ABSTRACT

The existence of tenement houses in São Paulo is not a new thing and it is an essential subject to be treated within the habitat question at the social and political spheres. The present article proposes to tell the history of the emergence of tenement houses in São Paulo, the public actions that treated the question, as well as giving initial information regarding the current survey on that. The article is based upon a current survey by the author that is analyzing the last public policy of the city of São Paulo, in order to understand its effectiveness.

KEY WORDS: Tenement Houses, Substandard Housing, Right to the city

PRESENTATION

Habitation is recognized as a human basic need and right. Adequate housing conditions were identified at the 1948 Human Rights Declaration as a right inherent to the individual, affecting directly the reaching of a well being status. The 6th article of the Brazilian Constitution (BRASIL, 1988), includes habitation inside the social rights roll and adds up, in the 7th article, that the earned minimum wage should be able to fulfill the basic necessities of the individual, including among those, the right to a housing. Acknowledging this, it is evident how fundamental is to treat the habitation question, because besides being forecasted inside the laws, is identified as one of the priorities to be taken seriously by the government.
With this in mind, the habitation issue becomes a great challenge for São Paulo city, knowing that the town keeps on growing. A phenomenon like this brings with it a variety of social issues, being the lack of housing or adequate housing one of them. However, this question is not even new. Engels (1980) treated the habitation question inside the capitalism arguing that it became a merchandise with its production aimed to the profit generation both by the selling and location markets. Engels also predicted that the disordered growth would make the living conditions of the low income people worse, once the sudden population influx to the urban centers would have causes such as expensive rents and a higher number of inhabitants in the same house (cohabitation). The result is that the workers end up being dragged to the suburb areas and can only live in the city centralities under a substandard housing condition (ENGELS, 1980).

The spatial segregation in São Paulo it is being expressed since its early industrialization process. By the time, the industrial and the coffee elites used to occupy the higher areas of the city, living in mansions and private houses. In the other side, the workers lived in the lower parts close to the rivers and more than 80% of their houses were rented. To become a house owner was not feasible for those workers and that is when the tenement houses arose as an alternative becoming very popular (CALDEIRA, 2000). The tenement, is this discussion, emerges as an answer to some economical and social elements and not as an option dictated by the freedom of choice.

These collective rental housings – tenements – exist in São Paulo since 1870, being an useful alternative for those who came to the city attracted by the new job opportunities. Within the time, the owners of those properties were leaving behind the concerns with the basic habitation conditions of the constructions such as hygiene, comfort, ventilation and lighting. This way, a growing number of people were agglomerating in these spaces being submitted to live in unhealthy conditions. But in reason of its characteristics of accessible housing, lots of low income families kept on dwelling on tenements despite their lack of the minimum requirements for them to be at least habitable places to live.

The presence of tenements in São Paulo was one of the particularities that have marked its urbanization, especially in the region comprehended by downtown. To the physical deterioration suffered by the tenements throughout the years is summed up the São Paulo downtown area abandon, where most of the properties identified as tenements are located. It is important to point out that the deterioration of the central areas of big cities is a global phenomenon and in São Paulo happened as a result of a city planning that privileged other regions of the town.

Having these information in mind, the survey in which this article is based proposes to analyze the results of the programs for acting over tenement houses in São Paulo, specifically during 2005 to 2010, having as a goal to understand if, in fact, the public policy in question, fulfills its function in the promotion of a citizen right to adequate housing.

The article is divided in 3 parts. In the first one, is presented a brief historical line of São Paulo, the characteristics of its planning and their impact on the emergence and continuing existence of tenement houses and also going deep in finding out what is a tenement and its implications. The second part intends to understand the government actions upon the problematic. And to conclude, it will be presented some results and final considerations of the survey in which this article is based.
The tenement problematic in São Paulo city

According to Villaça(1998), the problem in the Brazilian cities does not lay in the lack of planning, the specificity lies on an urban planning that put the social on the side and defended the market and elite interests. As the city was becoming global and in order to make it an attractive place to the international capital, São Paulo has been planned privileging some areas to the southbound in detriment to the others. This plans gave the city’s downtown a bad name, because this area was once the most important economically speaking. Nevertheless, low income people still found downtown a good place to live, for being cheap and also very well located. This is the main reason why tenements kept existing and having a social function in São Paulo. Not being the only option, but one of the other accessible alternatives that low income people find to call some place home.

Why then is a tenement considered a substandard kind of housing? Well, a substandard housing can be understood as a house that is under some quality requirements, both by being compared to another house or comparing it to a basic habitation quality pattern. According to the theory of the human needs by Doyal and Gough (1991), adequate housing is a basic human necessity and must pursue some fundamental characteristics in order to help promoting the individual well being, namely: sufficient shelter guarantee in face of adverse climate, sanitation existence and the absence of residential overpopulation. All these items are essential to the maintenance not only of the physical health, but also of the individual mental health. Henceforth, a house that does not present the possibilities to meet these minimum requirements gets into the concept of substandard housing. Thus, the tenement can be inserted in the substandard housing concept for two main reasons, represented by its precarious habitation conditions and installations as well as presenting overpopulation indices and forced cohabitation. (PICCINI,2004). Piccini reinforces that the tenements usually present lack of maintenance, infiltrations, electric issues, very bad lighting and ventilation inside the rooms, becoming then not only unhealthy but dangerous spaces to live.

The tenements concentrations emerged and have been installed in central neighborhoods of São Paulo, that also were occupied by the elites, such as Sé, Santa Ifigênia, Bela Vista and also workers neighborhoods as Brás and Mooca (PICCINI, 2004). Since its emergence, the tenements became very popular as a worker’s type of housing in São Paulo. Its popularity is due to the attraction of newly free slaves and sub paid labor, because both groups could not afford to formally buy or rent a place, once the costs involved were higher than their incomes. (ANT; KOWARICK, 1988). This type of construction became very popular among the workers class and despite the deleterious conditions presented by the tenement houses, with its terrible hygiene conditions and imminent risk of spreading out infectious diseases, it was only in 1894 that a sanitary code was created. From that time on, several laws were developed in order to establish hygiene normative. One example is a law from May 1924 that made prohibited the sole existence of a tenement. Even in face of this law, the
Tenements were not abandoned and are still in use (Sampaio, 2007). Just reminding that the first government preoccupation with the tenements just arouse as a health preoccupation and sanitary issue. Nevertheless, the tenements keep existing in São Paulo, regardless of the serious problems that are presented by them, attempting directly on the integrity of the people who live there. The first journey for good habitation held in Sao Paulo, organized by some social movements, has addressed, among other issues, the main problems faced by tenements dwellers, such as: very compact rooms, high rents, physical and moral threats, health problems as a consequence of unhealthy spaces, discrimination, and etc. The architect Luiz Kohara, in a specific study, points out to the school performance of children that live in tenements. His research identified that students that live in tenements have 4 times more chances of failing the scholar year compared to other colleagues that enjoy better living conditions.

As we can see by, the problems faced by people living in tenements are reducers of life’s quality, but, even so, these constructions are still an option for many people in Sao Paulo. The last data released by Sao Paulo Habitation bureau indicate that, in São Paulo city, in the areas under the administration of Mooca and Sé regional, 1091 constructions can be identified as tenements where a number of 19,090 people live (SEHAB, 2011).

Besides being considered a type of substandard house, the tenements have their social function and present also advantages to their dwellers such as their proximity to the central areas where most jobs are located. Kowarick (2007) considers though, that the most decisive point for choosing these alternative is exactly the distance, a distance that can be divided in two. There is a real distance, a geographic distance, where people are trying to be closer to their income sources, being them formal or informal. But there is also a symbolic distance, this one is build up thinking about the structural differences between the centralities in a city and their marginal sides. The suburbs are often forgotten, not only considering cultural activities, but also in terms of physical structures along with a very bad transportation system that makes people be carried away like products in their day to day activities. Despite the visible abandon of downtown area in Sao Paulo, is still a place very rich in culture and services. There are several entertainment options such as cinemas, theaters, restaurants and hotels; schools and colleges, everything at a walking distance for those who live downtown. This way, living in this area presents a series of advantages to all kinds of people, and gives opportunities to low income people to also be part of the city and enjoy some benefits and not only being an agent of the productive and reproductive forces of the capital.

Through several interviews, Kowarick (2007) identifies from his sources that besides all difficulties, living in a tenement downtown is better than living far away at the suburbs. This same statement were reinforced at the First Journey for good habitation that, superficially analyzing the reasons why people insisted to live in tenements despite its terrible conditions, has obtained the following

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1 Luiz Kohara works at Centro Gaspar Garcia of Human Rights, developing several studies on the tenements issue in São Paulo and also helping out tenements dwellers.
argument: “is very good living downtown, because is closer to work and children day care”.

Well, this can briefly describe the important social function that the tenements have in São Paulo. However, this problematic has been being neglected by successive administrations and even though is an intense expression of inequality and social exclusion, has received much less attention from the municipalities especially when compared to the slums and irregular occupations. This oblivion is due to the location of tenements that are usually blend in the city having then a lack of visibility not only for governments but to the society generally speaking (SAMPAIO, 2007). In contraposition to the slums and irregular settlements, that are easily seen by most people, the tenements are hidden at the urban space, neighboring traditional habitations and being even located at elite areas. One can say that there is a curtain hiding a terrible reality faced by many citizens day by day. Taking this into consideration, the studies being made over this issue assume a considerable importance at the current debate of a city development that promotes equality and the right to the city for all in São Paulo.

Acting over the tenements in the city of São Paulo

In terms of the discussion of the urbanization effects on a habitation crisis intensification, emerges a necessity of facing the problem at a political sphere. The habitation question is inserted in the international agenda when it comes to rights. The International Conferences has been leading a defense over a greater autonomy of the municipalities for treating the issues through focused local public policies. The urban management decentralization makes possible a direct deal between the cities and the international agencies in order to negotiate financial AIDS and funding. (MARICATO, 2006). These consensus had its impacts in Brasil through the creation in 2001 of the City Statute. The main Statute Paragraph, established in 2001, settles public order and social interests standards that regulates the urban property use in benefit to the collective, the citizens security and well being and also the environmental balance. The city's statute also settles that the urban policies must have as a goal to ordinate the full development of the city's social function and urban property, using guidelines that guarantee the right to sustainable cities and habitation. So when it comes to living conditions, the Statute is a strong official tool to guarantee the right to the city and good habitation and mainly that the right to the property is never ever to be above the collective interests.

Comparing the promulgated rights with was actually done regarding the tenements specifically; we can notice a difference in between theory and practice. When the City Statute was formulated in 2001, a law that covered the tenements issue, named Moura’s Law, had completed 9 years of existence, and before that the only mentions to tenements was only found in 1971 inside the city's strategic plan. But, in this first mention, the tenement was only being classified as a multifamily residence and none proposal for a public intervention that could regularize the precarious situation of the people living in this type of habitation was presented. This way there is a big gap found in the timeline considering the formation of tenements in São Paulo and the creation of a law that considered the issue. On the January 8th of 1991, the Law Nº 10.928 was promulgated, known as Moura’s Law. When this law became official, it brought to the debate a formal
definition of what was a tenement:

It is defined as tenement the unity used as a multifamily residence, presenting, totally or partially, the following characteristics: constituted by one or more constructions in one urban land; subdivided in several rented rooms, sublet or assigned at any reason; several functions performed at the same room; communal use of access, non built spaces and sanitary installations; circulation and infrastructure precarious in general; overcrowding of people.

The Moura’s Law, besides characterizing what can be defined by a tenement, also establish minimum habitable conditions, settling some technical specifications that must be presented by the constructions. From these specifications, the Moura’s Law puts under the municipal administration the responsibility of guaranteeing that the tenement constructions are in adequacy to the normalizations of the imposed law. However, before Moura’s Law, the tenement dwellers were simply ignored and relegated to a promiscuous situation. This negligence becomes even more dramatic when specialists in public health consider the tenements not only a unhealthy kind of habitation, but the worst form of housing in which one can live (KOWARICK, 2007). Hence, to apply the Moura’s Law to guarantee that tenement dwellers can live at least in minimum habitable conditions is more than convenient.

The municipal action over tenements in São Paulo city began in 1989, during Luiza Erundina’s administration, when the Moura’s Law was approved as well as the elaboration and beginning of a program that would benefit tenement dwellers specifically in downtown area. This referred program had as a presupposition the maintenance of the dwellers at the same area that they were living, meaning no remotions to other distant areas. In order to work inside this agenda, the idea was to build popular projects in well located and privileged infrastructure areas, advantaged in comparison with the suburbs. To start applying the program, two projects were initiated: “Celso Garcia” and “Madre de Deus”. Other measures were made in addition to the program and through them another 5 other land pieces were acquired aiming to the construction of social interest types of habitation projects. The start of these ventures was enabled only ten years later, in another administration. Even though this was the first initiative of a proposal and action to make it better the habitable conditions of an exclusive population living in tenements in São Paulo city, still there was no structures program to act over the problematic in question.

The following administration, Maluf/Pita, from 1993 to 2000, gave priority to slum urbanization programs, such as the Cingapura. During this period, there was a disarticulation on the tenements action that has started at the previous administration, paralyzing the predicted measures. But, in 1998, in a partnership of CDHU and the São Paulo state government, during the management of Governor Mario Covas, it was created the first consolidate program for tenements. Through the decree Nº 43.132, of June 1998, it was formally instituted the Tenement Program, named PAC, covering the extension of São Paulo State. The Program was born in a partnership between the Inter-American Development Bank-BID and the CDHU, and has received a financial aid of BRL 70.000, being 36 million from CDHU and 34 million financed by the BID.

The PAC program had as a general goal to elevate the life’s quality of low income families, limiting though their acting to tenement dwellers that lived at downtown areas of some São Paulo municipalities, being also found in an
habitational marginal condition. This was the general social definition of the people who would be benefited from the Program. The goals would be achieved by financing housing solutions and tenements remodeling, through actions that could contribute to the urban rehabilitation of the chosen zones. These specifications show not only a preoccupation in solving an habitation problem, but also of auxiliating a change of an abandon paradigm of the central areas of some São Paulo municipalities. The BID strategy, in allying to São Paulo State government, supporting an action over an specific habitation problem is to cooperate with the govern in its efforts to achieve a development that promotes social equality and making this Project an example to other countries that face the similar tensions.

The PAC-BID began in with a cadastral survey, in order to draw a socioeconomic profile of the people living at the chosen areas. This survey was held by SEADE Foundation in some villages in São Paulo and Santos municipalities. The first constructed ventures were Pari A with 160 unities, delivered in 2002 and Santa Cecília A (Conjunto Pirineus) with 28 unities, delivered in 2003. Among these, the “Conjunto Pirineus” is considered an adequate model of venture inside this program, obtaining approval from CDHU, dwellers and involved social movements. The CDHU final report on PAC, states that the program has delivered 1388 habitational unities (UH’s), summing up to other 447 UH’s to be delivered in between 2011 and 2013 and finally 686 UH’s to be constructed and delivered in 2013. These numbers make a total of 2521 UH’s delivered and predicted, but, the program forecasted to attend 5000 families. According to CDHU, other solutions were given like credit statements and an additional one made through a partnership with São Paulo municipality that will be explained hereafter.

The Tenements Program of São Paulo city has began to act in 2005, in the Serra-Kassab administration, at the central zones of the city. The first stage for the implementation of this habitationals policy is to check the reality characterized as a tenement. Through this checking, it is prepared a technical appraisal reporting the necessary changes to be made by the owner, according to Lei Moura’s requirements. To the responsible for the reality, is given a deadline so as to decide if the remodeling is gonna be made or if the nature of the reality will be altered. The Municipality administration is responsible for accompany the decisions made by the owner and also to apply the due penalties in case the compromises are not fulfilled. By this program, the families have as an option to accept a credit statement so as to purchase reality at CDHU ventures. The data provided by São Paulo Habitation Office show that, in between 2005 e 2009, in the tenements program 1814 constructions were appraised at the city central zone, more specifically at Móoca and Sé villages. From these appraisals, 1094 realities were identified as tenements according to the law that regulates it. There is already a partial balance of the results obtained with the program. There are constructions in which the program rules were applied and many others that did not pass through any intervention. And this is exactly the universe in which the present survey is working on.

PARTIAL CONSIDERATIONS
Through the history, both of the existence of tenements in São Paulo, as well as the actions performed in order to act over the problematic, it is possible to identify a gap in between results and necessities. Meaning that, the public performance in providing solutions to the better the conditions of people living in tenements has been slow. This study aimed initially, to understand the processes history and in which moment the estate and the municipal action blend in. Once the Estate and the Municipality worked together till 2010, it is crucial to verify the results of the PAC-BID (a hybrid program). Among the ventures delivered in São Paulo, by the PAC-BID, the Project Pirineus is appointed as an ideal solution for the substitution of a tenement. This conclusion has been reached by some interviews made with the social role players involved at the process, so as to know, social movements (Fórum de Cortiços, Centro Gaspar Garcia de Direitos Humanos), tenement dwellers and the very public administration departments responsible for the execution of the projects. As it is regarded to an habitational project of small size - 28 unities – both the condo administration as the living together aspect is facilitated. The results show that these citizens were granted an improvement to their life’s quality in a physical (better habitation) and social manner.

Nevertheless, the Pirineus Project is part of a scope from the Estate government, and out of the Tenements Program of São Paulo municipality, that is the main object of this present research, the analysis of some of its results is essential, once these initiatives can serve as a model to be compared and evaluate this selected program. The initial interviews that were made, from the Pirineus Project study, indicate good results. The dwellers Elza and Wal2, interviewed in September/2011, point out that the struggle was arduous and joint, but it brought gratifying rewards. For them, to live in this place for 8 years now is a blessing. In fact, the dweller pay now for their homes a monthly amount of R$172,97, that it is an accessible and low amount, especially when taking into consideration the very high rent prices and the exploration to which the people who still live in tenements suffer.

Another important factor that makes Pirineus a model to be followed is represented by the visual architecture of the building. Located at a well structured neighborhood of São Paulo (Santa Cecília), the Pirineus project blends in to the village’s esthetic. Someone strolling around the area can never imagine that the building is a social habitation Project destined to low income people. This way, these citizens passed from an exclusion and segregation situation, to a more Just and inclusive one. This demonstrates how recommendable is the reproduction of this model in São Paulo city as a way to promote the right to the city to all. This example also shows that when there is political will, it is feasible to promote the social well being.

It is interesting to notice how important it was the partnership with São Paulo estate (CDHU) and the Municipality, because it was benefic in dealing with the question. This happens because the Estate, in this case, made available financial resources and the Municipality on its side, had the bureaucratic tools (to

2 They were part of the actions organized by the “Forum de Cortiços”
check irregularities and assisting citizens) for the action. Currently, this partnership is not valid anymore, it has ended in 2010, meaning that, the Municipality keeps dealing with the tenements problematic, but cannot anymore serve with the same alternatives as before. For the participants in the process, the service given to tenement dwellers was way more effective when the partnership (estate-municipality) was still on. Just as an intelligible example, there is a situation of emergency removal of individuals who live in tenements with a collapse risk. In this case, as their lives are in danger, they must be immediately relocated. The current budget to attend these citizens is an amount of R$900,00, but when the partnership was still valid, the budget was R$2000,00, hence, there were more resources and alternatives to really service the people found in this insignia.

It is clear that in the present the Municipality has less tools to execute and act in the tenements problematic in the city. The effects of estate and international (BID) investments were categorically noticed once in between 2005 to 2010, there was an established policy and a program with goals, that brought advances to this habitation nucleus in São Paulo. Thus, the research in progress will keep analyzing the effectiveness of the applied solutions in São Paulo city, measuring up the public effort and the satisfaction of the people involved in the process. To achieve that, one of the main tools, is the comparison between the former situation and the current results, aiming to establish best practices in a question that claims for positive, adequate and satisfactory actions.

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3 It was possible to provide PAC-BiD resources and forward the dwellers directly to CDHU ventures.

4 Data obtained by conversations with the habitation department of São Paulo named “Habi-Centro”


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