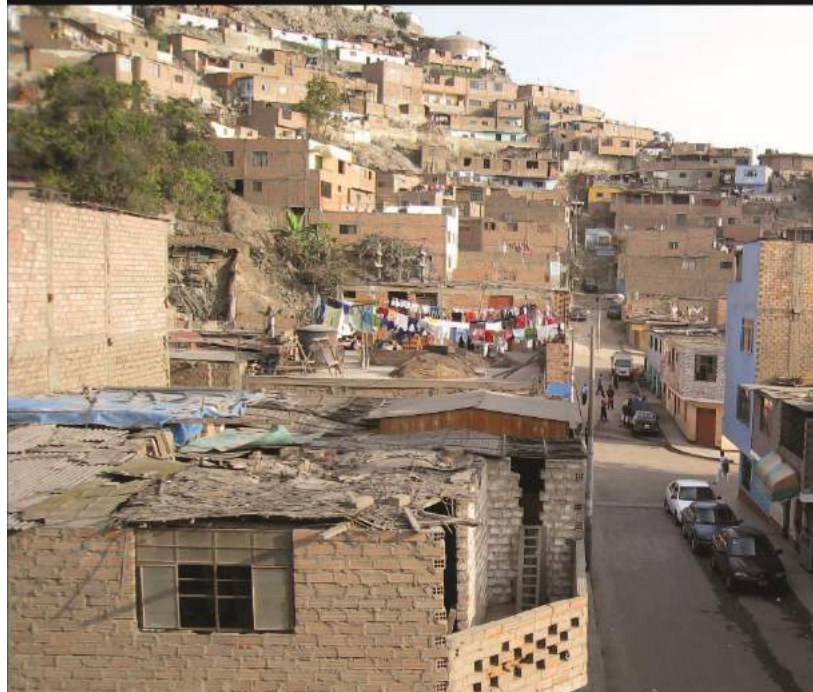
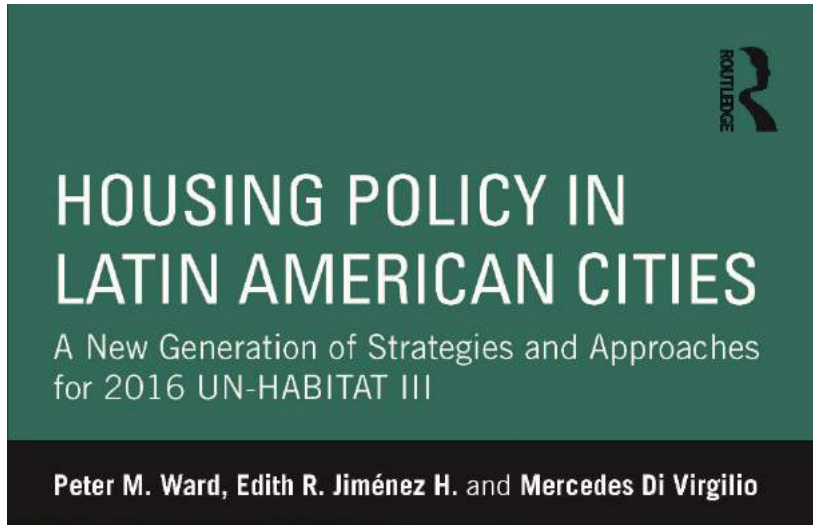



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Políticas de vivienda en ciudades latinoamericanas. Una nueva generación de estrategias y enfoques para 2016 ONU-Hábitat III

*Peter M Ward , Edith R Jiménez , Mercedes Di Virgilio ,
Angélica Camargo*

POLÍTICAS DE VIVIENDA EN
CIUDADES LATINOAMERICANAS
Una nueva generación de estrategias y enfoques para 2016
ONU-Habitat III




Peter M. Ward
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Hacia la década de 1960, la rápida urbanización en las regiones en desarrollo en América Latina, África y Asia, fue marcada por la expansión de asentamientos con población de bajos ingresos y que se desarrollaron informalmente. Para los años 2000 estos asentamientos constituyen usualmente entre el 20 y el 60 por ciento del área ocupada de las áreas metropolitanas y grandes ciudades. Además de las actividades de la red Latin American Housing Network (LAHN www.lahn.utexas.org), ha habido mínima atención directa a la enorme extensión de asentamientos informales formados hace 20 y hasta 40 años que hoy forman parte del anillo intermedio de las ciudades. En el marco de un proyecto coordinado y colaborativo de investigación, los autores y colaboradores ofrecen una perspectiva original en cuanto a los retos de densificación y rehabilitación que encaran actualmente los asentamientos irregulares en las ciudades latinoamericanas.

Investigadores, profesionales y expertos en temas de vivienda, política habitacional, investigadores en temas sociales, estudios comparados, desarrollo urbano, encontrarán este texto altamente significativo.

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This PDF contains the pre-publication version of the individual city chapter for this particular folder. See the Folder “Introductory Chapter and Bibliography” for background orientation and bibliography relating to this and other chapters.

For a published overview and summary of the spectrum of policies, see Peter M. Ward. 2015 "Housing rehab for consolidated informal settlements: A new policy agenda for 2016 UN-Habitat III", Habitat International, 50, 373-384 (Publications Section of this website)

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Chapter 3.

Opportunities and Challenges for Consolidated Informal Urbanization in the Metropolitan Area of Guadalajara

Edith R. Jiménez Huerta and Heriberto Cruz Solís

This chapter refers to a part of the metropolitan area of Guadalajara that has received little attention from academics, decision makers and multinational agencies. A similar situation applies in many other cities in Latin America, as several other chapters will show. The area studied here is the first ring of expansion that is made up of neighborhoods built-up over twenty years that were originally irregular settlements. Many of them have been regularized and, surprisingly perhaps, are often the most juridically sound parts of the city today since 95 percent of those who consider themselves owners are registered as such in their property titles. This is unusual in the metropolitan centers of Latin America. Hence there is an important opportunity for governments to intervene ahead of time in order to guarantee that a sound legal situation continues to prevail in these areas, not only for the first generation but also for succeeding ones.

This study also shows the need for governments to give their support through a number of actions that will improve the quality of life of the people inhabiting these neighborhoods. Houses are beginning to deteriorate and require maintenance, renovation, expansion and subdivision. The settlements also require interventions that will help to solve problems such as recurrent flooding in certain parts, impassable sidewalks, rundown public facilities, and violence in the streets. Measures taken by the government should not only be based on a consideration of whether or not the settlements have services and facilities, but on whether the quality of those they have is good enough.

This book presents findings from the three largest cities in Mexico. In another chapter the cities of Mexico and Monterrey are compared, while in this chapter the focus is Guadalajara. We start with a brief description of the process of urbanization, the formation of the first ring of expansion and the appearance of irregular settlements. We then show changes to the houses and

the families during 20 years or more, and the problems they face. We place a special emphasis on the problem of transferring ownership of the properties that have been densified and subdivided for the owners' successors. We maintain that it is imperative that the question of succession be regarded not only as a legal, but also as a cultural issue. We conclude with a proposal for public policies, with the expectation that governments will want to join forces with the process of consolidation and help the poor to deal with the changes and problems that they confront.

URBANIZATION, FORMATION OF THE FIRST RING OF EXPANSION AND THE DEVELOPMENT OF IRREGULAR SETTLEMENTS

The dynamic growth of Guadalajara, the second largest and second most highly populated city in Mexico, started during the period of accelerated urban development that took place between 1940 and 1980, at the time of the so-called Mexican Economic Miracle, with the increasingly rapid industrialization of the nation. The urbanization of Guadalajara took off in 1950, later than in Mexico City, where it had started before 1940, and later than in Monterrey, where it started in 1940 itself.¹ In the 1940s Guadalajara had a population of 380,226 inhabitants (COEPO, 2008) with an annual rate of population growth of 8% (Garza, 2002: 10). However the metropolitan area as such did not really form until the 1960s. Since then, and especially since 1970, the increase in the population and the spatial expansion of the city made it spill over from the boundaries of the central municipality, Guadalajara, into the adjoining municipalities of Zapopan and San Pedro Tlaquepaque, and by 1980 it had reached Tonalá.

The first ring of expansion of the city formed between 1960 and 1985. Figure 3.1 shows the privileged position occupied inside the urbanized area of the metropolis by this ring in the year 2000. This ring encompassed 22% of the population of the four central municipalities of the metropolitan area of Guadalajara (842,991 of 3,825,748), and it covered 33% of the land (14,225

¹ In the nineteen thirties Mexico City and Monterrey already stood out as the main manufacturing cities of the country, with rates of growth of 3.9% and 5.1% respectively.

of 43,319 hectares).² It is in this ring that the consolidated originally irregular settlements studied in this project are located, and they cover 30% of the first ring of expansion (Figure 3.2). Towards the center of the ring can be seen the central nucleus of the city up until 1920 and the subsequent expansion of the city, which was principally through the first low-income colonias and real estate subdivisions. Towards the outside of the ring, the expansion of the periphery that occurred between 1985 and 2010 is marked (Figure 3.3). The formation of the second metropolitan ring started in this area around 2000 and it includes two more municipalities, El Salto and Tlajomulco de Zúñiga.

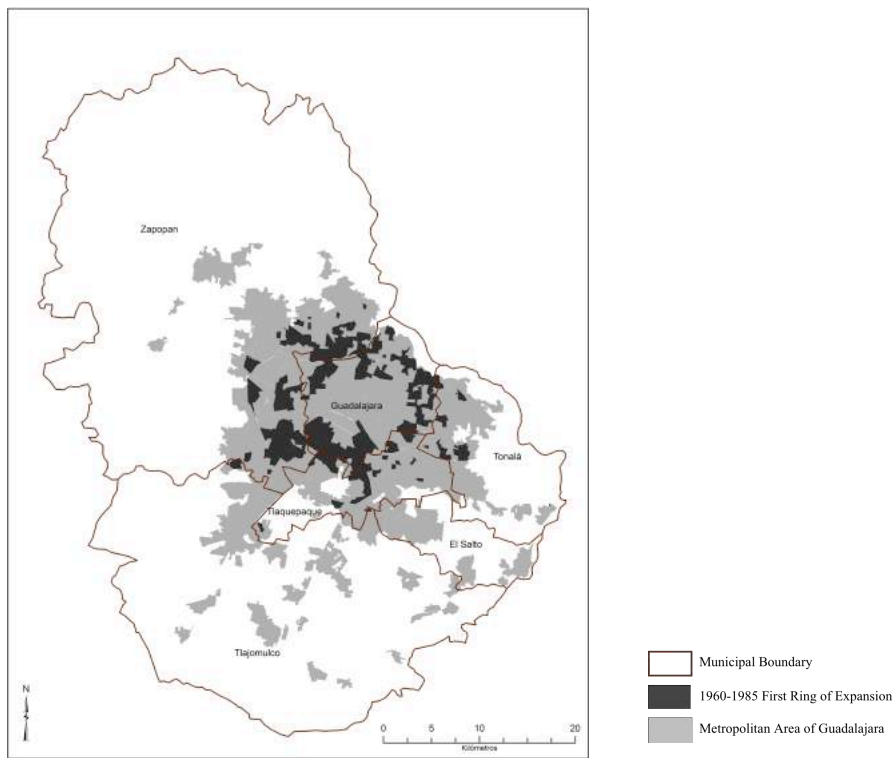


Figure 3.1. First ring of expansion of the metropolitan area of Guadalajara.

² Population figures are from INEGI, 2010a. The area of urbanized land in the first ring of expansion, and the area of the irregular settlements in the ring, were calculated from information on the basic geostatistical areas, Áreas Geoestadísticas Básicas (AGEBs) defined by INEGI for the 2000 census.

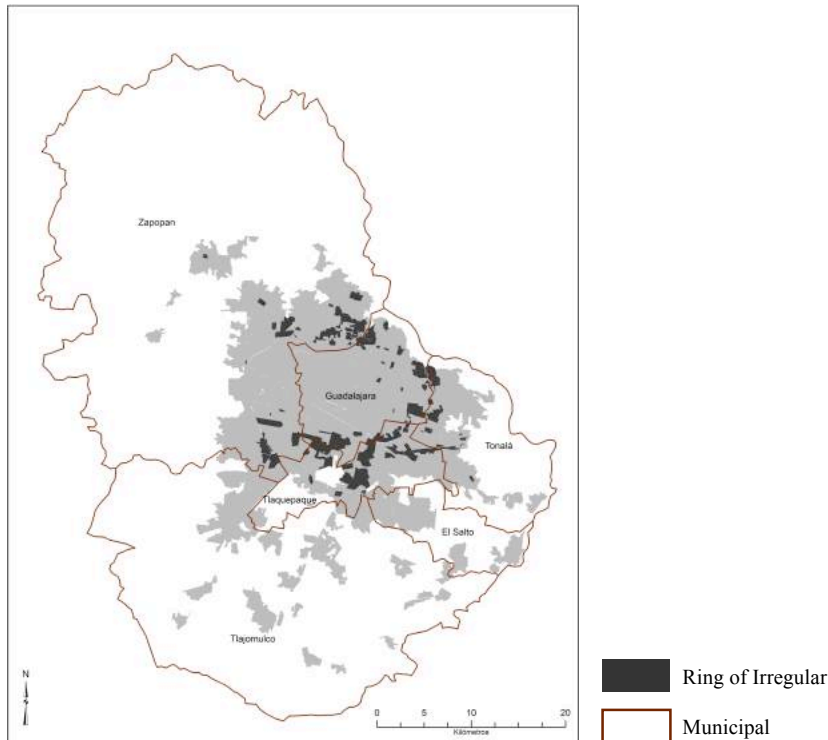


Figure 3.2. Consolidated originally irregular settlements in the first ring of expansion of the metropolitan area of Guadalajara, 2010.

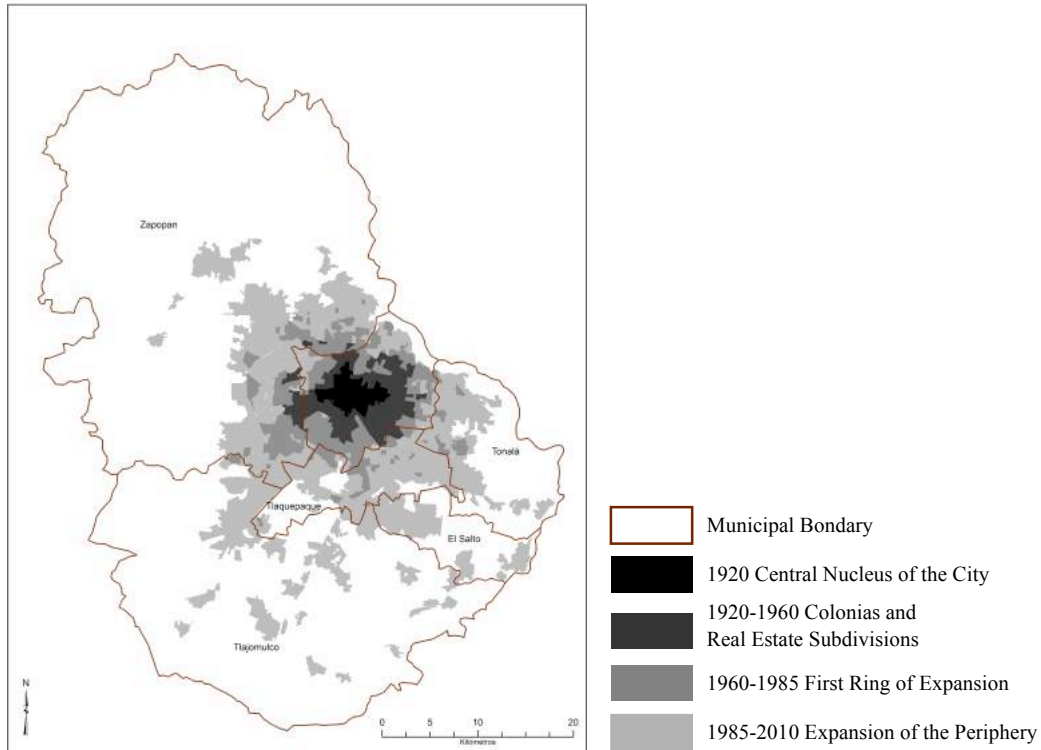


Figure 3.3. Growth of the metropolitan area of Guadalajara.

From 1970 to 2000 it was the four central municipalities that showed the largest increase in population and territorial expansion. The rate of growth of the population varied between municipalities and from one decade to another (see Figure 3.4). In the metropolitan area as a whole, the rate of population growth has been declining substantially, from 5.6 in 1970, to 1.7 in 2010.³

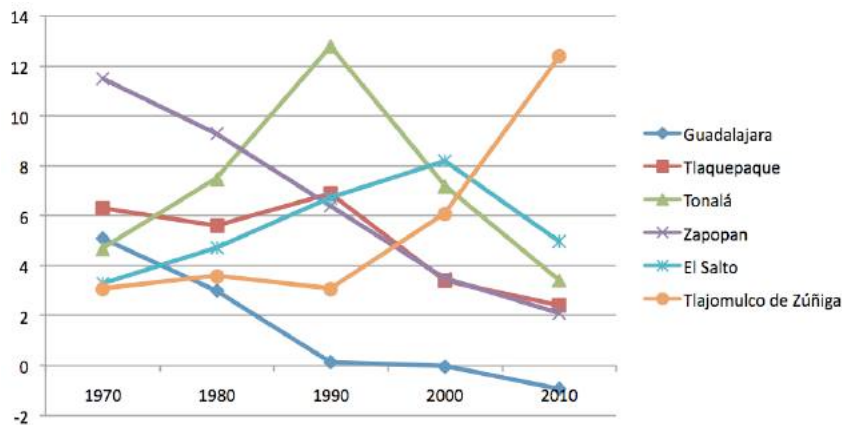


Figure 3.4. Rate of population growth of the metropolitan area of Guadalajara, by municipality, 1970-2010. Source: Censos Generales de Población y Vivienda, 1960, 1970, 1980, 1990, 2000 and 2010. INEGI.

In 2010 Guadalajara was the second largest city in the country and one of the nine most populated metropolitan areas in Mexico, contributing to the model of polycentric concentration that has prevailed in Mexican cities since the 1970s (Garza, 2002: 11-15). It covered 64,102 hectares in the six municipalities mentioned, with a population of 4,024,965 inhabitants and an annual rate of population growth of 1.7. Population density was of only 63 inhabitants per hectare. The low density of the metropolis in the decade is a spatial outcome of public housing policies that promoted expansion scattered beyond the periphery of the city. In this chapter we refer, unless otherwise stated, to the four central municipalities, as forming the consolidated part of the metropolitan area; the number of people living here is 3,737,757; it covers an area of 48,333 hectares and the population density is of 77 inhabitants per hectare (INEGI, 2010a and b).

³ In 1980 the rate of growth was 4.4, in 1990 it was 2.6, and in 2000 it was 2.2.

Situation of irregular settlements in the metropolitan area of Guadalajara, and regularization programs

The lack of a formal supply of land at an accessible price and in a suitable location has meant that in Mexican cities between 30 and 60 percent of the population have obtained land informally. Land invasions have been few; for the most part people have bought land at accessible prices and with favorable conditions (with no deposit or a small one, and paying in installments).⁴ In the metropolitan area of Guadalajara the original irregular settlements are mainly of two types. The first involves the purchase of land that cannot be sold legally or where housing construction is prohibited. The second type includes the settlements called FOS (*Fraccionamientos de Objetivo Social* i.e. Social Housing Estates) that resulted from the sale of land by private developers who had public sector authorization. Even though they had permission to build, the developers did not meet their commitments to introduce public services (López Moreno, 1996 and Varley, 1998a and 1998b). Another, more recent, example of covert or “hidden” informality, was promoted by IPROVIPE itself (*Inmobiliaria y Promotora de Vivienda de Interés Público del Estado*), the state real estate agency and promoter of public interest housing. This state agency sold lots that could not be titled.⁵ Irregular settlements in Guadalajara have developed on private, public or “social” property (the third of these refers to lands belonging to *ejidos* or indigenous communities). In the four conurbated municipalities surrounding the city in 2000 there were 58 *Ejidos* and 6 Indigenous Communities, extending over 60,824 hectares (Jiménez and Ayala, 2014). According to original agrarian law these lands cannot be sold legally.⁶ However, for over sixty years they

⁴ This is a very simplified explanation of the origin of irregular settlements and what they are understood to be in this article. However, it should be enough for the aims of this work. There are plenty of definitions of irregular settlements in different countries and cities of the world, but very few of them are satisfactory (for a detailed definition of the term, see: Connolly, 2012).

⁵ According to the *Iniciativa de la Ley para la regularización de la propiedad urbana en el estado de Jalisco*, passed by the *Comisión de Desarrollo Urbano del Estado de Jalisco*, the IPROVIPE promoted 40 irregular estates, leaving the purchasers with no legal way of obtaining property titles (Congreso del Estado, 2013); unfortunately, no explanation is given as to why.

⁶ *Ejido* lands cannot be sold unless they are disincorporated from the *ejido* regime and adopt full title (*dominio pleno*), an option that has been open to them since the modification of Article 27 of the Constitution and of the Agrarian Law (*Ley Agraria*) published on 26 February 1992.

have been sold informally throughout the country. As the city has approached the edges of the *ejidos* they have been incorporated into urban uses.⁷

The area occupied by the 432 originally informal settlements of the metropolis that had formed by 2009 amounted to 11,772 hectares.⁸ This is a considerable amount as it is equivalent to 27% of the urbanized area of the four central municipalities of the metropolis. Most of this area corresponds to irregular settlements on social land and these have also been the settlements that have most frequently benefitted from the federal program of regularization through CORETT (*Comisión para la Regularización de la Tenencia de la Tierra*), the Commission of Land Tenure Regularization.⁹ Regularizing tenure on private land had turned out to be difficult, largely because it was done through court judgments, and also because there were many cases and the areas were small. In Jalisco, the regularization of colonias on private land has become easier since 1977 through state decrees, which are based upon acquisitive prescription or usucapio.¹⁰ At the time of writing, in 2013, a new law, *Iniciativa de Ley de regularización de la propiedad urbana en el Estado de Jalisco*, was being discussed. This would replace Decree 20,920, with the aim of making the regularization of settlements on private land easier. Tardiness in regularizing land tenure has always been a problem in Mexico, and Guadalajara is no exception. In 2009, 62% of all the irregular settlements in the metropolitan area of Guadalajara, and 54% of the area they occupied, still had not been regularized.

The first ring of expansion (1960-1985) contained 40% of the originally irregular settlements in the metropolis (173 of 432); and these occupied almost half the originally irregular area (5,826 of

⁷ Azuela quotes official sources to the effect that 66% of the land around the cities is *ejido* or communal (Azuela, 2001).

⁸ It should be noted that the more recent the information about irregular settlements is, the less accurate it becomes, due to questions of municipal politics or because the municipalities actually do not have up to date information.

⁹ This program started in the early 1970s and is currently being wound up, as CORETT and the *Registro Agrario Nacional* (National Agrarian Registry) have been joined into a single department known as SEDATU (*Secretaría de Desarrollo Agrario, Territorial y Urbano*, Department of Agrarian Territorial and Urban Development).

¹⁰ The three decrees for “*Regularización de fraccionamientos o asentamientos irregulares en predios de propiedad privada en el Estado de Jalisco*” (the regularization of irregular neighborhoods or settlements on lots of privately owned land in the State of Jalisco) were emitted by the State Congress. Decree 16,664 was emitted in 1997 (25 September) later modified as Decree 19,580. Both were repealed in 2005 when the most recent was issued: 20,920.

11,772 hectares; see Table 3.1). In this portion of the city, the first ring of expansion, 35% of the irregular area still had not been regularized in 2009 (1,872 hectares).

	Number	Percentage	Area (hectares)	Percentage
Earlier	4	1	34	1
First ring, 1960 - 1985	173	40	5,826	49
Later	255	59	5,912	50
Total	432	100	11,772	100

Table 3.1. Originally irregular settlements in the metropolitan area of Guadalajara, 1942 – 2009. Source: Personal elaboration based on data compiled for the present study, Fausto 1999 and Jiménez et al. 2004.

The delimitation of the first ring and the study of its socio-economic characteristics were made on the basis of census information on basic geostatistical areas (AGEBs, *Áreas Geoestadísticas Básicas*), established by INEGI and the Census. The information at this more general level of analysis complemented that which was gathered through the application of 300 questionnaires, 100 in each of the three settlements that served as case studies: Colonia Echeverría, Colonia Rancho Nuevo and Colonia Jalisco. On the basis of the surveys, an additional nine households were selected for further analysis and site visits were made in order to give us a deeper understanding of some key aspects of the case, by inquiring into the process of transformation of the families and the repercussion this had on their dwellings.

The consolidated originally irregular settlements

The colonias studied are on land that was originally *ejido*. This selection was quite deliberate since as mentioned previously this was the type of settlement that was most frequently regularized, and one of the objectives of our study in this chapter is to analyze what happened to the properties after they had been regularized. The size of the settlements was another reason for their selection: the three were large and were of a similar size, covering around 100 hectares

each;¹¹ and the average size of the lots in two of the settlements is considerably greater than in the Colonia Jalisco, which is more recent (see Table 3.2).

Settlement	Area of case study (hectares)	Population	Density	Average lot size (m ²)	Original ejido property
Echeverría	104.50	20,326	194.5	182.85	Santa María Tequepexpan
Rancho Nuevo	95.84	16,541	172.6	193.69	Atemajac
Jalisco	112.25	42,917	382.3	121.75	Tetlán y Zalatitán

Table 3.2. Settlements studied. Source: Personal elaboration from direct observation, interviews, and INEGI, 2010.

Both Rancho Nuevo and Echeverría are among the first popular colonias of the city. They started in the 1950s and gradually densified. However it was mainly in the 1970s that over half of their inhabitants arrived; another significant proportion arrived in the following decade (1980s). In the case of the more recent colonia, Jalisco, the vast majority of inhabitants arrived in the 1980s. Just over half of the inhabitants of the colonias surveyed bought their plot directly from an *ejidatario*, and just over one-quarter bought their property second-hand, from a previous owner to whom they had no family connection. Only in a few cases did they buy from relatives: parents, uncles or brothers. The rest purchased from somebody in the business of informally reselling lots.

Two thirds of the owners paid for their plot in installments and gradually self-built their dwellings. However, there was a quarter that bought their plot with some kind of construction or with a poorly finished house already on it. Although all the settlements started far away from main roads and without services or social facilities, little by little the inhabitants were able to obtain these; at first informally, and later through the municipalities that provided them. The two older colonias, had all services before the end of the 1980s, while the most recent, Jalisco, had obtained them before the end of the 1990s; although there are still streets that have not been

¹¹ Some parts of the settlements were excluded because they were only more recently occupied or because land use was not habitational, but commercial or industrial.

leveled or paved, and inadequate garbage collection remains a serious problem. In all three colonias those areas that are located on low ground or situated close to streams and rivers that were channeled are subject to flooding that can enter the houses and, during the rainy season, can rise to a height of a meter and a half. In Colonia Jalisco, there are houses that have been abandoned because they became uninhabitable.

The location and the more recent creation of Colonia Jalisco have affected the extent and quality of services installed in part since it is in Tonalá, the poorest municipality of the metropolitan area. The other colonias also have incomplete or inadequate levels of servicing that show signs of deterioration. Nevertheless, they are better off due to their being located in the municipality of Guadalajara the capital municipality of the state.

TRANSFORMATION OF THE DWELLINGS AND THE LIFE HISTORIES OF THEIR OCCUPANTS

The pioneer inhabitants of the popular colonias for the most part had lived previously in the same city and then settled on lots with no services, without security of tenure and without any assistance in building their homes. Generally, people moved in two years after buying the plot, once they had built two rooms and a toilet or latrine (39 and 50 percent respectively). Through hardship, and by community organization through social movements, the first generation were able to urbanize their settlement and self-build their homes. Later, as the second generation began to form their own families, some of them left their parents' home and stayed in other low-income colonias in the city, either as owners or as tenants; while others remained living with their parents. There were others who would leave their parents' home to get married, and then subsequently return for a variety of reasons (need, separation, domestic abuse, etc.). Those who stayed in the parental home permanently did so because they did not have the resources to leave, because they chose to look after their parents, or because some member of the family had fallen ill and needed more constant help from the family network. In the case of adult daughters, it may be because they had split up from their spouse.

When the second generation left their parents' home, they chose to go to another colonia in order to "start from scratch" as their parents had done, or to rent rooms. There were also some who

bought or rented formal “social interest” housing built under the auspices of the state. The scarcely incipient trend among third generation appears to be divided. The men appear more reluctant to repeat the experience of their parents or grandparents by moving into a serviceless settlement. In focus groups that we conducted with the participants in both groups aged between 15 and 30 (one male and one female group) in Colonia Jalisco, the men said they would not go to an irregular settlement because “you don’t know anyone;” “I could never get used to it ... I’ve lived here all my life;” “it’s already been tried ... I don’t want my children to have to go through that again;” or “I would rather rent.” Some women expressed the opinion, referring to INFONAVIT social interest housing, that “...if it’s a house your husband can give you ... well, even if it’s small ...”, meaning that they, the wives, should be content with whatever the husband can provide, even if the house is small and even if it’s a social interest property. However, the majority preferred to buy an irregular plot “so you can make the house the way you want it.”¹²

The settlements studied were urbanized principally by nuclear families,¹³ most of whom had previously lived in any one of a large variety of colonias in Guadalajara. When they bought their plot they were already living together as a couple and had their youngest children; and only a few were single, widowed or divorced when they purchased the plot. Over twenty years later, in 2009, nuclear families continued to predominate, although one of the most notable and expected changes was that families were bigger (4.9 members).¹⁴ Many cases (31%) were also extended families.¹⁵ Transformations in the make-up of families were accompanied by changes to the lots and the houses. The lots were originally big enough to accommodate more than one dwelling and even to be subdivided. However, most commonly additional dwellings have been built on a second floor of the original house, and in some cases, on a third. We found relatively few lots with more than one dwelling (21%), and in these cases it was generally a second house, rarely

¹² Cristina Saborío, studying for her PhD, conducted the focus group sessions in November 2009. Her thesis is linked to the research project described in this chapter.

¹³ It was determined in the study that nuclear families consisted of couple, a man and a woman, with or without children.

¹⁴ Eight decimal points above the national average, and four decimal points higher than the average for Jalisco.

¹⁵ Extended families were of two types: first, that in which a direct relative, such as a married child, or a parent is added to the nuclear household (29%); the second, far less representative type is formed by the addition to the nuclear household of distant relatives of the couple (2%).

more.¹⁶ Most of the dwellings had room enough for the families to live reasonably comfortably, although a significant proportion of dwellings registered overcrowding (30%), in some cases to a critical level (14%). As can be seen, the process of densification in these settlements is underway, but the construction of new or additional housing is slower than the integration of new families to the plot (see Table 3.3).

Nuclear families	67%
Extended families	31%
One person households	2%
Average number of family members	4.9
Average number of people per lot	5.9
Average number of people per dwelling	5
Average number of bedrooms	3
Number of persons per bedroom (overcrowding)	1.8
Lots with more than one dwelling	21%
Lots with 2 dwellings	18%
Lots with more than one family	33%
Dwellings with no overcrowding	56%
Dwellings with overcrowding	30%
Dwellings with critical overcrowding	14%
Average lot size	167 m ²

Table 3.3. Characteristics of the families and the properties. Source: Questionnaires applied in the colonias Rancho Nuevo, Echeverría, and Jalisco (243), 2008-2009.

The transformation of the buildings during the twenty years or more of consolidation in the colonias involves modifications to existing structures, extensions, and even the construction of new houses to provide lodging on the same lot for relatives – generally children or grandchildren with their own families. Occasionally the purpose is to rent rooms to renters. The extra accommodation provided is of two types: the first being visible housing and extensions that are often permanent. The second type frequently found but less visible, comprises a single room (“*cuarto redondo*”) that serves all functions.¹⁷ A quarter of the lots have areas or rooms

¹⁶ In the *colonia* Echeverría a plot with five houses was found but because it represents only 0.4% was not included in the table.

¹⁷ The “*cuarto redondo*” refers to a single space in which distinct activities take place, for example, sleeping, sitting and cooking (i.e. where bedroom, living room and kitchen are all rolled into one).

dedicated to commercial uses such as stores, tortilla production and even funeral parlors. However in other cases rooms have mixed use as a living room or a kitchen that doubles-up for complementary commercial activities, such as manicure and pedicure, hairdressing, or selling used clothes.

THE PRINCIPAL PROBLEMS AND CHALLENGES FOR PUBLIC AND PRIVATE MANAGEMENT

The process of settlement and house consolidation has its advantages, but it has also brought problems. While at the macro level (of the settlement), the colonias have benefitted from the introduction of services and social facility infrastructure; there have also been inadequate planning interventions that have caused serious problems of habitability to those living in the settlements. One of the most evident is the channeling of nearby rivers and streams, which overflow during the rainy season and lead to inundation in some parts of the colonias. This appears to be a recurring problem - as in Monterrey, as we shall see later. Another problem shared by other cities in Mexico, is violence, drug trafficking and youth gangs. As well as creating damage to the homes, these problems also undermine the wider social fabric.

Another problem inherent with self-help is that the subsequent additions and alterations are largely undertaken without formal financing or technical support. The public sector has not designed policies to keep up systematically with the self-production of housing. Over twenty years since they began to be built, the homes or parts thereof, are becoming dilapidated or ill-suited to contemporary needs, with outmoded design and diminished privacy. New buildings are added to the old, without much knowledge of structure or respect for public space at the “meso” level (immediately outside the property, in the street and the sidewalk passing in front of the house). Photos 3.1 – 3.8 illustrate the three broad areas into which we have grouped the major problems of the houses and the settlements: a) problems associated with gradual self-building; b) the gradual urbanization of the settlement; and c) social deterioration in the colonias (see Photos 3.1 – 3.8 below).

Photos 3.1 – 3.8. Problems in the houses. Source: Direct observation in the course of fieldwork, 2008-2009.



Photos 3.1 – 3.2. Self-production of the houses, problems with structure and installations: inadequate and overloaded electrical installations (left) and access to second floor dwelling from the sidewalk (right).



Photos 3.3 – 3.5. Gradual urbanization of the settlements: Street level is below access to the dwelling (left); Obstructed sidewalk (center) and House abandoned due to flooding, made uninhabitable by piping of the river that ran alongside the colonia (right).



Photos 3.6 – 3.8. Social deterioration: Abandoned house (top left); Protections over the windows (top right) and Deteriorated environment along the river and its banks (bottom).

Physical aspects of the dwellings: self-production of housing and gradual urbanization of the settlement

The main problems that the houses have had with their structure or with installations are: that the toilet was outside the house; damage had occurred to the structure; spaces were not private (i.e. having to cross a private space, such as a bedroom, to get to a shared space, such as the bathroom); inadequate natural light or ventilation; problems with the placement of stairs for getting to the dwellings on higher floors, etc. Lack of space for parking as more households become car owners has become a problem both for car owners and for the *colonia* in general. Pedestrians are often forced to walk in the street because people park their vehicles on the sidewalks.

It is not surprising that problems of maintenance for the buildings have become more frequent. We found roof leaks, dampness, cracks in ceilings or walls, uneven floors through settling, problems with drainage, and inadequate electric current. In our survey few inhabitants perceived some of these issues as an obvious problem, perhaps because they were so accustomed to them. To the specialist eye or outside eye, these problems are quite evident, and looking at the electrical installations, as the photograph above shows (Photo 3.1), the contacts are overloaded. These light and other installations may have been sufficient at the outset but now the cables need to be renewed to avoid short circuits and even fires. A final problem we identified was that sometimes access to the dwelling was below or above street level as a result of leveling and paving of streets.

At the level of the macro space of the *colonia* and at the meso level of house and street, one of the most evident problems is that the sidewalks are not flat but uneven, and are blocked or in a poor state, making them dangerous and unusable. This situation is not limited to the settlements, it is found all over the city, and citizens of the metropolis have started to complain. Another big problem is the shortage of public spaces, the deterioration of those that exist and the appropriation of some of them by private individuals.

Social deterioration of the settlement

In the social realm, the most important problem is that of violence and drug dealing that has affected the habitability of the homes and use of public spaces – the streets, parks, river paths and sports facilities. Ventilation and light in many homes was reduced by the protections that the people have had to install on the doors and windows of the front of the house to reduce damage from stones thrown by the gangs in their fights. Many of the public spaces appropriated by the street gangs are showing considerable damage and have become impossible to transit at certain times of the day. Added to this are the abandoned houses, which were rare in the past but have begun to appear, although they are relatively few in number - 55 in the Colonia Rancho Nuevo (with 2,871 lots).¹⁸ The problems they create are not confined to the buildings themselves which are sometimes burned out and accumulate garbage, but spread to the whole street, where the gangs or drug addicts gather and bother people who live there or are passing through. Thus, one of the principal problems in these *colonias* is the deterioration of public spaces where collective life and identity are constructed through social interaction and neighboring. This undermines the social fabric of the community.

Tenure and possession of the property, succession and testaments

Most of the lots are titled and registered either through regularization via CORETT (74%), or because they acquired the plot already regularized (23%). We are interested in highlighting that after over twenty years nearly all the property titles are still in the names of the owners (95%). In other words, today the property owners in the regularized *colonias* have full legal assurance of title. In the general context of the metropolis, this is exceptional, especially compared to Mexico City where 90% of the houses are estimated to have problems with their ownership papers (Archundia, 2008). To a great extent this is due, according to Gilbert (1999) to the fact that the housing market in these settlements functions poorly with little turnover and as people die titles are not reset to those who inherit (see also the Chapter 4). However, in Guadalajara most of the

¹⁸ An inventory of abandoned houses was prepared by students working for their Masters in Urbanism and Development (*Maestría de Urbanismo y Desarrollo*) in semester 2012A at the University of Guadalajara. They were: Arq. Dulce Alejandra Quirarte Mireles, Arq. Adriana Salinas Larios, Lic. Silvia Margarita Ortíz Gómez and Lic. Norberto Ledesma Maldonado, and the report was part of their final work for the course on Housing Markets given by the author.

original owners are still alive. Their average age is 58 and the proportion of owners over 65 is 37%.¹⁹

However these clean and secure titles may become “clouded” in the near future if suitable public policies are not undertaken to ensure that owners make the necessary legal arrangements for the succession of their properties, which have reached a considerable monetary value (of around \$40,000 US dollars in 2010 values). This tendency can be seen with greater clarity in the settlements of Mexico City that formed a decade or two before those in Guadalajara or Monterrey, as explained in Chapter 4. In the consolidated settlements of Guadalajara, 14% of the owners had made their wills, a higher rate than the national figure of 10% (Info7, 2009). Yet despite this higher proportion the large majority of owners have not made a will, and are likely to die intestate, further increasing the scale of title clouding downstream (see Table 3.4).

Average number of years living on the lot	24.3
Average age of lot owner	58 years
Owners aged 65 or more	37%
Number of owners who have died	19
Number of owners who died leaving a will	3
Owners who have not made a will	86%
Informal succession arrangements	38%
Average self-estimated value of property	\$36,360 US dollars
Trimmed average of self-estimated value of property	\$45,390 US dollars
Property titles in the names of both owners	20%
Property titles in the name of one of the owners	77%
Property titles in his name	66%
Property titles in her name	11%

Table 3.4. Characteristics of the owners. Source: Questionnaires applied in the colonias Rancho Nuevo, Echeverría, and Jalisco (243), 2008-2009.

The main reasons most of the people interviewed say they have not made a will are: because of “apathy or inertia” (*desidia*); because they fear it would create conflicts in the family; and because they fear that the “evil eye” may hasten their death. Others also fear that they may be “thrown out” of the house, or that they will lose leverage over those family members who will care for them in their old age. Others simply lack information as to how to will their property and

¹⁹ Life expectancy in Mexico for 2010 was 77 for women and 72 for men (INEGI, 2010).

the advantages of making a will. The most common practice is for the owners to make informal arrangements, giving instructions as to how the property is to be inherited and by whom. However, this may create conflicts, especially when there are children who were born outside of marriage or are from another marriage and who are, according to the *Código Civil*, equal beneficiaries. Also in law, verbal arrangements are not sufficient for the owners' wishes to be legally fulfilled. The widespread situation is that more than fifty percent of the owners have made no provision at all, either formally or informally. This makes our study especially opportune and argues for public sector intervention to be preventive rather than remedial (for more detailed information, see Jiménez et al., 2012 and Ward and Grajeda 2012).

Dwellings that enter intestacy are an imminent problem for the inheritors, as they will have to invest considerable sums of money to have the property they inherit legally defined before they can dispose of it formally. It is not easy to generalize about the costs because of the great differences between properties and circumstances. However, to give a general idea, such expenses can rise to as much as 25 percent of the price of the property (Grajeda, in Ward and Grajeda, 2013). At the time of the study cost around \$117 US dollars,²⁰ if it was done in September, the annual special discount month it is significantly cheaper (Jiménez, et al., 2012).²¹

Those who are beginning to face the various problems associated with intestate properties are often widows who have outlived their husbands, which is the national tendency. For cultural reasons, however, it is very common for neither the wife nor the husband to have considered that the property belongs to the two of them, unless the titles are in the names of both. This is also a problem because most of the properties are in the name of just one of the two, usually that of the man (see Table 3.4 above).²² Although this should not be a problem legally, culturally it is.

²⁰ This is the equivalent of \$1,500 Mexican pesos at an exchange rate of 12.83 pesos to the dollar on 28 September 2012. The Low Price Will, *Testamento de Bajo Costo*, is another national program, directed specifically toward low-income citizens. It also arose from an agreement between the Interior Ministry (*Secretaría de Gobernación*) and the Mexican Notaries association, *el Notariado Mexicano*, and was signed on the 6th of March 2007 (SEGOB, 2007). In 2009 the price was \$21 US dollars (\$328.80 Mexican pesos at the time). Unfortunately this program has been far less widespread.

²¹ The federal program *Mes del Testamento*, or Will and Testament Month started in 2002, by agreement between the *Secretaría de Gobernación* and the *Asociación Nacional del Notariado Mexicano, A.C.*

²² According to Article 287 of the *Código Civil* the couple form a common patrimony when married according to the regime called *sociedad legal* (legal association), which is the most usual. Article 282

When one of the two owners dies, the most common assumption is that the property passes “automatically” to the remaining spouse, although the surviving spouse still only owns half the property.

When both the original owners die, parceling out the property formally or informally is complicated because originally there was one house on the plot, but in the course of time, two or more may have evolved. The “dwellings” can adopt various forms: they might be part of another household (a single room or adapted bedrooms), or a separate dwelling built at ground level, or on the second or third floor. The expectations of the married couple, of their children and of other possible inheritors are not always clearly recognized or publicly expressed before one or other of the parents dies.

The rights of the inheriting beneficiaries are clearly established in the civil code (*el Código Civil*). However, they are not always so clearly recognized in reality. When the parents die, if there is a will then there is a clear indication of succession. Where there is no will, then the civil code indicates who the legitimate heirs are. However, in the nine detailed case studies we undertook in Guadalajara we observed that in practice cultural aspects are intertwined with the legal rights of the inheritors. The lack of clarity derives from the fact that there are people who have legal rights that the family does not recognize. This may be the case of people who are not necessarily part of the immediate family, such as children from other marriages, children born out of wedlock or grandchildren adopted legally as sons and daughters. What is more, (informal) rights of property tenure may have been created over the years through occupation of one or several parts of the house. Other members of the family acquired “rights” socially by investing money or labor in the property. For example some may have help pay for the plot, the construction of a house, or the maintenance or the services of the building.

Thus for reasons having to do with the history of occupation and the process of construction, maintenance and refurbishing, various expectations may have been created among different members of the household, some of them legally and socially recognized, and others not. Many

states that “the *sociedad legal* regime is presumed in the marriages celebrated.” In other words, even if the title to the property is in the name of only one of the couple, they both own it.

conflicts are generated around the succession of properties, due to the multiplicity of interests that come into play. For mediating this process one of the best alternatives so far is to make a will – but few do so.

In the legal domain, to address the problems of property titles related to succession, it is necessary to take remedial and preventive measures. The remedial measures would be to design programs that regularize the property of those who have died so it can be passed on quickly and at minimum cost to the inheritors. This is especially important in the case of surviving spouses, so they are not left unprotected when their husband or wife dies; but also for children, when both parents have died.²³ Among the preventive policies, we propose considering options for facilitating the succession of the property through an administrative procedure from one spouse to the other, and from parents to children. It is also important to facilitate the elaboration of wills and to make the advantages of doing so more widely known. This will make it possible for misunderstandings about making a will to be considerably reduced. There are already programs in Mexico City (Federal District) to facilitate succession; and in Jalisco there is a judicial figure called *la Cláusula del Legado Preferente*, better known as *Cláusula del Beneficiario* (*Código Civil de Jalisco*). This beneficiary clause could usefully be revised and adapted to apply not only to newly constructed formal sector buildings but also to used ones (for a critique of the clause from a legal point of view see Fernández, 2003).

PUBLIC POLICIES TO ACCOMPANY THE PROCESS OF CONSOLIDATION OF THE SETTLEMENTS AND DWELLINGS

Starting in the late 1980s, programs associated with social policy directed at overcoming poverty, took a significant turn with the introduction of the *Programa Nacional de Solidaridad* (PRONASOL, 1989-1994).²⁴ This program brought in the idea of making subsidies conditional and reducing general subsidies (Rodríguez, 2007: 116 in Mathus, 2009). This principle in combination with that of promoting an integrated policy was institutionalized in the program for

²³ Although the law provides legal guarantees to widows, the prevailing culture can mean they are ignored in practice.

²⁴ Starting in the 1970s there had already been several programs for attending to the population most at risk, such as the *Programa de Inversiones Públicas para el Desarrollo Rural* (PIDER) (1973), and the *Coordinación General del Plan Nacional de Zonas Deprimidas y Grupos Marginados* (COPLAMAR) (1977), both of which applied mainly to the rural sector.

Education, Health and Nutrition, *Programa de Educación, Salud y Alimentación* (PROGRESA, 1997), which changed its name two years later to *Programa de Desarrollo Humano Oportunidades* (2002-2012) (the Human Development Program “Opportunities”).²⁵ At the time that the study by the Department of Social Development, *Secretaría de Desarrollo Social*, was undertaken (SEDESOL, 2007-2012), the number of programs in operation were many, some of them to be applied in urban and others in rural areas, but they all focused their attention on households in extreme poverty defined on the basis of their geographical location and concentration. Along with the federal programs, a subnational program that molded government interventions on popular settlements was the Social Infrastructure Fund, *Fondo para la Infraestructura Social* (FAIS), created in 1998. To a great extent it is through funds from the FAIS that the originally irregular settlements would obtain public services formally.

The focus of public policies to reduce poverty has come to be more definitely on compensating for the social rather than the directly financial needs of the poor. The Habitat program, *Programa Hábitat*, aided colonias like those we studied: with conditions of marginalization, poverty, insecurity or social violence. But the territorial unit for intervention in the program was not that of colonias, but of “habitat polygons”, formed by street blocks (*manzanas*) with at least 50% of the households within them in poverty.²⁶ Under this conception of a geographical concentration of poverty many of the inhabitants of consolidated low-income popular settlements were left out, because in the majority of the consolidated colonias, while most people were poor, those in extreme poverty were not necessarily concentrated into single blocks. Quite the reverse, the social composition of the consolidated popular settlements is heterogeneous and includes people with different levels of income, and houses at different stages of consolidation. A single property may comprise owners, with a higher level of income and tenants who have less. The spatial

²⁵ On 6 March 2002, the *Diario Oficial de la Federación* published a modification to the 1997 decree, creating the *Coordinación Nacional del Programa de Educación, Salud y Alimentación*, with the aim of coordinating the PROGRESA program of Education, Health and Nutrition, (*Programa de Educación, Salud y Alimentación*). The *Coordinación Nacional del Programa Oportunidades* was a devolved office of the Department of Social Development, *Secretaría de Desarrollo Social* (SEDESOL), which as its name indicates, coordinated the different institutions and sectors that took part in the program. The programs ProgresA and Oportunidades consisted of cash transfers to people who qualified for the benefit and fulfilled the undertakings they had made, to go to school or attend health clinics, for example.

²⁶ The program *Hábitat* was created by SEDESOL in 2003 and was still working in 2012 and possibly later. The costs of the program are covered by funds from the federation (50%), state and municipal governments (40%) and the beneficiaries themselves (10%).

concentration of poverty does not occur in blocks, which is the territorial unit employed to trace the “polygons of poverty.” Attention to some parts of the settlement and the exclusion of others not only obstructs an integrated intervention, it excludes people who may be in extreme poverty but live close to people with incomes above the poverty line.

The settlements play an important part in the supply of affordable housing to the population of the city, including those in extreme poverty, who are not necessarily concentrated in blocks. As mentioned previously, for decades there has been a constant supply of land and housing for very poor families in the consolidated settlements. These settlements house offspring who get married or have children of their own but for lack of resources or due to poor health do not become independent. At first, the settlements offer low-cost access to land; in the earlier days there may be a few cheaper properties for sale, as well as some for rent. After twenty years or more the tendency has reversed: the more consolidated the colonias have become the more the supply of properties has become costly and the renting varied. Renting is an important option for families and individuals who are poorer than the owners, so they can have access to the city with its services and possibilities for employment.

On the basis of the evidence presented in the studies in this volume, we consider that at the moment there are no integrated policies attending to the problems faced by the inhabitants of consolidated settlements. This niche of housing supply and the city needs to be considered, and social policies should widen the criteria used for inclusion. Only then will many of the existing and future programs be made to work to actively reduce the problems faced by consolidated popular settlements, and to favor at the same time the poorest of the people living there.

There follows a list of concrete proposals for intervention in the two lines of action that social policy should take into account, related to the different physical and legal aspects of the dwelling as much as to the physical and social surroundings. Assistance is required at the micro level of the dwelling and at the meso level relating to the street frontage, principally through the following actions:²⁷

²⁷ The “savings and subsidies housing program” called “Tu casa” (*Programa de Ahorro y Subsidio para la Vivienda*), run by FONHAPO is one of the few programs that attend to the housing problems of people

- Micro-financing to cover the everyday maintenance expenses of removing dampness from walls and ceilings, renewing electric cabling and drains, and replacing mud or inadequate floors
- Bigger grants for remodeling the houses: moving the bathroom indoors; adjusting the inside of the building when the street and the house do not share the same ground level; adapting a space in the house for use as a garage; construction and relocation of stairways leading to the first and second floors above ground, which would make it possible for people to walk on the sidewalk instead of blocking public space at the meso level; replacing tiles that have been damaged by humidity or are falling down because of poorly made calculations; reinforcing the foundations; replacing temporary materials on floors and roofs
- More substantial grants for building new rooms or dwellings, and for rebuilding houses that have ended up below street level; also making the necessary arrangements so the property can be subdivided among inheritors when the time comes, or so it can be rented or used to develop some other economic activity
- Opening credit lines so inheritors can increase their share of the property by paying those of the remaining inheritors who are willing to cede theirs. Finance can come from housing institutions like INFONAVIT, or credit unions (*Cajas Populares*) that do not defraud their contributors, or the public sector.
- Technical advice for making modifications to the houses
- Making information permanently available on inheritance and succession, and promoting will making

with few resources. Nevertheless, it is insufficient. A larger support than this would allow resources for covering these needs to be paid out. There is also the “program for the development of priority zones” (*Programa para el Desarrollo de Zonas Prioritarias*), which is currently directed at the poorest zones of the nation (providing support for replacing mud with concrete floors, introducing toilet facilities and strengthening roofs). A further requirement is for the state to provide technical advice and to mediate access to credits charging low interests for the purchase of materials. The cement company “Cemex” is doing this through the program “Patrimonio Hoy”, but it is run mainly on commercial, and not social principles. This program has been very successful and profitable for the company, with 99 percent of the credits being paid back (Serrano and Díaz-Saenz, 2006).

- Including in property titles the *Cláusula del Legado*
- Establishing an administrative procedure so owners can decide in advance that when one of them dies the property will pass to the other spouse, without the need for a formal probate or a judgment on intestate succession
- Promoting an administrative procedure for the regularization of intestate properties, like that which is applied in the Federal District of Mexico City
- Getting those who have completed their payments for regularization to title their properties and have them registered in the land registry *Registro Público de la Propiedad*
- Regularizing irregular settlements on what was originally private and public land

For the macro space of the settlement and areas around it, integrated public intervention is required in order to remake the social fabric that has been torn apart in recent years by violence and drug trafficking. It is necessary to:

- Improve the quality of public services and social infrastructure that has decayed; level and pave the streets
- Restore public spaces such as sidewalks, parks and areas of land that have been wrongly appropriated by private citizens
- Regularize the garbage collection service
- Clean up vacant lots, abandoned houses, and rivers or streams, so they cease to be a danger to health and it becomes possible to walk the streets safely
- Promote more employment programs for young people in the settlements to reduce the activity of the street gangs
- Raise vigilance and police patrols in the settlements, taking steps to make sure the police do not end up working for or protecting the gangs

SUMMARY

For over twenty years housing was regarded at the national level as a means for pump priming the economy, and not as a way of improving the conditions in which the general population, let alone the poor, lived. Now that the party in charge of the federal government has changed, from the Partido Acción Nacional (PAN) to the Partido Revolucionario Institucional (PRI), there is a possibility starting in 2013 for some significant changes to be introduced. This applies equally to

Guadalajara, Monterrey and Mexico City. Guadalajara shows how urgent it is for the government to intervene and support the population at this new stage of consolidation of their dwellings, so that they can undertake maintenance and repairs, and can continue to build enough rooms and living space to meet the needs of the inhabitants of these areas.

One of the objectives of the works presented in this volume is to draw attention to a portion of the city, with problems and opportunities, that has not been noticed by decision-makers, or academics, who have shown more interest in the peripheries.

In Mexico maintaining the judicial status of tenure clarity that has been created through regularization should be a national priority. In this chapter several suggestions have been offered about how the legal succession of properties from the first generation to the next ones can be facilitated.

Another priority is the physical cleaning up of the settlements, so as to give public spaces the necessary material support for re-establishing the social fabric. Rehabilitation of the sidewalks and the paths beside rivers and streams, and rescuing public spaces that have been abandoned or appropriated for private uses is a first step for encouraging residents to meet and make it safer to walk in the colonia. Intimately connected with this point is the need for interventions to reduce the violence and drug trafficking that has had a significant impact on the habitability of the dwellings and the settlement. Interventions such as those proposed in this work should be included in an integrated housing program and not treated as separate actions. To support the consolidated irregular settlements through housing and community rehab is to support the housing of the poor in a compact city, which already has more social facilities, infrastructure and job opportunities than exist in the periphery or distant peri-urban housing estates.
