

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

Bueno, Ana Paula S.

(anapsbueno@gmail.com)Presenter

Reydon, Bastiaan Philip

(bastiaan@unicamp.br)

Moreira, Glaciele Leardine

(glacielelm@gmail.com)

Albuquerque, André C.

(andre.albuquerque@grupoterranova.com.br)

The increasing number of informal and squatter settlements as a result of overcrowded cities, and other factors resulting from irregular and inadequate occupation of the environment has resulted in a vicious circle of illegality. In this work we study the methodology and economic advantages, the process of Regularization Sustainable Urban promoted by a Social Enterprise – Terra Nova Urban Land Regularization Ltda as an alternative to solve the problems arising from the illegal occupation of urban areas by involving civil society brings with it the possibility of property transmission in big scale; reduction of public investment; a real democratic participation of the population involved, since it will be the main protagonist of the mediation process, as well as the effective appreciation of regularized property.

The overcrowded cities and several cyclical factors have led to irregular and inadequate occupation of the environment which in turn also creates more and more irregular urban settlements. The existence of thousands of people in poverty and mostly without access to formal housing market migrating to big cities where there is vacant urban land plots has been a major cause of irregular occupations of urban areas.

The urbanization process in Brazil has been the proliferation of informal processes of urban development. Millions of people only have access to homes using informal land ownership mechanisms. These informal settlements, and in turn the resulting lack of security of tenure, political vulnerability and the low quality of life for the occupants, you can see an exclusionary pattern of development that contributes to the formation of a speculative land market accompanied by an inefficient political system does not have the power to promote a worthy alternative housing to low-income population.

Make it possible to formalize the property of uneven areas makes them start to have a different approach of government and become able to receive public investments for implementation and improvement of drainage systems, sanitation, electricity and water distribution drinking. Enabling urban development with higher quality of life and well being.

Areas of illegal occupation, usually built on informal institutions, often settled in remote areas of valued without infrastructure and public services, suited to the availability of payment for low-income residents.

Make a clandestine footprint on an official is a prerequisite for achieving the works and utilities. Winning the ownership of the property title is a great achievement for this popular class.

From the study by Reydon (2007) found that for effective control of the land market is essential to occur formalization of the property so that it undergoes a valuation and win the activation of liquidity.

Based on this premise it follows that whether the area occupied illegally a rural or urban area, a protected area or any other, this area will suffer an appreciation that to be regularized will further enhance, resulting in economic benefits to the occupants and now owners / buyers, once owners / sellers, as well as the public sector and parastatal bodies.

We know that there are numerous factors that promote the appreciation of urban land and no doubt the regularization of the property is one of them, however many are the obstacles to this procedure.

In a brief review, Fernandes and Smolka (2004) highlight the main difficulties of land regularization programs and urbanization in Latin America, exposing them in thirteen synthetic themes. Among them: a) the process of slums (more common in Latin America than in Asia and Africa); b) the so-called vicious cycle of informality, triggered by local authorities acting or failing to act, fostering the growth of informality through exclusive regulation of land use, absolute complicity with the practices of defaulted subdivisions of land, local inadequate fiscal policies, etc. ; c) the many forms, contexts and places where informality manifests; d) the problem of tolerance to informality, which generates rights over time and increased costs for upgrading programs (an example: in Brazil, it is estimated that "the decision to regularize an irregular settlement is often made in order faster [six months] the decision to approve a new regular settlement [three years] "(idem); e) the increase in land prices due to the expected settlement; f) isolated and fragmented policies, including the lack of continuity, mainly due to changes in local political, competitors limited resources (such as public housing programs versus regularization programs); g) the lack of adequate financial resources; h) decoupling of modernization and legalization; i) titration is still crucial, even though many analysts have come to believe on the contrary, due to the failure of most of legalization programs and titling of urban land; j) the lack of genuine popular participation, like most regularization programs aimed at incorporating popular participation cannot really implement it; l)

difficulty making interventions scales compatible with the technical standards, urban and environmental proposed for the settlements, as well as the nature of rights to be recognized for the occupants; m) the after-effects of regularization programs (monitoring and evaluating the maintenance of the installed equipment, creating new rules to govern new occupations, etc.); n) balance individual liberties and public functions (recognition of the social right to housing and the need to reserve urban areas for this purpose)

However, some of the initiatives developed based on private urban land regularization proves that the particular, even after paying a price exorbitant derived from a highly speculative market, is willing to pay again to have its rights assured. View property safe legally, anyway any investment in land and immovable property is as Reydon (2006 p.383) "had in the social imaginary as a safe investment."

However, in addition to many possible benefits of this land regularization method we can understand that the particular the fact bear the just compensation to the owner of the areas makes it more rooted to this property and makes it unnecessary to concern a fairly recurring dilemma when it comes to policies public state urban settlement that is the anticipation of the post-regularization social impacts, as it is believed that due to the appreciation resulting from the settlement this population can sell the area and move to inhabit other irregular area giving rise residential mobility and thus new areas of informality urban.

The experience observed in the projetos by Terra Nova Urban Land Regularization Ltda, whose methodology of sustainable settlement through direct negotiations and mediation between owners and occupants reduces public spending, increasing the state's capacity to act on other fronts of social care, and also allows society participate consciously and thereby improve their management capacity and organization, contributing to a social empowerment results in a larger rooting the population involved.

This article 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, transparence 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 Marinho/União, Paranagua (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. The fourth item will analyze the indirect benefices of the regularization manly on land prices.

The article is divided into four chapters, and in the first chapter will discuss the pattern of formation of cities in Brazil and the state of lawlessness in urban settlements , the second will analyze the legal and institutional framework of the Urban Regularization, in the third will evaluate the cost/benefices of the process, and finally will study the case of Terra Nova Urban Land Regularization Ltda with emphasis on mediation, popular participation in Regularization Private Urban and their economic, social and environmental repercussions.