



**The Contemporary Issue of Land Regularization in Brazil:
A Reflection Based on Vila Gilda in Santos-SP**

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ABSTRACT

The objective of this study is to analyze the informal urban nucleus Vila Gilda, located in Santos, in the state of São Paulo, by providing a brief historical overview of its formation and the experiences of land regularization in the area, highlighting their social, urban, and environmental implications. The study employs a methodology based on bibliographic review and documentary research on the Vila Gilda dike, as well as the policies and projects implemented for land regularization in the area, drawing a parallel with the national discussion on the subject, particularly focusing on theoretical frameworks within Brazilian legislation concerning land regularization. The study demonstrates the importance of historical and contextual analyses related to urban policies in the country, and the results highlight the need for constant dialogue between land regularization and urban planning to avoid the perpetuation of socio-spatial inequalities. Furthermore, it emphasizes the necessity of considering the geophysical specificities that characterize areas of environmental vulnerability.

KEYWORDS: land regularization, Vila Gilda, Santos, environmental vulnerability.

1. INTRODUCTION

Territorial planning in Brazil faces profound challenges, particularly regarding the land regularization of informal urban settlements. In the context of Santos, in the state of São Paulo, Vila Gilda emerges as an emblematic example that demonstrates the complexity of these issues. Formed over more than seven decades, this informal urban nucleus reflects both the absence of effective urban and housing policies and the resistance and resilience of a community that endures precarious living conditions and the lack of basic infrastructure.

This article proposes a critical analysis of the formation and development of Vila Gilda in Santos, considering the urban transformations and the impacts caused by the inadequacy and insufficiency of territorial planning processes. The analysis traces the history of the settlement from the 1960s, examining the land regularization actions already undertaken and the limitations of these initiatives. Furthermore, it discusses contemporary possibilities for regularization proposed by the Santos City Hall in light of Federal Law 13.465/2017.

The methodology of this study is based on a bibliographic review and documentary research on urban planning and land regularization in Santos, with an emphasis on the formation and development of the informal urban nucleus of Vila Gilda. The critical analysis of the collected data permeates the study, allowing for an in-depth understanding of the challenges and implications of urban policies in the area under investigation.

The article is organized into two sections. The first presents a brief overview of the formation of the informal settlement on the Vila Gilda dike, highlighting the land regularization initiatives undertaken over time. This overview is contrasted with the theoretical discussion on land regularization in Brazil, based on key regulatory milestones. The second section offers a critical reading of the ongoing urbanization pilot project in the area, emphasizing the tension between the demand for social housing, environmental preservation, and the living conditions of local populations.

2. THE DEVELOPMENT OF VILA GILDA AND REGULARIZATION INITIATIVES

The Vila Gilda dike is located in the Northwest sector of Santos, which includes the neighborhoods of Saboó, Alemoa, Chico de Paula, Jardim Bom Retiro, São Manoel, Caneleira, Santa Maria, Jardim Rádio Clube, Areia Branca, Castelo, and São Jorge. This sector has become the main area for popular housing, both regular and irregular, through a continuous occupation process that began in the mid-1950s and extended until the early 2000s, involving private subdivisions, occupations, and housing projects undertaken by COHAB-ST.

Originally, the lands in the Northwest region belonged to the Navy and were under the domain of leaseholders, depending on the Federal Government for authorization of urban interventions and commercial transactions (Santos et al., 2019, p.153). The real estate appreciation of certain parts of the city, predominantly along the seafront, resulted in a disparity in the availability and prices of properties. This imbalance intensified in the 1980s when renting a one-bedroom apartment on the seafront was equivalent to renting a three-bedroom apartment in the Northwest Zone. “The difference in property prices per square meter could vary up to seven times between regions” (Santos et al., 2019, p.153).

In this context, Vila Gilda developed and consolidated itself, becoming the largest stilt-house slum in Brazil today, housing more than 26,000 residents in a degraded permanent preservation area. At the same time, the city boasts the world's largest beachside garden, with 218,800 m¹ of green areas along its waterfront. This spatial dichotomy highlights the profound socio-spatial inequalities present in Santos, which, despite having one of the highest Human Development Index (HDI) ratings in the country, exhibits contrasting realities within its territory.

Figure 1 - Boy playing in the waters of the Bugres River in Vila Gilda



Source: Facebook “Vida sobre Vigas: Vivendo nas Comunidades de Santos,” excerpt from a video published on February 1, 2019. Available at:

https://www.facebook.com/vidassobrevigas/videos/333567267256600?locale=pt_BR. Accessed April 8, 2024.

Figure 1 depicts the image of a boy leaping into the waters of the Bugres River, which surrounds Vila Gilda. In the background, a small boat can be seen sailing slowly, along with the community’s characteristic stilt houses, precariously built over the water. This simple scene captures a moment of life and vitality amid adversity, highlighting the community’s capacity for resilience and the formation of social and emotional bonds.

¹ Cf.: <https://www.turismosantos.com.br/?q=pt-br/content/jardim-da-orla>

However, the Bugres River, which partially borders the municipalities of Santos and São Vicente, faces serious environmental issues. Currently, the river is highly polluted due to vegetation suppression, improper waste disposal, landfilling, and irregular occupation in mangrove areas. These practices have caused the degradation of local ecosystems, placing the lives of the communities residing there at constant risk.

By highlighting contrasting data about Santos, as presented here, and the life that thrives in Vila Gilda, as shown in Figure 1, it becomes clear that there is an urgent need to expand public debate on the conditions of communities like Vila Gilda. Informal urban settlements must be seen not only as spaces of vulnerability but also as territories where people resist and create ways of living. This demands a careful response in urban planning and land regularization policies, which must be closely aligned with environmental recovery and protection.

These discrepancies reflect the perpetuation of a historical socio-spatial segregation. The informal settlement of Vila Gilda emerged in the 1960s and, in the following decades, expanded both towards the mainland and over the waters of the Bugres and São Jorge rivers, which flow into the Santos estuary. The irregular houses, built on stilts, stretch along the entire dike canal, illustrating unplanned growth and a lack of integration with the formal city.

The Vila Gilda dike, in the Northwest zone of the city, is subdivided into areas named by the residents themselves, reflecting the internal organization and complexity of the occupation. The areas were named based on local characteristics. “Favela da Última Ponte, Vila Telma, Terror, Casinhas, AGB, and Caixa D’água” are officially referred to as Vila Gilda Dike by the City Hall (Fonseca, 2021, p.15). In official documents, the Santos City Hall uses the names of the access roads to the residences. To the south, the pathways include Caminho São José, Caminho da Capela, and Caminho da Divisa. In the western part of the occupation, heading north, is Caminho São Sebastião, which forms Vila Telma. To the northeast are Mangue Seco and Butantã, near another community, Jardim São Manoel, which has also expanded toward the estuary (Figure 2).

The construction of a dike and drainage canals in the 1950s by the former National Department of Sanitation Works (DNOS) marked the beginning of irregular occupation in the region. The process involved extensive hydraulic landfilling along the banks of the Bugres River, resulting in the destruction of a significant portion of native vegetation and the transformation of the former mangrove into areas available for occupation (COHAB-ST, 2007). The elevated part of the dike crest was leveled to allow machinery access during construction, becoming the first area occupied by clandestine dwellings, which quickly spread along the riverbank and over the river itself, with houses built on stilts.

The process of irregular occupation contributed to the environmental degradation of the region² exacerbating the impacts on the mangrove ecosystem, which is characterized by low-consistency soils that are frequently flooded, making construction difficult. Due to the high cost of housing in the formal market, mangroves have been increasingly occupied by spontaneous settlements of low-income populations, especially in the Baixada Santista region,

² Another factor that contributed to the environmental degradation in the area was the establishment of the Sambaibatuba Municipal Dump in 1965, on the riverbank in São Vicente. For more than 30 years, the site received approximately four thousand tons of garbage daily, without any system for treating leachate or measures to prevent tides from carrying waste into the river (COHAB-ST, 2007).

where urban planning has failed to contain the spread of such occupations and to provide adequate housing alternatives, relocating these populations to other areas.

Figure 2 – Schematic location of the Vila Gilda communities



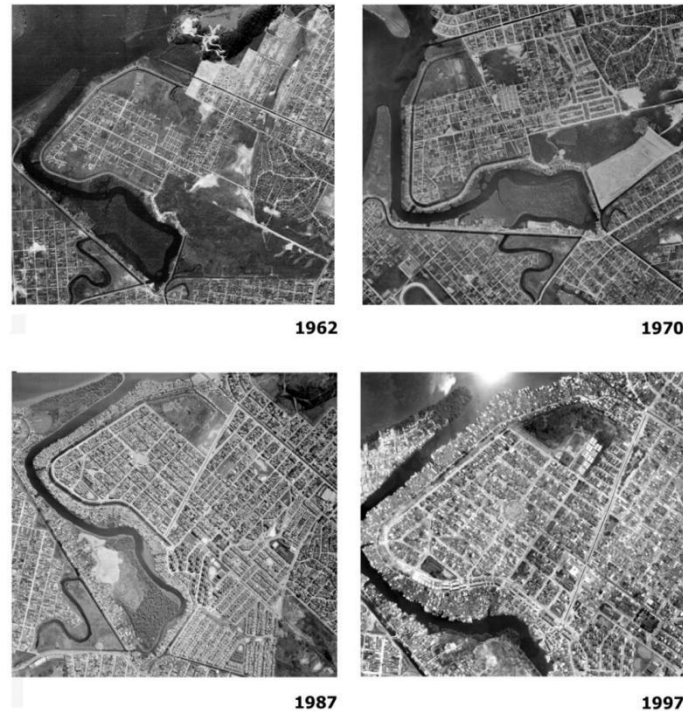
Source: Produced by the authors (2024) based on information from the Santos City Hall (2014) available at: https://www.santos.sp.gov.br/static/files_www/downloads/arquivos/28-12-2020/anexo_1_-relaao_de_ureas_priorit_rias_controle_ocupaes_2014.pdf

The development of the occupation in the dike over several decades can be observed in the images in Figure 3. In the 1960s, there were few constructions in the area; however, in the 1970s and 1980s, there was a significant increase in occupations, consolidating in the 1990s with the expansion of the stilt houses, even on the São Vicente side, a municipality bordering Santos.

This phenomenon reflects the housing issue that intensified at a national level with the accelerated urbanization of the 1970s, when the Brazilian population became predominantly urban, and informal settlements³ began to emerge more prominently, housing low-income populations in areas without adequate infrastructure.

³ According to studies by Ipea, informal settlement is a term without a defined concept about “what is usually known as the periphery, hill, quebrada, satellite neighborhoods, shanty towns, barriada, barrio marginal, slum, ghetto, vilas, among other plural names.” These areas are not always located on the outskirts and may be found in central zones,

Figure 3 - Aerial photographs comparing the growth of the occupation in the Vila Gilda dike.



Source: Compiled by the author (2024) from the images of HERZOG (2012).

However, the housing issue in Santos dates back to the early 20th century. The urbanization of the city, driven by the coffee oligarchy at the end of the 19th century, led to rapid but disorganized population growth. This process resulted in the proliferation of boarding houses, chalets, and shacks. As early as 1894, legislation began to prohibit such housing within the urban limits of Santos, forcing the poorer segments of the population to move to peripheral regions, now known as the Macrozona dos Morros and the Macrozona Noroeste.

Decades later, in 1968, Santos' first Master Plan introduced a set of policies aimed at organizing urban growth and controlling land use. It established regulations for population density per hectare, minimum dimensions for land subdivisions, road systems, and large green areas. In parallel, the regulation for the Macrozona dos Morros was approved, where autoconstruction was common, despite geological and environmental restrictions. Until then, there were no regulations concerning occupation in the levee.

On a national level, alongside the urbanization process, the initial landmark for urban land regularization can be identified in Federal Law No. 6,766/1979, which established the foundation for urban land subdivision, aiming to guarantee rights for land buyers and promote appropriate urban development. Although the law aimed to promote adequate urban development, it did not address the regularization of informal settlements nor did it facilitate any democratization of land access (Costa and Romeiro, 2022, p. 257). Thus, the social liabilities created by irregular occupations were perpetuated.

extremely poor, poor, or low-income areas. "They are areas with more or less access to urbanity, they can be horizontal or vertical, with no, some, or full security of possession." (Baldim and Santiago, 2022, p.28).

The need for land regularization as a public policy was only incorporated into urban debate with the Urban Reform movement, beginning in the 1980s. This movement was based on three fundamental pillars: the right to the city, democratic city management, and the social function of property, which together sought to ensure decent housing and active societal participation in urban planning. The social mobilization and struggle resulted in legislative advances reflected in the 1988 Federal Constitution, which introduced Article 183, addressing the constitutional usucapion of urban property and granting use, recognizing the right to housing and the social function of the city and property (Costa and Romeiro, 2022).

However, specific land regularization for urban plots was only incorporated into federal legal frameworks in 1999, with the enactment of Law No. 9,785/1999, which amended Law No. 6,766/1979. This new legislation aimed to relax land subdivision rules, allowing for the formalization of areas considered "special" (Costa and Romeiro, 2022, p. 260). Just before that, in 1998, an important advancement for the regularization of settlements established on federal lands came with the enactment of Federal Law 9,636/1998, which introduced the possibility of regularization, management, leasehold, and alienation of properties of this nature.

1.1. 1.1. The Beginning of Land Regularization Attempts in Vila Gilda (1989 to 2001)

In Santos, these discussions were already echoing by the late 1980s, when the Municipal Government of Santos, between 1989 and 1992, implemented a pilot urbanization and land regularization project in Vila Telma, benefiting 111 families. During this process, the municipality enacted Complementary Law No. 53 of 1992, which established Special Zones of Social Interest (ZEIS), with the "goal of adapting land ownership to its social function" (Art. 1). Under this law, Vila Gilda was designated as ZEIS-1, defined as:

I - Special Zones of Social Interest 1 (ZEIS-1), public or private areas spontaneously occupied, irregular or clandestine subdivisions or land divisions, including cases of land rental, inhabited by low-income families, where there is an interest in promoting the legal regularization of ownership, the legalization of land subdivision, and its integration into the urban structure. (Complementary Law No. 53, 1992, Art. 2, translated by the authors)

The demarcation of Vila Gilda as ZEIS-1 represented an important milestone in the regularization policy, aiming to transform these spontaneously occupied areas into legally protected territories integrated into the urban fabric. Despite the crisis of the Housing Finance System (SFH), the municipal housing policy in Santos advanced, strengthened by the regulation of the Fund for the Incentive of Popular Housing Construction (FINCOHAP) and the creation of the Municipal Housing Council (CMH) in 1991, in addition to the first Municipal Housing Conferences of the city (Lima Junior and Carriço, 2014).

The continuity of these initiatives culminated in the "Vida Nova no Dique" ("New Life in the Dike") project, implemented by the progressive administration that governed the city from 1989 to 1996. Funded with resources from the Inter-American Development Bank (IDB) and coordinated by the Housing Company of Baixada Santista (COHAB-ST)⁴, the urbanization project

⁴ The Housing Company of Baixada Santista (COHAB-ST) was designated as the representative of the municipality of Santos to oversee the transfer of real estate assets produced in Vila Gilda's Dike to its occupants, as established in Article 4 of Law No. 1,387 of May 12, 1995. Furthermore, COHAB-ST took on the responsibility of executing the

for Vila Gilda aimed at the construction of modular housing, the creation of embankment and drainage systems, as well as the integration of policies for health, education, and social assistance.

The project also included the training of Vila Gilda residents to work in construction through a cooperative created in 1994, which managed a concrete block and pre-cast parts factory. About 80% of the workers involved in the Dike construction were residents of the community itself, which promoted the qualification of the local workforce and encouraged autoconstruction. As a result, between 1995 and 1996, the "Vida Nova no Dique" project became the largest municipal development, with the construction of 307 new homes and the consolidation of 243 existing residences (Santos et al., 2019). In parallel, 260 families were relocated to Vila Pelé, next to Vila Gilda, through a program of urbanized lots that also promoted autoconstruction.

The project's initial phase, marked by the significant involvement of the community and the use of local labor, was interrupted in 1997 with a change in municipal government. The new administration suspended the continuation of the works, hiring a construction company to complete the buildings without the participation of the population. From then on, the focus shifted to urbanizing the area, with the paving of São José and São Sebastião streets, the two main access roads to the homes located in the Dike of Vila Gilda, and the implementation of a larger hydraulic landfill.

1.2. Legislative Innovations and Federal Government Programs (2001 to 2009)

In 2001, the enactment of the City Statute (Law No. 10.257/2001) brought significant advances to urban policy in Brazil by regulating the urban policy chapter of the 1988 Federal Constitution. The City Statute established fundamental rules for the national urban development policy and enshrined the right to sustainable cities as the general guideline of urban policy (Art. 2, item I). In this context, there was recognition of the need for land regularization in areas occupied by low-income populations (Sunfeld, 2002, p. 60; Costa and Romeiro, 2002, p. 259). Specifically regarding land regularization, the City Statute provides:

XIV – land regularization and urbanization of areas occupied by low-income populations through the establishment of special urbanization, land use, and construction standards, considering the socioeconomic situation of the population and environmental standards; (Law No. 10.257/2001, Art. 2, item XIV, translated by the authors)

This national legislation, although innovative, reflected experiences that had already been underway since the mid-1990s, with municipalities taking a leading role. During this period, slum urbanization initiatives ceased to be treated as "alternative programs" and became part of housing policies (Denaldi, 2003, p.190), as exemplified by the case of Vila Gilda.

housing and urbanization project, aimed at regularizing the settlements of families occupying these areas. The law also authorized the municipality of Santos to take, by lease from the Federal Union, maritime lands located in the Vila Gilda Dike and the Jardim Rádio Clube, with subsequent transfer to the occupants. Additionally, it reallocated public areas of common use, allowing their incorporation into the project.

During this time, government actions in precarious settlements were strongly influenced by an agenda from international agencies (Denaldi, 2003), which, by transferring financial resources, imposed guidelines for the interventions carried out. These norms impacted the design of social public policies in the beneficiary countries (Silva, 2018, n/p).

The "Habitar Brasil BID Program" exemplifies a new phase of interventions in the Dique da Vila Gilda. Implemented starting in 2005 and funded by the Inter-American Development Bank (IDB), the program benefited 480 families in Santos, carrying out the integrated urbanization of Vila Pelé and the Dique da Vila Gilda slum (Brazil, 2004?). One of the main goals of this initiative was to integrate elements of democratic city management and urban planning. Examples of this purpose included the mandatory participation of beneficiaries in the land regularization process, linking regularization to the ZEIS instrument, and adopting measures that ensured the environmental sustainability of the territory, implementing urban and environmental measures to improve living conditions and mitigate environmental impacts.

Another federal government program implemented in Santos was "Morar Melhor," which in 2005 enabled the construction of 80 housing units (UHs) in Vila Gilda, aimed at relocating families residing in the Dique itself (COHAB-ST, 2005; Prefeitura, 2005). In the area, 585 housing units had already been built since 1992, totaling 665 houses that served the population of Dique da Vila Gilda, funded by FINCOHAP and the federal government (Santos, 2009).

Of the 80 families served in 2005, 21 were part of the final list created by COHAB Santista in 1993 for Vila Gilda. The other 59 came from Vila Pelé II and were relocated due to the need to vacate the area, where canalization and drainage works were initiated for the construction of a housing complex (Prefeitura, 2005).

In 2007, with the new municipal administration elected in 2005, the urbanization project for Dique da Vila Gilda was resumed. Urbanization and sanitation actions continued through transfers from the Programa de Aceleração do Crescimento (PAC) (Growth Acceleration Program), promoting the cleaning and filling of the drainage canal, the construction of a drainage gallery, with a connection to the canal located on the municipal border. These resources were also allocated to the construction of the "Conjunto Habitacional Vila Pelé II" (Vila Pelé II Housing Complex) (COHAB-ST, 2007).

Also with PAC funds, a Work Plan was developed in 2007, which proposed the construction of stacked houses on the same area, as well as the removal of families to be relocated to housing units outside Vila Gilda (COHAB-ST, 2007). The 2007 urbanization project, proposed by COHAB-ST, envisaged the consolidation of 1,654 housing units and the removal of 2,402 precarious and unhealthy units, benefiting a total of 4,056 families. Among the planned environmental interventions was the recovery of the Rio dos Bugres, which would include the construction of a hydraulic embankment and a containment structure for the implementation of the so-called Beira Rio Street, in a housing relocation area covering 86,614.17 m². However, this proposal faced barriers in environmental licensing with the relevant authorities, preventing its implementation (Santos et al, p.157).

Regarding the relocations, the project proposed that 1,992 families relocated in the early phases would be transferred to the Tancredo Neves Housing Complex in São Vicente, while

480 families from the third phase would go to the second phase of the Vila Pelé project in Santos (Santos et al, p.157).

1.3. Relocations and Large Housing Complexes (2001 to 2009)

In 2009, construction effectively began on Vila Pelé 2, with 480 housing units built for families from Caminho São José, in the Vila Gilda dike area. During this period, an additional 185 families had their homes consolidated to remain in the area through land regularization and urbanization (COHAB-ST, 2009). In that same year, the Housing Plan, an unprecedented document within the legal framework of Santos, identified the need for 2,268 new housing units to relocate families from Vila Gilda dike, as well as 1,985 housing units to be consolidated. Of the total new housing units planned, the 2,268 for the Vila Gilda dike represented 47% of the demand for new housing units in the municipality at that time. Of the 2,596 consolidations planned through partnerships and agreements with Companhia de Desenvolvimento Habitacional e Urbano (CDHU) and Ministério das Cidades (MCidades), the 1,985 housing units in the Vila Gilda dike accounted for 77% of the housing units to be consolidated in the municipality (Santos, 2009).

Meanwhile, the Tancredo Neves III housing project, designed with 1,120 housing units, began construction only in 2015, was halted in 2016, and resumed in 2019 after financing migrated from the PAC program to the Minha Casa Minha Vida program. Its housing units were delivered only in 2023, sixteen years after its conception.

The Tancredo Neves III Housing Complex, located in the Cidade Náutica neighborhood in São Vicente, became the largest housing project for the municipality of Santos in the past 40 years. Consisting of 28 buildings with five floors, totaling 56 blocks with 20 apartments each, the project represents a significant urban intervention in the region. However, the Report on Sustainable Housing and Urban Development in Santos, developed by the Jaime Lerner Associados firm for the Santos City Hall in 2019, identified a major logistical challenge. The report highlighted that the project is located approximately 3.5 km from the Vila Gilda dike when measured along the canal. However, the distance by land is considerably greater, which would profoundly impact the daily lives of the relocated families, making it difficult to access services and support networks previously established in their original area of residence.

On the national legislative level, in 2007, Federal Law 9.636/1998, which regulates the regularization, administration, leasing, and sale of Union-owned real estate, was amended by Federal Law 11.481/2007. This amendment introduced specific measures for social-interest regularization in areas such as coastal land(which belong to the Navy), margins of federal rivers, environmental conservation units, and other Union properties.

In 2009, a specific law was enacted to regulate urban land regularization. Law N^o 11.977/2009, stemming from Provisional Measure N^o 459/2009, established the Minha Casa Minha Vida program (MCMV) – a federal government housing production program that encouraged the development of social-interest housing and affordable market housing by the real estate sector. In its Chapter III, this law established, at the federal level, regulations for the land regularization of urban settlements. In its Article 46, the law introduced, for the first time in federal legislation, a definition of land regularization, stating that:

Land regularization consists of a set of legal, urban, environmental, and social measures aimed at formalizing irregular settlements and providing tenure to their occupants. This ensures the social right to housing, the full development of the social functions of urban property, and the right to an ecologically balanced environment. (Law No. 11.977/2009, Art. 4º, translated by the authors)

This concept consolidated the intention to develop a comprehensive land regularization policy, referred to as "full regularization," which goes beyond the legal aspect of titling to also incorporate urban, territorial, and socio-environmental dimensions, as established in the City Statute (Alfonsin, 1999; Costa and Romeiro, 2022, p. 262).

In alignment with national legislation, in 2013, the Land Regularization Plan of the municipality of Santos became part of the Municipal Housing Policy. This plan prioritized areas to be addressed based on environmental, risk, urban, and legal criteria, while also considering structural projects for the occupied areas and available financial resources (Lima Junior and Carriço, 2014).

It is evident that, despite efforts by local authorities to consolidate a public land regularization policy in the municipality, in Vila Gilda this policy has been marked by constant progress and setbacks. These challenges stem from fragmented and insufficient federal funding, which is often subject to political shifts. As a consequence, between 2011 and 2013, areas of the Vila Gilda dike were vacated due to relocations to housing developments, but they were reoccupied starting in 2014. This highlights the lack of continuity in resettlement programs and the inadequate spatial planning of the Vila Gilda dike to prevent further occupations. Additionally, the region faces significant challenges in the environmental licensing process, as interventions occur in environmentally sensitive mangrove areas.

2.4. The New Regulatory Framework for Land Regularization and Macroprojects (2017 to Present)

The enactment of Law No. 13.465/2017 marked a milestone in Urban Land Regularization (Reurb) in Brazil, maintaining the goal of integrating informal settlements into the formal urban fabric but introducing revisions and flexibility to the guidelines established by Law No. 11.977/2009. The new legislation expanded the tools available for land regularization. Approved through a provisional measure, the law was nicknamed the "Land Grabbing Law" by social movements and civil organizations, drawing criticism primarily for the lack of dialogue in its formulation process and its potential to intensify the privatization of public lands, including forests and water bodies in sensitive areas such as the Amazon and the Coastal Zone (Fontes, 2021, p. 362).

Law No. 13.465/2017 introduced three modalities of Urban Land Regularization (Reurb), each with distinct approaches for different types of occupations. Reurb-S, or Regularization of Social Interest, focuses on informal urban areas occupied by low-income populations, such as the Vila Gilda dike, aiming to secure access to urbanized land while

prioritizing residents' permanence and implementing urban interventions that integrate these areas into the formal urban grid.⁵

However, the practical application of this legislation faced delays due to the COVID-19 pandemic. Municipal actions were largely paralyzed, significantly slowing the implementation of the new guidelines under Law No. 13.465/2017. During this period, the conditions of informal settlements, already plagued by a lack of infrastructure, worsened. For instance, in the Vila Gilda dike, occupations expanded during the pandemic due to increased poverty among the most vulnerable populations (Ramon, 2021).

Despite these challenges, efforts by public authorities in Santos to maintain regularization and housing initiatives remain evident, albeit slow in execution. For example, the Prainha II housing complex, included in the Cohab Santista's plans since 2014, only began construction in 2023. This highlights the long gap between planning and implementing housing projects. The development, which plans to construct 574 housing units across 18 buildings, aims to relocate families living in stilt houses and flood-prone areas.

The Prainha II project is part of a broader macroproject called "Santos Novos Tempos" (Santos New Times, which seeks to improve drainage infrastructure, sanitation, slope containment, and social housing production in the Northwest Zone of the city (Santos, 2008). The project site is near the Mangue Seco and Butantã slum areas, which were vacated in 2021 to make way for infrastructure works on Avenida Jornalista Armando Gomes, a bridge, and a roundabout connecting the Northwest Zone to the Anchieta Highway and a linear park.

However, the implementation of this macroproject has not been without setbacks. In 2019, infrastructure works related to the bridge's construction near the stilt house areas affected the stability of the Vila Gilda Dike due to dredging required for the bridge's foundations, sparking protests from the local population (Martins, 2019).

The "Santos Novos Tempos" macroproject, which aims to address urban and social liabilities such as the floods that impact the Northwest Zone, illustrates how public interventions, though necessary, can have adverse effects. While it seeks to resolve longstanding sanitation and infrastructure issues in the region, the disconnect between project planning and the realities of the local population highlights the fragility of coordination between urban and housing policies.

The "Parque Palafita" (Stilt House Park) project is a new strategy for the Vila Gilda dike area, initially proposed in 2019 by the Jaime Lerner office. This proposal emerged as part of a diagnostic report commissioned by the Santos City Hall for the city's urban and housing development. The project's objective is to offer social housing solutions to the families of Vila Gilda while preserving neighborhood relationships and the traditional stilt house construction pattern, alongside improving local infrastructure (Santos et al., 2019).

However, this proposal carries significant challenges regarding both execution and its impact on the local population. The intention to maintain the "archetype" of stilt houses and the daily interactions of residents reflects cultural and social sensitivity. Nonetheless, critical

⁵ The other modalities are Reurb-E (Regularization of Specific Interest), which applies to informal urban areas occupied by non-low-income populations, and Reurb-I (Unnamed Regularization), which pertains to informal settlements established before the Urban Land Subdivision Law (Law No. 6.766/1979) and fully integrated into the urban fabric.

issues related to engineering, infrastructure, and environmental aspects were insufficiently explored in the initial studies presented. Proposed solutions, such as lightweight steel frame constructions and sandwich-panel roofing, appeared feasible in construction terms. Still, the technical viability and long-term maintenance costs of these structures were minimally addressed, posing a problem in the context of extreme vulnerability faced by the families to be relocated.

Figure 4: Scenario of the "Morar Palafitas" Project by Jaime Lerner, adopted by the Santos City Hall for the "Palafitas Park" Pilot Project.



Source: Santos et al., 2019, p.193

Another critical point of the project is the attempt to reconcile the environmental recovery of the mangrove with the continued presence of a significant portion of the resident population. The idea of restoring green areas and improving the quality of local waters is appealing, but the impact of large-scale construction in this fragile environment, combined with the need to adjust sanitation and drainage conditions across the entire dike area and its surroundings, requires careful planning and technical studies that have yet to be sufficiently developed.

Currently, a pilot project for the Parque Palafitas is underway in the vacated areas of the Mangue Seco and Butantã slums, located in the Vila Gilda dike. The first phase of the project does not include the construction of housing units but focuses on creating the infrastructure needed for future settlement. The company responsible for the general cleaning of the area, earthmoving, riverbank containment and protection, as well as the landfill and foundations for the future housing units, has already been selected through a bidding process. The supporting structures include pre-cast piles, slabs, guardrails, and the construction of a floating pier, in addition to basic infrastructure for sanitation services, electricity, telecommunications, and public lighting. This set of interventions aims to prepare the land for the next stage, which will house 60 residential units. The project has received R\$ 27 million in funding from the Government of the State of São Paulo, of which R\$ 13.335 million is being allocated to this initial phase.⁶

2. CONTEMPORARY CHALLENGES OF LAND REGULARIZATION IN VILA GILDA

⁶ According to documents from Public Tender No. 13901/2024 of the Municipality of Santos.

Since 2006, Cohab Santista has been mediating the process of Special Concession of Use for Housing Purposes⁷ in federal areas occupied by the slums of Vila Gilda dike/Vila Telma and Butantã. Since 2007, Cohab has also monitored the process of free land tenure assignment⁸ for the Dique da Vila Gilda slum area, promoted by the Secretaria do Patrimônio da União (Federal Heritage Secretariat).

The correction of land tenure records, which includes canceling registrations of previous occupants in the Vila Gilda dike area, is essential for advancing land regularization. At the beginning of 2024, the Secretaria do Patrimônio da União officially transferred an area to the Municipality of Santos for the implementation of the Parque Palafitas pilot project, an unprecedented urbanization plan in Brazil. This initiative aligns with Federal Law No. 13.465/2017, which allows land regularization of informal urban settlements in Permanent Preservation Areas, provided a technical study demonstrates improved environmental conditions compared to the previous situation.

However, the Conselho Nacional de Meio Ambiente (National Environment Council), through Resolution No. 369/06, only authorizes interventions in Permanent Preservation Areas in cases of public utility where no technical or locational alternatives exist, an understanding reaffirmed by Direct Action of Unconstitutionality 4903 of 2018.

A document from the Municipality of Santos (2022) addresses this issue when discussing the occupation of the Vila Gilda dike area. This document states that the complete suppression of the mangrove ecosystem occurred in 1994 (Santos, 2022), although studies indicate that the area was fully occupied only in 2003 (Araújo et al., 2017). The report also highlights the insufficiency of public policies to meet the needs of the Dique population, pointing out that, despite removals and relocations, the housing demand remains unmet (Santos, 2022).

Furthermore, the same document estimates that to meet the demand of 5,891 families residing in the Dique Vila Gilda, at least 459,498 m² of area would be required, considering 60 m² of usable space and 18 m² of common area per housing unit. Thus, according to the report, satisfying this demand alone would require utilizing the entire stock of ZEIS II in the municipality, applying a coefficient of 6 times to all available plots in the Northwest Macrozone. However, as the housing deficit for the entire Northwest Macrozone is estimated at 10,315 families, the areas available for public intervention would be insufficient (Santos, 2022, p. 10).

The Municipality has approached the situation to demonstrate that it is not merely a matter of formal, bureaucratic regularization but of genuinely improving the urban and

⁷ “According to Article 1 of Provisional Measure 2.220/2001, the concession is granted to those who have occupied, uninterruptedly and without opposition, up to 250 square meters of public property located in an urban area for five years or more, using it for their own or their family's residence, provided they do not own another urban or rural property.” Cf.: ALVARENGA, L. The special concession of use for housing purposes as an instrument for land regularization and access to housing. In: *Revista de Direito Imobiliário*, vol. 65, Jul 2008, p. 1. Available at: <https://www.cjf.jus.br/caju/FUNDIARIA-2.pdf>. Accessed on September 19, 2024.

⁸ From a land tenure perspective, the Vila Gilda dike area is classified as “marine land”, owned by the Federal Government, under Decree-Law No. 9.760/1946. Ownership rights do not exist over marine lands, but they may be granted for use under a tenure fee system. Cohab Santista has been seeking the free transfer of these lands under specific conditions, allowing, in the case of Vila Gilda, the consolidation of the area for social housing purposes and investments in urban infrastructure improvements and housing structures.

environmental conditions of the site. This involves creating real estate units, establishing property rights in favor of the occupants, expanding access to urbanized land for low-income populations, ensuring adequate living conditions, guaranteeing the social function of property, promoting the full development of the city's social functions, ensuring efficient land use and occupation, and preventing the formation of new informal settlements.

However, it is essential to question whether the intervention approach adopted by the Municipality of Santos genuinely represents a solution or, in fact, worsens existing inequalities. Transforming areas previously deemed uninhabitable into residential spaces, with substantial public resource investments, reflects a strategy that may break yet another socio-spatial and economic barrier, advancing capital interests. This situation opens a new front for wealth accumulation, greatly benefiting the construction sector, while failing to consider challenges arising from climatic events. The resilience of these areas to climate change must be rigorously evaluated to ensure the sustainability and safety of the new housing units. Adaptation to extreme events, such as floods and storms—alongside other adversities—must therefore be a central criterion in selecting areas for urban interventions.

Moreover, alternative approaches need to be considered, such as surveying vacant buildings in urban areas with existing infrastructure that fail to fulfill the social function of property, and evaluating their expropriation for social purposes. This context highlights the urgency of a critical reflection on urban policies and the pressing demands posed by climate change, which must be reassessed in light of a commitment to socio-environmental justice.

3. FINAL CONSIDERATIONS

The article aimed to highlight the urgency of expanding the public debate on the conditions of informal communities by analyzing the formation of the Vila Gilda dike in Santos and the attempts at land regularization by the government, comparing these initiatives with national regulatory frameworks. It is essential that these urban cores, beyond being seen as spaces of high social vulnerability, are recognized as territories where people resist and develop ways of living, but above all, have the right to live in a place that ensures habitability in all its dimensions.

In the specific case of Vila Gilda dike, this perspective requires a careful approach in planning and urban regularization policies, which must also take into account the local geological and environmental conditions. The study showed that the approach adopted by the Municipality of Santos should be critically analyzed, considering not only technical and economic feasibility but also socio-environmental aspects and the resilience capacity of the areas involved. Only in this way will it be possible to ensure that urban interventions promote true social and environmental justice, meeting housing needs without compromising the sustainability and safety of the affected communities.

Furthermore, the article highlighted that the contemporary urbanization project in the region may facilitate the advancement of capital without considering other alternatives to address the housing deficit. Land regularization must engage deeply with urban planning, becoming an essential tool to be repeatedly proposed in municipal policies.

Through this discussion, the article aimed to contribute to the debate on public policies necessary to address the challenges of informal urbanization in the context of cities in Brazil.

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