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ONTROL AND INDUCTION OF THE SOCIAL FUNCTION OF PROPERTY ON THE SCALE OF THE METROPOLIS: THE SÃO PAULO EXPERIENCE BETWEEN THE YEARS OF 2014 AND 2016

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ABSTRACT

In 2013, the first year of the government that would be in São Paulo city hall until 2016, the Department of Control and Social Function of Property (DCFSP) was created within the scope of the administrative reform undertaken under the Municipal Department of Urban Development. Between 2014 and 2016, this department worked to evaluate, notify and induce the fulfillment of the social function of land and property in the city of São Paulo. This article - using the annual reports and other documents provided by the DFSP in a comparative perspective - seeks to outline the rapid overview of the Brazilian real estate and property, as well as its patrimonialistic logic, to analyze the exercise of the DCFSP in the city of São Paulo between the years of 2014 and 2016, balancing its achievements and the perspectives left for the municipal management started in 2017.

KEYWORDS

Urban Planning. Urbanism. Real State Property.

CONTROLE E INDUÇÃO DA
FUNÇÃO SOCIAL DA
PROPRIEDADE NA ESCALA DA
METRÓPOLE: A EXPERIÊNCIA
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RESUMO

No ano de 2013, o primeiro da gestão que governaria a cidade de São Paulo até 2016, o Departamento de Controle e Função Social da Propriedade (DCFSP) foi criado no âmbito da reforma administrativa empreendida dentro da Secretaria Municipal de Desenvolvimento Urbano. Entre os anos de 2014 e 2016, este departamento atuou procurando avaliar, notificar e induzir o cumprimento da função social da propriedade fundiária e imobiliária na cidade de São Paulo. Este artigo – utilizando-se dos relatórios anuais e demais documentos fornecidos pelo DCFSP em perspectiva comparada – procura traçar um rápido panorama da propriedade fundiária e imobiliária brasileira, bem como sua lógica patrimonialista, para então analisar o exercício do DCFSP na cidade de São Paulo entre os anos de 2014 e 2016, fazendo um balanço de suas realizações e as perspectivas que se colocam para a gestão municipal iniciada em 2017.

PALAVRAS-CHAVE

Planejamento Urbano. Urbanização. Propriedade Imóvel.

INTRODUCTION

If urban social inequality is visible, if not palpable, in the streets of a big metropolis like São Paulo, its origins go way back, to the country's imperial history. The predatory exploitation of the land, the rural estates, slavery and its abolition, with notable liberal character and governmental irresponsibility, the creation of urban locations and the valuing of some to the detriment of others - economically segregating a large part of the population - helped to shape the basis of social inequality as we know today.

This is a process that still has roots in the fourteenth century, before the arrival of the Portuguese in the Americas, when legal statutes that were to be transferred to Brazil in the sixteenth century were being formulated (SILVA, 2008).

The institute of sesmarias was created in Portugal at the end of the fourteenth century [1375] to solve a supply crisis. [...] The basic objective of the legislation was to end the idleness of the land, forcing the cultivation under penalty of loss of control. The landlord who did not cultivate or lease their lands lost their right to them, [they] were distributed to others to cultivate and take advantage of them and thus respect the collective interest.¹

¹ SILVA, Ligia O. Terras Devolutas e Latifúndio. 2008, p. 37.

The donation of sesmarias in Portugal - still in the fourteenth century, under the rule of Pedro I - was conditioned by the mandatory rule that its owner had to grow crops capable of contributing to the supply of the nation. That is, it arises from a social need that could only be answered with an action on the land and its crops in a feudal society, where industrialization was still centuries away. The temptation to consider this condition for the donation of sesmarias (the production for solving a social problem), instituted in 1375, as a kind of "social function of property *avante la lettre*" is strong, but we must take into account that, in fact, it is the expression of a state that finds itself incapable of supplying autonomously to its kingdom and thus resorts to individuals who, in possession of lands belonging to the Crown, could undertake through their own resources the growth of needed food for a sufficient distribution among the people, not without, of course, due economic gains. The abundance of land, the predominance of the rural population and their relatively low absolute numbers also play an important role in the Portuguese context of the sesmarias in the 14th century.

The Brazilian lands, however, much larger, would follow another logic as a primarily extraction colony, not of settlement (PRADO JR., 2000). Based on the inseparable and interdependent triptych of latifúndia / labor-slave / monoculture, Brazil colony enters the new capitalist world order that was established, with England at the forefront, and pressed by it, already in the first decades of the nineteenth century, to extinguish the slave trade and to bring slavery to an end. Thus, after 350 years of slavery, the Euzébio de Queiroz Law, in 1850, declares the extinction of the slave trade, without, however, integrating the black population into society. In that same year, Law n° 601, regulated by Decree n° 1.318 of 1954, provides that the empire's vacant lands must be assigned to private enterprises in an attempt to adapt the land

regime to the reality of a new scenario, where free labor would become the main form of production and slavery was doomed to disappear, at least in the molds in which it was previously hegemonic. In a single year, therefore, black people came to be considered part of society, without actually being integrated in it, and the land was enslaved, monopolized by the ruling classes in favor of the institution of industrial capitalism that was being born in the country (FAORO, 2012; CARTER, 2009), thus consolidating the concentration of land ownership, whose repercussions to date lie within a matrix of conservative modernization - where archaism and modernity feed back on a typical model of underdeveloped countries where its elite acts in tune with foreign imperialism - which renews and updates the conditions of domination, also generating a migratory flow from the countryside to the city through the establishment of industrialization based on low wages sustained by an army of industrial reserves, a very intense process between the decades of 1930 and 1970, essential for the development of the urban fabric of large metropolitan regions (OLIVEIRA, 2003).

LAND OWNERSHIP IN THE SECOND HALF OF THE TWENTIETH CENTURY AND THE EMERGENCE OF THE SOCIAL FUNCTION OF PROPERTY AS A DEVICE FOR DEMOCRATIZATION AND SOCIAL JUSTICE

The distribution of land within Brazilian borders is a sensitive point in the country's history. As part of the so-called "basic reforms" of the government of João Goulart (1961 - 1964), agrarian reform was considered a communist movement and part of the moves that led to the military coup perpetrated in 1964, hence the rigid way in which they repressed the newborn unions and peasant movements, such as the Peasant Leagues. The petty-bourgeoisie's archaic sentiments are revived by a strong pre-coup media campaign, which links any attempt at social reform to the "communist peril", thereby creating a consistent basis of support for the upper and middle-class economic sectors for the coup to be consolidated. So as not to create exalted moods with populations outside the direct influence of the media that helped to consolidate the coup - especially the rural populations - the new regime promulgates, in November of the same year it took power, the Land Statute, a law which established a shift in the distribution of land in the countryside through conservative policies. The Land Statute was one of the reasons for the Brazilian National Bishops' Conference (CNBB) to maintain a benevolent position, at least in the beginning. With the hardening of the regime, in 1975 the Pastoral Land Commission (CPT) emerged amidst an incipient climate of dispute. In this context, the Basic Ecclesial Communities (CEBs) and a series of social movements of resistance, such as the Movement of the Affected by Dams (MAB), the Peasant Women's Movement (MMC) and, perhaps the most prominently of them, the Landless Workers Movement (MST).

²This data is provided by Boulos (2014), taken from a research carried out in 2013 by the João Pinheiro Foundation. In addition to merely considering the number of homeless families, the João Pinheiro Foundation considers in its concept of qualitative housing deficit also the families that live in houses considered inadequate, such as slum dwellers, family cohabitation (the cases in which more than one family lives in the same residence), excessive rent burden (the commitment of more than 30% of the family budget with the expenses of rent) and excessive bundling (when more than three people occupy the same room).

After almost twenty years of work, the MST has seen a fraction of its members move from the field to the city, thus giving rise to the Movement of the Homeless Workers (MTST). The MTST starts to play, along other existing organized movements, the struggle for resources and actions of the public power to solve the Brazilian urban housing crisis, where the qualitative housing deficit is of about 48 million people². Soon they note that one of the great obstacles is the price of land (BOULOS, 2014), especially that located in regions with good physical quantity and quality of urban infrastructure, as opposed to the poorly assisted peripheries. Their occupations in idle buildings - both the MTST and other organized movements - thus become a legitimate instrument of struggle for decent housing. We could even say that through it a change in the previous status of the occupied building is forced, removing it from illegality regarding the fulfillment of a social function of property.

The quest for concretizing the FSP, guaranteed by the Constitution - that is, the induction, promotion and /or incentive through rules and standards for property owners to use their property - is poorly performed, especially in areas that could very well serve to the production of social housing (SMDU, 2016). Properties located in areas with good infrastructure are idle or underutilized, while entire families live far from their jobs, often in substandard housing, or are unable to live under the same roof. The right to decent housing, the most intimate and basic cell of modern life, is constantly violated by the political-economic conjuncture that leads to the high price of land and contributes to the expulsion of the poor to the poorly served by public infrastructure services peripheries.

THE BRAZILIAN FEDERAL CONSTITUTION OF 1988 AND THE FORMATION OF A LEGAL BODY DEALING WITH THE SOCIAL FUNCTION OF PROPERTY

The urban precepts - in a non-objective way, it is true - are included in article 5 of the country's charter, the Federal Constitution, promulgated in 1988. Also called the "Citizen Constitution", due to the substantial advances in its text due to the zeal and pressure of the movements that were organized with the opening of the democratic process after the overthrowing of the dictatorial regime, it shelters the idea of social function of property in various prescriptions throughout its 250 articles and 80 constitutional amendments. According to Fernando Guilherme Bruno, former director of the Department of Control of the Social Function of Property of the Municipal Department of Urban Development of São Paulo (from 2013 to 2016), this idea, however, is exposed more incisively in three well defined *loci*. The first of them, and main pillar of the very concept of FSP, that develops from it, is the already mentioned art. 5, in its subsections XXII and XXIII, where the right to property is instituted as a fundamental right (item XXII), which must fulfill its social function (item XXIII). Bruno also points to the impracticability of dissociation of the subsections, the unfeasibility of the separation of property and function by

the way they are inserted in the text, thus generating the impossibility of amendment that tends to suppress them (BRUNO, 2015).

The second and third *loci* cited by Bruno - namely, present, respectively, in art. 170, paragraph III; and articles 182 (urban property), item 2, and articles 184 and 186 (rural real estate property, which we will not consider here) - link the social function of property and its compliance with the economic order and urban public policy instruments, such as the Master Plan.

The aforementioned art. 182 of the Federal Constitution, as well as others, was specifically regulated by Law 10.257 of July 10, 2001, also known as the City Statute. Its bill stayed eleven long years, in the floor of the Brazilian Senate, until finally being approved in 2001, due to the great disputes over its content, since it touched on fundamental point of the maintenance of the status quo and in sensitive points of the class struggle. This law gave continuity to the precepts sketched in the Federal Constitution and consolidated, in law, the guidelines of a new role of the municipalities (FERREIRA, 2011), affirming its protagonism in the implementation of several public policies at a local level, either with its own resources or from the State, or of the federal government, as well as to manage the social function of property and, in particular, to implement it, seeking to leave behind the mistrust of the municipal administration on which federalism had developed (CANO, 2011; LEAL, 2012). In this way, the Federal Constitution of 1988, its amendments and regulations, are aimed at recognizing a right to property, not a property right, as it then submits it to the fulfillment of a social function, here determinable by specific urban legislation (MATTOS, 2001).

In the role imbued with greater prominence given to municipalities, the Parceling, Building and Compulsory Use (PEUC), an instrument that aims to stimulate the orderly and effective use of an empty or idle property in favor of full development of cities that aim to fulfill their social function, has acquired the status of synthesis, almost a monopoly of what is meant by Urban FSP. This is not limited to PEUC, also encompassing laws of lesser social impact, such as Neighborhood Law, Building Right Limit and condominium conventions. However, there is little doubt that when applying the Urban Territorial Property Tax (IPTU) through the PEUC³, the social function of property becomes an instrument of remarkable potential.

A small number of Brazilian municipalities stands out for the perspectives created from the Constitution and the City Statute. Santo André (SP) has become a reference as the pioneer in the application of the Urban FSP. However, its experience was interrupted in 2008, after the change of municipal management. Palmas (TO) and Goiânia (GO) initiated the implementation of PEUC in 2011, but ended up having their activities interrupted. São Bernardo do Campo (SP) and Maringá (PR) started their experiences in a similar period and they continue in activity until the present moment, each of them presenting their due peculiarities (DENALDI, 2015).

³ Stage where, after notification of the owner of the empty or idle property and non-compliance with the same, the tax rate doubles each year until reaching a maximum rate of 15% of the market value, and can be expropriated through public debt securities.

THE SÃO PAULO CITY EXPERIENCE

The experience of São Paulo consolidated itself in 2014⁴ with the creation of the Department of Control of the Social Function of Property within the SMDU. However, its attempt to consolidate a more specific regulation of land policy and social function of property begins years earlier, more specifically with Municipal Law 13.430/02, the Strategic Master Plan (PDE) of 2002.

With the former councilor and ex-Secretary of Culture of the Municipality of São Paulo, Nabil Bonduki (PT-SP), as rapporteur, the approval reached during the municipal management of Marta Suplicy (2001-2004), PDE 2002 had its principles regarding the social function of property supported and subsidized both by the discussion and academic, social and political militancy that was taking place around the approval of the City Statute, as by the consolidation of the text of the law itself, which occurred in the previous year. The PDE 2002 then reveals a new notion on the issue.

It is important to note that the FSP, as we have stated previously, is not limited to idle or empty real estate: these are its most serious attacks, not the only one. It follows that planning plans, embankment plans, development plans and other plans that resemble what we now understand as the Master Plan, speak indirectly of the social function of property by establishing zoning, land parceling, and land use and occupation laws of the soil, even without incurring the expression "social function". The master plan that was born during Mario Covas' management - elaborated in 1985 and shelved by Jânio Quadros, even with the use of several notes of this in his own -, the master plan of 1988 and the one of 1991, the latter specially formulated in the management Erundina (1989-1993), make references to the social function of property in a broad sense, even without pronouncing it more vigorously (QUEIROZ, SOMEKH, 2003; VILLAÇA, 1995).

However, none of them had goals, deadlines, a work schedule or were even debated with the population and councilors, leading Flávio Villaça, a professor of Architecture and Urbanism at FAUUSP, to affirm that São Paulo, the population of São Paulo and its leaders, had never experienced a Master Plan (VILLAÇA, 1995). Therefore, without the endorsement and force of a law to be made real, the social function of property, still somewhat abstract and realized through punctual actions that did not refer to the concept itself, only gains strength within the municipal legislature with the encouragement that the approval of the City Statute brought with it to the elaboration of the PDE 2002. Present in this master plan, PEUC is the main instrument - among which we can call "instruments of induction of the social function of property" - to combat idleness and untimely vacancy of real estate - untimely, therefore, not every empty property necessarily fails to fulfill its social function.

Even though it was one of the most advanced master plans in Brazil when it was launched, the PDE 2002 did not result in significant physical advances of the FSP, especially with regard to the unproductive idleness of real estate in urban areas. Since its launch, eight years have elapsed until a law - Law 15.234/2010, authored by councilor José Police Neto (PSD-SP) - regulating the issue was approved (BONDUKI, 2011). Three years would go by until a larger

⁴ It refers here to the beginning of a structured institutional attempt to confront what we have previously defined as the most serious attack on the social function of property, idleness and underutilization of urban properties in the city of São Paulo. Other elements, such as the already mentioned neighborhood laws and condominium conventions, have always been practiced to some extent in São Paulo, although only in the "formal city", in the "real city", that is, away from the precarious areas.

initiative was taken within the spectrum on which this law was based: it was for the Haddad Management (2013-2016), the creation of a department for these purposes, which would initiate an action aiming those goals.

The Social Control of Property Function (DCFSP) of the SMDU is created in 2013 through a parliamentary amendment, also by the councilman Police Neto, in the scope of the project that would become the Law 15.764/2013, which established the Administrative Reform of the City Hall. In order to coordinate the DCFSP, Fernando Guilherme Bruno Filho, a scholar of State Law, was also invited to study the issue in August of that same year. He also served as undersecretary for urban development in Santo André and a consultant for the implementation of FSP policies in São Bernardo. In the same month that Bruno takes over the department, the training of the small team to compose the technical staff begins. It is formed by 14 multidisciplinary professionals, with three distinct nuclei, with the attributions of:

(i) management of ground information search for real estate to be registered and analyzed, registration and monitoring of information about each property; (ii) analysis of buildings, diligence on the indications of idleness, surveys and consultation of the database of other departments and public bodies; and (iii) legal analysis, collection and interpretation of real estate registrations, annotation of notifications with registration offices, verification of legal impediments to effective notification, and control of challenges (SMDU, 2015b).

By January 2014, the strategic planning of the department is defined. With this already solid base, the DCFSP begins to register the real estate where the FSP was not fulfilled, to perfect the strategies and the models of action and, in October 2014, begins the writing of the decree that:

regulates the procedures for the application of the instruments that induce the social function of urban property in the Municipality of São Paulo, under the terms of Law no. 16.050, dated July 31, 2014 - São Paulo Municipal Strategic Plan, and Law No. 15.234, of July 1, 2010, and subsequent amendments, in particular the notification for compulsory installment, construction and use (Article 1 of Municipal Decree 55.638 of October 30, 2014).

The importance of the Strategic Master Plan for 2014 for the progress in compliance to the social function of property in urban property in the municipality of São Paulo is fundamental. The specificities that the PDE 2014 places make it possible for the application of the FSP to be rigorous and objective, concentrating it here in what we have already defined as the most serious attack to it, idle and vacant properties, thus highlighting the application of PEUC and, successively if necessary, application of progressive IPTU over time and expropriation through payment in public debt securities. Three different typologies of idle real estate are defined: real estate with an area of more than 500 square meters with a utilization rate equal to zero (the building is not built); real estate in these same conditions, but with the difference that the utilization coefficient used is lower than the defined minimum (underused property); and real estate that have a minimum of 60%

of the area that has been vacant for over a year (unused real estate). As already stated, the actions are not of a punitive in nature, but rather so that the social function of the property in question is enforced. To do so, it is required that, in the first two cases, the property be parceled or built. In the third and last case, it is required that it be used, not being specified in what way.

According to Art. 91, there are a series of cuts where the instruments of induction of the social function of property can be applied. The Special Zones of Social Interest (ZEIS) 2, 3 and 5; the perimeter of the Operation Centro Urbana (area covering the downtown areas and part of the neighborhoods Bixiga, Brás, Glicério, Santa Ifigênia and Vila Buarque); and the Macro-Areas of Consolidated Urbanization and Urban Qualification are important cuts of these applications, each possessing specifically demanding profiles where these idle properties would be welcomed as a city production through the stimulation of their social function (ZEIS, for example), or even areas where the infrastructure is already consolidated and the possibility of a property remaining idle is absurd in a city where the square meter has such a high market value.

From October 2014 to October 2015, some 1100 buildings had been evaluated, 686 were considered reportable and 630 were duly notified, 11% were underutilized, 22% were not built and 67% were buildings built and unused (SMDU, 2015a). In this way, as of January 1, 2016, the progressive IPTU in time begins to be charged of the real estate notified in October 2014 that did not present a project and did not use it. The number was only 20 owners, since it was possible to work only with the universe of real estate notified between October and December 2014. This number would then tend to increase from the beginning of 2017, when the beginning of the progressive IPTU charge in the time of all notified properties that have not taken due action during the year 2015.

In order to ensure the greatest possible transparency, the SMDU has made available a series of booklets, reports and data concerning the DCFSP. In its annual report, produced in November and December 2015, the outlook for 2016 presented in the document was of a total of 2000 registered real estate, that is, about 1040 real estate in the 14 months between October 2014 and December 2016. In the report produced in November 2016, DCFSP reports the presence of 2,223 properties in the registry - exceeding the high forecast that the department had made -, the conclusion of the analysis of 1.759 of these, of which 1.435 were considered notifiable. These properties would then be notified through the year of 2017, under the new management that would take over the municipal administration of São Paulo. Under the command of Mayor João Doria Jr. (PSDB-SP), the Licensing and Urban Development secretariats were merged, now identifying themselves as the Municipal Licensing and Urbanism Secretariat (SMUL), which now houses the DCFSP, under direction of the architect and urban planner Heliana Lombardi.

With the change of management, however, it is also possible to observe changes in the annual report and in the very manner in which the application of the FSP induction instruments are used. The report presented in November 2017, referring to the period of performance in which the Doria Management

was in charge of the City of São Paulo until the referred date, does not bring the same clarity of exposure of previous reports: in these - the reports of 2014, 2015 and 2016 - the graphs make clear the quantities of properties registered and notified throughout each year; in the 2017 report, only the total results obtained by the department from October 2014 to November 2017 are presented. This causes the dimension of DCFSP performance to be lost in the specific year of the report. In order to obtain accurate information, it is necessary to subtract from the total numbers presented in the 2017 report those presented in the 2016 report. The table below⁵ places the numbers side by side.

Table 1: Comparison between reports.

	2016 Report	2017 Report	Difference ⁶
Real State Registered	2.223	2.244	21
Analysis Completed	1.729	1.786	57
Real State Notifiable	1.435	1.436	1
Real State Notified	1.260	1.292	32

Source: Prepared by the author from the annual reports of the DCFSP-SMDU/SMUL.

⁵The figures presented in each year are equivalent to the total of each item counted from October 2014 until the month of November of that year.

⁶Numbers obtained by the management of the DCFSP between January 2017 and November 2017.

⁷Available at http://www.prefeitura.sp.gov.br/cidade/secretarias/upload/TAB_CEPEUC_NOTIFI CAVEIS_20180416.pdf - access: 13/05/2018.

Its natural, inside the logic of the instruments of induction to the FSP themselves, that the numbers of real estate registered and, finally, notified will fall with the passing of the years, after all the amount of real estate in a city - although hypertrophied as São Paulo - is limited and so are their idle and vacant properties. Nevertheless, it is symptomatic that in 10 months only one property was considered reportable within the previously prospected period, the previous 26 months (October 2014 to November 2016). Nevertheless, only 32 other properties were notified in addition to the universe of 1260 previously under the same lawsuit. Notwithstanding these data, the documents presented by the management contradict each other: the already modest number of 21 properties registered during 2017 drops to only 11 in the List of Registered Real Estate for the Application of the Instruments of the Social Function of Property⁷. The document - last updated 04/16/2018 at the time of this edition - presents eleven additions to real estate registered between 2014 and 2016, all in ZEIS 2 and in condition of unbuilt real estate property: nine of these properties are located at José da Penha street, located in the Regional City Hall of Penha - diverging from what is registered in the document, since in this one the properties count as belonging to the Sé Regional Government.

FINAL CONSIDERATIONS

The 2013-2016 management ended its mandate, with regard to FSP, with a structured department so that its induction is practiced, leaving it open and aiming to assist the next management in the completion of a series of processes initiated between 2014 and 2016, carrying out an extremely expensive medium and long term policy to the city as a whole and that can not to be contained in a single municipal management.

⁸The analysis of these values would lead, given the opportunity, to a new research regarding the range of population income able to inhabit a housing unit located in the central region and what the municipality's responsibility towards the application of such instruments without later regulation of use. We do not intend to enter into such developments in this article, but this is certainly a relevant question in the discussion of the effectiveness of the instruments of social function of property beyond numbers.

Real estate considered fit in 2016 should, at least in theory, be notified throughout 2017, so that, during the year of 2018, compliance with the requirements made to its owners will be observed, so that only in 2019 those who did not take the expected actions will suffer the collection of the Progressive IPTU in time. This is one of the most important aspects of DCFSP's performance: the long-term approach, as state policy and structural policy towards a less unequal and more democratic city, one of the most important aspects of the system adopted in the department during its construction during the management of 2013-2016.

The results, although modest when compared to the number of real estate notified between 2014 and 2016 - of the 1.260 buildings notified 47 presented a project to comply with the PEUC requirements and 19 fully fulfilled their obligations to use - are capable of supporting its effectiveness and the continuity of its application. A former building with less than 60% of its constructed area used, such as Vanguard Ipiranga Building - located at number 895 Av. Ipiranga -, today is reformed and in a process of occupation of its housing units. According to websites for sale and rental of real estate, a housing unit of about 30m² in the said building is being sold and rented, respectively, for values of approximately R\$ 260 thousand and R\$ 2.500⁸.

Currently, the management of the DCFSP, following what seems to be a general guideline of the Doria Management regarding a series of long-term social public policies - not necessarily coming from previous management, but also from others that preceded it - has been ambiguous. The notification of only 32 properties seems modest in view of the latent idleness of many properties in São Paulo. Such modesty is even more intense when compared to the 78 properties reported only between October of December 2014 - when the DCFSP was still in its first stages - or when compared to the 630 reported in 2015 and 552 in 2016. It takes us, in partial conclusion and taking into account only the numbers present in the annual reports, to observe or a high expressiveness efficiency of the DCFSP during the years of 2015 and 2016 or the lack of interest in carrying out the same role of the department and its instruments of inducement to the social function of the property from the year 2017. In spite of this, the 11 properties that appear in the List of Registered Properties for Application of the Instruments of the Social Function of the Property are all unused, uneducated and idle land located in areas equipped with few public facilities and surrounded by dwellings of low density with presentation of a certain degree of precarity consolidated. That is, no building or area located in a place with expressive urban infrastructure - elements capable of increase the price of the property and its location itself - was registered as notifiable, indicating a position different from that taken by DCFSP in previous years, seeming to avoid - from this small sample - the confrontation with property owners with high market value. However, nine out of eleven areas added to the notifiable list are contiguous, and in fact only one area with different licenses may be considered; the other two - both on Itambu Street, Santana / Tucuruvi Regional Office - are located on opposite sides of the street belonging to the same owner. In summary, these already modest eleven properties can be considered only two in practical terms.

Questioned by the newspaper O Estado de São Paulo in November 2017, about the decrease in the number of notifications, Mayor Doria argued that the instrument was undergoing on a revision, but that it intended to restart the notifications at the end of the procedure⁹. Constantly accused by the media - mainly the one that does not respond to the great monopolistic conglomerates of communication - of patrimonialism, of blurring the border between public and private, the Doria Management seems not to have an interest in strongly affecting a point as sensitive as the land and real estate property of São Paulo, or at least not deepen and give continuity to the possibilities opened with the establishment of the DCFSP within the Municipality of São Paulo, an essential element to be an enforced item present in the Brazilian Federal Constitution and also essential for urban injustices - decent housing to the homogeneous presence of public infrastructures in the urban fabric, from the reduction of São Paulo's socio-spatial segregation to unequivocal access to the right to the city - be healed in a future that, once again, is viewed as more and more distant. As we have seen throughout the exhibition that we did previously about the history of land ownership in Brazil, this is a structuring element of the economic, social and political inequality of contemporary Brazilian society. An order originated in colonial times and, even if "updated", still present. A wasp's nest in which those who wish to maintain the status quo breathing without the aid of devices do not seem interested in touching.

⁹ Available at: <http://sao-paulo.estadao.com.br/noticias/geral,notificacao-de-imoveis-ociosos-cai-em-sao-paulo,70002078947> access: 13/05/2018.

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