

**SPECIAL ZONES OF SOCIAL INTEREST IN THE POLITICAL AND HEALTH CRISIS: DISPUTES RELATED TO THE RIGHT TO HOUSING AND TO THE CITY IN SALVADOR, BRAZIL****ZONAS ESPECIAIS DE INTERESSE SOCIAL NA CRISE POLÍTICA E SANITÁRIA: DISPUTA EM TORNO DO DIREITO À MORADIA E À CIDADE EM SALVADOR, BRASIL**

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**ABSTRACT**

The World Health Organization has declared that the COVID-19 pandemic is a health emergency and recommended social distancing as a measure to contain the spread of the disease. This directive invokes the fundamental human right to housing while, contradictorily, exposing the restrictions to exercising this right in self-built territories. In order to better understand this relationship, this article recalls the pathways of the Special Zone of Social Interest (*Zona Especial de Interesse Social: ZEIS*) in Salvador, a municipality which, alongside the municipalities of Recife and Belo Horizonte, was a precursor for the instrument's design. It also examines ZEIS implementation within the context of the political and health crisis, and the dismantling of urban policy in Brazil, corresponding to the expansion of property borders into these areas. Given the urgency triggered by the pandemic, it aims to analyse the values and meanings attributed to the ZEIS, the instrument's legal affirmation and support processes, and the attributes that could interfere with its scope of implementation. This is a qualitative study, backed by documentary research and bibliographic review and supported by

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geo-processing techniques. The results provide evidence of the validity and importance of the instrument in disputes for the symbolic and material strengthening of territories, at a point that acknowledges the instrument's emancipatory hermeneutics, constructed through the praxis of social agents in the territories and in the state sphere.

**Key words:** Special Zones of Social Interest. Right to Housing. Right to the City. COVID-19. Health crisis.

## INTRODUCTION

The processes of commodification of multiple layers of social life have marked the current phase of capitalism. In the field of urban policy, the expansion of capital relentlessly articulates means for converting the public into private, in operations to privatize services, alienate public and common goods and urban projects supported by complex public-private arrangements. In turn, this neoliberal capitalism way of acting has an impact on the intensification of the processes of dispossession, leading authors such as David Harvey (2020) to consider them as a means of accumulation typical of financial capitalism. The triggering can be diverse and contextualized, but some clues of recurrences and continuities in the modes of operation in cities, with a focus on legal actions, encourage us to seek signs capable of highlighting how the dismantling of institutionalized urban policy has been instrumental in this process. As revealed in the current context of the health crisis caused by the new coronavirus, it has a different impact on the "south of the quarantine", an expression used by Boaventura de Sousa Santos (2020) to refer to territorial or social groups that endure the quarantine even more cruelly due to racial and sexual discrimination, working conditions or the territory they occupy.

Despite the role of the financial and real estate agents to operate the processes of expanding the frontiers to capital, the political economy needs State action that among other functions is the one responsible for the creation or reformulation of legal frameworks that back them up and give them legal certainty. As a rule, this legal certainty is selective and operated according to the combined logic of more general and other contextual interests, which often amply lead to a whole set of principles and guidelines of urban policy in municipalities. In order to reformulate and/or replace the legal-urban instruments aimed at the constitutional guarantees of the social function of property and the democratic management of cities, a systematic mobilization of the legal field

operates to give rise to instruments that provide expansion and diversification of the fronts of capital operation in the cities.

The dismantling of the urban policy at the federal level, with the extinction of the Ministry of Cities (Ministério das Cidades) and the National Council of Cities (Conselho Nacional das Cidades), among other substantive changes to Law 10,257/2001 (City Statute), includes a robust agenda for the reformulation of sectorial policies, such as the edition of Law n. 13,465/2017, which deals with land tenure regularization and related matters and of Federal Law n. 13,026/2020, which reformulates the regulatory framework of sanitation, sanctioned in the course of the pandemic crisis, when Brazil reached 75,000 deaths due to Covid-19 (BRASIL, 2017; BRASIL, 2020). The new housing program is moving in the same direction as the ultraliberal measures of the federal government agenda in urban policy, in the course of dismantling rights, policies and social programs. Certainly this whole process triggers revisions of regulations and properly revisions of state and municipal public policies.

As currently established, the land tenure regularization policy subverts the principles entrenched in the constitutional text in popular territories, notably the principles of the social function of property and the human right to housing. There is an attempt to impose a logic by which these territories are tensioned to a shift from the condition of a diverse social and spatial production and practice, full of stories, achievements and meanings, to a condition of commodity and financial asset. In this attempt to incorporate the logic of commercialization of urban land, the use value inscribed in the security of tenures is converted into exchange value made possible by the deification of private property, a situation aggravated by the treatment given by the 'Casa Verde e Amarela Program' instituted by the Federal Law n. 14,118, of January 12, 2021 (BRAZIL, 2021). Dissociated from a policy of guaranteeing the right to housing and the city, land tenure is detached from the principles of urban policy. The meanings inscribed in these territories, as significant social and cultural production, certainly marked by conditions of vulnerability and precariousness, inherent to the despoiling logic of production in Brazilian cities, are emptied and reduced to the terms of merchandise, in the strict sense of the object of the capitalist apparatus. This condition subverts the very notion of territory involving concrete and symbolic material dimensions, as well as the power relations in these scopes (HAESBAERT, 2007).

In a conjuncture of crisis in multiple dimensions aggravated by the coronavirus pandemic, this process of dismantling urban politics in its already long course, gains a dimension of catastrophe in the face of a dystopian present, imposing the resumption of its historical construction in the struggles of social movements, entities, intellectuals and other agents. However, as Gramsci (2012)

shows, an organic crisis like the one we experience and for which we do not see a fast way out, is configured exactly in the fact that the old dies and the new cannot be born and this new, or better, this emerging is uncertain in its virtuality (LEFEBVRE, 1999). For Grossberg (2015), an organic crisis constitutes an articulation of multiple crises between the different dimensions of social formation, "questions the understanding and the idea of a society about itself" and claims in response, "a vision of both the crisis and what society can become as it goes through the organic crisis." (GROSSBERG, 2015, p. 17).

In this situation of dismantling the Rule of Law and in view of the inability of the Brazilian State to respond to the vital urgencies of the populations vulnerable to the pandemic, there is an intensification of disputes over the basic legal institutes of urban policy, due to the onslaught of deconstruction of rights and the expansion of actions engaged by "corporate urbanism" (FERNANDES, 2013, not paginated) and by corporate urban policy (LIMA; VIVEIROS, 2020). With the veering brought by the health emergency, the situation reconfigures and adds other determinations, contradictions and struggles and "a variety of struggles to change the complex balance in the field of forces that shape the present and future of a society" is revealed (GROSSBERG, 2015, p. 17). As the arenas of disputes are in a state of tension in various contexts and the conflict in these conditions is more explicit (LIMA; VIVEIROS; SOUZA, 2020), looking into the emerging in these processes (WILLIAMS, 1979) can be both opportune, as well as strategic.

Furthermore, regarding the dismantling of urban policy and the weakening of the various dimensions inscribed in the right to the city, the pandemic, in addition to making more visible the asymmetrical conditions of access to the centrality and the city, accentuates processes of despoliation. In a background of economic, political and health crisis and given the inequities revealed in the research, we propose to revisit and discuss the tensions surrounding the Special Zones of Social Interest (Zonas Especiais de Interesse Social - ZEIS), in an analytical path that examines its history in the face of the disputes observed in the recent period, characterized by the deconstruction of the Brazilian urban policy, in order to identify any veering in the pandemic context. Starting from the hypothesis of the relevance of the legal-urbanistic institute of ZEIS in the material and symbolic constitution of these territories and also in the face of the urgencies imposed by the pandemic, this article aims to analyze the values and meanings attributed to the ZEIS, the processes of affirmation and support of the instrument in the legal and political spheres and the attributes capable of inferring the material scope of implementation in the territories. With this approach, we hope to contribute to the debate on the subvention of legal-urban instruments to the praxis of urban policy in the territories.

The choice of debating the institute of Special Zones of Social Interest in the context in which it was first formulated and in connection with the health crisis proved to be opportune due to the possibility of revisiting its promises, problematizing relations with urban policy and its basic principles and reflect on contradictions most clearly revealed in the pandemic. As we know, it is an urban-regulatory instrument of urban policy that carries since the beginning of its formulation the promise of fulfilling the social function of property and of the city to the realization of the human right to housing, through the promotion of security of tenure, living conditions, access to public services, housing production and reduced real estate pressure. However, the obstacles to meet the basic guidelines of the World Health Organization, such as “stay home” and “wash your hands”, shows the distance to reach this promise.

In this critical context, disputes over the right to housing explain an aspect that makes its violation even more intense: the right to life itself. As Ferreira (2020) upholds, the right to housing starts to enter a more restricted circle of vital minimum or minimum of survival, that is, the right to be sheltered, lodged, taken in, in a scenario of the spread of a deadly virus. In the context of the health crisis, this relationship – which is not always obvious – exposes the deficit of attributes in the popular territories – especially material – capable of ensuring conditions of habitability in a safety framework for the universalization of the right to life. We demonstrate in the case analyzed that such conditions do not happen in practice, although they find prescriptive legal-urban support for their achievement since the 1980s, at least in the precursor municipalities of the ZEIS instrument, such as Salvador and Recife.

In the adopted methodological construction, connections and contradictions of these processes are brought to the debate, giving evidence to the gaps and deviations of urban policy, but also enabling the examining of discontinuities capable of shedding light on a possible reconfiguration of urban policy in the relation with popular territories in the post-pandemic. The ZEIS is understood as a specific zoning category, based on the recognition of the legitimacy of the already existing land use and occupation norms, it is protective against the action of real estate speculation on these areas and guides urbanization and land regularization (SAULE JUNIOR; LIMA; ALMEIDA, 2006). It is also a strategic instrument in the consolidation of popular territories that were made even more vulnerable after the Coronavirus pandemic, in material and symbolic dimensions.

On the proposed path, the instrument is analyzed in the dynamics of the ongoing changes, putting them in confrontation with some urban policy instruments captured or conceived by the real estate market, such as the REURB (Urban Land Regularization), the urban consortium operation, the transfer of the right to build and other less known, such as the localized urban transformation,

placing this context in the face of the historical accumulation of struggles with their advances and setbacks. In the current context, the primary purposes of the ZEIS are threatened, especially with the recent avalanche of propositions and effectuation of regulations. We believe that the recovery of the ZEIS trajectory in Salvador presents specific challenges in the implementation and on disputes for the support by social agents, in the face of attempts to empty them in the current context of crisis, when new political and legal actions are placed on the agenda.

Three categories were mobilized and problematized for the analysis: 1) *values and meanings attributed to the ZEIS institute* by social movements, employees and public managers, involving the discussion of principles, values, objectives and meanings associated with the ZEIS in the Brazilian urban politics and, particularly soteropolitan<sup>1</sup>; 2) *relationship between legal, political and urban dimensions of the ZEIS*, centered on the examination of legal bases, institutionality, implementation guidelines and political action; 3) *attributes and elements of achievement*, involving the discussion on the achievement of the objectives for which the ZEIS were instituted, taking the socio-spatial inequality, vulnerability and expansion and lethality of Covid-19 in these territories as parameters of inference.

Together, such categories are taken as reference points for the consolidation of these popular territories and measures for the legal, political, urban and social effectiveness of the ZEIS institute. The research – of a qualitative character – made use of vast documentation (legal, governmental policies and programs, manifestos and manifestations of civil society in posts and live streams during the pandemic, among others) and databases of the IBGE/2010 Census and the IPEA. The later were modeled and used mainly in the analysis of socioeconomic conditions and social vulnerability of the population residing in the ZEIS, supported by geoprocessing.

Therefore, we can point out counter-hegemonic approaches both in the construction of a legal hermeneutics and in the dimension of the struggles towards the affirmation of ZEIS as a substantive instrument, in the terms proposed by Lefebvre (1991) in the disputes for the Right to the City, a process that has centrality and participation as important attributes. With the historic dispute of legitimacy highlighted in the pandemic, reconfigurations in the repertoire and in the instruments of political action may point to changes in the power relations in the analyzed contexts and give rise to displacements and redefinitions in the political and legal fields of urban policy. The current clashes observed in the historical movement can tell us a lot about how this field of forces is reconfigured in the political and health crisis and they give force to affirm values, meanings and teleology of action and properly base strategies of struggle for the right to the city, reactivating the centrality of the right to housing as a condition for realizing the right to health and life.

## 1. ZEIS AS A CONSTITUTIVE AND CONSTITUENT DIMENSION OF THE RIGHT TO THE CITY AND THE CONTRADICTIONS IN THE LEGAL-URBANISTIC FUNDAMENTALS AND STATEMENTS

The ZEIS instrument was incorporated into the federal legal system after being applied in local contexts, as recognition of the strategic character in the affirmation, in the realization of the urban reform agenda and in the broader struggle for the right to the city. This fact demonstrates an interaction and reciprocal influence between the national and local scales, considering the experience in the adoption in several Brazilian municipalities since the beginning of the 1980s, namely in Salvador, Recife and Belo Horizonte. The instrument's legal architecture was based on the concept of "specific urbanization", provided for in Federal Law n. 6,766, of December 19, 1979, which regulates the division of urban land throughout the country (BRASIL, 1979).

The experience of the municipality of Recife, introduced by Municipal Law n. 14,511, of January 17, 1983, influenced the implantation of the instrument in several Brazilian municipalities. This experience stands out not only for its pioneering spirit, but for outlining a high-intensity participatory management system, composed of the PREZEIS Permanent Forum and the Land Tenure Urbanization and Legalization Commissions (COMULs – Comissões de Urbanização e Legalização da Posse da Terra), responsible for articulating, discussing and deliberating about urbanization and land tenure regularization projects in ZEIS (RECIFE, 1983; 1987; 1995). Therefore, it was up to the COMULs, among other functions, to indicate the parameters that regulate the use and occupation of the land, taking into account the processes of appropriation of the space, understood as a product of social action, political practices and social experiences, as Lefebvre upholds (2013). Thus, the strategic character of COMULs is shown: to mobilize the law in favor of its counter-hegemonic use, contributing to avoid the action of the real estate market on these territories, as well as to establish parameters of inference of habitability conditions,<sup>2</sup> as it determined that "each standard lot will contain water, light and sanitary sewage" (RECIFE, 1987, s/p).<sup>3</sup>

Each in its own way, these experiences at local level consolidated the purposes of implementing the ZEIS, marking a veering in the housing policy, until then oriented towards the removal of slums and the production of housing estates, mainly from the National Housing Bank (Banco Nacional de Habitação). Such experiences materialize a differentiated regulation of urban land based on new paradigms of legality, which were intended to serve as a legitimizing and guiding basis for the implementation of urbanization policies and the recognition of popular territories, one of the main meanings attributed to the instrument ascertained in the legislation and claimed in the social struggles for the right to housing.<sup>4</sup>

In the following decades, the ZEIS institute gained new contours and meanings in its application and defense, being also used to boost the offer of infrastructured urban land for the production of Social Interest Housing, with the inclusion of empty or underutilized areas in 1993 in the municipality of Diadema (São Paulo), as exposed by Baltrusis and Mourad (1999). It is also as a way to promote the demarcation of territories of traditional communities in the city, such as the territories of indigenous communities in São Gabriel da Cachoeira (Amazonas), quilombola communities<sup>5</sup> in Alcântara (Maranhão), fishing communities in Camaçari (Bahia) and the communities of Gamboa and Ilha de Maré in Salvador (Bahia).

Following the flow of exchange and reciprocal influences between the local and national scales, the ZEIS were incorporated into Federal Law n. 10.25, of July 10, 2001 (Statute of the City), among the legal and political instruments foreseen for the execution of urban policy, which are dealt with in articles 182 and 183 of the 1988 Federal Constitution, aiming to order the full development of the social functions of the city and the urban property and later on in Federal Law n. 11,977, of July 7, 2009, an act that outlines its conceptualization at the federal level.<sup>6</sup> In occupied areas, the instrument is widely assimilated into national, state and municipal legislation, in a conception involving a combined process of legal and programmatic measures in the territories, in its regularization and territorial consolidation. Between 2005 and 2009, the number of municipalities with legislation that provided for ZEIS increased from 672 to 1799, representing an increase of 168% (SANTOS JUNIOR; MOTANDON, 2011), with 55.1% of Brazilian municipalities providing for ZEIS in its legislation in 2018 (IBGE, 2019).

However, despite this trajectory oriented towards the possibility of constitution and creation of rights, the instrument has only partially fulfilled its role. The instrument has lost legal force, with repercussions in the own territories due to the slowness in the processes of urbanization and land regularization, the complexity of urbanization actions, as evidenced in the implementation of the Growth Acceleration Program – Precarious Settlement Urbanization [Programa de Aceleração do Crescimento – Urbanização de Assentamento Precários] (DENALDI; CARDOSO, 2018), the disarticulation of urbanization interventions with land regularization and urban planning and the absence of criteria to define priorities. Despite all these chaos in achieving the broader purposes associated with the ZEIS, the important and undeniable legacy of its contribution to the permanence of communities in their territories is retained and at the same time renews the prime meaning of the instrument.

Broadly speaking, the legal, material and political legacy of the struggles for urban reform in the country have been the subject of profound reflections by movements and collectives as they revisit their strategies and tactics (VIVEIROS, 2018). To retake the contradictory threads of this history in the crisis means to deeply dive into the values and meanings and into the practices in the face of the present reality with dense political past and possible virtualities. In the long journey of building urban policy, social movements, entities, technical and intellectual advisory services articulated in forums – we must highlight the National Forum for Urban Reform (Fórum Nacional pela Reforma Urbana) for its long history and also the Urban Resistance – National Movements Front (Resistência Urbana – Frente Nacional de Movimentos) – succeeded to articulate three dimensions of political and societal engagement: urban reform as an ideal for constructing ethical-political foundations and the agenda for struggle, the right to housing as a mobilizing ideal and the right to the city as an ideal for conquering the city (VIVEIROS, 2018).

More recently, in the context of the pandemic, some initiatives have somehow reinvigorated the instrument with the perspectives of scope, understanding of meanings and legitimizing in broader spheres. In 2020, the “Zero Eviction Campaign: for life in the countryside and in the city” (Campanha Despejo Zero: pela vida no campo e na cidade) was launched, led by various social movements in Brazil with international support, aiming the suspension of any public or private initiative promoted with the purpose of displacing families and communities. In Salvador, the “ZEIS now! For the right to housing and the city” campaign (Campanha ZEIS já! Pelo direito à moradia e à cidade) is under construction, a project backed by the Prosecution Service of the State of Bahia, which articulates University research groups, collectives and social movements in defense of popular territories and of the instrument, scheduled to start in May 2021.

For the agents mobilized in the construction of the Brazilian urban policy, the defense of urban reform, in fact, constituted the basis of the ethical-political foundations and conjuncturally outlined the agenda of struggle for the right to the city, in variable strategies and tactics in the face of possible achievements. It managed to add forces to pave a specific field of social struggle “that presents spheres of convergences and divergences, of conjuncture alliances and coalitions around the defended ideas, and carry ideological specificities, in the forms of collective action of the agents of civil society and in their articulations, both internal and external ”(Free translation. VIVEIROS, 2018, p. 147). They have as references a long trajectory of struggles, the recognition of the right to the city and the alignment to a broader, democratic and participatory political project, increasingly

tensioned by the global neoliberal project with its roots locally rooted in the restructuring of the State and the economy (DAGNINO, 2004).

The right to housing was placed as a mobilizing element of the engagements in the bonds with bases, tensioning arenas and scales of struggles so as not to loosen political action – in the territories and in the streets – from the articulations and pressures before institutional levels. In this picture, the occupations and the territorial consolidation of the conquered areas were fundamental strategic axes of the urban struggles, along with the production of Social Interest Housing (HIS - Habitação de Interesse Social). Accordingly, the demarcation and maintenance of the ZEIS in the master plans were part of the list of territorial affirmation actions and also to support broader agendas. This set of initiatives comprised the defense of multiple forms of access and land use, in the constant tension between use value and exchange value, configuring urban reform as a possible political pact, with its own internal contradictions and the countless and incessant conflicts with the city's hegemonic forms of production.

To a large extent, these guidelines were sustained with the legal support of the general rules of urban policy of the City Statute and the basic legislation of sectorial policies, until the process of dedemocratization of the State was installed in 2016. With the normative dismantling in the federal sphere, a variety of municipal laws continue to deconstruct the principiological bases and programmatic orientation of the urban policy. This process at the federal level has been taking place through direct changes/substitutions to urban policy legislation, such as Law n. 10,257/2001 (City Statute), Law n. 11,977/2009 and other already mentioned. Law n. 13,465/2017, in addition to establishing a new regulation for land tenure regularization focusing the private property, provides for the large-scale alienation of the public assets of the Union, the privatization of goods of common use, the disjoining of title to urbanization and the legalization of platting and irregular gated communities, including in rural areas. Federal Law n. 13,026/2020, in addition to posing a threat to the right to basic sanitation, facilitates privatization and seeks to reduce water to an economic good. Side effects of rules on other matters are also observed, as is the case of Law n. 13,874/2019 that deals with economic freedoms.

At the local level, in the same way, the ZEIS instrument – especially, although not exclusively – has been confronted with these new legislative designs or forms of application of the institutes embedded in the City Statute that promote its conceptual change and endanger the ends of their founding purposes. Recent disputes in the municipalities of Recife,<sup>7</sup> Fortaleza<sup>8</sup> and Rio de Janeiro show how active the historically opposed forces are against the consolidation of these territories, especially those located in valued areas of the city, confirming the logic of contradictory mediations

operated by the State, when the expansion of the capital's frontiers comes across the fragile limits of the ZEIS. Instead of presenting itself as a boosting device and a means to achieve the purposes of the ZEIS, the health crisis proved to be a smokescreen for attempts to dissolve attained achievements. In the political sphere, work is done to delegitimize agendas, criminalize social movements and activate resources of physical and symbolic violence. Indeed, although the dissemination of the coronavirus has a direct relationship with the conditions of habitability, the experienced health crisis has not been able to cool the real estate pressures on ZEIS in several contexts – including in Salvador – as will be shown later on.

The voracity for the expansion of the borders of the capital over popular territories triggers a legal architecture backed by a set of interpretations that seek to undermine the effectiveness of the application of ZEIS or, as stated, to deviate their founding purposes to the detriment of social movements. Changes to special urban parameters formulated for ZEIS have been submitted by city halls, in violation of the guidelines of the City Statute, especially item XIV of article 2, which addresses the need for “the establishment of special rules for urbanization, use and occupation of land and building, considering the socioeconomic situation of the population and environmental standards” (free translation). Therefore, they violate the principle of specialty, when it determines that the special rule withdraws the extent of the general rule.

In addition, the serious health crisis activates the centrality of the right to housing as a condition for the realization of the right to health and life. Therefore, it should prevail in the face of the right to property and its related rights. A range of magistrates have been pronouncing in this regard in the context of the pandemic, as in the decision delivered by the judge of the first instance of the District of Valença who, in the context of a repossession action, granted the request for reconsideration of an injunction, arguing that “The right to life and health override the right to possession/property” (free translation) and the principle of the dignity of the human person “must be the interpretive vector of decisions when there is a conflict of fundamental rights in the specific case.” (Free translation. BAHIA, 2020a, not paginated). Furthermore, the Recommendation n. 90, of March 2, 2021, of the National Council of Justice (CNJ – Conselho Nacional de Justiça), recommends that the Judiciary bodies adopt precautions for the collective eviction of urban and rural properties during the pandemic period (CNJ, 2021).

If, on the one hand, the State acts in defense of the interests of corporate capital in cities as a rule and “wears the suit of death” – expression used by Ferreira (2020, not paged) to refer to the removals promoted by the State's action in the context of the pandemic – stretching to the limit of vulnerability and insecurity the communities residing in popular territories; on the other hand, we

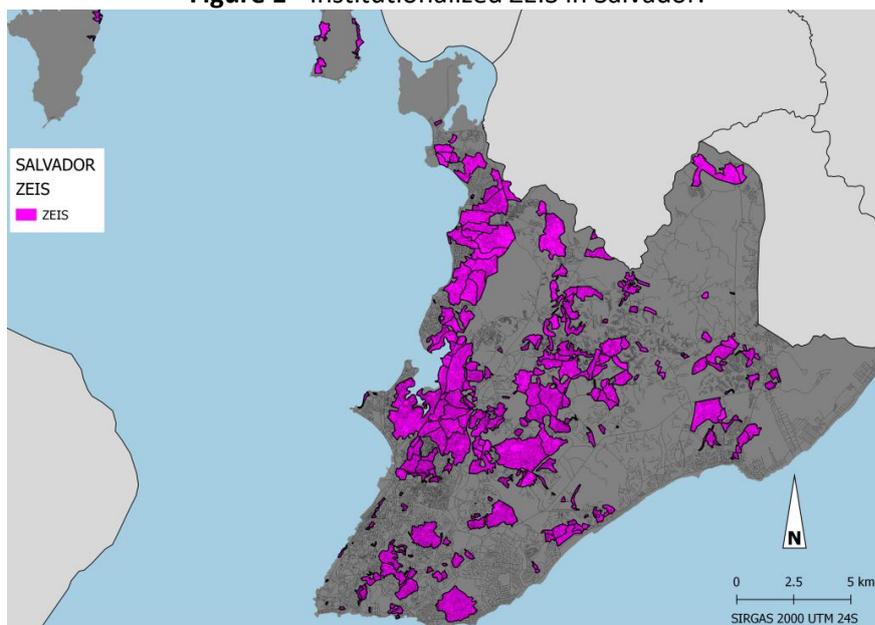
know that extreme crisis situations can be especially relevant to tension processes of change in the legal and social order. Around four decades of experimenting with the instrument were not enough to break with a tradition of delegitimization and erasure of these territories, although, as Williams (1979) warns, the (selective) tradition is in practice the most evident expression of the pressures and the dominant and hegemonic limits, "at vital connection points, where a version of the past is used to ratify the present and indicate directions for the future, that a selective tradition is both powerful and vulnerable" (Free translation. WILLIAMS, 1979, p. 119).

The representativeness and expressiveness of the ZEIS in Brazilian cities stand out, when we consider them as an approximate measure of the extension of popular housing territories<sup>9</sup>. These territories represent an achievement of the vulnerable population in the experience of life and in the daily appropriation of the city, to ensure the means of material reproduction of life and sociability, fundamental in their processes of cultural formation and construction of citizenship. With all the contradictions standing in the relation between the law and the effective production of rights, particularly the right to housing and the city, the instrument's legal-urbanistic purposes and meanings base the disputes in the political sphere, as we will see in the case of Salvador.

## 2. ZEIS IN SALVADOR: CONSTRUCTIONS, CONNECTIONS AND CONTRADICTIONS IN/BETWEEN THE IDEOLOGICAL, LEGAL, URBANISTIC AND POLITICAL SPHERES

In Salvador, the ZEIS are home to 56.6% of the population with a territory comprising about 20% of the total area of the Municipality. The map (figure 1) shows the spatial distribution of the ZEIS in the municipality of Salvador.

**Figure 1** - Institutionalized ZEIS in Salvador.



Source: Prepared by the authors, 2020, based on PDDU/2016 - Municipality of Salvador (PMS – Prefeitura Municipal de Salvador). Image generated on Quantum Gis v. 2.18.28

In order to understand the adoption and application of the instrument and in the quest to understand the values and meanings attributed to the ZEIS in Salvador, it is necessary to look with “attentive lenses” and resume the path since its constitution. As we intend to demonstrate, the ZEIS in Salvador have played an important role in affirming the right to centrality and the right to appropriation by communities, which includes as a main attribute the permanence in their territories with the values and meanings associated with their conquests in the city, even if the conditions for a dignified urban life took time to materialize. Right to centrality as a condition proper to the complexity of the urban, in the “movement that constitutes it and destroys it, that creates it or shatters it” (LEFEBVRE, 1999, p. 132) and appropriation as a possibility of participation and insertion in this dynamic, in the terms put by the same author (LEFEBVRE, 1991). These are the main values that give meaning to the defense of the instrument in the analyzed case.

A long journey of conception, institutionalization and implementation of the ZEIS is intertwined with the trajectory of the consolidation of the Brazilian urban policy, with its few moments that we could consider virtuous, from the point of view of a broader political and social

activism and of the implementation effort more adhering to its formulating principles. We can situate this activism in the struggles for base reforms in the redemocratization period in the country, showing that "the democratic character of a regime is discerned in relation to its attitude towards the city, towards urban freedoms, towards urban reality and therefore towards segregation." (LEFEBVRE, 1991, p. 95). In the politicization of daily practices, social movements start to claim and create new rights.

The ongoing processes of claiming urban rights in Salvador encourage connections with national insertion urban movements such as the National Confederation of Dwellers Associations (CONAM – Confederação Nacional das Associações de Moradores),<sup>10</sup> through the Federation of Neighborhood Associations of Salvador (FABS – Federação das Associações de Bairros de Salvador) and the Movement for the Defense of Slum Dwellers (MDF – Movimento de Defesa dos Favelados). This articulation allowed the constitution of agendas of common struggle fueled by guidelines such as those aimed at the implantation of infrastructure, public services and permanence in the territory, which, in turn, led to the modification of the land use and occupation laws to define specific urban norms for special use, subdivision and occupation, allowing the creation of Socio-ecological Protection Areas (APSE – Áreas de Proteção Socioecológica), the precursor to ZEIS.

The implementation of special zoning in the municipality of Salvador was a strategy to avoid the action of the real estate market on popular territories right from the beginning. It was in the course of the elaboration of the Urban Development Plan (PLANDURB) – between 1975 and 1978 – that initiatives were taken to contain speculative processes and real estate pressures in these territories and on areas of environmental and cultural value that a special zoning is configured in the local legal-urban order. With an expanding real estate market and major structural interventions promoted by the State, such as the construction of the Luís Viana Filho Avenue (Paralela), the transfer of the Administrative Center to the new avenue among other interventions, a new centrality in the city was being designed and it already signaled pressures and threats to popular territories.

Accordingly, in the course of preparing the PLANDURB studies, the pressure from real estate capital led to the redefinition of urban parameters that would make the implantation of the Pituba development feasible. This process took place through a legal maneuver that allowed the modification of urban parameters, through the approval of Decree n. 5,065/1976, which provided for the Homogeneous Zone of Pituba, allowing the expansion of the city and the widening of the borders of real estate capital. Then, the creation of the Homogeneous Zone of the Northeast of Amaralina was proposed, an initiative of the technical sphere. It was put in effect by Decree n. 5,403, of June 17, 1978, in an area occupied by low-income population in the seafront. This initiative had the

purpose of avoiding real estate pressures resulting from the implantation of the Pituba development and what it represented as an inducer of the real estate expansion in the Atlantic seafront where there were several nuclei occupied by low-income populations, such as 'Nordeste de Amaralina' and 'Boca do Rio' neighborhoods. The Decree sought "to avoid the valorization of urban land" and "to protect low-income residential settlements against speculative activities, avoiding evictions" (SALVADOR, 1979, not paginated). This pioneering experience in Brazil was followed in 1985 by the inclusion of 32 areas in the category of 'Socio-Ecological Protection Area' by Law n. 3,525, of September 11, 1985, which instituted the PLANDURB. A large part of popular territories framed as APSEs were located in valued areas or in areas in the process of real estate value increase.

When drafting a new Urban Development Master Plan (PDDU – Plano Diretor de Desenvolvimento Urbano), special zoning is back on the agenda. At the new PDDU instituted by Law n. 6,586, of August 3, 2004, the Special Areas of Social Interest (AEIS – Áreas Especiais de Interesse Social) were created as an instrument to fight against exclusion and poverty and as a guide in the processes of urbanization and land regularization. Specific plans were envisaged in the law that should be developed in a participatory manner and taking into account the cultural values of the community. As seen, other meanings are attributed to the instrument by the governmental sphere, which is confirmed by the peripheral location of most of the proposed areas, in the region known as "Miolo" of Salvador, therefore not attractive to the real estate market.

After four years, a new PDDU was instituted through Law n. 7.400, of February 20, 2008. In this instrument, the ZEIS approach is placed in dialogue with the Municipal Policy of Housing of Social Interest. The Plan defines categories for the ZEIS that refer to the material and symbolic characteristics of the territories and considers incident processes and conflicts inherent to the urban dynamics, such as the relationship with environmentally protected areas, cultural specificities and real estate pressures. Thus, five categories are established<sup>11</sup> to which correspond guidelines that should be considered in the specific planning, embodied in three plans: the Urbanization Plan, the Land Regularization Plan and the Social Action and Participative Management Plan. However, such innovations and the significant increase in the number of 116 areas inscribed as ZEIS have failed to achieve the expected regulation and not even specific plans and integrated actions for urban and land regularization have been carried out.

The PDDU currently in force, instituted by Law n. 9,069/2016, was approved in a troubled national environment with repercussions at the local level, in a conflictive process and crossed by great real estate pressures. Expressly inserted in the logic of real estate capital, the Plan contradictorily gives great emphasis to the ZEIS, which apparently converges with the objectives and

the historical meanings that sustained the creation of the special zoning of Salvador to contain speculative activities and to avoid expulsion of the inhabitants from their territories. The Plan keeps five ZEIS categories in similar terms to the previous plan<sup>12</sup>, fits the areas in the proposed categories and increases the amount of ZEIS to 234, that is, it practically doubles the number of ZEIS and the affected area. The 234 ZEIS totals 6,150 ha and are home to 1,531,069 inhabitants (56.6% of the population) in 495,000 households (58% of the existing households in the Municipality) (SALVADOR, 2019). The Plan also establishes the mandatory elaboration of the Land Regularization Plan for ZEIS and demarcates for the first time in the municipality's legal system, ZEIS of empty land and 'built voids', although little representative in terms of area and mostly located in peripheries.

Despite the fact that there was no direct attack in the decommissioning or exclusion of areas by the municipal entity, on the contrary, there was an increase in the number of areas demarcated as ZEIS at each revision of the Master Plan, as well as in the overall quantitative of the area, the relative advances registered in the demarcation of the ZEIS in the PDDU/2016 are questioned in view of the configuration of the urban policy designed in the macro zoning and in the instruments that arouse greater interest in the real estate market, such as the Urban Consortium Operations (OUC – Operação Urbana Consorciada) and the Localized Urban Transformation (TUL – Transformação Urbana Localizada).<sup>13</sup> Although these instruments have not been effectively applied in Salvador, not least because the TUL is a new instrument for the Municipality (even if regulated), the overlap in areas of ZEIS leaves an open flank for gentrification and dispossession processes. These risks are posed and point to future conflicts, to which the communities located around the great mobility structures are mainly exposed.

The veering and the disputes with the real estate capital already foreshadowed in abstract form in the PDDU/2016 can be better understood through empirical evidence. Although they present themselves as "surgical incisions" and thorough, operated by *ad hoc* regulations, as it recently occurred with ZEIS located in the insular portion of the Municipality, it highlights the threat on the institute. During the current pandemic the ZEIS of Ilha dos Frades – located in the insular portion of the Municipality, a place where traditional fishing communities live – was attacked through Law n. 074/2020, which instituted the Urban Land Regularization Program. With a process surrounded by much fuss and controversies, amendments were inserted, published on March 5, 2020, which modify the polygonal areas of the Ilha dos Frades ZEIS, a territory again attacked through Bill 236/2020, authored by the Executive Municipal Branch, which deals with the Municipality's participation in the 'Minha Casa Minha Vida Program', whose amendments approved at the ordinary session of

December 22, 2020 sought to expand the conditions for the implementation of real estate developments at Ilha dos Frades (SALVADOR, 2020a, 2020b).

Going against the protective measures and keeping conflicts in a latent condition, in October 2020 the Judges of the Fourth Civil Chamber granted an injunction in the Repossession Action filed by the Municipality of Salvador, aiming at the removal of dozens of families residing for over 15 years at Rua Monsenhor Rubens Mesquita – located at ZEIS Tororó – so that a “Station-Mall”, proposed by the Nova Lapa Consortium, would be constructed on the site (BAHIA, 2020b).

Empirical evidence demonstrates that the health crisis context has not been able to reverse the hierarchy of public priorities, in order to impose the issue as a public emergency, at least interrupting the incursions of real estate capital in the territories of ZEIS in a critical pandemic context. The attacks on the ZEIS of Ilha dos Frades and Tororó reveal a strong alignment between corporate interests and those of the public authorities in capturing the collective and public dimension of the city, driven in the direction of its commercialization.

**Figure 2 - ZEIS Area Affected by Repossession Action in Tororó.**



Source: Lugar Comum, SINARQ, IAB, 2021. Map ZEIS of Tororó and affected area in the Repossession Action.  
Caption: Affected area and ZEIS n. 27 (Tororó).

To aggravate the situation, despite the importance of the ZEIS instrument, non-regulation put these communities in a vulnerable condition – either through the ‘program areas’ provided for in the PLANDURB or through the neighborhood plans pointed out by the 2008 Plan or in the ZEIS Land Regularization Plans, provided for in the PDDU/2016. Even with the value attributed to the instrument by social movements, public servants, technicians and academic sectors, until today there are very few areas where urban and land regularization projects were implemented, if so they have always been carried out in an incomplete manner, considering what is established in the urban policy legislation of the municipality. As mentioned above, the defense of centrality plays a key role in the struggles in the popular territories of Salvador and the material and symbolic senses attributed to the ZEIS, exactly where real estate interests are expressed and find resistance.

Despite its weaknesses, especially in relation to promises of land tenure regularization and habitability conditions (access to services and infrastructure, environmental sanitation, density, precarious construction, etc.), the ZEIS have been important for the maintenance of the low-income population in areas of the city. In turn, the incompleteness and fragmentation of urban policies implemented in the ZEIS, together with the tensions caused by the action of real estate capital have contributed to the maintenance of the condition of "permanent transience", which marks the aspect of land ‘reserve’, able to be seized “at the right time” (ROLNIK, 2015, p. 194). In Salvador, the traces of recurrences and the continuities that have spread since the institute's constitution four decades ago show how the State operates, causing the emergence of a threshold, unstable and indefinite social situation that turns conquered rights into vulnerabilities. In this context of health crisis, this situation gains a more intense complexion, which structures such an unequal distribution of vulnerabilities that subjugates part of the population to the living conditions that lead to the creation of “worlds of death” (MBEMBE, 2018, p. 71), as will be revealed by the geography of the virus, exposed in the next topic.

### 3. INCOMPLETENESS OF URBAN POLICY AND PERSISTENCE OF VULNERABILITIES IN ZEIS IN SALVADOR

Much of the analysis of ZEIS favors looking at urban precariousness and balks a broader approach focused on the specificities of these territories as material and symbolic production of its inhabitants in the pursuit of the realization of the fundamental right to housing and the city. Although precariousness is part of most of these territories, we cannot typify them by choosing this aspect as a fundamental characteristic, without considering the socio-historical conditions of these subjects and territorialities in the ontological sense, such as materiality, immateriality and lived space (HAESBAERT, 2007), even if built by asymmetric relations of access to the city.

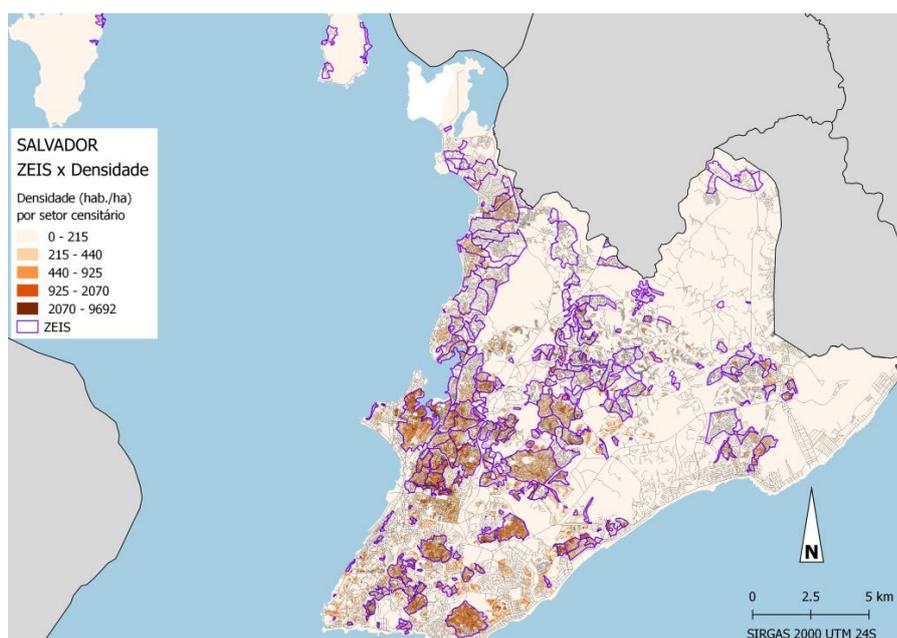
As a condition for understanding these territories and their insertion in the city, there is a need to depart from the idea of order and rationality of the field of urban planning, which blocks perspectives of understanding forms of production and design of the city that are more distant from the logic of the so-called formal market. A set of attributes existent in these territories constitutes what Lima (2019) understands as a self-constructed right, constituting the values and energies to face the conditions of social inequality and segregation typical of the city's production logic, ensuring the basic means of reproducing life and produce sociability, as well as solidarity. It was possible to see the formation of broad and dense networks of solidarity and protection in several popular territories during the pandemic, giving rise to relations of reciprocity and belonging, as seen in Pina (Recife), Gamboa (Salvador) and Paraisópolis (São Paulo), just to name a few. Campaigns for donations of basic food baskets and distribution in the community, installation of community sinks, street cleaning, distribution of alcohol-based hand sanitizer, care for the elderly, the disabled and other even more vulnerable groups, as reported by articles in local newspapers and found on live streams that consubstantiated the research.

The pandemic has also – explicitly – shown the correspondence between inequalities, vulnerabilities and effective conditions for the prevention and treatment of the disease. The accelerated expansion of Covid-19 in popular territories has especially shown how much the social vulnerabilities of this part of the population distance them from the exercise of the right to life and how much this individual right is related to the right to the city. Therefore, perceiving the demographic and socioeconomic characteristics and a set of vulnerabilities of the inhabitants of these territories helps in the exercise of understanding the relationship between housing conditions and Covid-19 and allows to problematize the material scope of the urban policy from the perspective of the ZEIS.

Although of great value for studies on poverty and socio-spatial inequalities, vulnerability presents itself as an imprecise category. Costa *et al.* (2018) highlight the polysemy of the term, which can be understood as the susceptibility, symptom or dimension of poverty. It is necessary to perceive the multiple dimensions of inequality for the understanding of the term, according to Therborn (2011, p. 21-22). They are of three types: the vital (related to survival), the existential (linked to the freedom that people have) and the inequality of resources (wealth, income, education, culture, contact, power or opportunity). For the analysis of vulnerabilities in Salvador's ZEIS the following indicators are considered in isolation: demographic and socioeconomic indicators<sup>14</sup> and the Social Vulnerability Index (IVS – Índice de Vulnerabilidade Social) calculated by IPEA, which reveal important dimensions of resource inequality<sup>15</sup>. Data on deaths of non-elderly people were analyzed in order to problematize, together with the other indicators and the IVS, the vital inequality.

These territories are occupied mostly by black populations and have insufficient infrastructure and high densities, many of which with added risk situations. The territories are diverse in their occupation process, in the consolidation and configuration of the territory (HAESBAERT, 2007) and also in their cultural histories and formations (WILLIAMS, 1979). In figure 3 – the map of Salvador – elaborated from the aggregation of census sectors from IBGE, it is possible to observe that the most densely populated areas correspond to the ZEIS, although some areas occupied by populations of higher income groups reveal high densities. In these cases, it is necessary to emphasize that the density is related to the verticalization and not to the horizontal density found in the popular territories of Salvador.

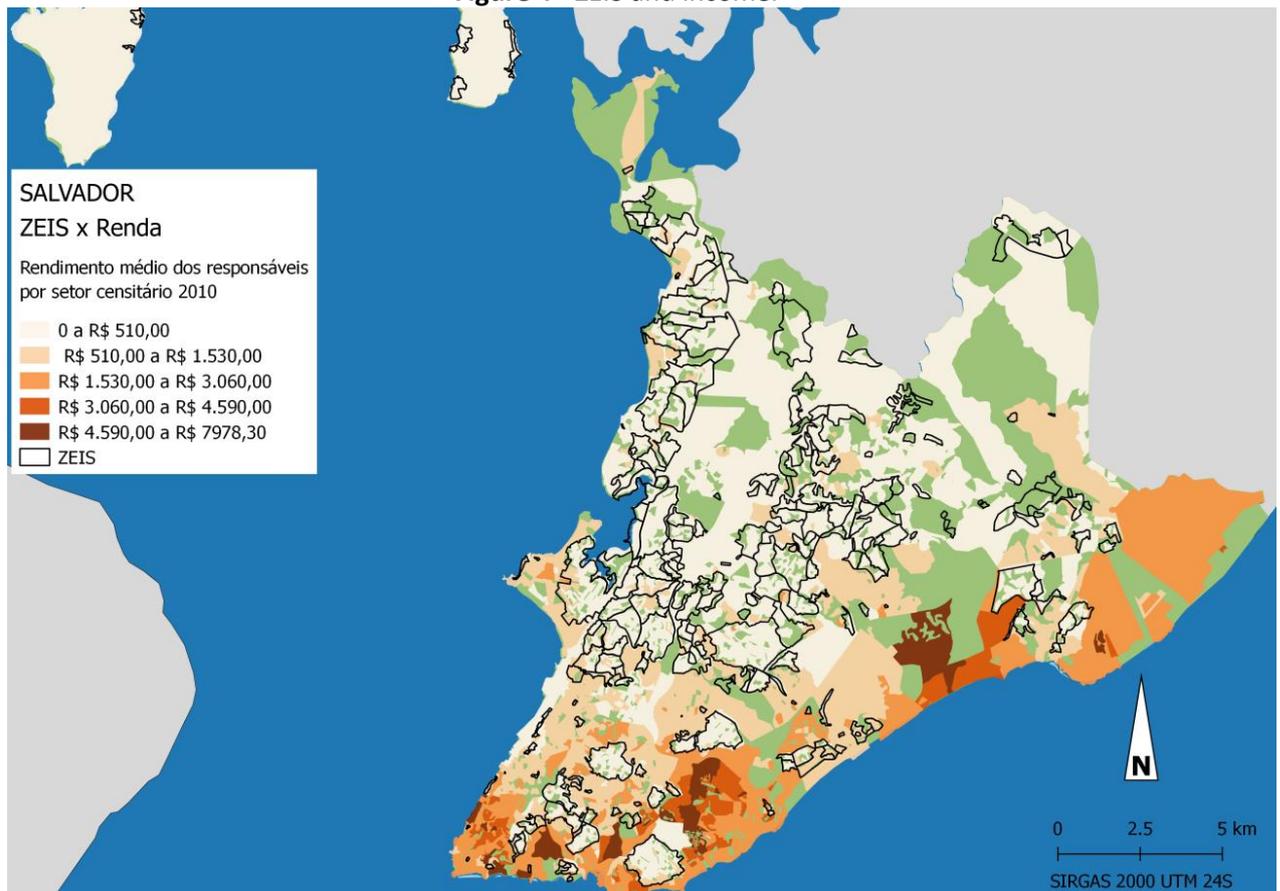
**Figure 3 - ZEIS and population density.**



Source: Prepared by the authors, based on the PDDU/2016 – Prefeitura Municipal de Salvador (PMS) and IBGE 2010 Population Census. Image generated on Quantum Gis v. 2.18.28. Salvador ZEIS vs. Density (inhabitant/ha).

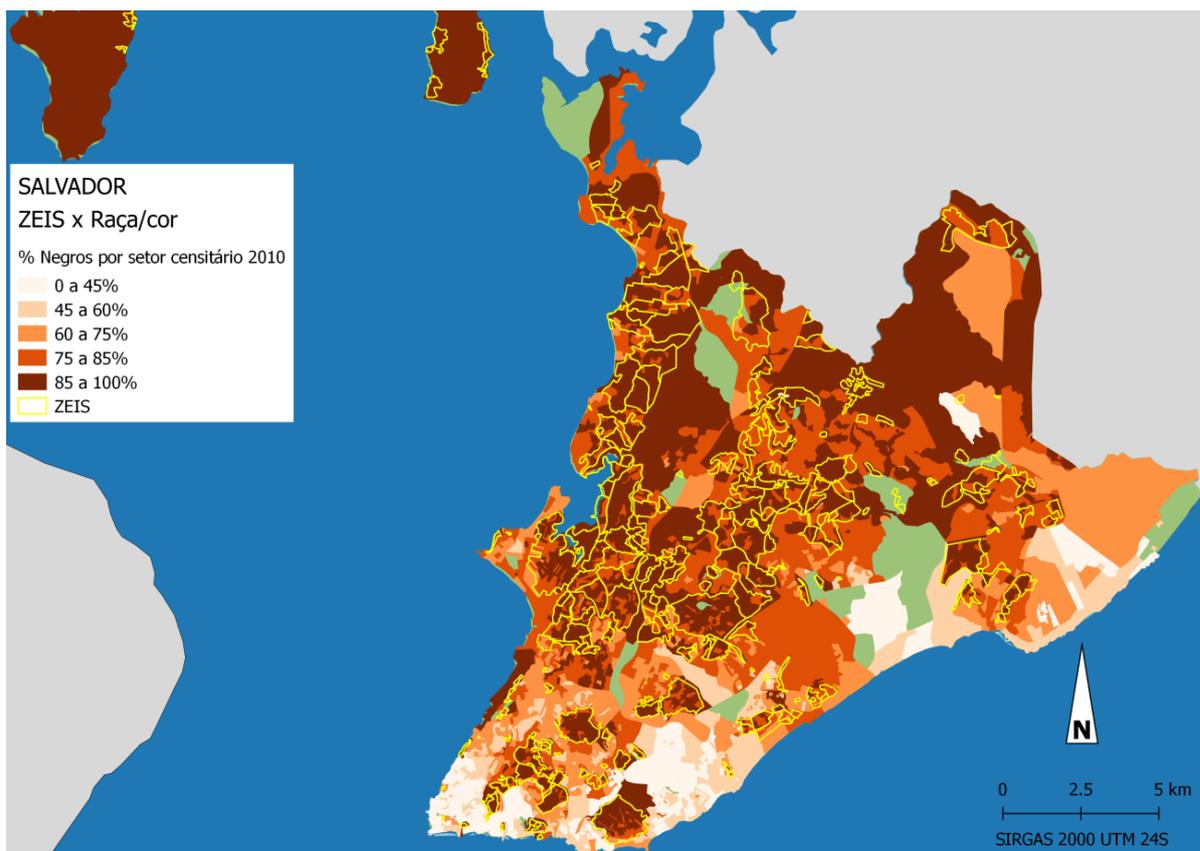
Observing the dimensions of income and race and their concentrations in relation to the ZEIS, and still comparing the correlation between them, these territories have the highest concentrations of black population and correspond to the areas of lower income. The maps in figures 4 and 5 show the distribution by average income of the person in charge and the concentration of black population (also based on the census sectors and overlapping the ZEIS). In Salvador, a municipality with a predominantly black population (79.5% according to data from the 2010 IBGE Demographic Census), the concentration of black population in the ZEIS is 82.7%, and outside these areas is 66.3%, as already pointed out by Galindo and Pedreira Júnior (2021, p. 77) based on a simplified spatial approach<sup>16</sup>.

**Figure 4 - ZEIS and income.**



Source: Prepared by the authors, based on PDDU/2016 – Prefeitura Municipal de Salvador (PMS) and IBGE 2010 Population Census. Image generated on Quantum Gis v. 2.18.28. Average income of the person in charge of the household by census sector 2010 (income in BRL – Brazilian Real)

**Figure 5 - ZEIS and race / color.**

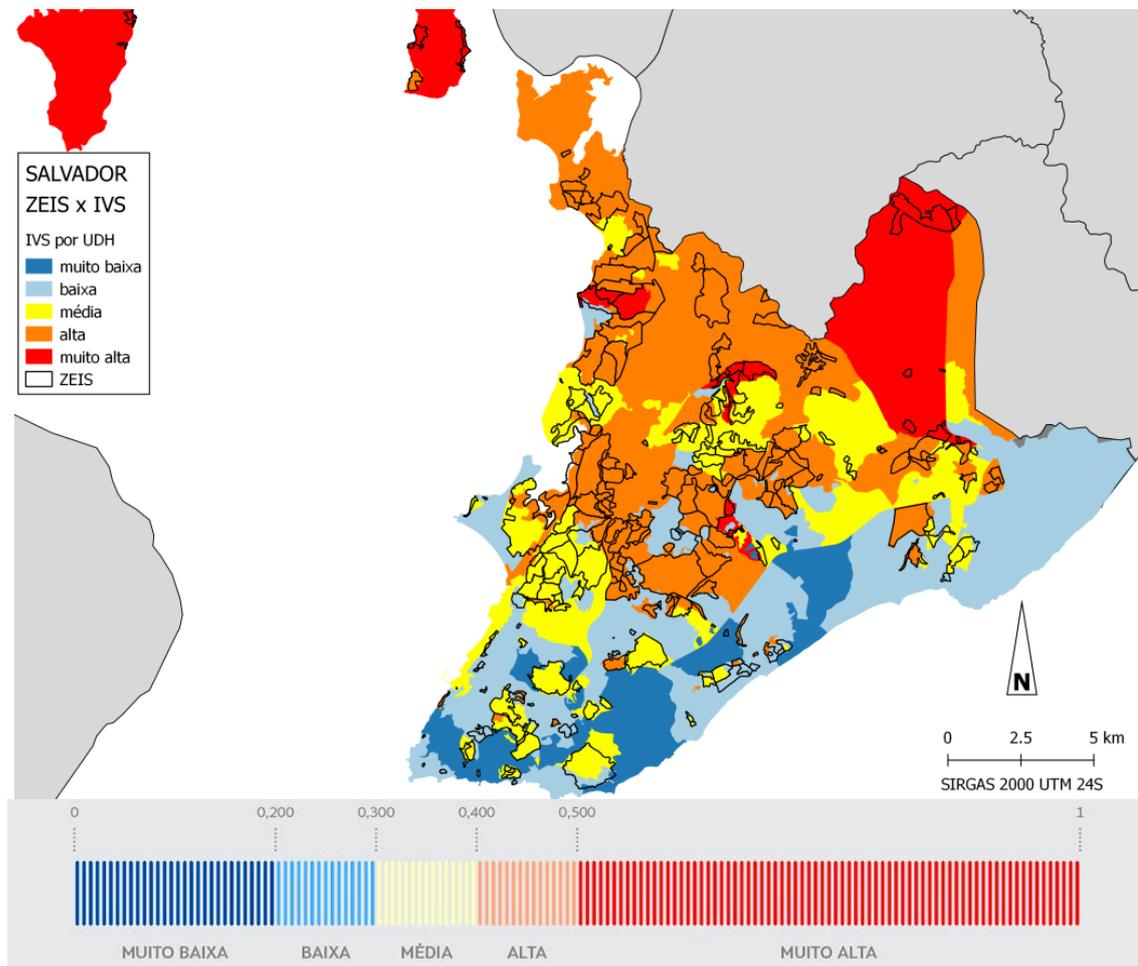


Source: Prepared by the authors, based on PDDU/2016 – Prefeitura Municipal de Salvador (PMS) and IBGE 2010 Population Census. Image generated on Quantum Gis v. 2.18.28. Percentage of Black people by census sector 2010.

There is a negative spatial correlation between the concentration of the black population and the concentration of income. In addition to these demographic and income criteria, analyses based on synthetic composite indices bring other facets of vulnerability and also of socio-spatial segregation. The Social Vulnerability Index (IVS – Índice de Vulnerabilidade Social) proposed by the Ipea, for example, addresses dimensions such as health and education, similarly to the Human Development Index by Municipality (HDI-M), but advances by incorporating urban infrastructure and other dimensions. When appropriating different dimensions of vulnerability, we can say that the IVS captures in some way, nuances of the three types of inequality pointed out by Therborn (2011).

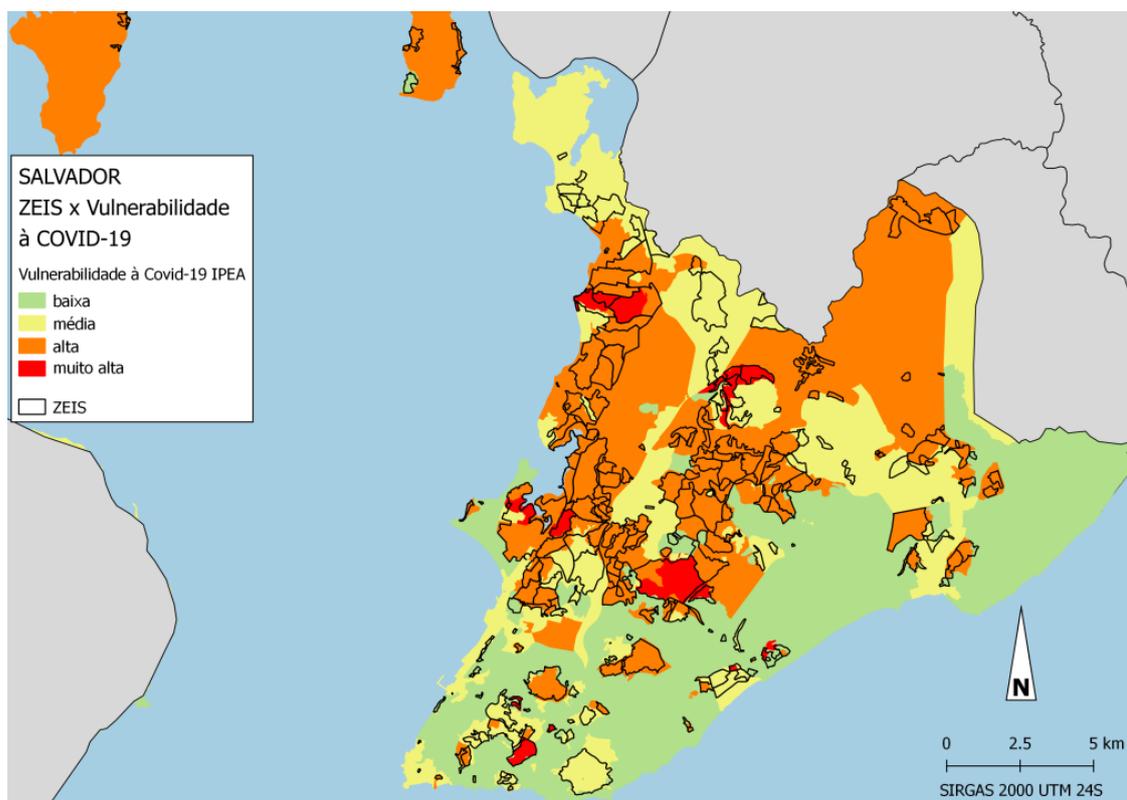
It is also possible to perceive, from the IVS<sup>17</sup> and its intra-urban aggregation (Human Development Unit - HDU),<sup>18</sup> that the ZEIS are mostly found in the HDUs of the three worst levels of the IVS and that the best IVS are in the neighborhoods occupied by the population with the highest incomes, as shown in the map in figure 6.

Figure 6 - ZEIS and IVS.



Source: Prepared by the authors, based on PDDU/2016 – Prefeitura Municipal de Salvador (PMS) and IVS/IPEA (COSTA; MARGUTI, 2015a). Image generated on Quantum Gis v. 2.18.28. IVS by HDU: Caption top to bottom in the following order: very low; low; medium; high; very high.

Advancing specifically on the vulnerability to Covid-19, the Ipea also developed a series of studies based on the cuttings of the HDUs, systematized in Costa *et al.* (2020).<sup>19</sup> In short, four degrees of vulnerability to Covid-19 were defined: low, medium, high and very high. Overlapping the HDUs based on the indicator “Degree of socio-spatial vulnerability to contamination to Covid-19 by HDU” with the ZEIS, the link between these and the HDUs most vulnerable to the disease is contemplated. The map in figure 7 shows that most ZEIS have high or very high vulnerability to Covid-19.

**Figure 7 - ZEIS and Degree of socio-spatial vulnerability to Covid-19 contamination.**

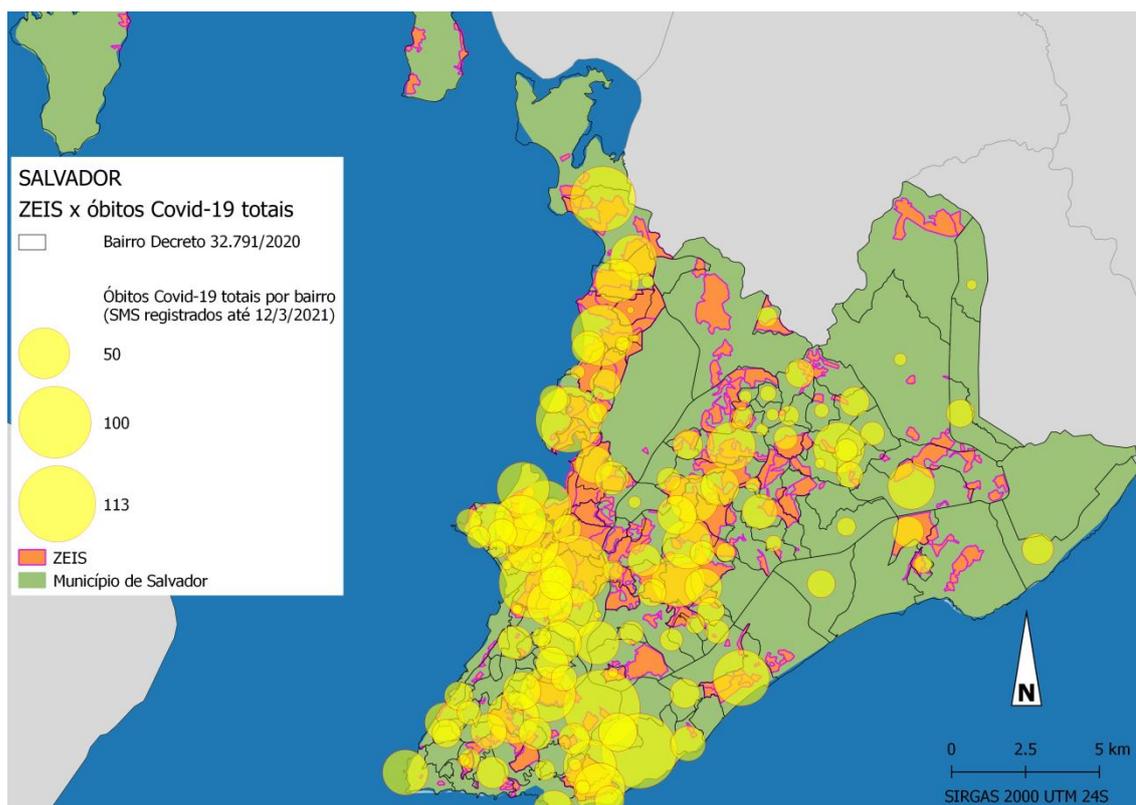
Source: Prepared by the authors, based on PDDU/2016 – Prefeitura Municipal de Salvador (PMS) and Costa et al. (2020). Image generated on Quantum Gis v. 2.18.28. Vulnerability to COVID-19 (IPEA): Caption top to bottom in the following order: low; medium; high; very high.

With intra-urban data established for some municipalities, it is possible to move forwards and examine the relation between the greater risk of contamination to Covid-19 (calculated using the Ipea method) with the effective verification of the spatial distribution of the disease, although with some weaknesses, which led us to the alternative of working with the death indicator. Although there is data on confirmed cases, the number of deaths – when dissemination has already advanced – allows for a better inference about the dissemination and the real problem, because of the well-known underreporting of confirmed cases and possible biases linked to greater testing in certain strata of the population.

In fact, with the pandemic, the health crisis adds to social vulnerabilities – strongly linked to ZEIS – the consequences of Covid-19 that also affect the population in an unequal way. In Salvador, according to data from the Municipal Health Secretariat, the distribution of deaths by neighborhood is as shown in figure 8. Although the number of deaths stands out in Pituba (a neighborhood with a high and middle income IPEA population) and in Brotas (with a very diverse configuration in terms of

income profiles and land occupation), many neighborhoods occupied by low-income populations coinciding with ZEIS or with a large part of the area framed as ZEIS, such as Pernambués, Liberdade, São Caetano, Fazenda Grande do Retiro, Plataforma and Paripe, are among those with the highest absolute number of deaths.

**Figure 8** - Distribution of total deaths by Covid-19 by neighborhood in Salvador (registered until March 12, 2021).



Source: Prepared by the authors, based on PDDU 2016 – Prefeitura Municipal de Salvador (PMS) and Municipal Health Secretariat/PMS. Image generated on Quantum Gis v. 2.18.28.

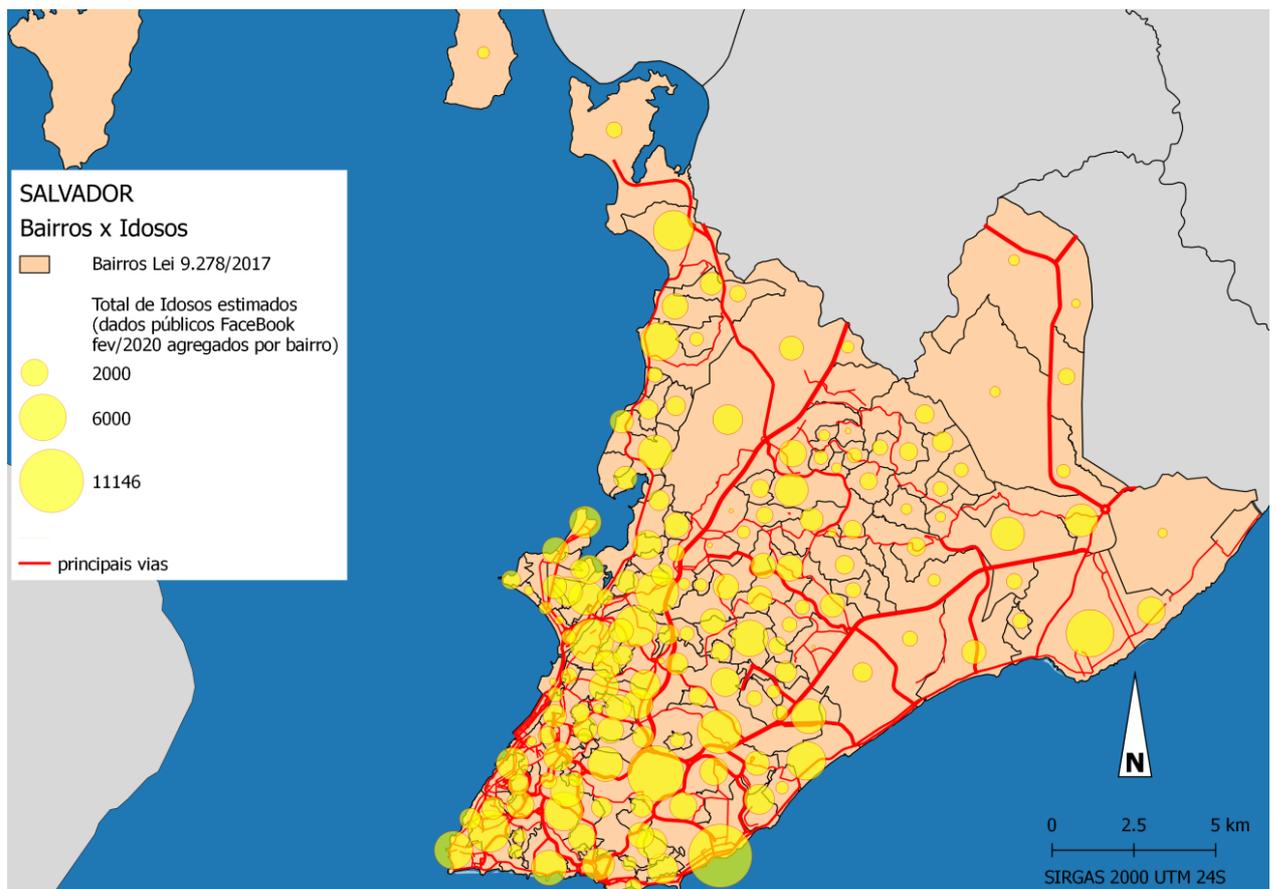
At this point, the analysis faces interpretive limitations, given that the neighborhoods where the population with the highest income strata lives tend to have a higher concentration of older people, a factor that may suggest a false impression of a ‘democratic’ distribution of the disease, since 76% of deaths are of elderly,<sup>20</sup> while in the total population the participation of the elderly is estimated at less than 15% for 2020.<sup>21</sup>

Accordingly, Galindo and Pedreira Júnior (2021) suggest, for example, that the analysis of unequal racial incidence can only be carried out based on the analysis of age groups. In addition, depending on the moment in which the analysis is clipped, the spatial and social distribution of the virus may suggest misunderstandings regarding its inequality, since the disease was “imported” by

the higher income classes in large centers and so its distribution was based on it. If the disease is analyzed at the beginning of its spread, one can infer that there is no inequality in its distribution.

The elderly population in the city of Salvador remains unevenly distributed, as observed based on recent estimates of 2020 (referring to mid-2019)<sup>22</sup>, illustrated in figure 9. Due to the greater severity and lethality of the disease in the elderly, it is essential to know this distribution.

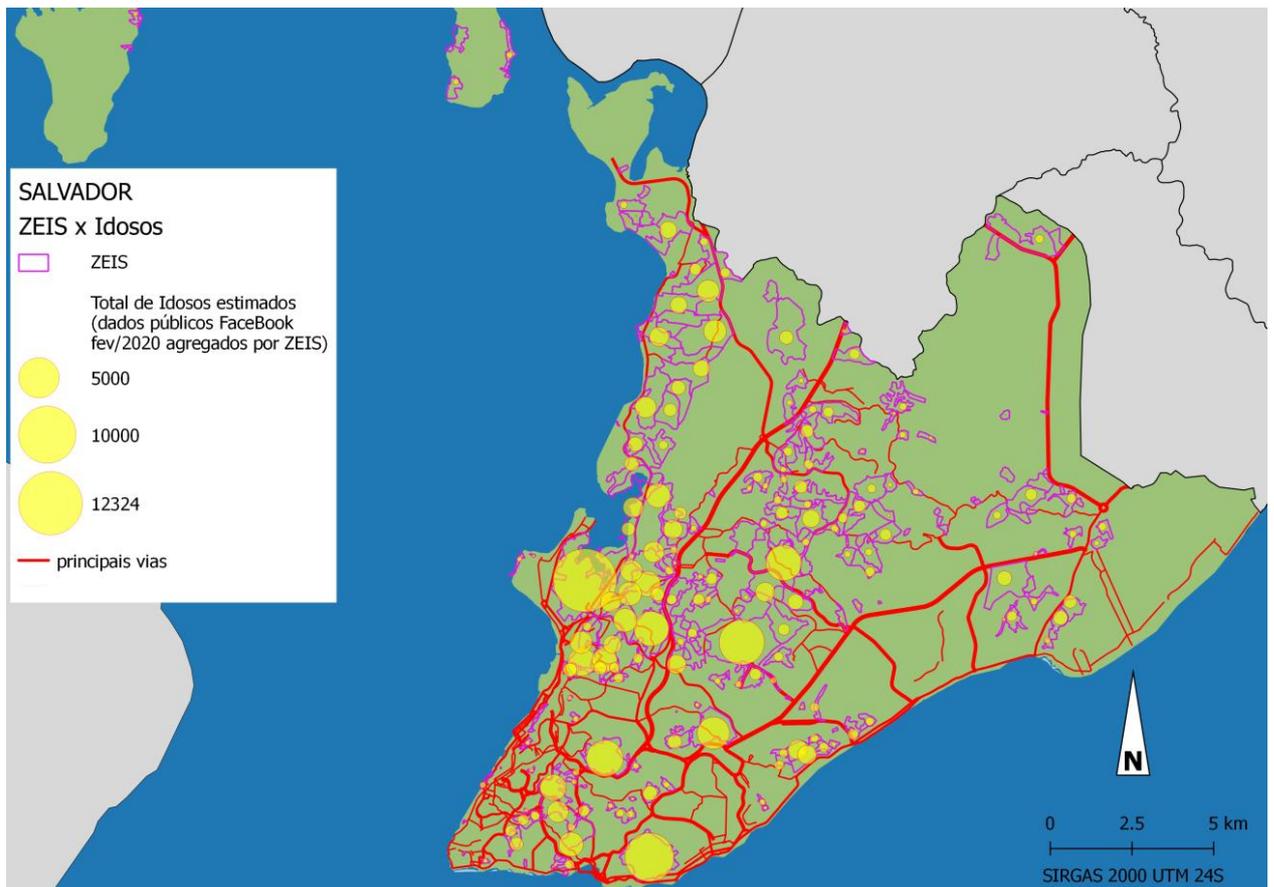
**Figure 9** - Distribution of elderly people by neighborhood in Salvador.



Source: Prepared by the authors, based on Facebook Connectivity Lab and Center for International Earth Science Information Network – CIESIN – Columbia University. Image generated on Quantum Gis v. 2.18.28

Even within the ZEIS, based on the same method, there are relevant differences in the distribution of the elderly (figure 10); likewise, to analyze with the proposed approach presumably allows perceiving different degrees of vulnerabilities among them.

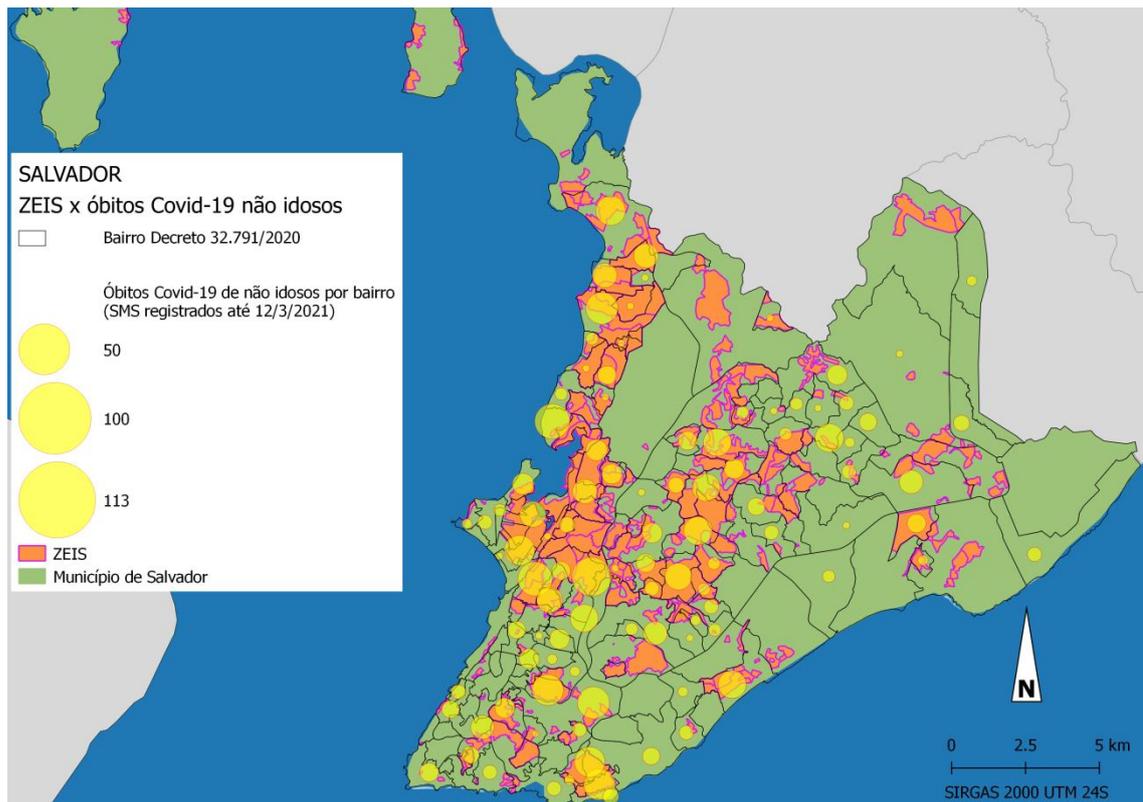
**Figure 10** - Distribution of elderly people by ZEIS in Salvador.



Source: Prepared by the authors, based on PDDU 2016 – Prefeitura Municipal de Salvador (PMS) and the Municipal Health Secretariat/PMS and on Facebook Connectivity Lab and Center for International Earth Science Information Network – CIESIN – Columbia University. Image generated on Quantum Gis v. 2.18.28

For these reasons, the ‘non-elderly deaths indicator’ is adopted here, as it is more enlightening to reveal the vulnerability to Covid-19 in the ZEIS. The investigation for Salvador's case of overlapping deaths to ZEIS shown on the map in figure 11, discloses the higher lethality of the disease in people in intermediate age groups and minors (non-elderly) in popular territories, even in ZEIS located in more consolidated areas of the city – the southern portion of the Municipality.

**Figure 11** - ZEIS and deaths of non-elderly people due to Covid-19.

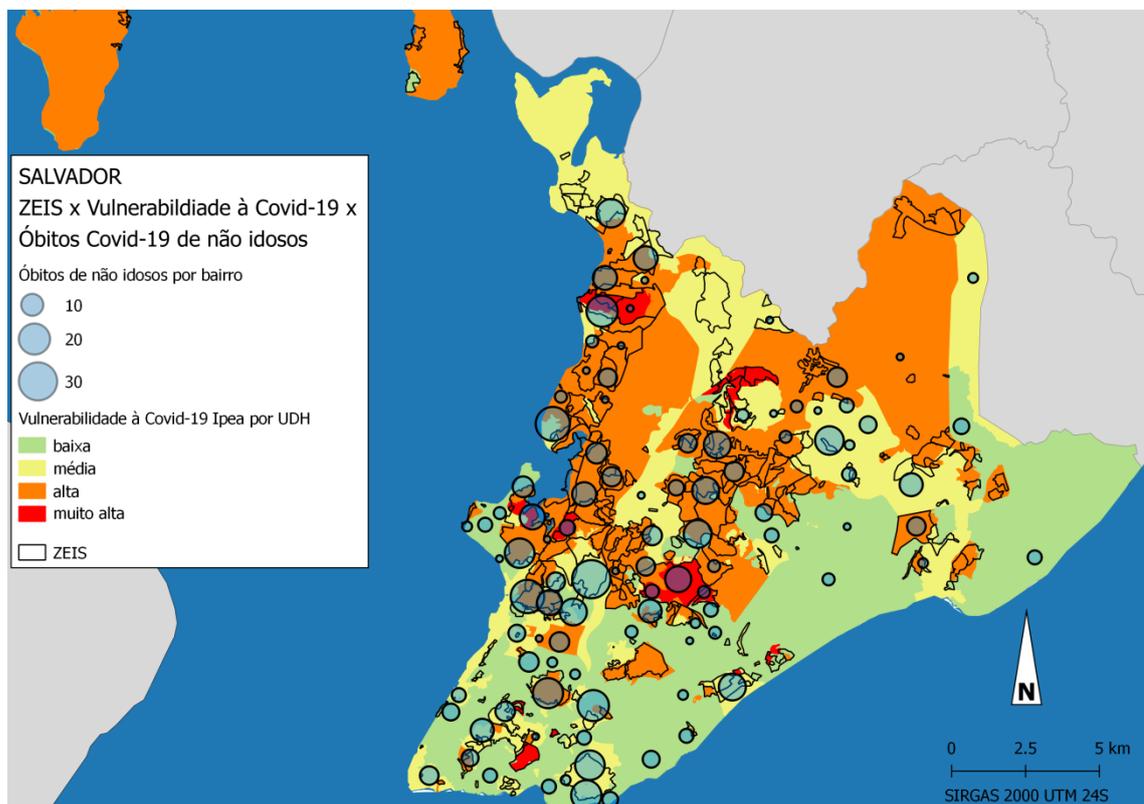


Source: Prepared by the authors, based on PDDU/2016 – Prefeitura Municipal de Salvador (PMS) and Municipal Health Secretariat/PMS. Image generated on Quantum Gis v. 2.18.28.

This age group approach brings information that is not disclosed in the analysis of the distribution without disaggregation by age group, as shown in the map in figure 8. It is thus a reflection of a set of vulnerability characteristics expressed, e.g., by Galindo and Pedreira Júnior (2021), regarding the housing condition and its consequent difficulties to maintain the isolation pointed out in the analysis by Natividade *et al.* (2020). These studies – as our analysis – do not focus on the behavioral differences of the population strata. However, it can be inferred that isolation and distance become challenges even greater for the population residing in the popular territories because they do not have the same urban condition in their multiple dimensions and income.

In the map in figure 12, the correlation between ZEIS, HDUs most vulnerable to Covid-19 according to the Ipea and the concentration of deaths of non-elderly people is also clearly perceived. Not only in theory the vulnerability of the population residing in ZEIS is evident, but also the map empirically proves the unequal effects of Covid-19 on this population. As already said, even though the elderly – especially those of older age – suffer indistinctly more the risk of greater worsening and mortality from the disease (even greater in populations that add other vulnerabilities), the disease is more lethal in the non-elderly population residing in ZEIS.

**Figure 12** - ZEIS, degree of socio-spatial vulnerability to Covid-19 contamination and deaths of non-elderly people by Covid-19.



Source: Prepared by the authors, based on PDDU 2016 – Prefeitura Municipal de Salvador (PMS), Municipal Health Secretariat/PMS and Costa *et al.* (2020). Image generated on Quantum Gis v. 2.18.28 – ZEIS vs. vulnerability to Covid-19 vs. non-elderly Covid-19 deaths: Caption top to bottom in the following order: non-elderly deaths by neighborhood (10; 20; 30); Vulnerability to Covid-19 Ipea by HDU (low; medium; high; very high).

In addition to the vulnerabilities revealed in the dimensions brought herein, other factors are added, such as restrictions on the right to housing and the city. The location of the ZEIS, even when not extremely far from the city center, presents insufficient conditions for infrastructure. Although outdated, demographic data reflects the situation at a time when investments in urban infrastructure and housing were relatively larger and growing, unlike the current context in which the economic and political crises are intensified by the health crisis.

Although important to ensure the permanence of families in the conquered territories, the demarcation of the ZEIS did not represent improvements in living conditions and opportunities for its population. The data show both the greater vulnerability to Covid-19 (COSTA *et al.*, 2020) and the higher mortality of non-elderly people in these territories. Investments in urbanization and land regularization in the ZEIS carried out under the Growth Acceleration Program (PAC – Programa de Aceleração do Crescimento) for example – that is of great importance in the territorial consolidation of the ZEIS – did not achieve scale with the possibility of impacts capable of registering veering points to reduce the vulnerabilities of these populations and socio-spatial inequalities.

In the course of the pandemic, although the data show the more accelerated expansion and the lethality of the disease in these territories, representative actions directed specifically to the ZEIS were not carried out in Salvador and not even basic preventive measures, provided for in the COVID-19 Guidance Note - Protecting residents of informal settlements, of the Special Rapporteur on the Right to Adequate Housing (UNITED NATIONS, 2020) were implemented. Statements by city and state managers, recognizing the greater expansion of the disease in popular neighborhoods, did not result in public policies oriented to the specificities of these territories, being restricted to temporary lockdown actions.<sup>23</sup> On the contrary, the ongoing actions of dispossession and subtraction of rights continued, while the inhabitants affirm the right to life, housing and the city, as seen in the ZERO Eviction Campaign and other resistance and solidarity initiatives.

#### **4.FINAL CONSIDERATIONS**

In their contradictory existence in the face of the formal parameters of a system that operates in the logic of converting the public into private, the city into merchandise, the inhabitants of the popular territories affirm their presence and resist with their strategies of constructing territorialities. In this constant effort, they mobilize energies, articulate and affirm values and build meanings; they activate instruments of urban policy and sustain the material achievements

accumulated in different and constant confrontations. Its unusual and straightforward materiality in the city gives rise to disputes of values and meanings, which were intensified during the pandemic, when the contradictions of the capitalist model of production in the city are more exposed in socio-spatial inequalities and in asymmetrical access to urban life with dignity.

The ZEIS instrument has been a brake on speculative advances and, in fact, contained expropriation processes in Salvador. One of the main purposes of the ZEIS - the right to remain in the territory - was to a great extent fulfilled in the Municipality, always supported by a daily learning praxis in the struggle for the right to housing and the city. The legal and properly the political action dimensions, undoubtedly intertwined and articulated, along with the anchoring of a technical culture of public bodies responsible for the urban policy, worked together for the proposing and maintenance of these territories as ZEIS. The legal provision for regularization of the ZEIS in the urban and land dimensions did not materialize, at least in the scope and scale required in Salvador. Isolated actions persist detached from an integrated approach capable of contributing to the reduction of vulnerabilities and socio-spatial inequalities, especially those related to the living conditions, so crucial in this context of health crisis.

The data collected and analyzed on vulnerability in its multiple dimensions still show a long way to the realization of the right to housing and the city and bring the cruel finding that the elementary right to life is not guaranteed, in flagrant “distance between the law and the concrete social experience” (RIBEIRO, 2000, p. 83). The dynamics of the disease in the ZEIS certainly shows that the legal provisions of ZEIS do not protect communities from the effects of the pandemic, but rather exposes a historical debt of the State in a striking way, counted in the number of deaths that could be avoided or reduced with planned urbanization actions as one of the fundamental axes of implementation of the instrument. Conversely, even though the attributes and elements of implementation of the ZEIS as territories of guarantee of basic rights are not secured, as demonstrated in the analysis of the vulnerability in its relationship with Covid-19, the values and meanings evoked in the materiality of the cultural processes of constitution of the territories and of the instrument as conquest, confront the essentialized representation of precariousness.

As demonstrated, real estate market pressures on these territories have run their course during the pandemic. The mobilization around the REURB Bill has cooled down, even with the changes of the polygonal of the insular ZEIS and the court order for repossession in the Tororó ZEIS. The right to the city as a plea and a demand (LEFEBVRE, 1991) assumes the temporality of urgencies in the pandemic (FERNANDES, 2020), the temporality of the event (BRAUDEL, 2007) as the veering or discontinuity of a crisis conjuncture with complex and intricate dimensions (political, economic,

social, environmental, etc.). Energies are aimed at containing the spread of the disease, protecting people in situations of greater vulnerability, forming solidarity networks, so that some agendas are postponed. Even with these urgencies, territoriality pervades the political activism inducing the struggle for the right to the city against the attempts to deconstruct its territories.

In the constitution of territorialities, the law is used as a political support and cultural affirmation in the combat arenas and, thus, the juridical gains political meaning. The journey through the shifting terrain of conventions and parameters of legitimacy and legality finds in ZEIS a safer shortcut to the dispute of values and meanings attributed to the right to the city and the realization of dimensions related to the means of reproduction of life. As an important key to access rights in the city (MARCUSE, 2014),<sup>24</sup> in mediation efforts with the state and in direct action in its territories, the instrument anchors the political-cultural strategy of territorial consolidation.

The results of this research reveal the historical value attributed to ZEIS by the social agents mobilized in defense of the right to housing and the city, evidenced in the reiteration and improvement of legal provisions over time and also in the legal and political actions for the consolidation of popular territories, when the rights to centrality and the conquered territory are affirmed as meanings attributed to the instrument. These territories have always been under pressures and limits of the commercialized production logic of the city, but in contexts of crisis conflicts emerge and bring other elements of dispute by making their contradictions more evident. Therefore, activating the legal *corpus* of Urban Law with its principles, instruments and concepts, in the face of the praxis of social agents in urban policy, is imperative to guide public processes and policies aimed at making effective the right to the city.

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<sup>1</sup> Related to Salvador, capital of the state of Bahia, Brazil; What/who is its native or inhabitant; Also: Salvadorenses.

<sup>2</sup> In spite of a continuous accumulation process in the legal-normative field and the importance of the institute to contribute to the permanence of the low-income population in areas of real estate appreciation, Moraes (2017) draws attention to the limits of the instrument in promoting the improvement of living conditions. According to the author, PREZEIS were partially implemented; only three ZEIS have been fully urbanized (Coronel Fabriciano, João de Barros and Campo do Vila); of the 66 existing ZEIS, only 35 have COMULs and the majority of ZEIS have serious problems with sanitation and socio-environmental risk.

<sup>3</sup> On the ZEIS in Recife, see Moraes (2017); Lostão (1991); Barbosa (2021). For Belo Horizonte, see Fernandes (1993).

<sup>4</sup> It is important to note that the concept of ZEIS had already been provided for in Resolution n. 34, of July 1, 2005, of the National Council of Cities (CONCITIES – Conselho Nacional das Cidades), edited to guide the process of preparing the Master Plans, recommending, in its art. 5, that the Master Plans promote the demarcation of territories occupied by traditional communities, irregular settlements and empty or underutilized areas for the production of social housing, such as ZEIS. (BRASIL, 2005).

<sup>5</sup> The expression ‘quilombola communities’ used in Brazil is close to the concept of Maroons, which united free Africans during slavery in the English Colonies of the Americas and Caribbean (NUNES; MOURA, 2016, p.203)

<sup>6</sup> It is important to note that the concept of ZEIS had already been provided for in Resolution n. 34, of July 1, 2005, of the National Council of Cities (CONCITIES – Conselho Nacional das Cidades), edited to guide the process of preparing the Master Plans, recommending, in its art. 5, that the Master Plans promote the demarcation of territories occupied by traditional communities, irregular settlements and empty or underutilized areas for the production of social housing, such as ZEIS. (BRASIL, 2005).

<sup>7</sup> The elaboration process of the Recife Master Plan was marked by a complex tension between a heterogeneous range of social actors, among them the Rede Empresarial de Articulação da Construção Urbana, Recife de Luta Articulation, PREZEIS Forum. This process culminated in the approval of Municipal Law n. 18,770, on December 30, 2020, which provides for the Recife Master Plan (RECIFE, 2020; RECIPROCIDADE, 2020; ARTICULAÇÃO RECIFE DE LUTA, 2020).

<sup>8</sup> On the Master Plan of Fortaleza, see Cassimiro, Sousa and Araújo (2020).

<sup>9</sup> Not all popular housing territories, in the sense stated here, are recorded as ZEIS in the municipal legal system. In Salvador, the ZEIS instituted by the PDDU/2016 cover a large part of these territories. The designation of the popular housing territory is intended to differentiate it from the popular work territories (fairs, street commerce, etc.), which are also part of the research, although they are not dealt with here. Evidently, these terms are imprecise and lacking in depth, reflection and criticism in urban law and urban planning.

<sup>10</sup> The National Confederation of Dwellers Associations (CONAM – Confederação Nacional das Associações de Moradores), a national popular and community movement, was founded in 1982 with the role of organizing state federations, municipal unions, community associations and neighborhood entities.

<sup>11</sup> The ZEIS I category corresponds to the so-called precarious settlements located on public or private land. The ZEIS II category corresponds to the building or set of deteriorated buildings, occupied predominantly in the form of tenements or collective housing located in regions with consolidated urban infrastructure. The ZEIS III category corresponds to undeveloped land, underutilized or unused properties and unoccupied or ruined buildings, located in areas with infrastructure and suitable for occupation. The ZEIS IV category corresponds to precarious settlements occupied by low-income populations, located in permanent preservation areas or inserted in Conservation Units.

<sup>12</sup> The defined categories are: ZEIS-1: precarious settlements - slums, irregular subdivisions and irregular housing developments; ZEIS-2: building or set of buildings deteriorated, unoccupied or occupied, predominantly, in the form of tenements, collective dwellings, villas or rows of houses; ZEIS-3: comprises undeveloped, underutilized or unused land; ZEIS-4: precarious settlements, occupied by low-income population, inserted in APA or APRN; ZEIS-5: settlements occupied by quilombola communities and traditional communities, especially those linked to fishing and shellfish.

<sup>13</sup> TUL is foreseen in the PDDU/2016 and was regulated by Decree n. 30,799 of February 14, 2019. It focuses on an area corresponding to a radius of 800m around the mobility structures. Practically all the ZEIS located in the major road corridors and along the subway lines are vulnerable to the impacts of the application of the instrument, despite the fact that its application is unconstitutional, without the previous regulation of the ZEIS.

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<sup>14</sup>It is important to warn about the difficulties in accessing current spatialized data on an intra-urban scale in the face of the lag in relation to the last IBGE Demographic Census. However, the well-known inertia of socioeconomic changes allows us to risk that the situation has not changed significantly in terms of resolving the historical liabilities that fall on popular territories.

<sup>15</sup>Concerns about the effects that spatial approaches generate were taken into account in the analysis. For this exercise, as highlighted by St Martin and Pavlovskaya (2010, p. 174), there is a concern with the ecological fallacy and MAUP, presented by Openshaw and Taylor (1981). The Ecological Fallacy is the problem of considering a group to be homogeneous within a spatial framework. In turn, the Modifiable Area Unit Problem (MAUP), pointed out by St Martin and Pavlovskaya (2010, p. 181), refers to the effect of political-administrative limits on spatial data and its analysis. As well defended by Resende and Magalhães (2013) and carried out by Resende (2014), one way of facing MAUP is to analyze the results from various spatial sections, in a comparative multi-scale approach, a solution adopted here. Trying to minimize MAUP and the ecological fallacy, an essay was made with different spatial units of analysis (census tracts, neighborhoods, Human Development Units - HDUs), always comparing with the ZEIS. It is important to highlight that, in addition to MAUP, the cutoff points of the analysis in general are also important concerns, as they are capable of pointing to different results at the end of the analysis. As they have different concentration variables in each of the capitals, the natural break method (with generation of more homogeneous groups internally) was used to determine the cutoff points of the strips, run automatically by the geoprocessing program itself. In the representation of the results, for a better spatial comparison, a very close scale of reproduction between the maps was used (less than 5% difference between the scales).

<sup>16</sup>The data aggregation developed by Pereira *et al.* (2019) was used for the study and the platform 'Acesso a Oportunidades' of the IPEA was used to distribute the dimensions considered in hexagonal cell modules.

<sup>17</sup>The IVS results from the combination of 16 indicators in three dimensions. This index, using its infra-urban aggregation (HDU)<sup>17</sup> is able to point out the vulnerability of the ZEIS. The dimensions and corresponding indicators used in the composition of the IVS are: urban infrastructure (inadequate garbage, water and sewage services and commuting time); human capital (infant mortality, children aged 0- to 5-year-olds out of school, low-income people who do not work nor study, young mothers aged 10- to 17-year-olds, mothers without elementary school with children up to 15-year-old, illiteracy and children in home where no one has complete elementary school); income and work (per capita household income less than or equal to BRL255.00, low income and dependence on the elderly, unemployment, child labor and informal occupation without elementary school) (COSTA; MARGUTI, 2015a).

<sup>18</sup>The HDUs are units close to the neighborhoods and are the result of the IPEA's efforts with IBGE to gather, in a more homogeneous way, data from the census sectors creating units much smaller than the weighting areas (unit used by IBGE to disclose the sample data Demographic Census).

<sup>19</sup>Ipea took into account "data associated with the relationship between epidemics and socio-economic, demographic, household and infrastructure characteristics of HDUs, proposing a mapping of the degree of socio-spatial vulnerability to Covid-19 contamination, from the intersection of IVS-IU, the MHD, the gross demographic density and the occurrence of subnormal sectors in human development units" (COSTA *et al.*, 2020).

<sup>20</sup>Data calculated using the official database of Sivep-Gripe (<https://opendatasus.saude.gov.br/dataset/bd-srag-2020>) that gathers detailed information on more than 90% of deaths with an identical percentage proven in the case of Salvador using data from the Municipal Health Secretariat/PMS.

<sup>21</sup>[https://www.ibge.gov.br/apps/populacao/projecao/box\\_piramideplay.php?ag=53](https://www.ibge.gov.br/apps/populacao/projecao/box_piramideplay.php?ag=53)

<sup>22</sup>High-resolution demographic density data from Facebook Connectivity Lab and Center for International Earth Science Information Network - CIESIN - Columbia University made available on the website of The Humanitarian Data Exchange initiative. (<https://data.humdata.org/dataset/brazil-high-resolution-population-density-maps-demographic-estimates>). There are data with a resolution of 30 meters to indicate the current population existing in that space for the whole world, combined with official data adjustments.

<sup>23</sup>In an interview on TV Bahia, the Secretary of Health of the State Government recognized the greater expansion of the disease in popular neighborhoods and the need to intervene for a greater control: "In these popular neighborhoods, there is a higher concentration of people per square meter. The rate of transmission is, in fact, proving to be higher than expected. It is bad news. We need to intervene quickly in these neighborhoods at various points" (TV Bahia, 2020). In the matter, the manager also demands responses from the City Hall. In several articles published in newspapers, as of April 2020, Mayor ACM Neto and the Secretary

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of Health, Léo Prates, report the growth of the disease in neighborhoods of Salvador coinciding with ZEIS, however, the growth of the disease corresponded, as a rule, to the announcement of restrictive measures for the closure of neighborhoods and streets by the City Hall (lockdown), and no large-scale, regular and continuous preventive measures were identified in these neighborhoods.

<sup>24</sup> The author differentiates law in the city from the right to the city, in Lefebvre (1991).

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