



MINISTERIO DE GOBERNACIÓN



La vivienda y el agua son de todos

Minvienda

IV Latin American and Caribbean Forum on Housing and Habitat: Action for housing and settlements in the context of Covid-19

Lessons from LAVs

National and local frameworks for the planning and management of settlement

CONCEPT NOTE

Monday, May 17, 2021 from 3:45 p.m. to 4:30 p.m. in Costa Rica. (45 minutes)

IV LATIN AMERICAN AND THE CARIBBEAN HOUSING AND HABITAT FORUM

NATIONAL AND LOCAL FRAMEWORKS FOR THE PLANNING AND MANAGEMENT OF SETTLEMENTS

MAY 17, 15:45 - 16:30 COSTA RICA (UTC -6)

How can we expand land access and supply for quality social housing and integrated urban upgrading through national and local frameworks?



MINISTERIO DE GOBERNACIÓN



La vivienda y el agua son de todos

Minvienda



MINISTERIO DE GOBERNACIÓN



La vivienda y el agua son de todos

Minvivienda

Abstract

The region has made progress in developing national and local legal and public policy frameworks for planning, urban development, and housing policies. Despite this progress, there are a series of challenges for their design and implementation, which are currently intertwined with the COVID-19 crisis. Considering that the New Urban Agenda (NAU) proposes principles of great relevance for housing and urban policies, and land use planning; and that the Covid-19 crisis is generating trends and opening spaces for change; this session explores how to ground and consolidate the principles and commitments of the NAU in the national frameworks in the region, promoting the articulation between land use planning, urban and housing policies, while considering the challenges and opportunities of the Covid-19 crisis. In particular, the session focuses on how national frameworks can (i) expand the supply of and access to land for the production of quality social housing and (ii) make comprehensive slum upgrading feasible.

This session is co-organized by Cities Alliance, MINURVI, CCVAH/SISCA, Governments of Colombia, Costa Rica, El Salvador, Mexico, University of Buenos Aires.



1 Background

1.1 Advances in the region

Around the world, since the 1970s, the development of legal frameworks and public policies for inclusive and resilient urban planning and development has been promoted (UHPH, 2021). In Latin America and the Caribbean (LAC), progress has been made in the development of national and local legal and policy frameworks, and governance patterns around land use planning and urban development, as well as the provision of housing for the low-income population and slum upgrading.

Among the experiences, it is worth mentioning Colombia with Law 388 of 1997 on territorial development, which is based on three key principles “the social and ecological function of property; the prevalence of the general interest over the individual; and the equitable distribution of charges and benefits” (Castro et al., 2017, p. 77).

For its part, Brazil has the Federal Urban Law of 2001 (Statute of cities), which "recognizes the social function of property, the leading role of municipalities in the regulation and democratic planning of land use, with solid guidelines on urban governance, and is fundamentally important for the issue of informal occupations: secure land tenure for families living in urban areas for five years without interruptions and without any opposition” (Rossbach, 2020, p. 126).

In El Salvador, the Territorial Planning and Development Law (LODT) was approved in 2011, while its implementation began in 2016 with the creation of the first administration of the Territorial Planning and Development Council (CNODT 2016-2018). Likewise, El Salvador has had a National Housing and Habitat Policy (PNVH) since 2015. Currently, the CNODT is seeking to support the development of local plans as mandated by law through the creation of a community of practice (UHPH, 2020).

In Mexico, in 2016 was approved the new General Law on Human Settlements, Territorial Planning and Urban Development (LGAHOTDU), within which “the right to the city, equity and inclusion, and democratic participation and transparency” stand out. In addition, the National Land Policy was drawn up “based on the right of access to and use of land; on making explicit the relationship between the environmental problem and land occupation, and on the necessary contribution of the INSUS [National Institute of Sustainable Land] to the fulfillment of the sector objective of building territories of peace and well-being” (SEDATU, 2020, p.33). Likewise, the National Strategy for Territorial Planning was drawn up, which seeks to organize “the spatial and territorial dimension of Mexico's development in a long-term horizon” from a systemic perspective (SEDATU, 2021).

Added to these experiences is the formulation of the Regional Plan for the Implementation of the New Urban Agenda in Central America and the Dominican Republic (PRINAU-SISCA) by the Central American Council for Housing and Human Settlements (CCVAH), with the support of the SISCA (Secretariat of the Central American Integration), and in alliance with EUROsocial + and the advice of the UN-Habitat. Based on the New Urban Agenda Regional Action Plan (CEPAL, 2018), PRINAU/SISCA seeks to promote its development and articulation with national and local urban agendas, incorporating the particularities of Central America and the Dominican Republic, such as “differential development conditions and high risk in the face



of climate change, opportunities for building resilience, as well as the subregional commitment to mainstreaming and implementing the gender vision ”.

In this sense, PRINAU/SICA includes the following lines of action: (i) National urban policies, (ii) Urban legal frameworks, (iii) Urban and territorial planning and integrated urban design, (iv) Urban economy and municipal finances, (v) Local implementation, and (vi) Monitoring, reporting and review mechanisms (*Prioridades de Centroamérica: Implementación Del PRINAU/SICA Con Enfoque Integral Centroamérica*, 2021).

1.2 Principles, commitments, and implementation of the New Urban Agenda

It should be noted that the implementation of the New Urban Agenda (NUA) implies the adoption of a sustainable, integrated and people-centered approach to urban and territorial development, driven by different lines of strategic action, including the development of national and sub-national urban policies and the strengthening of governance and cooperation mechanisms between actors. Furthermore, the NAU recognizes the leading role of national governments and the essential role of society, and subnational and local governments in designing and implementing urban policies and legislative frameworks for effective, inclusive and sustainable urban development(UHPH, 2021).

Among the commitments established in the NUA, it is worth mentioning the promotion of coordination and collaboration between the different levels of government and non-governmental actors for the provision of adequate basic services; the promotion of housing policies that contribute to the realization of the right to adequate housing; the development of integrated housing policies and approaches; the diversification of affordable and accessible, safe housing options; equitable and affordable access to social and physical infrastructure; security of tenure; the creation of inclusive, accessible and safe quality public spaces; the creation of healthy, inclusive and safe environments; the development of actions in the face of climate change; and the promotion of participation.

The NUA recognizes that to materialize these commitments, "enabling regulatory frameworks" are required at all levels, supported among others by capacity building through the exchange of best policy practices and programs. Likewise, it details that for its effective implementation it is necessary to consolidate inclusive, applicable and participatory urban policies, to support the development of integrated land use planning policies and plans, and to promote integrated land use planning according to the principles of "equity, efficient and sustainable use of land and natural resources, compactness, polycentricity, connectivity and adequate densities and multiple uses of space, as well as mixed social and economic uses in built-up areas" (ONU-Habitat, 2016).

2 Covid-19 challenges and crisis

In Latin America and the Caribbean “the profound and necessary changes to reverse the structural context of inequalities and territorial segregation require a favorable environment framed by a clear regulatory framework and legal frameworks based on the social function of land, property and the city that allows not only the tranquility of citizens so that they can effectively stay where they are, without the risks and disruptions related to evictions and forced



resettlements, and that they also have the right to adequate infrastructure, housing, services, and the city "(Rossbach, 2020, p. 129).

Despite progress in this regard, the development of national frameworks in LAC has entailed a series of challenges, the most prominent being (i) the lack of links between land use planning and urban policies, (ii) the little articulation between urban and housing policies at national and subnational levels, (iii) and the scarce relationship between urban and housing policies and other sectoral policies such as land, environment, urban development and inclusion, as well as those aimed at citizen participation, the migrant population, and fighting for equity, including gender equity (UHPH, 2021).

Likewise, there is "low prevalence of urban governance mechanisms in national laws", which represents an obstacle "to generate effective participation of citizens in decisions about the city land, as well as spaces to influence political priorities, which seems to me essential to guarantee that an urban agenda focused on vulnerable and precarious settlements is carried out" (Rossbach, 2020, p. 129).

These challenges are intertwined with those of the Covid-19 crisis. The current crisis and its impacts are and will continue to affect the region and in particular urban areas, and inhabitants living in precarious settlements, and those belonging to vulnerable groups such as the elderly and women (work overload and gender violence).

According to CEPAL, one year after the start of the pandemic, LAC is the most affected developing region. GDP fell by 7.7%, while 2.7 million companies closed. Despite social protection measures, there was a backlog of 12 years in poverty and 20 in extreme poverty. In addition, the number of people living with incomes of up to 3 times the poverty line (economic vulnerability) increased from 467 to 491 million between 2019 and 2020. (CEPAL, 2021)

To face this crisis, based on the discussions and responses that have taken place, one possible alternative is to "allow flexibility in land use and guarantee security of tenure to avoid even greater social disruption, maximizing the existing infrastructure (with the exception of high-risk situations) and the social function of property. This is essential to optimize resources and allow coordinated responses for communities, securing people's lives immediately, in the search for permanent and effective measures" (Rossbach, 2020, p. 129).

Likewise, it is important to point out the importance of facing the crisis without "losing sight of the strategic, policy level so that these immediate response actions can promote medium and long-term changes with the replacement of obsolete regulatory and legal frameworks disconnected from reality, a legal structure allowing in the medium and long term for readjusting financing and urban planning models to meet the infrastructure and housing needs of the inhabitants of precarious settlements on a large scale"(Rossbach, 2020, p. 129).

3 Objective of the session

The region has made progress in developing national and local legal and public policy frameworks around land use planning, urban development, and housing policies. Despite this progress, there are a series of challenges in terms of their design and implementation,



MINISTERIO DE GOBERNACIÓN



La vivienda y el agua son de todos

Minvivienda

including their dismantling. Those challenges are currently intertwined with those of the COVID-19 crisis, which is also creating opportunity for significant change.

Considering that the New Urban Agenda (NAU) proposes principles of great relevance for housing and urban policies, and land use planning – and that the Covid-19 crisis is generating trends and opening spaces for change – this session explores how to ground and consolidate the principles and commitments of the NAU in the national frameworks in the region, promoting the articulation between land use planning, urban and housing policies, while considering the challenges and opportunities of the Covid-19 crisis. In particular, the session focuses on how national frameworks can (i) expand the supply of and access to land for the production of quality social housing and (ii) make comprehensive slum upgrading feasible.

4 Agenda

INTRODUCTION 15:45 – 15:53

- By **Mercedes di Virgilio** (CONICET -UBA)

DIALOGUE 15:53 – 16:18

- By **Mercedes di Virgilio**

Participants

1. **Elkin Velásquez**, ONU-Habitat, MINURVI Technical Secretariat
2. **Sra. Irene Campos**, Minister of Housing and Human Settlements of Costa Rica and President Pro Tempore of CCVAH.
3. **Franklin Alberto Castro Rodríguez**, Vice Minister of the Interior and Territorial Development of El Salvador and member of CNODT
4. **Camilo Andrés Quiroz Hinojosa**, Director of Urban and Territorial Space of the Ministry of Housing, City and Territory of Colombia
5. **Román Meyer Falcón**, Secretary of Territorial Urban and Agrarian Development of Mexico

QUESTIONS AND ANSWERS 16:18 – 16:30

- By **Mercedes di Virgilio**

CLOSING REMARKS AND NETWORKING 16:30 – 17:15

- By **José Freitas** (Ivy Association)

References

Castro, S., Pinzón, J., & Zabala, S. (2017). La Ley 388 de 1997: 20 años de aprendizaje en materia de ordenamiento territorial en Colombia. In A. Rossbach & D. Montandon (Eds.), *Una visión general de las leyes nacionales urbanas en América Latina y Caribe: estudios de caso de Brasil, Colombia* (pp. 71–103). Cities Alliance.

CEPAL. (2018). *Plan de Acción Regional Nueva Agenda Urbana Plan de Acción Regional*



MINISTERIO DE GOBERNACIÓN



La vivienda y el agua son de todos

Minvivienda

Nueva Agenda Urbana. Naciones Unidas.

CEPAL. (2021). *Panorama Social de América Latina 2020.*

<https://www.cepal.org/es/publicaciones/46687-panorama-social-america-latina-2020>

ONU-Habitat. (2016). *Nueva Agenda Urbana.* [http://urbanhabitat.com.ar/data/Planear el Barrio.pdf](http://urbanhabitat.com.ar/data/Planear%20el%20Barrio.pdf)

Prioridades de Centroamérica: Implementación del PRINAU/SICA con Enfoque Integral Centroamérica. (2021).

Rosbach, A. (2020). COVID-19, asentamientos precarios, y marcos legales en América Latina y el Caribe. In L. Ortiz-Arrieta, M. Dammert, & P. Vommaro (Eds.), *Múltiples miradas para renovar una agenda urbana en crisis* (pp. 122–131). CLACSO.

SEDATU. (2020). *Política Nacional de Suelo.*

SEDATU. (2021). *Estrategia Nacional de Ordenamiento Territorial de la Sedatu 2020 2040.*

<https://www.gob.mx/sedatu/documentos/estrategia-nacional-de-ordenamiento-territorial-de-la-sedatu-2020-2040?idiom=es>

UHPH. (2020). *LAV Comunidades de práctica para el ordenamiento y desarrollo territorial en El Salvador.* 1–7.

UHPH. (2021). *Informe del Estado del Arte de Vivienda y Hábitat Urbano en América Latina y el Caribe* (Issue producto 3).