


Land policies for affordable housing – the case of Portugal


Sónia Alves – Institute of Social
Sciences, University of Lisbon


Dulce Lopes – UCILeR, Faculty of
Law, Coimbra University





Structure of the Presentation



- Theoretical background
 - Research questions
 - Methods
 - Background
 - Case studies: the Municipal Housing Charters in Porto, Lisbon and Matosinhos
 - Preliminary results
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Theoretical background



Historical institutionalism: an *approach* to studying normative expectations in political and legal systems, and values/ beliefs about problems and solutions



We follow Sorensen who defines institutions as social constructions of knowledge, power and rules. We are interested in understanding institutional change and permanence



Beginnings are moments that set a trajectory in motion. Moments of critical junctures can be triggered by exogenous and domestic shocks

Research questions



Which regulatory frameworks have municipalities enacted to secure the provision of social and/or affordable housing



Have municipalities set mandatory affordable housing targets through land-use plans or at project-level planning negotiations?



What are the conditions that explain differences and similarities in planning policies, practices, and outcomes at the local level?

Methods

Case studies: in-depth qualitative analysis of substantive and procedural aspects of the Municipal Housing Charter in three cities.

Primary data source: semi-structured interviews with policymakers, planners and other actors involved in policy design and implementation

Secondary data source: transcription of seminars, conferences. Ex. “Municipal Housing Charters: from Plans to Reality”, Organized by the Portuguese Municipal Housing Association and the Municipality of Lisbon, June 16, 2023



Background _Portugal

- Zoning is used to classify land uses; The approval of a land-use plan creates an automatic presumption in favour of development
- If application conforms with the law and zoning regulations prescribed for the plot (in terms of design, form, uses, etc.) permits are likely to be issued
- Zoning offers a high level of certainty regarding planning permissions unless other requirements are codified within planning regulations
- Special rules and regulation may apply to a specific site, area, or across a zone or entire local authority area



Background

- No regulation of specific housing needs in municipal plans
- Absence of developer obligations towards housing provision
- Open-ended regulation for any type of housing [no distinction between housing tenures (owning or renting) and occupation (seasonal, permanent)]

Framework Housing Law (2019)

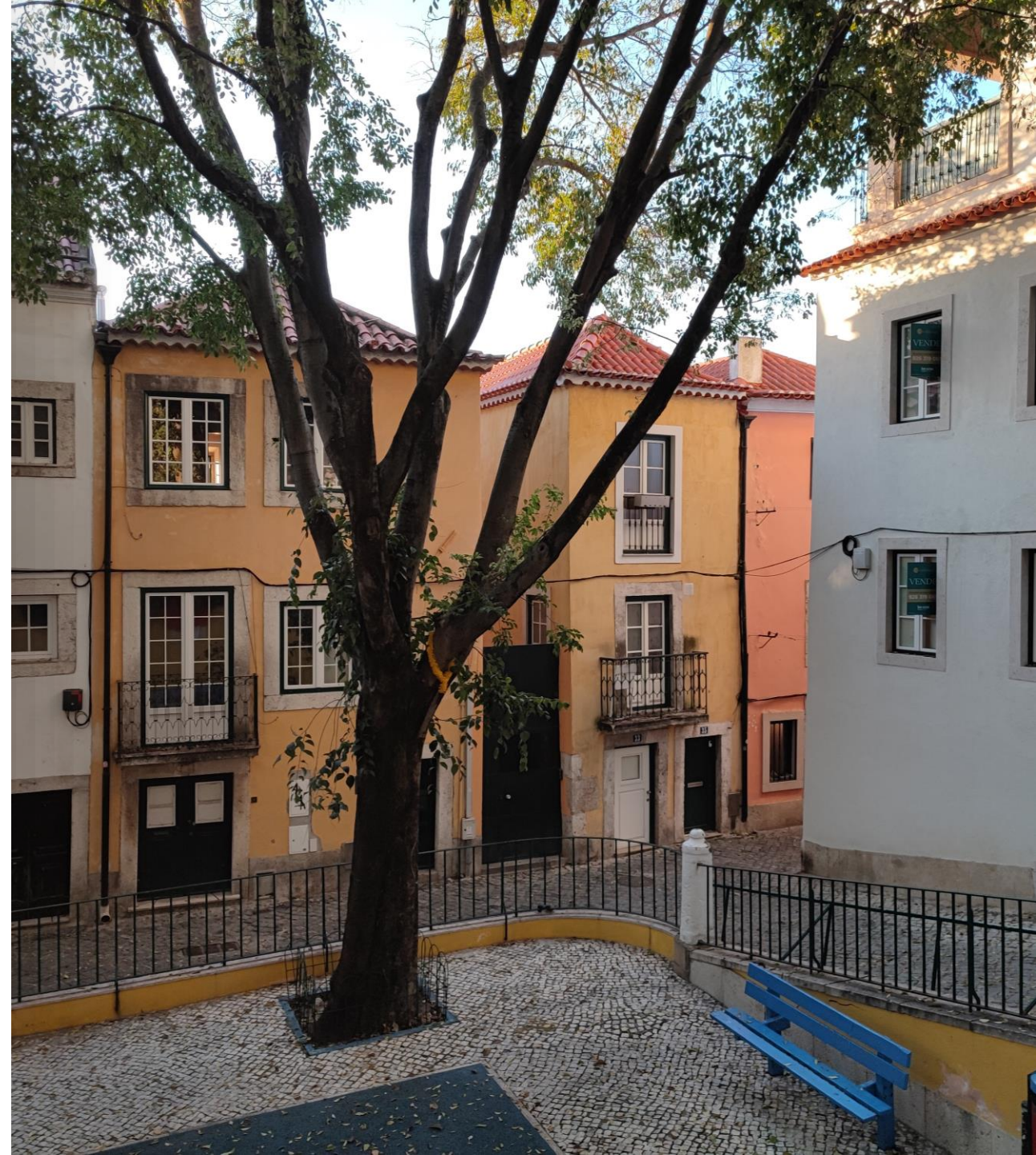
- In 2019 the Portuguese parliament passed the Basic Housing Law that established the foundations of the right to housing and the fundamental duties and tasks of the state in effectively guaranteeing this right to all citizens, under the terms of the Constitution
- Provides a clear path for inclusionary zoning through the adoption of Municipal Housing Charters that include a reasoned declaration of housing needs (article 22)
- In those areas the granting of planning permission might be conditional on the provision of a proportion of affordable housing on-site (exceptionally off-site).
- **However, this is left for each Municipality to decide**

Analytical framework

	National	Local
Policy strategies and goals	<p>State level laws /plans/ reports</p> <ul style="list-style-type: none"> - The Housing National Strategy – 2015-2031 - Report on the Housing Needs - 2019 - The National Housing Program – 2022-2026 - Construir Portugal: New Housing Strategy – 2024 - Planning Law legislation – 2014/2015 (latest legislation) - Framework Housing Law – 2019 (first legislation) 	<p>Local plans/ regulations/ reports (non mandatory)</p> <ul style="list-style-type: none"> - Local Diagnosis of housing conditions - https://documentacao.aml.pt/wp-content/uploads/2022/11/ebook-habitacao-condicoes-habitacionais-indignas-aml.pdf - Local Housing Strategies
Regulatory tools	<ul style="list-style-type: none"> - General legislation on supported housing, controlled costs housing and accessible rent housing - General legal incentives for housing (fiscal, financial) 	<ul style="list-style-type: none"> - Municipal Housing Charters - Locally legally binding plans (PDM, PU, PP) based on zoning - Housing schemes included in planning instruments (inclusionary housing zoning or rules on housing provision)
Implementation mechanisms	<ul style="list-style-type: none"> - Financing and direct investment through IHRU (residual role) 	<ul style="list-style-type: none"> - Strategic land management: municipal acquisition and retention of lands in advance of needs for urban renewal, land consolidation and control of urban growth patterns - Issue permitted land uses and land readjustment - Supported (public) housing provision - Affordable rent municipal programmes

How is affordability and affordable housing defined in conceptual and operational terms

- Social housing refers to public housing that offers lower rents and often target the lowest-income households
- Affordable housing refers to housing which is available to low- and moderate-income households; refers to rents derived from, but lower than full market rents (attempt to reinforce mixed neighbourhoods).



PARA UMA NOVA GERAÇÃO DE POLÍTICAS DE HABITAÇÃO

Sentido estratégico, objetivos e instrumentos de atuação

Outubro | 2017



Public - Not for profit

Private for profit

Social rent

Conditioned
rent

Affordable rent
20% below median rent
max. 35% effort rate

Market rent

exemption from property
income taxes, public land



MHC as a game changer?




Empirical Research

- Three case studies (Lisbon, Oporto, Matosinhos)
- A comparative approach to the study of CMH
- Three entry points of comparison

Entry points

1. Political strategies: main goals and priorities



How are the problems defined, for example in terms of expected outcomes housing construction and rehabilitation targets, affordability for whom, how genuinely housing is affordable, etc.
What actors and policy tools were chosen to solve the defined problems

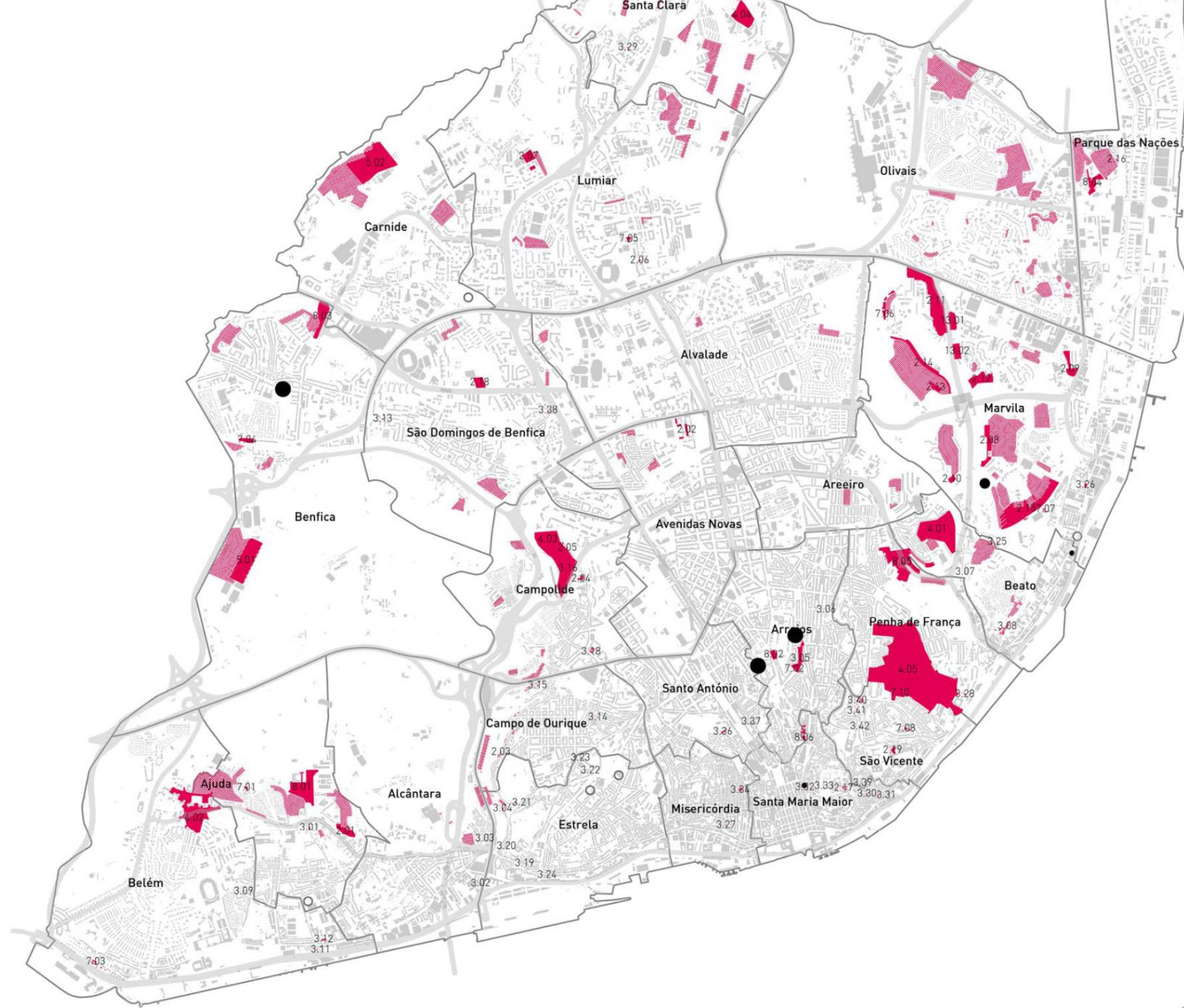
2. Regulatory tools



How are the governance systems positioned to fulfil those strategies and goals
Which are the main tools, resources and incentives designed for such purpose
Calibration of policy tools in terms of where and when it applies and to whom

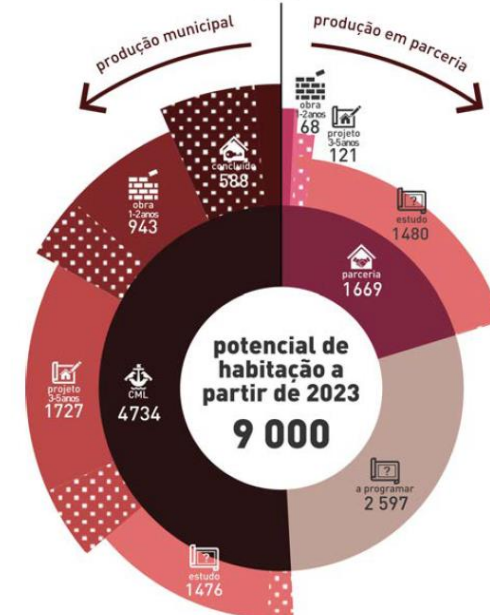
3. Organization and Implementation mechanisms

What actors and instruments are involved in organizing, financing and managing housing? (cf. fiscal tools to encourage developers to improve the condition of built environment, housing affordability schemes, etc), inclusionary housing tools to secure land and dwellings for affordable housing



- inferior a 25
- 25 a 200
- superior a 200

CARTA MUNICIPAL DE HABITAÇÃO 2023



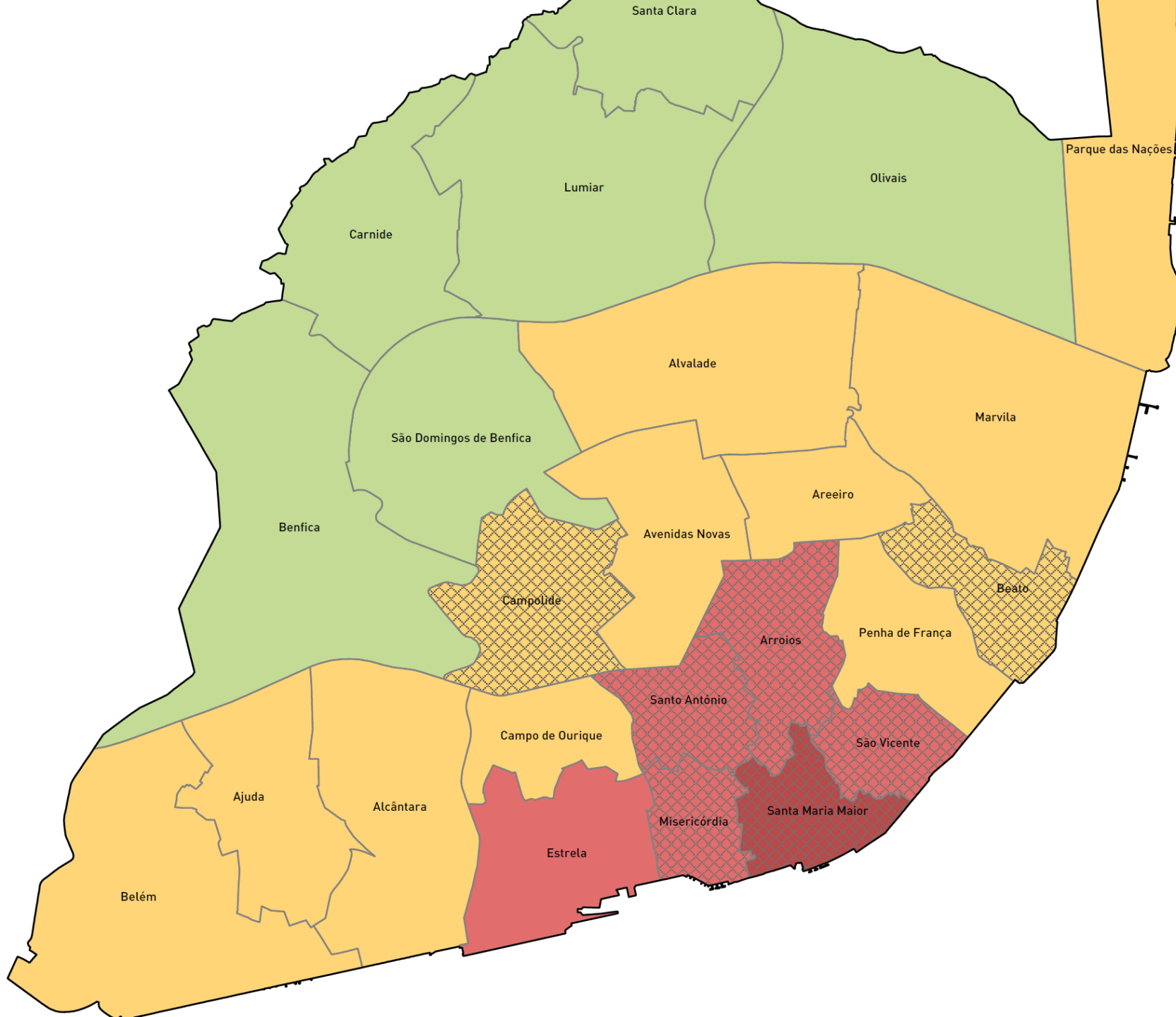
- Construção nova
- Reabilitação/reconstrução

Fonte:
DMHDL/CML
DMGP/CML
GEBALIS
Lisboa Ocidental SRU
IHRU

Nota:
A numeração indicada em planta corresponde ao número da medida proposta pela carta em que se enquadra a operação. A listagem das operações é apresentada na página que se segue.

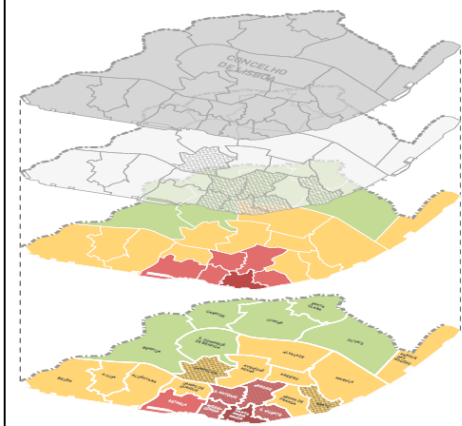
Ortofotocartografia do concelho de Lisboa à escala 1:1 000, produzida por Município, E.M., S.A. [Cobertura de 2016], Sistema de Referência Planimétrica: ETRS 89; Projeção Cartográfica: Transversa de Mercator; Exatidão Planimétrica (e.m.q.) 18 cm; Processo de Homologação n.º 416, de 13 de julho de 2017; Entidade responsável pela homologação: Direção-Geral do Território; Precisão posicional nominal de reprodução: 5,19; Propriedade: Câmara Municipal de Lisboa.

Informação oro-hidrográfica tridimensional do concelho de Lisboa à escala 1:1 000, produzida por Município, E.M., S.A. [Cobertura de 2016], Sistema de Referência: ETRS 89; Projeção



ZPH 1.5 + R

ZPH 4



Zona de Pressão Urbanística
Inadequação entre rendimentos das famílias e custos

Processos de perda, desocupação, abandono e degradação de habitações

Intensidade do processo de gentrificação

Zonas de Prioridade Habitação

Fonte:
A informação usada para este mapa resulta da análise e tratamento dos dados dos censos 2021 pela equipa responsável pela elaboração da Carta Municipal de Habitação.

Preliminary Results

- Beginning of new historical path in terms of joining together planning and housing (in terms of land allocation, besides subsidies for housing)
- Added-value of the MHC – a clear point of intersection between planning and housing
- Policy and legal instruments exist and are being debated, but their adoption and implementation are still to be seen

