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## Challenges for The Implementation of The Regulatory Framework of Urban Land Regularization in Brazil's Federal District

\* MS.c Denise de Campos Gouvêa<sup>1</sup>, M.A. Letícia Pacheco dos Passos Claro<sup>2</sup>  
*Secretariat for Urban Development and Housing – SEDUH, Brasília, Brazil<sup>1&2</sup>*  
*E-mail<sup>1</sup>: dgouvea60@gmail.com, E-mail<sup>2</sup>: leticiaclaro@hotmail.com*

### Abstract

This article seeks to reflect on the current legal framework for urban land regularization, Federal Law No. 13,465/2017, and to explore the challenges of Brazil's Federal District, the country's capital, to implement this recent Law. Questions about the proposed new paradigms that favor a privatist logic of urban property characterized especially from an asset in the financial market and with great profitability. This research also exposes the methodology for identifying informal settlements with urban characteristics in the Federal District, especially the areas with the most vulnerable population, to subsidize the inclusion of new areas of urban land regularization in the local regulatory framework.

**Keywords:** Urban Land Regularization; Informal Occupation; Urban Policy; Private Property; Real Estate Market.

### 1. Introduction

The Brazilian urbanization process is marked by the explosive growth of cities, by social exclusion, urban fragmentation, land and built informality. The modernization of agriculture in the 1970s contributed to mass migration to cities and to outcomes of the urban crisis experienced to this day. The 1970s are marked by the increase in the housing deficit and social conflicts, in addition to the new design of Brazilian urbanization, marked by verticalization and urban sprawl (FERNANDES, 1999; BARREIRA, 2009; BALBIM & KRAUSE, 2014; RUBIN & BOLFE, 2014).

By the 1970s, about 60% of the Brazilian population already lived in cities, a scenario that motivated the elaboration of the first National Urban Development Policy - PNDU in 1975 and, subsequently, the second National Urban Development Policy, contained in the third National Development Plan - III PND, promoted by the military government in 1979. The PNDU, with regional features, created the basis for the country's economic development with a focus on cities and urban networks (SERRANO, 2013).

These policies were based on a developmental project that saw in the civil construction market the potential of investment with great financial return, in addition to combating the housing deficit. During this period, mass construction of housing estates and new urban parceling began, mainly in rural areas - and therefore guaranteeing huge profits for investors due to the change in land use - creating urban voids that were later explored by real estate speculators (BALBIM & KRAUSE, 2014; RUBIN & BOLFE, 2014).

This scenario that made the housing deficit a profitable project did not solve the problem and only increased inequalities and discontent among the population. The 1980s were marked by the struggle of social movements for housing, pressure that led to the inclusion of the urban issue in the State's agenda and, later, in the Federal Constitution of the Republic, in 1988 (SERRANO, 2013).

The right to the city and the right to housing are themes that have been gaining space over the years in the Brazilian legal framework. After the promulgation of the 1988 Federal Constitution, much progress was made in defining principles, concepts, guidelines, objectives and instruments for the promotion of Brazilian Urban Policy, especially in the context of housing policy and urban land regularization.

The social function of property is the basic principle that governs the right to property in Brazil. The Federal Constitution recognizes, in addition to the social function of property, that good housing is a fundamental right of the Brazilian citizen. It is the Magna Carta that establishes the Urban Development Policy, which aims to organize the development of social functions not only of property but of the city as a whole and identifies the Master Plan as the basic instrument for the definition and protection of the social function of the property and the city (BRASIL, 1988; BRASIL, 2001; MUKAI, 2001; KOENINGSTEIN, 2001).

The Federal Constitution inaugurated the contemporary elaboration of the Brazilian Urban Policy, a result from the pressure of the Movement for Urban Reform, whose main idea was the integration of the poorest population into urbanized and well located areas in cities. In 2001, the City Statute was promulgated from this process, encompassing the principles of the Urban Policy in a general and comprehensive way (KOENINGSTEIN, 2001).

The City Statute establishes that one of the objectives of urban policy is to guarantee the right to sustainable cities, understood as the right to urban land, housing, environmental sanitation, urban infrastructure, transportation and public services, work and leisure for present and future generations. It also highlights the need for land regularization and urbanization of areas occupied by low-income populations (BRASIL, 2001; MUKAI, 2001; KOENINGSTEIN, 2001). The right to housing is reframed, moving from the logic of the right to property to an expanded right to the right to urbanized land, to the city, to free movement around the city, to job opportunities, characteristics that are directly linked to the social function of the city and everyone's right to this city. The City Statute represents the renegotiation of the State with the national and international New Urban Agenda. The 2030 Agenda agreed by the UN and ratified by 193 countries, including Brazil, which is a signatory, and signed the targets directly related to the issue of land regularization, which aim to guarantee, by 2030, access for all to decent, adequate and affordable housing, services basic services, as well as the urbanization of precarious settlements, with special attention to vulnerable groups (CENCI & SCHONARDIE, 2015; MARGUTI et al., 2016).

From the perspective of land regularization, the City Statute understands that it is necessary to edit special rules linked to the specificities of each informal occupation and defines several instruments for the Urban Policy to be implemented. It introduces a series of regulations that directly address urban issues, contributing to the edition of specific laws on housing policy and urban land regularization (MUKAI, 2010; SANCHES & JUNIOR, 2017).

This article seeks to reflect on the current legal framework for urban land regularization, Federal Law No. 13,465/2017, and to explore the challenges of Brazil's Federal District, the country's capital, to implement this recent Law. Questions were asked about the proposed new paradigms that favor a privatist logic of urban property characterized especially from an asset in the financial market and with great profitability. It is also intended to answer whether several of the rules defined throughout this regulatory framework, supposedly with the objective of effectively simplifying and reducing bureaucracy in the regularization process, can mean social insertion of the community involved, especially the most vulnerable, and the construction of cities with urban quality for everyone. Certainly, the challenge of reaching more socially just and sustainable cities will pass through this reflection or it will not happen.

## **2. Materials and Methods**

### **2.1. The legal framework of Brazilian Urban Land Regularization**

The informal occupation of the territory is a structural phenomenon in Brazilian cities (FERNANDES, 1999). It is now the main source of access for the poorest population to housing and, historically, it is one of the most controversial aspects of urbanization in the country. Private property is at the center of conflicts over the right to the city and is associated with the profit and benefit of a portion of the privileged population. For Harvey (2012), the right to property and profit have overlapped other social rights, in particular the freedom of people to transform cities. According to this author, this is the most precious and neglect human right.

Historically, access to housing in Brazilian cities by the poorest population occurred through unlawful means, with informal occupations in areas, in general, of environmental restrictions and risks to human life, precisely because they are disposable lands to the real estate market. These are areas characterized as slums, precarious informal settlements, among other denominations (BALBIM & KRAUSE, 2014; RUBIN & BOLFE, 2014). Brazilian urban planning has three moments of confrontation with informal settlements: at the beginning of the 20th century, it has an authoritarian and hygienist view, inspired by the logic of the Haussmann Plan that the agglomeration of people in cities represented a threat to public health and, therefore, should be removed. That first moment led to the expulsion of the poorest portion of the Brazilian population to the peripheries and gave rise to the first favelas.

The second moment comes from the Getúlio Vargas Government, which instituted a national-developmental project that saw housing as a basic condition for the reproduction of the workforce (BALBIM & KRAUSE, 2014). This period inaugurates a new phase of reflection on the issue of housing and introduces the theme of social housing. This moment is then marked by the removal and relocation of the population from informal settlements to housing complexes. The argument for relocation was the promotion of quality housing, however, this also masked the decision to move the poorest population to more remote areas, far from the center and from the more upscale neighborhoods.

The third moment of confronting land informality began in the late twentieth century, mainly as a result of the enormous expansion of cities in the 1970s and the uncontrolled increase in informal occupations. In 1948 the Universal Declaration of Human Rights recognized housing as a human right and, later, this right was extended to the right to a home and a dignified and healthy life (SANTOS & MEDEIROS, 2016).

The expansion of rights and recognition of the right to housing also provided an overview of informal settlements and started the current third moment, which is based on non-removal or removal only in extreme cases (such as the risk to life). This process is also accompanied by the edition of housing and urban land regularization policies.

The 1988 Federal Constitution and the City Statute shaped this new discourse and vision on human rights and led to the edition of the National Law nº 11.977/2009 that creates the Minha Casa Minha Vida Housing Program and addresses urban land regularization. This is the first Brazilian legal framework that details a general rule on the issue of regularization in the country.

Federal Law 11,977/2009 recognized the right to land possession, based on conditions and maintained the logic of the collective of the informal settlement for the priority regularization of the socio-environmental liabilities of the most vulnerable. The instrument of Special Zones of Social Interest - ZEIS was for the first time conceptualized and highlighted, among other instruments, as of structural importance for the design and insertion of an area in the territory (BRASIL, 2009). The initial objective for consolidated areas' regularization was to establish an instrument of recognition of land possession, in general, based on years of communities' struggles. The proposal was for the instrument to regulate the urban land market, reducing land prices, which in general were rapidly increased by the regularization process itself. The possibility of controlling the price of land, providing a counter trend with the decrease in interest in the real estate market could be ensured by the application and combination of urban, environmental, legal and social parameters related to popular housing production. This would also favor the implementation of actions, measures and programs in the regularization process to avoid gentrification processes of ZEIS.

This legal framework introduced the understanding that time guarantees rights, presented the minimum requirements of land parcel's area and the mandatory provision on the concession of special use referred to on the Federal Constitution, created the National Council for Urban Development - CNDU, created the right to housing, in addition to creating new property titling instruments to make urban land regularization feasible, such as: Urban Demarcation and Legitimate Possession (BRASIL, 2009).

In that same period, unlike Brazil, some Latin American countries like Peru and Mexico foresaw the formal legalization of property, through the mass issuance of property deeds based on the principles of Hernando de Soto. The idea was that mass property titling process could have a positive effect on the urban economy, also as an instrument for reducing social poverty (COUTINHO, 2010; GROCHOSKI, 2019).

However, this regularization model has many criticisms, and Brazilian approach defends that urban land regularization must be integrated with wider improvement of the area with urbanization, environmental and social sustainability. This regularization model was called full land regularization.

Federal Law No. 11,977/2011 emphasized this model when conceptualizing land title regularization as the set of legal, urban, environmental and social measures aimed at regularizing irregular settlements and the titling of their occupants.

However, in 2016, this law was repealed when it was still being regulated by the Municipalities and the Federal District. In 2017, National Law No. 13,465/2017 replaced the previous one and became the applicable legal framework for Brazilian urban land regularization.

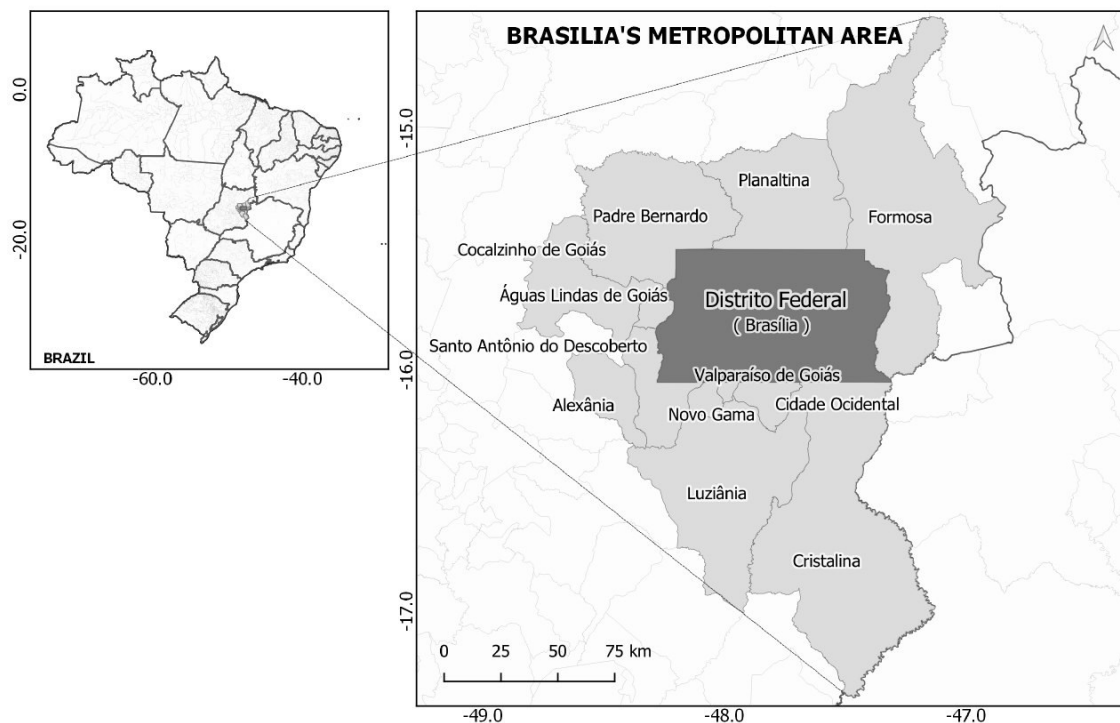
This law creates the possibility of altering the zoning and allows urban land regularization for urban nucleus located in rural areas. The law defines two types of regularization, the Land Regularization of Social Interest, applicable to informal urban nucleus with an income population of up to five minimum wages and the Land Regularization of Specific Interest, for urban nucleus that do not fall under the first type. It also creates the possibility of regularizing occupations implemented before 1979, the year of the Brazilian land parceling legislation, Federal Law 6,766/1979. The text of the law does not deal with environmental licensing and makes urban and environmental parameters more flexible, such as percentage of equipment, land parcel size and urban compensation. This law has a strong approach towards simplifying the full regularization process to a process of ownership titling, especially by property transfer of public deeds.

Despite maintaining the principles of the previous legislation in relation to full regularization, by proposing speed to the processes aiming at title and ownership, it minimizes and relativizes the impacts of the process. This way, it contributes to the so-called land grabbing process and the transfer of public assets to non-vulnerable social segments.

Another important issue of this law is the possibility of changing the zoning and including new areas of regularization outside the strategies defined by the Master Plan, which is the basic instrument of Brazilian urban policy, defined by the Federal Constitution. In this way, the consultative and participatory process is compromised. However, for the Federal District, it was understood that the regulation of this law should take place through the amendment of the Master Plan with opening for public debate.

## 2.2. Brazil's Federal District: Contextualization and Territorial Analysis

The Federal District is located at the core of the country, with Brasília as its headquarters city and the capital of Brazil. Its population is 2,894,953<sup>1</sup> inhabitants and, in addition to the metropolitan area, which consists of twelve more municipalities, the population reaches about 4 million inhabitants<sup>2</sup>.



**Figure 1.** Federal District localization and Brasília's Metropolitan Area (Developed by Authors).

The surroundings of the Federal District present great disparities in income and social vulnerability compared to the country's capital, however, there is a difficulty in shared management of these areas, since they are part of different states. The Federal District area and its surroundings have been suffering from urban sprawl, mainly in the last ten years. The landmark of Federal Law 11,977/2009 that institutes the housing program Minha Casa Minha Vida is a turning point in the occupation of Brazilian cities, and the surroundings of the Federal District are no exception. As of 2009, there is a massive investment in the construction of low and medium income housing complexes in rural areas far from urban centers (and therefore cheaper), contributing to the spread of cities and the increase in urban voids.

In parallel with this phenomenon, land informality also increased, in a scenario that was at first contradictory, but which can be explained by the succession of economic crises, increase in the number of people in situations of poverty and bottlenecks of the policy itself, such as the difficulty of accessing Bank credit.

The impoverishment of the population led to a double movement of expelling the population both to the surroundings, through formal housing, and to the situation of land informality within the Federal District, which did not present a policy of housing supply consistent with the size of demand.

In addition to the informal occupation of social interest, which is that of the poorest and most vulnerable population, there is a great impact, especially in territorial extension, of informal occupations of specific interest. In the mid-1990s, horizontal close-gated condominiums began to appear and in the first decade of the 2000s, this phenomenon took on large proportions, leading, for example, to the emergence of entire neighborhoods of informal close-gated horizontal condominiums.

The scenario of the informal occupation of Brasília is not recent, it has its origins in the construction of the city, in the 1950s. It is the result of the State's action, urban planning (and the logic of the modernist city), the lack of adherence and scale of local policies, land barriers and also the action of the real estate market. The logic and understanding of informal settlements contributed to the expansion of land informality in the Federal District. It is

<sup>1</sup> Federal District Household Sample Survey - PDAD, 2018 Codeplan < <http://www.codeplan.df.gov.br/pdad/>>

<sup>2</sup> Metropolitan Household Sample Survey - PMAD 2017-2018 Codeplan < <http://www.codeplan.df.gov.br/pesquisa-metropolitana-por-amostra-de-domicilios-pmad/>>

only in the 1990s that discussions about fixation of the population starts and only in 1997 that a Master Plan addresses these settlements and proposes strategies for regularization.

The development of this study is part of this context, the transformation of legal landmarks for urban land regularization, both at the federal and local scale, and the pattern of urban expansion rooted in land informality.

### 2.3. Federal District's Local Legislation and the Regulation of Federal Law No. 13,465/2017

The main regulatory framework that addresses land regularization in the Federal District is the PDOT Master Plan, published in 2009, following the principles of the City Statute. The PDOT's Land Regularization Strategy is structured based on the definition of priority areas that aim to meet the constitutional right to housing, the full development of the social functions of urban property and the right to an ecologically balanced environment.

It is worth pointing out that urban land regularization must be understood in its broad full sense, which includes legal, urban, environmental and social measures to insert informal settlements into legality. Thus, the purpose of regularization must be understood beyond the simple idea of ownership titling, one of the main criticisms of federal legislation.

Historically, the occupation of the territory of the Federal District is anchored in informal occupation. Brasília is a planned city and its construction started in the mid-1950s, attracting a legion of workers to work on the construction sites. The first occupations of the modern city are the workers' camps, which were thought to be undone after the city's inauguration. The first city opened in the Federal District, still in the 1950s, is Taguatinga, as a result of the removal of informal camps near Brasília.

The history of the so-called satellite cities of Brasília, inspired by the Garden City of Ebenezer Howard, has a direct relationship with the informal occupation that, from the 1990s onwards, gains proportions that urban planning was unable to address.

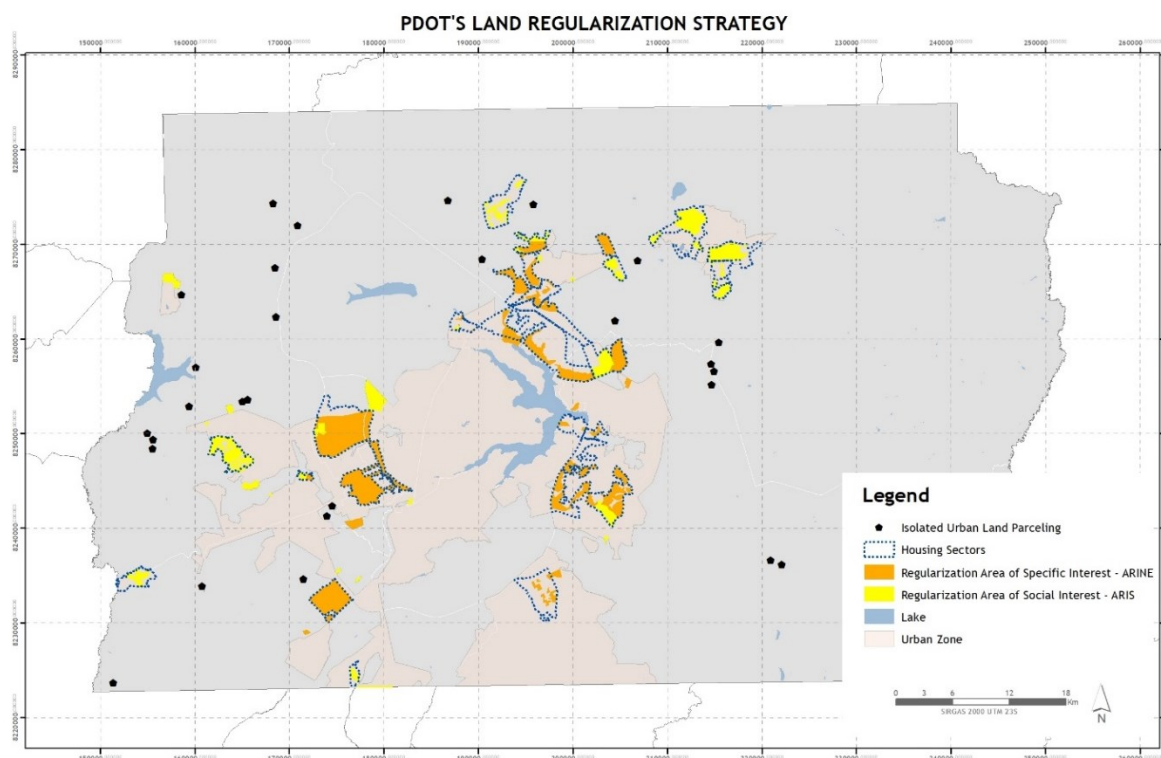


Figure 2. 2009 Master Plan's (PDOT) Regularization Areas (Developed by Authors).

The PDOT identified 392 informal settlements that were grouped into 121 regularization areas composed of both low-income and medium and high-income populations (DISTRITO FEDERAL, 2009). Entire cities and neighborhoods, such as Fercal, Itapoã, Paranoá and Jardim Botânico<sup>3</sup> were grouped in regularization areas.

According to the survey carried out by the Housing Secretariat, about 440 thousand people live in regularization areas, and after ten years of the edition of the Master Plan, the balance of regularization is that 302 informal settlements had the regularization process started, however, less than a third had the process finalized. Bureaucracy

<sup>3</sup> Observatório Territorial da SEDUH < <http://www.observatorioterritorial.seduh.df.gov.br/>>

and obstacles, such as the peculiar land issue in the Federal District<sup>4</sup>, make the regularization process slow, which also contributes to the increase in informality and the lack of adherence to housing policy in a broad way.

The edition of Federal Law 13,465/2017, which provides, among other topics, for urban land regularization, brought the urgency to update the PDOT's Urban Land Regularization Strategy.

Of the proposed changes, the following were considered for the Federal District: the classification of the types<sup>5</sup> of urban land regularization, the need to characterize the figure of Informal Urban Nucleus, created by the Federal Law, the obstacles in the procedures and the lack of speed in the regularization processes and the rigid and standardized urban parameters for different sociocultural realities.

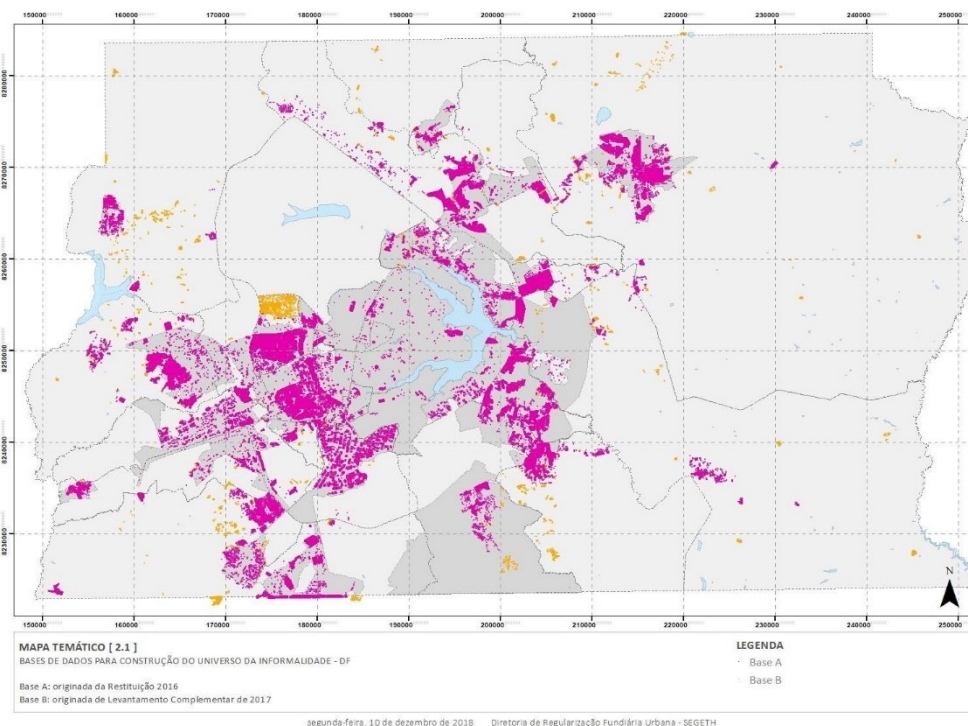
The updating of the Federal District's legal framework aimed to expand land regularization actions and seek solutions for situations not covered by current legislation, focusing on serving the most vulnerable population. It was observed, after the last revision of the Master Plan, an increase in the number of people living in informal and precarious occupations; land parceling liabilities made before the Federal Land Parceling Law (Federal Law 6,766/1979) and, therefore, without proper regularization; expansion of the regularization areas fixed by the Master Plan; emergence of new large-scale informal settlements with urban characteristics, also informal occupations in lands destined to public equipment.

In response to this scenario, and in order to subsidize the formulation of the new legal framework for urban land regularization, a methodology was developed with the objective of mapping the universe of informal settlements and identifying the ones with urban characteristics in order to integrate them into the legal planning. This study, which started in 2017, was developed over three years and included remote sensing mapping, technical inspections and data systematization.

#### 2.4. Methodology for Identifying Urban Occupations

The study was developed in four stages: (1) identification, (2) characterization, (3) analysis and (4) selection of the Informal Urban Nucleus to be included in the Urban Land Regularization Strategy of the Federal District.

The first stage of the study consisted of scanning the territory of the Federal District in order to identify informal occupations that were not part of the Urban Land Regularization Strategy of the Master Plan. The mapping was based on the analysis of images from the *Plêiades* satellite of 2017 and photogrammetric restitution of 2016 followed by technical visits and surveys on the identified occupations. The product of this step was the construction of a database that compiled the main characteristics of the informal settlements in the Federal District.



**Figure 3.** Informality database: informal lots mapped in Federal District (Developed by Authors).

<sup>4</sup> When the site where Brasília is located was defined, the Government started a process of creating a land bank owned by the State. However, many processes of land purchase never ended or had property transfer issues. To this day there are many lands that are owned by the State and other people at the same time or have demarcation issues.

<sup>5</sup> Low-income (Reurb-S) or medium/high-income (Reurb-E) settlements.

The mapping was done manually, identifying in the satellite image all buildings that were not part of the regular areas of the city, both in the formal city and in the rural area. After the identification of the buildings, they were grouped into occupations according to the contiguity and elements, such as characteristics of the land. This information was confirmed by means of technical visits, which aimed at confirming the existence of the occupation and gathering information on its infrastructure: existence of road infrastructure, public drainage, energy, water, public transportation, garbage collection, among others.

The second stage consisted of selecting criteria for the characterization of mapped informal occupations. The objective was to perform an x-ray of each occupation, to identify those consolidated and irreversible, most vulnerable and precarious and to remove from the study occupations without urban characteristics. The criteria used were: (a) occupation time, (b) size, (c) compactness, (d) location and (e) modality.

The criterion occupation time (a) was defined to identify the so-called historical liabilities, which are existing occupations prior to December 19, 1979, which is the date of the federal legal framework for land parceling. In accordance with the provisions of Federal Law 13,465/2017, areas previously parceled up to the mentioned date and without registration, could be regularized with instruments provided by this law<sup>6</sup>.

The size criterion (b) was defined by researching the study methods of the Brazilian Institute of Geography and Statistics - IBGE and the Planning Company of the Federal District - Codeplan and analyzing the occupation patterns of the Federal District, based on technical visits and surveys carried out by the Department of Urban Development and Housing over the years.

The Brazilian legal framework defines that the minimum rural module is equivalent to 2 hectares, thus forbidding rural regularization of smaller lands. In the technical visits, several occupations with agricultural production or without cohesion, typical characteristics of urban occupations in the Federal District, were mapped because the land parcel area was smaller than defined by legislation. However, since the objective of the study was to identify urban informal occupations, a size of 250 occupied land parcels was defined for land parceling in rural areas and no size limit for land parceling in urban areas.

Compactness (c) seeks to analyze, in a simplified way, the relationship between occupied land parcels and the settlement in which they are inserted. This criterion is related to the spatial form and effectiveness of the occupation and seeks to subsidize the construction of land occupation typologies. This criterion is calculated by two variables, one of linear measurement and the other of area, in order to observe the proximity, the cohesion and the effective occupation of the occupation set.

The linear measure variable, called Near, measures the shortest distance between two points, which represents the shortest distance between buildings in an occupation. The area variable, called Thiessen, uses Voronoi polygons, which calculate the area of influence of a point, from the distance of that point and neighboring points. This measure made it possible to calculate the average area of occupied land.

After calculating the two variables for each mapped occupation, an analysis was carried out to verify the occupation patterns and typologies of the Federal District and to define the cutoff values for each of the variables.

The location criterion (d) was defined based on the Zoning of the local Master Plan and the characteristics and limitations of occupation for each zone. This was not an exclusion criterion, only the adequacy of the areas identified with the zoning requirements.

Finally, the modality criterion (e) aimed to preliminarily identify the most vulnerable and low-income occupations (the so-called Reurb-S in the federal legal framework) and the other occupations (called Reurb-E in the federal legal framework). The objective was to prioritize the most precarious areas that needed immediate action.

After the characterization stage, the analysis stage (3) began, which consisted of crossing the information collected in the previous stages, which deal with the main physical characteristics of the occupations, with the planning instruments currently applicable in the Federal District. The physical characteristics of the occupations are directly linked to the demands for types and patterns of land occupation and, therefore, the crossing with the planning instruments has the objective of verifying the impacts of the occupations for the territory in a wide way.

The location of each occupation was analyzed, observing the interferences with the Zoning and activities defined by the local Master Plan, the existence of environmental risks (soil contamination, erosion and aquifer recharge), the capacity of water bodies to supply water, water and dilution of organic load and the zoning of environmental conservation units.

Finishing this step, the study went on to the Selection (4) of the areas with urban characteristics and systematization of all mapped occupations. Four types of obstructions were applied: occupation of specific interest in the area of housing supply, occupation in an environmentally protected area, occupations in areas at risk to life and without

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<sup>6</sup> The historical series that allowed the identification of occupation time was based on a study by the Secretariat of Urban Development and Housing, available openly on Geoportal online platform.

residential use, and occupations in the area of National Security. Informal settlements in any of these areas cannot be regularized.

In addition to these obstructions, areas that did not meet the criteria in Step 2 were classified for mapping and for further analysis in the review of the local Master Plan. Occupations in rural and urban areas that did not meet the size and compact criteria, occupations in the urban area that meet the size and compact criteria, but are of specific interest, and occupations on the boundaries between states and therefore require a shared management have also been removed from the selection.

Occupations of social interest inserted in the urban area that meet the criteria of size and compactness, occupations in lots of public facilities, historical occupations (occupied before 1979) and expansion of land regularization areas of social interest were selected.

### 3. Results

#### 3.1. Draft Law: Scope and Propositions

In the mapping of informal settlements in the Federal District, a total of 30,193 occupied lands were identified, with about 100 thousand people living in an informal situation. Of this universe, 48% was covered in the study and Draft Law and 52% will be analyzed within the scope of the local Master Plan’s review.

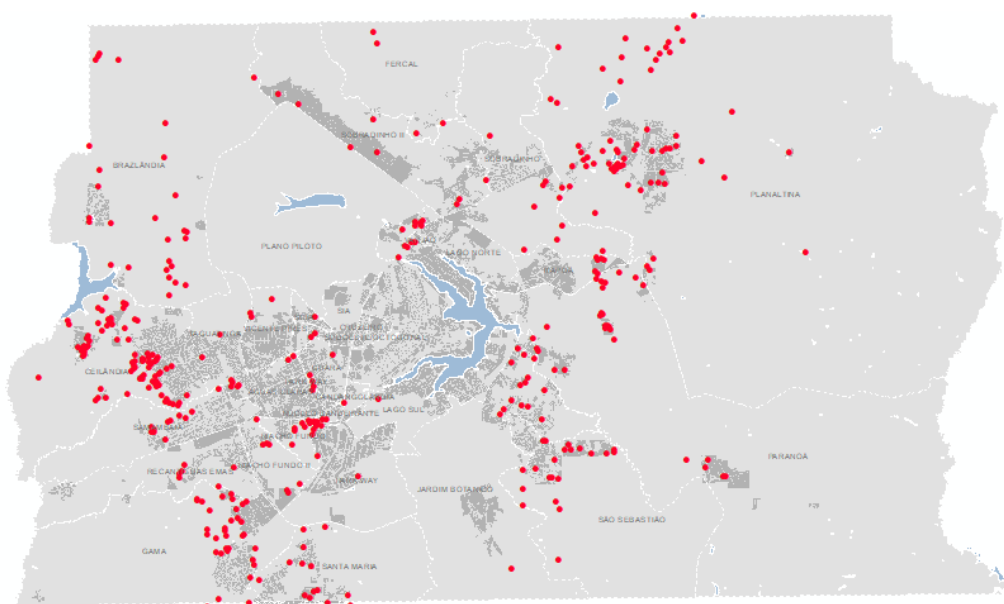


Figure 4. Informal Settlements identified in Federal District (Developed by Authors).

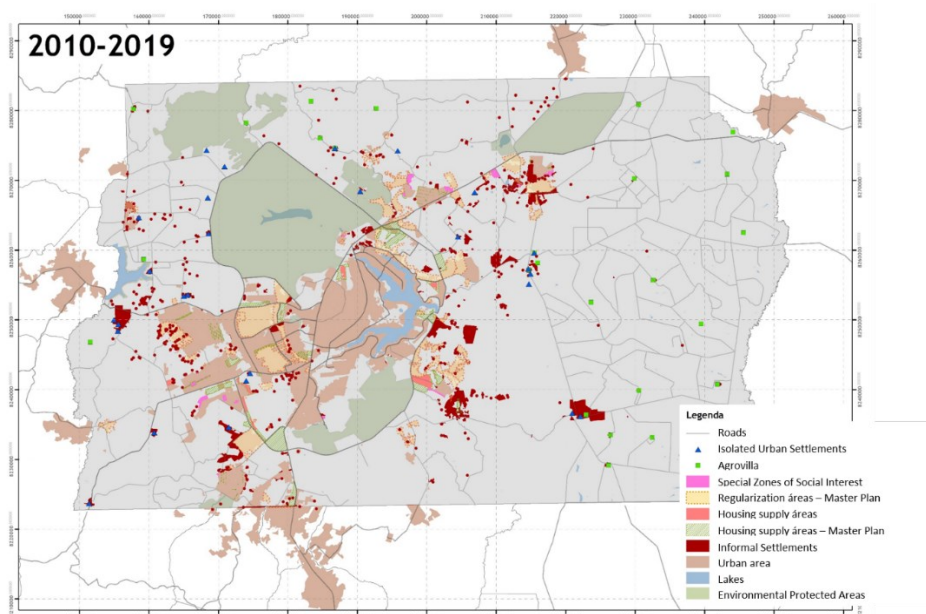


Figure 5. Map of land occupation in Federal District (Developed by Authors).

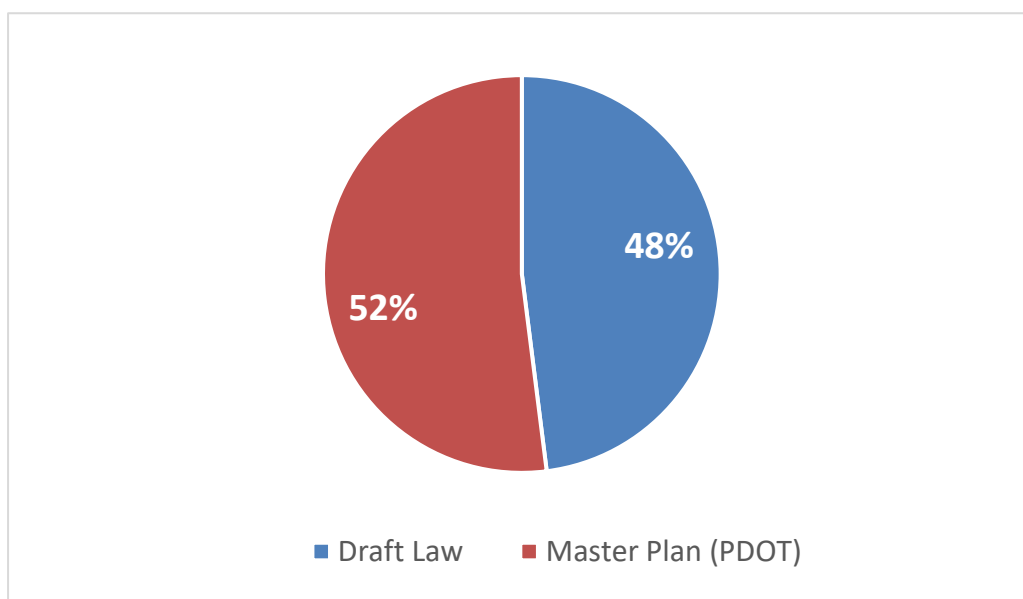


Of the 52% identified, just over four thousand people live in areas that were prohibited by the study, most of them in life-threatening areas that, therefore, must be relocated to a different place. The remaining approximately 47 thousand people live in an informal situation, either in rural occupations smaller than the minimum rural module<sup>7</sup>, or in the limits of the Federal District with the neighboring state, or are urban occupations of specific interest.

The priority of this Draft Law was the urgent need to address a part of the population that lives in a situation of informality and precariousness. This population cannot wait for the revision of the local Master Plan and needs immediate action by the State. More than 46 thousand people in vulnerable situations and historical liabilities have been identified and will be addressed by this new legal framework.

**Table 1.** Universe of identified informal settlements in Federal District

<b>Identified Total</b>	
Number of identified land parcels (lots)	30,193
Number of people	97,326
<b>Total covered by the Draft Law</b>	
Number of identified land parcels (lots)	14,042
Number of people	46,369



**Graph 1.** Identified total informal settlements

The Draft Law creates prohibitions and restrictions to settlements in environmentally sensitive areas, especially in areas of importance to the city's water supply, and areas for preserving local biodiversity. The informal occupation of the territory is intense for all income groups in the Federal District, putting biodiversity, water supply and creating urban imbalances as a result of the spread, at risk, thus, the Draft Law seeks to place limits that have not been established by the Federal Law.

Still, it creates the possibility of urban land regularization for informal occupations in land parcels of public facilities and eases the criteria for the regularization of occupations of social interest.

**4. Conclusion**

The city is an organism in constant transformation. As the population becomes increasingly urban, the pressure on the city intensifies and makes it the target of conflicts and disputes of interest. The Federal District is no exception to the rule and, since the construction of Brasilia, it has coexisted with the informal settlements and intense processes of disputes between different interest groups over private property.

In the past ten years, informal occupation has intensified, forming large and extremely vulnerable occupations, as is the case of Morro da Cruz, an informal settlement with more than 1,500 families that emerged in the last five years. There are also cases in the Federal District, such as the city of Planaltina, which is dated to the 18th century and to these days the population still has no registry and ownership title.

<sup>7</sup> In Brazil, the Land Statute defines that all rural property need to have at least 2 hectares, the so-called minimum rural module.

This study raised a universe of more than 100 thousand inhabitants living in informal situations, in addition to several areas that are recognized by the Master Plan but the regularization process has not been finalized. Still, another problem that was possible to identify in this study is the number of occupations that appear on the fringes of the state's borders, pointing to the fragility of the legislation in covering all the people that use the city in a wide way, independently of living in a different state. Thus, the study points out the importance of shared management between municipalities and the expansion of the study of land informality to the metropolitan area of Brasília, so that the housing deficit can be measured in its entirety.

More than 100 thousand inhabitants were mapped living in informal settlements, a situation that has been taking place in the last ten years, a period in which the city's Master Plan was operative, dated from 2009. This shows the speed with which the city is changing and the weaknesses of local policies, both for housing provision and urban land regularization, and for monitoring the territory in order to stop illegal land occupation.

The Draft Law proposes to amend the city's Master Plan including 49% of the most vulnerable and poor people in urban planning, a considerable number especially because this number covers the most vulnerable population that need urgent action from the State. Despite the positive points of this proposal, there are flaws that must be highlighted, such as the consequences of altering the zoning and the inclusion of new areas for urban land regularization outside the Master Plan review process, which is an intergovernmental and participatory process, the result of collective construction of Public Power with communities, organized civil society and economic sectors. The process of this Draft Law, despite having popular participation, took place in a simplified way with only one public audience.

Also, problems in federal legislation that were not resolved in this Draft Law are also pointed out, such as the issue of integrated licensing, which is the one that unifies environmental and urban licensing in a single process, in order to present a joint analysis of the various factors that informal settlements impact on the territory and how to promote measures to mitigate them.

In addition, this study highlights the importance of defending full regularization, which is one that integrates legal, urban, environmental and social measures in order to guarantee the social function of property and the city and guarantee the right to housing for the entire population. The Federal Law and the new understanding it brings enhance regularization as simple ownership of property, benefiting, for example, the regularization of specific interest and also being colluded with land grabbing, including via legal instruments.

Therefore, this study points to this modification of the vision of urban land regularization, through a legal framework that encourages the capture of property by the real estate market, reducing the process of urban land regularization to a simple ownership title. This vision will bring even greater consequences for the most vulnerable population, stimulating the cycle of informality and commodification of housing. Finally, this study suggests monitoring the territory of the Federal District, with the objective of curbing the process of expanding land informality, in addition to promoting a housing policy more adherent to the demand of the population and on the scale of this demand and protecting the most vulnerable people contemplated by land regularization from the action of market and speculation.

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#### **Conflict of interests**

The Authors declare no conflict of interest.

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