SUBURBS AND BOUNDARIES: THE CONTINUED PUSH FOR PERIPHERAL EXPANSION IN THE LATIN AMERICAN CONTEXT

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Abstract

Latin America s spatial policies have neither *regulated nor planned the urban growth. Not on growth can be desirable, it is also a recurrent situation. Therefore, it should be planned when it is necessary to avoid urban, environmental and social problems. These issues can be averted by distributing both the costs and the benefits of the urbanization process in a equalitarian way and preventing speculative processes that usually underlie rural-urban transformations. Urban growth* isn t always undesirable and also it s a recurrent situation that, when necessa *avoid urban-environmental and social problems, by fairly distributing urbanization costs and benefits and preventing speculative processes that are usual in rural-urban changes.*

In Brazil, urban sprawl has been strategic for the country s industrial *development and economic growth since 1930s. In the late 1960s, the federal government enacted regulations for land parcelling, however, as consequence, these rules left the control of urban expansion under municipal government, not requiring urban planning for doing so. At the same time, a huge program of housing financing transformed this expansion in an incomplete urbanization, known as periphery.*

The democratization period in the late 1980s was accompanied by emerging new forms of urbanization gatted communities, theme parks etc. that can be explained by (i) little resistance to transformations from rural to urban uses, which were influenced by rural production and price variations; (ii) market-driven urban innovations, like new kinds of developments gatted communities, ranches etc.; and (iii) high investments in road systems and private transport. Nowadays, the federal Program My House, My Life (from 2009 and onwards) repeats history, reproducing the peripheral pattern on a large scale.

Will we ever admit urban growth is a recurrent process that requires planning? An analysis of land legislation from 100 municipalities points at two conditions: first, that these new types of urban development require more flexible urbanization permits in order to be implemented, and, second, that there is a need to plan the countryside as well.

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1. Introduction

The urban debate in Brazil has long faced the challenge of overcoming the paradigm that divides the space in either rural or urban areas (Graziano da Silva, 1997; Sposito et a etc.) and focuses on the potential of new territorial arrangements where urban-rural integration appears as a central element (Monte-Mór, 1994). This debate has also challenged the dual and homogenizing concept that divides cities in centre or periphery (Marques & Torres, 20 periphery by comprising its new dynamics (Costa, 2006). Additionally, it has sought to overcome the urban research historically focused on the metropolis and has sought to create another terminology for more diverse objects of investigation medium-size cities (Sposito et al., 2006; Andrade & Serra, 2001), non-metropolitan cities (Feldman, 2003), non-metropolitan agglomerations (IPEA / Unicamp-IE-Nesur / IBGE, 1999 apud Grostein, 2001), city region or polarized cities or commuting citties (Moura , 2005) and others.

In this sense, Brazilian urban research has devoted itself to new morphologies and typologies of urban sprawl (Reis, 2006; Abramo, 2009), a phenomenon that Monte-Mór (1994) calls extensive urbanization , focusing specially on gated communities (Freitas, 2008; sever 2006), a new typology that arrived in Brazil in the 1980s, later than in the US. These works have also dedicated themselves to urban-rural relations. However, these theoretical approaches have not investigated the relations between these forms of urban expansion and the norms that restrict or regulate the urban sprawl, which, in theory, would limit urban fragmentation and guarantee qualified urban growth.

Generally, most of the approaches on urban sprawl refer to two major forms of urbanization: (a) the "periphery", with dwellings occupied by poor families, with no infrastructure and precarious living conditions, possibly near industrial areas (also peripheral and dispersed) and important road transport; and (b) the "gated communities that offer housing for wealthier families, have distinction, exclusivity, near big urban facilities, such as shopping malls and theme parks, where the quality of road transport is a sine qua non condition for their implementation. The first form is a consequence of the industrial character of Brazil s urbanization and the second can be rela tertiary urban period.

These have been the basis of the occupation in areas of rural-urban transition. This paper seeks to demonstrate there are other urban typologies emerging, however the results reinforce unequal models and extensive and precarious new urban areas. How can one reverse this logic? This work began under the premise that ordering urban growth should be an important object for urban planning and city management. It seeks to overcome the idea that expanding the urban area is never desirable and to admit that this is a recurrent process, therefore, when necessary, it should be planned to avoid urban, environmental and social damages, distributing the benefits and costs of urbanization in a fair way and avoiding speculative processes, which often happen in rural-urban transformation processes.

Brazilian history shows that centralized governments were responsible for conceiving and approving the main laws that plan and control the urban sprawl, however, these rules have been traded and modified and their application has been accompanied by periods of amnesties and flexible policies that did not require any compliance with them, hindering their implementation. This negotiated city management, which considers growth and development synonyms, is structural in Brazilian history.

These periods of more centralized government are also marked by moments of urban sprawl, sometimes accompanied by population growth; such was the case of the São Paulo metropolis during the military government (1964-1986). This was also a feature during the Vargas era (1937-1945), the military dictatorship (1964-1986) and even nowadays with the economic policy being the driving force of urban expansion, based on its connection with urban and housing policies.

In order to understand the current period, this paper analyses 100 u municipal territory translated into master plans, zoning and land of Sªo Paulo to assess whether they have interfered in the urbanizat urban transition in order to regulate horizontal and urban growth, urban quality. Some hypothesis on this issue should be highlighted, regulations aiming to regulate and plan urban sprawl, however it happe policies for financing housing, urban infrastructure and facilities. urban sprawl regulation and planning , more broadly, concerning what look to urban space growth, specially stressing the need to investig be translated into territorial policies (Santoro, 2012).

2. Background: the origin of urban concentration in the Colonial Period

The origin of the Brazilian polarized and concentrated urbanization can be explained by the relationship between the colonial power and the colony in the international division of labour, where cities were the locus of movements of goods and where state institutions are settled. Therefore, only a few places concentrated the economic and institutional activities and functioned as ports for trading goods. In addition, the Brazilian monoculture agriculture aimed at exportation aborted an urbanization process that appeared in the surrounding of rural regions, which themselves produced primary goods essentially for exports, differently from what happened in Europe, where that process enabled the creation of more cities, smaller and less concentrated than the Brazilian ones (Oliveira, 1982).

3. The Vargas Era: economic policy as urban sprawl driving force

The strategy undertaken for metropolitan urban sprawl was relevant to the development when Brazil underwent the transition from an agricultural to an industrial economy. The housing policy was the great engine behind the urban expansion, and also worked as an structuring element for the economic development. In the context of restricted industrialization, between 1930 and 1955, the country experienced a strong land regulation, as well as labour and housing regulation, policy that resulted in a metropolitan urban sprawl. Territory regulation was the element behind the demands for industrial urban occupation, characterized by population growth, opening avenues and expanding the city to accommodate the first industries.

This expansion was done through peripheral areas, result of the context of crisis of the social rent housing model. The Tenancy Act (1942) froze rent prices, discouraging housing production for rent (especially in central areas where it was possible to rent for other uses), thus collaborating with the purchase of lots in the city s outlying areas. However, that required investment create accessible territories in peripheral areas. The response to this problem was opening avenues and roads and creating bus companies, while, simultaneously, peripheral subdivisions were being

deployed, mostly as illegal settlements (Bonduki, 2004). The creation of bus lines connecting periphery and downtowns allowed a rapid urban sprawl.

It was necessary to decrease housing costs, because it would be financed by the workers' salary in a process to guarantee to the reproduction of the labour power (Oliveira, 1982). In this sense, the suburbs contributed to lower housing prices in two ways: it offered cheap land and areas not completely urbanized, under almost rural conditions. The debates on the lack of urban infrastructure show that, to enable them as urban areas, only a few infrastructures were required, decreasing, then, the criteria of what is considered an urban area. For example, this process allowed parameters typical of rural areas like using water wells instead of piped water, cesspits instead of sewer pipes, lamplights and coal use instead of gas. Following this logic, if the laws requiring certain standards for urban expansion were translated into a complete urbanization, it would result in increasing land and housing prices, thus invalidating the project of home ownership and indirectly affecting the industrialization process. Since the industrialization was an ongoing process, these regulations could also increase the situation of irregularity, by making the infrastructure needs more flexible.

In 1937, Federal Decree n. 58/1937 was approved, the first addressing the land parcelling issue. However, its rules were idealized to guarantee the housing acquisition by stimulating homeowners to buy houses in instalments, in order to overcome the crisis of lack of buyers, therefore, it did not intend to neither regulate nor plan the urban sprawl.

On the federal level, the Vargas administration announced the first federal housing policy, under the premise that it would be provided by the State. However, the Federal Decree n. 58/37 transferred the mission to plan and regulate the urban growth to the municipalities and they were not sure about their own role in this process: Should they support the urban sprawl by providing infrastructure? Should they collaborate with landlors and charge for the valuation obtained in urbanization processes? Or should they let private developers do their job parcelling land and selling these parcels while the government would create and supervise the occupation based on regulations with good parameters on infrastructure, land occupation and land donations for public facilities?

In the 1930s and 1940s, municipalities begun to feel the need to regulate and plan the urban growth. But they tried to do so by recognizing opened roads through amnesty laws that, instead of preventing the expansion, ended up stimulating it. Another measure used by municipalities was creating some exceptions to the main urban rules, like smaller dimensions for working class houses, giving permits to land parcels with incomplete urban infrastructures, giving permission to build houses on unofficial streets, or not requiring construction permits for working class housing in rural developments. Clearly, these measures were not made for stopping the growth; these rules were established to support the occupation of slums and illegal settlements.

In addition, between the 1930s and 1950s, of the territory planning was conduced in another direction: zoning to set some lands apart and to maintain upper classes shareholders in the city s c (Rolnik, 1997), which also collaborated for urban expansion.

4. The military government: peripheral expansion to receive the population growth resulting from the heavy industrialization

Changes in the Brazilian agricultural production - crisis in rural productivity, in the Northeast region - and the agriculture expansion in the State of São Paulo, between 1945 and 1964, generated a process of conservative modernization (Graziano da Silva, 1982), which would result in a considerable rural-urban migration, that formed what is called the "reserve army" to serve

industrialization (1955-1970). In this period, urban expansion seemed a very appropriate response for the population growth experienced between 1940 and 1970, and it would be if it had been planned.

The ambiguous strategies focusing on the urban sprawl alternating between limiting and allowing the expansion appear to be a consented option to enable the city s physical growth. If and structured, it would not have been done so quickly. The metropolitan peri concept widely theorized by the Brazilian literature, which has mostly focused on the main metropolis, since non-metropolitan cities have not intensely lived this process until then.

Amid the attempts to formulate a national policy for urban development, this period of military government (1964-1985) was strongly marked by the development of laws that directly or indirectly address the urban sprawl issue, like the Federal Law on Urban Parcels (1979), the Law of Condominiums (1964) and the Forest Code (1965). Despite all these laws (most of them still exist today), the greatest impact of the military government in urban areas was a structured urban development policy, with the creation of the National Housing Bank - NHB, the Housing Finance System - HFS and the Federal Office of Housing and Urbanism - FOHU.

The planning followed the market-driven logic: investments were concentrated in (regional and urban) central areas, selected resources and social benefits, and the process of structuring the economic activity. In addition to this, the real estate activity was also structured, as part of a new phase of the industry, coupled with the policy of home ownership.

The NBH period was representative of a State intervention ensuring lines of credit for the housing demand (only for purchase, not for rent), expanding the real estate production by boosting the production through the market. This policy was translated as houses without a city , b consisted in a housing policy without the support of an urban land policy that should be done by the municipalities. That meant that the federal housing policy was, in fact, further limiting the access to the right to housing and the right to the city.

The type of financing policy and how it occurred explain the results:

a) the mismatch between housing interventions and urban interventions that should provide infrastructure, translated, for example, into houses built in places where there was no sewage or drainage systems;

b) local governments were often irregular in paying or had debts with its employees, among other local problems that make it more difficult to establish counterparts;

c) the behaviour of public and financial institutions was resistant to developing integrated policies through sectorial projects they focused on housing but not on making complete urban infrastructures , and, as a result, there were no commercial and service areas in housing projects;

d) the lack of funds for social facilities like sports equipments, for example, the fund was only available for amateur sports and prohibited covered gyms, swimming pools, among others;

e) the financial dependence of municipalities on the federal government and their consequent lack of autonomy to manage the urban space by themselves, using only their few resources;

f) the dependence on private initiatives, stimulating private developers who followed the logic of profit according to which public areas or facilities are seen as urbanization "costs", therefore are considered unattractive by the entrepreneurs;

g) the 'misplacement' of those who could not afford or obtain financing, relegating them to the spaces left on the sidelines for the private market, which immediately translated into slums, tenements and illegal subdivisions, under increasing urban precariousness.

Although this was the context during the NHB period, in its last years (extinguished in 1986) the Bank revised this programs in two important ways: firstly, a fund for urbanization credit lines was created in order to correct the course of housing interventions, trying infrastructure them a posteriori and facing the historical mismatch between housing and urban productions; secondly, there was an attempt to produce a land stock for social housing which could, in the long run, help regulate the market and land prices. This land stock initiative signalled an awareness that, concerning land, the policies collaborated with the speculation. However, the bad result of housing policies tripped the evaluation of the land stock results, which does not necessarily mean that the strategy was out.

On the municipal level, municipal plans were made but they were essentially developed by technicians with no participatory processes and while the actual interventions were under way. These, in turn, were very sectorial and unconnected: there was housing, yet the was not necessarily urban infrastructure.

Concerning the legislation, the laws created did not ensured the implementation of a complete urbanization as well. In a populist response, the military government (1964-1985) enacted the Federal Law on Urban Parcels (1979). With the end of the so-called economic miracle (1967-73) a fast-paced economic process of industrialization , Brazil faced a severe reduction of resources for the development of housing policies, consequently, there was a reduction in the urban production. Therefore, the new Federal Law changed the developer: although urbanization was a State mission, the law stimulated it to be implemented by private developers that should provide urban infrastructure and donate areas, as land reserve, for the government to complete their development with equipment and facilities. This equation was possible before the crisis, since the State no longer could finance the urban sprawl through the housing fund (NHB).

The Federal Law on Urban Parcels reserved public lands in each settlement, so that, later, when there were funds, the government would construct social equipments. It worked as to allow the urban sprawl happen in an accelerated speed, giving the time the public sphere needed to develop urban public spaces, in a slower process, recognizing the pace of the government performance. The rule based on reserving part of the land for public areas (between 30% and 35% of the settlement) seemed much easier to apply than if it were strict and careful regarding urban quality and complete urbanization. The government opted for simplicity so the rule could be followed, which does not always happen. The Federal Law was not critical towards the completeness of a "primary urbanization" (infrastructure) and it left the task to implement a "secondary urbanization" (equipment and services) to the municipalities, usually done in a very slow process, therefore, it ended up ensuring an "incomplete urbanization".

This law provided the language that threats the issue of land parcelling in Brazil. It left to the municipalities the task to regulate the urban expansion through limits and permits; for instance, whether the municipality requires urbanization contiguity or allows continuous flexible changes of urban areas over rural areas. This law did not provide the instruments to control the urban sprawl, not even required the municipalities to make a diagnosis quantifying the housing needs in order to justify the expansion desired.

There were two results not expected when this law was conceived. It served to determine minimum parameters for regularizing irregular urban occupation, at least regarding a minimum lot size. Although it has not achieved the percentages of reserves for public areas, and it did not guarantee success in the building of infrastructure by private developers. Among the causes for these incomplete infrastructures built by private developers, it is noteworthy the fact that the guarantees given by private developers to the government as a compromise to complete the infrastructure generally determined

by the amount of parcels reserved for the government to be donated if the developer does not complete the urbanization were not enough for the government to sell and finish the settlement infrastructures. Furthermore, the lack of penalty to developers that do not complete infrastructure, or that did irregular settlements, turned to stimulate irregularity, which does not require initial investments[1].

The strategy of transferring the infrastructure and parcels construction to private developers was not successful: it resulted in land valuation, usually appropriated by landowners in this process of rural-urban transformation, and in significant public costs in order to complete the infrastructure in unfinished plots, to provide equipment and services under a urban growth model based on physical extent, opposite to the idea of urban concentration and efficiency (Santoro & Bonduki, 2010).

Incomplete urbanization, perhaps not consciously at the beginning, was set as a strategy to progressively urbanize areas of urban expansion, maintaining urban needs that had to be gradually achieved through a relationship consisting of trading favours between groups of residents and the local government. The strategy to develop the infrastructure piece by piece, slowly and gradually, is interesting in terms of political gains and urban patronage maintenance. However, it still is possible to observe the important role held by technicians in this process, whose knowledge guided sectorial proposals, and, as Bichir & Marques (2001) affirm, it is possible to relativize the automatic association between support objecting votes on political elections (a term known as clientelism) and targeting infrastructure investments in the periphery.

Peter Hall (1996) argues that, in the 1970s, urban planning was falling into disbelief because, instead of controlling the urban sprawl, it encouraged it in every imaginative way possible.

5. The democratization period: municipalisation with no financial autonomy and the halt of the urban sprawl planning by the City Statute

Implementing democracy and municipalisation, two issues that emerge during the constituent process in the 1980s, did not promote deep changes in the urban expansion processes, since some elements were maintained, such as the incomplete urbanization logic, the dependence on federal resources and the lack of municipal autonomy, which were reinforced by frail local clientelist relations and the continuing land speculation processes.

Municipalities depended (and still do) on federal resources and, with both no funds and the crisis that culminated in the end of the military dictatorship, the government drastically reduced federal resources for urban development by the late 1980s and began dismantling the institutional structure built during the HNB period as well. The State of São Paulo, in a way, was an exception to this, because the resources obtained through the tax on the circulation of goods and services (ICMS) would keep the investments in social housing throughout the 1990s.

However, in the 1980s, the issue of regulating the urban expansion emerges in the bill that will create the City Statute. Carefully describing the features of the municipal Master Plan and providing an urban sprawl program, the initial proposal did not last long and was quickly substituted by another bill containing just the definition the minimal content that should be in the master plan, a definition in force in the City Statute, which does not address the sprawl issue.

[1] The crime of establishing irregular settlements begins when the developer sells the first parcel, but it is only discovered when it is open to public, or anyone starts to construct, many years later. So their sentence is often expired by lapse of time, enough to let them free from prison.

This initial proposal contains some elements that draw attention, like very detailed programs and their relation with the process of building information and decisions that allow assessing whether or not an urban expansion project is being proposed in accordance with the global planning of the municipality and whether or not it should be analysed ex-ante, that is, before the spontaneous process of expansion, so intensively lived in many metropolises during previous decades. These details were excluded in 1992, after an evaluation conducted by the Ministry of Social Affairs. According to Bassul (2005, p. 113), the technical sectors of the federal government criticized the exces mechanisms concerning the master plan that were not followed by explicitly instituting the ob content of the law. This critique, that Bassul (2005) calls an institutiona idea of a compulsory minimum content of the Master Plan that did not contemplate any of the proposals in the initial bill. At the same time, the obligation for plans to have rules for land parcelling and zoning was instituted, which would inevitably lead to the rhetoric-plans , since the r how (quantitatively and qualitatively) one can occupy a lot are what actually determines an urban project for the area.

Another significant loss was the exclusion of articles that sought to control real estate speculation, demanding that properties not inhabited by their owners (i.e., that essentially had exchange value) would be offered for renting, and that a single owner would have a maximum limit for landholding urban areas. These suggestions would not only collaborate with the urban sprawl would also have the opposite effect of the 1940s tenancy policy: by increasing the supply of properties for renting, they would probably discourage the purchase of houses.

Removing these clauses ended up making the master plan responsible for defining whether or not an estate is being underused, one of the few clauses that was kept in the law. An opportunity was lost: the State could introduce, in a democratic way, planning issues for areas under urban expansion, transforming these plans in instruments that would effectively fall upon the urban sprawl, not having the traditional rhetoric-plans .

6. The rules established by the City Statute

The City Statute (Federal Law 10.257/10) brought new expectations regarding the possibility that the new rules could help avoid the need to expand. However, the Statute has few instruments concerning the ex-ante and quality production of new urbanization processes. It does not require, for instance, establishing or revising the urban perimeter connected to the planning for the development of the municipality based on diagnosis and democratic decision-making processes; it does not connect the master plan s content and the rules for land parcelling, the municipality does it, in an arbitrary way; it does not contain instruments for regulating rural areas, showing even some ignorance over what can be planned for them (SANTORO; COBRA; BONDUKI, 2010). Since it is not compulsory it is very discretionary, municipalities can establish their own urban limits in laws other than the master plan, not connected to its planning. The main expectation concerned the democratic process of decision-making, which also proved to be mainly absent.

6.1. The experience of using the Onerous Concession for Changing Uses (OCCU)

Several instruments in the Statute can indirectly collaborate to avoid they were not conceived for exclusively doing so, like the ones that

demand for urbanized land in central areas, erasing urban vacuums an
for horizontal stretching, which increases with real estate speculation.

An instrument that the City Statute[2] brings and that can be used over areas of rural-urban transition is the Onerous Concession for Changing Uses (OCCU), aiming to recover land valuation in changing its use from rural to urban, by taxing the permit to urbanize or changing from a less rentable use to another (SANTORO, 2009). Santoro, Cobra and Bonduki (2010) provide an overview of this instrument in the State of São Paulo and show that it is not very applicable; few municipalities use it for sprawl areas, with goals that often differ from its planning, corresponding to an onerous form of land regularization[3]. Other municipalities that apply this instrument in discontiguous regions of the urban area, in order to either discourage the market to produce urbanization to stimulate the contiguous urbanization in the urban area (or would it be to benefit the owners of lands contiguous to the urban area?).

Despite being in an early stage, there already is a small dissemination of its possible use in master plans (SANTORO, 2012). São Carlos is one of the few municipalities that used this instrument in two experiences studied by Santoro (2010; 2012). The cases show that the urban project was not done, the amount collected had no connection to the valuation and very little was recovered; however, the value obtained was equivalent to the expenses of the undergoing city s urbanization pr

The challenge of implementing OCCU shows that legal interpretations are required to prevail over its oppositions: it is necessary to establish the basis or basic reference over which the Concession for Changing Use would be rated, analogous to the coefficient for minimal use Concession of the Right to Build (OCRB). Another requirement for delving the issue concerns establishing relations between the urbanization costs and benefits and to also address who is financing each cost, because the expenses with infrastructure, new facilities and services resulting from the urban sprawl demanded to the State are frequently not tallied in these costs. The stretching is interesting for the market-driven logic, that seeks smaller prices to diminish the costs; but the State has little interest in it, since the government needs to make considerable investments to build good connections between different regions of the city even though it may not account for these expenses, since they can be postponed to the next administration.

Regarding the definition of areas where the OCCU will be permitted (Federal Law 10.257/01, article 29), it is possible to observe that municipalities have delimited it in different ways: they delimited areas for taxing while leaving areas where land valuation can be incorporated by the owners outside this taxation. This is a threat for the equal taxation, pointed by Rabello (2006) as a guarantee of the equalitarian distribution of urbanization benefits.

6.2. Avoiding the occupation of areas of risk: the changes in the City Statute

In 2012, two articles were included in the City Statute: 42-A and 42-B (Federal Law 12.608/12), both aiming to address the landslide problems that happened in the Rio de Janeiro highland region, among other problems. The first article clearly aims to avoid disasters by including the requirement of planning areas that pose life risk, defined as susceptible to great-impact landslides, sudden floods and related geological or hydrological processes.

[2] Or instruments like the Consortium for Urban Operations that, theoretically, can work as an instrument for developing the urban expansion project, which would regulate the marked and recover the land valuation in the rural-urban transition.

[3] Among them: Araçatuba, Assis, Boituva, Botucatu, Marília, Mogi das Cruzes, Mogi Guaçu, Ourinhos, Poá, Porto Feliz, Santa Cruz do Rio Pardo, São Carlos and Tatuí.

The second article, 42-B, addresses the requirement of developing a specific project so the municipality can enlarge its urban perimeter, containing parameters for land parcelling, road system infrastructure, public facilities, as well as delimiting special zones of social interest or zones for the protection of historical, cultural and environmental heritage. This article embodies principles of ex-ante urban projects and should be established by a municipal law, therefore, it needs to go through democratic processes similar to the ones required for approving master plans or zoning legislation. Although its nature is revolutionary and positive, there still is no information on the effects of this legal alteration in the municipalities.

7. Urban sprawl norms in the municipalities of the State of São Paulo

Therefore, the lack of norms requiring the sprawl regulation or planning, during both the democratization period and the previous ones, coexists with the continuing urban expansion as a real estate strategy. Considering this has been maintained, the work sought to empirically assess how the urban sprawl planning happens in the municipalities of the State of São Paulo nowadays.

In the 1980s, the State of São Paulo underwent through processes of demographic transformations and reversion of big cities concentration associated with, on one hand, the deconcentration and changes in the industrial production process and, on the other, new condominial forms of urbanization. In the 1990s, some processes summarize the explanations for urban sprawl in these cities: (a) the fluctuation in rural land valuation which generated little opposition to the change from rural to urban use; (b) the dissemination of typologies, like the horizontal development of houses, ranches and small farms used for recreation purposes, among other diffuse forms of occupation; and (c) the investments in the road system and the stimulus to using private vehicles.

Little by little, the justification of the urban sprawl, by becoming more complex, has disengaged itself from the urban population growth or the peripheral growth pattern, which will culminate in a revision of the concept (SANTORO, 2012).

The analysis on the recent cycle of master plans, developed after the City Statute, offers examples from many cities in the State of São Paulo that are stimulating the urban sprawl, including some places where the population has decreased. For this analysis, it was created a tabulation with the quantitative and qualitative data collected in 100 municipalities in the State of São Paulo, whose master plans and complementary territorial laws were approved after the enactment of the City Statute (Federal Law 10.257/01), between 2003 and 2010. With no statistical intentions, this approach allows a more panoramic regard, pointing to recurring situations, some even surprising or that lack in this academic field. This analysis allowed making some considerations in two main senses, from the urban and the rural arenas.

From the urban sphere, the data shows that the real estate market employed a strategy aimed at the growth in physical extension, which gained new typologies and collaborated even more for a diffuse city structure, whose implementation seems to face no opposition from its planning, which keeps a high tolerance concerning urban sprawl, with perimeters rendered flexible on d logic of the real estate market.

Gated developments have appeared in this analysis as the main element of this new urban typology, especially in the State of São Paulo. However, even though the research has not properly identified it, this work raises a hypothesis (after a revision that should be made concerning the recent changes in the urban field) that creating new rules also modifies the parameters of land use, parcelling and occupation in force, in order to allow social housing production oriented by the federal housing finance program My House, My Life . Although it is not possible to frame these cases under a specific typolo

possible to observe changes in the parameters of housing quality, the quantity of implemented infrastructures and, in addition, the absence of land parcelling with donation of public areas, reinforcing condominial typologies inspired by gated developments. There are also cases where the parameters used for the occupations under urbanization and land regularization processes expand to other vacant areas where social housing will be implemented, commonly reproducing the peripheral growth pattern in new urbanization processes. That is the case, for instance, of identical parameters attributed to the Special Zones of Social Interest (SZSI) in occupied areas and in areas considered underused or vacant.

The analysis on the urban growth regulation in the macro-metropolitan paulista territory, where urban dispersion is easily perceived, points to the flexibilization of norms in two possible ways: to allow the expansion over rural areas, according to the market demand, by revising the perimeter and creating specific urbanization processes in these cases; and to regularize typologies like gated lots, at least in the municipal sphere.

The analysed norms are based on the urban and on the possibility to urbanize, with almost no constraints, except if there is any environmental restriction. Regarding the urban perimeter flexibilization on demand, it is known that:

- The laws that define the urban perimeter are changed on a case-by-case basis (either for building social housing or for other typologies), without requiring previous diagnosis that shows to where one wants to expand;
- In rare occasions, it is required a Study on Neighbourhood Impact, with a technical report from a Municipal Council or Office or with public hearings specifically held to permit the perimeter change;
- The urban borderline is generically defined through a width from the current perimeter, with no rigour or study, and there are even cases that demand growth by contiguity to the already urbanized area;
- There are norms created specifically to recognize the urbanization as soon as it happens. In these cases, it is sufficient to develop an infrastructure in the lot to be parcelled, that the change in the land classification happens automatically. This occurrence has been nicknamed if urbanized, it is urban ;
- Finally, in some municipalities, there is a rapid increase in zones with specific urbanization in the rural areas, in accordance with Federal Law 9.785/99, as a way to regularize urban parcels in rural areas, therefore introducing a process of regularizing urban dispers time that that it renders the urban expansion over rural areas flexible .

By observing these possibilities, one can conclude that, even if there is a defined urban perimeter, this does not mean that it is not possible to urbanize over the rural areas. These are the so-called hybrid norms, under which one cannot say there is no control over urban sprawl, since the limit is defined. However, the possibility of urbanizing is also rendered flexible, with norms that vary from too liberal to norms that establish changes by negotiations between the Executive and Legislative branches and the owners. This allows to argue that the analyses observing the effects of urbanization control policies in the land market in the State of São Paulo without qualifying them make a mistake, because the division is not based on whether they control or don t control the urbani and vary greatly over time.

The frequently identified flexibilizations and amnesties are examples of a behaviour that does not follow the restrictions, unless they are aligned with the stakeholders strat

growth and real estate development, in an alliance based on the idea that growth equals development (MOLOTCH; LOGAN, 1987).

In order to make some developments viable, it is required to annul the conflicts over urban legislation, usually resolved through an agreement between developers, public authorities and financing institutions, that alters the municipal laws. Royer (2002) and Silva et al. (2011) mention this kind of flexibilization in order to largely implement social housing through public funding, and the results from these researches will be corroborated by what is shown here. Nowadays, the federal program My House, My Life (from 2009 onwards) repeats history since it reproduces th on a large scale.

Concerning the rural sphere, the work points to the recent changes in the agricultural production that seem to be related with other current forms of urban expansion. For instance, essentially rural municipalities that lost their cultures go through diffuse processes of urban occupation, where the occupation by ranches, country houses and small farms is the keynote. The contrary can also be observed: when there is intensive agriculture, the urban occupation is refrained and more clearly delimited.

These disperse typologies, to be implemented, need to render flexible not only the urban norms but also the rural ones, drawing attention to the pressing need of planning what is wanted for the rural sphere, in terms of both zoning and structuring a policy for the rural area that involves funding other kinds of rural activities and controlling its occupation.

Although this historical recovery of the issue has met attempts to create laws requiring the expansion planning, like in the bill that created the City Statute, the Federal Law on Land Parcelling, from 1979, still is the norm that regulates urban expansion in Brazilian municipalities. This law holds the municipality responsible for controlling and planning where the city will grow to, while the municipal administration keeps meeting the market demands, in a reactive instead of proactive position, showing the role of the State concerning urbanization processes. The organized civil society sees the urban sprawl process as a strategy to maintain speculative processes and social segregation and it does not consider this planning necessary. Even though this issue is being constantly debated in the Brazilian urban field, it is rarely approached as a matter of social justice.

This scenario of municipal plans that render the urban sprawl flexible and that increase real estate activity, currently underway in paulista cities, will empower the dispute for land and land values, demanding a reaction from the State to orientate, control and plan the areas of urban expansion. The current federal norm that requires the development of urban expansion plans brings challenges in a range going from its construction to its implementation, proving the issue is relevant, present and deserves delving. Moreover, the alliance equating growth and development in non-metropolitan cities is a constant that faces little opposition.

Therefore, this work sought to demonstrate that, admitting the necessity and the recurrence of the urban sprawl process, it is necessary to plan it in order to avoid urban, environmental and social damages, fairly distributing both the burden and the benefits coming from the urbanization, avoiding speculative processes that are a common feature in the changes from rural to urban use and building *ex-ante* urban projects that are parts of a city, with a complete urbanization.

8. References

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