


ACCESS TO SOCIAL HOUSING IN LISBON METROPOLITAN AREA: HOUSING PROGRAMMES, POLICIES, AND BASIC LAWS

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ABSTRACT – This article delves into the issue of recent access to social housing in Portugal, given the escalating challenges in securing adequate housing. The unprecedented public investment within housing raises important considerations. It leads us to question the effectiveness of current housing policies and basic laws in guaranteeing adequate housing and exploring if there an urban attempt to relate the house to the habitat in recent developments on social housing. To address these initial inquiries, we focus on three specific aspects within the realm of recent social housing programmes: i) housing policies; ii) basic laws; and iii) preliminary programmes for design contests and specifications for rehabilitation contracts. The methodology involves selecting case studies of housing estates in the Lisbon Metropolitan Area, while analysing parameters such: i) location; ii) intervention type, iii) number of dwellings and their typologies; iv) dimension of the housing gross construction; and v) relation between the house and the habitat. Preliminary findings underscore advancements in social housing, emphasizing the importance and need not only for the articulation between current housing programmes, policies and basic laws, in order to guarantee adequate housing and habitat, but also the irreplaceable role of the State and the Central Government to define these policies and approach municipalities to execute them.

Keywords: Social housing; housing policies; spatial planning policies; basic laws; local housing strategies.

RESUMO – ACESSO À HABITAÇÃO SOCIAL NA ÁREA METROPOLITANA DE LISBOA: PROGRAMAS, POLÍTICAS E LEIS DE BASES DA HABITAÇÃO. Este artigo aborda a questão do recente acesso à habitação social em Portugal, tendo em conta os desafios crescentes para garantir uma habitação adequada. O investimento público sem precedentes no pilar da habitação suscita reflexões importantes. Leva-nos a questionar a eficácia das actuais políticas habitacionais e leis de bases na garantia de habitação adequada e a explorar a existência de uma tentativa urbana de relacionar a casa com o *habitat* nos desenvolvimentos recentes de habitação social. Para responder a estas questões iniciais, o estudo centra-se em três aspectos específico no âmbito dos recentes programas de habitação social: i) políticas habitacionais; ii) leis de bases; e iii) programas preliminares de concursos de concepção e cadernos de empenhadas de reabilitação. A metodologia envolve a selecção de estudos de caso de conjuntos habitacionais na Área Metropolitana de Lisboa para análise, centrando-se em parâmetros como i) localização; ii) tipo de intervenção iii) número de fogos e tipologias; iv) dimensões da construção bruta da habitação; e i) a relação entre a casa e o seu *habitat*. Os resultados preliminares evidenciam avanços da habitação social, enfatizam a importância e a necessidade não só da articulação entre os actuais programas, políticas e leis de bases da habitação, de forma a garantir uma habitação e um *habitat* adequados, mas também o papel insubstituível do Estado e do Governo Central na definição dessas políticas e na aproximação dos municípios à sua execução.

Palavras-chave: Habitação social; políticas de habitação; políticas de ordenamento do território; leis de bases; estratégias locais de habitação.

RESUMEN – ACCESO A LA VIVIENDA SOCIAL EN LA ZONA METROPOLITANA DE LISBOA: PROGRAMAS, POLÍTICAS Y LEYES BÁSICAS DE VIVIENDA. Este artículo profundiza en la cuestión del reciente acceso a la vivienda social en Portugal, habida cuenta de los crecientes desafíos para garantizar una vivienda adecuada. La inversión pública sin precedentes en el pilar de la vivienda suscita importantes consideraciones. Nos lleva a cuestionar si la eficacia de las actuales políticas de vivienda y las leyes básicas para garantizar una vivienda adecuada, y explorar si hay un intento urbano de relacionar la casa con el hábitat desarrollos recientes en materia de vivienda social. Para abordar estas cuestiones iniciais, el estudio se centra en tres aspectos concretos de los recientes programas de vivienda social: i) las políticas de vivienda; ii) las leyes básicas; y iii) los programas preliminares para concursos de proyectos y pliegos de condiciones para contratos de rehabilitación. La metodología implica la selección de estudios de caso de urbanizaciones en el Área Metropolitana de Lisboa para su análisis, centrándose en parámetros como i) ubicación; ii) tipo de intervención iii) número de viviendas y tipologías; iv) dimensiones de la construcción bruta de viviendas; y v) la relación entre la casa y su hábitat. Los resultados preliminares subrayan los avances en materia de vivienda social, destacando

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la importancia y la necesidad no sólo de la articulación entre los actuales programas de vivienda, las políticas y las leyes básicas, con el fin de garantizar una vivienda y un hábitat adecuados, sino también el papel insustituible del Estado y del Gobierno Central para definir estas políticas y dirigirse a los municipios para ejecutarlas.

Palabras clave: Vivienda social; políticas de vivienda; políticas de ordenación territorial; leyes básicas; estrategias locales de vivienda.

I. INTRODUCTION

In recent years we have seen an increase in the financialization of housing and these situations have intensified the socio-economic and environmental challenges, that we were already facing. In this sense, housing has emerged as a significant concern on both the European and Portuguese political agendas, e.g. Agenda-2030 and Habitat-III, particularly due to the escalating difficulties faced by the population to securing adequate housing. This issue has become an even more pronounced in the wake of successive financial crises and of the Covid-19 pandemic (Mendes, 2017; Pavel, 2021).

Consequently, the existing disparities in access to adequate housing (Drago, 2021), along with the increasing scarcity of social housing for low-income segments of society, have become structural issues affecting metropolitan areas and global cities (Jorge, 2022a; Seixas & Antunes, 2019; Travasso *et al.*, 2020).

In order to uphold the fundamental right to housing, it is imperative that effective housing policies are implemented (Agarez, 2020). As claimed by Jorge (2022a), the right to housing, enshrined in Article 65 of the 1976 Portuguese Constitution, is not a guarantee for all. In this sense, the State plays a key role in creating the established rules in the field of housing, recognised by authors such as Bourdieu (2000) and Serra (2002).

The Portuguese Institute for Housing and Urban Rehabilitation conducted a National Survey about Rehousing Needs, in 2018, revealing that 25 762 families were in dire need of housing and alarming presence of 14 748 buildings and 31 526 dwellings which were lacking the minimum habitability conditions¹ (Instituto da Habitação e da Reabilitação Urbana [IHRU], 2018). However, it is suspected that these data may not fully captured the actual extent of the problem (Jorge & Viegas, 2020) and according to Portuguese State Budget for 2024 recent data, around 86 000 families are a number closer to the reality of the problem.

Considering that a portion of the population lacks the financial capacity to afford decent housing in the private housing market, there is justification for significant intervention in the promotion of social housing (Borges, 2017). Portugal has already witnessed efforts to eradicate housing shortage, shacks and dwellings without adequate conditions, through the promotion of social housing programmes for the construction and rehabilitation of housing, including: i) Local Support Ambulatory Service (SAAL) – 1974; ii) Commission for Refugee Accommodation (CAR) – 1976; iii) Medium and Long Term Intervention Program (PIMP)–1987; iv) Special Rehousing Programme (PER) – 1993; v) Financing Program for Access to Housing (PROHABITA) – 2004; and vi) 1st Right – 2018 (fig. 1).

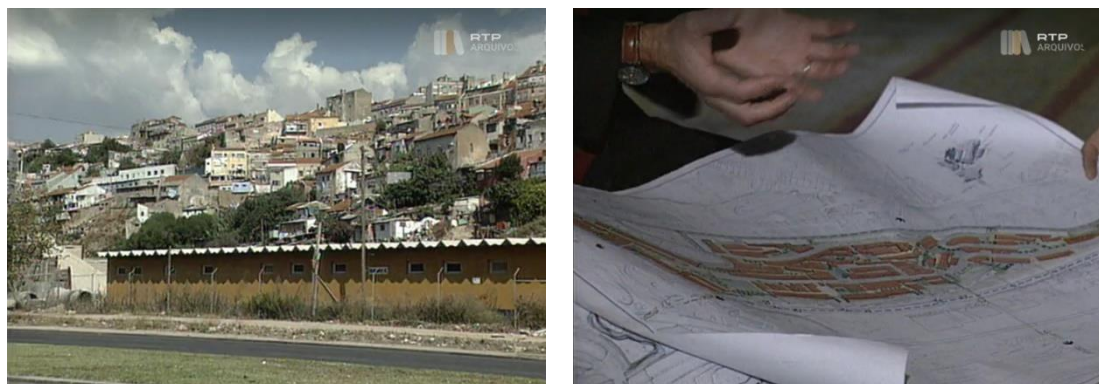


Fig. 1 – Slums and projects for their eradication. Colour figure available online.

Fig. 1 – Os bairros de barracas e os projectos para a sua erradicação. Figura a cores disponível online.

Source: RTP Arquivos (1994)

Several studies have provided a theoretical framework for the issue of the social housing in Portugal, particularly in the realm of in the realms of Sociology, Architecture, Urbanism, Geography and Political Science (Antunes, 2019). Some of the most renowned works on social housing policies are Gros (1994), Silva (1994), Baptista (1999), Antunes (2018) and Agarez (2020), whereas the first three studies focus on the period of the dictatorship, the last two look back 200 and 100 years of housing policies respectively. More specifically concerning housing estates built under these policies, we highlight the studies by Coelho (2009), Bandeira (2007), Serpa (2018) and Ramos et. al. (2019), which present research that systematises and analyses the object in social housing policies.

While these studies serve as a robust foundation, there is a necessity for clarifying the concept of social housing due to variations in its meaning across European countries, as highlighted by Whitehead and Scanlon (2007). In Portugal, the definition of social housing and its corresponding construction parameters were officially established by Portaria n.º 580/83, 17/05/83. Subsequently, in 1988, a new document known as the Technical Recommendations for Social Housing was introduced, outlining "the quality of the housing to be produced with the support of the State" (Portaria n.º 580/83, 17/05/83. República Portuguesa, 1983). At that time, social housing was defined as follows:

housing with controlled costs promoted by the municipal councils, economic housing cooperatives, private social solidarity institutions and private initiatives with the financial support of the State and destined for its sale or loan under the access conditions established by the present diploma". (Portaria n.º 580/83, 17/05/83. República Portuguesa, 1983)

In 1988, the terminology shifted from 'social housing' to 'affordable housing' through Portaria n.º 828/88, 29/12/88 (Portaria n.º 828/88, 29/12/88. República Portuguesa, 1988), leading to various misunderstandings regarding its implications and interpretations. According to Whitehead & Scanlon (2007), social housing provision in some European countries has not kept pace with the rest on the housing construction. Furthermore, a considerable number of social housing units have either been demolished or privatized, leading to a significant decrease in public housing availability in some countries, well below the average levels seen across Europe.

In the case of Portugal, the majority of social housing, constructed between 1987 and 2011, focused on rehousing low-income households and was primarily initiated by the State or municipalities, with only a limited number of projects initiated by cooperative or social sectors (Antunes, 2021).

At present, social housing accounts for a mere 2% of the total housing stock in Portugal (table I). Although, it is important to stress that in the case of the city of Lisbon is different from the rest of the country, achieving 11% of public housing stock. Also, Portugal, when compared to other countries, has a distinguished characteristic, a substantial portion of this housing stock is dedicated to social housing.

Table I – Social Housing or similar in Europe.

Quadro 1 – Habitação Social ou similar na Europa.

European countries	Social housing or similar	European countries	Social housing or similar	European countries	Social housing or similar
Austria	24.0%	Germany	3,9%	Poland	23.8%
Belgium	6.5%	Greece	-	Portugal	2%
Bulgaria	2.5%	Hungary	4%	Romania	1.8%
Croatia	1.8%	Ireland	8,7%	Slovakia	6.5%
Cyprus	-	Italy	3.7%	Slovenia	6%
Czech Republic	9.4%	Latvia	-	Spain	2.5%
Denmark	20.9%	Lithuania	-	Sweden	19%
Estonia	1.7%	Luxembourg	5.1%	United Kingdom	17.6%
Finland	13.0%	Malta	-		
France	16.8%	Netherlands	30%		

Source: Antunes (2021, p. 145)

At the present time, the urgency of increasing public housing stock is further amplified by the availability of European funds. Although housing is not inherently a competence of the European Union, but of each Member State, the *Report on Access to decent and affordable housing for all* (European Parliament, 2021) is a key document that recognises the issue of housing as a human and

social right for all on its agenda. The report partially challenged the EU's "stealth housing policy" and the underlying trajectories of the commodification and financialization of housing (Delclós & Vidal, 2021).

Of particular significance to housing policy is the establishment of the Recovery and Resilience Facility, a short-term instrument embedded within the NextGenerationEUⁱⁱ funds, particularly the section dedicated to promoting equal opportunities in housing access. The allocation of these funds is contingent upon the formulation of national Recovery and Resilience Plans (PRR) by each Member State in collaboration with the European Commission (Delclós & Vidal, 2021).

The substantial public investment in the pillar of housing, which constitutes an unprecedented issue, raising important questions for consideration. It leads us to question the efficacy of current housing policies and basic laws in ensuring adequate housing and exploring if there an urban attempt to relate the house to the habitat recent developments in social housing.

In order to answer to these questions, this study focuses on three specific aspects within the realm of social housing programmes: i) housing policies; ii) basic laws; and iii) preliminary programmes for design contests and specifications for rehabilitation contracts.

The adopted methodology involves the selection of four case studies of housing estates located in the Lisbon Metropolitan Area, focusing on the analysis of their: i) location; ii) intervention type; iii) number of dwellings and their typologies; iv) dimension of the housing gross construction; and v) relation between the house and the habitat.

The research centres its physical analysis on the Lisbon Metropolitan Area (LMA) territory, the most densely populated region of Portugal (fig. 4), accommodating approximately 2 849 million people in 2021 (INE, 2021). This area bears the brunt of the housing crisis, as revealed by the National Survey on Rehousing Needs (2018) and is expected to witness the highest number of interventions.

Preliminary findings underscore advancements in social housing, emphasizing the significance of integrating theoretical principles into housing programmes and policies and highlights the opportunity to implementing the right to housing and habitat.

After the introduction, this paper begins by providing the recent housing policies and social housing programme. Then, it develops a reviewed of the basic laws, and the subsequent section, analyses recent developments of social housing through case studies. Finally, the article concludes with the aim of providing a briefing on the main findings.

II. RECENT HOUSING POLICIES AND SOCIAL HOUSING PROGRAMMES

Currently, recent housing policies and social housing programmes have undergone a significant transformation, no longer exclusively targeting individuals from lower socioeconomic backgrounds (Portal da Habitação, 2018).

1. The New Generation of Housing Policies

The New Generation of Housing Policiesⁱⁱⁱ (*Nova Geração de Políticas de Habitação*; NGPH) figure a set of lines of action translated into specific measures, aimed to "guaranteeing access for all to adequate housing, understood in the broad sense of habitat and people-oriented, through a significant broadening of the scope of beneficiaries and the size of the housing stock with public support and creating the conditions for both the rehabilitation of the built environment and urban rehabilitation" (Portal da Habitação, 2018) (table II).

According to Mendes (2020), and Travasso et al. (2020), this progressive narrative, included in the NGPH, represents a moment of innovative governmental discourse, aiming to address the structural challenges hindering the progress of the right to housing.

Nevertheless, such contradictions between discourse and practice in the right to housing are also evident in this housing policy and the discourse of a strategic and integrated policy has not been translated into the allocation of budgets by the state to respond to this (Mendes, 2020).

Table II – Lines of action and concrete measures to be applied of the New Generation of Housing Policies.
Quadro 2 – Linhas de ação e medidas concretas a aplicar da Nova Geração de Políticas de Habitação.

Lines of action	Concrete measures to be applied
<u>i) Provide a response to families living in severe housing deprivation;</u>	1st Right Entrance door
ii) Guarantee access to housing for all those who have no answer through the market;	Affordable Rent Programme Porta 65 – Young people National Fund for Building Rehabilitation (FNRE)
iii) Create the conditions for rehabilitation to be the main form of intervention in terms of the built environment and urban development;	Rehabilitate to Rent Financial instrument for urban development (IFRRU 2020) Efficient House 2020
<u>iv) Promote social and territorial inclusion and housing choice opportunities.</u>	Turnkey From Dwelling to Habitat Next door

Source: Portal da Habitação, 2018

2. 1st Right programme and Local Housing Strategy

In lines of action that provide a response to families living in severe housing deprivation, the most outstanding measure is the 1st Right programme^{iv} (*1.ª Direção - Programa de Apoio ao Acesso à Habitação*, in portuguese). This programme seeks to aid in advancing housing solutions for individuals residing in substandard living conditions, lacking the financial means to afford access to suitable housing. The initiative adopts a promotional strategy primarily focused on the revitalization of construction and rental activities. Additionally, it places reliance on comprehensive and participatory approaches, fostering social and territorial inclusion through collaborative efforts among various sectoral policies and entities. This collaboration extends to interactions between central, regional, and local administrations, as well as between the public, private, and cooperative sectors.

Also, the implementation of this programme is structured in three stages: i) join, ii) operationalisation, and iii) execution (fig. 2).

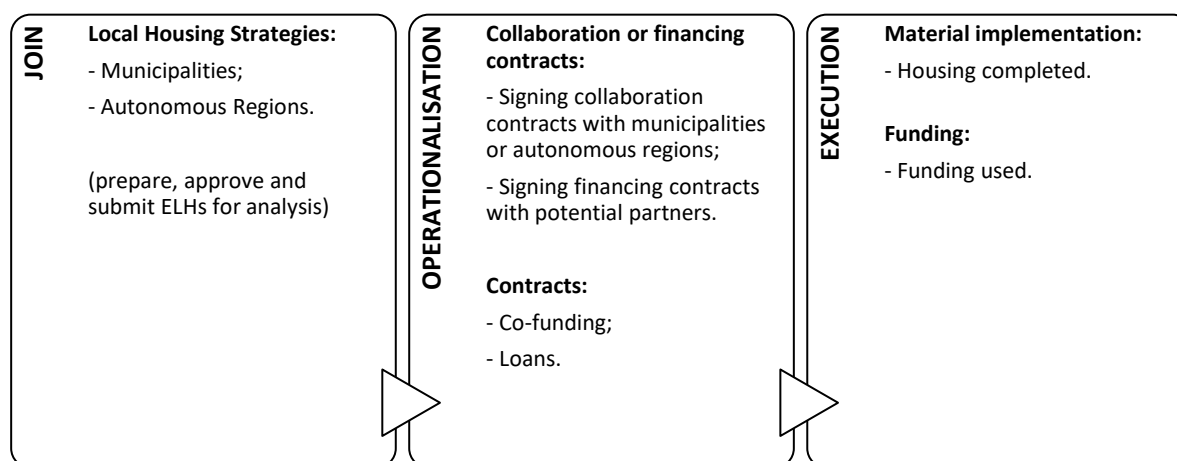


Fig. 2 – Stages in the implementation of the 1st Right programme.

Fig. 2 – Fases da implementação do programa 1.ª Direção.

Source: IHRU, 2020 (adapted by the authors)

This programme was the one that received the higher total investment, at the time an investment of 700 million euros, planned until 2024, earmarked for non-reimbursable contributions, and given the urgency of resolving the 26 000 cases of housing shortage, councils can receive 100% non-repayable funding to invest in housing, through the *Plano de Recuperação e Resiliência* (PRR; Recovery and Resilience Plan).

In order to move forward with the measure of the *1st right programme*, it was up to the municipalities to define the *Local Housing Strategies* (ELH) (*Estratégias Locais de Habitação*, in

portuguese) in their respective territories and also to aggregate, evaluate and manage all requests for support under the 1st Right programme that are submitted to them (Mendes, 2020).

The objective of the strategy is to addressing housing issues at the local level, and it is part of a broader approach to improving housing conditions in Portugal and ensuring that everyone has access to adequate housing. The main goals also include the identification of local needs, the setting of goals and priorities, the partnerships and financing, the monitoring and evaluation, and the public participation. Its implementation bringing together in a single document the various actions to be pursued over a 10-year time frame.

The main procedures of the *Local Housing Strategy* from the elaboration to the execution of the solution are diagrammed in the following figure (fig. 3).

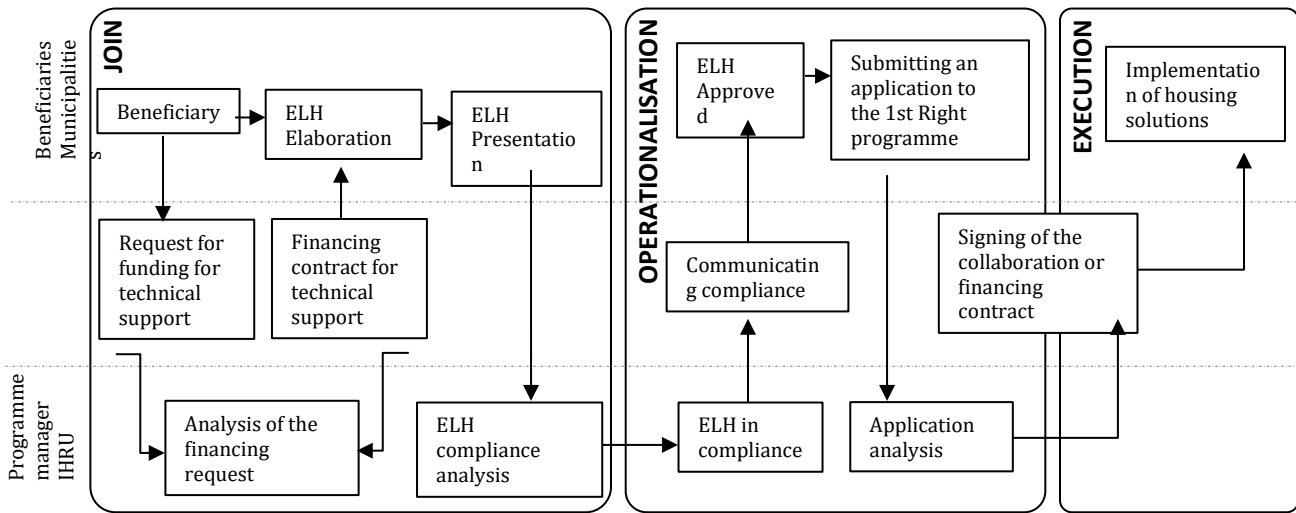


Fig. 3 – Principais procedimentos para a elaboração da ELH.

Fig.3 – Main procedures for the elaboration of the ELH.

Source: IHRU, 2020 and Jorge, 2022 (adapted by the authors)

The instrument of the ELH stands out as a privileged form of partnership between local actors, playing a fundamental role in the evaluation of municipal strategies by the central state. At the same time, the formulation of ELH represents an initial opportunity to systematically address the role of knowledge in housing policies (Allegra & Colombo, 2019).

According to Jorge (2022, p. 116), "although the ELH were a condition for accessing funding under the 1st Right programme, they were not exhausted there, insisting on the need to look at housing across the board". In agreement with the above statement is Oro, who argues that ELH are a good strategy for moving from individualised practices to integrated policies (Oro et. al., 2019).

As fragile aspects of the strategy development process, Jorge (2022) points to the diagnostic process –which was difficult to carry out on the ground, with few of the municipalities analysed taking a participatory approach – the setting up of multidisciplinary teams – with insufficient financial support being allocated – the demanding speed with which the strategies were approved – due to the exceptional conditions for benefiting from guaranteed funding until 2026 – and the operationalisation of the strategies.

In the Lisbon Metropolitan Area (LMA) – that integrates the Greater Lisbon and the Setúbal Peninsula sub-regions– all the eighteen municipalities have already approved their ELH and are currently taking the first steps towards building or rehabilitating housing estates (fig. 4 and table III).

According to the Portuguese State Budget for 2024, submitted to Parliament on 10th October 2023, almost 88% of the country municipalities are developing ELH and currently 270 municipalities, out of a total of 308 municipalities, have already signed collaboration agreements with the Institute for Housing and Urban Rehabilitation under the 1st Right programme.

However, the PRR's weekly monetization reports indicate a low rate of execution and financial implementation, with the report dated Dec. 6, 2023 stating that the financial implementation rate for the housing component is 9% paid to direct and final beneficiaries and 7% "in transit" to intermediate beneficiaries. Of the 1 940M€ approved, only 286M€ have been paid out (PRR, 2023). So, the rates of

the implementation and execution of the ELH, through the 1st Right programme, are also low (IHRU, 2020).

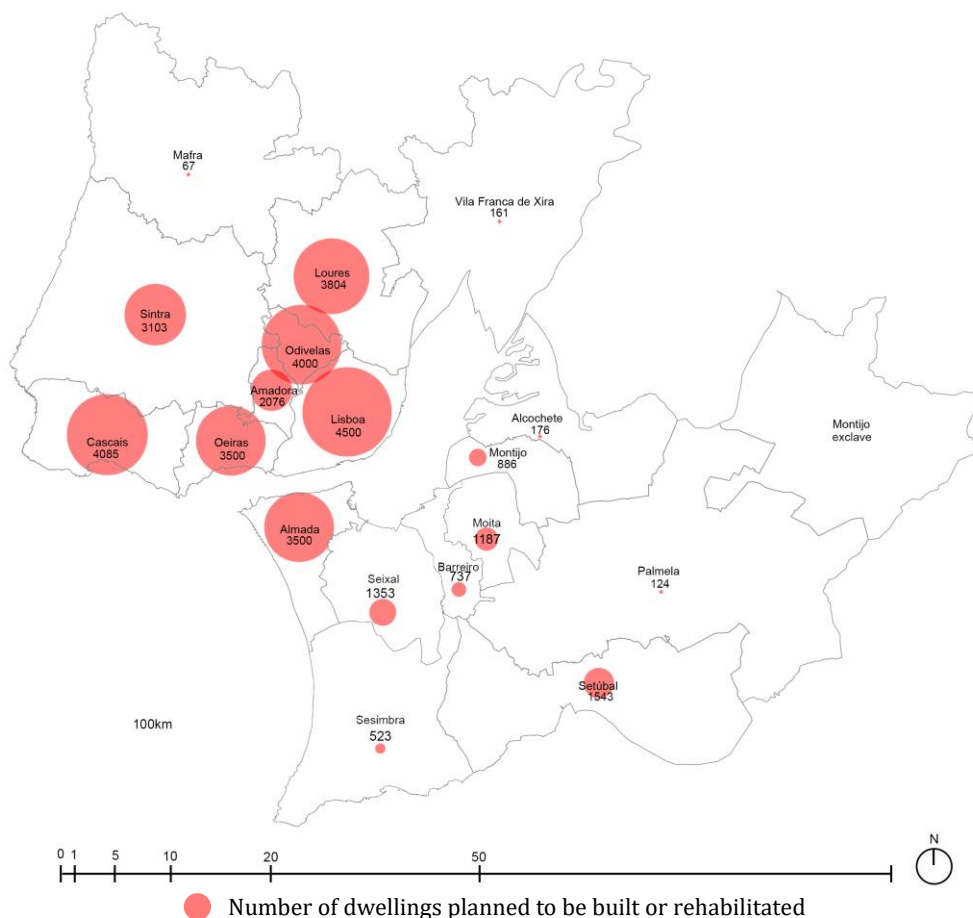


Fig. 4 – Dwellings planned to be built and rehabilitated in LMA (2022-2023). Colour figure available online.

Fig. 4 – Habitações planeadas para serem construídas e reabilitadas em AML (2022-2023). Figura a cores disponível online.

Table III – Systematization of local housing strategies.

Quadro 3 – Sistematização da estratégia local.

Municipality	Local housing strategy approved	Year	Number of dwellings to be built or rehabilitated *	Investment planned from the PRR **
Alcochete	yes	2020	176	14M€
Almada	yes	2019	3500	N/I
Amadora	yes	2021	2076	67M€
Barreiro	yes	2021	737	72M€
Cascais	yes	2022	4085	200M€
Lisboa	yes	2019	4500	240M€
Loures	yes	2021	3804	157M€
Mafra	yes	2020	67	7,32M€
Moita	yes	2022	1187	NI
Montijo	yes	2021	886	31M€
Odivelas	yes	2021	4000	136M€
Oeiras	yes	2019	3500	103M€
Palmela	yes	2021	124	28M€
Seixal	yes	2021	1353	178M€
Sesimbra	yes	2021	523	49M€
Setúbal	yes	2020	1543	20,5M€
Sintra	yes	2022	3103	179M€
Vila Franca de Xira	yes	2021	161	10M€

*Based on the number of families in housing deprivation identified; **Non-repayable funds plus municipal investment.

Note: as this is an ongoing process, there are constant changes to the information, so this table needs to be constantly reviewed in the light of the IHRU reports.

Source: Various (press news and city council websites), 2022/23

Jorge (2022a) claims the 1st Right programme, the Basis law on housing, and the PRR – legitimizes a new symbolic monopoly of the State over the territory.

The space that results from it, structured based on specific forms of power, interests, and motivations, is, in turn, crossed by the cleavages generated by the agents that are part of the 'housing policy field': from those who conceive and validate them to those who execute them and initially benefit from them. (Jorge, 2022a, p. 116)

3. From Dwelling to Habitat programme

Also from the NGPH we highlight the line of action that promotes social and territorial inclusion and housing choice opportunities, particularly to the measure *From Dwelling to Habitat*^v (*Da Habitação ao Habitat*, in portuguese), which aims to comply with the Constitution of the Portuguese Republic with regard to the right to housing and habitat.

The preamble to the *From Housing to Habitat* programme acknowledges that previous housing policies were targeted towards families with serious housing shortages and essentially produced public housing concentrated in specific urban areas, known as social housing estates. These urban models have often contributed to phenomena of peripheralization and social homogeneity, resulting in territorial segregation and the continuation or, in certain cases, worsening of social exclusion dynamics (Resolução de Conselho de Ministros n.º 56/2018, de 7/05/18. República Portuguesa, 2018d). As a result, integrated interventions were not always ensured or the right to housing and habitat were maximised.

The program seeks to foster social and territorial inclusion while providing diverse housing options. Its objective is to enhance cohesion and socio-territorial integration within public rental neighbourhoods and among the households residing in them. This is pursued through integrated, inclusive, and participatory approaches tailored to local contexts, encompassing policies related to urban development, social welfare, economics, education, health, and employment, among others. The initiative emphasizes the coordination of various instruments and highlighting in particular the role of local authorities and residents' associations and other local actors in this programme.

The programme relies on pilot-initiatives – neighbourhoods of Quinta da Fonte, Loures; Cabo Mor, Vila Nova de Gaia; São Pedro de Elvas, Elvas; and Escola Técnica, Ponte de Lima – and its main goal is to generate integrated and participatory management solutions, to establish objectives between residents and entities present in the neighbourhoods, and to develop collaborative decision-making and commitment-building processes.

According to Oro's assessment (2019), the programme is moving in the direction of promoting citizen involvement in the promotion of public space based on proximity or participation logics.

Proof of this, is the action taken to rehabilitate the main square of Quinta da Fonte neighbourhood, in which the inhabitants chose to remove the graffiti that used to fill the neighbourhood, as a result of the 'Public Art Gallery' initiative, which in 2016 gave a new image to six rehousing neighbourhoods in Loures (Manhique, 2021).

III. RECENT BASIC LAWS AND SOCIAL HOUSING PROGRAMMES

Recent social housing developments need to be observed also within the scope of the basic laws of Public Policy on Soil, Land Use Planning and Urban Planning^{vi} and Housing^{vii}.

The figure of basic law is a statute that establishes the overarching principles governing legislative actions within a specific domain of operation. Typically, it necessitates the promulgation of supplementary legislation by the government of the nation. This concept is articulated in Article 198, no.3 of the Constitution of the Portuguese Republic of 2005 (Lei n.º 1/2005, de 12/08/05, República Portuguesa, 2005).

It is important to analyse these basic laws, as they have a direct influence on housing policies and programmes. While the basic laws of public policy on soil, land use planning, keeps the relationship between the right to property, the right to build and the right to urbanise imprecise, thus favouring market deregulation (Guinote, 2019), the basic law on housing led to the adaptation of the instruments created under the New Generation of Housing Policies and the creation of the National Housing Programme.

1. The Basic Law for Public Policy on Soil, Land Use Planning and Urban Planning

Basic law on soil, land-use planning and urban planning public policy or basic law of spatial planning, from 2014, plays a crucial role in determining how, where and under which conditions housing should be developed. It is fundamental for the urban planning, quality of life, accessibility and the sustainability of communities, as well as to ensure that housing meets the needs of the population effectively and equitably.

Regarding to this law, it aims to establish the principles and guidelines for land use, urban planning, and territorial management in Portugal, and provide the legal framework for public policy in these areas and sets the foundation for coordination between the central government, regional, and local authorities, as well as public participation.

In terms of their influence on recent housing line of actions the following points should be highlighted: i) the right to private property for housing; ii) the transfer of buildings for social housing, the implementation of public or public-initiative interventions in social housing and urban rehabilitation and regeneration; iii) territorial management in order to guarantee the correct distribution and location of economic activities, housing, work, culture and leisure functions in the territory and the application of a housing policy that allows existing shortages to be resolved; and iv) the taxation of urban real estate (Lei n.º 31/2014, de 30/05/14. República Portuguesa, 2014).

Condesso (2016, p. 116) claims that what is at stake is

the intention to reorient public policies to promote, above all, the rehabilitation, regeneration and appropriate use of rural and urban land and from that point of view of the public function related to spatial planning, the effective realisation of environmental protection through comprehensive planning is incumbent.

Jorge (2022b, p. 4), says that in the land policy “there is no reference to guaranteeing access to housing for the lowest income groups, just as the objectives of the housing policy are not included in the purposes for which it is intended”. The author also notes that in 2019, with the publication of the Basic Law on Housing, this dimension of land policy was emphasised, with a specific chapter dedicated to land and spatial planning policy. This chapter aims to guarantee the right to housing, presupposing the public definition of the rules for occupation, use and transformation of land and that, in this sense, publicly owned land must be made available and reserved in order to ensure the right to housing (Jorge, 2022b).

2. The Basic Law on Housing

The Portuguese Basic law on housing stands as a noteworthy achievement in the realm of housing-related legislation within the nation. Enacted in 2019, it become effective in 2020, this legislation sets forth a comprehensive set of principles and directives that shape housing policy in Portugal. Its primary objective is to guarantee access to quality housing while advancing the fundamental right to housing.

Some of the principal aims of the Basic law on housing are: i) the right to housing; ii) laws that define the need to develop effective public policies to promote affordable and adequate housing; iii) the protection of vulnerable groups, such as low-income families, the elderly, people with disabilities, and others facing difficulties in accessing housing; iv) the development of laws that promotes the creation of a public housing stock, as well as cooperation with the private sector to ensure affordable and adequate housing; v) encouragement of urban rehabilitation; vi) land regularization; vii) public participation; and viii) rental market regulation (Lei n.º 83/2019, de 03/09/2019. República Portuguesa, 2019a).

According to Tulumello (2019), the law has the ambitious aim to provide the policy and legal instruments for the guarantee of the right to housing. Yet, it has gaps and falls short of legal provisions that could have both proactively and reactively protected the right to housing. The author also claims that the law could have been more direct and unequivocal in a number of issues, in particular in what regards the articles that concern legal protection and protection from eviction. The law is insufficient to ensure that the state intervenes as a property developer, and it is necessary to guarantee the role of public promotion of land policies, urban regeneration, and housing for large sectors of the population.

3. The National Housing Programme

The *National Housing Programme*^{viii} (*Programa Nacional de Habitação* [PNH], in portuguese), provided for in the *Basic Law on Housing*, is a government programme that defines policies and strategies for the housing sector. It is developed to address housing-related issues such as access to adequate housing, housing quality, promotion of social housing, urban rehabilitation, and sustainability within the housing sector. The PNH serves as a guiding document for government policies and actions in the housing sector over a defined period, usually with short, medium, and long-term goals.

The programme is defined as "the programmatic instrument of the national housing policy that establishes, in a multi-year perspective, its objectives, priorities, programs, and measures for the 2022-2026 period" (Proposta de Lei n.º 46/XV/1.ª, de 16/11/22. República Portuguesa, 2022b). Some of the main lines of action of the PNH are here outlined in table IV, but in spite of the six specified lines, the financial focus of this plan was centred on the initial three: the short-term goals.

Table IV – Lines of action and concrete measures to be applied of the National Housing Programme (2022).

Quadro 4 – Linhas de acção e medidas concretas a aplicar do Programa Nacional de Habitação (2022).

Lines of action	Concrete measures to be applied
<u>i) Strengthen and qualify the public housing stock as a permanent response:</u>	1st Right Creation of a state housing stock exchange Implementation of the public housing rehabilitation plan Property acquisition process
ii) Guaranteeing emergency responses to situations of risk and social emergency;	National Emergency and Temporary Accommodation Scheme – BNAUT Entrance door
iii) Encouraging private renting at affordable prices;	Porta 65 – Young people Rental Support Programme (PAA) Cost-controlled housing
iv) Strengthening stability and confidence in the housing market;	Creation of a state housing stock exchange Implementation of the public housing rehabilitation plan Property acquisition process
<u>v) Qualifying residential areas and promoting greater territorial cohesion:</u>	From Dwelling to Habitat Housing mobility programmes Financial instrument for urban development in Portugal (IFRRU 2030) Monitoring the proper functioning of housing policy instruments with municipalities
vi) Promoting sustainability and innovation in housing solutions.	Promoting new models of co-operative and collaborative housing Innovation and sustainability - Public housing pilot project Codification of technical building standards

Source: República Portuguesa, 2022

In 2022, as part of the public discussion of *Proposta de Lei n.º1226/XXII/2021, de 17/09/21* (República Portuguesa, 2021c), the *Rede de Estudos sobre Habitação – Rede H* (Housing Studies Network, in english) published an opinion stating that "in brief, *Ceci n'est pas PNH*" (Auctores varii, 2022, p. 14). This statement is justified with the fact that "the document, in addition to being incomplete, has weaknesses from a technical, scientific and operational point of view" (Auctores varii, 2022, p. 14). It is also pointed out that the proposal law is limited to describing the strategy, vision, and mission of the NGPH, as well as the guidelines of the PRR in the field of housing.

The delay in the implementation of the PNH can have significant repercussions on the multi-scale strategy of other instruments, namely housing policy and spatial planning. The absence of a clear vision for the national public housing policy can lead to coordination challenges, investment uncertainty, social and economic consequences, and lost opportunities for innovation, which ultimately affects the overall effectiveness of housing policies and urban development initiatives.

IV. RECENT SOCIAL HOUSING DEVELOPMENTS

Within this new phase of urban and housing social developments, it is crucial to return to the initial question – how the recent housing developments are trying to relate the house to the habitat – and analyse these housing estates to address to this matter.

The housing estates selected as case studies are a small sample of what is being developed under the 1st Right programme, funded by the PRR, and included in the EHL for municipalities. According to

the contracts signed until 2020, rehabilitation and acquisition to rehabilitation were the main priorities, rather than land acquisition and the construction of new housing (IHRU, 2020). So, the case studies were selected with the purpose of showing this diversity of strategies.

According to the contracts signed until 2020, rehabilitation and Acquisition to Rehabilitation were the main priorities, rather than land acquisition and the construction of new housing.

Four case studies were selected, in different municipalities of LMA, two located in the Greater Lisbon – Galeão housing estate and Eixo Norte/Sul housing estate in Camarate, municipality of Loures – and the other two located in the Setúbal Peninsula – Alves Redol municipal housing estate, municipality of Barreiro and Manteigadas municipal housing estate, municipality of Setúbal (fig. 5).

This case studies were analysed according to the following parameters: i) location; ii) intervention type; iii) number of dwellings and their typologies; iv) dimension of the housing gross construction; and v) relation between the house and the habitat, in order to access in which territories are these recent housing developments being built, what are their architectural characteristics and if there an urban attempt to relate the house to the habitat, like the Basic law of housing propose (table V).

By observing the process of development of this social housing estates construction and rehabilitation, which is still in its early stages and scheduled to be finished by 2026, we can already discern early indicators of its process and begin to shape some initial reflections. As seen earlier, the implementation and execution rates of the ELH, through the 1st Right programme, are low, which jeopardises progress in the field.

Concerning the possibilities for constructing new social housing or rehabilitating of the existing municipal housing stock, municipalities that own municipal land and/or municipal housing stock are able to move forward more quickly than the other municipalities that have yet to make acquisitions. The intervention sites are usually areas that need to be redeveloped and consolidated in urban terms. This situation presents an opportunity to meet the principles of the Basic Law on Housing: the creation of habitats that promote social integration.

In terms of decisions to intervene in territories of ‘intense’ construction of social housing – where land expropriated by the state and allocated to social housing programmes (Ferreira, 1987) – there has been a change in strategy. IHRU, in collaboration with the municipalities, decided to build affordable housing under the controlled costs programme, in the same territories where mass construction of social housing, in large-scale complexes, was built before, e.g. *Chelas Valley Urbanization Plan* – plan for the construction of social and affordable housing in the city of Lisbon (Borges et al., 2022) – or the *Integrated Plans*^x (*Plano Integrado*, in portuguese) for the municipalities of Almada and Setúbal (Lopes et al., 2021).

Regarding the architectural features it is possible to observe, from the preliminary programmes of design competitions, a preference for a ‘contemporary vision of living’ (Ordem dos Arquitectos Secção Regional Sul, 2022). This translates into the promotion of diversified typologies, according to aspects such as solar orientation and position on the façade, balconies as an extension of the common living areas of the dwelling, private and sheltered clotheslines, and open kitchens on large and generously sized spaces.

The integration of the building and its relationship with the surroundings is also privileged, proposing an experience of the surrounding public space, as well as the creation of spatiality and environments that correspond to a way of living today. This could be materialized in the increasing of qualification of the surrounding public space.

It is essential to emphasize, that the recent developments in the field of social housing in Portugal, under the framework of the NGPH, in particular the 1st Right programme, have already allowed to notice that besides the construction of current legislation, it is still advised to follow the good practices in the sector of the affordable housing, having even some of the competitions – as was the case of the municipality of Almada – made available and recommended the book *Technical Recommendations for Social Housing* (Portaria n.º 580/83, 17/05/83. República Portuguesa, 1983.) and other recommendations by IHRU.



A - Galeão housing estate. Camarate, Loures. Architectural design team: not yet signed.



B - Eixo Norte-Sul housing estate. Camarate, Loures. Architectural design team: Focus Group - Design & Consultancy, Lda



C - Alves Rodol municipal housing estate, Almada. Architectural design team: Barreiro Municipal Council.



D - Manteigadas housing estate, Setúbal. Architectural design team: Setúbal Municipal Council.

Fig. 5 – Case studies of housing estates promoted by the 1st Right programme. Colour figure available online.

Fig. 5 – Estudos de caso de bairros sociais promovidos pelo programa 1^o Direito. Figura a cores disponível online.

Source: Ordem dos Arquitectos Secção Regional Sul, 2022; Setúbal and Barreiro Municipal Council, 2023

Table V – Data on housing estates according to analysis parameters (2022-2023).

Quadro 5 – Dados sobre os conjuntos habitacionais de acordo com os parâmetros de análise (2022-2023).

Housing estate	Location	Intervention type	Number of dwellings	Typologies	Dimension (m2)	Estimated construction value (Euros)	Relation between the house and the habitat
Galeão	Camarate, Loures	Construction	64	30% T1 25% T2 30% T3 15% T4	6 377m ²	7 100 000€ ³ (plus VAT at the legal rate in vigour)	Intervention in the surrounding area, contextualising the problems of mobility, buildings, and public space. Design of green spaces in the residential to enhance the value of the neighbourhood ⁴ .
Eixo Norte Sul	Camarate, Loures	Construction	151	30% T1 25% T2 40% T3 5% T4	14 280m ²	16 738.000€ ³	An urban model with the capacity to create a new centrality, while at the same time resolving the public space on the scale of the local inhabitant ⁵ .
Alves Rodol	Barreiro	Rehabilitation ¹	92	36 T2 56 T3	N/A	4 000 000€ ²	Urban redevelopment of ten streets and an avenue in a public space that includes a school.
Manteigadas	Setúbal	Rehabilitation ¹	113	N/I	16 419m ²	4 733 723€ ³	The surrounding areas have not been intervened.

¹ Intervention in common spaces, kitchens, and sanitary facilities; ² Housing gross floor area; ³ Not including the value of the land; ⁴ Preliminary programme information; ⁵ Evaluation of the public competition jury information. N/I, para uniformizar. N/I - No information.

Source: Ordem dos Arquitectos Secção Regional Sul, 2022; Setúbal and Barreiro Municipal Council, 2023

This denotes the result of very identical architectural features, leaving little space for architectural experimentation, visible in previous public housing programmes and in some of them in these same territories (Coelho & Coelho, 2009).

Regarding the urban attempt to relate the house to the habitat, there are elements both in the preliminary programmes of design competitions or in the specifications of rehabilitation works that indicate a political will to mitigate socio-spatial fragmentation in these territories and a slight emphasis on the issue of habitat. We emphasise the importance given to the production of urban models that create collective dwellings, new centralities, relationship with the surroundings and public spaces (Ordem dos Arquitectos, Secção Regional Sul, 2022) and the rehabilitation that intervene in their surroundings, providing solutions for the problems of mobility, buildings, and public space.

However, what is meant by habitat in the basic law on housing is not just a question of public space or new centralised areas, but rather "the territorial and social context outside the dwelling in which it is located, particularly with regard to the surrounding area, infrastructure and public facilities, as well as access to essential public services and transport and communications networks" (Lei n.º 83/2019, de 03/09/2019. República Portuguesa, 2019a).

In addition to this concept of habitat, the basic law also states that the "guarantee of the right to housing includes the existence of a habitat that ensures conditions of health, safety, environmental quality and social integration, allowing the full enjoyment of the housing unit and the spaces and equipment for collective use and contributing to the quality of life and well-being of individuals and to the establishment of neighbourhood and community ties" (Lei n.º 83/2019, de 03/09/2019. República Portuguesa, 2019a, p. 15).

In this sense, we can't say that the construction of these new social housing estates or the rehabilitation of municipal housing stock will guarantee the people living in these territories the right to housing and habitat, as expressed in the basic law, since many of these housing estates have structural deficiencies in these elements that constitute the notion of habitat, and these projects don't address all of these aspects.

V. FINAL REFLECTIONS

The fundamental role of housing as human right is undeniable. However, we are still far from guaranteeing the constitutional right to housing and the habitat and despite the efforts much still remains to be done.

The chronic fragility of the housing sector calls for fundamental reforms in terms of guidelines, planning methods and the management of policy instruments. In this sense, the definition and practicability of a housing policy presupposes like a rigorous assessment of needs, the setting of strategic objectives, a clear definition of the actions of the promotion sectors, the allocation of institutional and financial responsibilities, the definition of promotion systems and the guarantee of means and resources (Ferreira, 1987).

Based on these criteria for successful implementation of housing policies, the ongoing process of new social housing development have several discouraging factors, that the previous sections have highlighted:

- i. solving the structural problem of housing in an articulated way;
- ii. articulation between housing policies and other public policies;
- iii. territorialisation of housing policies (planning on a metropolitan scale);
- iv. proactive and timely approach on the process of social housing construction;
- v. increasing the funding to cover all adequate housing needs;
- vi. diversify urban and architectural design solutions;

The first factor is the importance of solving the structural problem of housing in Portugal in an articulated way, and not just through construction in order to avoid the "restricted vision, disjointed and devoid of regulation" (Mendes, 2021, p. 83).

The second, is that the housing policies and basic laws contributed to heading in the direction on guaranteeing adequate housing and habitat, although in the implementation of the programmes in the territory this is not a reality. Like Oro argues, "housing will not contribute to equitable social development if its promotion is (...) articulated with the rest of public policies" (Oro et. al., 2019, p. 68) and also Jorge (2022b), that the link between housing policy and land policy is an open opportunity.

The third, refers to the fact that this process is being carried out on a municipal scale and not on a metropolitan scale, as for instance the issue of mobility is being considered. In accordance with Jorge (2022b), the territorialisation of public housing policies ought to be responsive and tailored to the geographic and scalar diversity of varying needs and in this adaptation should consider the distinct realities. Despite the existence of a Metropolitan Housing Working Group, constituted by the institutions of the LMA and the Municipalities, and the beginning of a process that contributes to better prepare the region in terms of housing policies, all the developments were made, so far, on a municipal scale, particularly with the ELH.

The fourth, depends on the time factor, not only because of the hurry to do it quickly to obtain funding, in the logic of "first come, first served" (Mendes, 2020) and in the hurry to build in time to achieve the 2026 target. However, this rush is not the only problem, the structural problem lies in the way of planning, as there was no proactive and timely approach by the municipalities, in a perspective of prevention, but rather a reactive approach, which results in late and outdated responses (Antunes, 2021).

The fifth, refers to the issue that the number of families in situations of housing deprivation has largely exceeded the established number. Therefore, the total value of the PRR will not be sufficient to provide adequate housing for all these families, much less to be extended to cover other families with difficulties in accessing the private housing market.

The sixth and last, concerns the issue of housing and habitat design. As mentioned, public housing has always opened to experimentation and innovation in terms of architectural and urban design. However, given the limits, whether economical, programmatic, or circumstantial, if we observe the results of the competitions and rehabilitation, we can see little diversity and innovation, which goes against the so intended contemporary vision of living.

As a final assumption, it is important to reaffirm the importance and need not only for the articulation between current housing programmes, policies and basic laws, in order to guarantee adequate housing and habitat, but also the irreplaceable role of the State and the Central Government to define these policies and approach municipalities to execute them.

Perhaps local authorities have an important opportunity to implementing the right to housing and habitat in their territories with the new wave of housing estates construction and rehabilitation,

particularly in neighbourhoods that have been the target of dense urbanisation plans and large-scale complexes of social housing, since many of these have structural deficiencies.

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Sara Silva Lopes: Conceptualisation; Methodology; Software; Validation; Formal analysis; Research; Resources; Data curation; Writing - preparation of original draft; Writing - proofreading and editing; Visualisation; Acquisition of funding. **Teresa Marat-Mendes:** Writing - preparation of original draft; Writing - proofreading and editing; Supervision.

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ⁱ The National Survey on Rehousing Needs considers as "undignified housing conditions": i) inexistence of a place of residence or absence of an alternative housing solution to the place they have to vacate; ii) dwellings without minimum conditions of habitability or without structural security; iii) insufficient housing for the composition of the family; and iv) incompatibility of the dwelling with the persons residing therein (Instituto da Habitação e da Reabilitação Urbana, 2018).

ⁱⁱ NextGenerationEU, is described as a policy, which goes beyond the recovery plan, as an opportunity "to emerge stronger from the pandemic, transform our economies and societies and build a Europe that works for all" (União Europeia, 2022) and is identified as a "strategic EU recovery instrument created by the European Council to mitigate the economic and social impact of the pandemic crisis on European economies" (Portal da Habitação, 2022a).

Within the scope of this policy, the Recovery and Resilience Facility was created, to be executed until 2026. This financial package mechanism is translated into measures for the implementation of reforms and investments, in line with the objectives of the European Union and of the country in question. Housing is one of the nine components included in the resilience dimension. The housing component, numbered C2, aims to "respond to structural and permanent or temporary shortages in housing" (Portal da Habitação, 2022b), and the entity responsible for such investments is the IHRU.

ⁱⁱⁱ Resolution of the Council of Ministers 50-A/2018, of 02/05/2018; Decree-Law 37/2018, 04/05/18; Ordinance 230/2018, of 17/08/18; Decree-Law 84/2019, of 28/06/19; Decree-Law 81/2020, of 10/02/20; Ordinance 41/2021, of 02/22/21, and Ordinance 138-C/2021, of 06/30/21.

^{iv} Decree-Law 37/2018, of 04/06/2018, amended by: Decree-Law 84/2019, of 28/06/19 (art. 184), Decree-Law 81/2020, of 2/10/20, Decree-Law 89/2021, of 3/11/21; Order 230/2018, of 17/08/18, amended by: Order 41/2021, of 22/02/21; Decree-Law 74/2022, of 24/10/22; and Decree-Law 38/2023, of 29/05/23.

^v Council of Ministers Resolution 56/2018, of 07/05/18; Order 6295/2018, of 29/06/18; Council of Ministers Resolution no. 62/2020, of 14/08/20; and Council of Ministers Resolution 147/2021, of 03/11/21.

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^{viii} Law Proposal 46/XV/1.^a, of 16/11/22 and Law Proposal 71/XV/1.^a, of 14/04/23.

^{ix} "The idea and design of the Integrated Plans was born under these new guidelines of the Third Development Plan. As had already happened in Alvalade, Chelas and Olivais, in these large-scale public developments the urban design of the space would be framed by principles of social and environmental integration and territorial complementarity" (Portal da Habitação, 2022c).