

Housing Policy Issues in Costa Rica

Guidelines and Regulation Flexibility for Slum Improvement



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Basic General Data

Costa Rica is a small country located in Central America between Panama and Nicaragua. A mountain range running north to south divides the country into several areas, which have ethnic and climatic differences. The Pacific Northwest is the driest area of the country. Historically an agricultural zone, it has become an important international tourist destination as a result of investment in large hotel and condominium projects in the beautiful beach areas and a new international airport with easy access to these facilities. The Pacific Southwest has a wetter climate and important national parks. Once an important enclave dedicated to banana production, this area is still in transition to a more diversified economic base since the decline of this activity in the early 1980s. The Atlantic Coast was also developed originally as a banana producing area, and this activity, along with the port facilities in the city of Limón, continue to be its principal economic activities. The afro-caribbean culture is dominant along the Atlantic coast., while the southern and more mountainous area is populated mainly by the indigenous population. The Central Valley of the country, where the bulk of the population is located, has a more temperate climate. Though coffee production continues to be an important economic activity of this area, urban manufacturing and service activities provide the most important employment opportunities for the population.



The estimated population in 2006 was 4.25 million, of which almost exactly 60% is classified as urban. About 40% of the national population is concentrated in the San Jose Metropolitan area. Apart from the city of San José, the metropolitan area contains other important cities, such as Alajuela, Heredia and Cartago, which have been absorbed by urban expansion of the capital. Except for the port cities of Puntarenas (67.000) and Limon (55.000) no other cities outside the San Jose Metropolitan area have a population of more than 35.000.

Per capita income, according to statistics of the World Bank, is about \$4.000 per year. This figure is considerably higher than that based on systematic household interviews conducted by the Census Institute in 2004, which is about \$2.850 dollars per year. As in most Latin American countries, the distribution of income is highly skewed. Average monthly household incomes in 2004 were only about \$220 for the poorest 20% of the population, compared to \$2.527 for the richest 20% of the population. Interestingly enough, the biggest difference between contiguous income groups is between the richest and the next richest, where the richest have incomes over two and a half times those of the next richest group.

Statistical indicators show a high degree of social progress: the infant mortality rate is only 9 per thousand and life expectancy at birth is 78 years. Although experiencing a slight relative decline in recent years due to budget restraints, government investment in education and health has been relatively high, in large part due to the fact that there have been no armed forces in Costa Rica since 1948. Health care is provided by the *Caja Costarricense de Seguro Social*, the national health insurance in which all private and public employees are enrolled. This health insurance includes both hospitalization and primary care provided in local and neighborhood clinics.

Shelter Situation

In Costa Rica, families are predominantly homeowners rather than renters. For this reason, government housing programs are oriented towards financing owner-occupied housing rather than providing rental units or intervening rental markets. It can be fairly stated that the housing policy instituted in 1986, providing subsidies which allow low-income families to become owners of new dwelling units, has been successful in increasing the percentage of home-owning families. In 1984, 64% of Costa Rican households were owners of the dwellings they occupied, while 21% were renters and 15% lived in borrowed housing, shared homes with other households or lived in squatter settlements. The latest complete census, undertaken in 2000, revealed that 71% of the households described themselves as owners of the homes they lived in, while only 16% rented and about 13% of the population lived in borrowed housing, shared homes with other families or lived as squatters. This increment in home ownership can be traced to the fact that 163,632 housing subsidies were executed between 1986 and 2000, which means that in the year 2000, about 16% of the population lived in owner-occupied housing units financed by housing subsidies in this 14 year period.

Between the census years of 1984 and 2000, the housing deficit grew from 122,866 to 177,187. In terms of the effect of the housing deficit on the population, the percentage of families without homes or living in seriously deteriorated dwellings diminished from 24,4% of the population in 1984 to 18,3% of the population in 2000.

Despite the relative success of the national housing policy, however, there has been little positive impact on informal settlements. Individual families residing in

these areas have been beneficiaries of government-subsidized housing projects in other locations, leaving slum settlements in the same deplorable conditions for new renters. Where residents of informal settlements are moved to other housing areas, new families reoccupy the area almost immediately.

According to data supplied by the Ministry of Housing and Human Settlements, based on detailed surveys done in 2004 and 2005, almost 40,000 families lived in informal settlements. Of these families, 20,492 lived in the San Jose area. While this figure is alarming, it should be noted that it constitutes only about 8% of the Metropolitan Area population. But while the majority of poor families who aspire to decent housing do not live in informal settlements, residents of these areas, lacking basic urban infrastructure and often endangered by living in areas subject to floods or landslides, suffer the country's most pernicious housing problems. Studies undertaken by the Housing Ministry indicate that, while the number of informal settlements has not risen dramatically in recent years, the number of people living in these settlements has increased, indicating a greater degree of densification and overcrowding in these areas.

The School of Architecture

The School of Architecture of the University of Costa Rica has existed since 1971 and has graduated more than 650 professionals since that time. The University has historically been committed to the idea that its academic activity should produce a positive impact on Costa Rican society. For this reason it is expected that its professional programs undertake research and social action, in the form of professional training courses or community workshops or formal projects in collaboration with specific communities or groups. The School frequently organizes seminars and public presentations of its research findings and relevant academic projects. Since 1999, the School of Architecture has sustained a formal research program in Urban Management, undertaking several important research projects in both urban design and housing. A report on one of these projects, "Principles and Guidelines for Design of Low-income Housing Projects" was the recipient of the an award for research in the 2002 Architectural Biennial organized in San Jose, Costa Rica. The School has five post-graduate programs, including Urban Design,

Architecture and Construction, Tropical Architecture, Landscape and Site Design and, lastly, Housing and Social Infrastructure.

Masters Program in Housing and Social Infrastructure

The graduate program in Housing opened for the first time in 2006. Its students, who are now in their third semester, come from a variety of backgrounds: architecture and interior design, construction, sociology and anthropology. The study program is centered on practical workshops in project formulation and management, based on real problems in specific urban communities where poverty and lack of adequate housing are endemic. The workshops receive theoretical and technical inputs from other courses, which seek to develop knowledge on technical, social, financial and political aspects of housing.

As a result of our work with the community of the *Gracias a Dios* informal settlement, in San José, the program has achieved extensive contacts with the communities with which we work, as well as considerable credibility within the institutions which formulate and implement official housing programs and policy.

Evolution of the National Housing System

The present system for providing housing to low-income families is based on the National Housing System, created by law in 1988. This same law created the *Banco Hipotecaria de la Vivienda*, (*Banhvi*) or National Mortgage Bank, as the primary actor in financing low-income housing solutions. This system is based on limited governmental intervention, with the State assuming normative, planning and financing roles, while private enterprise is to promote, design and execute the construction projects intended for occupation by low-income families. The National Mortgage Bank was capitalized initially with international loans and later financed by a set percentage of 3% of the national budget, established by law. The law also created within the Bank a fund for subsidies (*Fondo de Subsidios de la Vivienda*, or *FOSUVI*). Money from this fund is used to subsidize part or all of the cost of housing solutions built by private developers within the system for qualifying families.

Under this system, low-income housing projects are formulated by private developers for approval by *Banhvi*. This approval is necessary in order for the

completed project to be eligible for subsidies. The builder then applies for a short-term loan in one of the authorized banks or savings institutions to cover the costs of building the project. Upon completion, the housing units are sold to qualified low-income families. These families apply for and receive subsidies which vary in amount, according to their family income, with very low-income families receiving higher subsidies than families with higher incomes. Families whose incomes are higher than four times the minimum wage are not eligible for subsidies. The families use these subsidies to purchase the housing solution from the developer. If the cost of the house is higher than the subsidy, the family must obtain a long-term mortgage loan from a bank within the system to pay the difference. The higher the income of the family, the higher the complementary loan it is eligible to receive.

The municipal governments are not important actors in housing policy. Their role is essentially limited to granting building permits once projects have been approved by the different institutions which must, by law, be consulted. These include the National Institute of Housing and Urbanism (INVU), the Ministry of Public Works and Transportation (MOPT), the Ministry of Health, the National Electricity Institute (ICE), the Costa Rican Institute of Water and Sewers (ICAA) or other local provider of water, and the Ministry of the Environment (MINAE).

Since its creation, this system has been modified in important ways. First of all, the character of the subsidy changed. As originally conceived, the subsidies, known as *bonos de la vivienda* were not outright gifts, but rather no-interest loans with grace periods between 3 and 15 years. In 1990, the law was changed, establishing these *bonos* as subsidies which need not ever be repaid. Perhaps more important than the loss of revenue for the national financing system produced by this change was the impact of the political use of the *bono gratuito*, or “free subsidy”, which came to be interpreted by the people as “free house”. The population came to expect that the subsidy should cover the entire cost of the house.

Four years later the system undertook another important change which has had long-term impacts. As originally conceived, the system was designed to promote the construction of housing projects, rather than individual solutions. The subsidy was meant to cover the cost of land, urban infrastructure and the housing unit. In 1994, the law was changed, permitting the use of the subsidy by qualifying owners of existing housing for remodeling and other improvements, by qualifying families to

purchase urbanized lots or by qualifying land owners for the construction of a house on their lot.

These changes put into motion tendencies which constitute the framework for present challenges in housing policy. The development of urban subdivisions for sale of lots became very attractive for construction companies. Since the developers could peg the price of the lots to the subsidies (which were formulated to cover the price of urban lot and construction of the housing unit) this type of subdivision development became very profitable. Qualifying families did not complain about the high price of the lots, in relation to development cost, because the family could pay the price of the lot with the subsidy- the lot was essentially free. The same was also true of housing solutions built on land previously owned by qualifying families, where subsidies formulated to cover land and house construction could be used just for construction. The profitability to developers of these types of housing solutions was high in comparison to more complicated projects involving land development and housing construction, where the limited economic capacity of low-income families in relation to the higher development effectively produced limited profitability.

At the same time, the unavailability and high cost of urban land made large housing projects very difficult to promote. Additionally, the problems provoked by the large projects constructed in the late 1980's in urban areas produced, in the municipalities, a natural reluctance to approve the construction of such projects, leading to development controls which complicated procedures for obtaining permits.

As a result, by 2001 almost 80% of the State investment in low-income housing construction was constituted by individual solutions built on land already owned by the respective families (Morgan 2001: 35). Since poor families are generally not land-owners in urban areas, the bulk of individual housing construction has occurred in semi-rural or rural areas. Projects which include land development and housing construction have also been developed primarily in rural areas where relatively low land costs and less development restrictions facilitate their profitability.

For the vast majority of poor families who live in urban areas, then, real possibilities for solving their housing needs through participation in government subsidized programs is substantially reduced. On the one hand, they lack the basic

prerequisite- clear title to an urban lot- for receiving a subsidy. Moreover, very few land development and construction projects are being developed in urban areas due to the scarcity and high price of land and complicated normative procedures which unduly lengthens the process of obtaining necessary permits.

Since the inception of the National Housing System, the government has typically subsidized an average of about 12.500 housing solutions a year. The impact of government housing programs in urban areas was initially high. In the late 1980s and early 1990s, many large housing projects were built on the outskirts of San José and other urban areas, often in government-owned sites which had been invaded by squatters in anticipation of the housing solutions promised during the electoral campaign of 1986. Subsequently other projects were built on land adjacent to these sites, concentrating the bulk of government investment in low-income housing to a few specific areas and creating high concentrations of low-income households. Though it may not have been intended, the implementation of the housing program has produced social segregation and accelerated the pre-existing phenomena of exclusion. Since the mid 1990s, however, government housing intervention in urban areas has been seriously reduced, for reasons stated above, to the extent that the accumulated housing deficit in the most urbanized areas of the country has increased.

The present government is clearly conscious of the fact that housing policy based exclusively on the subsidies for low-income families, is unable to resolve the most urgent urban housing problems. For the lowest income families living in urban areas, it is nearly impossible to develop housing solutions in the formal sector, due to the fact that high costs for urbanized land make it difficult to purchase land, provide infrastructure on the building site, and build a house. This has had an especially strong effect on the capacity of the government to formulate and implement projects for relocating slum and squatter-settlement dwellers. Residents of these areas are normally so poor that they have no capacity for paying complementary loans, implying that the entire housing solution must be financed by the family subsidy. This is possible only when the subsidy is combined with land donated by public institutions, which generally have less land available for these purposes and have to spend ever increasing prices to obtain it.

For this reason, the Housing Ministry is directing concerted efforts, in urban areas, towards slightly higher income families who are eligible for complementary

loans and can thus pay the price of higher cost housing solutions. These families are enrolled in programs known as *A-B-C*, for *ahorro* (savings), *bono* (subsidy) and *credito* (credit). Participating families must save a minimum amount and thus earn the right to their subsidy and complementary credit

The A-B-C program, however, is directed primarily at satisfying the housing demand of families with incomes which permit them to save and later make monthly payments of about \$75 a month. Surveys undertaken by the Housing Ministry and the Masters Program in Housing and Social Infrastructure have revealed that in slum areas and informal settlements, less than 20% of the families have incomes which would reasonably permit them to participate in this program (Liberoff, Dueñas, et al 2006: 8). One manifestation of this problem is the growth of informal settlements which, though they have not dramatically increased in number, have significantly increased both in size and in population. The government has recognized the need for new policy initiatives for these types of communities.

Plans for Improvement of Informal Settlements

Informal settlements constitute an enormous challenge from a policy standpoint. In the past, the policy has been to remove the families to housing projects built with government support, but the cleared areas have almost always been reinvaded by new families shortly after resettlement of their original inhabitants. The lack of projects in which to resettle squatters has left the government with no alternative than to tolerate the existence of these settlements, even when they constitute a danger to their inhabitants.

But the strategy of relocating families living in informal settlements is a poor policy for other reasons. Residents of these areas often depend on employment opportunities in the vicinity of their residences and are accustomed to obtaining social services nearby where they live. Additionally, informal support networks have been developed between neighbors that help them cope with poverty. Uprooting slum dwellers and relocating and redistributing them in remote locations has had a negative impact on these families.

From the point of view of different institutional actors, there are advantages in strategies directed towards improvement instead of relocation as long as the improvements are substantial. Water and electricity providers can normalize service to the community and diminish the losses associated with clandestine connections.

Municipalities or other institutions owning land occupied by squatters can sometimes recover parts of their land in compensation for legalizing the tenancy of the occupants on the rest of the land. Disaster prevention and mitigation becomes more feasible. There is less pressure for finding increasingly scarce land for relocation. The physical image of the neighborhood can improve dramatically.

For all of these reasons, the Ministry of Housing has sought to expand its range of policy initiatives, which were in the past restricted to the administration of housing subsidies. There has been considerable effort to formulate and implement programs of slum area improvement and, in the case of informal settlements, seek to appreciably improve the conditions for residents without relocating them to remote areas.

While the improvement of informal settlements has been proposed as a general policy initiative, its implementation is difficult to organize. Most informal settlements are located on lands that present clear dangers of flooding and landslides to at least some of their inhabitants, leading to the need for relocating at least some of the families. If they are to be relocated within the present site of the settlement, this implies the internal relocation of all the residents at higher densities. Contrary to traditional official housing projects, where families are typically passive beneficiaries, the dwellers of squatter settlements must be important protagonists in the improvement of their own communities. The improvement of existing slum areas requires a highly-organized and committed community to implement the different components of this strategy (Salas 2005: 135) (Mercado and Uzín 1996:16). This capacity simply does not exist in the majority of the informal settlements. Many residents of squatter areas are illegal immigrants who are ineligible to participate in government housing programs as presently conceived. This is not to imply that the proposal for on-site reorganization of squatter settlements should be abandoned, but this new policy initiative is difficult to implement within the present institutional and normative structure.

It is thus obvious that improvement of informal settlements requires many types of institutional intervention from different actors, as well as important changes in the ways that projects are financed and implemented. Initiatives must be directed towards neighborhoods rather than individual families. This will require fundamental changes in both the laws and institutional procedures which currently

determine the characteristics of government intervention in the low-income housing sector

Of equal importance, it has come to be recognized that building norms and urbanization regulations are an important obstacle in the improvement of conditions in slum areas and informal settlements (Tannenfeldt and Ljung 2007:72). Given the physical characteristics of these neighborhoods, it is usually impossible to develop projects which adhere to existing codes and be executed within the formal structure, which perpetuates the precarious character of the settlements by impeding the implementation of much needed improvements.

The Role of Building and Construction Regulations in Slum Improvement Strategies

Inappropriate regulatory frameworks contribute to making formal solutions unaffordable for low-income families; minimum lot sizes, minimum street widths, requirements for public space and public buildings, minimum room sizes and other aspects of site and building design all imply higher costs for housing solutions. In addition, these requirements often make it impossible to achieve building densities necessary for implementing slum improvements in existing settlements.

The normative function in low-income housing in Costa Rica is implemented in the Building Code, which regulates building design, the Law of Urbanization and Subdivision which regulates site-design and circulation systems and other regulations related to the characteristics of specific infrastructure components, the most important of which is the Regulation for the Construction of Water and Sewer Systems.. Building permits can only be issued if both the building and site designs conform to the conditions set in these codes. Some of these regulations have been challenged in court and, though the Costa Rican courts have sustained the legitimacy of State regulation in urbanization and building matters, in some cases challengers have been provided relief from specific regulations on constitutional grounds. In order to be considered constitutional, building and planning regulations must provide equal protection and be “reasonable”. Equal protection, in this context, is interpreted to mean that the same regulations should apply equally to those in similar situations. This does not preclude the possibility of creating special regulations for predetermined geographical areas, but implies that, within these areas, regulations

should be applied to all in the same manner. Reasonableness can be established first by demonstrating that the objective of a given regulation is justified in terms of the health, security and welfare of the residents and the community; the purpose of the regulation should be clear and justified. Additionally, there should be a clear relationship between the regulation and the objective it seeks to achieve; it should be clear how the application of the norm or regulation contributes to underlying social objectives.

Since the 1980s, there has been an implicit recognition that, while strong regulations can increase the physical security of the inhabitants of a project, they almost always produce an increase in cost. Moreover, building and urbanization codes are designed for new developments, and not the improvement of existing settlements where these regulations- which dictate everything from the width of streets, the size of children's play areas and minimum lot size to dwelling unit width and minimum room size- impose conditions for the approval of projects which are impossible to achieve. As a result, the inflexibility which characterizes our building and urbanization regulations can and does impede programs for improvement of conditions in squatter settlements.

Norms and regulations can be characterized as being either prescriptive or goal-oriented (Shirvani 1990: 43). Prescriptive regulations are those which impose specific design solutions to determined aspects of building and site design. Goal-oriented regulations, on the contrary, define the conditions which should be achieved. Prescriptive regulations can often preclude creative resolution of spatial problems by focusing narrowly on a particular means to an end. Goal-oriented regulations, only focus on whether spatial and technical solutions achieve the desired results. Since these results must be clearly stated, the reasonableness of these types of regulations can be easy to demonstrate. However, it is often not easy to objectively determine whether given design solutions actually achieve the desired results. Perhaps for this reason, prescriptive norms, which are easily quantifiable and verifiable, tend to dominate in our building and development codes. The difference between prescriptive and goal oriented regulations can be illustrated in the following example. In Costa Rica, the urbanization code establishes that tertiary streets (those which service a limited number of lots) must have a minimum right-of-way of 8.5 meters; 5.5 meters dedicated to roadway, with 0.75 meter-wide sidewalks, separated

from the roadway with 0.5 meter-wide green areas, on both sides of the roadway. This type of regulation has the distinct advantage of being easy for the designer to interpret and easy for the institutions involved in the approval process to verify. On the other hand, if the underlying purpose of this objective is to facilitate vehicular movement and protect the safety of pedestrians, it is not clear exactly why 8.5 meters is the most desirable minimum width for this type of street. Why not 7.5 meters or 9 meters? On streets which by their nature do not require rapid vehicular movement, is it really necessary to physically separate pedestrian movement from vehicular traffic? A goal-oriented regulation for the design of tertiary streets, on the other hand, could be established by means of the following description: “A tertiary street must allow two vehicles to safely pass each other in opposite directions at speeds of up to 10 km/hour, and for vehicles to be parked along the edge of the vehicle path without obstructing the flow of moving vehicles . If roadway conditions permit speeds of over 10 km/hour, pedestrian paths must be physically separate from the roadway.” (Morgan 2002: 93) This type of regulation has the advantage of being clear in its purpose, while at the same time allowing many different spatial and technical solutions. Its disadvantage is related to the relative difficulty for the regulatory institutions to determine whether a given design solution meets the conditions described in the regulation. In order for the official to determine whether a street design meets the conditions described in the regulation, he must make a determination on whether the design of the street would permit speeds over 10 km/hour, and whether the proposed width and configuration of the street would allow the safe passage of vehicles traveling in opposite directions. This requires that the official pay greater attention to the specific solution proposed and apply great knowledge and experience, and perhaps even research, to pass judgment on a given proposal

Proposals for Changes and Improvements

It should be clearly recognized that implementation of this policy requires creative technological solutions but, of equal importance, the rebuilding of squatter settlements in the environmentally safe portions of their occupied areas requires new policy initiatives which would allow for the funding and approval of projects with physical and legal characteristics which lie outside the present norms of the different

institutions which intervene in the solution of housing problems. Besides resolving problems related to legal tenancy of land, the improvement of squatter settlements implies high densities and non-traditional site designs and infrastructure systems, whose characteristics differ from the existing prescriptive building and urbanization norms. There is a demonstrated need for a framework of building and urbanization guidelines which, instead of regulating on a prescriptive basis, identifies performance criteria which the design of slum improvement projects should achieve. Prescriptive regulations, such as those in Costa Rica, impose specific design solutions to different aspects of the site and building design. For instance, the current codes designate a minimum street width (for the lowest level of streets) as 7 meters. In slum areas, many public rights of way are only 2 meters wide, or even less. The imposition of 7 meter wide streets not only implies the demolition of the existing dwelling units, but the appreciable loss of area for the rebuilding of the houses. While demolition of the existing houses may sometimes be advisable and even necessary, the result of this street regulation would have the practical result of increasing the crowding of the area, perhaps to an intolerable degree, by forcing the reconstruction of houses for residents of the area in even less area. The other alternative would be expulsion of part of the population, assuming the existence of an alternative site, which merely transfers the problem to another area of the city.

Prescriptive regulations often have no relationship to the ways in which squatter dwellers use private and public space in performing the different tasks which constitute their daily lives (Alexander 1988: 136). For instance, the building codes for housing units which regulate room sizes are based on the standard codes for middle-class houses, but with minimum dimensions reduced by about 25%. These norms do not take into account the way in which poor families actually use space. Extensive surveys undertaken in slum areas by students of the Masters Program in Housing and Social Infrastructure at the University of Costa Rica reveal the prevalence of “multiple use areas” and other means in which slum dwellers make most efficient use of limited space (Kauffmann, Saborío, et al 2006:15). The present prescriptive norms preclude creative solutions to both site and housing unit design.

If a strategy which would permit regulation of construction and urbanization on a project-to-project basis were implemented, the developers or promoters could propose their own special guidelines, which would be implemented in each specific

project. Though this flexibility is positive in the sense that the regulations would take into account the special problems and conditions found on each site, it is fair to ask if this procedure really insures adequate environmental conditions for the future residents of an area. Indeed, wouldn't there be a tendency on the part of developers to propose regulations directed more toward the objective of facilitating their own task and lowering their costs than towards the objective of insuring the best possible living environment for the residents? Obviously, some institution would have to approve or deny these special regulations, but, on what basis would they do this?

It would appear that, rather than a special set of regulations applicable to all slum improvement projects, what are needed are performance criteria which can be applied in each specific context. In order to implement regulation flexibility necessary for the execution of slum improvement projects, the Costa Rican government has issued an official decree which essentially frees these areas from normal restrictions, allowing project-specific regulations. However, the municipal authorities of San José have taken the position that, constitutionally, the issuance of building permits is the prerogative of the municipal governments, which are empowered to develop their own urbanization guidelines as part of their general plans and zoning codes. It is their position that they are not legally required to apply the decree to slum-improvement projects within their jurisdiction.

The reluctance of municipal governments to accept the imposition of the decree is justified by more than just jurisdictional considerations. Local governments would undoubtedly be called upon to resolve problems which might arise if project-level regulations of the type implied in the national government eventually proved to be inadequate. This possibility is enhanced by the fact that the decree in itself includes no framework of reference for these project-specific regulations, nor does it specify exactly who would be responsible for their formulation. For this reason, city officials have proposed the elaboration of special municipal norms for slum improvement projects, and initiated, at the end of the month of June, 2007, a series of meetings, of an interinstitutional commission to discuss the specifics of such regulation. Participants in these meetings include municipal planning officials, mid-level authorities from the Ministry of Housing, water and sewerage officials, representatives of the professional association of engineers, as well as spokesmen for foundations actively involved as developers of low-income housing projects.

The Masters Program in Housing and Social Infrastructure was also invited to participate, and presented a summary of its work in a slum community which is targeted by the Housing Ministry for intervention. In its presentation, it argued forcefully for the performance-criteria regulatory approach, in contrast to the idea advanced by the municipal officials, in their initial presentations, for enacting consensuated modifications in its existing prescriptive municipal codes.

The meetings of the interinstitutional commission produced several important outcomes:

- They conveyed the necessary sense of urgency for the development of a regulatory strategy for slum improvement projects. The proposed timetable (August, 2008) for the implementation of a municipal code for slum improvement projects was clearly unacceptable to Ministry officials and project developers, especially in view of the refusal by the Municipality to apply the forementioned government decree.
- The different participants were able to clearly perceive the contextual difficulties of imposing existing regulations on slum improvement projects and understand the need for greater flexibility.
- A consensus was developed in favor of the development of performance criteria, rather than the formulation of new regulations, as a desirable regulatory framework for slum improvement projects. However, the meetings were still inconclusive as to the exact approach to be pursued.

The first step in the formulation of more flexible building and urbanization norms might be an investigation into the underlying objectives associated with each specific norm. Since existing regulations, which are prescriptive in nature, do not explicitly state their underlying purpose, it is not always easy to determine why a given norm is necessary and how its application can further its objective. One approach might be to start with the basic strategies for implementation outlined in Chapter IV of UN-Habitat's Global Plan of Action, which defines adequate shelter as: adequate privacy; physical accessibility; adequate security; security of tenure; structural stability and durability; adequate lighting, heating and ventilation; adequate basic infrastructure, such as water, sanitation and waste-management facilities; suitable environmental quality and health-related factors and accessible location with regard to work and basic facilities.

If each norm is subjected to scrutiny in these broad categories, we should be able to identify its underlying objectives. Once these have been determined, a guideline must be developed which states not how the objective is to be achieved, but rather, the level of performance which is expected. This type of guideline provides a means of allowing creativity in which design objectives can be reached while insuring that the project achieves an acceptable level of habitability.

Action Plan

Though it might appear that the research necessary to implement this approach would take much valuable time, consultants working for FUPROVI, a Costa Rican foundation involved in formulation and construction of low-income housing projects, are very advanced in the development of guidelines using a methodology similar to that proposed above, and could quickly be adopted as a workable alternative to a framework based on prescriptive regulations. The Masters Program in Housing and Social Infrastructure therefore proposes to support the work of these consultants in the formulation of workable guidelines. Our experience in working with slum dwellers, together with interesting research into the ways slum residents use public and private space, could constitute important inputs in this process.

At the same time we will continue to participate in any subsequent activities of the interinstitutional commission and, in general, lobby for the adoption of the performance criteria approach in the shortest possible timeframe. We anticipate that this will imply working closely with Ministry of Housing officials and development foundations, for whom the formulation of this new regulatory approach is urgent for the execution of slum improvement projects being developed.

1. We will propose that the Gracias a Dios neighborhood, for which the Masters Program has developed a detailed project which includes non-traditional site design, be used as a pilot project for developing guidelines for projects in informal settlements. The Municipality San José is both the legal owner of the settlement site and the institution which must eventually approve building permits. We will seek to convince municipal officials to negotiate, with input from our research and consultation with the our design team, appropriate performance-based guidelines for the intervention of the area.

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