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URBAN LAND POLICY IN SAN CARLOS DE BARILOCHE (2001-2019)¹

CONTRIBUTIONS FOR A CRITICAL BALANCE

POLÍTICA DE SUELO URBANO EN SAN CARLOS DE BARILOCHE (2001-2019)
APORTES PARA UN BALANCE CRÍTICO

54

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Este artículo aborda las políticas de acceso al suelo urbano en cuanto elemento central para garantizar condiciones de habitabilidad para los sectores populares. En ese marco, se analizan las alternativas de producción de suelo urbano desarrolladas en la ciudad de San Carlos de Bariloche, Río Negro, en el período post-crisis de 2001, en particular luego de la crisis habitacional de 2006-2008, hasta el año 2019, con la finalidad de realizar un balance crítico de la implementación de la política de producción de lotes con servicios. A partir de un abordaje metodológico documental y cualitativo, se examinan las diferentes operatorias iniciadas por el Estado municipal, atendiendo a las modalidades de adquisición del suelo, las formas de financiamiento de la infraestructura, los destinatarios y su forma de organización, entre otras variables. Los resultados de la investigación muestran un esfuerzo del gobierno local de San Carlos de Bariloche orientado a urbanizar 140 hectáreas de suelo urbano, pero también evidencian las limitaciones en la implementación de la urbanización del mismo. El trabajo intenta aportar a la discusión sobre las causas de la informalidad urbana y su relación con las políticas habitacionales y urbanas adoptadas desde los gobiernos locales en la región latinoamericana. La producción de lotes con servicios constituye un pilar fundamental de la política urbana, sin embargo, su abordaje en investigación ha sido acotado, por lo que este artículo procura, igualmente, dar cuenta de dicho vacío en la literatura especializada.

Palabras clave: hábitat, política pública, asentamientos precaristas

This article addresses urban land policies as a key element to guarantee habitability conditions for the working class. With this in mind, the article analyzes the urban land policy developed in the city of San Carlos de Bariloche, Río Negro, in the post-crisis period of 2001, in particular after the housing crisis of 2006-2008, until 2019, in order to make a critical balance of the lots with utilities production policy. Starting from a documentary and qualitative methodological approach, the different operations initiated by the municipal State are examined, taking into account the modalities of land acquisition, the forms of infrastructure financing, the recipients, and their form of organization, among other variables. The results of the research show an effort by the local government of San Carlos de Bariloche to provide utilities to 140 hectares of urban land, but they also show the limitations in its implementation. The work attempts to contribute to the discussion on the causes of urban informality and its relationship with housing and urban policies implemented by local governments in Latin America. The production of lots with utilities is a fundamental pillar of urban policy, but its research has been limited. As such, the article also tries to account for this gap in the literature.

Keywords: habitat, public policy, squatter settlements

I. INTRODUCTION

The restriction of access to land for vulnerable sectors is constitutive of the capitalist urbanization, which moves towards the commercialization of needs, excluding a growing portion of society through this mechanism. In Latin America, this restriction is reinforced by the dependent nature of its economic-social formations, its accelerated urbanization process, and the effects of the new production patterns of the neoliberal city (Jaramillo, 2012). This dynamic has limited the possibilities of access to urban land for large sectors of the population, including the working class and middle-income sectors, which has generated the phenomenon of persistent urban informality over time.

Urban informality is linked to the aforementioned structural characteristics, but it is also related to the State's ability to produce quality and affordable urban land. That is, it is not enough to account for the structural determinants of Latin American societies, but it is also necessary to make clear the efforts made by the State to expand effective demand through housing policies, specifically, those made by local governments that have the exclusive power to produce urban land. Although in recent years part of the literature on urban studies has addressed the problem of urban land production, it did so by placing a particular emphasis on management instruments that allow land to be mobilized, such as capital gains recovery, and progressive taxes, among others (Smolka and Furtado, 2014). These instruments are increasingly part of the urban policy toolbox of local governments (Duarte and Baer, 2013), but their implementation is still limited and much of the production of urban land does not include them, in particular, in those places where there is still fiscal land available. Hence, it is relevant to explore how urban land is produced, specifically in local governments in the region, beyond the innovative experiences or best practices that can be identified and emphasized.

In this context, this article aims at analyzing the different urban land production alternatives that were implemented in the city of San Carlos de Bariloche in the period after the crisis of 2001 and, especially, after the housing crisis of 2006, to make a critical balance of a public policy that has already been executed for more than ten years. Therefore, the research contributes to the debate on urban and housing policies, and on the ability of local governments to produce serviced, well located, and affordable urban land for the population, with a view to reversing the negative effects of the land market operation on urban structure, and the resulting inequality in terms of access to the city.

From this approach, the work analyzes the different operations of urban land production in San Carlos de Bariloche, taking into account the modalities of land acquisition, the forms of infrastructure financing, and the recipients and their form of organization, among other variables. The methodological approach is of a documentary and qualitative nature, using current regulations, news, and interviews with key informants to reconstruct the process of diagnosis, formulation, and implementation of the policy (Aguilar Villanueva, 2006).

II. THEORETICAL FRAMEWORK

Production of urban land

There are usually three modalities from which the city is (re)produced: state, commercial, and social (Herzer and Pérez, 1993). These modalities are not exclusive and their juxtaposition varies depending on the development model (Guevara, 2015).

In Argentina, the largest urban land producer has historically been the private sector, in a relative *laissez-faire* context regarding land uses and subdivision. Lax urban regulations made "popular lotting" possible (Torres, 2006). However, this sector has covered the population's housing demands in a decreasing proportion over the years, demonstrating a sustained increase in informal habitat production modalities (Un Techo para mi País, 2016). The depletion of popular lots is due not only to economic factors but also to the modification of urban regulations that, since the mid-1970s, became more demanding for the realtors.

The State, for its part, made a variable effort, in historical terms, to meet the housing demands, combining stages with a lot of intervention, with other stages where the State stepped back (Zapata, 2017). As a result, the working class has seen the possibilities of access to land in recent years extremely restricted (Guevara, 2015), having to solve their housing needs through varied forms of habitat self-production. This modality of "progressive housing" implies living in precarious conditions during a production period that can take many years to achieve physical and legal consolidation (Ward, 1982).

Land access policies and the State land market regulation are two inescapable elements to guarantee access to habitat in decent conditions. As Clichevsky (2009) points out, it is necessary for the State to intervene in the production and circulation phase of urban land, to counterbalance the exclusionary



Figure 1. Bariloche and its territorial insertion. Source: Guevara, Wallace, Marigo, and Cavanagh (2020)

dynamics of the market. It is not possible to think of a comprehensive housing policy if it is not combined with an urban land policy.

In terms of the land, State intervention has been restricted to a regulatory and normative role (Reese, 2006). This has caused a historic dissociation between housing and urban policy. However, in recent years, studies have contributed to the debate, with diverse urban planning tools and land management policies, looking at resuming the role of the State in the construction and planning of the city (Lobato, 2021). In this scenario, the production of urban land by local governments took center stage as a public policy, even though the application of novel management instruments is still incipient.

The specialized literature shows different alternatives in the implementation of urban land policies in the region, which vary depending on the instruments applied. Sometimes, it is based on the availability of fiscal land, irregularly occupied or vacant, as the case may be, which facilitates the urban

land policy. But, in many other cases, there is no fiscal land available or this is used for other purposes, such as urban renewal or regeneration policies (Delgadillo, 2020). In these situations, the need for acquisition arises, for which the creation of land banks in the region has grown in recent years. These organizations usually deploy an acquisition policy that is based on different instruments: purchase/sale, donation, incorporation by pardoning debt, expropriation, and capital gains recovery, among other mobilization instruments for idle land (Smolka and Furtado, 2014).

III. CASE STUDY

Bariloche is an intermediate city, located to the west of the Río Negro Province, in the Andean region of Argentinean Patagonia (Figure 1). Although it started as a Pastoral Agricultural Colony, it quickly specialized in tourism. The massification of tourism, starting in the 1940s, marked a massive influx of tourists, union-run hotels, and the interest of the more affluent middle sectors to acquire land in the city. Thus, between 1940 and 1970, thousands of hectares were lotted, practically without any type

Lotting	Ha	Lots	Form of land acquisition
Altos del Este	35	687	Purchase/Sale
Frutillar Norte	26.5	557	Expropriation
Valle Azul	45	605	Fiscal reserve affectation
Las Victorías	9	111	Fiscal reserve affectation
Los Abedules	10	135	Capital gains recovery
TOTAL	125.5	2,095	

Table 1. Social lotting of the study period. Source: Preparation by the authors.

of improvement in urban infrastructure. This accelerated growth to the west was completely out of step with the population of the city, which determined a deficient urban consolidation. Still, after 1970, land incorporation was accelerated, according to the Ministry of the Interior, Public Works, and Housing (2018). Between 1991 and 2001, the urban area grew by 91%, while the population did so by 46%.

This disorderly and discontinuous growth began to be characterized as a problem in the 1970s, motivating the enactment of the 1980 Planning and Building Code. According to Medina (2016), these norms have a strong conservationist imprint and emerge to set limits and organize the growth of the city. However, they generated resistance from the sectors linked to real estate activity. For this reason, in 1995 a new Urban Code was drawn up, whose approval was only partial. This led to the coexistence of two different urban regulations that combine land uses and urban indicators. This duplicity has been functional to the discretionary application of the regulations (Medina, 2016). It favored the interests of the real estate sector and harmed the possibilities of access to urban land by the local population. Consequently, over those years the processes of self-production of the habitat in different neighborhoods multiplied.

IV. METHODOLOGY

This research uses a qualitative methodology, with a research design based on a case study, whose usefulness is key not only for the description of social phenomena and processes but also for the comparison and generation of theory (Martínez Carazo, 2006). Among the different types of case studies, there are those called “instrumental cases” (Merlinsky, 2013), where what is at stake is not the case itself, but its ability to allow an analytical generalization exercise.

In this work, the case study focuses on the implementation of housing policies for urban land production in the city of San Carlos de Bariloche. To build this case, several sources are used in a methodological triangulation strategy (Denzin, 2012). First, some of the authors have actively participated in public policy management and conflicts related to the housing issue: participation in the Bariloche Land Bureau, and participation in the Social Land Council, among others. In this sense, part of the data collected is the result of an action-research approach, which raises the possibility of simultaneously achieving both theoretical advances and social changes, linking the experimental approach of social sciences with social action programs (Lewin, 1946). In this way, action research seeks to solve practical problems and, through this problem solving, proposes the creation of knowledge. The information obtained is the result of community work with social organizations, and neighborhood councils, as well as participation in institutional areas of monitoring, formulation, and evaluation of public habitat policies in Bariloche.

Secondly, the analysis of secondary sources was used, the existing documentation such as reports and management plans, urban and planning codes, ordinances, provincial and national laws, etc., and also the analysis of news published in recent years regarding housing conflicts and the implementation of urban land production operations.

V. RESULTS

The aftermath of the socio-economic crisis of 2001 generated a scenario marked by the tension between the improvement of certain socio-economic indicators and an increase in restrictions on access to land in Bariloche (Medina, 2018). In this context, a cycle of irregular occupations began in 2006, which is also seen in several

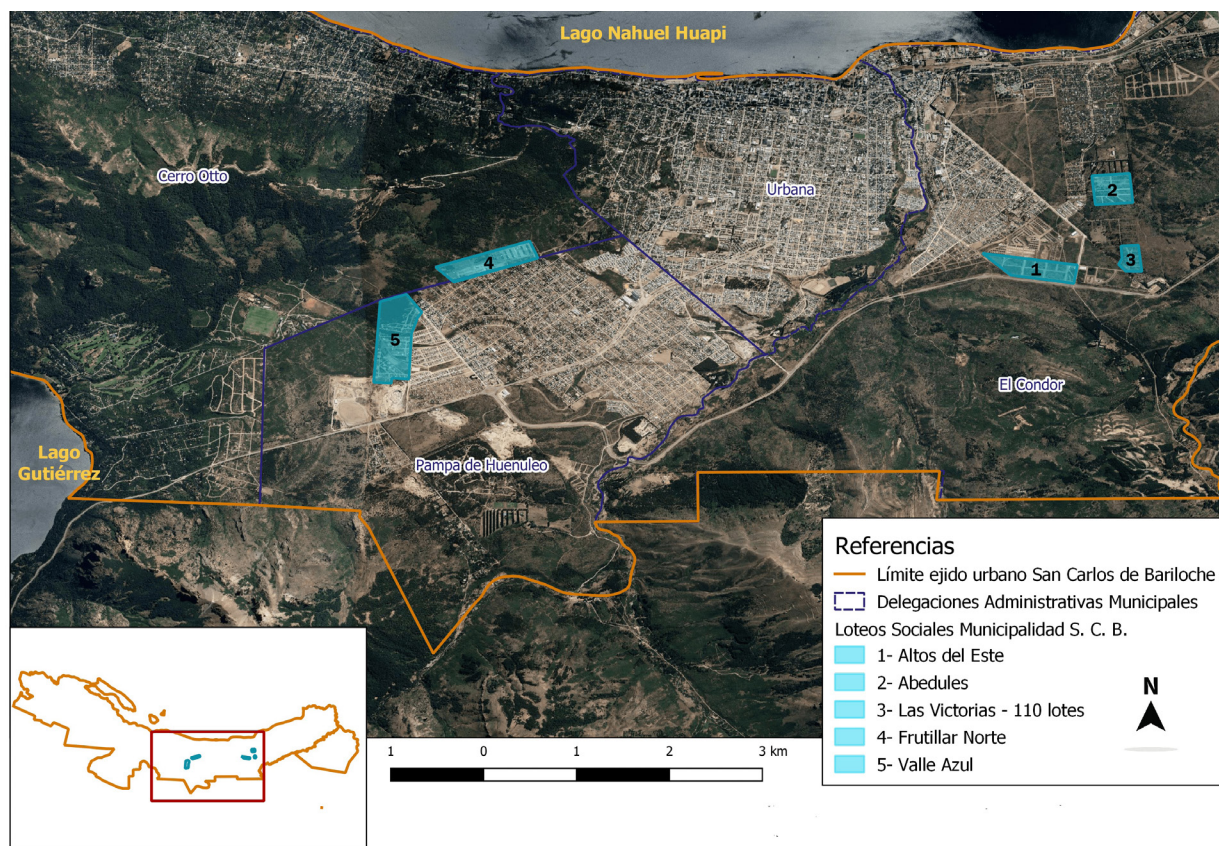


Figure 2. Location in the of social lots on public land: Altos del Este, Abedules, and Las Victorias 110 lots. Source: Preparation of the authors with the collaboration of Eugenia Cavanagh.

intermediate cities of Patagonia (Guevara, Paolinelli, and Nusbaum, 2018). The Municipal State sought to respond to this through the creation of the Land Bank (2006), the Social Council for Land and Housing (2006), and the Municipal Institute for Land and Housing (2008), as well as the declaration of housing emergency in 2008, 2009 and 2011, measures that placed land and housing on the center stage. Other relevant land management regulations were the establishment of the right of municipal participation in the differential urban income (2010), and the modification of the system of Contributions for improvements (2011).

The main response articulated was the promotion of successive social lotting projects with utilities between 2008 and 2014. In around 5 years, more than 120 hectares of land, about 2,095 lots, were acquired and urbanized, which meant an unprecedented massive state intervention in the city. The last major social lotting was done in the early 1990s, the result of the relocation of informal

settlements (Pérez, 2004). In total, there were 5 projects: Frutillar Norte, Altos del Este, Valle Azul, Las Victorias 110 lots, and Los Abedules. These turned the production of urban land into the main housing policy of the municipality. The initiatives, in general, were mediated by some kind of intermediate organization to organize the demand, such as Cooperatives or Unions.

The forms of land acquisition to carry out these operations used different instruments (Table 1): the affectation of fiscal reserves, purchase-sale, expropriation, and the recovery of capital gains. Each one is reviewed below, with the corresponding cases.

Purchase/Sale

Through the purchase/sale modality, the State participates as just one more player in the land market, through the acquisition of land, either rural expansion or undivided urban plots, to feed into the Municipal Land Bank.

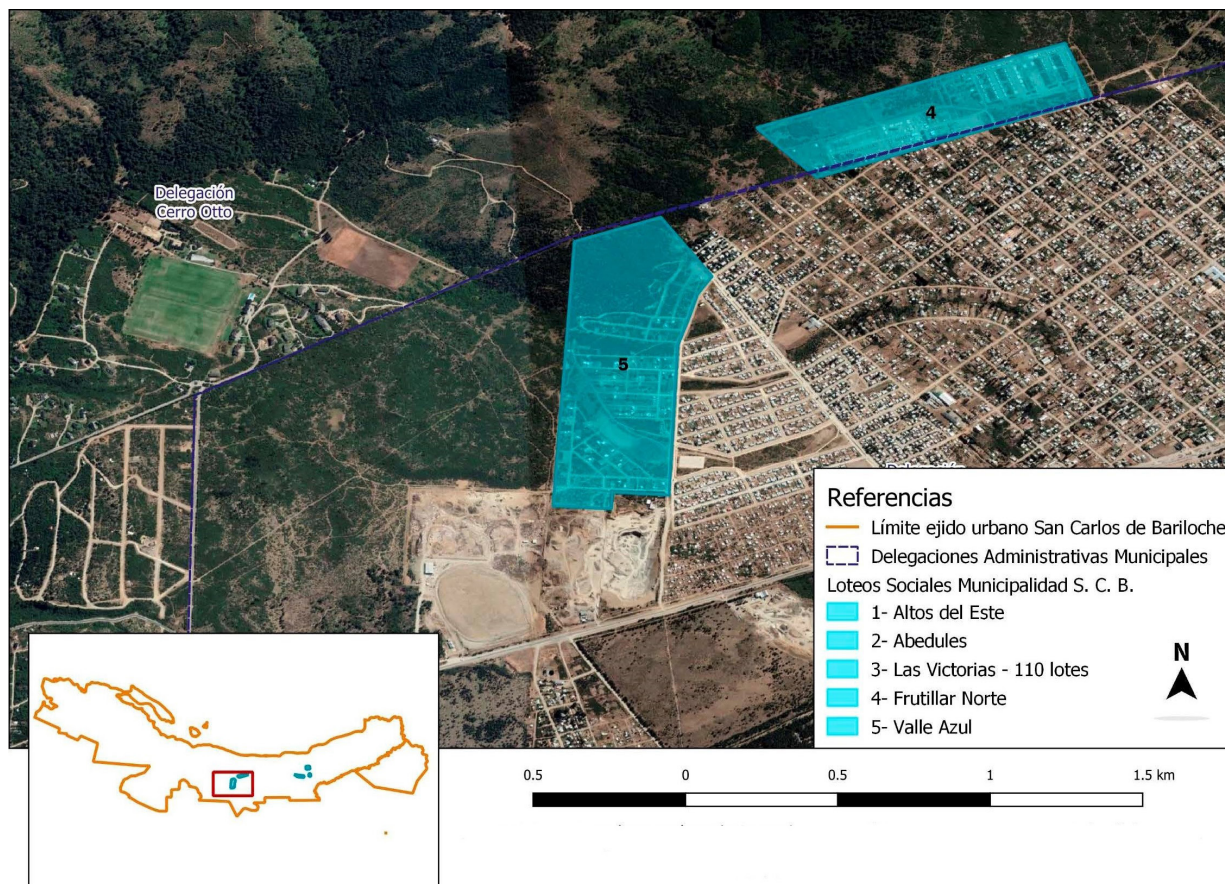


Figure 3. Ubicación en el ejido de loteos sociales: Frutillar Norte y Valle Azul. Fuente: Elaboración de los autores con la colaboración de Eugenia Cavanagh.

Case 1: Altos del Este

The Altos del Este project is located on a 35-hectare site located in the southeast of the municipal public land (Figure 2), on the edge of the consolidated urban area. It covers 687 individual lots. The recipients of this lot are cooperatives and unions of municipal employees, teachers and trade employees, among others. The municipality bought 229,346 m² of undeveloped land for US\$ 917,384, at a rate of US\$ 4/ m², while the rest of the plot was exchanged for land that was in the hands of the Municipality, with a much more advantageous location in the west expansion axis on Bustillo Avenue.

The urbanization and infrastructure works were originally led by the Municipality but were never completed. The solution to the problem of utility networks was saved by awarding 376 housing units to the Federal Housing Construction Program – Techo Digno -, including infrastructure works. In 2015, faced with the change of municipal management, the Intendent, Mr. Gennuso, terminated the contracts that were transferred to the provincial sphere, led by the Institute of Planning and Housing Promotion

(IPPV), which implied a delay of at least two years in the building of the houses. Although infrastructure works began in 2018, they are still ongoing, while the houses are completed or in their last stage. More than ten years after its implementation, this lot is still under development and a large part of the housing solutions were not delivered to their awardees.

Expropriation

Expropriation is a legal instrument used by the State to obtain private land in exchange for compensation to owners, which enables the transfer of ownership and the immediate possession by the Municipality.

Case 2: Frutillar Norte

The lands where the Frutillar Norte project is being developed, in the southern area of the city, were the object of intense controversy (Guevara and Marigo, 2017), which made it impossible for them to be acquired by purchase and sale. Finally, in 2012, the expropriation of the plot was decided. Although

the original project included 42.5 hectares, the current lotting is taking place on 26.5 hectares, where 557 individual lots are located on the southern slope of Cerro Otto (Otto Hill) (Figure 3), which acts as a topographic boundary for city expansion.

The future neighborhood is bordered to the south by the Frutillar Neighborhood, to the west by the 2 de Abril and Unión neighborhoods, to the east by a neighborhood of 400 houses, and to the north by the hillside of Cerro Otto. This area is part of the area called “El Alto”, where the working-class neighborhoods of the city are located.

The tasks for the urbanization of the lots had again been taken over by the Municipality. However, arguing a lack of economic and technical resources, the Municipality abandoned these responsibilities. Faced with this situation, the awarding of housing from the Federal Housing Construction Program – Techo Digno, was proposed, as in Altos del Este. In this way, 495 homes were awarded, including the infrastructure for a total of 550 social lots that, in short, suffered the same inconveniences and delays outlined above.

Nine years after the approval of the lot, the infrastructure works to provide services to the new neighborhood have not yet been completed. Only a handful of families are living in the neighborhood and the houses are expected to be completed and delivered by 2022.

Affectation of fiscal reserves

The urban regulations in force in Bariloche pose a series of obligations to the owner as a requirement for their subdivision, as is usual in any city. These obligations include the opening and transfer of public streets, the execution of basic infrastructure networks, and also transfers of land for public spaces and fiscal reserves that may be used in the future for education, healthcare, green areas, etc. It is even possible, according to successive ordinances of municipal participation in differential income, to incorporate transfers under the concept of urban capital gains.

Case 3: Valle Azul

The Valle Azul lot is located on the southern slope of Otto hill (Figure 3), very close to the Municipal Landfill and on the edge of the existing urban area. The project includes more than 600 lots on 45 hectares, which are the result of the transfer of the fiscal reserve of the Dos Valles Country Club, a land consortium of more than 335 hectares, intended for 700 upper-middle-class families. This plot was ceded to the Municipal Institute of Land and Housing for Social Habitat as a property of social interest, which developed an Urban Plan for 640 families.

In 2010, the social lotting on the plot was authorized, and later the lot was awarded to the “Valle Azul” project, promoted by the Germán Abdala Mutual Workers Association. A project for the construction of housing with panel technology called “PAC House” was drawn up. The recipients of this project were

members of pre-existing cooperatives that were associated with the project and added some individual claimants. The Mutual was to be responsible for the provision of utility infrastructure and the construction of housing, thus becoming a kind of “social developer”. The mobilization around the project was important, generating great expectations among the recipients. Soon, however, complaints of fraud by the associates and the lack of financing for the construction of the houses broke out.

Given the delay and the non-fulfillment of the commitments taken on, several conflicts were generated between the parties. The Mutual finally abandoned the project, returned part of the lots to the Municipality, and ceded the rest of the land to a Civil Association. At present, the materialization of the neighborhood is limited: the works of public lighting and provision of electricity and drinking water have been partially carried out. Only fifty families live in the neighborhood, while there are another fifty homes in the process of third-party development or self-construction.

Case 4: Las Victorias 110 lots

This lot is located in the Las Victorias neighborhood, south of the eastern expansion of Bariloche, 2 km from downtown (Figure 2). In 2010, 90,000 m² of the original state reserve of the Las Victorias III lot was transferred for a project of social interest with 110 lots. The recipients of this lotting were members of unions and cooperatives.

Again, the Municipality took on the development of the estate, but due to a lack of resources, it had to transfer this responsibility to the recipients, who organized to finance the necessary infrastructure with their own funds. The recipients privately agreed to carry out the infrastructure works with the Germán Abdala Mutual Association which, in this case, did comply with the agreed works for electricity, water, and sewerage networks in the neighborhood. Today, practically no families are living on the site, although the lots have already been handed over and there are housing units under construction.

Capital gains recovery

In the case of San Carlos de Bariloche, the “Right of Participation in the Differential Urban Income”, the name given to the recovery of capital gains, is in force. Its enforcement is carried out from a simple calculation that monetizes the amount of additional square meters that a regulatory modification authorizes, updating the calculation according to the Index of the Argentine Chamber of Construction.

Case 5: Los Abedules

The Los Abedules lotting was the only social lotting resulting from the application of the capital gains recovery tool. In 2014, an agreement was signed with the owner of 16 hectares, which allowed the transfer of 135 plots of 300 m² to the Municipality (Figure 2), under the concept of capital gains, which were

destined for housing projects. The same would be transferred for value consideration to holders of the Argentina Credit Program, while the infrastructure would be implemented by the Municipality.

Again, faced with the impossibility to carry out the infrastructure works it had committed to, in 2018 the Municipality decided to cede ownership of the plot to the Housing Cooperative, 13 de Mayo, which already had experience in other social lots. The organization was in charge of selling the lots and charging the corresponding price for the land and the urbanization and subdivision works. This assignment was not without controversy, since the agreement authorized the entity to impose a surcharge of up to 25%, in addition to administrative expenses. The infrastructure works were implemented by the original owner of the plot and have already been completed, so the lots are about to be delivered to the successful awardees.

VI. DISCUSSION

The production of lots with utilities has been consolidated as an "implicit policy" (Torres, 2006) in San Carlos de Bariloche. This is because the successive operations carried out did not have an explicit formulation as a program, but were constituted as dispersed operations that sought to somehow respond to the housing crisis of the city that emerged in the mid-2000s.

The different land acquisition modes showed great versatility by the Municipality to mobilize land in the face of a shortage of available fiscal land. The different acquisition modes have advantages and disadvantages that must be analyzed in each case. In the case of purchase-sale, experience shows that the State is not a good negotiator and ends up paying prices that incorporate part of the owners' valuation expectations. Despite this, it is a suitable mechanism to incorporate the land into land banks and has the potential to intervene by regulating the market, if applied in a countercyclical way (Cleveze Vélez, 2016).

In the case of expropriation, although the lands are in State possession almost immediately, expropriation can mean a high future cost for the municipality, since jurisprudence is usually favorable to the excessive expectations of owners (Azuela, 2013). Comparative experience reveals that owners reject any kind of preliminary agreement and wait for the court ruling which usually turns out to be more favorable. The advantage, in this sense, is that expropriation trials tend to take a long time, which in practice operates as a financing mechanism for the acquisition of land, in particular, when the fiscal valuation of the properties is well below market valuation.

Regarding fiscal reserves, although they are primarily intended for urban facilities, often were destined for social lots, and others were irregularly occupied by the passivity of the State in their protection. This lack of articulation between urban and housing

policies is generating numerous conflicts in the city, due to the lack of facilities and public spaces in different neighborhoods. Consequently, it is to be expected that, soon, the facility requirements for new neighborhoods will have to be satisfied with enormous cost overruns for the acquisition of land in already consolidated areas.

Finally, regarding the capital gains recovery mechanism, it is important to highlight the legitimization of the mechanism to capture part of the surplus value generated by the change of use granted (Smolka and Amoborski, 2003). The main advantage of this mechanism is that it does not involve public resources, which is why these are called land-based financing instruments (Vetter and Vetter, 2015). The experience of Bariloche confirms that less than 10% of urban land production in the city used this type of instrument, which is perhaps the main deficit evidenced by the housing policy and explains, to a large extent, the restrictions and difficulties to complete the operations, since the necessary resources were not available.

VII. CONCLUSIONS

The urban land production policy deployed in San Carlos de Bariloche since the 2006 housing crisis, exhibited a huge effort by the Municipal State to launch urbanization operations involving more than 120 hectares and 2,000 social lots. It was thus constituted as an implicit policy since it was not explicitly formulated. It sought to articulate the existing demand from cooperatives and unions that organized the demand of the target households. The operations showed poor execution, since, although the Municipal State was effective in acquiring urban land by different modalities, it could not complete the urbanization works, either by itself or through the management of agreements with intermediate entities.

Among the acquisition mechanisms, the financing instruments of urban land development, such as the recovery of capital gains, have the greatest potential impact, by not committing the available economic and financial resources of municipalities, but were implemented in a very limited way, privileging other more costly alternatives, such as purchase-sale, or less suitable ones, such as the urbanization of fiscal reserves. The possibility of articulating the operations of social lots with social housing financed by the provincial government gave viability to the operations, but they are not yet finalized, so a large part of the beneficiary population does not yet live in those neighborhoods.

Given this scenario, the main contribution of this article to the field of study of housing policies lies in highlighting the importance of urban land production and its articulation with urban policies in general, to give a comprehensive approach to the housing problem in Latin American cities. The components of this policy are not exhausted in the identification of demand,

or the acquisition of land, but fundamentally have to guarantee the suitable provision of utilities' infrastructure networks. Likewise, it is worth reinforcing the importance of developing and applying land-based urban development financing instruments more extensively, to overcome the restrictions evidenced by the city of Bariloche in terms of infrastructure provision.

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