

FORMALIZATION OF HOUSING IN SAN JOSÉ, COSTA RICA:

A community pathway to legal incorporation

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ABSTRACT

This work explores urban informal housing and development strategies from a process centered perspective in the urban core of San José, Costa Rica. It seeks to explain *how* communities obtain change in formal housing status and move toward legal incorporation. Original fieldwork, comprised of field observation, archival documentation, and interviews, examined the nature of formalization as experienced by informal settlements. Guided by a theoretical framework based on models of the informal economy and political ecology, the results of this research demonstrate complex levels of formality expressed by housing communities, redefining traditional concepts of the urban periphery and informal sector. Furthermore, case studies and documented changes in registered land tenancy identify four stages in this process of formalization: squatter settlements, housing associations, housing projects, and formal incorporation. In a multi-scale web of players, including community-based organizations, NGOs, and government entities, understanding each stage is necessary for effective policy-making and positive urban transformation.

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CHAPTER 1

The reality of informal housing as a growing urban problem faces little debate in the dawn of the 21st century. With poverty and migration on the rise, most cities of the developing world are facing skyrocketing unregulated development. Latin America is no exception. However, while the problem magnifies and research expands to examine cause and effect relationships of informality, place-specific approaches and possible solutions are also popping up on the local, national, and international levels. Many of these approaches take preventative measures against known causes. They attempt to quell poverty, reduce unemployment, direct migration paths, and improve city planning. But more often cities and states find themselves in a reactive, even defensive, stance facing an overwhelming phenomenon. While the former preventative approaches are essential to future development and social health, and must remain part of holistic solutions, the latter, more common, trend finds itself trying to combat the current alarming reality: 32 percent of the world's urban population lives in slums (United Nations Human Settlement Programme, 2003, p. 14). This statistic represents, first and foremost, a human problem of inadequate and unacceptable living conditions for individuals: around a third of the global urban population. However, it also indicates a crisis at the fulcrum of global urban ecologies. Whether real or perceived, connections can be made between slums and informal housing and almost all other urban ills. They are entrenched in the economic issues of poverty, unemployment, and markets, the environmental problems of

pollution, access to resources, and land-use conflicts, and the socio-political issues of crime and infrastructure. Therefore, patterns in land use and informal housing development are pivotal in the trajectory of urban history and the questions we ask about these issues now will determine our ability to shape the future of urban spaces and their residents.

Slowing the rate of informal housing development in Latin America is a possibility. But what about those who are already living in communities constructed outside of formal and legal housing processes? Historical legislation, relocation projects, bulldozing efforts, and public housing construction projects seem entangled in a shuffled, yet continuous, cycle of informality (Hardoy & Satterthwaite, 1989). Informal settlement dwellers do not disappear, but reappear in a new location or new communities are quickly partitioned to accommodate more informal structures. How can that cycle break? How does one incorporate the informal into the formal development of a city instead of allowing the reverse to occur?

Geographers often use the word consolidation to describe the transition, or transformation, of makeshift shelters constructed with informal, recycled materials to improved structures with serviced plots.¹ Regularization, a term assumed by Mexico's urban land reform program CORETT, applies to legalizing and documenting land tenancy (Mexico, 2007). Other terms, such as incorporation, address expanding city limits and the absorption of new

¹ The term "consolidation" is used in academic texts such as Pacione (2001) as well as highlighted by Gilbert (1996) as a distinct phase in global approaches to informal housing.

communities or lands into a city municipal system. These three phenomena play into, but are not limited to, the informal housing elimination. For example, consolidation may occur on legally titled land and incorporation is perhaps most common as a method of annexing land for a city's formal housing developments. However, each does have an important role in creating a formal path to eliminating informal settlements. Throughout my research, I have sought a term that encompasses these three processes in informal housing communities, that defines the broad movement from the informal to the formal. The term "formalization," borrowed in this case from *formalización* in Spanish, provides the best and perhaps the simplest title. Formalization is the process of becoming formal.

Qualifying that process of formalization became the central objective of my work. In the realm of informality, qualification can be difficult and often dynamic. Yet, as I visited informal communities at different points of their own stories and examined historical patterns of urban growth, evidence of process surfaced. I could see changes and stages, movement, however slow or accelerated, along a spectrum from the informal to the formal and perhaps even back again.

This kind of intimate investigation into process is a new approach to understanding informality. Formalization fits directly into themes of globalization and the neo-liberal urban experience as it is fundamentally a question of land titling and property regime, however its place-specific articulation provides a new contribution. The study of process goes beyond causes and consequences and

allows for an explanation of *how* change in formal status happens at the level of an individual community. It identifies the tools of application being used by political agents and grassroots movements to enact change. An understanding of formalization cannot come from statistical data or analysis of social and economic indicators. Rather, it involves tracing place-specific archives and conducting original fieldwork built upon the leading of the process, not the direction of the researcher. Discussing the nature of process is generally absent from academic work on the subject of informal urban communities, yet is so clearly essential for the hope of implementing positive change.

Just as informality is not standard within its own context, broad regional generalizations would be inappropriate and naïve. However, by building one case study we can tell the story of a particular place and extrapolate valuable tools for qualifying formalization that may be more widely applied. This work will discuss the issue of informality within a regional context, while limiting the articulation of process to the structures of the state and the scale of one city. The scope of the work is also limited to examinations of communities that originated through land invasion and focuses on their experience of process from the time of invasion to the time of formal municipal incorporation as a legal housing development.

Costa Rica, a small Central American republic, provides the opportunity for a case study of formalization. Although it is not generally considered the poster child of Latin American poverty and informality, Costa Rica is actively grappling with the very real issue of urban informal housing and unregulated

development. The country's size, democracy, social stability, and relative economic success make informal settlements, and the prospect of formalization, no easier to define. However, in the midst of the complex and dynamic nature of informal housing, a structured process is evolving in Costa Rica based on collective community transition. This process of formalization manifests itself in distinct stages, documented by changes in registered land tenancy and executed by residents and bureaucratic agents in a multi-scale political ecology.

Framework

Several theoretical approaches and research perspectives fostered the principle questions that shaped this work and informed the research methods used. Elements of economic and geographic theory, along with ecological concepts, aide in constructing a framework for understanding the process of formalization.

Perez Sainz (1998, p. 159) writes in "The New Faces of Informality in Central America" that one of the significant consequences of structural adjustment programs and a reduction in state employment, broadly experienced throughout Latin America, is a blurring between formality and informality in the labor market. While his arguments focus on economic theory, they are decidedly relevant to this work. Perez Sainz describes a fading line between formal and informal economic activity, however a similar trend seems to be occurring in the housing sector as well. Brazilian geographer Milton Santos (1979) discusses the urban Third World economy in terms of an upper (capital-intensive) and a lower (non-capital-intensive) circuit that interrelate. Although the upper and lower

circuits are fundamentally different in their organization and activity, they do not function as completely independent formal and informal sectors. Regulation and definition are difficult to pin down and even more difficult to generalize.

Formality acts as a fluid spectrum, versus a state of being, and housing falls all along it. Evidence of this can also be found in the terms used to describe housing.

In Costa Rica *tugurio* and *precario* serve as the two principal terms used in reference to informal housing. In both conversation and text, the two are frequently interchanged and cause confusion over the status of particular communities. However, these two terms are not simply Spanish translations for informal housing and they are not truly synonyms. They hold state-specific meaning. The *Fundación Promotora de Vivienda* (FUPROVI) [Housing Development Foundation], Costa Rica's largest private development organization, draws a line between the two terms. According to their reports, the word *precario* (precarious), or *asentimientos en precario* (precarious housing), refers to the state of legality of tenancy on the plot. *Tugurio*, on the other hand, is a term that refers to the physical state of the housing shelter. This definition echoes the *Instituto Nacional de Estadística y Censos* (INEC) [National Institute of Statistics and Census] which classifies a *tugurio* as a building constructed with informal materials: cardboard, crates, cans, canvas, etc. These structures are built with the purpose of meeting an immediate need for shelter (INEC, 2001, p. 66). By differentiating the two terms we can better understand the complexity of individual housing situations. A shelter may be a *tugurio* with legal status and

therefore not *en precario*. And similarly, a structure may be *en precario* with an improved physical state. These two terms point to the multidimensional character of housing and aid in isolating various issues that impact occupants: legal, economic, infrastructural, etc. However, what appears to be almost as common as either of these situations is to have a jumbled pot where certain aspects are formal and others are improvised or ignored. Whether this spectrum represents the progress and innovation of individuals, lack of finance, gaping holes in the state system, corruption, a bit of everything, or something entirely different, informality in and of itself becomes an interesting conundrum. Not only is it unregulated within its borders, it no longer has clearly defined borders.

This perspective requires a reexamination of informality both legally and spatially. It questions the simplicity of dualities like formal and informal, core and periphery. Just as housing is traditionally defined in these terms shared with urban economies, the insights of Perez Sainz (1998) and Santos (1979) can provide a lens with which to examine the patterns and adaptations of housing. The idea of blurred boundaries, or a fluid spectrum of formality, better reflects the complexity of housing issues and opens our eyes to see the varying experiences of urban spaces and individual communities.

Cultural Ecology, an adaptation of biological ecology to geographic studies, also strongly influences this work's approach to formalization. Political Ecology, a subfield of Cultural Ecology sees social, economic, and political hierarchies as they interact with, and impact, environmental change. These

hierarchies create a multi-scale context for cognitively directed relationships. The concept of Political Ecology meshes the hierarchical structure of political economy with the interlocking web of human-nature relationships that form geography. Anthropologist Vayda (1983) contributed to the development of this approach with his framework of “progressive contextualization.” This idea grasps greater understanding of local changes and land resources through assessing origins and influences in progressively wider contexts, historically or spatially. A study of soil erosion in developing countries by Blaikie (1985) provides an example of how this multi-scalar contextualization works. He sought the “why” that earlier studies frequently ignored. He questioned why soil erosion occurs, not just how and why the traditional conservation programs are ineffective. Blaikie found that not only were the state and national governments involved in addressing (or not) the problem, but many countries in Latin America and elsewhere receive foreign aid to support conservation programs which must then cater to their wealthy donors. In short, the almost endless links to economic and political forces at multiple scales interact to some degree with the local soils.

Political ecology points to the need for political and social change to affect environmental change and land resource access. With this approach in mind, it is essential in the case of formalization to contextualize the process in the web of political hierarchy and social tradition. Opening our eyes to the multiple scales and multiple players affecting formalization not only informs our understanding of the “how” and “why” of the process and its adaptations, but may help point to

specific points of change application. Butzer (1990, p. 698) writes that understanding coping and adaptive strategies will enable “effective policy formulation in regard to the environmental management and the match of resources with demands.”

In an earlier work, Butzer (1989, p. 192) suggests that Cultural Ecology is more accurately viewed as a research perspective rather than a distinctive subfield. He writes that it is an interdisciplinary search to “understand the interrelationships between people, resources, and space.” As an approach, Cultural Ecology, and more specifically Political Ecology, clearly provides useful perspective, but recent studies by geographer Myers (1999) and anthropologist Low (2000) help shape a more defined framework specific to the urban built environment of housing.

Historically the research perspective of Cultural Ecology has primarily focused on agricultural societies in the developing world. However new ecologies demonstrate possible application to urban contexts. Myers’ work in Sub-Saharan Africa utilizes the perspective of Political Ecology to understand urban resource dynamics. His study of the construction material industry in Zanzibar reveals an ecology that connects the degradation of outlying landscapes to the built environment of wealthy homes in a social and political context (Myers, 1999).

Anthropologist Low also draws on Political Ecology concepts in her long-term study of public space and democracy in San José, Costa Rica. Low (2000) documented the modification of, and use of, physical structures in their context of

public space. Political Ecology can be described as an approach that embraces “three critical areas of inquiry: the contextual sources of environmental change, conflict over access, and the political ramifications of environmental change” (Bryant, 1992, p. 13). Low demonstrates the relevance of such an approach to the urban setting by examining the interactions between humans and their built environment in conflict over access to resources, namely space and structures to exercise economic, political, and cultural voice. She writes: “To think of built environment as space... is useful because its parts become conjoined within a system, a kind of ecology. Through ecology we begin to understand the causal relationships between economy, society, and culture on one hand, and the urban environment on the other” (Low, 2000, p. 36). In this case, Low views the urban built environment as dynamic and functionally similar to the natural environment. People are in conflict over space and access to resources, both natural (water, land, etc.) and socio-political (transportation networks, economic means, political voice, etc.).

Keeping in mind these applications of ecological concepts, research of formalization of housing becomes an examination of relationships between social and political entities and the built environment of informal settlements. Political Ecology grounds this look at formalization in the contextual layers of its multi-scale environment. The perspective also emphasizes modifications of the built environment in causal relationships with social, political, and environmental agents. These relationships help structure the articulation of process in

formalization viewed as stages on a fluid spectrum. And finally, both adapted economic theory of formality and Political Ecology can inform the possible applications later discussed in the conclusions.

Fieldwork and Methods

Based on questions about process and the simple observation that some communities that were once informal settlements seem to have been incorporated into the formal city structure, methods for articulating formalization of informal housing took shape. Applying the theoretical framework above to previous observation resulted in the simple hypothesis that the process of formalization involves various stages of formality and is affected by agents (actors or policies) in a multi-scale context. While statistical data and historical policy records help to build context for this work, testing the hypothesis required original fieldwork in San José to build a type of formalization history. Three primary methods comprised this field research: field observation, archival documentation, and interview.

Facilitated by a KU Latin American Field Research Grant I traveled to Costa Rica in January 2007 to begin my field observation and further research. I chose San José, the capital of Costa Rica, as the location for my project of inquiry. The choice was based on multiple factors, including a manageable scale of project, accessibility of resources, centrality of housing policy and approaches in national agenda, and the researcher's familiarity with the chosen urban area. The field observation involved a general tour of informal housing settlements

throughout the metropolitan area with careful note taking and photographic documentation of physical land and housing conditions. In addition to the general overview of settlements, field observation extended to a local visit to settlements in the central canton of San José where three communities were pinpointed as cases for research: *Gracias a Dios*, *25 de julio*, and *Reina de los Ángeles*.

Archival research served as the second method in building a history of formalization, using these communities as examples. Four primary sources of documentation were used: photographs, cadastral records, municipal urban planning assessments, and *planes reguladores*, or municipal development regulation documents. These four sources collectively demonstrate chronological change in legal land tenancy, pointing to various stages in formalization, as well as differences in real and prescribed land use that reveal the character of informality and the goals of policy.

With one common goal, each element of documentation contributed in its own way. Photographs taken during field observation and aerial photos serve to document real land use and the physical character of informal communities at the time of research. Cadastral records, on the other hand, communicate both historical and legal components. These government documents record the surveyed dimensions and locations of plots and land parcels throughout the country. And, just as important to my research, they indicate the name or names of those who possess ownership and title to individual plots. Cadastral maps and records are kept at the *Registro Nacional*, or National Registry, and must be

requested in person according to the *finca madre* and plot number. At the National Registry I obtained documentation on two particular *fincas*: the location of the *precario Gracias a Dios*, and the parceled plots of the *urbanización 25 de julio*. Urban planning assessments obtained from the urban planning division at the Municipality of San José document the current status of housing developments that are waiting for approval for legal incorporation into the municipality, including *25 de julio* and *Reina de los Ángeles*. These assessments provide information on specific land use within a formalizing development and mark specific points of incongruence with municipal government regulations. Finally, *planes reguladores*, the governments' guiding development regulations, from the municipalities of San José, Curridabat, Montes de Oca, and Desamparados contribute a final layer of documentation and give insight into policy and the formal fabric into which informal communities must find a fit. Each document contains not only zoning maps, but written regulations on everything from street and plot dimensions to green space minimums.

Lastly, interviews built the final research component. While interactions with faculty and students at the university greatly assisted with building connections and contacts, the primary focus of my interviews was authorities within various government and non-government institutions. I personally met with representatives from the *Dirección de Urbanismo* [Department of Urbanism] at the Municipality of San José, the Municipality of Curridabat, and the *Ministerio de Vivienda y Asentamientos Humanos* (MIVAH) [Ministry of Housing and

Human Settlements]. In addition, I conducted interviews with the director of ProDUS (*Programa de Investigación en Desarrollo Urbano Sostenible*) [Program for Research in Sustainable Urban Development] and the director of the Lending Department at FUPROVI, the leading Costa Rican NGO in the housing sector. Through these interviews, I learned about the urban housing problems facing San José, the approaches used to address them, and the roles played by each government and private entity. This information not only provided perspective on the current political ecology of housing, but the approaches presented indicated action at different stages of housing development and land formalization.

These methods of observation, documentation, and interview were employed on the scale of the broader metropolitan area of San José to build a general context of process in formalization. However, the central canton of San José and, within that, the district of Hatillo provided the specific case examples used in this study. Hatillo is located just south of the city center and holds both the highest population and population density in San José (MIVAH, 2006, p. 180). This area, known as the *Barrios del Sur*, is home to *Sagrada Familia* the location of the informal housing settlements *Gracias a Dios*, *25 de julio*, and *Reina de los Angeles* (Figure 1).

Gracias a Dios is an informal housing settlement located in the district of Hatillo in the central canton of San José. The invasion was established in 1979 on municipal government land. The settlement remains *en precario* and is currently home to approximately 160 families. Likewise, the housing development, *25 de*

julio, resides in Hatillo. It began as an invasion in the mid-1970s and established its association in 1991. The land was purchased by the *Instituto Mixto de Ayuda Social* (IMAS) [Joint Institute of Social Aid] for the purpose of constructing a housing project. The majority of residents now live in consolidated homes. *Reina de los Angeles* was established July 1, 1985 by invasions *en precario*, primarily comprised of residents of the surrounding neighborhood of *Sagrada Familia* in Hatillo (Cardona, Kruijt, Engberink, Pérez, & Sojo, 2000, pp. 71-72). The government purchased the land in 1997 and the community participated in a housing project of over 200 lots under IMAS.

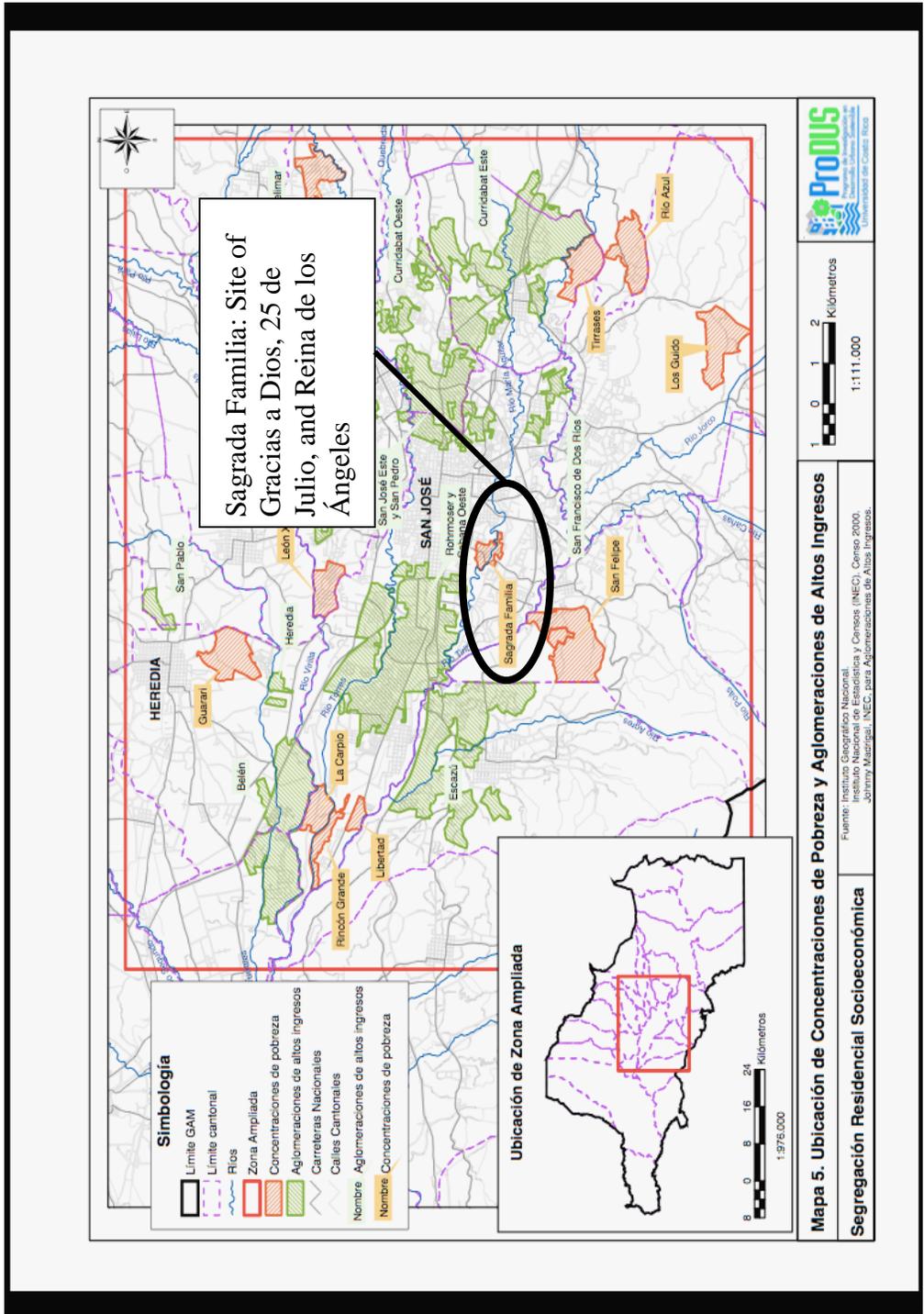


Figure 1. Poverty concentrations in San José (ProDus, 2004). *Sagrada Familia* marked site of case studies.

Conceptualization of formalization

Guided by a framework influenced by the informal economy and political ecology, two diagrams become useful for conceptualizing the data collected during fieldwork and articulating formalization. Each demonstrates a different aspect, but together they convey the complexity of formalization and recognize interaction between agents of change and a dynamic process. Figure 2 visually articulates formalization as a process manifested in 4 distinct stages: squatter settlement, housing association, housing project, and formal incorporation. Figure 3 depicts the hierarchy of bureaucracy found in the housing sector in modern San José. While these diagrams are briefly introduced here, they will resurface to structure information and guide understanding.

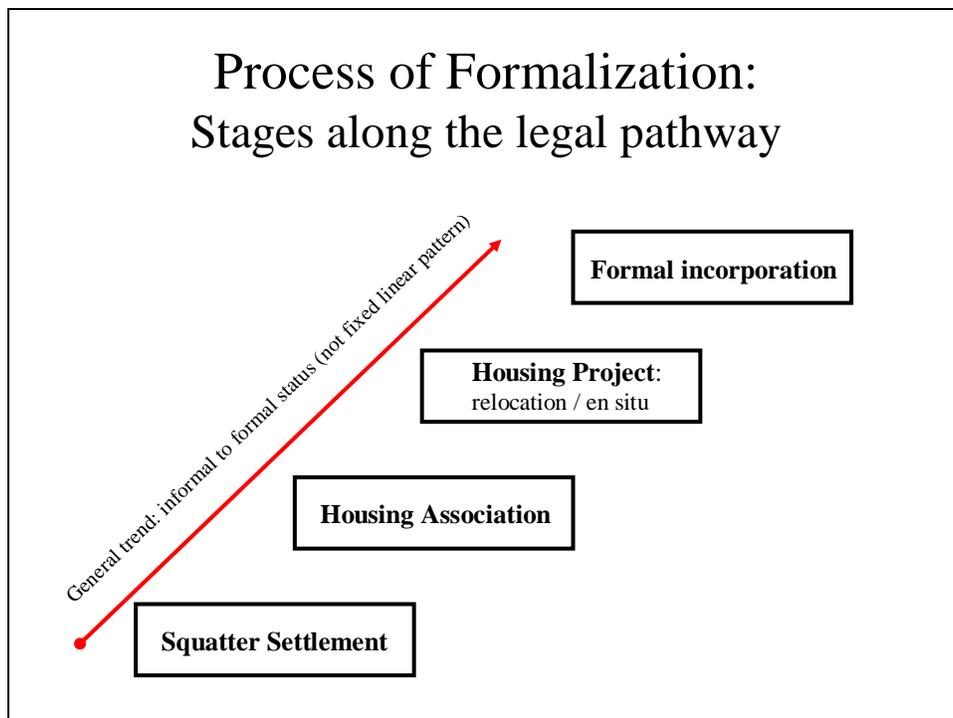


Figure 2. Stages along the legal pathway of formalization. Source: Author

Figure 2, “Stages along the legal pathway,” expresses formality as a complex and dynamic spectrum. Drawing on the ideas of Perez Sainz (1998) and Santos (1979), formality is not depicted as a static duality of the informal and the formal. Rather, this diagram portrays different levels or stages that make up a range of status and conditions between the informal and formal ends. It demonstrates the idea of progress toward formality, a pathway to legally attain formal status with each step to the next stage. However, at the same time it conveys the possibility of dual-directional movement on the spectrum. Formalization is represented as a linear progression, however this graphic allows for no indication of time associated with change in stage. Because there are various stages involved in formalization, the process of becoming formal, the concept of formality is best described as a fluid spectrum. As later segments will elaborate, communities fall at all stages and remain at different points along the path for varying amounts of time. Some communities may even experience a past stage again when, for example, an invasion occurs of a current housing project. This observation links to one of the limitations of the visual representation of process. This graphic does not accurately demonstrate the variability of time between individual stages and does not easily reflect the sometimes cyclical nature of some stages. This observation and limitation point to the need for the story and case examples that will follow to better understand how formalization is practiced.

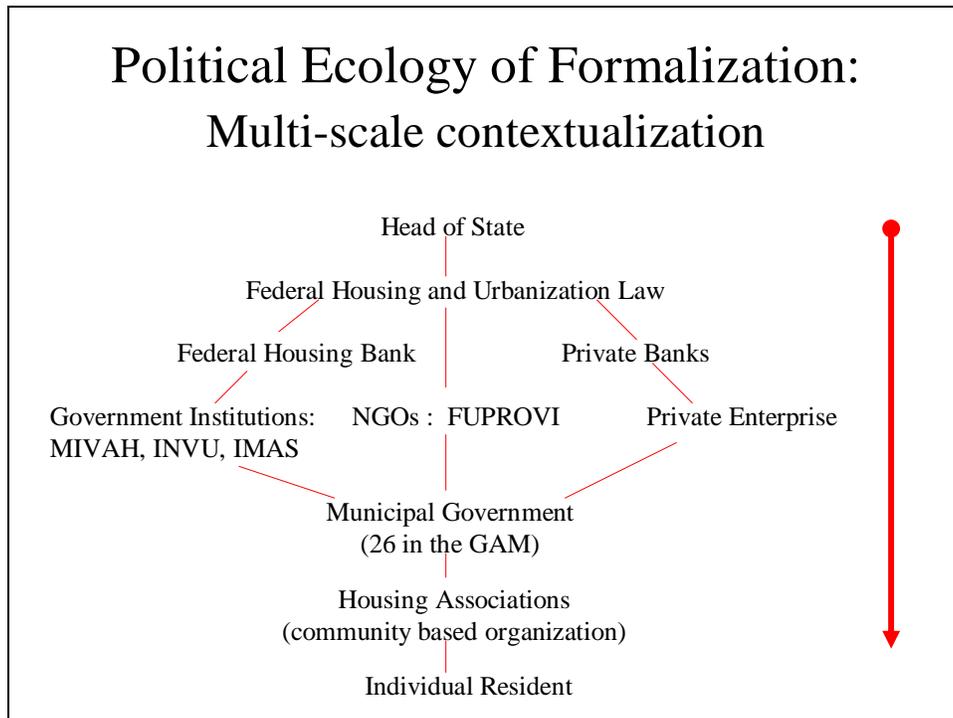


Figure 3. Multi-scale contextualization of formalization. Source: Author

Figure 3, “Multi-scale contextualization,” graphically organizes the agents and institutions involved in the process of formalization in a meaningful way. It demonstrates that the housing sector in San José involves a complex multi-scale hierarchy and therefore formalization must be examined with a keen awareness of this multi-scale context. Governed by Vayda’s (1983) concept of progressive contextualization and the perspective of Political Ecology, the diagram uses an arrow of scale progression and lines of direct linkage to demonstrate the importance of examining policy and action at the scale of the national government, and interactions of NGOs, private enterprise, and government at a larger scale, in order to ultimately understand what is happening on the largest scale of the community or individual who serves as the object of research. The

diagram names the institutions, agencies, groups, and individuals involved in formalization, while at the same time structuring them according to legal and political authority in matters of informal housing solutions. At each stage of formalization depicted in Figure 2, one or many of these names may play a role.

The inability of the two diagrams to accurately portray their interrelatedness is further evidence of the need for the articulation of formalization as a story of process. While all actors named in Figure 3 act on one or more stage of Figure 2, their presence may not be consistent for all cases nor are the players restricted to one stage. An overlay of housing hierarchy on a progression of formalization would be devastatingly misleading and miss the mark in understanding the complexity of scale and processes interactions and the hurdle that these relationships build for both government and informal communities.

Ultimately these diagrams are useful for our understanding of formalization. They help us wrap our minds around a process. Paired together and further examined throughout this work, the diagrams direct the discussion of formalization and provide an imperfect, but valuable, guide to navigating the pathway of blurred boundaries and complex political relationships. These visual representations of process and hierarchy provide a type of structural framework and highlight contributions of a theoretical perspective.

The following, guided by the above visual conceptualizations, is a culmination of fieldwork, grounded in a theoretical framework based on the

informal economy and the perspective of political ecology. I argue that informal housing communities in San José experience complex and varying levels of formality, redefining traditional concepts of the periphery and informal sector. Formalization, enacted by residents and bureaucratic agents in a multi-scale political ecology, provides a collective pathway for these settlements to access formal incorporation into their urban communities. Furthermore, constructing a formalization history through case studies and documented changes in land tenancy status serve to identify four distinct stages in this process of formalization: squatter settlement, housing association, housing project, and formal municipal incorporation. In this work, a political and social contextualization of informal housing in San José will demonstrate distinctive urban growth patterns and policy approaches. In addition, a detailed articulation of process will identify specific stages in formalization through case examples of each stage and archival documentation.

CHAPTER 2: San José's housing path

San José, nestled in Costa Rica's central valley, stands as the capital of the Central American republic and the core of its urban life. The *Instituto Nacional de Estadística y Censos* (INEC) [National Institute of Statistics and Census] (2007) estimates the city proper population at close to 350,000 in a country of just under 4.5 million. However, in form and function, San José encompasses 13 cantons and can be defined as the *Área Metropolitana de San José* (AMSJ) at a population well over a million, reaching to connect with the smaller cities of Alajuela, Heredia, and Cartago in the Greater Metropolitan Area (GAM) urban sprawl.²

Economic history and unique spatial development, coupled with distinct cultural concepts of ownership and property, shaped San José's informal housing development and Costa Rica's predominately reactionary approach to housing policy. A basic understanding of this historical trajectory and policy evolution aids in the contextualization of informality today, pointing to both distinctive patterns of the urban periphery and parallel regional experiences.

Urban periphery

In 1980 geographers Ford and Griffin developed a model to describe a reoccurring pattern in the development of Latin American cities.³ One of the

² Costa Rica's system of political division includes from largest to smallest: *provincias*, *cantones*, and *distritos*. According to Costa Rica's *Ministerio de Vivienda y Asentamientos Humanos* (2006), the *Área Metropolitana de San José* (the San José Metropolitan Area) consists of the following cantons: San José, Alajuelita, Aserrí, Curridabat, Desamparados, Escazú, Goicoechea, La Unión, Montes de Oca, Mora, Moravia, Santa Ana, Tibás y Vázquez de Coronado. Estimates of the Greater Metropolitan Area include anywhere from 26 to 31 cantons.

³ The Latin American City Model was first published in *Geographical Review* in October of 1980. It has been reprinted in numerous texts and redrawn by Ford in "A New and Improved Model of

underlying assumptions of this Latin American City Model is the unifying experience of Spanish colonialism. The structured architectural and city planning implemented by the Spanish empire left a consistent stamp on the New World, and renders the Latin American model arguably the most accurate and generally applicable of any regionally based city model, such as the United Nations proposed African city model or the South Asian models.⁴ The Latin American model (Ford, 1996) depicts roughly concentric circles of residential zones surround a neatly planned central plaza. The commercial spine that radiates from the plaza passes through the residential zones as their general trend in economic status drops. The outermost ring in the Latin American city model is dominated by what Ford calls the “Zone of peripheral squatter settlements.” This zone is comprised of land occupied, frequently illegally, by impoverished migrants seeking opportunities in urban centers. These zones generally boast little formal infrastructure and very poor housing quality, made from scavenged materials. They are known as regions of transition from the rural to urban. Much of a city’s growth and physical spread occurs though this region as communities gradually consolidate, connecting to city transportation and infrastructure, and quickly being surrounded by a new ring of settlers. While some growth occurs through wealthy suburban development, the majority of Latin American cities continue to

Latin American City Structure” *Geographical Review*, Sept. 1996, and in “Latin American City Models Revisited” *Geographical Review*, Jan. 1999.

⁴ An overview of urban form and models of development can be found in Pacione (2001), in the chapter titled “Internal Structure of Third World Cities.”

model this periphery dominated by informal housing development and driving major urban expansion.

Latin America's urban periphery is therefore essential to this study of informal housing and key to the localization of field research. However, through examination of this very concept, a unique development trend in San José becomes apparent. One of the city's most distinct divergences from the Latin American city model lies in the manifestation of its periphery.

This study aims to examine process and while spatial distribution of poverty and informality in San José is vital in understanding the complexities of housing and poverty, this data is not the focus. Much research has been conducted in this area (see Solano & Pujol M., 2005; Collado, 2004). Gleaning from these studies and personal observation, general trends in development that set San José apart should be briefly discussed.

San José has demonstrated its own trend of growth and development. Geographer Dr. Guillermo Carvajal of the University of Costa Rica specializes in urban development and order. In his book, *La organización del espacio urbano de la ciudad de San José* [The organization of urban space in the city of San José] (2005, p. 45), he writes that San José's physical periphery has expanded primarily through wealthy suburbs. The highest income bracket has been the greatest cause of rural to urban land use change. This description of city expansion paints a very different picture than the ever growing circumference of squatter settlements.

Informal housing is not absent from the capital's periphery, but its majority does not reside there.

The presence of informal housing in San José creates an atypical spatial pattern. The city's transitional informal communities form pockets all over the city, including many close to the central business district. Carvajal (2005, p. 45) observes that the city's lowest income housing sectors are located "*en una relativa cercanía con respecto al centro de la ciudad*" [in relative proximity to the city center]. A map of socioeconomic segregation in San José (ProDUS) shows the Greater Metropolitan Area and the significant conglomerations of poverty, designated by red, northwest-angle shading and darkened labels (Figure 4).

Many barrios, including *Sagrada Familia* (home to *Gracias a Dios, 25 de julio*, and *Reina de los Angeles*), *el Carpio*, and *León XII*, are close to the city center and intermingled with moderate and high income neighborhoods. Through field observation I found these barrios are not simply rundown housing districts that would fit Ford's (1996) description of the zone of disamenity, but many are group land invasions, constructed with recycled materials, that are the primary subject of this work. The majority of my observations and field research was conducted within the core of the city's central canton of San José, within a radius of a few kilometers of the city center.

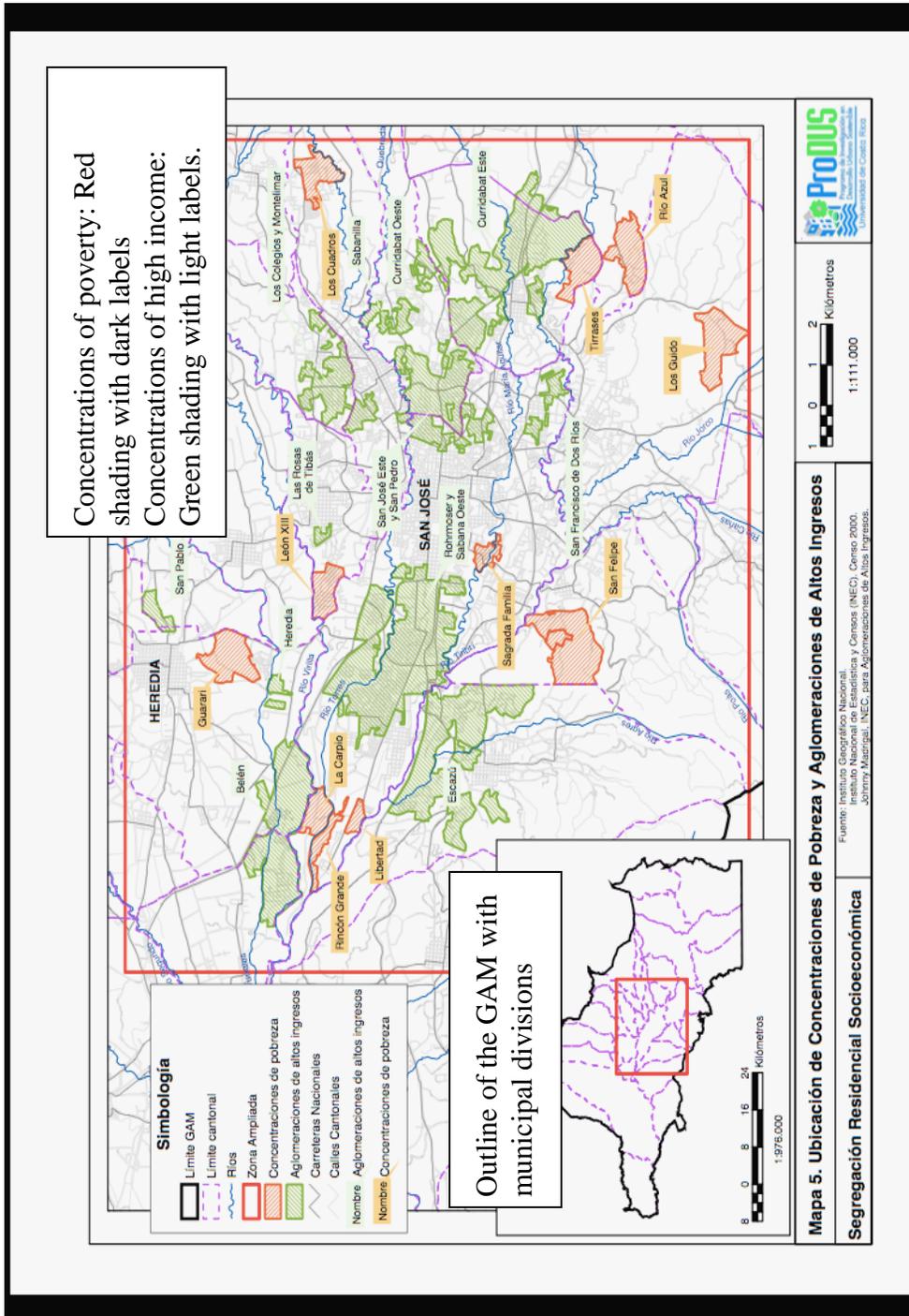


Figure 4. Poverty concentrations in San José (ProDus, 2004). Coincide with trends in squatter settlements.

Yet, just because these informal communities and squatter settlements do not all lie on the physical periphery of the city, that does not mean they are not peripheral. On the contrary, “urban periphery” remains both an appropriate term and a useful definition for discussing informal development throughout San José. However, the scope of the label must be made broad.

First, informal housing communities speckled across the urban core share the same dominant physical development characteristics as those found on the urban periphery. These barrios still lack complete infrastructural integration into the surrounding city. Many remain inaccessible to vehicular traffic. In addition, just as homes on the typical urban periphery lack basic services, such as electricity and water, San José’s informal communities are inadequately serviced. And regardless of location these communities have little or no provision for management of waste waters.

Secondly, these communities lie on a social and political periphery. Individuals lack rights to the land on which they dwell and the collective urbanizations are not incorporated into the municipal government. Residents do not have secure land tenure and may be subject to eviction or relocation. Without title and registration, informal plots do not even show up on city maps and national cadastral records. Residents are marginalized by their undocumented or ill-documented presence. Poverty and migration, tied to informal settlements, also place these communities in a position of social marginality.

Finally, this periphery is also struggling on a path of transition, enduring a process not unlike that of the rural to urban shift articulated by Ford. The urban periphery is said to be a zone of transition where rural lands and residents are gradually incorporated into the city. It is a front of growth and expansion of the urban perimeter. Communities are incorporated both legally and physically into the polygon of urban land use. Barrios are connected to the city's infrastructural web with basic services, transportation pathways, waste management, and care of public spaces. In the same way, San Jose's urban informal communities are also seeking transition to formal incorporation. While they may seem inherently integrated into the urban core by location, centrally located informal settlements carry striking parallels to rural-urban peripheries. As noted above, physical, infrastructural, and social discontinuity between informal communities and neighboring urban lands is a common experience for both situations. Both locations also represent discrepancies between prescribed and actual land use patterns. These must be rectified and city code regulation met for transitions to occur. And last, but not least, attitudes and approaches to formalization and incorporation of informal communities in the city center match transitional processes of peripheral ring settlements. The country's transition at the national level from a rural to urban society becomes a strong theme in housing policy and cultural norms affecting solutions for these communities.

While these concepts and their implications will receive further discussion, it is important to understand general development trends as a basis on

which discourse on informality can occur. San José does present unique manifestations of city expansion and location of informal development. However, an extrapolation of uniqueness in the experience of informality and the urban periphery would be an exaggeration. Instead, as we apply the notion of the urban periphery to San Jose's informal housing developments in both core and peripheral locations we can better evaluate common experience and build a basis for a broader application of process.

Poverty, the economy, and housing

Not unlike San José's spatial development, Costa Rica's stable political history and seemingly minimal economic disparity appear singular among its Central American neighbors. However, debt and international involvement did not pass by the republic and it experienced regional economic trends. Until the 1980s, San José demonstrated a relatively visually homogenous population. Economic disparity and socio-economic gaps existed, however the make-up of the nation's and the city's face of poverty did not present clear lines and glaring disparity. In the period from 1950 to 1978, San José lacked significant geographic conglomerations of poverty (Mora Salas & Solano Castro, 1994, p. 19). While the spatial groupings of poor and relocated families in the *favelas* of Brazil were decades old and the *colonias* of Mexico were forming on the urban peripheries, Costa Rica's poor blended, at least on first look, into middle class neighborhoods, ravines, forests, and shadows of the larger population. Poverty and informality in

San José remained generally spatially integrated, with the exception of a few concentrations in the central canton such as *Barrios del Sur*.⁵

But in 1978, San José saw the beginning of political, economic, and social shift that would drag poverty into the open and set urban informal housing apart, physically and as a subject of government policy. A debilitating drop in coffee prices in that year devastated a large portion of the nation's economy and export revenues suffered. With the economy in shambles, and many Third World nations in similar situations, international financial institutions came to help (Davis, 2006, p. 62). The state opted to go into debt in order to salvage industry and maintain some social stability. Molina and Palmer (1997, p. 101) record that by 1984, Costa Rica's public debt rose to 3,825 million U.S. dollars.

Deeply in debt to the International Monetary Fund and World Bank, Costa Rica was left little option but to implement the structural adjustment programs imposed upon them by the financial institutions. These programs required governments to cut many social programs and emphasized neo-liberal economic moves, reducing state intervention and privatizing housing markets (Davis, 2006, p 62). Furthermore, state employment dropped and the middle class grew poorer. Extreme poverty in Costa Rica rose almost 50 percent from 1987 to 1991 feeding the growth of informality (Molina & Palmer, 1997, p. 110). Consequences of these changes played out by exacerbating housing issues. An evaluation of

⁵ The Barrios del Sur formed as a pocket of low-income housing at the end of the 19th century and the beginning of the 20th, located just one kilometer southwest of the city center. More recent, additional invasions occurred on June 1, 1985 (Cardona et al., 2000).

housing policy in the first year of the Oscar Arias administration (Lara, Molina, & Valverde, 1987) accounts for the poor national economic state, citing the economic deterioration in the late 1970s, resulting in lower wages and sharp increase in the number of families unable to afford housing. In 1984 the housing deficit (quantitative and qualitative) reached 120,363 homes, or 23.48 percent (MIVAH, 2006, digital annex). Families began collective land invasions in the provinces of Puntarenas, Limón, and, significantly, on the south side of San José. These invasions and group demands on the government to fix the poor housing situation became the push for reactive legislation from the government and the seat of informal settlements which number 371 as of 2002 (MIVAH, 2006, p. 166).

Migration

Internal, urban in-migration spurred by economic difficulty and international migration, prompted by the Nicaraguan revolution and subsequent instability, function as important catalysts in the growing housing needs in San José. The last two decades in particular have seen significant changes in the spatial differentiation of housing and land use in the city due to collective movements of people. Large land invasions as mentioned above have created pockets of poverty and informal housing. Settlements close to the city center, such as *Gracias a Dios*, *25 de julio*, and *Reina de los Ángeles*, are comprised of many residents who moved from the surrounding neighborhoods. However, other locations within the city boast large migrant, internal and external, populations.

La Caja (also known as *Carpio*) and *Rincón Grande de Pavas* are two such settlements established on state lands, home to 74 percent of informal settlements in the Greater Metropolitan Area (FUPROVI, 2005, p. 41). The first invasion of *La Caja* occurred in 1993, followed by a second wave in the early months of 1994. Twenty-five Nicaraguan families made up part of the original invasion (Morales Pérez, 2004). A 1997 survey conducted by Facultad Latino Americana de Ciencias Sociales (FLACSO) (Cardona et al., 2000) finds that Nicaraguans now constitute almost half of that population. *Rincón Grande de Pavas* on the other hand was invaded in the mid-1980s as a reaction to relocation policy. This settlement, as of the FLACSO study, is home to a Costa Rican majority.

The migration patterns represented in the demographic makeup of these settlements is not as simple as internal migration and international migration: rural Costa Ricans moving to urban areas for greater economic opportunity and Nicaraguans fleeing the political and economic instability of their own country. Instead, research (Cardona et al. 2000, p. 57) reveals that in these new settlements 80 percent of household heads claim that their last place of residence was in the same province of San José, while at the same time more than half of those occupants reported as originally coming from outside San José or from Nicaragua. This information presents a couple of key issues and raises new questions about the nature of migration and its relationship to urban growth and development.

First, this data suggests that there is a great deal of movement within the urban area itself and it is not an upwardly mobile pattern of middle or upper class

residents improving their living situation through buying or selling homes. In contrast, these residents move to precarious shelters on public land without legal rights or appropriate infrastructure, suggesting their inability to adequately survive in their previous housing in the city.

Additionally, migration patterns cannot necessarily be explained in a linear fashion, with human movement from point A to point B, at least not fully. Migrants often move multiple times, and, if Costa Rica follows more general trends in Latin America, their movement may demonstrate a circulating character. While a linear movement from point A to point B, rural to urban or country to country may be considered the typical trajectory, that migration prototype could now be considered traditional or “old school.” Connecting webs of circulating human movement now better describe the complexity of migration. Patterns are repetitive. The connection of two dots is no longer a line but a piece of a circle, or a triangle, or an erratic path. As our cities and our world continue to evolve, Findley (1993, p. 29) asserts that we must reexamine our “assumptions about migrant contributors to urban growth.” One of those assumptions is the changing pattern of human movement. This raises questions about possible out-migration from informal settlements and the possible effects on the process of community and housing formalization with the presence of undocumented immigrants.

Concepts of housing and land ownership

While patterns of urban growth and historical context provide background for the situation of informal housing in San José, traditional concepts of private

land ownership contribute to the attitudes, and ultimately the approaches, toward resolving problems of informality. The concept of land ownership and private property pervades Costa Rican society. Both cultural attitudes and strong rural ties link residents of San José, *Josefinos*, to ideas about land and housing that infiltrate policy making and guide approaches to fulfilling urban housing needs.

Familiar sayings on the lips of locals reflect not only the desirability of homeownership but the expectation for, and the blessedness of, such a state. “*Si se casa, quiere casa*” [If one marries, s/he wants a house] expresses simply that if one marries, he or she will want a house. “*Cada un en su casa, y Dios en la casa de todos*” [Each one in his or her own home, and God in the home of each of us] emphasizes that each person dwell in his or her own home and that God dwells in all our homes. A certain sense of order and blessing belong with this arrangement. Another set of expressions suggests cultural feeling on private property. “*Juntos pero no revueltos*” [Together but not intermingled] lets us know that Costa Ricans will live side by side and stand together, but they are not mixed or scrambled. High walls and well-gated fences clearly mark the perimeter of private house plots. Lively conversation may be carried on between the steel bars, but no doubt remains as to where property lines are drawn. Another saying, “*A medias, ni las medias*” [We won’t even go halves on the socks], may seem a bit like harsh individualism and a lack of desire to support and share with others in community. However, perhaps a better interpretation would be simply a strong sense of individual autonomy and a people who highly value personal self-reliance.

The above sentiments are often associated with rural cultures where one's life and livelihood depended on the land that he or she worked. But these words are echoing in the city, and may reflect, among other indicators, that San José remains a rural culture in many ways. Individuals build strong connections to their community space and this revolves around the centrality of owning a plot of land. A piece of earth, regardless of size, provides space to hang out the laundry and care for domestic chores. Most families continue to meet their basic needs through family connections and local corner shops. Children can be looked after by grandparents and provisions can be purchased daily for each night's dinner at the corner *carnicería* and *pulpería*.

While cultural norms and social influences may not be the focus, their presence has consciously or unconsciously impacted the thinking, policy, and approaches toward housing in Costa Rica, and shaped particular projects to eliminate informal housing. The *Plan Nacional de Desarrollo Urbano* (MIVAH, p. 7) articulates the dominant tendencies in policymaking, stating: “Ha prevaleció el concepto de que la solución de vivienda es individual y consiste en darle a cada familia su propia casa.” [The concept has prevailed that the housing solution is individual and consists of giving each family their own home]. This approach is manifested in the individual approaches of the *bono familiar* and *bono de vivienda* (BANHVI, www.banhvi.fi.cr/bono01.htm), designed for the purchase of a plot of land, a house, or an improvement to one's home. Strong political statements, such as Arias' (1987) speech on the *Día de la Vivienda* in 1986 championing the

construction of 80,000 houses in a year, also reinforce that the solution to urban housing problems resides in the generation of single family dwellings. Apartment style or other multi family structures are a more recent idea that has yet to be applied to large scale solutions. Data collected from the 1984 and 2000 censuses reveal that collective housing has never reached more than one percent of the total housing in Costa Rica (Morales Pérez, 2004, p. 9).

Cultural sentiments and the norms of housing policy ultimately indicate a deep tie between housing and individual plots of land. The process of transfer or legalization of land tenancy then becomes central to the experience of squatters in the process of formalization and incorporation of private property. Understanding cultural norms not only informs our look at policy, but should be accounted for when evaluating current housing solutions and considering new policy directions.

History of housing policy

Costa Rica holds a long-standing reputation for democracy and political stability, characteristics sometimes absent in surrounding states. In addition to this, the government's attention to social issues can be commended above regional trends. Even in the midst of the economic struggles of the 1980s, housing remained on the political radar. And whether the results were positive or not, housing policy has remained active in the political sphere. The second half of the 20th century boasts frequent legislation and the changing administrations brought new battle cries against poverty and some hope for improvements in quality of life. But the pertinent and often neglected issues of finance and the bureaucracy of

implementation remained hurdles. Three particular trends of reactionary legislation, emphasis on municipal responsibility, and a recent push toward planning, shaped the policy that now governs social interest housing approaches.

In 1954, the *Instituto Nacional de Vivienda y Urbanismo* (INVU) [National Institute of Housing and Urbanism] came into being through Law 1788, Article 4, inciso C. Since that year, various ministries and government institutes, including the *Ministerio de Vivienda y Asentamientos Humanos* (MIVAH), *Sistema Financiero Nacional de la Vivienda* (SFNV), and the *Banco Hipotecario de la Vivienda* (BANHVI) have been established to address housing issues. The solution to the insufficiency or ineffectiveness of one institution simply became the creation of a new one, not replacing political entities, but adding to their number. The 1980s were particularly filled with legislation and political rhetoric responding to growing informal development and frequent land invasions. In that decade 125 land invasions were established in the Greater Metropolitan Area, in contrast to a total of just 13 in the previous decade (Mora Salas & Solano Castro, 1994, p. 68). During those years of economic turmoil, MIVAH began the practice of declaring the housing problems to be states of emergency. The exact word choice included “*Zona de Desastre*” [Disaster Zone] in 1983 and “*Emergencia Nacional*” [National Emergency] in 1984 (FUPROVI, 2005, p. 8). In 1986, President Oscar Arias proclaimed the eradication of *tugurios* and the construction of dignified housing an emergency, and furthermore created the *Comisión Especial de Vivienda* [Special Housing Commission], attached to the *Comisión*

Nacional de Emergencia [National Emergency Commission] (FUPROVI, 2005, p. 9). His “*Plan de acción inmediata*” [Plan of immediate action] used this emergency title to solicit 180 million colones from the Emergency Fund to finance new housing projects (Lara, Molina, & Valverde, 1987, p. 9). Later that year Arias (1987, p. 6) affirmed his commitment to build 80,000 homes and generate 25,000 jobs a year. These strong declarations reacted to political pressures from pro-housing organizations and party ties. The state of an emergency suggested that the administration held housing issues in top priority, and would be open to drastic measures. Despite the strong words, money remained scarce. The MIVAH became known as the “Ministerio sin Cartera” or the “Ministry without a Wallet” (FUPROVI, 2005, p. 9). A central government, drained by debt and structural adjustments reducing social programs, was left looking to local governments and exterior resources.

Early housing legislation laid out in the 1960s emphasizes the participation of the municipality in the goal of eradicating informal housing. The local governing institution is to walk hand in hand with INVU in the process of barrio renovation. The municipal governments, charged also with the responsibility of formal evaluation of settlement status under the *Ley de Planificación Urbana* [Urban Planning Law], serves as the authority on all permits for construction and land division. The municipality holds the right to dictate and direct land use in its jurisdiction. However just as this authority is given by state legislation, there is also some direction in how this authority is to

be exercised. In the conclusion of Article 18 of the *Ley de Erradicación de Tugurios* [Slum Eradication Law], the law states that the municipalities will establish all possible resources to favor the elimination and inhibition of all squatter settlements and slums. The federal government makes calls for the support and manpower from the Municipality to realize its goal.

A similar plea, or vote of confidence, went out in 1986 from the lips of President Oscar Arias. In his public address, he championed the municipal governments as the seats of this change. Arias (1987, p. 7) made a clear appeal on the 13th of November:

Pido a las municipalidades del país que remuevan todo obstáculo que pueda retardar la construcción de las viviendas. Tenemos un compromiso para robustecer al gobierno local.... La municipalidad debe levantarse como guardián del programa de vivienda. [I ask the municipalities of the country to remove any obstacle that could inhibit the construction of housing. We have a commitment to strengthen the local government...

The municipality should rise up as guardian of the housing program].

The municipality is championed but, at the same time, laden with responsibility. The head of state articulates a promise and a path for the country and leans on the footwork of the local government. However, in the same speech, he also commits to the distribution of both political and economic power. The delegation of political power is evident in roles the municipal government now plays. However, the financial distribution and strengthening appears less evident.

While empowering the local government to address development issues and resolve problems intimate to their particular jurisdiction holds promise for positive change, the functional implementation of decentralization faces many challenges. Unity in policy and approach is particularly difficult. While a municipal government may have political authority in their district as to the incorporation of barrios and the distribution of services, it is left at the mercy of numerous different development agencies, all conducting their own projects. In my interview with M. Vega of the Department of Urbanism at the Municipality of San José (January 31, 2007), he listed five different types of developers, not to mention the number of individual entities. INVU, MIVAH, IMAS, private companies, and community cooperatives are all working in *precarios* throughout the urban sprawl. In the presence of these players, the municipal government stands to the side as it has no active role in construction and development. The *Plan Director Urbano* (2005) of the *Municipalidad de San José* (MSJ) explains the role of the municipality in its definition of a *Zona Residencial en Precario* [Precarious Residential Zone]:

[L]a MSJ está impedida de autorizar cualquier tipo de licencia, sin embargo acompañará a las instituciones rectoras en materia de vivienda y asentamientos humanos, en cualquier iniciativa de regularización y formalización en estas zonas. [The MSJ is not permitted to authorize any type of license, however it will accompany the governing institutions in

matters of housing and human settlements, in all regularization and formalization initiatives in these zones.]

The municipality asserts its own role as supportive and limits its authority in any aspect of social housing and formalization that might occur in the informal zones of its political jurisdiction. But it is important to recognize the municipality does remain a part of the process. Although the municipal government itself does not conduct housing projects, it ultimately assumes responsibility for enforcing compliance with urbanization regulations and is left to reap the consequences, both positive and negative, of external actors in the development of local barrios.

In addition to the web of players working above and within the municipal government jurisdiction, the sheer number of municipalities presents political and financial ramifications. Currently the Greater Metropolitan Area (GAM) claims 31 municipalities. Within these 31 municipalities lie approximately 180 *precarios* (MIVAH, 2006, pp. 122-28). Such numbers, along with some level of municipal autonomy, means a fragmented approach to a common urban problem. Politically, two municipalities sharing one geographic region or splitting a watershed can impose divergent zoning plans and play out different phases of social housing projects. Environmental contamination and land invasion practices are two phenomena not known to follow political spatial limits. Furthermore, financial strain repeatedly surfaces as a cause of the municipal government's struggle for action. The political fragmentation of the urban environment into so many

municipalities lends itself to the fragmentation of financial resources and inadequate equipping of municipalities to fulfill their responsibilities.

Like many cities of the developing world, San José's urban sprawl has expanded with limited governing direction. Comprehensive urban planning is a relatively new concept in Costa Rica. However, efforts to control development with structured planning now permeate discussion of the urban space. *Los Planes Reguladores*, in San José, serve as the platform and interface of planning and development based as the municipal level. Integral to formal municipal incorporation, the *Planes Reguladores* are an integral part of the process of housing formalization and a key compass of urban development ideal. The *planes reguladores* provide hope for a long-term shift in the approach to urban city planning, including housing. They also provide guidelines and a common language for moving the city forward, while emphasizing local self-determination in meeting community needs. However, while the *planes reguladores* project local direction for urban processes, they also form hurdles for the process of housing formalization.

A central aspect of the mandate and development of the *planes reguladores* in Costa Rica is the importance placed on the role of local government in addressing community problems and development ills. Both legislative and executive voices affirm the municipalities as seats of the planning movement and the loci of urban growth and development control. The *Ley de Planificación Urbana No. 4240* cites article 169 of the Constitution, which

recognizes the authority of local government to direct and control urban development within its jurisdiction, before continuing to declare that each municipal government shall be responsible for implementing their own regulatory plan. In addressing the nation, President Arías (1987) also emphasized the responsibility and power placed at the local level to own and resolve the crisis of informal housing in communities throughout the metropolitan area. But the question behind this rhetoric and direction in governance is whether the federal government of Costa Rica is truly empowering the local governments to enact change or whether the responsibility and culpability for action is simply being shifted to smaller shoulders that do not have the financial resources to accomplish their responsibilities.

While each municipality is charged with the development of their own *plan regulador*, a few are established and were examined during general field research, several are in process, and a few more are yet to exist according to Rosendo Pujol, Director of Pro DUS (*Programa de Investigación en Desarrollo Urbano Sostenible* [Program for Research in Sustainable Urban Development]). The *Plan Director Urbano 2005* (or *plan regulador* for the San José canton) does exist and can be found on the official municipal website (www.msj.co.cr). It carries with it both detailed zoning maps and land use regulations. Pujol (personal communication, January 17, 2007), instrumental in the inception of multiple municipal plans, explains that these plans serve not only as urban planning guides, but as legal regulation at the municipal level in regards to development. And at

the Department of Urbanism at the Municipality of San José that is how they are treated. All building and land use permits must meet the plan regulations and communities must abide by zoning designations, seeking permission from the municipality in matters of construction, repairs, division of property, etc. As cantons continue to develop their new urban zoning schemes, the focus of policy hones on the *planes reguladores* and future shaping of the cityscape.

The future-focused approach intends to reshape the sprawl of unregulated development, but at the same time neglects the current and historical reality of San José's legacy of such development. The rigid zone specifications of the *planes reguladores* examined during this study suggest defined, segregated land use.⁶ This clean schematic conflicts with the many mixed-use zones, and even individual plots, that are particularly characteristic of San José and standard in low-income districts. Homes and plots used for both residence and commerce present a dual-use dynamic undefined by the municipal plans. Plots that conflict with development regulations are not designated except in the case of large unincorporated areas of informal housing that are outlined and designated informal.

San José's history of unregulated, mixed-use plots and relatively blended residential development, discussed earlier in this chapter, bring to light the disparity between zoning designated in the *planes reguladores* and current land use patterns. The intent of these plans is to look toward the future, but it seems

⁶ The specific *planes reguladores* examined during this project include the municipalities of San José, Montes de Oca, Curridabat, and Desamparados.

that in the process of doing so, proper acknowledgment has been denied the past. The model plans are superimposed over historical reality with the hope that the ideals of the former will erase the problems of the later. Clearly, a new urban planning scheme would not be desirable if it simply recreated the urban disorder that it was intended to alleviate. However the gap between organic, historic growth and planned ideals necessitates a bridge that will not preclude past development from participating in future urban growth.

Similar to the plans' deafness toward the city's history is their patchy blindness to physical geography and spatial issues that affect development. The *planes reguladores* define themselves by political boundaries and are clearly delineated at multiple scales: cantons, districts, and land-use zones. These invisible political borders serve an important purpose in designating jurisdiction and allowing government to function with intimacy regarding local housing and development needs. However, the emphasis on defining structure within those boundaries turns municipal eyes decidedly inward and cross-border coordination suffers. Issues such as urban infrastructure and pollution, for example, do not limit themselves to political borders and would benefit from an intersectional (intercantonal) perspective.

Compartmental approaches to urban planning also hold specific implications for informal housing throughout the metropolitan area. Two common geographic characteristics of informal settlements play into problems.

First, informal settlements that establish themselves along river banks can create cross-border zoning and environmental troubles. In San José, the invisible political borders of the cantons primarily follow the physical paths of rivers. However, the winding lines that are the river beds effectively split the watersheds of those rivers. This reality means that the zoning and administration of one bank differs from that of the other. And the two banks may share not only similar soil composition, vegetation, slope, and stability, but also human settlement patterns. Problems common to the geographical and environmental space are divided by municipal jurisdiction which impacts everything from services to evaluation and potential formalization.

Furthermore, the simple fact that informal settlements develop outside of formal process means that informal settlements do not necessarily heed political borders or municipal zones. Land invasions are often very aware of municipal jurisdiction, to the point of seeking political and social attention. And while this remains true, commercial and upper-class residential zones can jut up against informal settlements just across the border and mere meters away, creating a historically typical blend that irks the ideals of the new plans. Problems such as pollution, transportation, and crime that affect both communities fall under separate jurisdiction, planning, and resolution.

The *planes reguladores* are the locks on the door to formal development and municipal incorporation. Only housing and communities that conform to the shape of the regulations will open the door. But that door is on the building's

second storey and communities are working to reach the door by way of the steps of formalization articulated in this work. The *planes reguladores*, then, give the municipalities a manner of control. They hold the power to give permission, yes or no, in matters of land and building. But that power of control is passive, not active. Municipalities can regulate, but do not have the tools and the resources to guide and plan, to lead to the future. The local emphasis of the *planes reguladores* and the legislative mandates to local government affirm the importance of intimate, local knowledge in resolving urban housing and development needs. This positive direction for planning, however, must function with an education in its context and with a cooperative political support structure. Only through understanding the historic and geographic legacies of development and articulating a process for residents can the *planes reguladores* begin to reduce informality and strengthen formal urban development.

CHAPTER 3: Process

In the context of turbulent economics, cultural attitudes, and national policy, informal communities find themselves outside the scope of formal urban development and in need of a path for improvement and, at the very least, survival. Whether for self-actualization, or to appease government mandate, they necessitate a way to realign and reconstruct their communities with formal and legal development processes. Through fieldwork observation and documentation, I found communities on that path from informal to formal. This formalization is not a clean and concise transition. Rather, my observations revealed settlements at varying stages of organization, physical condition, and legal status, each with its own history but sharing the same social and political context. Specific stages of informality became evident as common in the trajectory of the settlements. Distinct changes over time move the communities in a particular direction. That direction of formal incorporation into the urban physical and political structure demands a process, formalization.

This chapter outlines that process of formalization as it is occurring at the beginning of the 21st century in the urban context of San José, Costa Rica. The residents central to this process are marginalized members of the community in social, economic, and legal terms. Elements of formalization in its most simple definition may occur at multiple economic levels. Low-income citizens may make gradual improvements on their property. Incorporation of urbanizations regularly occurs with new, formally developed, wealthy suburbs, and legally owned slums

may be cleaned up and consolidated. Each of these examples represents an aspect, or part, of the whole that is formalization, but individually only represent their own specific improvements within the formal housing sector. Formalization, as discussed here, on the other hand, encompasses consolidation and improvements at various stages, regularization of land through housing projects, and incorporation of urbanizations. And the communities documented in this study have experienced, or must experience, this complete range of stages on the path to formalization.

Furthermore, formalization here occurs as a corporate, or group, process. This body of research cannot qualify or quantify formalization occurring on an individual basis apart from isolated anecdotes. So, while I do not assert that individual consolidation does not occur, it is important to state that this work deals with community formalization, which I found to be the principal legal mode of informal to formal transformation currently exercised in the metropolitan area of San José.

This group-oriented formalization may appear to contradict traditional thoughts and policy bent toward individual housing solutions. However, on the contrary, such attitudes and legislation based on individual approaches continue to permeate this Costa Rican practice. The distinction resides in that the individual solutions are being exercised on a collective level, through groups of residents, often encompassing neighborhoods and settlements that are home to hundreds of people. These residents make up the lowest income bracket, and have little to no

income for maintaining individual credit. In addition, the condition of the homes and plots surrounding them may preclude them from regularization and neighborhood incorporation, parts of formalization that will be detailed further. Group efforts serve not only as a tool for residents in financial and physical disparity, but they are also the current discourse of both private and government development organizations. This type of approach, observed at multiple scales, demands our attention in the articulation of formalization.

Through fieldwork, I identified 4 specific stages on the spectrum of informality that are held in common by the paths of these communities on the road to formality. These stages, squatter settlements, housing associations, housing projects, and formal incorporation, are depicted in the diagram below, first introduced in the opening chapter (Figure 5).

Process of Formalization: Stages along the legal pathway

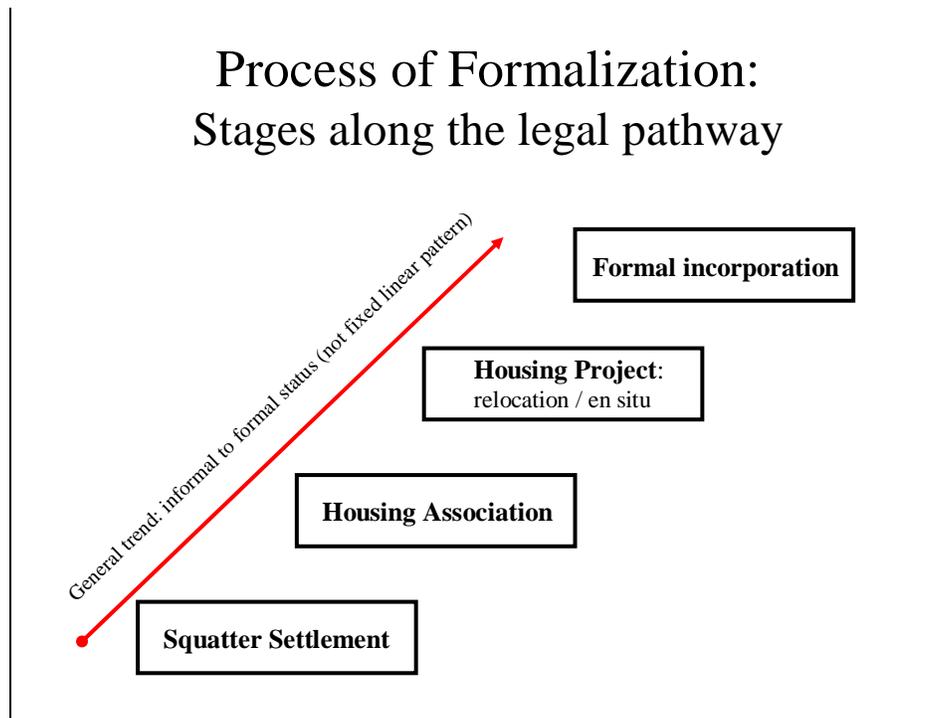


Figure 5. Stages along the legal pathway of formalization. Source: Author

This diagram serves as a tool for understanding the process and frames its articulation. It was created by the author to provide an organizational scheme for data and documentation collected during fieldwork that best reflects the process observed. Each stage represents various internal processes, but is sectioned according to significant change in legal land/housing status. Discussion of each stage will relate the internal characteristics and processes of that stage while also highlighting specific steps necessary for movement along the formalization pathway.

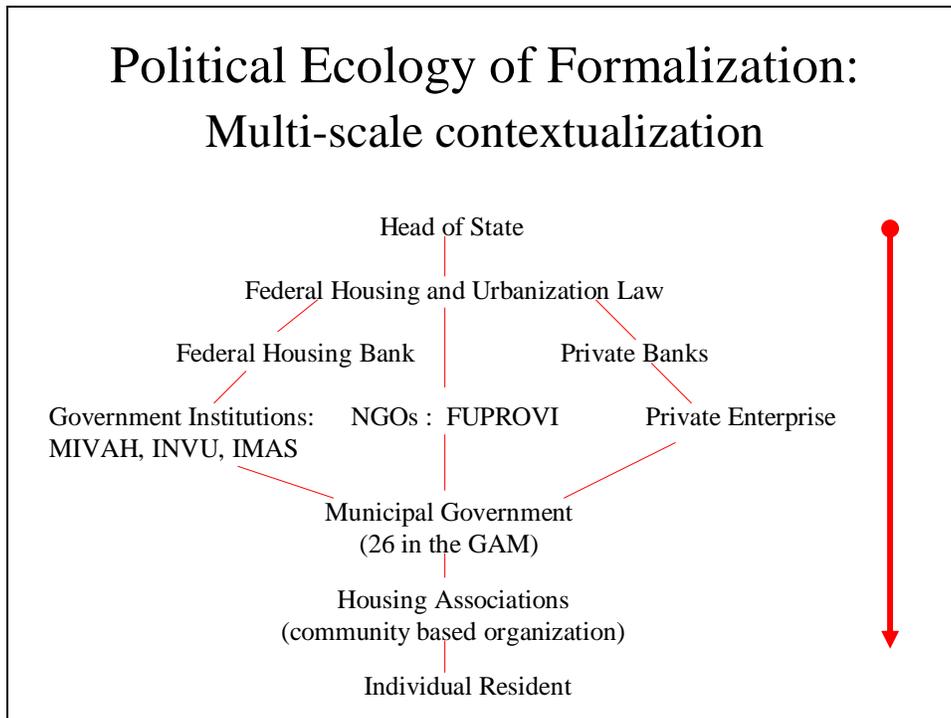


Figure 6. Multi-scale contextualization of formalization. Source: Author

The second diagram, found in Figure 6, also reflects process in that it depicts agents of change in formalization. The graphic is organized according to the political/authoritative hierarchy that is the context in which formalization occurs. Unfortunately, this diagram cannot be easily laid over the former. Individuals and Housing Association (the first 2 entities in the multi-scale hierarchy) may directly enact land invasions and housing associations (the first 2 steps on the legal pathway), however banks, NGOs, and the government may interject on multiple levels of the process. In short, the hierarchy of political context does not directly match the order and hierarchy of steps in the process. But in spite of this lack of congruence, both diagrams are useful and the entities of

the second will be frequently referenced in this articulation of the first, ultimately highlighting the complexity of formalization.

Formalization: Squatter settlement

Land invasions, generally synonymous with squatter settlements, describe the particular form of informal housing development where individuals or groups occupy lands to which they have no legal rights and construct shelters, typically with recycled materials, for the purpose of dwelling there. At its root this could be described as one of the clearest forms of informal housing and, aside from complete homelessness, the state of greatest desperation. Yet, in San José, land invasion is not simply a sign of desperation, but also used as a type of social and political assertion of a basic human need.

Many factors affect the cause for land invasion resulting in squatter settlements in the San José area. Poverty and unbearable physical conditions spur people to leave their current dwelling and seek a new place to build. Multiple or extended families cramped in tiny one or two room homes also pursue better conditions. Residents of *Reina de los Angeles* cited high rent, crowded multi-family dwellings, and the bad state of their housing as motivation for their illegal land invasion in 1985 (Cardona et al., 2000, p. 72). In addition, emigrants and immigrants, documented and undocumented, seeking economic opportunity in the city make up strong constituencies in land invasions. A study published in 2000 of *precarios* in 3 central barrios (*Rincón Grande de Pavas, La Carpio, and Barrios del Sur*) reveals that more than half of the heads of household that were

interviewed claimed to come from outside the province of San José and in the case of *La Carpio's* 20,000 residents, 47 percent were Nicaraguan (Cardona et al., 2000, p. 51, 92). Similarly, the Ministry of Housing and Human Settlements (MIVAH, 2006, p. 122) estimates that only 37.5 percent of the population of *Gracias a Dios* identifies themselves as Costa Rican. All of these situations contribute to the body of individuals who bond together to assert their need for shelter, illegally, on a new piece of land.

However, the assertion carries weight beyond the individual or even the group. Invasions were often, and continue to be, planned acts to gain a social and political platform for drawing the attention of the state to the issue of housing. While a single family constructing a makeshift shelter along a river bank might go unnoticed, large land invasions call for notice and build their strength with numbers. The economic turmoil surrounding the crash of coffee prices in the 1980s saw an increase in land invasions as people began to collectively call on the government to provide for its people. And a cursory review of dates reveals a correlation between government elections and group land invasions. Organized invasion groups allied themselves with particular political parties or organizations, lobbying for change or latching on to promises (Cardona et al., 2000, p. 72-73). A jump in number of invasions in 1985 and 1986 coincides with the end of the presidency of Luis Alberto Monge and the inauguration of Oscar Arias Sánchez (Mora Salas & Solano Castro, 1994, pp. 68-70). This political transition represented a movement from an administration dedicated to the

economic growth of the country, with little attention to social housing problems, to a president that promised great strides for social justice. The political and economic situation of the country set the stage for conflict over access to urban land resources and the fight to assert political voice to demand attention to the housing crisis.⁷

Yet, regardless of their political affiliation and history, land invasions serve as a continual informal genesis and source of urban growth. Since 1974, 37 *precarios* or squatter settlements have been established, just in the central canton of San José alone, ranging in size anywhere from 6 families to 5,000 (MIVAH, 2006, pp. 122-28). Large makeshift communities become semi-permanent and permanent barrios. The genesis becomes a piece of the evolving urban polygon. This type of development arises, absent from any map or city plan, establishing physical presence, gaining a name, an identity, and a spot on the bus route. In spite of their informal origins, understanding the character of land invasion is the first stage in understanding formalization and its role in the incorporation of urban development.

Key patterns of land invasion and informal development emerged through field observation and a photo inventory of the city. First, squatter settlements, or *precarios* in Costa Rica, are not simply temporary. This trait conflicts with the stereotypical perception of a squatter living in ill-constructed and impermanent

⁷ Further complexities of the relationship between land invasions and Costa Rican party politics are discussed in *Nuevas tendencias del desarrollo urbano en Costa Rica* (Mora Salas & Solano Castro, 1994) and the case study of San José that forms half of the comparative work *Ciudadanía en precario: Globalización, desigualdad, social y pobreza en Rotterdam y San José* (Cardona et al., 2000).

dwellings. But whether one considers permanence in terms of longevity or structure, squatter settlements in San José can be far from temporary. Informal developments throughout the city range from newly erected corrugated metal shelters to 20 year-old serviced plots with iron fences surrounding solid cinderblock houses.

Secondly, while previous discussion highlighted the pocketed and central nature of many *precarios*, a description of these tracks of land include several reoccurring characteristics: river banks, highway corridors, power tower zones, unstable lands, high profile public lands, and current government housing projects. The first four sites for settlements listed parallel more general global trends in development that demonstrate a correlation between informal housing and topographically or environmentally undesirable lands (Main & Williams, 1994). While these traits of informality are important to recognize and articulate as reality in the study location of San José, high profile public lands and current government housing projects demand additional attention and suggest unique connections to the political nature of housing and the characteristics of formalization in Costa Rica.

Settlements along river banks utilize land that is unstable and undeveloped (Image 1). These flood plains are generally environmentally protected areas, high-risk lands for natural disaster, or both. River banks pose the dangers of erosion, land slides, and flooding. Steep slopes can also make construction difficult.

However, these problems are overlooked for the benefits of available land and running water for wash and waste disposal.

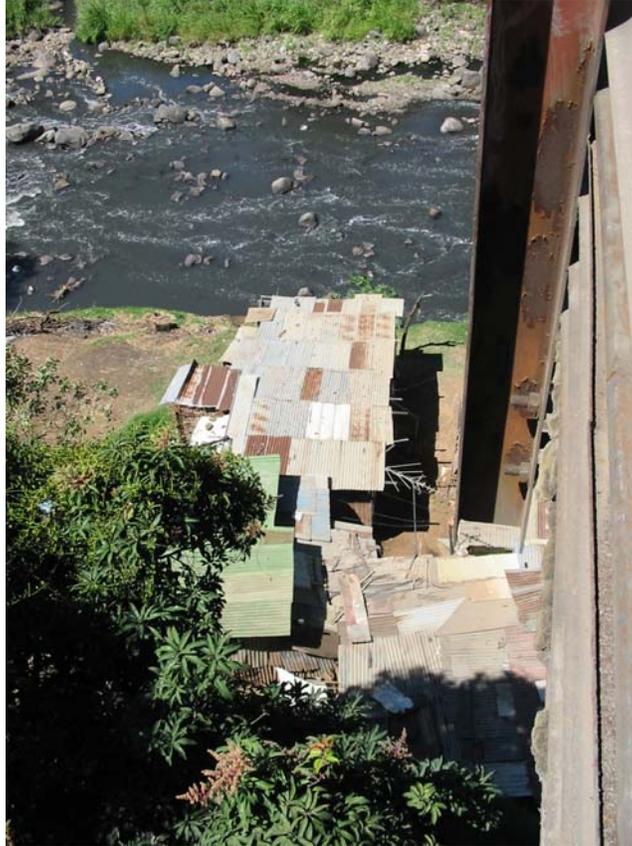


Image 1. Squatters on the bank of the river Virilla, San José GAM (Photo: author)

Highways, similar to rivers, boast a corridor protected from development and owned by the state. These locations provide opportunity for invasion on lands that are topographically more suitable for building but undesirable to most homeowners and restricted by infrastructure regulations (Image 2). These invasions appear more often along highway spokes leading out of the city or connecting hubs within the Greater Metropolitan Area. They are nonetheless highly visible.



Image 2. Squatter settlement in Tournon along Highway 32, just north of the San José city center (Photo: author)

Large power towers have also become flags that mark land invasion and informal development (Image 3). Throughout the city, squatters fill in the “dead zones” designed as a buffer space under massive power towers. And even in well established neighborhoods with good infrastructure and adequate construction, the looming hash marks of a power tower shadow are reminders that the barrio did not originate legally.



Image 3. Established informal settlements under power tower in Pavas, San José
(Photo: author)

Even more interesting, and rather surprising, stands the strong trend of invasion on high profile public lands. General stereotypes of squatters tend to link invasions with undesirable lands. People without resources seek out unwanted and unstable lands in hopes that no one will contest their presence. But some communities in San José seem to be doing the very opposite. FUPROVI (2005, p. 41) recorded that 74 percent of *precarios* are found on state lands, many centrally located and highly visible. These communities want to be noticed and hope that media attention and location will give them leverage in legitimizing their occupation or obtaining beneficial relocation to a housing project. If people are

evicted from the land, where will they go? They will be forced to squat somewhere else. Their housing and economic situation is not likely to improve simply through a government or privately initiated removal. The contrary is more probable. Furthermore, a massive clearing of public lands to remove squatters without the provision of appropriate relocation housing smells faintly of bulldozing efforts of world authoritarian regimes elsewhere, not compassionate democratic governance. This dynamic of space negotiation suggests the very political nature of housing in San José and the political awareness of certain squatters or community organizers.

Specific invaded state properties encountered during field research include the *Caja Costaricense de Seguro Social*, a small tract belonging to the University of Costa Rica in Montes de Oca, *25 de julio* park in the central canton, and property of current president Oscar Arias' family (private land linked to a public figure). In the case of the last example, a sign at the entrance to the settlement reads: "Bienvenidos: urbanización Villa Paola, aquí se construirán las viviendas en la administración de Oscar Arias, Asociación Vivienda y Desarrollo Villa Paola." [Welcome: Villa Paola development, here homes will be built in the Oscar Arias administration, Villa Paola Housing and Development Association] (Image 4). Residents and housing association leaders appear acutely aware of the significance of their land and their demands on a government administration and its policy.



Image 4. Settlement on the property of the Arias family in Heredia (Photo: author)

Finally, invasion of past and current government housing projects adds an additional dimension to the struggle for housing solutions. As new housing projects are constructed by the Ministry of Housing, the National Institute of Housing, and others, the required designated green spaces and lot corners quickly fill with invasions of new squatters. *La Carpio*, one of the largest *precarios* in the Central Canton at over 13,000 residents, demonstrates this cycle of informality. A proposed action plan provided by MIVAH during fieldwork suggests that *La Carpio* has experienced stages of invasion, formalization, and further invasion. City planning documents from the Municipality of San José also demonstrate this type of invasion process in their assessment of *25 de julio*, one of the 3 settlements used as cases for this study. *25 de julio* is now a formal housing project, but has not yet been incorporated by the municipality. However, despite

the formal parceling and government construction project, new squatters have invaded tracks of green space designated by the housing project for public use. These areas are a required element of the project and neighborhood design, according to federal and municipal urbanization regulations. The presence of residents on green space lots not only perpetuates the cycle of informality but prevents the surrounding development from achieving full recognition by the local government. This pattern plays a key role in the process of formal incorporation which will be discussed at length later.

The *precario* known as *Gracias a Dios* is one of the three case examples studied in my field research and represents this first stage on the pathway to formal incorporation. It is a squatter settlement established by land invasion. And despite its almost 30-year existence, *Gracias a Dios* remains a *precario*. Both field observation and cadastral documentation (or lack thereof) exemplify its informal and illegal status, placing it at the far end of the spectrum of formality.

A short, 1 kilometer walk south from the city's central business district brought me to a land invasion housing approximately 800 people according to MIVAH (2005). *Gracias a Dios* occupies about one third of *25 de julio* Park, in the barrio of *Sagrada Familia*, in the district of Hatillo, in the central canton of San José (Figure 1).

This *precario*, located in the central canton, so close to the central business district, forms part of San José's central periphery. While its situation may suggest simply an area of lower working class dissamenity, the

characteristics of the site, along with its legal status, define it as physically and socially peripheral.

Gracias a Dios occupies the southwest bank of the María Augilar River and is considered a protected area of the river. It faces the environmental threat of flood and erosion common to many squatter settlements as mentioned above. Evidence of a recent land slide embedded with remnants of wood and metal from a former home confirmed this real danger at the time of observation. Makeshift wires attached to a central cable connect electricity to countless homes with no meters or regulation. Water comes from a single and inconsistent source, and is piped through surface tubes of PVC lying in the crooked pathway that cuts through the wall-to-wall labyrinth of corrugated metal. In this case, the settlement's longevity suggests an element of permanence, but this suggestion gains little support from the physical character of the housing. Recycled construction materials and irregular services are clear markers of the precarious nature of the settlement. Likewise, documentation of land tenancy defines *Gracias a Dios* as a land invasion and a *precario*.

Official cadastral records obtained at the National Registry in San José document the location of *Gracias a Dios* as the property of the Municipality of San José. The property is designated green space, *25 de julio* Park. The most recent cadastral map, drawn in 1980, provides no indication of individual parceled plots or any presence of residential use, and has not been amended since. While the maps are outdated, their time of drawing overlaps the presence of housing on

the plot as the original invasion of the park along the María Augilar river occurred in 1979, a date corroborated by the Ministry of Housing and Human Settlements (MIVAH, 2006, p. 122). Today aerial photos reveal the expanse of the invasion, extending all along the northwest region of the park and housing close to 800 people. While there is no doubt that the settlement exists, nor that its long-term presence is known by local and national government, its absence on official land use records identifies its status as an informal land invasion. Residents lack rights to the land on which they dwell and adequate municipal services and infrastructure are denied the community as a whole. In this case, the contrast between cadastral records and other field documentation (Figures 7 & 8) reminds the viewer that real and prescribed land uses are not congruent.

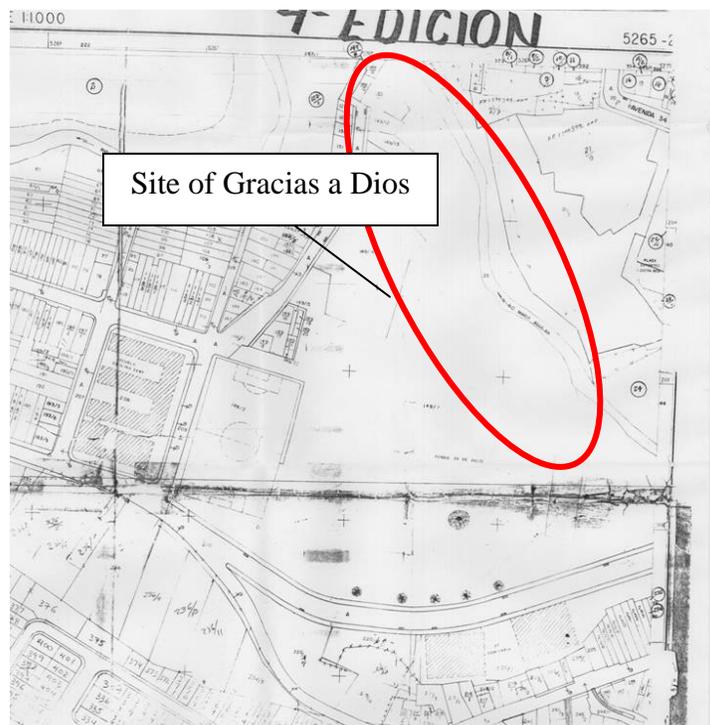


Figure 7. Cadastral map of park in Hatillo. Source: National Registry (1980)



Figure 8. Aerial photo of park in Hatillo, San José. Source: Google Earth (2007)

It is with land invasions like *Gracias a Dios* that residents begin a journey in the realm of informality. Some will dwell in one place or migrate many times, all the while residing outside of the legal housing sector and excluded from formal urban development. Others, however, will continue on a collective journey in a process of negotiating into formal development processes and legal land tenancy. By following changes in documented land tenancy and building the story of individual settlements we can begin to see how formalization progresses through each stage.

Formalization: Housing associations

The next stage in the process of formalization is organization and legal legitimization. Just as many land invasions throughout the urban areas of Costa Rica occurred through organized group movement, formalization also demands the support of an organized community. Individual residents of *precarios* possess little leverage to petition assistance and minimal financial resources to obtain credit. For those residents, organization offers access to resources and a collective voice that can push for change and start the process of land and housing formalization. These organized groups call themselves *asociaciones de vivienda*, or housing associations. Named after the land they occupy, a leader of the organization, or a shared religious icon, the associations cannot be identified through land use and title records, but instead are identified through personal communication, interviews, and association contracts. Demonstrated through this

type of documentation, housing associations function in a surprisingly formal manner and play several distinct roles.

First the association accounts for all residents of the *precario* and keeps record of all those households who may one day become part of a social interest housing project. This residential roll call serves to identify participants and create a base for community need assessment. Each head of household enters into a contracted relationship with the association and his or her commitments and responsibilities are carefully documented.

In addition, this solidified community of residents, the housing association, also becomes the *personería jurídica*, or legal entity, of the people. It serves as the venue through which the residents will navigate all future stages of formalization. As a legal entity and *marco jurídico* [legal framework], the association receives a government issued identification number that gives the group the power to act collectively in financial and political negotiations. One such act of business is the opening of a bank account for the housing association. This account can be used for collective interest and current community improvements, but more importantly it builds a financial base and credit record for entering into future mortgage and other financial relationships. The housing association with its *personería jurídica* will also present itself to government or non-governmental development organizations for evaluation, municipal government building permits, and the ultimate goal of becoming part of a social interest housing project.

While the presence of housing associations is not new in informal communities, their political function in the formalization process has become more defined in the last two decades. In 1992, the Ministry of Housing and Human Settlements (MIVAH) began its program for group service. The program aims to approach housing needs in a collective way through dialog with resident families. Here the *asociación* is essential. Establishing the *personería jurídica* of a community is the first step in MIVAH's program leading to a group housing project (www.mivah.go.cr). This approach to addressing community needs in a collective manner brings housing associations into the frontlines of change. As an association, residents can demonstrate both greater need and greater potential. Group projects can provide more holistic change for communities, particularly regarding relocation, plot parcelization, and infrastructure.

Similar to MIVAH's project for group attention, the *Fundación Promotora de Vivienda*, (FUPROVI) has also implemented a group approach to addressing community housing needs. Although working as a non-governmental development organization, FUPROVI mirrors many of the ministry's methods. O. Siquiera, Head of the Lending Department at FUPROVI, explained in a January 23, 2007 interview that the foundation often purchases and parcels land for needy communities and manages loans and construction projects. But before it begins any relationship with informal housing residents, FUPROVI first receives representatives of the housing association for discussion and evaluation of the community. The community assessment studies the possibility and sustainability

of a housing project as well as evaluates the financial plausibility for that particular community. This work is facilitated by the organizational and financial records of the housing association. If all appears well for a project to proceed, loans and contracts will then be made and paid through the housing association, under their *personería jurídica*.

Gracias a Dios, in the center of San José, organized itself with the goal of becoming a future housing project. Although it remains a *precario*, an illegal squatter settlement, it has entered the next stage of formalization: the formation of a housing association. The residents formed the Pro-housing Association of *Gracias a Dios*, *la Asociación pro-vivienda Gracias a Dios*, to represent the settlement on municipal government turf. While the two stages of land invasion and housing association are depicted separately on the spectrum of formalization their application overlaps. Each stage is necessary as explained earlier to move along the fluid spectrum of informality toward formal incorporation, yet, as noted earlier, the chronology and time between each can vary greatly. Therefore, housing associations often coincide with land invasions, but are a necessary bridge to the next stage and their function must be understood.

The Pro-housing Association of *Gracias a Dios* marks a new stage in formal legal status for the settlement, while not directly modifying legal title to the land. The housing association creates status through legal recognition of the residents of the settlement and gives them a vessel for process negotiation. This is achieved through organization and financial commitment and in the case of

Gracias a Dios, is documented through personal communication, an association roster, and resident-association contract.

Regardless of the informal nature of the *precario*, the Pro-housing Association *Gracias a Dios* demonstrates marked formality in its level of organization. One woman heads up the association and functions as the head of the community itself. Women lead many community-based organizations, specifically housing associations, in Costa Rica. In fact, women head the housing associations of all three communities used as case studies in this project: *Gracias a Dios*, *25 de julio*, and *Reina de los Ángeles*. This trend may be a result of many different social and economic factors, but stands as a clear reflection of the significant presence of women in informal settlements. There is a high risk for poverty in female-headed households and a FLACSO survey of households in San José found that 33 percent of single mothers with children fall in the lowest income bracket (Cardona et al, 2000, p. 112). Further surveys conducted by ProDUS revealed that women head 24 to 29 percent of all households in each of the *precarios* studied (FUPROVI, 2005, p. 100).

In the case of *Gracias a Dios*, the head of the association keeps careful records of all residents in the settlement, along with state identification numbers and data on the size of each family. Her roster lists 121 families as part of the housing association. These records are vital to her as she represents the community in hope of becoming part of a social interest housing project enacted by the government or a NGO such as FUPROVI. In addition to careful records

and census data, she also records monthly payments that are made by individual housing residents to the housing association. The contract between each resident and the Pro-housing Association Gracias a Dios requires a monthly payment of 1,000 Costa Rican Colones, or about two U.S. Dollars in the current exchange rate. While the individual rates may seem low, they must be realistic for the impoverished community and they do collectively amount to something over time.

The money is put into a bank account opened under the name and *personería jurídica* of the association and serves two important purposes. First, the monthly amounts deposited provide record of the resident and his or her contribution to the association. By making the payments the individual is demonstrating his or her financial responsibility, no matter how small. The contributions connect the family or individual to any future housing project. According to the association contract, if a resident neglects payment for more than two consecutive months or three non-consecutive months, as stated in the association contract, they will lose association privileges and be excluded from participation in any future project. Secondly, the money that is collected can be used toward community improvement and the necessary steps they will have to take to undergo a housing project: construction permits, legal fees, commission charged by the financial institution, etc. In the case of *Gracias a Dios*, the resident-association contract specifies that all payments remain the property of the

individual making the payment and evidence of individual credit except for 20 percent, which contributes to the above mentioned costs and legal fees.⁸

The *precario* of *Gracias a Dios* is poised to move forward. It is well organized and seeking the possibility of an in situ housing project for its residents. But despite the location, longevity, and organization, for now, *Gracias a Dios* remains off the map.

As the communities evolve from squatter settlements and enter into other stages of formalization, moving along the fluid spectrum, housing associations do not disappear. However, my placement of them here in the discussion is significant as their role is perhaps most prominent here and certainly most pivotal to formal progress. While physical consolidation of the settlement may or may not be present at this point, a change in the legal status of the community has occurred. Rights to the land are not granted and no shift in tenancy occurs, but the collective organization of the residents gains political recognition. The squatter settlement, formally a conglomeration of socially and spatially marginalized residents, now boasts a legal identity in the eyes of the government, signified by the *personería jurídica*. In addition, the association builds the bridge to the next stage in formalization, the housing project. It is the venue through which the settlement will apply for financial resources and negotiate development processes. The formation of housing associations therefore forms a clear, identifiable stage

⁸ Discussion of the housing association in *Gracias a Dios* comes from the resident-association contract of *Asociación Pro-vivienda Gracias a Dios* and personal conversation with the association head (January 12, 2007).

in the process of formalization being navigated by informal squatter settlements in San José today.

Formalization: Housing projects

The next stage in the progression of formalization is the housing project. This stage can be seen as the evidence of efforts and financial resources on the part of the government and NGOs to reduce informal development. Work being done to transform the physical nature of housing in San José can be divided into two distinct categories: housing projects and improvement programs. Improvement programs, called *mejoramiento*, work on various types of housing and address needs at different stages to improve the living conditions of individuals. Improving infrastructure and access to services could be one form of *mejoramiento*, while monetary bonds for building materials and structural improvements are another. These projects do not relocate residents but rather utilize current plots and structures as a platform to build community improvements. *Mejoramiento* occurs both on an individual and a community-wide scale. *Mejoramiento* is also more likely to be a proposed solution to upgrading *tugurios* that are not *precarios*. Finally, while communities could experience efforts for *mejoramiento* multiple times during the formalization process, the more drastic step of a housing project is the significant step toward formal incorporation of the settlement. These projects work toward complete restructuring of communities, including standardization of plot and street size,

legalizing tenancy, rebuilding or constructing new homes, and the connection of plots to basic services.

Within the category of housing projects, another division occurs. Housing projects can either be in situ projects or relocation endeavors. The first constructs the new housing on the original location of the squatter settlement. The second relocates residents of the settlement to a new location. Although housing projects on the site of invasions may sound beneficial to community cohesion and rates of land urbanization, the hurdles to such projects are numerous. Many of these problems parallel the very characteristics of informality addressed earlier.

First, the geographic and topographic adequacy must be considered. *Precarios* built along river beds, highway corridors, steep hillsides, and excavated lands present risk of physical harm to residents and building structures. Unstable lands prone to landslide and flooding would not be appropriate for the construction of permanent housing.

Second, general space restrictions may preclude a project from sufficiently housing all of the residents of a particular *precario* in its current location. This is particularly true in central urban areas where communities are cramped into small spaces with extended families occupying a single dwelling. The housing association roster for *Gracias a Dios*, for example, reveals that 40 percent of the listed households consist of at least 5 members and range up to 11. More general housing data compiled by the *Instituto Nacional de Estadísticas y Censos* (MIVAH, 2006, p. 73) demonstrates that the number of urban one-room houses

occupied by families drops as the number of occupants rises. However this trend abruptly shifts at the high end of the scale. In 2005, while 470 one-room houses had five occupants each, only 212 had six occupants each, but at seven or more occupants the number of one-room homes shoots up beyond the two previous indicators to 515 homes, indicating an outlying impoverished sector and a segment of society housed in extremely tight conditions. As the trend in housing solutions continues to be single family, one storey homes, new housing projects require more space, not only for housing that is adequate for family sizes, but to allow for standardized infrastructure and public streets.

In addition, the land in question must be deemed eligible for the permanent residential use of the community. Current property owners must be willing to sell or donate their plots for the housing project. Furthermore, local government zoning must be in agreement with the residential use of the proposed lot.

Finally, building on current lots presents significant logistical difficulties, particularly in the typical cases where current housing structures must be removed or demolished to make way for new construction. Residents must have a place to stay while infrastructure is laid and houses are built.

Facing all these challenges, many projects pursue relocation practices. These projects are not replicas of forced relocation efforts practiced historically and globally, they are programs of group assistance tied to the local housing associations. In these cases, a suitable piece of land is found for the community,

generally in close proximity to the present *precario*. This land is then purchased by the development entity (IMAS, INVU, FUPROVI, private enterprise, etc.) for construction. In Costa Rica, 3 types of developers work in the area of social interest housing: state entities, such as INVU, MIVAH, and IMAS, NGOs such as FUPROVI, and private enterprises.

At this stage of housing projects on the path to formal incorporation, development organizations function as the key agents of change. These entities, whether government, NGO, or private, provide the necessary resources to enact a collective solution for residents of a squatter settlement. The developers work under the regulation of national and municipal housing regulations, key to the next stage of formalization, and necessitate the organization and participation of housing associations, detailed in the previous segment. The roles of each are explained through interview and evidence of a step in the process is found in further cadastral documentation.

FUPROVI, one such development organization, enters into housing projects when approached by a housing association or by the government on behalf of a community. But there are set precursors to any land purchase for a project. O. Siquiera (personal communication, January 23, 2007), Head of the Lending Department at FUPROVI, explains that first the group, and its proposed project, must pass through thorough detailed evaluation. This process involves multiple levels of analysis. The foundation assesses the *finca*, or tract of land, chosen to be the location for the housing project to ensure that it meets zoning

requirements and presents no serious environmental risk to potential residents or surrounding communities. The *finca* must also be in good legal status and available for purchase. In addition, the association itself must be studied. FUPROVI investigates the social and financial position of the group. Are there any legal problems? Is the group cohesive and stable? What is the financial capacity of the association and the possibility for the support of a housing project? When FUPROVI feels that the group is ready to move forward, it purchases the land for the project.

O. Siquiera (personal communication, January 23, 2007) emphasizes that FUPROVI immediately turns around and sells the *finca* to the housing association. The association becomes owner of the land, while maintaining a mortgage relationship with FUPROVI. However, the development organization remains a middle-man on legal documents I obtained at the National Registry. As demonstrated below in the example of the housing project *25 de julio*, cadastral records of the housing project attribute the land title to its development organization, not the housing association or the individual resident. As construction begins on the property, directed by an engineer charged with the project by the development organization, ownership more clearly lies in the hands of the developer, a situation that might be compared to other public or private developments nationally and internationally. A developer purchases the land to lay infrastructure and construct homes. He then sells the homes to individual families that form the community. In the case of projects developed by FUPROVI

and other entities working in social interest housing, the group of families that will receive the houses is already determined at the onset of the project and those families may even participate in some levels of the construction. The receiving families do pay for their homes in the housing project through set mortgage payments, made through the housing association, to the developer or development bank. Individual nuclear families may apply for a housing bond, or *bono*, supplied by *Banco Hipotecario de la Vivienda* (BANHVI) [Housing Mortgage Bank] according to their income (www.banhvi.fi.cr). Residents of the new housing project can now have access to the bonds, like those used for the purchase of a home or construction materials in legal land and housing markets. These monies are then paid to the association and in turn to the developer to recoup the costs of construction (O. Siquiera, personal communication, January 23, 2007). The collective nature of formalization and the role of the housing association are further emphasized in this step of the process, as the housing associations serve to collect individual payments from residents and then make a collective payment to the developer.

The *Instituto Mixto de Ayuda Social* (IMAS) [Joint Institute of Social Aid] also serves as a government entity involved in social interest housing, often in partnership with INVU and BANHVI. Like FUPROVI, IMAS purchases land for the purpose of building housing projects for designated housing associations. In 1987, the Legislative Assembly of Costa Rica granted IMAS the power to transfer land title to housing associations and transfer free title to individuals that occupy

houses in a housing project (Asamblea Legislativa, 1987, see Art. 31 & 70).

Through this process IMAS can move residents of great need and minimal financial status from a state of invasion on public lands to ownership of a plot and adequate house.

The housing development *25 de julio* is a social interest housing project that documents this housing project stage in formalization. It was built to address informality. IMAS served as the developer of the project and purchased several privately owned coffee farms in 1974. Cadastral records (Figure 9) at the National Registry from 1972 show the three *fincas* that would later become the unified plot for *25 de julio*. The previous property titles belonged to Alcides and Carlos Maria Solano Jimenez. Under the new project, documented by 1996 records, the property is registered to IMAS and 238 individual land parcels are designated for private ownership for members of the housing association established in 1991 and other relocated groups aided by IMAS. These cadastral and planning records over time demonstrate land tenancy and property ownership shift between privately owned coffee farms, IMAS owned urbanization, and parceling of individual plots.



Figure 9. Cadastral records of 25 de julio. Source: National Registry.

Formalization: Formal incorporation

Even after housing is built through a formal government or private housing project, the formal incorporation of the development could be years or decades away. At this point in the process general housing consolidation has occurred, meaning that the homes are now built with adequate building materials, and are connected to basic services. The community infrastructure in most cases has also been regulated and improved to meet urban planning standards.

It is this set of regulations or planning standards that present the next hurdle in the process of formalization. Developments, or housing projects, must meet all urban planning regulations set out by the municipality in its *Plan*

Regulador or *Plan Director Urbano*, the official regulatory document of each local government. The *Planes Reguladores* and the Municipal Government derive this authority from the *Ley de Planificación Urbana*, ratified by the Costa Rican Legislative Assembly (Asamblea Legislativa, 1999). The *Plan Director Urbano* of the Municipality of San José (Municipalidad de San José, 2005, see Chapter II.) spells out the requirements for submission of the development for legal incorporation. Each must prove that it complies with all standards through municipal government assessment, and any other government entity in charge of pertinent land use. This could mean INVU for property that borders a river or the Ministry of Public Works and Transportation if the property borders a national road.

In January 2007, the municipality of San José listed 40 housing developments as “*no recibidas*,” or unincorporated, in the central canton. The list provided by the *Dirección de Urbanismo* at the Municipality of San José does not include *precarios*, but all communities that participated in government or private housing projects. Therefore, land invasions, or squatter settlements, such as *Gracias a Dios* do not appear on the list. However, *25 de julio* is included because it is no longer *en precario*. The land has been legally purchased and a formal housing project constructed under the approval of the municipality by a state developer. The majority of the unincorporated housing developments on the municipal list fall under the umbrella of INVU and IMAS, however private enterprise, FUPROVI, and BANHVI are also represented. O. Mario (personal

communication, January 31, 2007), of the Department of Urbanism at the Municipality of San José, explains that each development on the list fails to meet one or more requirements outlined by national legislation or municipal government planning regulation. These infractions, listed on the Municipality's "*Plan de acción para la regularización y mejoramiento de urbanizaciones irregulares del cantón de San José*" [Action plan for the regularization and improvement of informal developments in the canton of San José] (2006), fall under the following categories: invasions, designated public space, infrastructure and services, and legal criteria.

The Department of Urbanism at the Municipality of San José now has a plan to evaluate and consider developments for formal incorporation. The action plan for what the municipality calls "regularization" involves two stages with multiple steps. The first is analysis. A complete design must be made of the site. This project involves a comparative study of original site maps, current aerial photos, and on site surveying to determine real land use. The comparative analysis allows the municipal government to determine whether prescribed and actual land use and building structures line up. Furthermore, with this information the local government can build land use tables and identify both public space and invaded public space. In addition, infrastructure elements are evaluated and coupled with land use results so that the local government can make a decision of acceptance or rejection of the development as it stands. When this is completed, the second stage of the action plan comes into play: legalization. Legalization occurs through

the cadastral processing of the area and municipal agreement for the reception of the housing development. With these finalized, formal inscription in the National Registry can occur.

Two housing developments being assessed on the municipal governments list, *25 de julio* and *Reina de los Angeles*, serve to exemplify this formal incorporation process and highlight the persistence of informality posing a struggle in this final stage of formalization.

25 de julio, the housing project conducted by IMAS and discussed in the previous segment, remains on the list of “*urbanizaciones no recibidas*.” Although this housing project is a case example for the previous stage of formalization, it must also be discussed here. As formalization functions on a fluid spectrum of progress *25 de Juilo* is moving into this final stage. However, as that stage has not been completed, the unincorporated housing development provides great insight into ongoing process. Planning documents and assessments obtained from the Department of Urbanism at the Municipality of San José provide an interesting point of comparison with the prescribed land use plan outlined by the development plans on file at the National Registry and analyzed above. An examination of these records from the National Registry and municipal government urban planning assessments reveals the discrepancy of informality lingering in a formally constructed housing project.

Cyclical land invasion, one of the common patterns of informality discussed at the beginning of this chapter, appears on several designated public

spaces of the development plan. The invasions are cyclical in nature because the original land invasion was eradicated through the housing project, but new growth finds that the formal development project is invaded by the same type of informal settlements that the project first eliminated. This phenomenon serves as a primary manifestation of informality preventing the full formalization and legal incorporation of *25 de julio*. The tables of area specification prepared by the municipality of San José indicate invasions of public spaces in the urbanization amount to 2054.01 square meters or 3.69 percent of the total area. The significant presence of informality not only means that tenants are illegally residing in the development, but by their presence, the housing development has lost designated public space that prevents completion of the regulations outlined in the *Plan Director*.

Reina de los Angeles, another housing development in centrally located Hatillo, stands halted on the path to formal incorporation. Urban planning assessments from the Municipality of San José on this development also demonstrate reoccurring land invasions. In this case, not only public areas, but other adjacent lands are occupied by informal dwellers. In addition, the irregular shaping of *Reina de los Angeles*, in comparison to *25 de julio*, is evidence of housing projects performed in situ, following inconsistent plot and street sizes. These characteristics, common in informal settlements, create greater obstacles for its incorporation.

The two examples of *25 de julio* and *Reina de los Ángeles*, undergoing the final stage in formalization, further illustrate the importance of collective progress along this path. The entire housing development cannot move forward with the presence of illegal residents and undersized streets. The residents who began the process together through invasion must see it through to incorporation.

In addition, evaluation of land use maps and municipal assessments demonstrate the cyclical nature of informality. Each stage, while necessary for the process, may not be executed in isolation. Instead a complex expression of informality moves along a fluid spectrum, incorporating both elements of formal processes and characteristics of informality.

Finally, as in each stage, particular actors enact change and stimulate, or inhibit, formalization. In the final stage, formal incorporation, the municipal government holds authority over the process and dictates completion. All approval and formal acceptance come from the municipality. As seen here, and discussed in the previous chapter regarding policy, the municipal government is charged by national legislation with the planning, regulation, and incorporation of urban growth. However, its authority is weakened by its reactive, instead of active, role in addressing informal settlements. While planning will hopefully aide in the reduction of future land invasions, it must also be backed by money and social support programs. And for now, the municipalities are charged with settlements that have existed for years that retroactive planning will not erase. The exercise of regulation is also impeded by the lack of active participation in

development and the building of housing projects. Therefore the ability to say “no,” utilized in assessment and approval of development and incorporation, seems the strongest authority that the municipality holds.

As with the municipal government in the last stage of formalization, this exercise in articulation of process allows us to see the actors engaged in each stage of formalization: squatter settlement, housing association, housing project, and formal incorporation. Documented and contextualized examples of each stage show us the complexities of informality and present a method for articulating the path of collective transition.

CHAPTER 4: Conclusions

In this work I demonstrated, through the articulation of process how formalization is taking place in the urban center of San José based on the unit of collective organization. Cadastral and other archival evidence connected to individual settlements build a history of formalization and identify four necessary stages: squatter settlements, housing associations, housing projects, and formal incorporation. The complexity of each stage and the cyclical nature of informality evident in land tenancy records confirm the importance of abandoning a dualistic formal-informal approach to housing and adapting the concept of a fluid spectrum of formality. However, certain understandings of informality continue to be useful for new patterns of informal settlements in San José. While their site may present land availability and use challenges, non-peripheral squatter settlements in San José still demonstrate characteristics of the urban “periphery,” both in their lack of infrastructural incorporation and in their social and political marginalization.

Furthermore, in a process-centered approach to field research I also identified the role and impact of change agents working in a multi-scale political ecology. Connecting them to particular stages of formalization allows for better analysis of their effect on the process. Future policy direction and application of housing solutions must be informed by this process and the interrelated network of actors.

The political ecology and process of formalization in San José also reveal a surprising level of organization and structure within unregulated and informal

development. Formalization is both governed by state policy and enacted by a structured hierarchy. In addition, the collective nature of community change experienced in formalization necessitates cohesive grassroots organization, exemplified by the housing associations. Even these organizations are regulated by contractual agreements, financial commitments, and legal framework. The structured nature of formalization, ultimately a process of informality, calls into question the very basic usage of such terms as formal and informal, and again supports a more plural view of informal housing.

This state-specific study of formalization also provides a window into the unique socio-political nature of land use and property regime in Costa Rica that sets its experience apart. Neo-liberal land reform in other Latin American states generally represents the dissolution of communal land structures, such as the Mexican *ejido*, and the championing of private property (Mexico. Secretaría de Desarrollo Social, 2007). And while the full impact of formalization and housing markets in a liberalizing economy are not known, the origins and attitudes of Costa Rica's long-standing value of universal access to private property are distinctive. The strong link between land invasion and state politics demonstrates democratic voice exercised in the defense, or pursuit, of a right to housing. In the case of Costa Rica, social-communal structures in the form of housing associations and housing projects are built instead of dissolved, while residents and political agents continue to pursue individual plots and single-family homes as the unit of formal development.

Future of urban planning and formalization

While change happens slowly in Costa Rica, evidence of different thinking and new approaches are surfacing within the housing sector.

Development institutions are rethinking the cultural norms to create multi-storey, and perhaps multi-family, housing solutions.

In January of 2007, during my field research stay, I encountered a housing project in Heredia (part of the GAM) consisting of two storey homes. This project seemed an anomaly to me and was so new that residents had not yet moved in. I photographed the project to document its deviance from traditional single storey projects. I later found a BANHVI press release dated January 30, 2007 that suggested I was witness to the beginning of something new. This project, *Arbol de la Plata* in Heredia, is the first of its kind financed by the government BANHVI program *Ahorro, Bono, Crédito vertical* [Vertical Savings, Bond, Loan]. The press release states that the houses are all two storeys and make better use of ever-scarce land resources. The homes are still designed for single family residence, but they are built with a greater facility for additions, a characteristic not true of most traditional projects where such addition might create dangerous and inadaptable living conditions.

In addition, partnerships with the University of Costa Rica may be changing the prospects of in-situ formalization. *Gracias a Dios*, for example, is being evaluated by the School of Architecture and Urban Planning at the

university to determine the possibility of multi-family dwellings built on the same site.

These projects on the horizon suggest that government and academic forces are beginning to rethink the cultural norms that could create new approaches to housing formalization. During his January 17, 2007 interview, R. Pujol, Director of ProDUS commented, “*No se puede superar lo histórico y lo geográfico.*” [You cannot overcome history and geography]. Informal development has made its mark on the face of San José and its history and geography cannot be erased, but in studying both aspects its future direction can shift. Greater understanding of process is necessary to best enact change and create more efficient solutions, both in San José and other urban centers around the world.

Application of methods

The successes of fieldwork exemplified here provide excellent hope for expanded applications of a process directed methodology, built around cadastral and archival documentation of land tenancy and change in legal status. This type of work can and should be replicated, not only in San José, but in other global communities. While this study does provide some generalizations regarding informality and formalization, it is principally place-specific and governed by state-specific structures and policies. The reconstruction of formalization histories benefits both residents of informal housing settlements and policy makers, giving them the ability to actively change approaches to particular stages and political-

financial relationships that will most effectively reshape the effectiveness of the process.

Limitations of study

With great potential for further application, this study also must be clearly evaluated on its limitations. Formalization is not a clean linear process. This project pieced together the stages of process present in the urban context of San José to articulate one example of a path to formality. And although it is the primary path of community formalization I observed, it must not be viewed as universal, even in that specific place. Cyclical invasions and policy regulations create delays or stalls in progress and can result in individual efforts to circumvent formal paths. This means that this study begins the important act of articulating the nature of formalization in light of its complexities. This work cannot be the definitive study on the transformation of informal settlements in San José, but should be the springboard for continuing investigation.

There are still many gaps in the story of formalization that need to be filled with further research. This study identifies communities at varying stages of formalization, but, because of the short duration of the fieldwork and limited access to individual residents, documenting one individual or community throughout the duration of the full process was not feasible. Further archival investigation, resident interviews, and long-range evaluation could fill in many of the gaps remaining in the chronological and logistical processes.

However, gaps in institutional records and academic communication that provided challenges for my work remain a greater hurdle not limited to this study. Cadastral records of the urban area are incomplete and often out of date. There are literal gaps in this fundamental land record. And geographers at the University of Costa Rica are the first to acknowledge that not only are the government records incomplete, but the cooperation and presence of geographic work in the urban area is lacking. With urban planning at the forefront of national emphasis and policy, urban planners and civil engineers form the primary body of contributing academics. There is plenty of need for interdisciplinary contributions.

The complexity of formalization and other issues surrounding informal settlements were particularly magnified by this study, but their intricacies were not fully elaborated. While this study limited its scope to process and the articulation of its nature in the city of San José, its limitations in financial, environmental, demographic, and other points of analysis suggest emerging topics for research. A close look at the housing finance systems within government bureaucracy and responsibility, as well as a look at the implications of the bond and mortgage systems are valuable for future policy making. As the city continues to grow and land and water become more limited resources, environmental impact studies could shift development thinking and the possibilities for in-situ formalization. The great emphasis of environmental work in Costa Rica centers on the wealth of flora and fauna occupying the National Parks and protected areas of the country. However, while those regions deserve such attention, the patterns

of environmental research must begin to recognize changing patterns of human settlements and the growing importance of the urban environment as the generator of future policy trends.

And with this massive global urbanization comes the mobility of people and the permeability of borders. Global influences and neo-liberal policies affect markets. This impacts both access to housing markets and the flow of immigrants. One glaring absence in this look at formalization is the strong, and growing, presence of Nicaraguan and other undocumented immigrants living in the San José's informal settlements. Current government policy excludes them from any participation in social interest housing projects for formalization. Recently FUPROVI (2004) released an in depth study by a FLACSO research team that catalogs and assesses the presence and experience of Nicaraguan immigrants in informal settlements: "*Diagnóstico para la inmigración nicaragüense en seis asentamientos del Área Metropolitana de San José.*" This work records the experience of the *precario La Caja*, explaining that a titling program through IMAS had to be halted because funds were designated for Costa Rican families at the lowest economic tier. This stipulation disqualified half of the settlement's residents. What is the future for these and other immigrants? How will they impact the formalization of urban informal settlements and where will they turn if they are left out of any solutions?

This multitude of unaddressed topics and unanswered questions reaffirms the integral nature of informal housing settlements in the fabric of urban social,

political, and environmental ecologies. The list continues with potential historical, political, and gender investigations, particularly as they can understand the origins of invasion and community organizing. Ultimately, the complex nature found in the limitations of this work, and the process itself, cement formalization as pivotal to the direction and face of urban development.

GLOSSARY OF ORGANIZATIONS AND ACRONYMS

AMSJ	Área Metropolitana de San José [San José Metropolitan Area]
BANHVI	Banco Hipotecario de la Vivienda [Housing Mortgage Bank]
FLACSO	Facultad Latinoamericana de Ciencias Sociales [Latin American Social Science Faculty]
FUPROVI	Fundación Promotora de Vivienda [Housing Development Foundation]
GAM	Gran Área Metropolitana [Greater Metropolitan Area]
IMAS	Instituto Mixto de Ayuda Social [Joint Institute of Social Aid]
INEC	Instituto Nacional de Estadística y Censos [National Institute of Statistics and Census]
INVU	Instituto Nacional de Vivienda y Urbanismo [National Institute of Housing and Urbanism]
MIVAH	Ministerio de Vivienda y Asentamientos Humanos [Ministry of Housing and Human Settlements]
MSJ	Municipalidad de San José [Municipality of San José]
ProDUS	Programa de Investigación en Desarrollo Urbano Sostenible [Program for Research in Sustainable Urban Development]

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