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## THEMATIC GROUP: GT 9 - SOCIAL FUNCTION OF PROPERTY, DISMANTLING OF THE LEGAL-URBAN ORDER, AND EFFECTIVENESS OF URBAN POLICY INSTRUMENTS THE RELEVANCE OF PARTNERSHIPS AND METHODOLOGY FOR FUNCTIONAL CITIES

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## **INTRODUCTION**

Demands for the right to the city impact society and public management, highlighting the almost inevitable mismatch between private issues, administration, and the needs of citizens. This situation is paradoxical to legislation and the role of the State vis-à-vis the community. When discussing the right to the city, it is necessary to address the issue of adequate housing, especially for the most vulnerable groups that depend on public policies. Regarding the right to housing, there is a high and recurring demand, while at the same time, we live with vacant properties and the emptying of central areas of the city, which have good infrastructure and are permeated by public and private services.

This reality contradicts the provisions of the 1988 Federal Constitution<sup>1</sup> and the City Statute. The Brazilian legal system aims to establish “public order and social interest standards that regulate the use of urban property for the benefit of the collective good, the safety and well-being of citizens, as well as environmental balance.”<sup>2</sup> In this sense, it is urgent to implement the constitutional wording given in article 182 regulated by law 10.257/01, which was created to make cities more functional, implementing public policies that aim at socio-spatial inclusion and the promotion of adequate housing.<sup>3,4</sup>

According to the literature, the scenario of emptying of the central regions of Brazilian municipalities is fueled by the presence of idle buildings, which are in line with the logic governed by real estate speculation. The reasons that promote and favor this context vary, according to the dynamics of each

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1. BRASIL. Estatuto da cidade: Lei federal nº 10.257, de 10 de julho de 2001. Brasília, DF: Casa Civil, 2001.

2. BRASIL. Constituição da República Federativa do Brasil de 1988. Brasília: Senado Federal, 2006.

3. ALFONSIN, B. de M. Direito à cidade sustentável na nova ordem jurídico-urbanística brasileira: emergência, internacionalização e efetividade em uma perspectiva multicultural. In: WOLKMER, A.C. LEITE, J.R.M. Os novos direitos no Brasil. São Paulo: Saraiva. 2012.

4. FERNANDES, E. Estatuto de Cidade, mais de 10 anos depois: razão de descrença, ou razão de otimismo? In: PAGANI, E.A (Org.). Urbanismo, Planejamento Urbano e Direito Urbanístico: caminhos legais para cidades sustentáveis. Cenequista Dr. José Ferreira. Uberaba, 2015.

location, and are generally associated with the process of degradation of the area. Emptying indeed promotes socio-spatial segregation, pushing the most vulnerable to the periphery, with a degenerate expansion of the urban fabric<sup>5,6</sup>.

In this way, the inapplicability of the social function is evident, putting pressure on housing demand and causing deep socio-environmental costs. This panorama reflects the need for initiatives and reinforces the importance of establishing partnerships to promote studies that aim at the equitable and orderly occupation of urban space, in line with the principles that govern urban policy, toward the well-being of the community. In this sense, this expanded abstract aims to demonstrate that the partnership between the Research Group “Law, City and Aging” (CNPq/UFSCar) and the City Hall of Araraquara, state of São Paulo, enabled access to the administrative sectors responsible for some services that contributed to the development of the methodology to identify idle properties in the central region of the city.

## METHODOLOGY

This expanded abstract consists of an excerpt from the research “Right to the City and Elderly People: Proposal for Requalification of Vacant Properties”, carried out with regular support from FAPESP (process 2017/15781-9) from which derives the master’s dissertation entitled “Public Policies and Idle Properties: applicability of the social function in favor of aging”, carried out with support from the Coordination for the Improvement of Higher Education Personnel – CAPES. Both studies were carried out using a quantitative-qualitative research method, being cross-sectional, descriptive, and exploratory.

5. MARICATO, E. O estatuto da cidade periférica. In: CARVALHO, C.S; ROSSBACH, A.C. O Estatuto da Cidade Comentado, p. 05-22. São Paulo: Ministério das Cidades/Aliança das Cidades, 2010.

6. VARGAS, H. C; CASTINHO, A. L. H. Intervenções em Centros Urbanos: objetivos, estratégias e resultados. 3. Ed. São Paulo: Manole. 2015.

## LOCATION OF THE STUDY AND DEMARCATION OF THE “HISTORIC QUADRANGLE”

The research was conducted in Araraquara, a medium-sized municipality with an estimated population of over two hundred and thirty thousand inhabitants, located 270 km from the capital of the state of São Paulo. The region of the municipality selected for the study was delimited by its historical condition and was called the “Historic Quadrangle”. This area plays a key role in the city’s identity and contains some of the oldest buildings in the city. The “Historic Quadrangle”, made up of 47 blocks, characterizes the city’s historical and geographic center and, despite being part of the historic commercial and administrative core, is experiencing a characteristic emptiness, combined with deterioration and abandonment of real estate.

## SUMMARY OF STUDY STEPS

- a) Access and Verification of the Municipal Georeferenced Technical Registry (CTMGeo);
- b) Field visits, using a script, participant observation, and quantification of properties, according to the classification - closed: those that were apparently vacant, with signs indicating “for sale” or “for rent”; in ruins: property with significant apparent deterioration, whose actions to intervene would demand a high financial cost to enable possible reuse; abandoned or idle: those that have apparently been closed for some time, in disuse and without a destination given by the owner, presenting practical conditions for intervention; unfinished: lands that have unfinished buildings.

- c) Water consumption query.
- d) Checking the existence of active debt.

## RESULTS AND DISCUSSION

Once the data collection had been completed, it became possible to develop a figure (Figure 1) that represented the steps of the method used and their respective funneling. Thus, as the steps progressed, the number of vacant properties was filtered. This finding is correct given that the method applied started from the largest scope, consisting of the spatial/georeferenced analysis stage, followed by on-site verification and observation of apparent characteristics (such as the physical structure and accessibility of the property), and entering the particular sphere of the property, with the query on water consumption, and the presence of active debt for each property. Therefore, the final results were filtered, preventing only the external appearance of the building from being computed as an effective vacancy. The figure below represents the methodology developed and used in the research.

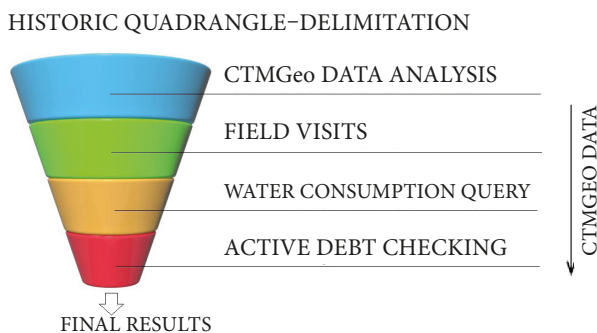


Figure 1: Representation of the methodology developed in the research “Right to the City and Elderly People: Proposal for Requalification of Idle Properties”, carried out with regular support from FAPESP (process 2017/15781-9). Prepared by Monteiro and Portes (2021).

As shown in Figure 1, CTMGeo is transversal, and measurable in all phases and not only in the mapping stage. This registry also declines the identification of the owners

of the analyzed properties. Based on the results obtained with the initial CTMGeo query, 716 properties were identified, apparently of interest to the research. In the subsequent phase, field visits indicated 101 disused properties. Of these, 55 (54%) were classified as “abandoned property”; 42 (42%) categorized as “closed property”; three (3%) were associated with the “ruined property” group; and only one (1%) as “unfinished construction”. In the next stage, after reading the water consumption histories, made available by the Autonomous Department of Water and Sewage (whose inclusion criterion was zero consumption, or close to zero - up to 3 m<sup>3</sup>), the analysis resulted in 62 buildings with no consumption. Subsequently, the collection carried out with the Municipal Fiscal Attorney’s Office showed that only 06 properties (out of 62 without water consumption) were idle and had active debt.

The findings surprised the researchers because 15% of the sample was found to be unused during the field visit, with the majority meeting the “abandoned property” criterion, corresponding to 54% (n=101). On the other hand, only 06 had municipal debt, indicating that these abandoned properties are awaiting speculation.

According to Brueckner and Helsley, the abandonment of properties is a phenomenon known as *blight*, which conveys the idea of “ruined” or “rust”. The authors state that the existence of socioeconomic factors contributes to the occurrence of abandonment and causes the “neighborhood effect”. An abandoned house devalues its surroundings, influencing the maintenance of other properties that become similarly neglected, generating a kind of domino effect. An area that contains idle properties causes environmental burdens and also deprives the neighborhood of social support, which tends to promote interdependence and autonomy through

mutual support<sup>7,8</sup>.

The results corroborate the literature regarding the emptying of areas permeated by public and private services, located in a robust city fabric. The properties that remain idle are characterized as being on the margins of society because they do not meet constitutional precepts, perpetuating the inapplicability of legal and urban instruments.

Public managers and society urgently need to act in the opposite direction, resulting in the promotion and implementation of instruments for democratic management and the well-being of citizens. Therefore, there is a need to coordinate the requalification of these abandoned properties. Vargas and Castilho (2015) point out that urban interventions in the central regions of cities have been occurring in different municipalities in Brazil, to combat idleness and the deficits caused. This trend is global and focuses on the process of sustainability of cities since it aims to use spaces already equipped with infrastructure to bring citizens closer to the available equipment and services, and therefore the right to the city.

## FINAL CONSIDERATIONS

This study demonstrated the relevance of the support and partnership established, which enabled the implementation of the methodology developed to achieve the objective of identifying abandoned properties in the Historic Quadrangle in Araraquara, state of São Paulo. In this sense, the Research Group "Law, City and Aging" (CNPq/UFSCar) had a partnership with the public administration,

especially the Municipal Secretariat of Urban Development, the Fiscal Attorney's Office, and the Autonomous Department of Water and Sewage, for the development of data collection in the stages covered in the study. The articulation of the research team with the municipal managers and autonomous civil servants enabled an exchange of information and the strengthening of multi and interdisciplinary work, which reinforces the role of democratic management of the city, based on public affairs and the university, aiming to meet the needs of citizens.

The partnership and the results of the research made it possible to revisit standards and instruments, call for places, and articulate models on which actions, projects, and programs can be developed aimed at the equitable occupation of urban space and the re-establishment of social support networks. For the most vulnerable groups that depend on public policies to achieve the right to adequate housing, this articulation is essential, as it allows them to inhabit, occupy, and enjoy urban spaces provided with ample infrastructure and the presence of services.

Finally, as this study is preliminary and not exhaustive, it is necessary to continue and deepen this and other studies. In addition, imperative issues for the requalification and promotion of the appropriate use of the property must be taken into account, such as verification of legal charges, compliance with the bureaucratic procedures of the executive and legislative branches of the city, and the performance of technical feasibility studies, all to consolidate the functionality of the city.

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8. GREENFIELD, E. Community aging initiatives and social capital: Developing theories of change in the context of NORC supportive service programs. *Journal of Applied Gerontology*, v. 33, n.2, pp. 227-250. 2014.

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