



UvA-DARE (Digital Academic Repository)

Governing the right to build

The institutional dynamics of self-build housing in Brazil and the Netherlands

Bossuyt, D.M.

Publication date

2021

[Link to publication](#)

Citation for published version (APA):

Bossuyt, D. M. (2021). *Governing the right to build: The institutional dynamics of self-build housing in Brazil and the Netherlands*. [Thesis, fully internal, Universiteit van Amsterdam].

General rights

It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

Disclaimer/Complaints regulations

If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: <https://uba.uva.nl/en/contact>, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.

6. Conclusion

This dissertation has studied self-build housing as a means of housing provision through a comparative perspective. The exploratory nature of this dissertation and its article-based structure demonstrate that it had multiple purposes and addressed interrelated questions. The overarching aim of this dissertation was to critically explore and investigate how spatial governance and planning interact with self-building activities in different contexts.

The dissertation departed from the observation that self-building has largely remained understudied in the global north, whereas in places of the global south it has primarily been understood in relation to informality and underdevelopment. The dissertation explicitly focused on self-building as an activity in which residents commission the production for their own use, emphasizing institutional arrangements for housing provision.

The research reported here set out to explore the position of self-building in housing systems and to scrutinize the different ways spatial governance interacts with self-building activities. Its theoretical aim was to reject the incommensurability of urban self-building experiences in different locales, unsettling the dominant frame of self-building as an isolated, informal phenomenon. The conceptual framework combined elements of political economy and actor-centered institutionalism in order to understand experiences of self-building. The research recognized diverse histories and experiences with respect to the dynamic between self-building and spatial governance. It explicitly engaged with the contested relationship between property and claims for the appropriation of urban space.

This general theme has served to guide a range of specific research questions that have been answered in each article as well as across these. These questions concern the relationship between state and self-build housing provision, the experiences of actors involved in self-building, the conceptualization of property relations, and the relationship between property and self-building practices. These questions were explored through case-studies of self-build housing in the Amsterdam and São Paulo metropolitan areas.

Below I will answer the four sub-questions that have been addressed in the

four sub-studies presented in chapters 2 to 5. After having elaborated on these individual questions, I then engage with the overarching research question of *how self-build housing for low- and middle-income households interacts with the institutional dynamics of spatial governance in Brazil and the Netherlands*. The chapter concludes with a reflection on the ramifications for scholarship and planning practice

6.1 Between suppression and emergence

The first question addressed how states interact with self-building as a mode of housing provision. It engaged with this question in chapters two and five. The analysis revealed a range of different mechanisms of interaction. First, it addressed the designation of land. Second, it demonstrated the provision of materials, finance and technical expertise. Third, it highlighted supportive legal architecture, which may recognize titles, permits or privilege particular ownership relations.

The Brazilian case demonstrated how extensive grassroots movement has pressured the state to develop housing policy in support of self-building. As a mode of housing provision, self-building in Brazil has flourished for low- and middle-incomes in the context of limited public provisioning and a closed-off legal real estate market (Azevedo and Andrade 2011). Excluded from the official real estate market and lacking the support of a welfare state, large amounts of low- and middle incomes have resorted to informal self-building practices. Self-builders have organized popular action to pressure the state to provide substantive infrastructure, service and quality, building upon the widespread model of self-building.

The right to self-build here speaks particularly out of a social demand to redistribute city resources in favor of excluded groups in a highly inequal context (de Sousa Santos 1998). Earle (2017) has made the claim that the law is a positive instrument in challenging spatial segregation and justifying occupations of vacant real-estate. Occupations are explained as a daring move to operationalize the right to the city. The social function of property may provide access to underutilized land or vacant property. Housing movements thus draw on the progressive legal elements of democratized Brazilian

constitutional order. Self-builders work collectively through influencing, and drawing upon legislation at federal, state and municipal level.

The cases of Avenida Ipiranga and Marisa Letícia in chapter five demonstrate how committed social mobilization has resulted in collective self-building that has challenged the replication of spatial segregation by creating low-income housing in central São Paulo. This is a landmark achievement. At the technical level, it represents a redefinition of actors' relationships, demonstrating how collaboration between technical experts and resident organizations can actualize collective self-building in high-density contexts. At the same time, they mark the outcome of an unprecedented control of resident organizations over public housing funds. Programs such as the *Programa Crédito Solidário* and *Minha Casa Minha Vida-Entidades* illustrate how the state can be pressured to set the conditions for resident organizations to act as executive agents of housing provision.

Nevertheless, the cases also reveal the tensions of actualizing self-management with mass housing provision. While a progressive legal order is in place, access to real estate for self-building must generally navigate the vagaries of the highly dynamic land market in São Paulo. Access to real estate or land depends upon public donations or concessions. Housing programs incorporating self-building enforce an entrepreneurial logic upon self-builders, having them compete over scarce land and public funds. In the end, funds are allocated through individualized loans, creating one-on-one relationships between resident-actors and the bank.

By contrast, self-building in the context of the Netherlands has emerged from a historical context in which residents have been made completely dependent upon oligopolistic modes of housing provision over the course of the 20th century. This dependency has aligned with a transformation of housing as an expression of civic interest into a standardized public - and later increasingly market - good. Residents have scarcely any control, as housing is controlled by coalitions of municipalities, housing associations and private developers.

The second chapter revealed that the suppression of self-building has worked particularly through a conjunction of norms pertaining to land access. The combination of active land policies, comprehensiveness, desire for spatial

order and actor interdependency have squelched self-building for low- and middle-incomes in urban areas. The supply-led housing arrangement has persisted throughout the principal shifts in 20th and 21st century housing policy. Such key moments include the establishment of the Housing Act in 1901, which provided a framework for state-supported social housing and building regulations. The role of housing corporations is particularly salient, given their origins as resident organization based on mutualism and association (Bossuyt 2021, Beekers 2012). While they may have worked alongside political cleavages, they have largely resorted to housing provision, becoming increasingly professionalized over time. The massive increase in investment in the interbellum and the consolidation national state finance into the post-war area consolidated standardized supply-led housebuilding.

Towards the late 20th century there is a retrenchment of the social housing sector and increased attention towards more market-oriented solutions in urban development, reshaping the playing field of residential real estate development. Liberalization and privatization paved the way for an emergent discourse on choice and freedom in housing provision. However, the emergence of a new market-oriented land development system consolidated the existing close interdependencies between municipalities, private developers and housing corporations. These close interdependences facilitated a large-scale approach to housing provision. As in Brazil, homeownership has emerged as a general aspiration, though in practice it has not delivered much in terms of substantive dweller control. At the same time, spatial governance and institutional conditions enabled good quality housing for low- and middle income groups but entrenched their dependency on oligopolies of large developers and housing corporations.

Self-building for low- and middle-incomes in urban areas has (re)emerged under conditions of liberalization, welfare state restructuring, political discourse around urban entrepreneurialism and increased housing constraints. Drawing on the case of Homeruskwartier in Almere-Poort in the Amsterdam Metropolitan Area, the consolidation of resident-led development strategy is demonstrated to be dependent on political conditions. Ironically, facilitating self-building for low and middle incomes works through the same system that has largely inhibited resident control over urban development. The dominant role of municipalities in land development enabled the creation of a plot-

based sites-and-services scheme and a loan scheme for self-building for lower incomes. The comparison of the two cases reveals a difference in the salience of a political dimension. In Brazil, political claims made by self-builders have addressed the redirection of public funds, addressing the extension of political rights at the same time. Resident control over housing provision is far less politicized in the Dutch context, where it was strongly initiated by the state as a means of fostering resident choice. Still, both contexts share increased interest to self-building following moves of decentralization and devolution of planning competences. Local governments play a particularly central role in enabling land access conditions.

6.2 Experiences of self-building

The second question, addressed in the third and fifth chapters, concerned the experiences of actors in self-building activities. Chapter five demonstrated how residents in São Paulo are involved in self-building as a means of realizing housing in the central city. Here, the juxtaposition between housing precarity, housing deficit, residential segregation and vacancy enkindled foremostly a political demand for the right to housing and the right to the center. Residents organize themselves in organizations affiliated to housing movements, these work together with an array of stakeholders, including technical advisory teams and social workers. Residents' organizations assume responsibility for overseeing construction and hiring contractors. The housing movements strongly relate to building in terms of solidarity and needs-satisfaction. The self-managed renovation of empty buildings represents the instantiation of dwelling and living based on social need. *Autogestão* (autogestion) stands central in their discursive repertoire, representing the aspiration to realize housing according to non-marketized principles and community life. Residents principally dream of having a place of their own. Simultaneously the triumph of self-building activities transforms low-income residents and homeless people into homeowners.

The Homeruskwartier represented a more individualized approach to self-building. Chapter two dealt with the complex and uncertain nature of the self-building process. It demonstrated how the aspirations of self-builders are not only contingent upon social and material norms, but are also reframed

through the building process. In the highly dynamic Dutch housing market, the penetration of economic rationalities implies that self-builders do not exclusively prioritize use values over exchange values. The strategies and choices of self-builders are deeply steeped into social norms around homeownership and self-sufficiency. The chapter thus challenged the view that self-building in the global north speaks to lifestyle and identity expression. It also disputed conceptions of self-building as an appropriation of urban space for use value.

The juxtaposition between both chapters highlight a diversity and complexity in the ways residents experience self-building practices. Comparing the two experiences underlines the mediating influence of housing movements and resident organizations. In the case of São Paulo, the organizational level plays a strong part in the subjectivization of self-builders through their political and pedagogical dimensions. Thus, self-builders articulate strongly crystalized aspirations regarding the right to housing and the right to the city. These may be considered necessary for the confrontation with public actors.

The pedagogical element of self-building worked at a different level in the Dutch case, inducing reflection on the supply-led nature of housing provision. This accentuates the taken-for-granted nature of the way housing is arranged in the Netherlands, and the small sense of efficacy experienced by residents. The part played by housing movements and residents' organizations serves as a hopeful source of inspiration for the supra-individual level of Dutch housing corporations. While these have all but lost their associational spirit, their reconfiguration could play a central part in enabling self-building for low- and middle- incomes. The indeterminate and incremental nature of the self-building process in both cases underlines a shared expression of agency and temporality. Self-building involves improvisation, reconsideration of strategies and aspirations of the ideal self-built home.

6.3 Property relations and their effects

The third question focused on understanding property relations in self-building and their effects. This question was principally explored in Chapter four, which offered an ideal-typical typology of collective forms of self-building. It engaged with the debate on collaborative housing, an umbrella

term covering various forms of collaborative self-building. Noting their differences in terms of ownership and organizational structure, the chapter set out to resolve what sets collective self-building forms apart, internally and externally. Ownership relations in housing are often captured through the notion of tenure, which is a complex and heterogeneous concept. Tenure expresses relations of use, possession an ownership, regulating production and consumption. It thus concerns topics such as who may access or sell housing. A challenge for collaborative housing is its hybrid nature. If we understand tenure in terms of title holder or label alone, then this hybridity cannot be fully appreciated. This renders it necessary to look at the property relations that comprise particular tenures.

The ownership model of property has made us blind to the diversity of property relations (Singer 2000; Blomley 2004). It imposes a particular understanding of property as private property, objects bound to solitary owners enforcing exclusionary rights (Blomley 2004, xiv). Economists such as De Soto have advocated extending this model to informal self-builders through land titling. The hegemony of this model does not only affect planning for self-building, it also affects how one thinks about the opportunities for collective forms of self-build. The chapter found analytic use in drawing on a legal realist disaggregated perspective to tenure.

The disaggregated approach to tenure works through the idea of property regimes, which consider sets of rights that are allocated to actors. Property regimes are social arrangements with respect to how rights, rules and roles are defined. The chapter developed the conceptual argument that collaborative housing is generally based on elements of limited common property, self-governance and sets of internal rules. While it shares these characteristics with other residential communities that are not self-built, it finds collaborative housing differentiated by virtue of commissioning and management rights held in common. These facilitate resident control over stages of commissioning, investment, design, construction, and maintenance. In practice they allow residents to set the terms of self-governance and design.

Chapter four outlined the possible articulations in terms of bundles of rights. In any given property regime, subjects hold rights with respect to an object. Subjects vary at the level of private individual, supra-individual or external. The

rights identified here concern access, possession, commissioning, management and exclusion rights. The three ideal-types identified for collaborative housing concern the self-management, the common, and the intentional market regime. These are differentiated from planned market multi-unit housing by virtue of their commonly held commissioning and management rights. However, they are internally set apart by the income right dimension, which may be held privately, in common, or by another party.

The conceptual scheme illuminated the effects attributed to collaborative and self-build housing. The chapter explored this in relation to affordability and social inclusion in particular. This resulted in the hypothesis that only when a non-profit ethos is combined with commonly or externally held income rights, collective self-building may work towards long-term affordability. To guarantee inclusion, it is necessary to set conditions of access, commissioning and management that allow for a degree of porosity in use and membership.

Commissioning and income rights matter particularly for the long-term affordability of collective self-build. Collective resident control reduces building costs when there are no profit margins on land development or building. Income rights matter, as when these are combined with a non-profit ethos they can guarantee that the building will not be sold in the long-run. Cooperatives for example try to do so, but may still convert. Income rights thus need support from a non-profit orientation and restrictions on marketization. This can be supported in bylaws or statutes, or by a tiered nested structure. Non-speculation is not a universal feature of collective self-build but demands the appropriate socio-legal architecture.

Recapitulating, we see that property relations may impinge upon self-building activities in various ways. At the level of self-building activities, property conditions the possible relationship self-builders can have to their home. In the case of building an owner-occupied home, the expected prioritization of use value may conflict with the potential of realizing exchange value within the home. Depending on the commodification of housing within a given context, this may increase the relevance of economic rationalities as demonstrated by the case of Almere-Poort.

At the organizational level, the composition of property regimes affects the

capacity of self-building to achieve certain benefits, for example in terms of social inclusion or affordability. This is demonstrated by the conceptualization of self-building in the third chapter. Chapter four highlights that when suitable collective ownership arrangements are lacking, this may negatively impede the capacity to realize collective self-build as a commons in the long-run. This also signifies the way in which property functions as a normative framework for commoning practices. At the level of spatial governance, we may see that planning strategies for self-building can impose particular ownership forms upon self-builders. In the case of Brazil, the imposition of credit-subsidized private property titling scheme may undermine the collective nature of these housing movements. In the case of the Homeruskwartier, the municipality opted for a plot-based approach to self-building in which households could buy individual parcels of land. These cases illustrate the dominant effect of the ownership model of property on self-building strategies adopted by urban planners. At the same time, the observations described in chapter four and five illustrate the potential of articulating claims of the right to the city or affordable housing through self-building based on different conceptions of property ownership.

6.4 Governing self-build housing

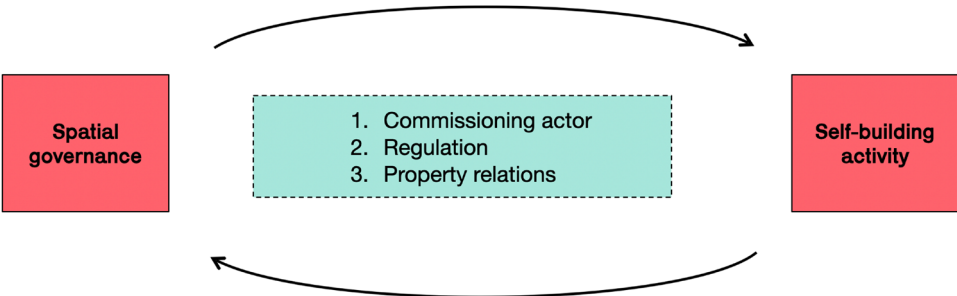
This paragraph returns to the overall research question of how self-building for low- and middle-incomes interacts with the institutional dynamics of governance in Brazil and the Netherlands. In both cases studied, self-building involves an interactive political process between actors over the organization of housing provision. The Brazilian self-building experiences highlight the constituent role of self-builders in the making of urban space.

In this context, self-building has been primarily explained as catering to the urgent needs of peripheral low-income households (Caldeira 2017). The case-study has demonstrated the capacity of professionalized paradigms to realize low-income housing in central São Paulo, challenging class-based residence patterns in high-density contexts, contradicting the equation of self-building with sprawl and poor quality (Bredenoord and van Lindert 2010). The redirection of public funds towards self-building is a result of committed social organization. The Brazilian case contrasts with the individualized approach to self-building represented with the Homeruskwartier. In its incremental, creative

and indeterminate nature, the Homeruskwartier evokes the heterogeneity of the self-built periphery of São Paulo. The Homeruskwartier also represents a highly individualized approach to self-building, enabled primarily by political conditions on part of local administrators. The experience of both cases suggest that enabling self-build and unlocking the capacity of self-building is dependent upon political commitment from residents' organizations and elected officials.

In answering the main question, I argue that the interactive relationship between spatial governance and self-build housing can be captured through three key mechanisms concerning the nomination of a **commissioning** actor, the **regulation** of self-building activities and the establishment of **property relations** (Diagram 2).

Diagram 2. Mechanisms of interaction between spatial governance and self-build housing



The first dimension concerns the contestation over the commissioning actor. It specifically concerns the agent of housing provision and who is considered capable, legitimate and responsible of undertaking this task. In the Dutch context, the legitimacy of established modes of provisioning has largely been connected to the output of developers and housing corporations. Claims for self-building are not based on arguments of output-efficiency, but rather speak to an intrinsic right for self-building, or the capacity to achieve improved spatial quality. In contrast, the Brazilian experience illustrates how resident organizations actively formulate a claim to be considered eligible partners for housing provision by referring to the public legal framework. In both cases, the involvement of residents in housing provision runs up against distrust on the side of public parties. Spatial governance may work through particular consolidated systems of commissioning, as demonstrated by the suppression of self-builders in the Dutch case. Vice-versa, the question of who is the commissioning agent may be redefined through political contestation.

The second dimension concerns the definition of regulation. This relates to the conception of governance as seeking to administer and order the production of urban space. The regulatory dimension ties in to a facilitative role on behalf of public parties, who provide the conditions for self-building to take place. The Homeruskwartier illustrates how the combination of a parcelized strategy and sets of plot-based design codes were used to achieve a degree of variety in spatial form.

The third dimension concerns the establishment of property relations. Property here should be understood as concerning the social relations between people with respect to a given object. Property relations in self-building work in different ways. On the one hand, it may refer analytically to the rights held by actors over particular spaces. This aspect is necessary to understand what responsibilities and duties are held by actors with respect to housing, in terms of control and income rights. On the other hand, it works discursively through particular representations of property. The dissertation highlighted how state-aid to self-building tends to work through the enforcement and imposition of the ownership model of property (Singer 2000). This presupposes absolute control by a single identifiable actor, preferably the owner-builder. In contrast, self-builders may articulate different modes of possession and ownership, such as collective ownership claims. The establishment of property relations may

thus also concern aspects of legalization or consolidation. The dissertation highlights not only how political contestation affects legality, it also suggests self-builders may construct collective or common property relations to pursue practices of commoning in housing. The allocation and distribution of property relations to particular actors may also matter for spatial outcomes at an aggregate scale.

6.5 Future avenues

Although the cases studied within this dissertation are drawn from vastly different backgrounds and contexts, the juxtaposition and exploration of these different experiences opens up new avenues for understanding for both planning practice and housing policy. In the Netherlands, the planning and housing policy debate has primarily focused on self-building as a means to an end (Ministry of Housing Spatial Planning and the Environment [MVRM] 2001, Parvin *et al.* 2011, Benson 2015). This end includes boosting housing supply, achieving customer choice or stimulating housing of particular architectural qualities. This builds on the dogma of thirty years ago, which holds that the principal housing issue had become that of quality, rather than quantity (Houben 1989). As of 2021, the discussion appears to have radically reversed. Housing construction in the Netherlands has completely slumped following the global financial crisis.

Where the topic before had been quality and choice, the focus of the debate now once again appears to be how many housing units should be built and where these should be built. The common mantra to solve the housing crisis appears to be 'build more homes, faster'. Fast construction entails reduction of regulation, easing access to credit and expanding homeownership. Quantity regrettably overshadows all other issues, at the expense of questions of what is being built, by whom and to what ends.

This dissertation has shed light on some of the fundamental problems with this model of mass marketed supply-led home ownership. Not only does this lead to new vicious cycles of unaffordability, it also pushes us beyond the planetary boundaries and reduces the social value of housing to a simple quantitative game of numbers. The model is overdue for revision. Municipalities interested

in promoting self-building or other housing models can draw upon an array of options. This includes stipulating a fixed percentage of self-build in public land-use plans, committing to registering self-building demand as the British do, or making vacant buildings available to self-builders as this dissertation illustrated. However, the dissertation has also suggested that the problem runs deeper than having the right tools at disposal. Truly enabling the right to build presupposes a more fundamental reconsideration and reorientation of housing.

The dissertation has highlighted the ways in which self-building may work with and against the ownership model of property. At a more fundamental level, it is both analytically and normatively necessary to engage with the relationship between legal imaginaries and housing models that are not socially and environmentally extractive. While the economic, social and political dimensions of the ideology of homeownership have been widely charted (Ronald 2008), its legal genealogy remains under addressed. This is a missed opportunity as legal categories play a both normative and facilitative part in housing commodification.

The growing problems faced by present-day housing systems, in terms of quantity, quality or affordability, are testament to the failures and extractive tendencies of the model of mass-provided, credit-funded private homeownership. The right to build thus fundamentally should not only relate to the provision of concrete conditions for the demand-side, in terms of materials or land. It also concerns a legal reimagining of the relationship between property, possession and housing. This presupposes a more systematic engagement with housing practices that depart from the economically destructive imperative of consumption and competition, potentially furthering imaginaries of degrowth and postgrowth. A key question then becomes how housing practices can work towards principles of commoning. This entails mapping legal and organizational structures and understanding how these relate to public regulatory and private legal frameworks. Concretely this could entail an investigation of property regimes as a dependent variable, addressing how residents contest and negotiate the allocation and definition of bundles of rights. A longitudinal perspective would be particularly useful to understand the dynamics of stability and maintenance of common housing alternatives.