



## **Brazilian City Statute and My House My Life Program: Old and New Instruments for Land Tenure in Brazil**

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The Brazilian urban development model produced cities deeply marked by the presence of precarious settlements characterized by informality and illegality of land possession, precarious conditions of habitability, lack of infrastructure, urban equipments and services. In 2001, a completely new urban regulation was approved with the enactment of the City Statute. The City Statute is a legal milestone that regularized sections 182 and 183 from the Federal Constitution of 1988 and defined the basis of a Brazilian Urban Policy. It represents a major improvement in the contemporary urban regulation. One of its important definitions is concept of "social role of property". According to Harvey "the question of what kind of city we want cannot be divorced from that of what kind of social ties, relationship to nature, lifestyles, technologies and aesthetic values we desire. The right to the city is far more than the individual liberty to access urban resources: it is a right to change ourselves by changing the city. It is, moreover, a common rather than an individual right since this transformation inevitably depends upon the exercise of a collective power to reshape the processes of urbanization. The freedom to make and remake our cities and ourselves is, [he argues], one of the most precious yet most neglected of our human rights." (2008:1)

In face of the shortage of dwellings in urban areas and the growth of irregular and illegal urban settlements, the enactment of the City Statute, made land tenure of pre-existing irregular settlements an important working tool to access and maintain the right to legal ownership and to a worthy home. During 2003 and 2004, a few years after the City Statute enactment, the Ministry of Cities (Ministério das Cidades) developed a Land Tenure National Program aiming at encouraging the municipalities to embrace local land tenure programs as well as individual claims. With the recent approval of the federal law 11.977 (July 2009) instituting My House, My Life Program, new administrative instruments for social land tenure were created. The need for land tenure in Brazil and in other Latin American countries has generated many ideological and conceptual approaches, mostly related to the efficiency of the existing instruments for its implementation and existing demands. Land tenure is an important contemporary challenge for Brazilians architects, planners and public managers. It is also the pursuit of the right to the city in the urban context of developing countries.

This paper will analyze some results and issues of Brazilian new legislation, specially the legal and administrative advancements and its recent utilization on the new municipal master and housing plans.

**KEY WORDS:** Land tenure, urban regularion, right to the city.