Legal-institutional bottlenecks in the implementation of master plans: the case of São Paulo

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Territorial planning in Brazil has undergone significant changes since the enactment of the 1988 Federal Constitution and the City Statute (Federal Law nº 10.257 of 2001). The municipal master plan has come to be considered a fundamental tool in urban policy, taking on the task of defining the concrete content of the social function of property. This research contributes to legal scholarship and public policies and, in particular, to the field of urban law, through the systematization and analysis of institutional arrangements, rules and procedures of urban policy created by the master plan. This study aims to comprehend, as such, the new cycle of master plans in Brazil and identify the limits and challenges of their implementation by the government. The case chosen for investigation is the master plan of São Paulo enacted in 2002. Data was collected from multiple documentary sources and interviews. The empirical research carried out reveals many achievements in the city territorial management over the 2000s, which, however, coexist alongside with a series of ambiguities, contradictions and tensions related to the regulation of urban property in the country.

Keywords: Urban law. Territorial planning. Master plan. Public policies implementation. Case study. São Paulo.

Introduction

The Federal Constitution of 1988 and the City Statute (Federal Law No. 1.257/01), when linking the definition of the social function of urban property to the planning of the territory, definitively transform property rights in Brazil. A new legal regime for property rights is inaugurated, with profound consequences for urban policy and, especially, on the legal and political effects of the master plan.

Property rights are now subject to municipal state planning and a democratic political process. The master plan, when defining the content of the social function of the property, determines the rules for land use and occupation, regulating the city's real estate market. This planning/ownership connection through the municipal legislative route produces crucial effects for urban law and policy. Ownership becomes the product of dialogue and the multiple pacts established between the actors and interests at stake in the city under penalty of administrative impropriety.

The new Brazilian urban legislation translates into public policies: in 2018, 2.866 of the country's total municipalities declared to have approved a master plan. Considering the universe of municipalities with more than twenty thousand inhabitants, the proportion of master plans elaborated in relation to the total is even more expressive, covering practically its totality. Of the 1.762 municipalities with more than twenty thousand

inhabitants, only 175 (9.9%) remained that have not yet done so. Of these, 76 were in the process of preparing their master plan (MUNIC/IBGE, 2018).

Compared to the master plans developed during the military regime, the achievements related to the participatory process of preparing this new generation of master plans in Brazil and the widespread incorporation of urban planning instruments provided for in the City Statute are significant (AVRITZER, 2008, 2019; BONDUKI, 2018; BUENO & CYMBALISTA, 2008; CALDEIRA & HOLSTON, 2015; CYMBALISTA & SANTORO, 2009; ROLNIK 2011, 2015; SANTOS JUNIOR & MONTANDON, 2011). Much of the literature, however, maintains a critical view of the normative density of these master plans elaborated in the democratic context and their effects on Brazilian cities, pointing out the difficulties in the effectiveness and efficiency of their rules (SANTOS JUNIOR & MONTANDON, 2011; VILLAÇA, 2005).

This article aims precisely to reveal how the transformation of urban property in the normative field operates in a concrete way in the city of São Paulo. The research is part of a broader empirical study on master plans developed for my doctoral thesis (FONTES, 2020). The results will be presented, focusing on incremental changes in the field of law and urban policy and legal-institutional bottlenecks in the master plan implementation.

This article shows that the study on the master plan – the main instrument for territorial planning – brings relevant indicators for understanding changes in law and urban policy over time. It supports that the 1988 Federal Constitution and the City Statute significantly change the legal system for urban property and have positive consequences for the territorial management of Brazilian cities. Instead of radical reconfiguration, however, the transformations occur gradually and are permeated by tensions, ambiguities and contradictions.

This article is divided into three parts, in addition to this introduction and the final considerations. The first section presents the theoretical and methodological assumptions of the research, bringing together the law of studies related to neo institutionalism and the implementation of public policies. The dialogue herein is essentially interdisciplinary and is mainly established between law and political science. Section 1 also deals with the empirical dimension of the research and presents the methodological assumptions that guided the construction of the case of São Paulo, going through the justifications for choosing the city, the delimitation of the units of analysis and the systematization of the data collected.

The next sections reconstruct the process of implementing the São Paulo master plan and it is structured in two parts. Section 2 focuses on the achievements brought by the Brazilian urban legislation approved in the democratic period, observed and analyzed from the efforts made by the City of São Paulo in the master plan regulation and application. It also reveals the interests at stake involved in the regulation of the city's real estate market as well as the achievements in the implementation of urban planning instruments.

Section 3 identifies the circumstances in which direct or indirect responsibility for creating obstacles and difficulties in the implementation of the master plan by the government may be attributed to law. These legal-institutional bottlenecks can be summarized around two axes: the complexity of the legislation and the secondary rules established by the municipal law, i.e. those aimed at producing and applying other rules.

1. The theoretical and methodological approach

The theoretical references used that guide the development of empirical research trace a legal perspective of public policies. It is an essentially interdisciplinary dialogue established between law and political science. It is based on the assumption that it is possible to create a legal perspective for the analysis of public policies (CLUNE, 1993 BUCCI, 2013; COUTINHO, 2013, 2016; BUCCI &COUTINHO, 2017) and, above all, to delimit the role of law in studies on the implementation of public policies.

The approximation of law with political science is carried out from an institutional approach (SKOCPOL, 1987; SILBEY & SARAT, 1987; MAHONEY & THELEN, 2010) as well as from the literature on public policies, with emphasis on the works that consider the phase of implementation as a central key for understanding the functioning of the State and its policies (MARQUES, 2013; HILL & HUPE, 2009; PRESSMAN & WIDALVSKY, 1973; LIPSKY, 1980; LOTTA, 2008; FARIA, 2012).

Institutional debates within the scope of political science point to two fundamental questions: how institutions are created and why they are transformed (MARQUES, 2013; HALL & TAYLOR; DAVIS & TROUSTINE, 2012; TORFING, 2001; LIBERMAN, 2001; MAHONEY & THELEN, 2010). Mahoney and Thelen (2010) for example, warn of changes that occur in a subtle and gradual way over time. Although less dramatic and

abrupt, slow and fragmented changes can also have consequences for human behavior, modifying the actors' logic of action and bringing relevant political results[1].

The patterns of institutional change would, however, be accompanied by tensions and ambiguities. The authors highlight, for example, a type of institutional change – layering – in which new rules are instituted, but coexist with old ones. New elements remain adjacent to the existing institutions which are gradually modified. In general, such overlapping processes occur when there is an absence of the ability to change the original rules entirely. At the same time, defenders of the *status quo* are not able to prevent changes, although they retain in part the original rules. Each small change builds up, leading to major transformations in the long run. It was precisely this type of incremental change that was identified in the process of implementing the São Paulo master plan.

Neoinstitutionalism impacted the national literature with regard to the analysis of public policies and is perhaps the theoretical perspective with the greatest influence in the Brazilian debate. As examples, we can mention the studies related to the design of the State and its policies, the impact of the arenas in the reforms of policies, federalism and public policies (MARQUES, 2013).

However, although widely used in the field of political science for the study of public policies, the presence of the institutionalist perspective in urban studies is scarce[2], and many authors have been dedicated to the task of filling this gap (DAVIES & TROUNSTINE, 2012; LOWNDES, 2001), pointing to a research agenda that brings the two fields together and focused on the study of urban politics and policies from a theoretical and empirical point of view (MARQUES, 2016, 2018).

The study of the master plan – the main instrument for territorial planning – provides effective indicators for understanding changes in urban policy over time and contributes to this research agenda.

Starting from the institutionalist approach to the State and its policies, this paper seeks to understand, in short, the way in which the urban legislation passed after the end

[1] For an analysis of the various types of incremental institutional changes, refer to Streeck and Thelen (2005).

[2] In Brazil, an important tradition of urban studies was established based on Marxist interpretations of the city, inspired by the production of authors such as Henri Lefebvre, Manuel Castells and David Harvey (MARQUES, 2016; SOUZA, 2003; MOYA, 2011). On the influence of Henri Lefebvre's thought in the construction of the Brazilian legal-urban framework, refer to Fernandes (2007).

of the military dictatorship in Brazil influenced the process of implementing the master plan in the 2000s.

Thus, the research follows the recent shifts in the literature on public policies and redirects the focus of the analysis, reducing the importance of decision process in the formulation stage – examined by the precursor authors in the study of public policies, such as Harold Laswell, Herbert Simon and David Easton – bringing other moments of the policy production cycle to the center of the debate, in particular implementation.

It is based precisely on this literature, which starts to draw attention to the different levels of government, the concomitant cycles of policies, the forms of articulation and interaction between the different stages and policies. A series of authors, with emphasis on Pressman and Wildavsky (1973) and Lipsky (1980), considers implementation as the central axis for explaining the policy production process and demonstrates the importance of observing obstacles and challenges during that particular phase.

When reflecting on the effectiveness of the legislation, the research investigates the space between the approved legal norm and its implementation. In this regard, the study of the regulation and application of urban standards at the local level has proved to be promising, indicating possible ways to delimit the role of law in implementation studies.

Empirical research is also guided by specific works on the case study method (YIN, 2001; MACHADO, 2017; LUND, 2014). The city chosen for the case study was the Municipality of São Paulo and its master plan was approved in 2002 (Municipal Law nr. 13.430/02). One of the largest cities in the world, with 12.2 million inhabitants (IBGE, 2019) representing about 11% of the Brazilian GDP (SEADE, 2014). It also has the largest budget of Brazilian cities, with a value corresponding to 54 billion (2016)[3]. This master plan was one of the first approved after the edition of the Statute of the City, inserted most of the legal-urban planning instruments provided for in federal law (BONDUKI, 2007), generated effects for more than ten years (2002 to 2014) and was carried out by administrations of different political parties[4]. The time lapse makes it possible to assess the effects of the city's new urban legislation in a consistent manner.

[3] Consultation at the electronic address http://www.saopaulo.sp.leg.br/orcamento2016/ held on 7/13/2019, 3:37 pm.

[4] The duration of the 2002 master plan includes the administration of Mayor Marta Suplicy (*PT* – Workers' Party) and Mayors José Serra (*PSDB* – Brazilian Social Democratic Party), Gilberto Kassab (*PFL* – Liberal

The units of analysis selected are the Municipality of São Paulo, the Municipality and the Court of Justice of the State of São Paulo, which required specific data collection strategies. In a succinct way, the data survey used several sources of evidence, including document surveys, archival research and semi-structured interviews[5]. Requests were also sent based on the Law on Access to Information to public bodies.

2. Incremental changes in urban policy

The results confirm the institutional changes that occurred during the 2000s: new rules for the construction of urban space have been created and applied by the government in São Paulo, thus generating crucial effects on urban property.

The connection created between planning and property established by the constitutional text changed the rules of the real estate market and the possibilities of inducing urban development by the government.

One can observe a double path taken by the rules, institutions and programs aimed at the elaboration and implementation of the master plans in the country's redemocratization. The legal-institutional arrangements built at the federal level – with prominence for the promulgation of the 1988 Federal Constitution, for the City Statute, for the creation of the Ministry of Cities and the National Participative Master Plan Campaign – induced the policies of Municipalities, which start to incorporate the new rules to plan the urban space and, above all, to regulate urban real estate.

The cycle of municipal master plans developed during the military regime was subject to harsh criticism during the process of redemocratization in Brazil, which can be succinctly described from two basic pillars: the authoritarian character of state action and the lack of effectiveness of its prescriptions. Such criticisms will permeate the constituent

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Front Party/*DEM* – Democrat Party/*PSD* – Social Democratic Party) and Fernando Haddad (*PT* – Workers' Party).

[5] Ten interviews were conducted under the condition of anonymity. The interviewees integrated institutions in different positions, including civil servants or not, who, in their majority, held commissioned positions in different administrations, including secretaries, directors, and heads of cabinet. It is a perspective that privileges the view of middle and high-level bureaucracy - excluded here, what specialized literature calls street-level bureaucracy (LIPSKY, 1980; LOTTA, PIRES & OLIVEIRA, 2019). In the City Hall, public servants and occupants of commissioned positions integrated, during the analyzed period, the following Secretariats: Secretariat of Urban Development, through the Department of Land Use (DEUSO), the Department of Urbanism (DEURB) and by the public company SP Urbanism; the Secretariat for Legal Affairs; the Government Secretariat; the Finance Secretariat and the São Paulo Municipal Attorney General's Office. Representatives of the real estate market and civil society organizations were also interviewed.

debate and directly influence the construction of urban legislation during the redemocratization process.

The master plan elaboration process is considered by most urban studies as a "technocratic" tool. The centralized and authoritarian regime would have sought technical legitimacy and advocated a supposed neutrality of the planning process due to the lack of demographic legitimacy of the period (VILLAÇA, 1999).

These master plans were drawn up in the office and often ordered from specialized offices without any connection with the actors and the real dispute processes for the city territory (ROLNIK, 1997). Another fundamental aspect of the criticism of his generation of master plans has to do with the effectiveness of its determinations[6]. The master plans were considered ineffective, as mere declarations of general principles, huge volumes of generic guidelines that ended up in the drawers of city halls or on shelves of reference works (DEAK & SCHIFFER, 1999; ROLNIK, 1997).

The failure of plans that have not been implemented would reveal the distance between the theory and practice of territorial planning: the "discourse plan", the "myth plan", a "magic plan" without ties to specific public policies. Paradoxically, it is during this same period that Brazilian cities grow most "outside the law", with a significant increase in slums, tenements, irregular and clandestine subdivisions (DEAK & SCHIFFER, 1999; MARICATO, 2000).

Thus, the master plans have been considered, for most of this literature, as a mere declaration of good intentions that hid the real city and allowed an abundant regulatory apparatus to coexist with the radical flexibility of the illegal city (slums, tenements, clandestine and irregular subdivisions). Strict laws that disregard the illegality in which most of the Brazilian population lives. A plan full of good intentions, but detached from the daily urban management (MARICATO, 2000; VILLAÇA, 1990; 2005).

Despite the criticism formulated during the National Constituent Assembly[7], the master plan emerges with importance in the 1988 constitutional text: for the first, the Federal Constitution will dedicate a specific chapter to deal with urban policy.

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[6] Urban plans in Brazil assume different nomenclature, methodology and content over time. The focus of criticism here is the cycle of plans developed mainly during the 1960s and 1970s in Brazil. Refer to Maricato (2000) and Villaça (1999).

[7] On the approval process for the urban policy chapter in the 1988 constitutional text, the interests and actors at stake, refer to Bassul (2005); Bonduki (2018); Fontes (2010, 2012, 2019); Grazia (2002); Maricato (2000) and Saule Junior e Silva (1993).

This chapter is inserted in the constitutional text by virtue of Popular Amendment No. 63 of 1987, proposed during the National Constituent Assembly. The popular amendment had more than 131,000 signatures and was proposed by the so-called National Movement for Urban Reform, composed of more than 48 civil society organizations and social movements struggling for housing.

Between victories and defeats, the constitutional text allows for significant achievements in territorial planning, transforming property rights in a definitive way. A new legal system for property rights is inaugurated, with profound consequences for urban policy and, especially, on the master plan's legal and political effects. Property rights are now subject to municipal state planning and a democratic political process.

Such changes in urban policy operated in the normative field can be listed around three key aspects: *(i)* the role of the Municipality in urban politics; *(ii)* the regulation of the social function of urban property by the master plan; *(iii)* legal protection for residents of informal settlements (slums, clandestine and irregular subdivisions, tenements, etc.).

In face of the decline of the military regime, governmental initiatives have not been so significant in the context of federal urban policy. During the 1990s, the federal government has withdrawn from the urban policy scene. It was precisely at the municipal level that the first innovations related to territorial planning were developed. Elected with redistributive programs and counting on the strong presence of urban social movements in their support coalitions, local governments – occupied by left-wing political parties, which have been growing slowly and steadily since the 1980s in Brazil – inaugurate a new urban agenda with more innovative designs and with a broader scope than the previous one, including, for example, programs to combat precarious housing, the creation of ZEIS, the urbanization and regularization of slums, social rental initiatives, collective effort projects managed by non-profit associations, among others (MARQUES; 2019).

In the early 2000s, during Fernando Henrique Cardoso's second term, the right to housing was inserted into the constitutional text and the City Statute was approved (Federal Law No. 10.257/01). This federal law establishes the general guidelines of urban policy and urban instruments, with emphasis on the rules for developing and implementing the master plan, seeking to provide to its prescriptions with greater democratic legitimacy and effectiveness.

In addition to the regulatory achievements, relevant federal bodies and programs are instituted. At the beginning of Luís Inacio Lula da Silva's government, the Ministry

of Cities (2003) was created, which now coordinates urban policy across the board, integrating the housing, sanitation, mobility and territorial planning sectors.

The newly created Ministry – a longstanding claim of urban social movements – came under the direction of Olívio Dutra of the Worker's Party (2003-2005), former mayor of Porto Alegre and former governor of Rio Grande do Sul, with a history in the union movement and responsible for implementing the first experiences of participatory budgeting in municipal management. The composition of the Ministry included the participation of several members of the National Urban Reform Forum. The creation of the Ministry is also related to the political innovations that occurred at the local level, since many of its technicians belonged to the network of activities who participated in these municipal experiences in the 90s (MARQUES, 2019). The Ministry gradually increased its structure and constituted a technical staff of employees, procedures and management resources (KLINTOWITZ, 2015). Several participatory mechanisms and arenas have also been created: the National Council of Cities, the National Conferences of Cities and the National Participative Master Plan Campaign.

From the 2000s onwards, in addition to the instruments provided for in the City Statute, several territorial planning tools have been created based on the regulation of sectorial urban policies at national level, articulated around housing and land; environmental sanitation and solid waste; transport and urban mobility; areas susceptible to the occurrence of high impact landslides, sudden floods or geological processes and metropolitan areas.

Regulatory advances on sectorial policies also led to a substantial increase in public investments for urban policy as of 2007, with the creation of the programs *Minha Casa Minha Vida* and *Programa de Aceleração do Crescimento (PAC)*.

Slum urbanization moves to the center of the federal agenda. The PAC allocated funds to precarious areas on an unprecedented scale, with interventions in the road system, drainage, sanitation, risk stabilization and other aspects of an integrated model. The PAC has invested R$ 22.7 billion in sanitation in its first phase (2003 and 2008) and R$ 44.2 billion in the second phase (2009 and 2014). The interventions focused on the largest slum areas in the country, such as Alemão, Pavão/Pavãozinho and Rocinha, in Rio de Janeiro and Paraisópolis and Heliópolis in São Paulo (MARQUES, 2019; CARDOSO, DENALDI, 2018; PRONI, FAUSTINO, 2016).

The funds allocated to the *Minha Casa Minha Vida* Program have been approximately R$ 140 billion (2009 to 2015), of which R$ 80 billion for group 1, which ranges from 0 to 3 minimum wages. Investments in real estate production via the market or via public financing went from R$ 2.2 billion 2003 to R$ 56.2 billion in 2010. Housing production reached a high scale in a short period, but it brought back to the center of the policy the model of construction of units for sale in housing projects on the outskirts (MARQUES, 2019).

The results of institutional advances have had an impact on living conditions in cities, which have shown a trend for long-term improvement in access to public services and essential policies, such as water supply, sewage networks, garbage collection and electricity supply, even though inequalities between social groups and regions of the country have remained (ARRETCHE, 2015).

In summary it can be said that such institutional arrangements within the scope of urban law and policy have been built gradually from the 1988 Federal Constitution, which inaugurates a new urban property system, boosting public policies in the following decades. From the municipal experiences of the 1990s, through the promulgation of the City Statute and the creation of the Ministry of Cities, to the emergence of a new generation of municipal master plans in the country.

The interests at stake in the dispute for the right to build in São Paulo

The empirical research carried out sought precisely to understand this experience at the local level. The results show that the changes of the rules of the game of building in the city of São Paulo were not trivial. After decades[8], the city's urban legislation was finally replaced.

The gradual incorporation of the City Statute in the city of São Paulo is largely due to the results of disputes and pacts made during the legislative process for the

[8] In 2001, the year in which the City Statute was promulgated, the São Paulo master plan in force was still the one approved in the administration of Mayor Jânio Quadros (1986-1988): Municipal Law No. 10.676/88. A plan composed essentially of general principles and guidelines. The main rules of use and occupation of the city remained those approved under the aegis of the military dictatorship by Municipal Law No. 7.805/72 and Municipal Law No. 8.001/73 and its subsequent amendments.

approval of the plan and specific subsequent laws. The law crystallizes in municipal laws the clashes and negotiations of the most diverse actors and interests at stake in the city.

Prior to the approval of the master plan in 2002, São Paulo's urban legislation provided for only the maximum construction potential rate[9], which ranged up to 3.5, and could reach 4 with the application of the "Adiron formula" (FELDMAN, 2005, p. 273). The proposal of a single rate equal to 1 for the city had already been proposed in the administration of Mayor Luiza Erundina – then of the Worker's Party – and was considered as one of the main obstacles to the voting of the master plan elaborated at the time (BONDUKI, 2018, p. 118; NOBRE, 2016, p. 172).

During the elaboration of the 2002 master plan, the proposal of a single rate equal to 1 for the entire city encountered the first resistance within the City Hall itself, at the Secretariat of Finance, which opposed the original proposal due to a possible reduction in the value of properties in the generic value plan, considered as the basis for calculating the urban property and land tax (BONDUKI, 2018, p. 197). The bill sent by the City Hall[10] already provided that the basic rate could vary from 1.3 to 1.7, although, at the beginning of the discussion of the proposal by the Executive, the objective was to establish the single rate 1 for the entire city (BONDUKI, 2018, p. 196).

During the legislative process for the approval of the master plan, the actors of civil society and the private sector articulated mainly around three fronts: the *Frente da Cidadania*, the *Frente Popular* and the *Movimento Defenda São Paulo* (BONDUKI, 2018, p. 196).

The Citizenship Front was composed of about thirty entities representing the real estate market, such as SECOVI-SP, SINDUSCON, among others. The real estate sector was opposed to the institution of the single basic rate equal to one and argued that the parameters should correspond to the number of the maximum rate provided for in the previous legislation (BONDUKI, 2018, p. 196). The onerous grant would only apply in excess of this amount.

The Popular Front, composed of housing movements, universities, architects, urban planners and civil society organizations, stood in favor of the text of the master

[9] Occupancy rate can be defined, according to the City Statute, as the relationship between the building area and the land area.
[10] Municipal Bill No. 290/02.

plan, always acting in such a way as to demand the further development of the participatory process and the expansion of the Special Areas of Social Interest.

The Defend São Paulo Movement, in turn, brought together about fifty associations of upper and middle class residents, architects and urban planners, who criticized the bill in a general way in search of ensuring that the former Z1[11] remained exclusively residential and low-density areas (BONDUKI, 2018, p. 196).

The master plan's final text – after the "amendments in the dawn", "submarines" (Bonduki, 2018, p. 202) vetoes from the Mayor and the countless negotiations that took place during the legislative process – established numerous rules of validity and transition for the basic rate application, such as, for example, the right of protocol.

Nevertheless, minimum, basic and maximum rates were created, a stock of constructive potential was defined, the onerous grant of the right to build and an urban development fund were instituted. These are important achievements for the management of territory in the city of São Paulo. After all, the regulation of real estate development in São Paulo implies establishing standards for central economic activity for the city and that produces the equivalent of 2.1 million m² of private vertical constructions, in the amount of R$ 9.9 billion annually[12].

The 2002 master plan instituted basic rates one and two for the city and the need to pay an onerous concession for the acquisition of additional constructive potential. Despite the internal resistance of the City Hall itself and entities representing the real estate market, the "revolution" is consolidated in the city, generating cumulative effects over time, being incorporated by the administrations of mayors of different political parties.

The master plan currently in force in the city of São Paulo (Municipal Law No. 16.050/14), for example, definitively incorporates the basic rate one for the entire city, the payment of the onerous grant of the right to build and existence of a municipal fund for urban development. The resistance to the institution of the single rate one for the whole city has diminished over time.

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[11] The Z1 was the classification used by the São Paulo zoning in force before the promulgation of the 2002 master plan.

[12] Data from Center for Metropolitan Studies of the Faculty of Philosophy, Arts and Human Sciences of the University of São Paulo (USP) and the Brazilian Center for Analysis and Planning (*Centro Brasileiro de Análise e Planejamento* - CEBRAP) *apud* MARQUES (2018).

Application of urban policy instruments in São Paulo

In addition to the regulatory dimension introduced by the land use and occupation parameters of the master plan, the achievements related to the new instruments of urban policy instituted by the City Statute and applied in the city of São Paulo also deserve mention: the onerous grant of the right to build, ZEIS and urban operations.

The raising of funds for the implementation of the urban policy via the onerous granting of the right to build and the creation of the Municipal Fund for Urban Development were novelties brought by the City Statute and put into practice by the municipal public management.

The onerous granting of the right to build was effectively applied and collected, during the term of the São Paulo master plan, a total amount of R$ 1.7 billion. The funds raised for the Municipal Fund for Urban Development are linked to the implementation of urban policy and represented an average of 7% of the City Hall's investment.

In addition to regulating the construction of real estate projects in the various regions of the city, the 2002 master plan made progress in recognizing and protecting the rights of residents of informal low-income settlements such as slums, irregular and clandestine subdivisions, tenements, among others.

The prediction of the ZEIS in the master plan consolidated the institutional changes in the management of the city's slums. It is necessary to recognize the fundamental achievements of this period, represented especially by the mapping of slums, by the delimitation and application of Special Areas of Social Interest, as well as by the implementation of programs aimed at tenure and housing security, which involved the application of the special grant for housing purposes.

In total 964 ZEIS perimeters located in an area corresponding to a total of 139,451,518.94 m² were delimited in São Paulo.

Policies to combat precarious housing, including the land and urban regularization of informal low-income settlements, have been consolidated during the term of the master plan. The land tenure regularization program, for example, carried out by various municipal administrations, was responsible for the granting of approximately 60 thousand titles of special grant for housing purposes and the granting of real use rights in municipal public areas occupied by slums.

The achievements in implementing the ZEIS in São Paulo cannot be understood without looking at the federal programs and regulations created during the period. The PAC, the *Minha Casa Minha Vida* Program focused on the implementation of municipal housing programs. The PAC expanded not only the resources available for slum urbanization, but, above all, the scale and speed of interventions (AKAISHI, 2018). Also noteworthy is the change in the scenario of housing production in São Paulo after the *Minha Casa Minha Vida* Program: most of the new housing developments in social housing are now being built in delimited locations such as ZEIS and not outside them (ROLNIK & SANTORO, 2014).

Instruments and tools for the democratic management of the city were institutionalized, ZEIS management councils were created and popular participation in urbanization plans became mandatory. The ZEIS were also incorporated in the legislative proposals that were processed by the City Council and by the State actors of the justice system. The removal of part of the residents of Jardim Edith located within the perimeter of the Urban Operation Água Espraiada, for instance, was suspended by court decision rendered in a public civil action proposed by the Public

Finally, urban consortium operations have also been applied in São Paulo during the 2000s. After the promulgation of the City Statute and the 2002 master plan, the specific laws for urban operations have been changed and new conditions and institutional designs have been created for its implementation. The Certificate of Potential Additional Construction (CEPAC) was regulated and applied in the city and generated significant fundraising for urban policy: more than R$ 6 billion. The high degree of fund allocation shows that the instrument is able to constitute itself as financing tool for urban policy and, in fact, allows the implementation of territorial interventions with public and private funds in certain regions of the city, despite the predominance of roadworks. Regulatory innovations at the municipal level are not enough, however, to ensure that urban consortium operations also promote the reduction of social and territorial inequality. The urban intervention plans have not been finalized and, in general, to the detriment of works aimed at protecting the rights of the low-income population[13].

[13] In this regard, refer to Santos (2016) and Sarue and Pagin (2018).

The City Statute was put into practice. A new generation of municipal master plans has been produced in the country and has modified governmental actions within the scope of urban policy. The law appears as a relevant explanatory variable: changes in federal urban rules, combined with the creation of specific bodies and programs aimed at municipal territorial planning, have expanded municipal state capacities within the scope of urban regulation of property and the democratic management of cities.

It is evident that the effectiveness of territorial planning (or the lack thereof) is due to multiple historical, economic, political and social factors, it is essential, however, to explore the legal mechanisms that have brought positive and negative consequences on the capacities of the public power to implement urban policy.

3. Institutional-legal bottlenecks in implementing the master plan

The research carried out shows that the law is incorporated in a contradictory way, also constituting itself responsible for the creation of legal-institutional bottlenecks capable of reducing state capacities and obstructing the adequate implementation and effectiveness of urban policy.

The master plan instituted new rules for the real estate market, but at the same time guaranteed coexistence with the zoning of the 1970s. Institutional changes happen, but in an ambiguous way. The new rules are created, although the old rules continue to apply.

On the one hand, participatory dialogue with the population is further increased, expanding the democratic legitimacy of urban property rules. On the other hand, a complex legal mechanism is created: a regulatory maze characterized by a high degree of uncertainty, marked by a back-and-forth of subsequent specific laws that regulate and change the master plan, which ends up generating a series of obstacles in the process of implementing the master plan.

This regulatory design – the result of the negotiations that took place during the process of preparing the master plan – further increases political and judicial conflicts during the implementation process, as observed in the failed review of the master plan; in disputes over garages and the calculation of the computable area for purposes of occupancy rate; attempts to create and suppress ZEIS; and in the percentages of housing production required for ZEIS, among other episodes described in detail in the thesis (FONTES, 2020).

The São Paulo master plan and subsequent rules crystallized, at the local level, disputes between actors and interests during the legislative process. Thus, although there is the gradual and phased transformation of municipal urban policy, the innovations brought by federal norms and incorporated by the Municipality of São Paulo, were also accompanied by a series of obstacles.

The multiple evidences, combined with the perception of the interviewees who directly experienced the process of implementing the master plan, indicate that the law is a relevant variable for understanding the transformations that occurred during the 2000s in the city. In addition to the achievements, it was possible to identify legal-institutional bottlenecks, i.e. "the circumstances in which the responsibility for mitigating technical or political state capacities or in any other way obstructing the proper implementation and the effectiveness of public policies can be attributed to law" (COUTINHO, 2016, p. 248).

Such legal-institutional bottlenecks were systematized and analyzed around two axes: the complexity of the legislation and the rules on the production of other rules.

The complexity of legislation

The first legal-institutional bottleneck identified in the implementation of the São Paulo master plan was the complexity of the legislation. It can be said that the basic legislation on spatial planning in the city of São Paulo – composed of the master plan, regional plans and land use and occupation law – had more than two thousand articles, three hundred maps and attached tables, in addition to all laws, decrees and specific ordinances. This is a gigantic amount of legal provisions that hindered the understanding of the city's urban regulation not only by citizens of São Paulo but also by the members of the City Hall.

Rules on rules

Another source of conflicts and difficulties in the application of the new urban planning legislation in the city, and often neglected by urban planning studies, are the norms established by the master plan that focus on activities related to other urban norms.

Instead of establishing certain conducts for public and private agents, commands to do nor not to do, there are rules that focus on activities related to other standards, such as, for example, those aimed at legislative production, interpretation and judgement. It is what Hart (2007) calls secondary rules. This type of rules would be responsible for

disciplining the subsequent normative production, the possibilities of amendment and application of current and future rules.

> It is worth remembering that, in the words of Lowi (1964, 1972), the constitutive public policies, i.e. those that establish the rules of the game themselves, involving the rules producers themselves, are of an intensely conflicting character, as it is not known who can win or lose. In the case of São Paulo, it was precisely these rules in force, the elaboration of specific laws, the revision and amendment of the master plan, the object of political and judicial disputes between the various actors during the implementation of the new legislation.

This tangle of rules makes it difficult to understand and apply the master plan, in addition to generating a series of conflicts in time and space. This is not a question of further developing the debate within the scope of the theory of law on the nature of legal norms, meta-norms or the distinction between rules and principles[14]. It is just a matter of acknowledging that there is a specific type of rule within the scope of territorial planning that has the potential to further increase political and social conflicts in the phase of implementation of the master plan, which will be dealt with below.

During the empirical research carried out, it is clear that this type of secondary rules can be considered as the source of part of the obstacles in the implementation of the master plan. Among them, we can point out: *(i)* the rules of validity and transition to the city's new urban legal system, including the "right of protocol"; *(ii)* the rules for amending and revising the master plan; *(iii)* the rules for drafting specific laws; and *(iv)* the rules for the distribution of competences within the scope of territorial planning.

Rules for the validity and transition of urban standards

The temporal dimension of the rules of territorial planning aims to guarantee the necessary flexibility and openness of spatial planning instruments to the urban reality.

The City Statute determines that the validity of the master plan is ten years. The master plan, therefore, constitutes a norm with limited effects over time. It is not by chance. If, on the one hand, the plan brings mandatory determinations for both the public

[14] On the subject, it is worth further developing the studies on the legal system promoted by authors such as Hans Kelsen, Norberto Bobbio, Ronald Dworkin, Robert Alexy, among others.

and private sectors, on the other hand, the security of real estate negotiations is guaranteed, recognizing the dynamic character of cities and protecting democratic change in public management.

It is worth noting, however, that the deadline for preparing and revising urban plans has been subject to constant legislative changes. This is what is observed even in federal legislation.

In the case of São Paulo, which maintained the zoning of the 1970s for decades, the rules of validity and transition of the master plan sought to promote a slow and gradual adaptation of the legal transformations brought about by the Federal Constitution and the City Statute. Paradoxically, they also constituted legal-institutional bottlenecks in the implementation of the master plan.

In the case of São Paulo, the municipal master plan came into force in 2002 and should, in theory, be in force until 2012. With exception of the basic occupancy rate, the parameters of land use and occupation – including the minimum and maximum occupancy rates, setbacks, templates, occupancy rate, number of floors, etc. – were considered to be the subject of two specific laws to be approved later: the land use and occupation law and regional plans.

The new rules on the right to build in the city would be fully consolidated, therefore, only in August 2004, with the approval of Municipal Law No. 13.885 of August 2004, which would enter into force only four months later.

In addition to the rules in force, it is important to note that the master plan also maintained a series of transition mechanisms that made it possible for many years to apply the urban planning legislation of the 1970s in the city. More than promoting the necessary adaptation of new ventures to regulatory changes, the devices ended up making it difficult to fully apply urban planning instruments in São Paulo during the 2000s.

The basic occupancy rate of the city was gradually reduced, over the first three years after approval of the master plan. In addition to this transition rule, the "right of protocol" was guaranteed. The "right of protocol" basically authorizes that the processes filed before the approval of the master plan be regulated by the previous legislation, including the basic occupancy rate.

This is a device – repeated by the land use occupation legislation, approved in 2004 – that made it possible, in the middle of the 21st century, to build projects based on the legislation of the 1970s. Despite all the changes that occurred in the regulatory environment of the democratic period, rules approved during the military regime

continued to apply. What may, at first glance, seem to be a mere question of intertemporal law, crystallizes a legal property system that brings innovation and backwardness, allowing the difficult coexistence for many years of the new rules with the previous legal system.

The ambiguous coexistence of the urban rules established under the 1988 Constitution and the City Statute with the rules of the military period is also expressed in bringing back to light the so-called "Adiron formula", a calculation of the occupancy rate instituted in the zoning of São Paulo in the 1970s. The formula was brought back to light by the 2002 master plan, having been pointed out in several interviews as one of the reasons for the low collection of the onerous grant of the right to build during the period.

Master plan amendment and revision rules

The regulation of spatial planning rules over time is also established by the rules for amending and revising the master plan. These are close, but distinct precepts.

In the case of Brazil, the City Statute provides for the review of the master plan every ten years under penalty of administrative improbity. In São Paulo, however, the plan provided for two intermediate "reviews" and a global review, which ended up being approved after twelve years of the master plan's effectiveness.

The institution of a law for the use, occupation and subdivision of land and regional plans was considered as a first "review" of the master plan of a purely complementary nature, in the initial term of 2003. The other review of the master plan was scheduled for the year 2006 originally. Both processes were the subject of a series of judicial conflicts that brought relevant consequences to the process of implementing the master plan.

The first, although it changed some provisions of the plan, was more about regulation and detailing of the plan than a review itself. The process of drafting these specific laws was temporarily suspended due to a lawsuit, but was completed in 2004, with the approval of Municipal Law No. 13.885/04.

The second was the subject of an extensive review process that involved several meetings and internal activities of the City Hall combined with public hearings held in different neighborhoods of the city. However, it was the target of hard judicial questioning, having been, in the end, definitely interrupted.

What may appear, therefore, to be a mere question of legislative technique – the rules for reviewing and amending the master plan – directly influenced political and judicial conflicts during its implementation.

Therefore, the permanent tension between flexibility and rigidity inherent in territorial planning norms is revealed, which must, in the one hand, guarantee a process of elaboration and revision that guarantees democratic legitimacy of its determinations and, on the other, be capable of effectively regulating urban property in the city for a specified period, bringing security to real estate transactions and fulfilling real estate's social role.

It was not clear from federal law which material or formal limits exist to promoting revisions or changes to the mater plan. The solutions adopted by the Municipality of São Paulo in 2002 created a mechanism that allowed broad powers to specific laws later and to the intermediate review of the master plan, which could affected the central core of property rights, such as, for example, the occupancy rates, the amount of constructive stock per region as well as the rules for applying urban policy instruments. This regulatory design further increased political and judicial conflicts during its implementation process.

Rules for drafting specific laws

The São Paulo master plan expressly foresaw the need to elaborate more than forty subsequent norms, including specific laws, decrees or acts of the Executive Branch. The relationship between the master plan and the specific subsequent norms provided for deserves a careful look.

Generally, due to the legal nature of territorial planning rules, master plans establish the need for further regulation to carry out their provisions. Its extent, the effects of non-compliance and the uncertainty generated by these characteristics of urban regulation can be pointed out as one of the reasons for the many frustrated expectations about the effects of the master plan in the city.

In addition to general predictions about the need to pass a series of specific laws, there are several provisions that create rules for drafting future rules, such as deadlines for submission to the City Council, content of the bill and broad powers to amend the master plan.

It should be noted that specific laws are often not even submitted by the Executive Branch, are not approved by the City Council, or else come into force only at the end of the term of the master plan. More than that, the provision of specific laws for the application of urban planning instruments postpones part of the conflicts involved in the regulation of real estate and urban policy in the city to a later moment.

Such a normative structure increases the tensions observed during the implementation process of the master plan. The conflicts – involving ZEIS in areas of urban operations, the Urban Intervention Areas, the EIV, the right of preemption, among other urban instruments not applied – are due, to some extent, to the legal profile of the master plan, considered, in many cases, of low normative density.

Legislative and material competence rules within the scope of territorial planning

The 1988 Federal Constitution also creates secondary rules when defining the distribution of competences of the federal entities within the scope of territorial planning. The constitutional text seeks to balance legislative and material competences, defining the private, exclusive, competing, supplementary and common activities of the Federal Union, States and Municipalities. The characteristics of the Brazilian federative system delineate the regulatory action of the public authorities on territorial ordering and on the possibilities and limits in the implementation of urban policy. The federative design established in the constitutional text, however, also generates legal-institutional bottlenecks.

The analysis of the implementation of the São Paulo master plan revealed that many of the obstacles in the implementation of the territorial planning rules are precisely related to the overlapping of rules in the same territory and difficulties of federative coordination within the scope of material and legislative competences. It can be said that the institutional arrangements for territorial planning in Brazil point to a greater municipal autonomy with regard to the planning and regulation of the use and occupation of urban land.

The first of them has to do with the existing dilemmas in the delimitation of the Municipality's role in regulating the use of rural land and the implementation of programs to support agricultural production and food security in cities. The City Statute provides that the master plan should encompass the territory of the Municipality as a whole,

ensuring integration and complementarity between urban and rural activities. At the same time, the Federal Constitution establishes that legislating privately on agrarian law is a competence of the Federal Union.

The 2002 master plan extinguished the rural area provided for in the previous zoning and created an Environmental protection Macrozone, which crated a series of difficulties for agricultural producers in the south of the city. One of the conditions for accessing the National Family Agriculture Support Program (*Programa Nacional de Apoio à Agricultura Familiar* – PRONAF) was precisely to be located in a rural area.

Another obstacle created by the Brazilian federative design has to do with the interfaces between urban and environmental policy and metropolitan and regional planning.

The Environmental Protection Macrozone, for example, which includes a large part of the municipal territory, was expressly defined according to the state legislation for the protection of water sources. The master plan also defined that the parameters for subdivision, including the use and occupation of land in ZEIS 4, should comply with the determinations of state legislation. It turns out that the state laws of protection of water sources have been revised exactly during the period of implementation of the São Paulo master plan[15]. Thus, a large part of the city's territory ends up being regulated by the State of São Paulo, which also defines very specific parameters of use and occupation, such as maximum occupancy rate, permeability index and minimum lot.

Another example of difficulty brought about by the Brazilian federative model has to do with competence overlaps in the environmental field, such as, for example, in the management of water resources and conservation units. Brazilian law defines that environmental licensing and the granting of water use are the responsibility of the State, and, at the same time, it admits that the municipality is responsible for regulating the use, occupation and subdivision of land. The protection of state conservation units in the city, in turn, is guaranteed by its own management plans, with specific rules for land use and occupation. This is the case of Cantareira State Park, Jaraguá State Park, APA Park and Fazenda do Carmo.

[15] During the period, State Law No 12.233/06 was instituted, which regulated the protection and recovery area of the watersheds in the Guarapiranga Hydrographic Basin, and State Law No. 13.579/09, which regulated the protection and recovery area of the watershed in the Billings Hydrographic Basin.

Finally, another dimension of the federative pact that directly influenced the implementation of the master plan in the city was the interfaces of municipal territorial planning and federal and state programs. The applicability of the master plan depends on the federal and state resources transferred to the Municipality of São Paulo. This is the case, for example, with the *PAC* Program and the *Minha Casa Minha Vida* Program. Both are crucial for the implementation of the ZEIS, especially with regard to the objectives related to the urbanization of slums and the construction of new housing units. The state programs and works also influence the execution of the determinations of the master plan, such as Rodoanel, the Water Source Program (*Programa Mananciais*), among others.

Final considerations

Public authorities – i.e. the judiciary, executive and legislative branches – made efforts to materialize the master plan in the City Statute in São Paulo and sought to guarantee achievements despite the limits faced in combating the social and territorial segregation of Brazilian cities.

It is necessary to recognize, therefore, that part of the challenges faced in the scope of urban policy involves the study of legislation and, mainly, the application and interpretation of formal rules by the government, including members of city halls, city councils and state justice system agents.

The guarantee of the right to the city and the right to housing ultimately depends on the implementation of government actions. In this regard, the study of the State and its institutions revealed the way in which the transformations of urban law and policy occurred throughout the 2000s.

The law is therefore incorporated in a contradictory way. As it approaches the tangle of formal rules – including the study of hundreds of municipal laws and decrees – of bills and court decisions, the research brings to light new dimensions of the debate on the effectiveness of the master plan and the fulfillment of property's social role in Brazil.

The analysis of legal-institutional bottlenecks – including the complexity of the legislation and the secondary rules – shows that the law constitutes a relevant explanatory variable for understanding the effectiveness of the master plans.

On the one hand, the new urban legislation passed with the end of the military regime spurred profound changes in municipal management; on the other, it was

responsible for creating a series of obstacles to the implementation of the right to the city and for urban policies aimed at overcoming social and territorial segregation.

It is not a question of restricting the analysis of the implementation of the master plan only to the problems of implementing the legislation, nor of ignoring the multiple factors that lead to the effectiveness of territorial planning (or the lack thereof). However, it is a question of exploring the legal mechanisms that have had consequences on the capacities of the public power to implement urban policy.

References

AKAISHI, Ana Gabriela; SARAIVA, Camila Pereira; CARDOSO, Luciana Coube; SILVA, Patrícia Cezario. O Programa de Aceleração do Crescimento no contexto das urbanizações de favelas em São Paulo. In: CARDOSO, Adauto Lucio; DENALDI, Rosane. (Org.). *Urbanização de favelas no Brasil*: um balanço preliminar do PAC. Rio de Janeiro: Letra Capital, 2018. p. 49-75.

ARRETCHE, Marta. *Trajetórias das desigualdades:* como o Brasil mudou nos últimos 50 anos. São Paulo Editora Unesp/CEM, 2015.

AVRITZER, Leonardo. Instituições participativas e desenho institucional: algumas considerações sobre a variação da participação no Brasil democrático. *Opinião Pública*, v. 14, n. 1, p. 43-64, 2008.

_____. O Estatuto da Cidade e a democratização das políticas urbanas. *Revista Crítica de Ciências Sociais*, v. 91, p. 205-221, 2010.

BONDUKI, Nabil. Plano Diretor Estratégico de São Paulo. In: BUENO, Laura; CYMBALISTA, Renato. (Org.). *O município em ação*: elaboração e aplicabilidade de planos diretores. São Paulo: Anna Blume, 2007. p. 215-245.

_____. *A luta pela reforma urbana no Brasil*. Do Seminário de Habitação e Reforma Urbana ao plano diretor de São Paulo. São Paulo: Instituto da Cidade, 2018.

BUCCI, Maria Paula Dallari. *Fundamentos para uma teoria jurídica das políticas públicas*. São Paulo: Saraiva, 2013.

_____; COUTINHO, Diogo. Arranjos jurídico-institucionais da política de inovação tecnológica: uma análise baseada na abordagem de direito e políticas públicas. In: COUTINHO, Diogo; FOSS, Maria Carolina; MOUALLEM, Pedro Salomon. (Org.). *Inovação no Brasil*: avanços e desafios jurídicos e institucionais. São Paulo: Blucher, 2017. p. 313-339.

BUENO, Laura; CYMBALISTA, Renato. (Org.). *O município em ação*: elaboração e aplicabilidade de planos diretores. São Paulo: Anna Blume, 2007.

CALDEIRA, Teresa; HOLSTON, James. Participatory Urban Planning in Brazil. *Urban Studies*, v. 52, n. 11, p. 2001-2017, 2015.

CLUNE, William H. Law and Public Policy: Map of an Area. *Southern California Interdisciplinary Law Journal*, Los Angeles, v. 2, p. 01-39, 1993.

COUTINHO, Diogo Rosenthal. O direito nas políticas públicas. In: MARQUES, Eduardo; FARIA, Carlos Aurélio Pimenta de Faria. (Org.). *A política pública como campo multidisciplinar*. São Paulo: UNESP; Rio de Janeiro: Fiocruz, 2013b. p. 181-200.

_____. O direito econômico e a construção institucional do desenvolvimento econômico. *Revista de Estudos Institucionais*, v. 2, n. 1, p. 214-262, 2016.

CYMBALISTA, Renato; SANTORO, Paula. (Org.). *Planos diretores*: processos e aprendizados. São Paulo: Instituto Pólis, 2009.

DAVIES, Jonathan S.; TROUNSTINE, Jessica. Urban Politics and the New Institutionalism. In: JOHN, Peter; MOSSBERGER, Karen; CLARKE, Susan. (Ed.). *The Oxford Handbook of Urban Politics*. New York: Oxford University Press, 2012. p. 01-23.

DEÁK, Csaba; SCHIFFER, Sueli Terezinha Ramos. (Org.). *O processo de urbanização no Brasil*. São Paulo: Editora da Universidade de São Paulo, 1999.

FARIA, Carlos Aurélio Pimenta de. *Implementação e políticas públicas*: teoria e prática. Belo Horizonte: Ed. Puc Minas, 2012.

FELDMAN, Sarah. *Planejamento e zoneamento*: São Paulo (1947-1972). São Paulo: Editora da Universidade de São Paulo, 2005.

FONTES, Mariana Levy Piza. Direito e política urbana: a implementação do plano diretor de São Paulo (2002-2014). Tese (doutorado), Faculdade de Direito, Universidade de São Paulo. São Paulo, 2020.

HILL, Michael; HUPE, Peter. *Implementing public policy*. London: Sage Publication, 2009.

INSTITUTO BRASILEIRO DE GEOGRAFIA E ESTATÍSTICA - IBGE. *Pesquisa de Informações Básicas Municipais*: perfil dos Municípios brasileiros 2018. Rio de Janeiro: IBGE, 2019.

LIPSKY, Michael. *Street-level bureaucracy*: dilemas of the individual in public services. New York: Russel Sage Foundation, 1980.

LOTTA, Gabriela. *Agentes de implementação*: um olhar sobre as políticas públicas. Campinas: Associação Brasileira de Ciência Política, 2008.

_____; PIRES, Roberto; OLIVEIRA, Vanessa. Burocratas de médio escalão: novos olhares sobre velhos atores da produção de políticas públicas. *Revista do Serviço Público*, Brasília, v. 65, n. 4, p. 463-492, out/dez, 2014.

LOWNDES, Vivien. Rescuing Aunt Sally: Taking institutional theory seriously in urban politics. *Urban Studies*, v. 38, n. 11, p. 1953-1971, 2001.

LUND, Christian. Of what is this a case? Analytical movements in qualitative Social Science Research. *Human Organization*, v. 73, n. 3, 2014.

MACHADO, Maíra. O estudo de caso na pesquisa em direito. In: MACHADO, Maíra. (Org.). *Pesquisar empiricamente o Direito*. São Paulo: Rede de Estudos Empíricos em Direito, 2017. p. 356-390.

MAHONEY, James; THELEN, Kathleen. A theory of gradual institutional change. In: MAHONEY, James; THELEN, Kathleen. *Explaining institutional change*: ambiguity, agency, and power. Cambridge: Cambridge University Press, 2010. p. 1-38.

MARICATO, Ermínia. As ideias fora do lugar e o lugar fora das ideias. Planejamento urbano no Brasil. In: ARANTES, Otília; VAINER, Carlos; MARICATO, Ermínia. (Org.). *A cidade do pensamento único: desmanchando consensos*. 3. ed. Petrópolis: Vozes, 2000. p. 121-192.

MARQUES, Eduardo. As políticas públicas na ciência política. In: MARQUES, Eduardo; FARIA, Carlos Aurélio Pimenta de. (Org.). *A política pública como campo multidisciplinar*. São Paulo: Ed. Unesp; CEM, 2013.

_____. Notas sobre a política e as políticas do urbano no Brasil. *Texto para discussão nº 18/2016*. São Paulo: Centro de Estudos da Metrópole, 2016.

_____. (Org.). *As políticas do urbano em São Paulo*. São Paulo: Editora UNESP; Centro de Estudos da Metrópole, 2018.

_____. Transformações, avanços e impasses nas políticas urbanas brasileiras recentes. In: ARRETCHE, Marta; MARQUES, Eduardo; FARIA, Carlos Aurélio Pimenta de. (Org.). *As políticas da política.* Desigualdades e inclusão nos governos do PSDB e do PT. São Paulo: Editora Unesp, 2019.

MOYA, Maria Encarnación. Os estudos sobre a cidade: quarenta anos de mudança nos olhares sobre a cidade e o social. In: KOWARICK, Lúcio; MARQUES, Eduardo. (Org.). *São Paulo*: novos percursos e atores (sociedade, cultura e política). São Paulo: Ed. 34; Centro de Estudos da Metrópole, 2011. p. 25-52.

NOBRE, Eduardo. Recuperação da valorização imobiliária para financiamento da transformação urbana. In: *Eixos de Estruturação da Transformação Urbana*: Inovação e Avaliação em São Paulo. Brasília: IPEA, 2016. p. 161-215.

PRESSMAN, Jeffrey; WILDAVSKY, Aaron. *Implementation*: how great expectations in Washington are dashed in Oakland; or why it's amazing that federal programs work at all. Los Angeles: University of California Press, 1973.

ROLNIK, Raquel; SANTORO, Paula F. *Zonas Especiales de Interés Social (ZEIS) em ciudades brasileñas*: trayectoria de implementación de um instrumento de política de suelo. Massachusetts, EUA: Lincoln Institute of Land Policy, 2014.

_____. Democracy on the Edge: Limits and Possibilities in the Implementation of an Urban Reform Agenda in Brazil. *International Journal of Urban and Regional Research*, v. 35, n. 2, p. 239-255, 2011.

_____. *A guerra dos lugares*. A colonização da terra e da moradia na era das finanças. São Paulo: Editora Boitempo, 2015.

_____. Planejamento urbano nos anos 90: novas perspectivas para velhos temas. In: RIBEIRO, Luis César Ribeiro; JÚNIOR, Orlando. (Org.). *Globalização, Fragmentação e Reforma Urbana*: O futuro das cidades brasileiras na crise, Rio de Janeiro: Civilização Brasileira, 1997. p. 351-360.

SARUE, Betina; PAGIN, Stefano. Política de renovação urbana: conflitos, instrumentos e gradualismo. In: MARQUES, Eduardo. (Org.). As políticas do urbano em São Paulo. São Paulo: Editora UNESP; Centro de Estudos da Metrópole, 2018, p. 313-345.

SANTOS, Álvaro Luís Pereira dos. *Intervenções em centros urbanos e conflitos distributivos*: modelos regulatórios, circuitos de valorização e estratégias discursivas. 2016. Tese (Doutorado) - Faculdade de Direito, Universidade de São Paulo. São Paulo, 2016.

SANTOS JUNIOR, Orlando Alves dos; MONTANDON, Daniel Todtmann. (Org.). *Os planos diretores municipais pós Estatuto da Cidade:* balanço crítico e perspectivas. Rio de Janeiro: Letra Capital: Observatório das Cidades: IPPUR/UFRJ, 2011a. (CD-ROM).

_____; MONTANDON, Daniel Todtmann. Síntese, Desafios e Recomendações. In: SANTOS JUNIOR, Orlando Alves dos; MONTANDON, Daniel Todtmann. (Org.). *Os planos diretores municipais pós Estatuto da Cidade*: balanço crítico e perspectivas. Rio de Janeiro: Letra Capital: Observatório das Cidades: IPPUR/UFRJ, 2011b. p. 78-84.

SILBEY, Susan; SARAT, Austin. Critical Traditions in Law and Society Research. *Law & Society Review*, v. 21, n. 1, p. 165-174, 1987.

SKOCPOL, Theda. Bringing the state back in: strategies of analysis in current research. In: EVANS, Peter; RUESSCHMEYER, Dietrich; SKOCPOL, Theda. (Org.). *Bringing the state back*. Cambridge: University Press, 1985. p. 03-37.

SOUZA, Marcelo Lopes de. Mudar a Cidade: uma introdução crítica ao planejamento e à gestão urbanos. 2. ed. Rio de Janeiro: Bertrand Brasil, 2003.

STREECK, Wolfgang; THELEN, Kathleen. Introduction: institucional change in advanced political economies. In: STREECK, Wolfgang; THELEN, Kathleen. (Org.). *Beyond Continuity:* institucional change in advanced political economies. New York: Oxford University Press, 2005. p. 01-40.

VILLAÇA, Flávio. Plano diretor hoje. *Revista Cepam*, Ano I, n. 2, p. 21-24, abr./jun. 1990.

_____. Uma contribuição para a história do planejamento urbano no Brasil. In: DEÁK, Csaba; SCHIFFER, Sueli Ramos. (Org.). *O processo de urbanização no Brasil*. São Paulo: Editora da Universidade de São Paulo, 1999.

_____. *As ilusões do plano diretor*. São Paulo: Edição do autor, 2005.

YIN, Robert K. *Estudo de caso*: planejamento e métodos. 3. ed. Porto Alegre: Editora Bookman, 2001.