

The participation of cooperatives in housing public policies in Brazil and Uruguay

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Abstract

The segregating economic policy and the inexistence or inefficiency of housing policies are aspects that deepen the social inequalities between the population in different income segments. Uruguay, through the so-called “Ley de Vivienda” (Housing Law), sought to solve the housing debasement by promoting the right to housing and regulating the insertion of cooperatives in access to public policies. The law allows property to be treated as a right, not just as property, and allows cooperatives to act in the planning, execution and administration of housing projects, a principle understood as self-management. In Brazil, the first programs that met the housing demand were fragmented, serving a small portion of the applicants. With the advent of the National Housing Bank (BNH), access to credit for housing was increased. Housing cooperatives were included in this program, including the provision of the middle income market. With the end of the BNH and the dissatisfaction due to the economic crisis, social movements emerged around the issue of urban housing, seeking practical and political articulations to transform the right to housing into law. At the end of the 1980s, the exchange of experiences with Uruguay began to approach the entry of cooperatives into housing of social interest; an aspect previously untested in Brazil. Using the historical-descriptive method, this study results from an analysis of normative and academic production on the subject. It seeks to understand the participation of cooperatives in popular housing and their difficulties in accessing public housing policies.

Keywords: Cooperatives. Housing. Self-management. Uruguay. Brazil.

A participação de cooperativas nas políticas públicas habitacionais no Brasil e no Uruguai

Resumo

A política econômica segregadora e a inexistência ou ineficiência de políticas habitacionais são aspectos que aprofundam as desigualdades sociais entre os diferentes segmentos de renda. O Uruguai, por meio da chamada “Ley de Vivienda”, buscou solucionar a debilidade habitacional positivando o direito à moradia e regulamentando a inserção de cooperativas ao acesso às políticas públicas. A lei, ainda em vigor, possibilita que o bem imóvel seja tratado como direito, não apenas como propriedade, e permite que as cooperativas atuem no processo de planejamento, execução e administração dos projetos habitacionais, princípio compreendido como autogestão. No Brasil, os primeiros programas que atendiam à demanda habitacional eram fragmentários, atendendo a uma pequena parcela dos demandantes. Com o surgimento do Banco Nacional da Habitação (BNH) ampliou-se o acesso ao crédito para obtenção de moradia. As cooperativas habitacionais estavam incluídas nesse programa, compreendendo o atendimento do mercado de renda média. Com o fim do BNH e a insatisfação decorrente da crise econômica, surgiram movimentos sociais em torno da questão da moradia urbana, buscando articulações práticas e políticas para transformar a moradia em direito. No fim da década de 1980, o intercâmbio de experiências com o Uruguai iniciou a abordagem do ingresso das cooperativas na habitação de interesse social; um aspecto, até então, não experimentado no Brasil. Utilizando o método histórico-descritivo, este estudo resulta de análise dos ordenamentos normativos e de produções acadêmicas sobre o tema. Busca-se compreender a participação das cooperativas na habitação popular e suas dificuldades de acesso às políticas públicas habitacionais.

Palavras-chave: Cooperativas. Habitação. Autogestão. Uruguai. Brasil.

La participación de cooperativas en las políticas públicas habitacionales en Brasil y en Uruguay

Resumen

La política económica segregadora y la inexistencia o ineficiencia de políticas habitacionales son aspectos que profundizan las desigualdades sociales entre los diferentes segmentos de renta. Uruguay, por medio de la llamada Ley de Vivienda, buscó solucionar la debilidad habitacional, positivando el derecho a la vivienda y regulando la inserción de cooperativas al acceso a las políticas públicas. La ley, aún en vigor, posibilita que el bien inmueble sea tratado como derecho, no solo como propiedad, y permite que las cooperativas actúen en el proceso de planificación, ejecución y administración de los proyectos habitacionales, principio comprendido como autogestión. En Brasil, los primeros programas que atendían a la demanda habitacional eran fragmentarios, atendiendo a una pequeña parte de los demandantes. Con el surgimiento del Banco Nacional da Habitação (BNH) se amplió el acceso al crédito para la obtención de vivienda. Las cooperativas habitacionales estaban incluídas en ese programa, comprendiendo la atención del mercado de renta media. Con el fin del BNH y la insatisfacción resultante de la crisis económica, surgieron movimientos sociales en torno a la cuestión de la vivienda urbana, buscando articulaciones prácticas y políticas para transformar la vivienda en derecho. A finales de la década de 1980, el intercambio de experiencias con Uruguay inició el abordaje del ingreso de las cooperativas en la vivienda de interés social; un aspecto, hasta entonces, no experimentado en Brasil. Utilizando el método histórico-descritivo, este estudio resulta del análisis de los ordenamientos normativos y de producciones académicas sobre el tema. Se busca comprender la participación de las cooperativas en la vivienda popular y sus dificultades de acceso a las políticas públicas habitacionales.

Palabras clave: Cooperativas. Vivienda. Autogestión. Uruguay. Brasil.

Article submitted on April 06, 2017 and accepted for publication on August 08, 2018.

[Translated version] Note: All quotes in English translated by this article's translator.

DOI: <http://dx.doi.org/10.1590/1679-395167443>

INTRODUCTION

Unequal access to housing is one of the results of social segregation coupled with an excluding economy (MARICATO, 2000). The first irregular occupation in Brazil, on the Providência Hill (Morro da Providência, Rio de Janeiro), for example, began on the 1880's, prior to the Proclamation of the Republic (DAVIS, 2006), and consisted mainly of those evicted from the slave quarters (*senzalas*) and the socially excluded. This was a consequence of a structurally agrarian society, using slavery as its economic exploitation technique and installed in patriarchal land properties.

The social State had as its objective to provide protection, and not the redistribution of wealth. Not every improvement in living conditions would be tied to better wages and better income distribution. Good living conditions are also linked to urban housing, security, public lighting and basic sanitation policies (MARICATO, 2014). Despite this perspective, the social State collapsed and declined, a result of governments that prioritize balancing the budget instead of providing adequate services to the population.

The alliance between the State's power and market profitability dates back to choosing an economic model and to the relational production structure. This strict relation between the State and the production force has been ruptured over the years. Regarding the industry, there was a dematerialization of labor, of the borders of production and consumption, an unbridled race for profit. The industry sought, and still does, for places where the work labor is cheaper and profitability is achieved faster.

The political metaphor of Leviathan, by Thomas Hobbes (1588-1679), shows the understanding of the State's power: the surrender of the individual's autonomy to the constitution of an object that is superior to individual interests (BAUMAN and BORDONI, 2016). In this metaphor, no creature can subdue the Leviathan. The individual renounces their will and becomes inapt to subdue the State's power. The imposition of order and social control are consolidated with coercion and violence. Coercion monitors obedience to order; and the use of violence proposes to suppress the contestation of control (BAUMAN and BORDONI, 2016).

The aspects of life are managed by the State, by controlling the population, establishing policies for public health, housing and migration problems (FOUCAULT, 1999). Housing, therefore, would be a social problem disciplined by the State, by controlling its population and expressive definitions of its public policies.

It is understood that meeting housing needs is a crucial element of social demands, since its function is to protect and provide insertion in the social space, therefore it has been transformed by the market economy into a special and expensive product (VÉRAS and BONDUKI, 1986; MARICATO, 1987).

In the urban space, the economic situation has a large influence on access to housing (VÉRAS and BONDUKI, 1986). Market regulation interferes with the consumption of the built environment (MARICATO, 1987). Among the durable consumer goods, housing is the most important component, the most expensive and for most, inaccessible. This is due to the economic inequality, the organization of the urban space by the capital's interest and by real estate speculation (MARICATO, 2000). Market housing has become an unprecedented speculative feast (MONTANER and MUXÍ MARTINEZ, 2014).

The irregularity in the city's spatial distribution is one of the most visible manifestations of social segregation. The inaccessibility to housing and the socioeconomic segregation is described as a complex equation (DAVIS, 2006). Those who do not have the resources need to optimize the cost of housing, shelter quality and the distance from the workplace. This equation has been solved either by renting a place to live or by living in dwellings in peripheral areas, irregular or even invaded. In large urban centers, it is also common to see empty buildings being transformed and occupied as a means to improvise a dwelling (DAVIS, 2006). Irregular occupation, shantytown, invasion, periphery, informal settlements, *slum* and *villas miseria* are some of the recurring names in the literature for such areas (DAVIS, 2006; MONTANER and MUXÍ MARTINEZ, 2014).

The definition for settlement or irregular occupation is based on 5 criteria. These are areas with no access to drinking water; no basic sanitation; areas with insufficient housing space or overcrowded; with non-durable housing structure and unsafe tenure (IPEA, 2016). Segregated spaces have been one of the urban phenomena, ever more frequent, that interfere with the possibility of access to infrastructure and basic services. It also influences on the access to the labor market and to public equipment policies.

According to Villaça (2003), the disproportionate wealth concentration allows only one small portion of the population to fully enjoy a life standard inaccessible to most. The uneven incomes are unfair. According to the author, it is not poverty that generates social conflicts, but being aware of it; exclusion is not a momentary and remediable result, because it has acquired characteristics of something definitive.

Housing as a social right should be treated according to the population's need and demand. For that, public policies should be made according to the will of the people and in response to that. Society's participation would work as an essential tool to provide housing. That way, public policies would be more elaborate, constituted and implemented according to the will of the population that would make use of them.

This article approaches the popular participation by means of housing cooperatives in policies of access to dwellings, in Brazil and Uruguay. The study is a result of literary analysis of the main authors that discuss this theme, being based on legal norms and main academic discussions.

HOUSING POLICY IN BRAZIL

To understand the magnitude of the housing issue in Brazil it is necessary to address, though briefly, the historical process of how the cities emerged and grew. Tracing this panorama will be helpful to demonstrate, using the literature in a first moment, that the deficit's gravity is due to a structure that continually generates and reproduces social-spatial inequalities, especially by the concentration of income, wealth and land.

Therefore, in colonial Brazil, the economic cycles based on the exploitation of primary goods, oriented the formation of urban centers. According to Freyre (2004), in its structure, an agrarian society was formed, with a slavery technique for economic exploitation; installed in patriarchal lands. Santos (1993) states that, in the end of the 19th century, the main urban agglomerations added to 5.7% of the total Brazilian population. In the mentioned period, the main cities were Rio de Janeiro, Salvador, Recife, São Luís and São Paulo.

The socioeconomic inequality in the cities and, consequently, the inequality in land occupation were already expressed, originating from the concentration of production means and property, for example, the land property for sugar production. For Freyre (2004), the inequality of the physical and social space occupation in Brazilian society was already noticeable in the division: main house and slave quarters, in which the inclusion and exclusion were incorporated into the daily life.

It is estimated that in the 1900's, only four Brazilian cities had more than 100,000 inhabitants: Rio Janeiro, São Paulo, Salvador and Recife (SANTOS, 1993). In the beginning of the 20th century, the urban population began to represent 9.4% of the total Brazilian population. In this period, the urban norms emphasized the embellishment of the cities, in an attempt to rupture from the image of colony/empire and to provide the modernization of the urban space.

From the 1930's on, with the Vargas Era, a new phase on the Brazilian political-institutional and socioeconomic development was established (REZENDE, 2012). Urban planning and urban issues began to constitute the normative guideline. Four orders of this set can be highlighted. It was instituted that the property could not be exercised against the social or collective interest, an argument doctrinally understood as the property's social function. The first legislation on allotments was also established (REZENDE, 2012). In addition, the expropriations were regulated for public utility and the Tenancy Law (Lei do Inquilinato) was created.

With the end of the Vargas Era, the legal prediction that made the property be submitted to the collective interest was revoked, but the remaining regulations were maintained. The legislation on the allotments established conducts for the lot owners, attributing the approval to the municipal executive branch. The Law decree No. 3,365 / 1941 listed specific conditions for expropriation, guaranteeing property security to the individual.

The lack of housing and the irregular or inadequate occupation of the urban space is also a product of a late urbanization process. With the industrialization process in Brazil, the migration of the rural population to the urban space intensified, especially from the 1950's on (ROLNIK, 2006). The rural population sought income stability along with the insertion in the production relations. The characteristics of this industrialization process were the low wages and the restricted residential market (MARICATO, 2000). The exclusion of access to urban land is a structural issue institutionalized by the real estate market and by the absence of social policies (MARICATO, 2000).

The cost of housing was not, and still is not, included in the monthly income. Therefore, housing is, for the most part, a result of the market relations outside the relations of capitalist production (VÉRAS and BONDUKI, 1986; MARICATO, 2000), occasioning the proliferation of irregular and peripheral occupations in the urban space. Housing is one aspect of a broader social issue; it is a good with use value: to give shelter, anchorage, meet the needs for subsistence and it has a price - it is a commodity (OLIVEIRA, 2014). It represents the insertion in the urban space; it is a symbol of status and social ascension (OLOPADE and BONDUKI, 1986).

In this scenario of housing deficit and low-income, programs to provide housing to the low-income population emerged. The Popular House Foundation (Fundação da Casa Popular) was created in 1946 to address the housing problem (AZEVEDO and ANDRADE, 2011). The workers' villages, and the Retirement and Pension Institutions, prior to the Popular House Foundation, built houses for members or workers of a given segment. However, such housing production was subsidiary, and the pension concern was the core of these Institutes and Retirement and Pension Funds (VÉRAS and BONDUKI, 1986; AZEVEDO and ANDRADE, 2011).

With the Military Coup in 1964, the Popular House Foundation was ceased to exist. In that same year, the Housing Financing System (Sistema Financeiro da Habitação - SFH) was created. The 1960's became a reference for housing policy in Brazil. The SFH aimed to stimulate the construction of social housing and financing to purchase a house, especially for the lower income classes, by the National Housing Bank (Banco Nacional da Habitação - BNH) (BRASIL, 1964). It was valid for 22 years (1964-1986), until the National Housing Bank was closed.

The National Housing Bank made it possible for the cooperatives to participate in fighting the housing issue, granting priority to their projects (BRASIL, 1964). Law No. 5,764/1971 established the legal conception of the cooperative, which defined it as a partnership, with its own legal form and nature, not subject to bankruptcy and constituted to provide services to its members (BRASIL, 1971). The cooperative is different from other partnerships because membership must be voluntary; the legal entity has civil liability. In short, cooperatives are partnerships of people.

The Civil Code defines partnerships as a union of people who organize themselves for non-economic purposes (BRASIL, 2002). Partnership is a generic term, whereas cooperative is a type of partnership (BRASIL, 2002). In this analysis, cooperative and partnership are considered synonyms.

When the BNH was dissolved, along with the economic crisis in Brazil in the 1980's, popular urban movements emerged with concerns centered on housing (GOHN, 2010). Synthesizing some of the sociological theories, the social movements are defined as "sociopolitical actions built by collective social actors to different classes and social strata, articulated in certain scenarios of the socioeconomic and political conjuncture of a country" (GOHN, 2012, p. 251). From this aggregation, provided by social movements, some cooperatives and housing associations were created to meet the needs of the lower income population.

Due to the process to restore democracy in Brazil, the population's demands were taken to political debates; the social issues became latent. By the end of the 1980's, members of the urban pro-housing social movements participated in visits and debates with an expressive social movement for housing in Uruguay. From this contact, some discussions on housing expanded, including the struggle for greater autonomy and participation of associations and cooperatives in housing policies. The debate proposed the participation of the population to formulate public policies and the possibility for the society to manage the resources destined to their accomplishment.

Cooperatives in Brazil' housing policy

In 1964, the BNH was founded, with the objective of reducing the housing deficit in the period and diminish the effects of the economic crisis, by reducing the inflationary pressures and stimulating the real estate sector (OLIVEIRA, 2014). With the political and economic instability in Brazil, the emerging exception government needed to raise social support (AZEVEDO, 1988).

To make it easier and articulate well with the demand at hand, the BNH sectioned the housing market. The following markets were established: popular; economic; medium; and superior.

The popular market was initially intended for families with incomes up to 3 minimum wages. This first segment would be assisted by the Popular Housing Companies (Companhias de Habitação Popular - Cohab), at a municipal or state level with companies of mixed economy.

The economic market was assisted by housing cooperatives and intended for families with incomes of 3 to 6 minimum wages, a range that was later broadened.

The medium market assisted families with a monthly income above 6 minimum wages.

And the superior market assisted the luxury construction sector (VÉRAS and BONDUKI, 1986).

The popular market was intended to the population where the greatest housing demands were concentrated. The Cohab were the BNH's promoting agents for the popular market. They were constituted as a form of mixed economy partnership, where the responsibility to detain stock control was given to the state or municipal governments (AZEVEDO and ANDRADE, 2011). Cohab was able to build directly or through the transfer of resources from the BNH to the contractors and the subsequent commercialization of the houses (AZEVEDO and ANDRADE, 2011).

The cooperatives, which the law that instituted the BNH mentions, assisted the economic market by adding priority to the assistance. The economic segment was intended to assist those who received 3 to 6 minimum wages, and was later broadened to up to 12 minimum wages. A private non-profit organization was created to assist, coordinate and instruct the cooperatives, the Institute to Guide Housing Cooperatives (Instituto de Orientação às Cooperativas Habitacionais - INOCOOP), acted as technical support to the cooperatives (Wерна, ABIKO, COELHO et al., 2001). Inocoop assisted from the constitution of the cooperatives to the delivery of the housing units.

Cohab and Inocoop were instituted to mediate the assistance for the low and medium income segments, respectively. There were no similar organizations to mediate the assistance for the medium and superior market segments. Even after the BNH no longer existed, in some states, Cohab and Inocoop continued to act, however, with new assistance definitions. Cohab maintains its mixed company character controlled by the state or the city. Inocoop, while the BNH existed, took place with the SFH, and when there was the interruption in the release of resources of this system, the self-financing process was adopted (Wерна, ABIKO, COELHO et al., 2001).

The cooperatives and the housing associations, during the existence of the BNH, did not propose to meet the social demands; it was not about social housing. They were non-profit entities that were created from professional categories and acted as intermediaries between the borrowers and the BNH (VÉRAS and BONDUKI, 1986, p. 49).

Approximately 5% of the financings from the BNH were intended to assist families with up to three minimum wages, the low-income population. Other 17% for families with up to 5 minimum wages, 78% of the resources were intended to families with income above 5 minimum wages (VÉRAS and BONDUKI, 1986). These percentages are a result of the model adopted by the housing policy.

Villaça (2003) denominates this situation *as a lack of political will*, which is the insensibility that motivates the lack of concrete measures from the leaders to resolve the majority's problems. The end of the BNH did not mean the end of the housing deficit in the country. According to Maricato (2000), the end of the SFH deepened the duality between market and exclusion, consolidating the inequality of access to housing. While the BNH existed, the housing policy's character was banking and economic.

The housing policy should ensure the right to housing for the segments with less purchasing power, since it is a legitimate right, a social priority. Such inaccessibility, with more demand than supply, became the object of fights and demands of the working class. In addition to the derisory assistance to social housing, in this market niche, the houses were located in distant areas, deprived of public equipment and the dwellings displayed reduced dimensions. This measure was taken with to justify a reduction in production costs (VÉRAS and BONDUKI, 1986). It was a discussion about market and consumption, and several times social housing did not provide a dignified dwelling (VÉRAS and BONDUKI, 1986).

With the attrition caused by the Military Regime, in the end of the 1970's there were new urban workers' movements, initially formed by the union center. The social movements, formed in response to the urban housing issues, took place in the 1980's for the most part. Housing became the most popular fight in the big cities (GOHN, 2010). The socio-political joint network was composed of intellectuals and workers who fought and fight in the urban theme.

Gradually, the social movements did not only demand housing to the State, but sought to participate in all the steps necessary for production (VÉRAS and BONDUKI, 1986). Within the social movements, the National Union for Popular Housing (União

Nacional por Moradia Popular – UNMP) is highlighted. The institution initiated a broad mobilization in the city of São Paulo, bringing attention to the need to implement a housing project (GOHN, 2010).

In the re-democratization process, representatives from the housing social movements had experiences with the cooperatives in Uruguay. Specific experiences of the Uruguayan Cooperative Federation for Housing and Mutual Help (Federación Uruguaya de Cooperativas de Vivienda by Ayuda Mutua - FUCVAM), practiced the self-managing cooperation in social housing since the end of the 1960's. From these visits in the late 1980's, and posterior alliances and meetings, pilot projects were implemented in the state of São Paulo, based on the principles of the FUCVAM: mutual help and self-management (GOHN, 2010).

The structure of the concept proposes that self-management is a simultaneous movement within different spheres of society (DRAGO, 2011). This way, when there is a direct and democratic direction for those producing and distributing the services, with planning, management and execution, there is self-management. In relation to housing policy, self-management implicates in choosing the project, planning the construction, managing resources, decision making in all of the construction stages, delivering the units and post-occupancy management.

The social movements that fought for housing lost visibility in the mid-1990s, regaining their strength and notoriety in the 2000's. In the first years of the 21st century, other movements emerged in the urban fight, with highlight in the national scenario: the Roofless Workers' Movement (Movimento dos Trabalhadores Sem-Teto – MTST) and the National Movement of the Struggle for Housing (Movimento Nacional de Luta pela Moradia - MNLM). The Coordination of Social Movements (Coordenação dos Movimentos Sociais – CMS) was also created, combining several movements related to the housing issue (GOHN, 2010).

Participation in the social movements by means of the associations and cooperatives in housing policy is still a result of these struggles and pressures. Housing programs - such as Residential Lease Program (Programa de Arrendamento Residencial - PAR) - allowed the cooperatives to participate, however, did not encompass self-management. Other programs were created, such as: the Solidary Credit Program (Programa Crédito Solidário - PCS), created in 2004 and applied to families grouped by a cooperative, association or private non-profit entity, using resources from the Social Development Fund (Fundo de Desenvolvimento Social - FDS) to buy or remodel the house; the Social housing Production Program (Programa Produção Social da Moradia), created in 2008; and the program My House My Life Entities (Minha Casa Minha Vida Entidades - MCMV-E), created in 2009, allowing access to participate in associations, cooperatives and non-profit entities whose goal is to promote social housing.

The social movements continue to present proposals to broaden participation and self-management in housing programs. However, the discontinuous character of the housing policies weakens the fight for popular housing. Each program proposes a specific participation mode for the cooperatives, which infers on their demobilization.

In addition, housing programs such as PCS and MCMV-E are basically financed with resources from the FDS, which “is a returnable fund (costly), that admits a significant subsidy (interest rate is zero), but, because there are no new expected revenues, there is no strength to leverage this program” (BONDUKI and ROSSETTO 2008, p. 38), preventing the continuity of the construction of housing units that make use of these resources.

The most recent public policies on housing that are valid in Brazil do not prioritize assisting the population that presents the greatest demand. It is also possible to notice that the policy of “pushing” the lower income population to peripheral areas is still valid, where there is no basic urban equipment (piped water, electricity, paved streets), denying them the right to the city.

Even though the political and economic contexts have changed, the land issue and the problems arising therefrom in the urban space have worsened. The value of the land took unimaginable proportions; the real estate speculation and the spatial segregation have become increasingly visible. The housing provision is, undeniably, a social right that needs to be treated with acuity. There will be no accessibility to rights while they are treated as a commodity. The collective actions on behalf of housing aggregate individuals that do not have their own means to obtain it, assuming that sociability attributes are directly linked to the economic situation.

HOUSING POLICY IN URUGUAY

Considering the influence of the housing experiences of Uruguay, the circumstances and the specificities of this country's housing policy is analyzed. Since the drafting of the law up to the point of executing the housing policy, there were similar aspects to the housing policy adopted in Brazil, however managed differently. With the SFH crisis, the experiences in Uruguay became relevant to the new definitions on housing in Brazil.

The industrialization process in Uruguay developed in a very similar manner as the other underdeveloped countries, replicating a model that the industries settled preferably close to energy sources, raw materials, a reserve of manpower and easy access to exportation, polarizing the industrial development (LEFEBVRE, 2001). Because of this, there are areas where the industrial development was greater, as opposed to other areas. In Uruguay, the industries are concentrated in Montevideo (GALEANO, 2000). The 1980's were the pinnacle of social inequality, and in this period, Uruguay was considered the country with the most unequal wealth distribution in Latin America (DAVIS, 2006).

According to the National Chamber of Commerce and Services of Uruguay (Cámara Nacional de Comercio y Servicios del Uruguay – CNCS), based on the data from the census, in the period from 1996 to 2004, the Uruguayan population presented a negative growth rate and an expressive migration to other countries. Most of the population that migrated was young, between 20 and 34 years old. Another relevant aspect in the study identified that 10% of the population of Montevideo lives in irregular settlements, improvised housing with no basic water services, electricity and sanitation. In the countryside, 3% of the population lives in irregular settlements.

In Uruguay, the irregular settlements are commonly denominated as *cantegriles* or *cantes* (GALEANO, 2000). The nomenclature is an ironic mention to the Cantegril Country Club, located in Punta del Este (Uruguay). Cantegril Country Club is a country club restricted to Uruguayan elites. The *cantegriles* are situated on the fringes of the city, on lands that are public or private properties, initially occupied by migrants from the rural area, not inserted in the formal labor market (GALEANO, 2000).

In 1968, the Uruguayan Parliament promulgated the National Housing Plan (Plan Nacional de Viviendas), called Law of Housing (Ley de Vivienda). This law remains in force and establishes as a principle of national policy that every family, regardless of their income, is assisted with adequate housing. It is the State's responsibility to create the necessary conditions to provide access to housing. The State is not the one that provides the dwellings; its function is to provide fair means of access to the entire population (URUGUAY, 1968).

The role of the cooperatives in providing housing is described in the legislation. According to the law, the housing cooperative is an organization governed by principles of cooperation. The housing cooperatives must promote to its members adequate and stable accommodation by building houses with self-effort, mutual help, direct management or third party contract (URUGUAY, 1968).

Despite being a legal landmark, it is important to highlight that the Law of Housing does not constitute a social rights program (SILVA, 2009). In the modes of the Private Promotion and Public System (Promoción Privada e Sistema Público), company groups built houses by funding releases, and later sold these houses in the real estate market, or built houses through projects managed by the State (SMITH, 2009).

The inclusion of cooperatives in the law is the result of union struggles in the 1960's (GALIZA, 2015). The working class engagement in including housing as a social struggle was an attack to the legal, economic and organizational problems in the country. Because of the economic instability, the reduction of exports and the increase on imports led the country to an economic crisis. Enforced by the law, the cooperatives no longer had a marginal character and began to act as a legal support to solve social problems.

The housing cooperative is formed from the convergence of interests of those that need housing, articulated in a way that they make themselves be heard (GALIZA, 2015). The cooperative must have a character of popular organization, with initiatives democratically managed, be it for its social base or for the management bodies (SILVA, 2009).

The Law of Housing categorizes cooperatives in two types, Cooperative Housing Units and Cooperative Housing Matrices. It is possible that both are associated with the national and international cooperative organizations, forming partnerships and federations (URUGUAY, 1968).

The *cooperative housing units* have as their objective to provide housing, services complementary to themselves, only having as the object a property or a housing development. The *cooperative housing matrices* have as their objective to give assistance in organizing the *cooperative housing units*. Each new development corresponds to a new *cooperative housing unit*, while the *cooperative matrices* are second-degree organizations, whose goal is to aid in the creation of new cooperative units (SILVA, 2009).

The cooperative units must have a minimum of 10 and a maximum of 200 members, following the legal entity parameters established by the State (URUGUAY, 1968). The cooperatives must be registered in the Housing Ministry, Land use Planning and Environment (Ministério de Vivienda, Ordenamento Territorial y Medio Ambiente – MVOTMA), which also regulates other types of housing offered by financing. In addition, the cooperative units must be linked to the *cooperative matrices* until the financing ends.

As for credit mode, the law establishes that the cooperatives can be of mutual help or savings. The composition of credit released to the financing takes into consideration the cooperative's collective work (mutual help), developed through joint efforts. The second possibility is previous savings, in which part of the credit value is not financed, but comes from a previous financial accumulation of the member.

On housing ownership, the law establishes two possibilities: user and owner. The property elements are as follows: *ius utendi* is the right to use it; *ius fruendi* is the right to earn from the products that come from the property; and the *ius abutendi* is the right to dispose of the property (ALMEIDA, 2008). The synthesis of property law can be described as the right to use, enjoy and dispose of it within the social function and normative limits (ALMEIDA, 2008).

From the elements constituting the property, property theories are formed: of occupation; of law; of specification; of human nature; and of dignity. The theory of occupation considers that the property is the mere satisfaction of human need. The theory of the law encompasses the existence of the property due to the law. For the theory of the specification, the property results from work. According to the theory of human nature, the property is natural to the human species. And at last, in the theory of human dignity, the property exists for men and their dignity (ALMEIDA, 2008).

The Law of Housing describes in its first articles that its guidelines are based on the theory of human dignity, seeking to promote dignified housing for any person, regardless of family income, safeguarding individuality and inviolability (URUGUAY, 1968). The law enables cooperative members the right to use and fruition, and classifies them as users; those who own the property of their own volition is classified as owner (BORONAT and RISO, 1992). As user of the house, the member has ownership, and the property belongs to the *cooperative unit* or to the *cooperative matrix*.

The cooperatives must seek the democratic organization, self-management, community work (joint effort) and their own savings. The self-managing community's participation in the housing's social production provides a contribution to generate a city and citizens (GALIZA, 2015). What has been proposed by the housing policy in Uruguay is the continuous process to face the housing demand. It constitutes a normative order that regulates the housing proposals not tied to a market or economic crisis response.

The importance of the Uruguayan Federation of Housing Cooperatives by Mutual Help for the Uruguayan cooperativism

As mentioned, with reference to the cooperatives' classification, the law allows them to be associated with national and international cooperative organizations, forming partnerships and federations. In 1968, the first housing cooperatives gathered to search for solutions to problems such as the lack of construction materials and to deal with the bureaucratic processes (ALVAREZ, 2008). Because of the consistency of the meetings and demands, FUCVAM emerged (SILVA, 2009).

From a legal point of view, FUCVAM is only a federation, however, its importance for the cooperativism is beyond the legal plan. The cooperativism in Uruguay would have hardly survived without the cooperatives' unification promoted by FUCVAM (BARAVELLI, 2006). FUCVAM took on the responsibility to represent the associated cooperatives before the public and private institutions, and to establish relations in all government levels (GALIZA, 2015).

The federation has as its objective issues related to housing. However, its members individually participated in political activities in their respective unions or political parties, which justifies the articulation and the political force that it has (ALVAREZ, 2008).

The Uruguayan government proposals to increase the interest rates, in the 1970's, were strongly fought with protests and judicial actions promoted by FUCVAM (SILVA, 2009).

In the 1990's, in addition to acting in Uruguay, FUCVAM allied with the Occupants and Tenants Movement (Movimento de Ocupantes e Inquilinos – MOI) in Argentina and with the UNMP in Brazil, creating the Latin American Secretariat of Popular Housing (Secretaria Latino Americana de la Vivienda Popular – SELVIP) (SILVA, 2009). The principles of this secretariat are: to articulate actions in opposition to capitalism and its forms of production and circulation of goods; to stimulate self-management in housing provision policies; and to adopt collective property in housing projects as a way to fight the interests of the capital (SILVA, 2009). Because of this secretariat, there is an exchange of ideas and experiences between these countries (BARAVELLI, 2006).

FUCVAM has mutual help as its credit composition feature, that is, manpower is inserted as a form of credit. By requiring 80 monthly hours of contribution from its members in order to build, FUCVAM's methods were questioned (ALVAREZ, 2008). The main criticisms received were the work overload for the member and mutual help as a factor that generated unemployment for the civil construction workers (ALVAREZ, 2008).

Such criticisms were refuted by FUCVAM, claiming that with the monthly income received, the workers could not purchase the houses provided by the real estate market. Therefore, to overcome the market limitations they demanded additional work (ALVAREZ, 2008). As for the unemployment growth, FUCVAM claimed that there is less hiring of manpower in the mutual help system, however there are more housing units built and, consequently, this increases hiring specialized workers (ALVAREZ, 2008).

The housing units built by the cooperatives linked to FUCVAM, are only allowed to be utilized in the user category. The housing units are built by the cooperatives and do not enter the real estate market. The units cannot be sold, nor mortgaged, because they belong to the cooperative and the members can use them.

The users have the right to use for an indefinite period; besides, the transference by inheritance requires the heirs to assume the contracted obligations (BARAVELLI, 2006). In case of succession, the first measure is that the heirs are incorporated to the cooperative's board of members, once the right to use is due to the condition of member (BARAVELLI, 2006).

The housing units built are debated on amongst the members. From the design to execution, the members manage all decisions. Despite the housing units being intended to the lower-income population and financed by the State, the resources' use and management is done by the cooperative.

The census analysis reported an increase in empty properties and loss of population in central neighborhoods (INE, 2011). This emptying is also verified in other urban areas in underdeveloped countries. The middle class flees from the centers to occupy gated communities in peripheral areas (DAVIS, 2006). It is estimated that, in the entire country, more than 250,000 residencies are unoccupied (INE, 2011).

FUCVAM acts to fight inequality, defending the implementation of a broad social development program, which makes it a social movement to fight for housing and the right to the city (SILVA, 2009). Ensuring as a fighting motto: "no more houses without people, no more people without houses" (no más vivienda sin gente, ni gente sin vivienda). Besides seeking to assist with building the houses, today FUCVAM is constituted as a social movement and not only as a federation, recurring to the occupation of abandoned properties in central areas of large cities in Uruguay.

Influence of Uruguay's Cooperatives' participation model in Brazil

Inspired by the Uruguayan model, the proposal to insert cooperatives for social housing became part of the housing movements' objectives in Brazil (MINEIRO and RODRIGUES, 2012). The participation experiences of FUCVAM in the housing policy of Uruguay were used as a reference in engaging the social movements in Brazil.

In Uruguay, the signs of such exchange with the Brazilian housing movements are visible at FUCVAM's headquarters. A whole panel is dedicated to the first Brazilian experiences of self-management and mutual help, in the beginning of the 1990's (BARAVELLI, 2006). The first cities that experimented self-management in social housing were São Paulo, Diadema and Santo André (state of São Paulo); and Ipatinga (state of Minas Gerais) (MINEIRO and RODRIGUES, 2012). Self-management consists of actions in which the housing production or the urbanization of an area is given by means of public resources management control and the construction by popular movements, associations and cooperatives (MINEIRO and RODRIGUES, 2012).

The first self-management experiences were actions financed by municipalities and state governments, with different characteristics and participation levels. In the national scenario, the government financed few projects, always after intensive pressure by the popular movements (MINEIRO and RODRIGUES, 2012).

With due emphasis, in the Constitution of 1988, a chapter on urban politics was added (BRASIL, 1988). Despite the advance that it was, it comes down two articles in the Magna Carta. Subsequently, the promulgation of the City's Statute in 2001, meant another breakthrough in the urban reform, considering the participation of the population and of the associations managing the city to be primordial, in formulating, executing and monitoring plans, programs and urban development projects (BRASIL, 2001).

Participation in the social movements through associations and cooperatives in housing policy still is a result of these struggles and pressures. Housing programs such as PAR allowed the participation of the cooperatives, however, did not encompass self-management. Other programs, such as: the PCS, the Program of Housing and Social Production and the MCMV-E also took place in the debates among social movements (cooperatives) and the Public Power (MINEIRO and RODRIGUES, 2012). Timidly, these programs provided the participation of the social movements in a cooperated manner, allowing self-management, representing an advance in fighting housing issues from a social movement standpoint. However, they do not represent an expressive percentage in the housing policy, and because of that the social movements continue to present proposals to broaden participation and self-management in the housing programs.

CONSIDERATIONS

Guided by the Law of Housing, the housing cooperatives in Uruguay find support to articulate themselves in the way they propose it. Even though there is not a specific housing program, the law allows the continuity of the construction process and acquisition of housing units. It occurs differently in Brazil. Despite the proposed detailed plans on housing demands, social housing does not constitute a continuous policy. Combined with that, the insufficient financial resources from the FDS can also be verified.

The continuous and vehement actions by the cooperatives in Uruguay have been possible due to the treatment given to housing. The housing units are not treated as commodities, but as a right that must be enjoyed, strengthening the principles defended by FUCVAM.

The access to dignified housing still is one of the urban problems, which grows at the mercy of policies that perpetuate social inequality. With economic crisis getting worse, social inequalities grow. As a way to ensure less impact to those that suffer the most with economic crisis, the social movements, organized in cooperatives and associations, seek a way to access the housing policy.

The participation in social movements to provide housing still represents a very small portion when faced with the demand in Brazil, also allowing a new posture when dealing with housing, understanding it as a right and not a commodity. To assess the conditions for the cooperatives' participation, as well as allowing self-management of the housing units to members is presented as one of the ways to ensure full inclusion of the population in fighting one of the most complex social issues, housing.

REFERENCES

- ALMEIDA, W.C. **Direito Imobiliário**. Rio de Janeiro: Elsevier, 2008.
- ALVAREZ, G. A. C. **FUCVAM**: os sem-teto uruguaios na contramão do neoliberalismo. 2008. 153f. Thesis (Master Degree in Social Sciences) – Programa de Pós-Graduação em Ciências Sociais, Universidade Estadual de Londrina, Londrina, 2008.
- AZEVEDO, S. Vinte anos de política de habitação popular (1964-1986): criação, trajetória e extinção do BNH. **Revista da Administração Pública**, Rio de Janeiro, n. 22, p. 107-119, 1988.
- AZEVEDO, S.; ANDRADE, L. A. G. **Habitação e poder**: da Fundação da Casa Popular ao Banco Nacional Habitação. Rio de Janeiro: Centro Edelstein de Pesquisas Sociais, 2011.
- BAUMAN, Z.; BORDONI, C. **Estado de crise**. Rio de Janeiro: Zahar, 2016.
- BARAVELLI, J. E. **O cooperativismo uruguaio na habitação social de São Paulo**: das cooperativas FUCVAM à Associação de Moradia Unidos de Vila Nova Cachoeirinha. 2006. 170 f. Thesis (Master Degree in Architecture and Urban Planning) – Faculdade de Arquitetura e Urbanismo, Universidade de São Paulo, São Paulo, 2006.
- BONDUKI, N. G.; ROSSETTO, R. O Plano Nacional de Habitação e os recursos para financiar a autogestão. **Proposta: Revista Trimestral de Debate da Fase**, n. 116, p. 33-38, 2008.
- BOTEGA, L. R. Dossiê Cidades de Vargas a Collor: urbanização e política habitacional no Brasil. **Espaço Plural**, v. 8, n. 17, p. 66-72, 2007.
- BRASIL. Lei n. 5.764, de 16 de dezembro de 1971. Define a Política Nacional de Cooperativismo, institui o regime jurídico das sociedades cooperativas, e dá outras providências. **Diário Oficial da União**, 16 dez. 1971. Available at: <http://www.planalto.gov.br/CCivil_03/leis/L5764.htm>. Accessed on: 16 de Aug. 2018.
- BRASIL. Constituição da República Federativa do Brasil. **Diário Oficial da União**. 05 out. 1988. Available at: <http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm>. Accessed on: 16 de Aug. 2018.
- BRASIL. Lei n. 10.257, de 10 de julho de 2001. Regulamenta os arts. 182 e 183 da Constituição Federal, estabelece diretrizes gerais da política urbana e dá outras providências. **Diário Oficial da União**, 11 jul. 2001. Available at: <http://www.planalto.gov.br/ccivil_03/leis/LEIS_2001/L10257.htm>. Accessed on: 16 de Aug. 2018.
- BRASIL. Lei n. 10.406, de 10 de janeiro de 2002. Institui o Código Civil. **Diário Oficial da União**, 11 jan. 2002. Available at: <http://www.planalto.gov.br/ccivil_03/leis/2002/L10406.htm>. Accessed on: 16 de Aug. 2018.
- DAVIS, M. **Planeta favela**. São Paulo: Boitempo, 2006.
- DRAGO, F. **Autogestão na produção habitacional**: Programa Crédito Solidário, entre a institucionalização e o confronto político. 2011. 148f. Thesis (Master Degree in Architecture and Urban Planning) – Programa de Pós-Graduação em Planejamento Urbano e Regional, Universidade Federal do Rio Grande do Sul, Porto Alegre, 2011.
- FOUCAULT, M. **História da sexualidade I**: a vontade de saber. Rio de Janeiro: Graal, 1999.
- FREYRE, G. **Casa-grande & senzala**. São Paulo: Global, 2004.
- GALEANO, E. **As veias abertas da América Latina**. Rio de Janeiro: Paz e Terra, 2000.
- GALIZA, H. R. S. **Reabilitação de áreas centrais sem gentrificação**. 2015. 190f. Thesis (Doctor Degree in Architecture and Urbanism) – Programa de Pós-Graduação em Urbanismo, Universidade Federal do Rio de Janeiro, Rio de Janeiro, 2015.
- GOHN, M. G. **Movimentos Sociais e redes de mobilizações civis no Brasil Contemporâneo**. 2. ed. Rio de Janeiro: Vozes, 2010.
- GOHN, M. G. **Teorias dos movimentos sociais**. Paradigmas clássicos e contemporâneos. 10. ed. São Paulo: Loyola, 2012.
- GOHN, M. G. **Movimentos Sociais e redes de mobilizações civis no Brasil Contemporâneo**. 2. ed. Rio de Janeiro: Vozes, 2010.
- INSTITUTO DE PESQUISA ECONÔMICA APLICADA (IPEA). **Relatório brasileiro para o habitat III**. Brasília, DF: ConCidades, 2016.
- INSTITUTO NACIONAL DE ESTADÍSTICA DE LA REPÚBLICA ORIENTAL DEL URUGUAY (INE). **Estimaciones de pobreza por el método del ingreso 2011**. 2011. Available at: <https://medios.presidencia.gub.uy/jm_portal/2012/noticias/NO_D759/ine.pdf>. Accessed on: 16 Aug. 2018.
- LEFEBVRE, H. **A cidade do capital**. Rio de Janeiro: DP&A, 2001.
- MARICATO, E. **Política habitacional no regime militar**: do milagre brasileiro à crise econômica. Petrópolis: Vozes, 1987.
- MARICATO, E. As ideias fora do lugar e o lugar fora das ideias: planejamento urbano no Brasil. In: ARANTES, O.; VAINER, C.; MARICATO, E. (Org.). **A cidade do pensamento único**: desmanchando consensos. Rio de Janeiro: Vozes, 2000. p. 121-183.
- MARICATO, E. **Cidades rebeldes**. São Paulo: Martins Fontes, 2014.
- MINEIRO, E.; RODRIGUES, E. Do crédito solidário ao MCMV Entidades: uma história em construção. In: LAGO, L. C. (Org.). **Autogestão habitacional no Brasil**: utopias e contradições. Rio de Janeiro: Letra Capital/Observatório das Metrôpoles, 2012. p. 19-48.
- MONTANER, J. M.; MUXÍ MARTINEZ, Z. **Arquitetura e política**. Ensaios para mundos alternativos. São Paulo: Gustavo Gili, 2014.
- OLIVEIRA, V. F. Do BNH ao Minha Casa Minha Vida: mudanças e permanências na política habitacional. **Caminhos de Geografia** v. 15, n. 50, p. 36-53, 2014.
- REZENDE, V. (Org.). **Urbanismo na Era Vargas**: a transformação das cidades brasileiras. Niterói: Intertexto, 2012.
- ROLNIK, R. A construção de uma política fundiária e de planejamento urbano para o país. **Avanços e Desafios. Políticas Sociais (IPEA)**, v. 12, p. 199-210, 2006.
- SANTOS, M. **A urbanização brasileira**. São Paulo: Hucitec, 1993.
- SILVA, R. A. S. **O cooperativismo autogestionário na produção da habitação popular**. 2009. 112 f. Thesis (Master Degree in Architecture and Urban Planning) – Escola de Arquitetura, Universidade Federal de Minas Gerais, Belo Horizonte, 2009.
- URUGUAY. **Ley No. 13.728. Plan Nacional de Viviendas**. 17 dez. 1968. 1968. Available at: <http://www.ccea.org.uy/ccea_nws04/docs/Ley+N%C2%BA+13728.pdf>. Accessed on: 16 Aug. 2018.

VÉRAS, M. P. B.; BONDUKI, N. G. Política habitacional e a luta pelo direito à habitação. In: COVRE, M. L. M. (Org.). **A cidadania que não temos**. São Paulo: Brasiliense, 1986. p. 39-72.

VILLAÇA. F. **Espaço intra-urbano no Brasil**. São Paulo: Studio Nobel/FAPESP: Lincoln Institute, 2003.

WERNA, E. et al. **Pluralismo na habitação**. São Paulo: Annablume, 2001.

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