inform programmatic needs and advocacy efforts.
- To ensure HLP mainstreaming in the Beirut port blast response and the inclusion of HLP considerations in the shelter interventions and the adoption of a do-no-harm approach.
- To focus on localised solutions, for example community-level housing stock mapping exercises which aim to improve availability and quality of housing so that more vulnerable families can access adequate housing regardless of nationality.
- To inform and consult the affected population adopting a participatory approach.
- To enhance integrated programming and synergies related to the provision of shelter assistance and legal services on HLP.
- Ensure the inclusion of vulnerable groups including female headed households, low-income households; persons with disabilities, refugees, migrant workers and LGBTQI individuals.

Annex I: HLP Due Diligence Checklist

(attached)

Annex II: Inter-Agency Minimum Standards on Referrals

(attached)