

An experience of Regularization Private Urban in Brazil: the case of Terra Nova Urban Land Regularization Ltda.

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INTRODUCTION

In Brazil, as in many developing countries, the uncontrolled urbanization has happened largely through informal and illegal settlements. This has resulted in a vicious circle of illegality, which all too often is powered by the discontinuity of public policy or political interests.

In this article, we show the methodology and evaluate the Terra Nova Regularization Urban Ltda which is to regulate urban slums, using conflict mediation procedures. Mediation is done by creating dialogue and integration between the various actors involved in land tenure. The company promotes synergy between the sectors public, private and civil society in order to adjust and make the settlement benefits all actors, each of which performs a function to achieve the goal, which reduces public investment needs and create the conditions for a real democratic participation of the population involved, makes this unique process that is effectiveness, transparency and efficiency.

The methodology will be presented based on the companies fifteen years experience regularizing different illegal settlements around the country (2.5 million of square meters and 22 thousand families). The evaluation will be done more profoundly

based on the regularizing process of Vila MarinhoParanagua (PR). Besides the direct costs and revenues from it, the study will analyze its impacts on the land prices and other indirect benefits.

The article is divided into four items; the first will analyze the legal and institutional framework of urban regularization and its problems. The second will show the land regularization process methodology used by the company with emphasis on popular participation in regularization. The third will evaluate the cost/benefices of the process. The fourth item will analyze the indirect benefices of the regularization manly on land prices.

1. ANALYSE THE LEGAL AND INSTITUTIONAL FRAMEWORK OF URBAN REGULARIZATION AND ITS PROBLEM

From the 1960s have become visible the harmful effects of illegal occupation of land in the brazilian cities and begin to be traced the first studies on the resulting social inequality this process. At the end of that decade, the precariousness of the settlements of the low-income population was alarming, which modified the design of clandestinity and irregularity, passing this to be a social issue to be addressed.

But only in the 1979 that it approved the Federal Law n°. 6,766 which were treated issues relating to the parceling of land and urban land regularization.

In 1979, the government in order to tackle mass regularization of precarious settlements, implemented two measures: a) specifies minimum urban norms to be followed in regularizing subdivisions (Decree n° 15,764 / 79); b) is intersecretariais groups to deal with the settlement with the regional administrations and the Collegiate, under the coordination of a Collegiate Pilot, based at the Secretariat of the Regional Administrations - SAR (Ordinance n° 76/79).

The second legal framework of greater importance was in 1988 with the promulgation of the Federal Constitution, where the Chapter of the Urban Policy has been incorporated who founded the concept of "social function of property" in Brazil.

In view of the increase in illegal occupation urban areas and their respective social and environmental impact, in 1999 Law of Division Land Urban was amended so that has to be given special treatment to popular settlements regularized within local public actions .

In 2000, the Constitutional Amendment No. 26 presented as social law the right to housing, making the State's obligation and duty to provide, directly or indirectly, that everyone has access to decent and adequate housing, whose citizenship rights are respected and the human dignity and social work values.

In 2001 the National Congress approved the Statute of the City (Federal Law 10,257/2001) that regulates the chapter on "Urban Policy" of the Federal Constitution of Brazil. Its basic principles are participatory planning and social function of property.

In 2003 it is created the Ministry of Cities instituting the National Policy for Land Regularization and soon in 2004 approved the Federal Law No. 10.931 ensuring the gratuity of the first registration in the Real Estate Registry of land regularization.

The *caput* of Article 2º Statute of the Cities (Federal Law nº 10,257/2001) refers to the objective of urban policy, which is organizing the full development of the social functions of the city and of urban property, with the guideline in item two that requires democratic management through participation of the population and associations representing various segments of the community in the formulation, implementation and monitoring of plans, programs and urban development projects.

The Statute of the Cities establishes democratic management, ensuring the participation of the urban population in all decisions of public interest. Popular participation is expected and, through it, the associations representing various segments of society are involved in all construction stages of the Master Plan - design, implementation and evaluation - and in the formulation, implementation and monitoring of the other plans, programs and projects municipal urban development. It is fixed also promoting public hearings.

Although the Statute of the Cities has innovated in the aspect of democratic management of urban space, this did not apply to resolve urban conflict arising from the housing shortage, given that the popular participation and the integration of this with the other agents involved in the settlement of irregular settlements did not occur in practice.

In 2009 it was approved Federal Law nº 11,977, which establishes the "Minha Casa Minha Vida" and devotes a chapter to urban land regularization of informal settlements, chapter three, which is a legal framework of national character, given that it offers on a national level institutes for urban land tenure, creating procedures, defining powers and responsibilities in order to give effect to the settlement process with the specialty that denote "social interest", consolidating the achievements in previous decades.

Among the many innovations introduced by Federal Law nº 11,977/09, the law defines, in article 46 which is the Regularization as:

"The set of legal, urban, environmental and social aimed at the regularization of informal settlements and the titration of the occupants in order to guarantee the social right to housing, the full development of the social functions of urban property and the right to an ecologically balanced environment ".

The Federal Law nº 11,977/2009 also established the following principles:

I - increasing access to urbanized land for low-income population, with priority for his stay in the occupied area, ensuring the adequate level of housing and improvement of urban, social and environmental sustainability;

II - coordination with sectoral policies for housing, environment, sanitation and urban mobility at different levels of government and with public and private initiatives aimed at social integration and the generation of employment and income;

III - involvement of stakeholders at all stages of the settlement process;

IV - encouragement of extrajudicial resolution of conflicts; and

V - granting the title preferably to the woman.

Thus land tenure has become a process carried out collectively, which depends on the participation and the coordinated actions of various stakeholders, at times and with specific roles, according to the characteristics of the area and the conditions for regularization.

According to the Law, the following actors are entitled to promote land regularization:

- the Union, the states, the Federal District and the municipalities;
- the population living in informal settlements, individually or in groups;
- housing cooperatives, neighborhood associations, social organizations, civil society organizations of public interest; and

- civil entities established for the purpose of promoting activities related to urban development or land tenure.

In this context, we consider of vital interest to the possibility of the population resident in the settlements, promote land regularization and the regularization process to be built with the effective participation of the population in all phases of the work.

It turns out that, even after the edition of the Federal Law n° 11,977/09, some parts of the land regularization were still not healed and others generated doubts.

To enlighten them, came the Federal Law n° 12,424 /11 which, among other changes, revoked item three of article 59, which limited 250m² in size of the lot area or susceptible undivided possession of legitimation; allowed the settlement also on permanent preservation areas (article 54,§1°); now expressly provides explicitly state that the possession of legitimacy is conferred on the holder of shares or undivided, since exercised the right in individual lot and identified (Article 59, §2°); dismissed the rectification of the register for the registration of urban demarcation of self and the installment of the record due to land regularization project (Article 213, § 11, IV.); released care of the requirements of Federal Law n° 6,766/79 for the registration of land regularization installment (article 65, single paragraph) and gave the Government the power to extinguish the special use concession contracts for housing and use of grant previously signed the intervention area in order to facilitate urbanization works in irregular settlements (article 71-A).

Coming to today observed the great evolution legislation in order not only to ensure individual security of tenure for the occupants, but mainly the socio-spatial integration of informal settlements, and including popular participation, along with the public and private sectors, as mainspring of the main process purpose.

Thus, Brazilian law provides that the operationalization of land regularization projects demand the involvement of various stakeholders in the discussion of policy proposals, execution of projects and works, preparation and adoption of laws, use of instruments and enabling resources. The main actors involved in the land regularization project are: Municipal, State and Federal authorities, Real Estate Registry, Public Defender or legal aid services to municipalities, Judiciary, occupants of the area to be regularized, owner, Public Prosecution, Chamber Councilors, Non-Governmental Organizations.

Although there is a specific legislation for the land urban regularization, this can be accomplished with the judicial Repossession Action proposition provided for in

article nº 1228 of the Brazilian Civil Code (2002) and, where possession of the property of reintegration involves a considerable number of people who are occupying the area claimed for more than five years, will be applied to §§ 4º and 5º of the same article consisting of judicial dispossession.

The article states:

Article 1228. The owner has the right to use, enjoy and dispose of it, and the right to reclaim it the power to whoever unjustly owned or possessed.

§ 4º The owner may also be deprived of it if the property claimed consist of large area in uninterrupted possession and in good faith, for more than five years, a considerable number of people, and those in it there are held together or separately, works and services considered by the judge of relevant social and economic interest.

§ 5º In the case of the preceding paragraph, the judge shall determine the just compensation due to the owner; paid the price, it will be the sentence as the title to the property registry on behalf of the owners.

According to Nelson Nery Junior and Rosa Maria de Andrade Nery (YEAR AND PAG), "the rule creates the legal expropriation, considered an innovation" the highest range, inspired by the social sense of ownership, implying not only new concept of this, but also new concept of ownership, which could qualify as office work. "

With systematic interpretation of the code, it is clear that it is expropriation (judicial expropriation) as in the preceding paragraph, the legislature, content the article 5 º, XXIV, of the Federal Constitution, regulated expressly the cases of expropriation for public necessity or utility and social interest, to then dispose the device under comment, the owner also could be deprived of it, in terms of ownership exercised by a third party upon payment of compensation (§5º).

Thus, according to these authors, to exercise the right and necessary that the property owner demand repossession action, the defendants, holders, present request opposed by defense or by counterclaim, alleging the existence of the office work and fulfillment of legal requirements, when then the judgment, accepting the said request, states the right to determine the payment of fair compensation for squatters, using the

sentence as transmissive title of the property to registration with the competent Real Estate Registry Office.

With regard to compensation, it should be paid by the holders, as though understanding of the doctrine, it would be up to the Government to bear this burden, it is not fair to assign to the State, and via transverse the entire community, the duty to pay an amount that will benefit few.

However, although not legal basis is disposed in land tenure regularization, it should support the process that is triggered judicial dispossession, using the principles and procedures of Federal Law nº 11,977/2009. Thus, to have it to a regularization process chaired by the Judiciary, through the democratic participation of the population involved, municipalities, Real Estate Registry Offices, residents' associations, Public Prosecutors, companies providing public services and others interested in land urban regularization.

The experience of using the Expropriation Judicial together with Federal Law nº 11,977/2009 has been the object of work of Social Enterprise Terra Nova Regularization.

This company has used a type of methodology that works through the mediation of conflicts between the owner of the area occupied irregularly and its occupants. Amid the lawsuit the other actors (public, private and civil society sector) are called to prepare a plea agreement in which all have rights and assume obligations, so that together the land regularization process to occur. Given that the company has been successful in a considerable number of mediations. The following item will report the methodology used by the Social Enterprise Terra Nova Regularization company.

2. THE METHODOLOGY OF TERRA NOVA REGULARIZATION LTDA

The adjustment is made in a participatory manner, paying attention to the urban, environmental and social aspects. Thus, it is possible to public investment in the area resulting in improvements such as: sanitation, electricity, paving, street lighting, title registration, new homes, among others.

This all results in the improvement of life and the consequent social reintegration, increasing the area illegally occupied the neighborhood status, resulting in fertile

ground for the development of other social policies that bring more benefits to the residents who already will be better articulated with a view engagement provided by the adopted mediation strategy that focuses on conscious participation of all stakeholders.

In the land regularization process of Terra Nova building is made from the effective participation of the population, as well as other actors in the public, private and civil society sectors in all phases of the work.

It is worth clarifying that the company operates in private areas that were occupied illegally, given that most of them are peripheral and lacking in basic public infrastructure.

The whole process of mediation is based on the transparency principle and other principles of Law No. 11,977 / 2009 where meetings are held, with the presence of the various stakeholders involved to ensure the credibility of the decisions at all stages of the processes of land regularization .

The process begins with a feasibility study is to verify the existence of conflict of private property invasion. Noted the existence of the conflict, the company sought the owner to know whether or not repossession action filed in the Judicial Branch. Concomitantly, irregular occupants of the area are sought by the company to find out if there is, by the same, a willingness to pay for land tenure that provide them the land regularly and basic infrastructure improvements. This stage is prepared a budget that covers the cost of providing the services of a mediator company, the value of the agreed area with the owner, the amount of expenditure on technical work, value of infrastructure works and other expenses that may arise from the demands pled by occupants . From the total budget value is set the value per square meter to be paid by the occupants to regularize the land situation.

Existing interest of both parties, the company draws up a memorial of understanding, which will be the demands of the owner and occupants of irregular and price to pay. The memorial is presented in meeting satisfaction representatives of both parties to be ratified. After ratification a residents' association is formed to have irregular occupants representative for formalization of judicial and extrajudicial agreement that will occur in the course of the regularization process.

From the ratification of the memorial starts an assessment of the legal situation, land, environmental, socio-economic study of the occupants, among others, to define the individual terms of payment, deciding in how many installments payments will be made, establishing time where each occupant will have your property title and hands and stipulate a deadline for the completion of land regularization. Decided these conditions, individual contracts of adhesion to land tenure are made between the Newfoundland company, the owner and irregular occupants establishing the general and particular conditions of the settlement.

Through legislation, the land regularization process the prosecutor is required to participate, given that they are in collective environmental and social issues discussion of which the organ has the power to supervise and act. So the company makes contact with the prosecution, and the contract news reached between the Terra Nova, the owner and the illegal occupants and being aware of the intention to regularize the area, call the public bodies such as municipalities, state environmental institutions, federal agencies, companies providing public services, neighborhood associations, non-governmental organizations, in short, all stakeholders who may be involved in land tenure. All stakeholders involved attending meetings to decide on the rights and duties of each party.

Thus, the company gathers around the case all possible stakeholders interact dynamically, as the company and with each other.

The participation of stakeholders may vary according to the case to be regularization, ie, the methodology has a capacity to adapt to each reality of the area to be regularized.



All decisions will be in the Conduct Adjustment Term, including seeking greater transparency of the whole process. It created the Technical Comitee that will bring together a represent each stakeholder involved in the regularization of the area with the purpose of coordinating the implementation of the Plan of Land Regularization and the objectives to be achieved.

The Technical Comitee will meet monthly and their meetings will be recorded in the Minutes, attached in the proper book.

To oversee the Plan Regularization will set deadlines for the implementation of measures laid down therein, and judge the requests of residents and will be able to resolve conflicts that exist between those involved in the Settlement Plan and may also decide on penalties and solutions.

The Conduct Adjustment Term prepared by prosecutors and signed by all the stakeholders involved have fully effective and valid as extrajudicial executive title against either party to become delinquent.

In view of the agreements between the parties and the preparation of the Judiciary Conduct Adjustment Term is driven by Possession Reintegration Action, filed jointly by all parties containing the contract determinations drawn up between the owner and the occupants and the orders set out in the Conduct Adjustment Term.

The judge ratifies the agreement between the parties and give the judgment that after completion of all contractual requirements, including payment by the regulated area, it will be as skilled Title for registration of the lots in the Real Estate Registry office. The worth sentence individually for each party, so that if the occupant does not pay the amount stipulated in the contract made between him, the social enterprise and the owner, your area will return to the owner who may exercise the established legal rights, including sell it to someone else.

Completed the formalities in the Judiciary has commenced preparation of the Cooperation Agreement between the stakeholders involved in the regulation which will result in the project definition.

Set design are made arrangements with public companies to provide services such as sanitation, water, electricity, among others giving it beginning to plan Regularization created a participatory and democratic way by the various stakeholders understood by the Conduct Adjustment Term.

The project management is done by the Technical Board which will monitor the project so that all commitments are met satisfactorily.

As for irregular occupants, as they occur contractual settlements they receive a letter of individualized sentence that contains the person's data and features of the property acquired, authorizing the title registration at the Registry Office, consolidating thus held previously irregular in property set in the legal manner.

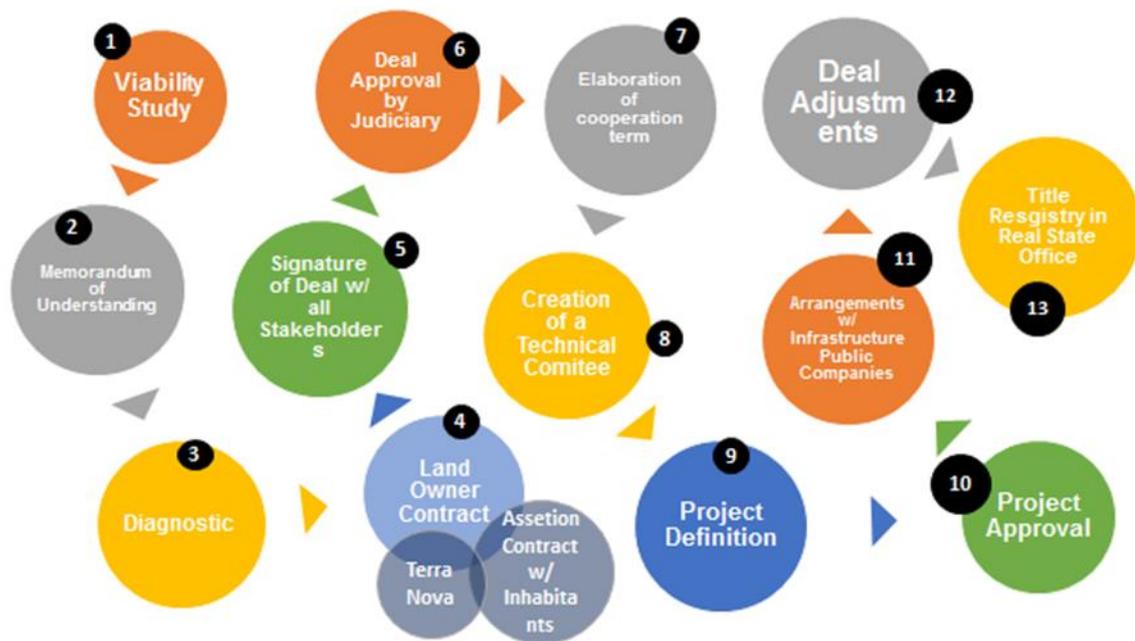
The adjustment is made in a participatory manner, paying attention to the urban, environmental and social aspects. Thus, it is possible that future public investment in the area resulting in improvements such as: sanitation, electricity, paving, street lighting, among others.

This all results in the improvement of life and the consequent social reintegration, increasing the area occupied organized and formal neighborhood stage, resulting in

fertile ground for the development of many other social policies that can bring even more benefits to the residents who are already better articulated in view of all the engagement provided by the mediation strategy adopted that favors the conscious participation of each resident.

The methodology applied by the Newfoundland company can be demonstrated by the flow chart below which shows step by step the steps described in this item:

Figure 1 - Flowchart of the Company Terra Nova methodology



Source: Authors elaboration based in Terra Nova Regularization FundiáriaLtda

Importantly, the methodology is dynamic and can be adapted to various existing realities in the occupied areas since these are private areas, may or may not already be a lawsuit Repossession, given that the methodology of the pillars are: conflict mediation (check your owner's interest in receiving compensation and occupants to pay), preparation of contract between owner and occupants, promoting judicial agreement with its approval, preparation of Conduct Adjustment agreement as a legal instrument that involves stakeholders so that everyone has their rights and clearly defined obligations, preparation of Plan Regularization and its execution, for final, after the

payment by the occupants issuing the judgment Letter of the judiciary, which is the proper title to give rise to the Registering property in the Real estate registry.

3. LAND REGULARIZATION AND TERRITORIAL REARRANGEMENT: The Case of Villa Marinho/Paranaguá/PR

Paranaguá is a seaside town plan relief surrounded by a remnant of the Atlantic Forest that covers important natural parks, including Superagui National Park, State Parks of Serra do Mar, Ilha do Cardoso, Ilha do Mel, and Pico do Paraná. In conjunction with the bays of Antonina (east) of Guaraqueçaba, Pinheiros and Orange (north), form the largest South Atlantic nursery and the third in the world with respect to the biosphere reserve. It has about 300 km² of area dotted islands, beaches, headlands, coves and channels.

Because of the intense port activity and demand for affordable housing, not supplied by the government over the years, there was a process of occupation of permanent preservation areas, such as borders of the rivers that make up the Bay of Paranaguá and mangrove areas, these areas are protected by law, with all federal and state public areas.

The Vila Marinho is a recent irregular settlements located near the port area of Paranaguá, which had its beginning in 2000, totally disorganized way, like other occupations present in the municipality.

The area of 229,926 m², which was occupied by about 500 families, is adjacent to the Jardim Iguaçu, irregular occupation, already established for over 10 years. Both occupations are embedded in a larger area owned by the “Marinho family”, whose representatives opposed from the beginning the permanence of the occupants, which at the beginning of the land regularization process were already approximately 1,500 families.

The figure below shows the footprint of the Marine Village satellite view in the topographic plan:



The opposition of the owners was through a lawsuit for reinstatement of ownership of both properties (Vila Marinho and Jardim Itaguaçu), where after several years of uncertainty, through the methodology used by the Company Terra Nova Regularização Fundiária Ltda, found a way to mediate the conflict, preventing the forced eviction of families and a great social impact on the entire city.

The construction of urban land regularization of Marine Village project, took place from the performance of the partnership between Terra Nova, Paraná Housing Company - COHAPAR, the municipality of Paranaguá, Local Community and Residents Association.

The families who occupied the property are from the region and neighborhoods, mostly with family composition in the range of 04 people and average household income of up to 03 minimum wages.

The Judicial Agreement was approved in 2005 and established the legal conditions for the settlement of the whole area: amount and terms of payment of compensation to the owners, procurement, TERRA NOVA duties as regulating agent.

From the Judicial Agreement, the team involved in the project realized that would be the time to establish a joint commitment with the occupying population to freeze the occupation, avoiding excessive density and establishing bases and criteria for

the redevelopment of the area, taking into account the social, environmental, urbanistic and legal aspects.

In this case, in particular, to avoid excessive densification and create strict criteria for all involved the prosecutor was asked to involve all stakeholders in the Conduct Adjustment Term, but in this case, the Cooperation Agreement was considered legally more appropriate to the situation.

THE COOPERATION TERM

The Cooperation Term was an important instrument that occurred interventions, as provided the main actions and responsibilities of those involved: Owner, Association of Residents, TERRA NOVA, COHAPAR, City Hall, **Paranaguá Waters**, EMS / COLIT - Coastal Council.

At this time, the Technical Board, which had the participation of all stakeholders involved in the regularization process was established.

THE TECHNICAL COMMITTEE.

The basis of the technical team action project execution was the establishment of a Technical Board, composed of representatives of COHAPAR, TERRA NOVA, City Hall and residents, which had the signed assignment and agreed with residents, set the selection criteria and answering each of the occupying families, as well as maintaining an ongoing relationship forwarding all questions regarding the progress of the settlement project.

In March 2005 began a broad survey of the area, boundaries of blocks and lots according to the installment project proposed to implement a regular housing development in the area, and a full socioeconomic registration with the identification of each of the existing buildings, lots and occupying families, as well as those who were in occupation process, but they had not carried out the construction in lots.

The Technical Board has become a major reference in the community because everyone involved had daily contact with the locals, and were multipliers of the design criteria and arguments. This action of the Technical Chamber was a strong component of transparency in the project in the community.

THE URBAN PROJECT.

The COHAPAR was responsible for preparing the Urban Project, which after some discussions with the community, is configured as follows:



This format created around 770 lots in relation to the existing precarious and disorganized occupation, created leisure and community facilities.

THE REORDERING.

The reordering of project implementation itself, that is, dismantling and reconstruction of houses / shacks into the lot according to the Project, started by a great Mutirão with the participation of all involved - COHAPAR - Housing Company Parana, Newfoundland Regularisations agrarian lands, Municipality of Paranaguá, Provopar that gave food baskets to feed "mutirantes" community and volunteers, the municipal school that gave space and school equipment to prepare meals and do activities with children so that parents could work, and volunteers.

The participation of institutions from their leaders and coordinators to their field technicians, gave credibility and encouragement to all the residents who could not discern the viability of this "reconstruction."

The pictures bellow show



Opening roads

Opening streets and construction of new



homes

Power



deployment

Water Implementation



During the regularization of Vila Marinho, there were situations that were not resolved, even with effort mediator company to resolve the conflicts.

The most critical moment of the work took place from March to July 2006, when 15 families strong, who refused to join the project and remained resisting to their homes in the middle of the layout of the streets, preventing the start of construction works of light networks, water and sewage, had to be notified in court and cited by the bailiff for demolition of their homes. In this case, once again the Technical Board played a key role in the peaceful solution of the situation.

The positives related to this experience were:

1. The profile of the components of the Technical Comitee, intense professional bond and established staff, and clarity of purpose and commitment to the families involved.

2. The transparency of information on the criteria adopted, stimulating the participation and organization of the community, and the intense relationship between the population and the members of the Technical Board, with an establishment of ties of friendship, respect and fellowship among all. At all times remained the atmosphere of cordiality and closeness.

3. The understanding and support of the judiciary, which played a decisive role, since the Judicial Agreement, to the reintegration and necessary educational and demolition orders;

4. The Cooperation Agreement, a key instrument which supported all interventions implemented and political conflicts between government agencies;

5. The demonstration effect that the multi-stakeholder composition is a solid element in building solutions to achieve good land governance with the reordering of land through organized democratic social participation and self-sustainable;

6. The transformation of a disorderly occupation in an organized neighborhood with urban parameters and the hands of the people themselves, giving a sense of ownership of their space.

The values that were emphasized were related to ethics, respect, cooperation, acceptance of the other, trust, truth, integrity. Thus, in addition to the sense of citizenship provided for the regularization of their areas occupants had financial benefits since the regulated area turned into a marketable financial assets within the formal land market.

4. EVALUATE THE COST/BENEFICES OF THE PROCESS AND ANALYZE THE INDIRECT BENEFICES OF THE REGULARIZATION MANLY ON LAND PRICES.

The value set for the regularization behaved the amount to be paid as compensation to the owner, the provision of service of Terra Nova company, providing technical services (surveyors, architects, engineers, etc.) and amounts paid to the infrastructure works.

Thus, taking into account all the costs necessary to the process of regularization, it was determined that the value would be around R \$ 37.50 / m² (Thirty-seven reais and fifty cents) and lots averaged 160m², so the amount paid by each household was approximately R \$ 6,000.00 (Six thousand Reais) and after 10 years of the beginning of the adjustment process, the value of the lots range from R \$ 50,000.00 to R \$ 60,000.00, or is R \$ 375.00 / m².

It is observed that during the 10 years that have passed through the process of regularization, there was an increase of 900% in the value of the lots

According to the methodology used by the Company Newfoundland, the value of benefits are fixed between R \$ 90.00 to R \$ 200.00 per month, depending on the socio-economic assessment of the family, may vary the number of installments to reach the value total area to be regularized.

Because it was not performed during the feasibility study a study which was the way they gave access to the area by the various occupants, it is not possible to know if those were the primary occupants of the area or bought it from someone who obtained access before, but the fact is that from the beginning of the regularization process, there was an increase of about 10 times the amount paid for each lot.

Where there were conflicts of understanding, the Technical Board played a key role, discharging up to address them, however, even with many benefits, including the enhancement of the lots, the improvement of basic infrastructure and the formalization of opportunity their properties, were not all the occupants of the area that joined the settlement program.

It is observed that the Vila Marinho has an area of 381,039.44 m², and the area was subdivided net 237,696.8 m² and from the addition, it appears that there was a 75.35% participation of the population, or is approximately 1,500 families. Thus,

relative to the rest of the population that did not join the regularization program, the process of ownership revindication followed and their plots returned to the owner.

CONCLUSION

Analyzing the methodology used by social enterprise of Terra Nova, we realized that although there is legal provision for social participation and cooperation between those involved in regularizing the Government, does not show capacity of articulation and mediation to bring together all the stakeholders involved and finalize the regularization process land.

The company, as private and neutral esnte before the interests of all was able to mediate the conflicting situations between owner and occupants; call all government bodies and other stakeholders could act synergistically achieving the goals proposed in the Settlement Plan, even when entering the public prosecutor in the Regularization process by making the Conduct Adjustment Agreement was possible to create rights and obligations to the various actors , which would have penalties for noncompliance; the creation of the Technical Comitee, to supervise, execute and settle internal conflicts of the regularization process was of great importance in order that prevented the legalization of these conflicts that could take longer for that consolidate the objectives of regulation.

Another important result to be mentioned is that from the experience of the New Social Enterprise Land Regularization Sustainable Urban, whose methodology of sustainable settlement through direct negotiations between owners and occupants reduces public spending, increasing the state's capacity to act on other fronts social care, and also allows the company to participate consciously and thus improve their management capacity and organization, contributing to a social empowerment resulted in a greater rooting of the population involved.

All instruments are very important for all situations are resolved in a good way as they are forms of collaborative participation that had contributed to transparency throughout the land regularization process which led to the credibility of the methodology.

Thus, the transformation of irregular footprint in formal neighborhood also generates a social transformation that raises the quality of life of the people involved in

the process, particularly the occupants of the areas that will become part of the formal city and the villas come a postal address, something so common to many and so inaccessible to many.

BIBLIOGRAF

ABRAMO, P. A Dinâmica da Mobilidade Residencial dos Pobres. Observatório Imobiliário e de Políticas do Solo, IRPUR/UFRJ, Rio de Janeiro, 2002.

BUENO, Ana Karina S. A Lei de proteção aos mananciais e mercados de terras: um estudo sobre loteamentos clandestinos. Campinas: Unicamp, 2004. Dissertação de Mestrado

DINIZ, Maria Helena. *Código Civil Anotado*. São Paulo: Editora Saraiva, 2002.

DINIZ, Maria Helena. Curso de Direito Civil Brasileiro. Ed. Saraiva. 17ª edição, p. 178.

INSTITUTO POLIS (2002). Regularização da Terra e da Moradia. O que é e como implementar. São Paulo, 2002.

LINCOLN INSTITUTE (2014). Instrumentos Notables de Políticas de SueloenAmerica Latina. Ecuador, 2014.

MARICATO, Erminia. Metropole na Periferia do Capitalismo. Estudos Urbanos 10. São Paulo: Hucitec, 1996

MONTEIRO, Washington de Barros. Curso de Direito Civil, v. 3: direito das coisas, 37ª edição, revista e atualizada por Carlos Alberto Dabus Maluf, p. 86. São Paulo. Saraiva, 2003.

NELSON NERY JÚNIOR e ROSA MARIA ANDRADE NERY, Código Civil Comentado, 3. Ed., Editora Revista dos Tribunais, São Paulo:2005, pág. 635.

NERY JÚNIOR, Néelson e NERY, Rosa Maria de Andrade. Novo Código Civil e Legislação Extravagante Anotados. Ed. RT, São Paulo, 2.002, p. 419.

WALD, Arnold. Curso de Direito Civil Brasileiro – Direito das Coisas. Ed. Saraiva, 11ª edição (revista, aumentada e atualizada com a colaboração dos Professores Álvaro Villaça Azevedo e VéraFradera, pá.g. 183.

REYDON, B. P. Mercado de terras e determinantes de seus preços no Brasil: um estudo de casos. Campinas: Unicamp, 1992. Tese de Doutorado

REYDON, B. P. “Mercado de Terras e a Produção de Loteamentos Urbanos”. In: REYDON, B. & CORNÉLIO, F.M.C. Mercados de Terras no Brasil: estrutura dinâmica, 2004.

REYDON, B. P. “A Regulação Institucional da Propriedade da Terra no Brasil: Uma Necessidade Urgente”. In: RAMOS, P. (org). Dimensões do Agronegócio Brasileiro Políticas, Instuições e Perspectivas. UNICAMP: Campinas. 2007.

ROLNIK, R. A cidade e a lei: legislação, política e territórios na cidade de São Paulo. São Paulo: Studio Nobel; FAPESP; 1999.

TEBBAL, F. e RAY K., 2001. Habitação dos pobres urbanos., Pp imprensa: 328.
Habitat Debate, 7 (3): 1-19

VASCONSELOS, L. “Urbanização – Metrôpoles em Movimento”. Revista Desafios do Desenvolvimento – IPEA, Brasília, Edição 22, mai, 2006.<