

RISK SOCIETY AND URBAN HYGIENISM IN THE COVID-19 SCENARIO: URBAN INVISIBILITY AND ACCESS TO THE HOUSE OF SOCIAL INTEREST (HIS), IN THE NATIONAL POLICY OF THE STREET POPULATION (PNPR)

SOCIEDADE DE RISCO E HIGIENISMO URBANO NO CENÁRIO COVID-19: INVISIBILIDADE URBANA E ACESSO À HABITAÇÃO DE INTERESSE SOCIAL (HIS), NA POLÍTICA NACIONAL PARA A POPULAÇÃO EM SITUAÇÃO DE RUA (PNPR)

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ABSTRACT

This study aims to address: a) the foundations of the risk society and the effects of the COVID 19 pandemic on homeless people and the main failures in access to the fundamental right to housing, provided for in the National Policy for Homeless People (PNPR - Decree n. 7.053/2009); b) the precariousness of the official databases and the main causes for the increase in this contingent of Brazilians; c) the main factors of the inefficiency of access to housing in terms of the PNPR guidelines; d) the absence of data on the real number of the housing deficit of homeless people in Brazilian capitals and d) main failures of the Social Interest Housing (HIS) programs for PNPR. It consists of exploratory bibliographic research, with the analysis of public documents on the survey of the existing street population in some Brazilian capitals and their access to housing and the consequences of the denial of such fundamental right in the pandemic scenario, identifying, at the end, the invisibility of this

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portion of the population and the main affirmative actions of visibility of the affected individuals and the main factors of maintenance of the specific housing deficit for this population group.

Keywords. Risk society. Urban hygienism. COVID 19. Homeless population. Urban invisibility.

RESUMO

Este estudo tem como objetivo abordar: a) os fundamentos da sociedade de risco e os efeitos da pandemia COVID 19 sobre a população de rua e as principais falhas no acesso ao direito fundamental à moradia, previstos na Política Nacional da População em Situação de Rua (PNPR - Decreto nº 7.053 / 2009); b) a precariedade das bases de dados oficiais e as principais causas do aumento desse contingente de brasileiros; c) os principais fatores de ineficiência do acesso à moradia nos termos das diretrizes do PNPR; d) a ausência de dados sobre o número real do déficit habitacional dos moradores de rua nas capitais brasileiras e as d) principais falhas dos programas de Habitação de Interesse Social (HIS) do PNPR. Consiste em pesquisa bibliográfica exploratória, com a análise de documentos públicos sobre o levantamento da população de rua existente em algumas capitais brasileiras e seu acesso à moradia e as consequências da negação desse direito fundamental no cenário pandêmico, identificando, ao final, a invisibilidade dessa parcela da população e as principais ações afirmativas de visibilidade dos indivíduos afetados e os principais fatores de manutenção do déficit habitacional específicos para esse grupo populacional.

Palavras-chave: sociedade de risco. Higienismo urbano. COVID 19. População de Rua. Invisibilidade Urbana.

INTRODUCTION

In an interval of a few months, humanity witnessed the spread at an alarming rate of an aggressive and lethal virus, altering socioeconomic relations and giving rise to a readjustment of paradigms in different sectors, demonstrating the absence of borders of a multidisciplinary problem, typical of the work *Risk Society*, produced by the German Ulrich Beck in 1986, the year of the Chernobyl nuclear accident and indispensable for understanding the debate now proposed, in a scenario of absorption and tolerance to the culture of risk and the influence of industrial activity on the way and quality of life, in addition to implications for labor, family and property status; the power of synthesis exposed in the study of mass society is impressive, its conclusion with unrestrained consumption and the predictable and unpredictable consequences of such *modus vivendi* of the last decades.

Beck starts from a historical investigation of the industrial reflexes and the way in which human resources are captured by natural resources; it goes through the culture of error (humanity of error) and the unusual concept of “organized irresponsibility”, where the state figure is the center of its attention, with the social and governmental tolerance of unacceptable conduct with the maintenance of the species and the survival of the humanity, in addition to debating the historical origin of risk (from the conception of navigation to the advent of modernity and its techniques), etymological question, immediate and immediate characteristics and effects, in a universal formation to face the problems arising from the overwhelming industrialization process and the unique way of impoverishing the conditions of survival on the planet (civilizational impoverishment), following the mutation of family profiles (insertion of the female force in the jobs and the reduction of vegetative growth and changes in the demographic pyramids), labor, the (dis) path of social security models and the acceptance of increasingly more modes of production aggressive, with the adoption of highly degradable and non-renewable energy matrices, consonant Beck (2010, p. 60):

The driving force in class society can be summed up in the phrase: I am hungry! The movement triggered by the emergence of the risk society, on the contrary, is expressed by the statement: I am afraid! The solidarity of need is replaced by the solidarity of fear. The risk society model marks, in this sense, a social age in which solidarity out of fear merges and becomes a political force. How far does the tenacity of fear solidarities reach?

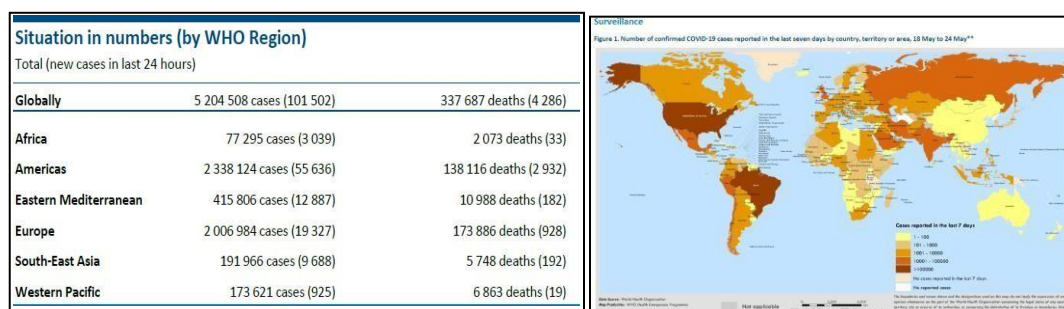
In addition to drawing an unusual panorama of a model called “risk society”, the work qualifies the production of risk and the impossibility of returning to levels of less aggression to the natural heritage and the human being's own valuation, in addition to addressing its distribution imperceptible and the worsening of its causes, in addition to the inevitable phenomenon of the “boomerang effect”, consisting of the certain return of the effects to the causers, most of them, cross-border and timeless; another fact of the risk society, which deserves further reflection, is to be found in the vertiginous rise of potential risk factors in today's society: each technology used requires the valuation and deepening of the risks created; however, the search for results does not allow considering the danger, the creator ignoring it and embedding its costs in the productive scale.

The risk society is full of cross-border events, such as: a) the accident with the Chernobyl nuclear power plant (1986); b) the Cesium 137 pump in Goiânia (1987); b) the leak of the oil tanker Exxon Valdez (1989); c) bovine spongiform encephalopathy - BSE or Bovine Spongiforme Encephalopathy - BSE (1986-2004), registered in the contamination of bovine meat derived from animals fed industrially with contaminated feed in Europe; d) the escalation of the “Ebola” (1976) and “H1N1” viruses (a type close to

the “Spanish flu” cases in 1918 and the 2009 pandemic); e) terrorist attacks; f) accidents with Petrobras' P36 oil platform; g) the Gulf of Mexico disaster (2010); h) the explosion of the Fukushima nuclear plant (2011) and currently the pandemic of the new coronavirus (Sars-Cov2 / COVID 19), responsible for the death, until 05/24/2020, of 337,687 people. Data available at: https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200524-covid-19-sitrep-125.pdf?sfvrsn=80e7d7f0_2

Fig. 01. Number of fatalities caused by COVID 19, on 05/24/2020.

Fig. 02. Number of cases reported by COVID 19, until 05/24/2020, according to WHO



Source: https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200524-covid-19-sitrep-125.pdf?sfvrsn=80e7d7f0_2

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1. CHARACTERIZATION OF THE PROBLEM

This article addresses the foundations of the risk society and the varied effects of the pandemic of COVID 19 on the scenario of the homeless population of large urban centers, their social invisibility and the inaccessibility to the right to housing, constitutionally enshrined, contradicting, ironically, the emblematic recommendation during the period of social isolation / distance, namely: “stay at home”; urban hygienism (current in the application of urban medicine in the fight against poverty and disease) has historically lived with the indifference of public policies, being evidenced in the scenario of the gigantic global health crisis, with much more strength to those who do not have only temporary alternatives of public policies and continue to face the serious problem of socio-environmental invisibility and inaccessibility to the fundamental right to housing, in the Social Interest Housing (HIS) modality, consonant Rocha (2020, p.8):

Staying at home for many Brazilians is no alternative, as the street is the only locus of a still invisible part of our society: “the expansion of the covid-19 pandemic through Brazil's slums, peripheries and interiors opened up the

perverse social and economic inequality the social classes, naturalized and accepted by a large part of society and State institutions, which represents a barrier to the recommendations of basic hygiene, physical distance and stay at home. The National Health Council (CNS) warns of the need for special protection for groups in situations of vulnerability or at risk, such as people on the streets, with suffering or mental disorder, with disabilities, living with HIV/AIDS, LGBTI+, population indigenous, black and riverside and informal market workers, such as garbage collectors, artisans, street vendors and prostitutes”.

Depending on Decree n. 7.053/2009, the homogeneous population group is considered to be the heterogeneous population group that has extreme poverty in common, broken or weakened family ties and the lack of regular conventional housing, and which uses public places and degraded areas as space of housing and sustenance, temporarily or permanently, as well as the reception units for temporary overnight stays or as temporary housing, incumbent on the Public Power, in a decentralized manner, to promote access to the denied basic rights.

Art. 1 The National Policy for the Homeless Population is hereby established, to be implemented in accordance with the principles, guidelines and objectives set out in this Decree.

Single paragraph. For the purposes of this Decree, a homogeneous population group is considered to be the heterogeneous population group that has extreme poverty in common, interrupted or weakened family ties and the lack of regular conventional housing, and which uses public places and degraded areas as living and living space, temporarily or permanently, as well as reception units for temporary overnight stays or as temporary housing.

Thus, for homeless individuals, the vulnerability is extreme and the likelihood of contagion from COVID 19 is higher, despite the segregation arising from prejudice where social contacts are rare, except for the performance of the third sector and religious institutions in large urban centers; in Brazil, the estimate of homeless people corresponds, on 8/8/2019, to the following data from the Federal Government CADÚNICO: 131.375 families; 136.976 people; 92.009 families with access to the *Bolsa Família* program.

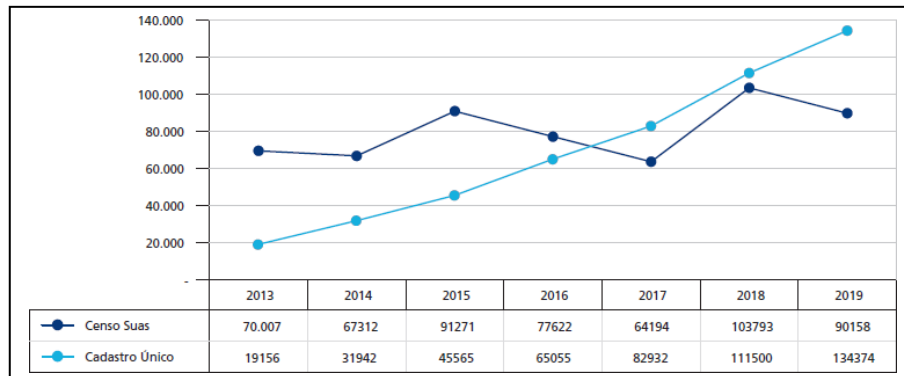
The planning of solutions to the present problem is aggravated by the absence of official data on the Homeless Population at the national level, preventing coordinated actions in addressing the main problems related to the causes of the occupation of the streets, consonant Natalino (2020, p.9).

Brazil does not carry out an official count of the homeless population at the national level. Because of this, it is difficult to adequately include this segment in public care settings (Schuch, 2015) and in government planning in general. Thus, there is a risk of reproducing the social invisibility of the homeless population within the scope of public policies. Given that the context of a pandemic imposes

the need to offer this public an adequate space to meet the sanitary standards of social distance - which implies, for example, reducing the number of beds in existing shelters - it is imperative to overcome this difficulty. In fact, it is very complex to carry out this type of study on a continental scale, especially considering the diversity of the Brazilian territory and its forms of occupation. In fact, worldwide census data tend to poorly capture populations in inadequate housing conditions (Kothari, 2005). Pilot test for the inclusion of this public in the 2020 Census suggests that the same difficulty occurs in Brazil (IBGE, 2014). Because of this, although the difficulties are not compelling, at the moment the best way to estimate this population and its evolution over the years is through the compilation, analysis and statistical modeling of official data collected by the more than 5.500 municipalities in the Federation, consonant Natalino (2020, p.8-9):

In any case, the graph and table, analyzed together, leave no doubt as to the increase in the number of registered homeless people. The causes for this have not yet been properly assessed at a national level, but are likely to be strongly related to the economic crisis and unemployment. And it is in this already worrying scenario that the pandemic poses its challenge. The loss of income from work by large sections of the population due to the pandemic suggests that it is very desirable to monitor the situation more closely from now on. Furthermore, reports by professionals involved with the topic in the main metropolises in the country suggest that the problem has, in fact, worsened. This can be monitored by the sources described here. In summary, as in the 2015 estimate, it is the official data informed by the municipalities through the Census Its that will be used as a dependent variable for the estimate. These municipalities contain 84% of the total Brazilian population, which in itself means a better estimate than in 2015, when this percentage was 69%. But the most important thing is that, with the improvement of the quality of the Single Registry, it was possible to replace a static model with a dynamic panel, in which the annual estimates can be updated, over the months, by the evolution in the number of registered. The previous model foresaw updating only due to the vegetative growth of the population and ended up underestimating the homeless population in municipalities that had not made estimates for many years. As a result, the estimate for 2015 was even revised, since most of the data used at the time referred to previous years. Again, the improvement in information quality improved the estimate. The monthly data for the *Cadastro Único* between September 2012 and March 2020 thus complement the annual data from the 2013-2019 Censuses. It was decided to present half-yearly rather than monthly estimates, as some seasonal phenomena that affect the size of the homeless population (for example, holiday parties) could not be properly accounted for.

Fig. 03. Brazilian homeless population, in the SUAS census, and registered in CADÚNICO (2013-2019). Source: IPEA. Estimate of the homeless population in Brazil (September 2012 to March 2020).



Available in: https://www.ipea.gov.br/portal/images/stories/PDFs/nota_tecnica/200612_nt_disoc_n_73.pdf

There are several causes, in Brazil, for the entry of the homeless population, especially unemployment, domestic problems (including violence and family maladjustment), the use of drugs, etc; the pandemic scenario showed, in a more intense and serious way, different social problems related to the deficit of decent housing and the historical mismatch between income and access to housing in our country, consonant Cunha (2009, p.8):

Considering the reasons mentioned, there is one that does not appear expressively in the reports, but that deserves to be highlighted: the personal choice for the street as a housing option. Although it does not appear as the main reason for leaving home, this issue must be considered as, even when the reasons explained involve family misunderstandings or threats and violence suffered within the family environment, there is a degree of self-choice to go to. Street. This choice is often related to a notion (albeit vague) of freedom provided by the street, and ends up being a fundamental factor in explaining not only the departure from home, but also the reasons for staying on the street. After experiencing the situation of freedom that the street provides, many people feel compelled to remain in this environment, to the detriment of the domestic environment, considered, often dangerous and oppressive.

When we talk about people, we know that there are particularities in the condition of several of them and each one may have had a particular reason for living on the streets; but there are also issues in common between these people, which are seen repeatedly in many cases. A National Survey on the Homeless Population was carried out by the Ministry of Social Development between the years 2007 and 2008 with the aim of quantifying and qualifying all these factors. As for the reasons that lead people to live on the streets, the biggest ones are: alcoholism and / or drug use (35,5%), job loss (29,8%) and family conflicts (29,1%). Of the people interviewed, 71.3% cited at least one of the three reasons and the reports often cite reasons that correlate within job loss, drug use and family conflicts. Although not very common, there are people who choose to live on the streets, also according to the survey. Although the main reasons are sometimes violence and domestic abuse or disagreements within the family, it is said that there is a degree of self-choice to go to the street". The explanation

obtained in the research is that “this choice is related to a notion (albeit vague) of freedom provided by the street, and ends up being a fundamental factor to explain not only leaving home, but also the reasons for staying on the street”. Source: Homeless people: the complexity of street life. <https://www.politize.com.br/pessoas-em-situacao-de-rua/>

Only in 2020, through a judicial decision of Case n. 0019792-38.2018.4.02.5101, ongoing at the 21st Federal Court of Rio de Janeiro, the homeless population will be included in the 2020 Demographic Census.

This is a Public Civil Action filed by the PUBLIC DEFENSE OF THE UNION against the BRAZILIAN INSTITUTE OF GEOGRAPHY AND STATISTICS - IBGE and UNION, with the following requests:

5) determine the defendant that, as of the 2020 Census, no longer distinguishes between people domiciled and non-domiciled in their settlements and that it does so only to indicate vectors for carrying out public policies;

6) at the end, on merit, the full validity of the author's request, definitively upholding the protection of the pleaded evidence, including, definitely, the homeless populations from all over Brazil in the 2020 Census.

7) the conviction of the defendant in the burden of succumbence, with the attorney's fees set at the legal maximum and reversed in favor of a specific fund for equipping the Public Defender's Office and professional training of its members and servants, under the terms of article 4, item XXI, of Federal Complementary Law No. 80/94; ” (pages 23/24).

The author argues that, through Decree No. 7,053 / 2009, the National Policy for the Homeless Population was instituted, with the objective of ensuring access to services and the elaboration of public policies directed at this population. Informs that among the objectives of the National Policy are: the institution of an official count of the homeless population (art.7, III) and the production, systematization and dissemination of social, economic and cultural data on the existing coverage network of public services to the homeless population (art.7º, IV). It states that Article 13 of Decree No. 7,053 / 2009 provides that IBGE and the Institute for Applied Economic Research Foundation - IPEA will provide the necessary support to the Intersectoral Committee for Monitoring and Monitoring the National Policy for the Homeless Population - CIAMPRua, within the scope of its competences. It reports that the last survey, carried out in 2008, coordinated by the Ministry of Social Development, involved only 71 cities with more than 300 thousand inhabitants and the capitals and pointed out that there were 31,922 homeless people. It states that, currently, the Ministry of Social Development uses data collected by the municipalities, but, until 2015, 77.3% of the cities did not have a specific survey. He says that, according to an estimate by a specialist in public policies and management at IPEA, Brazil is projected to have more than 101,854 homeless people, a number with a marked growth trend, due to the current economic crisis. (...) In turn, articles 13 and 14, establish the obligation of IBGE and IPEA to provide necessary support to the Intersectoral Committee, within the scope of its competence and also from the Special Human Rights Secretariat of the Presidency of the Republic, currently integrated the Ministry of Human Rights, provide technical and administrative support and provide the means to carry out the work of the Committee. In relation to IBGE, the support to be provided, of course, must be related to its activities, which has as its basic objective, as provided for in article 2, of Law No. 5,878 / 1973, “to ensure information and

studies of a statistical, geographical nature , cartographic and demographic data necessary to understand the physical, economic and social reality of the Country, specifically targeting economic and social planning and national security. " Therefore, undoubtedly, the IBGE must provide support to the Intersectoral Committee in the implementation of the objectives of the National Policy for Homeless People, in activities that involve information and studies of a statistical and demographic nature, such as, for example, the official count of the population in situations of homelessness. of street. (...) The counting of the street population is a measure provided for in Decree No. 7,053 / 2009, to be carried out according to the planning of the Intersectoral Committee, with the support of IBGE and assistance from the Human Rights Secretariat, currently a member of the Ministry of Human Rights, by those responsible for the Union. Considering the long term since the Decree was issued, I understand that the defendants' prolonged inertia and omission, which compromise the planning and implementation of public policies directed at the street population, remained characterized. I emphasize that, considering the complexity of the operation, as stated by IBGE, and the periodicity established in Law No. 8,184 / 1991, I have to bear in mind the risk to the useful result of the process to support the granting of urgent protection. In view of the foregoing, THE APPLICANT JUDGES, based on article 487, I, of the CPC and granting urgent relief, to determine that the Union and IBGE take the necessary measures to include the homeless in the 2020 Census. (...) Let the MPF know. After the appeal period has elapsed, the case file is referred to E.TRF2. P.R.I. Rio de Janeiro, January 17, 2019. MARIA ALICE PAIM LYARD. Titular Federal Judge

The article starts the debate on different multidisciplinary focuses on the delicate issue of the homeless population in large Brazilian cities and the peculiarity of the COVID 19 pandemic, investigating the link with urban hygiene and social invisibility and the main flaws in the effectiveness of the fundamental right to housing, provided for in the objectives of Decree n. 7.053/2009, notably due to the economic sieve of the PMCMV, instituted by Law no. 11.977/2009.

2. RISK TOLERANCE AND COVID-19

At the beginning of the 21st century, we are still faced with the difficulty of applying the evident and unavoidable process of expanding risk as a social matrix, only focused with due emphasis on issues of accidental treatment (application of the social risk doctrine with social security law) and environmental protection (adoption of integral risk, with doctrinal and jurisprudential resistance) and in the debate on Brazilian nuclear policy (where integral risk has also been absorbed with progressive implementation, since the 1970s).

In 1986, the German sociologist Ulrich Beck produced the work *Society of Risk*, a dividing book in the understanding of the impacts caused by the industrialization process on all continents, an indispensable reading for understanding the antecedents, concomitant and supporting phenomena in

the transformation of producing societies into societies. Consumers and the countries' lack of preparation to live with a challenging reality, consonant Beck (2010, p. 8):

In the developed modernity, which emerged to nullify the limitations imposed by birth and to offer people a position in the social structure due to their own choices and efforts, a new type of destiny emerges due to the danger, from which no effort allows to escape. This is more similar to the fate of the Middle Ages than to the class positions of the 19th century. Despite this, there is no inequality of estates (no marginal groups, no difference between countryside and city or national or ethnic origin, and so on). Unlike estates or classes, he is not under the aegis of necessity, but under the sign of fear; it is not a traditional residue, but a product of modernity, particularly in its most advanced stage of development.

Working with a multidisciplinary approach (sociological, anthropological, economic, legal, mathematical, geographic, medical, physical-chemical and other visions), Beck unveils a unique look at the problems that plague the new mass society, which consumes with psychic satisfaction, it degrades the environment without guilt, exploits resources in progression infinitely superior to the capacity for regeneration and encourages the production of an endless chain of risks in daily activities, previously unimaginable in the classical production model, without the presence of the profit factor; draws attention to the absence of estates, the denial of risk, the concealment of fear, the arrogant coexistence with the legitimization of ignorance and the imposition of a model of exclusively predatory perception of natural resources, given the new needs imposed by the overwhelming worldwide advertising, consonant Derani (2008, p.153):

Human desires and creativity are infinite, the environment and the resources that man uses to fulfill these desires are finite. This maxim, accompanied by values of respect and social solidarity and attention to the maintenance of ecological processes, would be the starting point for the pursuit of welfare policies and increased quality of life, the final reason for the precautionary principle. The objective of every activity must be counteracted by the degree of risk to the environment and health. For Winter, goal and risk are placed side by side in close relationships.

It also highlights the transformation of social models and their parameters: the insertion of women in the labor market and the changing of positions in the family niche, the oscillations of geographic pyramids and the reopening of the uncomfortable Malthusian debate, the incorporation of a mode of production universal culture and culture, with the denial of local modes of identity, the proliferation of risk factors in industry, in the countryside, in the disordered urbanization process

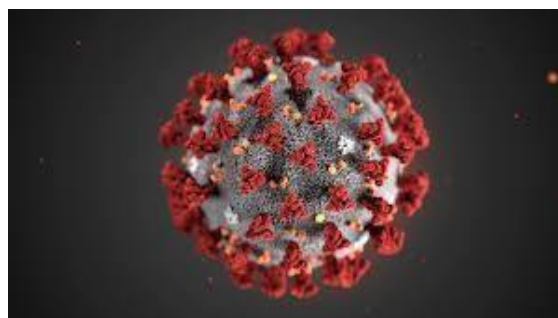
(planned in a few cities in Europe and North and Central America) and other phenomena typical of the post-industrialism.

Other topics in his masterful work consist of civilizational impoverishment (impoverishment), organized irresponsibility and another perspective on the theory of risk in the construction of the sociological debate. It also records the cyclical phenomenon of risks in the international context, where it analyzes the *boomerang effect*, consonant Beck (2010. p.44):

Contained in globalization, and yet clearly distinct from it, there is a pattern of risk distribution in which politically explosive material is found: sooner or later, they reach even those who produced them or profited from them. In its spread, the risks have a social boomerang effect: even the rich and powerful are not safe from them. The previously latent side effects also affect the centers of its production.

Perhaps, one of the most important points in the reading of the Risk Society, a very difficult task due to the completeness and timeliness of the study, we find the inclusion of risk in the financial management of companies, when we find that the production chain does not ignore risk, conversely, it masks it in the manufacturing cycle and disseminates it imperceptibly before the mass consumer, represented by the very need to survive or maintain a fallacious social pattern and behavior incompatible with intergenerational commitment, capable of minimizing cross-border impacts, global effects of the new Coronavirus (SARS-COV 2 / COVID 19), responsible for changing social paradigms or, at least, warning the world.

Fig. 04. Appearance of the new coronavirus.



Source: <https://brasil.elpais.com/ciencia/2020-03-16/cientistas-brasileiros-estao-desenvolvendo-vacina-contra-o-coronavirus.html>

In such a scenario of threats and inequalities, urban hygienism is configured as a current of thought, started at the end of the 19th century and developed in the 20th and 20th centuries, based

on the influence of the social environment and the environment for the emergence and worsening of diseases typical of unhealthy parks and homes; as a solution to urban problems, it promotes hygiene and the development of cities.

3. THE CULTURE OF URBAN HYGIENISM

The foundations of urban hygienism were found in France in the 19th century, with Alexandre Parent Du-Châtelet (1790-1836) and Georges Haussmann (1809-1891) and roots in medical hygienism, where, in the beginning, there was a search for better sanitary conditions in cities in formation between the 18th and 19th centuries and a link to urban planning as a measure of disease and epidemic prevention.

Increasingly, there is a transformation of the culture of cleanliness (*culture de la propreté*), of health in the strict sense of a policy of social segregation, where the concern for cleanliness justifies the creation of neighborhoods or sectors for the rich (with economic access to urban amenities) and neighborhoods or areas for the poor (not including access to urban amenities); Michel Foucault, in his book *Une microphysique du pouvoir*, indicates three types of social medicine and their consequences on the distribution of soil and urban equipment, namely: a) state medicine; b) urban medicine and c) medicine for the poor.

Fig. 05 e 06. Alexandre Parent Du-Châtelet (1790-1836) and Georges Haussmann (1809-1891).



Source: <https://www.siaap.fr/former-transmettre/mieux-comprendre-l'assainissement> Source: <https://www.franceculture.fr/personne-georges-eugene-haussmann>

The primary responsibility for the implementation of urban hygienism launched their works in France in the nineteenth century, namely: Alexandre Parent du Châtelet (1790-1836) and Georges Haussmann (1809-1891).

Hygienism has its roots in physician hygienism, where, at the beginning, there was the search for better sanitary conditions in the towns in formation between the 18th and 19th centuries and for a link to urban planning as a measure of disease prevention and epidemics.

More and more, there is a transformation of the culture of cleanliness, of health in the strict sense of a policy of social segregation, where the concern for cleanliness justifies the creation of neighborhoods or sectors intended for the rich (with cost-effective access to urban equipment) and neighborhoods or areas for the poor (not counting access to urban equipment).

Michel Foucault indicates three types of social medicine and its consequences on the distribution of land and urban equipment, namely: a) State medicine; b) urban medicine and c) medicine focused on the poor, consonant Foucault (1988, p.19):

La « médecine d'Etat » s'est développée principalement en Allemagne, au début du XVIII^e siècle. Sur ce problème spécifique, il faut rappeler l'affirmation de Marx pour qui l'économie était anglaise, la politique française et la philosophie allemande. De fait, ce fut en Allemagne que s'est formé au XVIII^e siècle - bien avant la France et l'Angleterre - ce que l'on peut appeler la science de l'État. Le concept de « Staatswissenschaft » est un produit de l'Allemagne. Sous le nom de « science de l'État » on peut regrouper deux aspects qui apparaissent alors dans ce pays : 1. D'un côté, un savoir dont l'objet est l'État; pas seulement les ressources naturelles d'une société ou les conditions de vie de sa population, mais aussi le fonctionnement général de la machine politique. Les recherches sur les ressources et le fonctionnement des États constituent une discipline allemande du XVIII^e siècle. 2. D'un autre côté, l'expression désigne aussi les méthodes à l'aide desquelles l'État produit et accumule les connaissances lui permettant de garantir son fonctionnement. L'État, comme objet de savoir, comme instrument et lieu d'acquisition de connaissances spécifiques, s'est développé plus rapidement en Allemagne qu'en France ou en Angleterre. Il n'est pas aisé de déterminer les raisons de ce phénomène et jusqu'à aujourd'hui les historiens ne se sont guère préoccupés de cette question ou du problème de la naissance d'une science de l'État ou d'une science étatique en Allemagne. A mon avis cela s'explique par le fait que l'Allemagne ne s'est convertie à l'État unitaire qu'au XIX^e siècle, après n'avoir été qu'une simple juxtaposition de quasi-États, de pseudo-États, de petites unités très peu « étatiques ». Précisément, au fur et à mesure que se forment les États, ces savoirs étatiques et l'intérêt pour le fonctionnement même de l'État se développent. La petite dimension des États, leur grande proximité, leurs perpétuels conflits et confrontations, le rapport de force toujours déséquilibré et changeant, les obligèrent à se pondérer et à se comparer les uns avec les autres, à imiter leurs méthodes et à tenter de remplacer la force par d'autres types de relations.

The first phase originated in the 18th century, in Germany, where the State assumed the general concern of improving the living conditions of the population; in 1764, the control of medical skills and medical institutions was remarkable; the second phase started in France at the end of the 18th century, strongly influenced by the context of urbanization and severe segregation between rich and poor and those who participated and who did not participate in the fight against manifestations of social rights, corresponding to what Foucault calls "urban fear" (*peur urbain*) or "fear of the city" (*peur de la ville*), intense concern with the expansion of green spaces and coexistence in large cities, sanitation and other services, the example of Paris and the third phase, at the end of eighteenth century and covers much of the nineteenth century, reaching London at its peak, aiming at the small population; cholera in Paris in 1832 increased social segregation and occupation of the territory, consonant Foucault (1988, p.20):

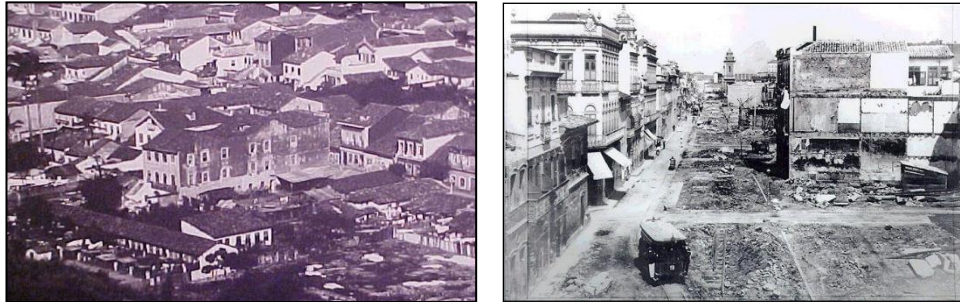
1) La bio-histoire, c'est-à-dire, l'effet, au niveau biologique, de l'intervention médicale; la trace que peut laisser dans l'histoire de l'espèce humaine la forte intervention médicale qui débute au XVIII^e siècle. En effet, l'histoire de l'espèce humaine ne reste pas indifférente à la médicalisation. Il y a là un premier champ d'études qui n'a pas encore été vraiment exploité, mais qui est cependant bien circonscrit. On sait que différentes maladies infectieuses disparaissent de l'Occident avant même l'introduction de la grande chimiothérapie du XX^e siècle. La peste, ou l'ensemble des maladies auxquelles chroniqueurs, les historiens et les médecins donneront ce nom, s'efface au cours des XVIII^e et XIX^e siècles sans que l'on connaisse vraiment ni les raisons ni les mécanismes de ce phénomène qui mérite d'être étudié. Autre cas fameux, celui de la tuberculose. Pour 700 malades qui mouraient de la tuberculose en 1812, seulement 350 subissaient le même sort en 1882, lorsque Koch découvrit le bacille qui devait le rendre célèbre; et lorsqu'en 1945 on introduisit la chimiothérapie, le chiffre s'était réduit à 50. Comment et pour quelle raison s'est produit ce recul de la maladie? Quels sont, au niveau de la bio-histoire, les mécanismes qui interviennent? Il ne fait aucun doute que le changement des conditions socio-économiques, les phénomènes d'adaptation, de résistance de l'organisme, l'affaiblissement du bacille lui-même, comme les moyens d'hygiène et d'isolement jouèrent un rôle important. Les connaissances à ce sujet sont loin d'être complètes, mais il serait intéressant d'étudier l'évolution des relations entre l'espèce humaine, le champ bacillaire ou viral et les interventions de l'hygiène, de la médecine, des différentes techniques thérapeutiques.

In the 19th century and much of the 20th century, Rio de Janeiro, then the Federal District of Brazil, launched an urban reform that was known as "boot-down"; the guideline was to "civilize" the countries from their capital, which justifies this action in the theories of racism that emerged in Europe in the first half of the 19th century, more precisely in the thoughts of the French writer Joseph Arthur de Gobineau, brought to the country by emperor Dom Pedro II, in 1869.

The number of houses multiplied violent epidemics due to the lack of sanitation and hygiene in the so-called "hives", with the most famous and oldest being the "pig's head", demolished in 1893; it is estimated that at its "peak" a population of 402.000 people.

Fig. 07. Pig head urban tenement, in the city of Rio de Janeiro. Demolished in 1893, under Mayor Barata Ribeiro, at the beginning of the urban hygienism campaign in Rio.

Fig. 08. Urban requalification Pereira Passos, in the city center of Rio de Janeiro.



Source: <http://g1.globo.com/rio-de-janeiro/rio-450-anos/noticia/2015/01/conheca-historia-da-1-favela-do-rio-criada-ha-quase-120-anos.html>

Source: http://pre.univesp.br/as-reformas-do-rio-de-janeiro-no-inicio-do-seculo-xx#.WG8I_xsrJPY

The Brazilian State, in turn, maintained the appropriate proportions, the development processes very similar to those that occurred in Europe. Here, as there are laws on the suppression of idleness, the so-called "wandering law" curious to note that this law was in effect in the country for almost the entire 20th and early 21st centuries.

Another important ideology about crime adopted by Brazil after the abolition of slavery; the term "dangerous classes"; what the Republic wanted was to invest in terms such as "order", "progress", "civilization", "modernity" and others, to impose the parameters of a "clean" Europe and through public policies of hygienists ratified by the science of the time, an inhuman ideological battle between the rich and ruling classes; one must first clean the city, regenerate society physically and morally, building wide avenues and, inspired by Parisian architecture, installed avenues in the center of Rio de Janeiro with the demolition of slums, consonant Foucault (1988, p.21):

La seconde forme du développement de la médecine sociale est représentée par l'exemple français, où est apparue, à la fin du XVIII^e siècle, une médecine sociale reposant apparemment non pas sur la structure étatique, comme en Allemagne, mais sur un phénomène entièrement différent: l'urbanisation. En effet, la médecine sociale s'est développée en France avec l'expansion des structures urbaines. Afin de savoir pourquoi et comment s'est produit un tel

phénomène, faisons un peu d'histoire. Il faut se représenter une grande cité française entre 1750 et 1780, comme une multitude confuse de territoires hétérogènes et de pouvoirs rivaux. Paris, par exemple, ne formait pas une unité territoriale, une région où s'exerçait un pouvoir unique, mais se composait d'un ensemble de pouvoirs seigneuriaux détenus par les laïques, l'Eglise, les communautés religieuses et les corporations, des pouvoirs avec une autonomie et une juridiction propres. En outre, les représentants de l'État existaient tout de même: les représentants du pouvoir royal, l'intendant de police, les représentants du pouvoir parlementaire. Dans la seconde moitié du XVIII^e siècle s'est posé le problème de l'unification du pouvoir urbain. On a senti à ce moment la nécessité, au moins dans les grandes agglomérations, d'unifier la cité, d'organiser le corps urbain de manière cohérente et homogène, régi par un pouvoir unique et bien réglementé.

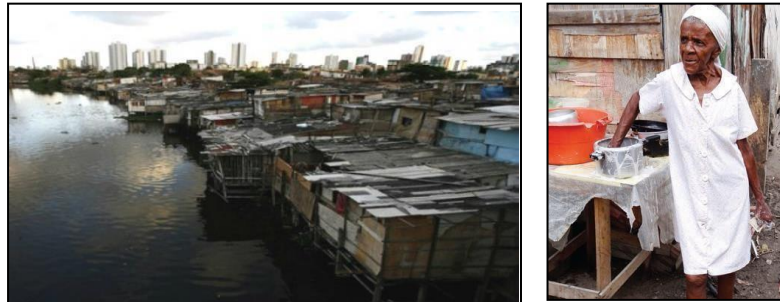
4. ABSENCE OF PLANNING AND PERPETUATION OF URBAN HYGIENISM

In Brazil, the absence of urban planning in large cities has led to multiple social consequences, and inequality and stratification of perverse traits are still present. So, what is the appropriate tool to minimize the damage found for many years?

Therefore, we suggest the adoption of objective civil liability in the housing offer and we facilitate the rigorous application of property rights. We are aware that the subject reveals some of the natural obstacles, such as: the adversity and resistance of doctrine and jurisprudence and the predominance of an economic thought strongly compromised by modern liberalism, typical of what is usually called "unpublished economic content of the rights of property".

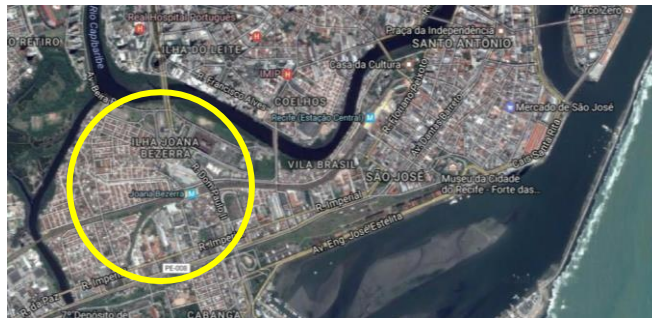
Today, urban hygienism in Brazil takes on precise outlines, in addition to the health issue of the early 20th century; urban land was transformed into currency and access to urban equipment was transformed into a product; thus, those who do not have financial resources will not have access to sanitation, paving, transportation, telephony, postal services, daycare centers, hospitals, dispensaries, etc.) and usually live in areas distant from the work environment, with extreme mobility difficulties, revealing financial hygienism, capable of displacing in areas of excellence in cities those that cannot contribute and clearly certifying an urban financial stratification that contradicts the State, has the duty to facilitate access to social housing; in 06 (six) RPA (Administrative Political Regions) in the city of Recife, there were uninsured expropriations for the purchase price of a property in the city, revealing an example of gentrification.

Fig. 09 e 10. Maria Grinauria da Silva, who has lived in the Coque neighborhood for 40 years. With the 87-year-old dyad, he was removed from a small wooden hut with an indemnity of R\$ 4,000.00 (four thousand reais), for the opening of a street in the neighborhood of Ilha do Leite, a well-known medical center in Recife



Source: (MOROSINI, 2013).

Fig. 11. Coque district, in the central area of the city of Recife.



Source: www.googlemaps.com.br

In the central area of the city of Rio de Janeiro, between 2013 and 2016, several removal works were carried out with the aim of discharge places for the construction of sports projects of the 2014 FIFA World Cup and the Olympic Games of 2016, clearly revealing the scenes of a modern urban financial hygienism.

Historically, Brazil did not consolidate the right to housing for the poor classes, since the colonial system, adopted for more than four centuries, preserved privileges of social stratification; as an illustration, it reminds us of the violent submission of freedom to the blacks of the Paraguayan War (volunteers of the homeland in 1870), without which many could benefit from this "benefit" and to those who returned to the country alive, it remained to reside in the hills and suburbs of large cities like Rio de Janeiro, in Morro da favela, inspired by the plant located in the battle scene, in the State of Bahia and we must not forget that a black population in Brazil almost always occupied, in the process of urbanization, peripheral areas of cities.

Fig. 12 e 13. Demolitions in the city of Rio de Janeiro to host the 2016 Olympics event.



Source: www.direitoamoradia.fau.usp.br

5. INVISIBILITY OF THE POPULATION IN STREET SITUATION AND MAIN FAILURES OF ACCESS TO HOUSING OF SOCIAL INTEREST (HIS) IN BRAZIL

Large urban centers concentrate the overwhelming majority of the homeless population in Brazil, still invisible to official Demographic Censuses, composing social strata fueled by prejudice, intolerance, symbolic and concrete violence, structural, institutional racism and other forms of social exclusion, notably with the rupture of family ties and even the absence of any affective structure, consonant Silva (2020, p.8):

In the last census of the city of São Paulo, carried out in 2019, 24.344 homeless people were identified, where 52% live on the streets and the others in shelter. The vast majority are men (85%). 386 people declared themselves transvestites. Among the total identified, 69% are black and brown, in a proportion much higher than the representation of these groups in the total population in the country (55,8%) or in the specific capital (37,4%). The average age is 41,6 years, but it is possible to identify 13% of the elderly. In this city, the homeless population was 8.706 individuals in 2000, showing an increase of 179% in this interstice. The breakdown of family ties (including deaths) is identified by 50% as the cause of the homelessness. The use of alcohol and other drugs is identified as the cause for 33% (IBGE, 2019; Instituto Qualiest, 2019). Despite the magnitude, the data can be even larger. This is the questioning of the MNPR, which reports that there was underreporting in the count. The advance of the pandemic presents an enormous additional challenge for policies to care for the homeless, especially in this scenario of expanding this contingent. In addition to the risks inherent to the disease, which has as priority health measures - isolation, social distance and hygiene - aspects that are far from the conditions set for the reality of this population group, the absence of social circulation on the streets imposes obstacles to daily subsistence, given the scarcity sources of work, income and donations (Natalino and Pinheiro, 2020). Although the federal government has approved emergency aid to be paid to low-income people engaged in informal activities, homeless people face additional difficulties - sometimes insurmountable (such as the absence of any documents) - to access it, as well as they are exposed to other types of risks that neither the value nor

the nature of this resource is able to supply (Natalino and Pinheiro, 2020; Isoni, 2020).

Likewise, the absence of a formal address still constitutes an obstacle to access to the minimum public health and hygiene policies, composing an equation still resistant in Brazil, namely: a) lack of income + b) failure in the public policy of HIS = c) exclusion from other public policies, consonant Silva (2020, p. 9):

The homeless population, in theory, has the right and free access to all public health policies. However, the access of these individuals is often limited by factors such as prejudice and inadequate requirements (Carvalho, 2013). For example, until 2011.2 the absence of an address was an impediment to the issuance of the National Health Card (SUS Card) and, often, consequently, access to the health system. Even with the ordinance regulating the service to this public, users still faced difficulties in access, attributed to the network's lack of knowledge about the release of care without the SUS card or even the lack of individual documentation (Miranda, 2017). (SILVA, 2020).

Other points to highlight and give details are: a) construction of housing projects in areas far removed from the city center and b) construction of complexes of terrible structural quality and poor building materials. quality, with landslides and interception of the same year, work and, on average, 05 years after delivery of the work.

The study plan of many textbooks have been prepared to express a new model of accountability of the public sphere; however, we could not even produce reforms capable of involving only the needs of the people in all sectors; the emphasis was particularly enthusiastic to the reality of moral damage (with the abandonment of theories after the Federal Constitution of 1988) and its various consequences, olvidando for questions of extreme importance, such as the question now.

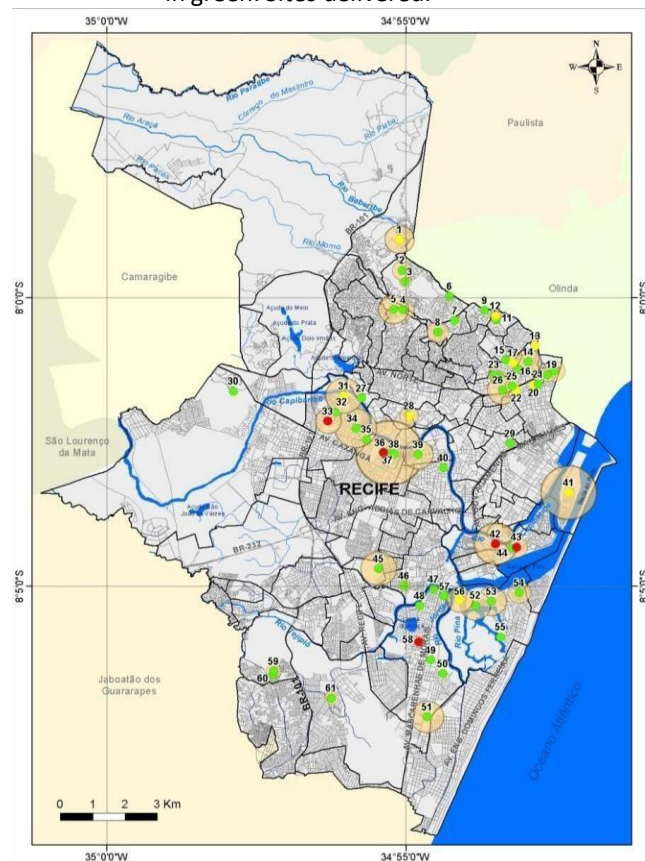
Thus, it is the thesis of the civil liability of the state for violation of the social function of urban property as a subject conducive to the reformulation of ideas before rafters converge for the liability of the state in an objective model supported by positive acts; let us remember that the administrator in any area that acts also respond by omission, considering that the terms of the liability is not the law, leaving us only to demonstrate precisely the possibility of condemnation of the state for their omission concerning the implementation of basic programs designed to respond to social rights, including the fundamental right to housing.

You cannot isolate the impact of the new models of state liability (based on the current target) from a simple remedy; in some previous studies support the emergence of the theory of responsibility and maintenance today, we expose the foundations of civil liability "promotion", for the realization of

constitutional principles (duty to act independently of civil reparation), to give a chance of further promotion for the purpose of individual guarantees.

The Housing and Public Works Company (CEHAB) estimates, according to the 2010 Census data, 546 communities in the city of Recife, with approximately 817 thousand inhabitants; other points of extreme vulnerability in the city of Recife are: a) the existence of prohibited residential properties; b) the frequency of fires in areas occupied by low-income populations (precarious electricity and gas installations); c) the lack of basic sanitation services; d) the absence of drinking water and the denial of numerous fundamental rights (accessibility, education, employment, etc.), where the lack of a decent monthly income makes access to decent housing impossible, given the structural flaws in the design of the Program's participation bands *Minha Casa Minha Vida - PMCMV*, established by Law No. 11.977/2009.

Fig. 14. Distribution of large groups in the city of Recife. In red: work paralyzed; in yellow: work in progress; in green: Sites delivered.



Source: (NASCIMENTO, 2016).

The *My Home, My Life Program* (PMCMV), despite being created with the objective of expanding the offer of Social Interest Housing (HIS), has progressively suffered wear and tear, mainly

due to the loss of income of the Brazilian population and the alarming and growing volume of unemployment in all Brazilian regions, so that even in the first income bracket for inclusion there is extreme difficulty in acquiring social housing or even continuing to pay rent. Currently, the income ranges for participation in the PMCMV and adhesion to real estate financing are as follows:

Table 01. Income bands for inclusion in the housing program *My Home, my life*.

Income bracket	government subsidy	payment term	interest rate	installment values
01: R\$ 1.800,00	R\$	120 months		R\$ 80,00 – R\$ 270,00
02: R\$ 2.600,00	R\$ 47.500,00	360 months	5% per year	
03: R\$ 4.000,00	R\$ 29.000,00			
04: R\$ 7.000,00	R\$			

Source: <https://www.caixa.gov.br/voce/habitacao/minha-casa-minha-vida/urbana>

The model of state civil liability promulgated even in the 20th century (in Brazil the Federal Constitution of 1946 and reaffirmed in the Federal Constitution of 1988) established the separation of guilt and risk and succeeded in awakening the conscience of the people for remedies against abuses committed within the public administration.

However, today it is no longer enough only the structure, we need specialized mechanisms to fight against the omission of the state as the provision of guarantees (insculpidas prestações human, human or promotion of social rights) , that is: a new model of civil liability to not only repair or compensate and yes condemn in a positive attitude to the administrator of the enforcement of the constraint of its institutional obligations.

Urban law has flourished as a theme recently in many countries and Brazil should not completely ignore the global reality; with the weight of German and Italian legislation and the social function of property, there has been much discussion about the limits and addressees of the constitutional norm.

Promoting accountability within represents a concrete and dynamic step in the performance of public functions are inseparable; encouraging such a discussion and demonstrating its practical nature constitute two main points with the hypothesis posed, highlighting as a whole, in the sense of the Federal Constitution of 1988; in Brazil, the financing of social housing involves a series of factors related to housing, such as: minimum sewerage infrastructure, water supply, electricity, transport and urban mobility, accessibility for disabled people, regular collection of household waste and other items.

Like the *João Pinheiro Foundation*, the housing deficit understands the more intuitive notion and an immediate need for new houses for the resolution of specific social and housing problems, detected in a certain moment, it consists, therefore, in the audience of the housing stock, for lack of space, by the precariousness of construction security or the wear and tear of the mature structure and, yet, because of the insufficiency of the excess number of inhabitants per square meter built.

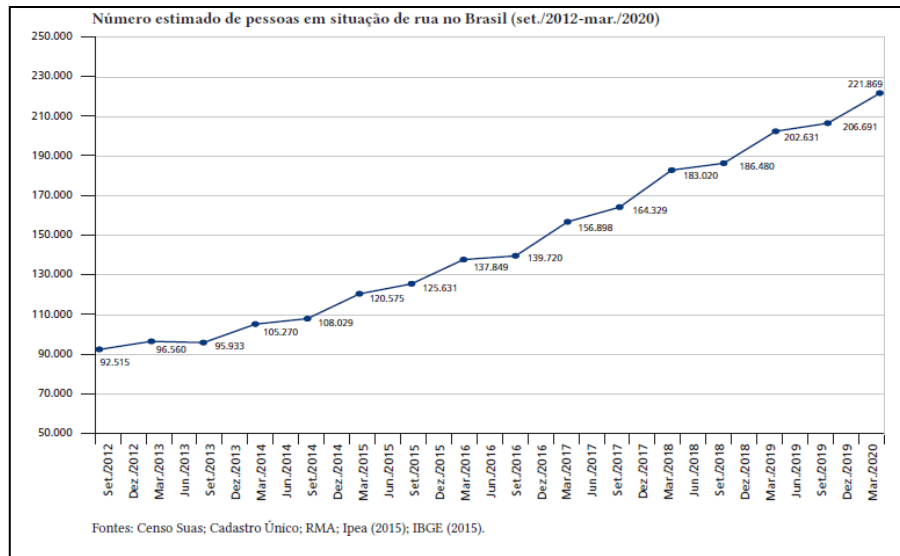
In the first half of the twentieth century, especially in the first government of President Getúlio Vargas, was created the Institute of Social Security with an emphasis on popular real estate financing (cf. Decree-Law n. 4.508/1942 regulated that the construction of residential worker complexes); then, President Eurico Gaspar Dutra created the foundation of the popular house.

Another important point was the creation of the SFH - Housing finance system in Brazil, created by law n. 4.380/1964 and the National Housing Bank - which instituted the BNH reprocessing of real estate contracts; then Law n. 5.107/1966 established the compulsory income of the Guarantee Fund for the duration of service - FGTS (8% of the worker's salary).

Fig. 15. Process provided for in Decree n. 7.053/2009 to promote housing by the homeless population. Unfortunately, the structural failure of the PMCMV and the lack of full dialogue between public policies on social promotion with education, professionalization and access to employment, did not allow the full implementation of the right to housing.



Available in: <http://blog.mds.gov.br/redesuas/wp-content/uploads/2019/09/POL%C3%8DTICA-PARA-A-POP-RUA-RED-CALLE-BRASIL-2019.pdf>

Fig. 16. Estimate of the evolution of the homeless population in Brazil.

Source: https://www.ipea.gov.br/porta/images/stories/PDFs/nota_tecnica/200612_nt_disoc_n_73.pdf

The graph in figure 16 illustrates the estimate of the evolution of the homeless population in Brazil, from September 2012 to March 2020, when the new coronavirus pandemic broke out; in March 2020, the estimated number of homeless people was 221.869, with a marked recent acceleration in growth.

FINAL CONSIDERATIONS

Despite the creation of the National Policy for the Homeless Population - PNPR, through Decree n. 7.053/2009 and the monitoring of such an expressive human contingent, a serious picture of social invisibility and prejudice still lingers in Brazil, reaching diffusely people without income and education, with broken or weakened family ties, inserted directly or indirectly in the family violence scenario, substantiating the state omission sufficient element for the proposition by the Public Defender's Office of the Union - DPU, of action no. 0019792-38.2018.4.02.5101, ongoing at the 21st Federal Court of Rio de Janeiro, aiming at the condemnation of the Federal Union and the IBGE in the insertion of the homeless population in the 2020 Demographic Census.

Likewise, the fragility of emergency and transitory measures to send people to the labor market and continuous income generation, hinder or prevent the inclusion of "homeless people" in the formal policy of Social Interest Housing - HIS, as in the example of the Program Minha Casa Minha

Vida, whose first access range is for people with an income of up to R\$ 1,800.00 (one thousand and eight hundred *reais*), an unimaginable situation for a significant portion of unemployed or underemployed Brazilians, without enough income to participate in any model of acquisition of own housing, even considering the subsidies offered by the Federal Government.

From 2012 to 2020, the number of people in extreme vulnerability on the street across Brazil was increased from 90.000 to 221.000 and, even if the supply of social housing accompanies this statistic, it will not do any good if the model of access to HIS is not reformulated or, at least, the focus on continuous income generation assumes absolute priority for the formation of minimum income for access to the first range of acquisition of popular property.

The COVID 19 scenario only highlighted a housing deficit and the faces of modern urban financial hygiene, rooted in deep social stratification and preserved by the state's omission regarding the equation of income generation versus entry into housing programs; if in the 19th and 20th centuries the hygienist policy prevented the concentration of poverty to value areas (direct or indirect gentrification), in the 21st century, the state's omission regarding the reduction of the housing deficit and the mismatch between the social housing policy and the absence of income or very low income of the homeless population, are hygienist elements par excellence, although not perceived by the Administrator himself.

Therefore, the paradigm shift in the Social Interest Housing (HIS) policy in Brazil is unavoidable and imperative, following the example of the PMCMV and the priority treatment in the formation of income and training of street “residents” in large Brazilian cities. to avoid the eternalization of social strata and the uselessness of a housing policy doomed to decline in such modulation.

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