Identity, Justice and Resistances in the Neoliberal City

Session Organizers
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Introduction

This paper analyses the innovative strategies of an urban social movement created in response to the housing crisis caused by the bursting of the housing bubble in Spain1. The PAH (Platform of the Affected by the Mortgage) emerged in Barcelona in 2009 becoming actively present all over Spain the years after until today. We look at this movement’s actions from a social innovation perspective (Moulaert, et. al., 2013) placing particular importance on the actors’ innovative strategies and the governance innovation they introduce with their actions dealing with people who have lost their homes as a result of the housing crisis in Spain. We argue that the strength and the impact of the movement are closely related to the size of the housing bubble in the territories of Spain and to the social organizational capacity of the movement’s members. However, the strength and the success of the PAH movement is also related to innovative collective strategies followed by the leaders of the movement and the broad social base involved in the social action, which have influenced public opinion and introduced changes in governance. In the paper, we start by reviewing briefly the importance of homeownership in Spain and by showing the institutional and sociological factors accompanying the housing bubble; we then outline our analytical framework based on a social innovation approach. We then show the bottom-up objectives and strategies followed by the PAH movement and the impact on governance. This is followed by the innovative governance created in Barcelona. Finally, we include a brief media analysis of the impact of the movement.

The case: research question and context

As the negative consequences of the housing-bubble burst in Spain affected the population, especially housing property owners with mortgages – due to unemployment and the inability to pay the mortgage – what collective social action has

1 The paper is the result of a research conducted under the umbrella of the COST Action IS 1102 during 2012 and 2013.
emerged in cities in general and in Barcelona in particular? What have been the institutional responses to bottom-up strategies? What internal and external governance has developed in the movement against evictions?

The Spanish housing property prevalence

The housing property market has played a strong role in the Spanish economy since the 1960s. The interaction between the housing market, welfare policies and family solidarity also plays a part in the explanation of the country’s urbanization model. Sociological and economic factors made Spain one of the largest home ownership countries in the world. From the demand side, several factors influenced the increasing supply of housing in the last decades: demographic (boom generation accessing housing and high rate of international immigration), economic (investment returns and tourist industry), social (family solidarity) and cultural (second residence as a consumption pattern of the upper and middle classes) (García, 2010). With a large demand for housing the real estate sector was already an important component of the Spanish economy by the 1990s. However, what characterized the latest growth cycle (since the 1990s) was an acceleration of housing production combined with a long period of increase in housing-prices linked to globalization factors (foreign investments, low interests rates and large demand fuelled by immigration) as well as an urbanization model based on high- and low-density supply and second-residence demand partly linked to tourism. From 1998 the increase in housing prices accelerated more that 10% yearly until 2006.

The rapid urbanization growth model over the last few decades, allowed Spain to compete with the biggest economies of the EU2. Financial deregulation and the fall in interest rates made mortgages accessible and resulted in the increase in owner-occupied housing which is a general trend observed overall in Europe (Housing Europe Review). More than 6.5 million housing units were built in Spain in the years of the economic boom.

Paradoxically, as the production of housing increased every year - four times more houses were produced in 2006 than in 1995- housing accessibility became more costly. Prices went up not only because the demand for housing increased, but also because the supply of subsidized housing decreased considerably3. Moreover, most of the housing production was intended for sale, leaving small margins of choice to those who wanted to establish new households. Home ownership is a feature of the Spanish urban growth model that consolidated by the time the housing bubble burst reaching a total of 84,5%, in comparison with only 12,2% of rental housing available (2,3 % other types) (Pareja-Eastway & Sanchez Martínez, 2011).

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2 GPD per capita rose from 72.5% in 1985 to 97.2% in 2004 compared with EU15 members.
3 Large real estate companies, together with banks, companies involved in housing price appraisal and notaries have had the largest influence on the inflation of the housing prices and creation of the bubble because of their large scale work in the real estate sector.
State incentives

Two state-led policies facilitated the housing bubble in Spain. One was part of the supply of housing: tax benefits to municipalities in housing production. The other belonged to the demand side: fiscal incentives to families to buy housing. By the time regional and local governments drew up regulations for the containment of land speculation the urbanization process had exploded.

Municipalities became a key actor of real estate boosterism, albeit in different degrees. In cities like Valencia it led to a growth-machine type of expansion. In other cities economic growth was accompanied by policies for redistribution (Barcelona and Bilbao are the most salient cases). The ideology of competitiveness spread among council mayors especially in the largest cities, more pronounced in Madrid and Valencia and to a lesser extent in Barcelona and Bilbao (Díaz Orueta, 2012).

Both conservatives and social democrats consolidated fiscal incentives for housing ownership from the early days of democratic government in late 1970s until the end of 2012. Tax deduction related to home ownership benefited not only buyers but also, and mainly, real estate developers, builders and investors since the fiscal policy contributed indirectly to the increase in housing prices. Ministers of housing directly and indirectly promoted the purchase of real estate property as a safe and good investment (Colau & Alemany, 2012).

The economic crisis: unemployment and housing evictions

The long period of expansion yielded almost 7 million new jobs. However, from the beginning of the crisis at the end of 2008 jobs started to be destroyed at a similarly high rate at which they had been created (European Commission, 2012). Between the end of 2008 and the end of 2011 almost 2.5 million jobs were destroyed. Of the total destruction, more than 1.4 million jobs were directly related to the construction industry.

Since the beginning of the crisis millions of citizens have become unemployed and many have been unable to pay their mortgage bills. What the “buyers-will-be debtors” did not know – when signing the mortgage loan – was that in case of payment defaults, besides being expropriated and evicted from their homes, they would remain the holders of a lifelong debt, condemning them to poverty⁴. During the years of the economic crisis there have been more than 400 000 ⁵ mortgage foreclosures throughout Spain, affecting many thousands of households (see Graph 3).

The strong effects of the housing crisis have been more visible concerning the families that have not being able to pay their mortgage. But in real estate assets, the bankruptcies of a few big real estate companies have had the biggest impact on the

⁴ Ley de Enjuiciamiento Civil art. 579/698 (2000-PP). Art. 579 of the Civil procedure says "in case of the auction of the property mortgaged or pledged, and the product is insufficient to cover the claim, the claimer may request the initiation of (mortgage) executions for the missing amount of the total debt, and the execution will continue according to the ordinary rules applicable to every execution".

⁵ Exact number of initiated mortgage foreclosures in period 2008-2012 in Spain: 415117; in Catalonia: 79 699 (C.G.P.J.)
credit losses of the banking sector, as they accumulated the majority of the overall real estate assets, leaving the banks with large amounts of “toxic products”. The biggest debts were mostly generated by debts of constructors and development companies which went bankrupt, leaving their real estate assets in the banks converting them into the biggest real estate agencies of the country. However, the families are obliged by law to pay their debts even after they are evicted from their homes.

Mortgage Legislation

In order to understand the extent of the problem of over-indebtedness and housing eviction amongst Spanish citizens it is crucial to refer to the norms regulation the eviction process and mortgage legislation. Over the years the Mortgage Law has been eased several times in order to boost the financial markets and national economy. This led to deregulation and overall increase of financial risks. For example, up until March 2013, there was no top defined on the interest on arrears which led to cases in which the interest went up to 30%. After the court judgment of the European Court of Justice, the Spanish government was forced to adapt the legislation.

On the other hand the Code on Civil Procedure which regulates the eviction process in case of non-payment of debts creates an imbalance, favouring the protection of financial institutions over the individual debtors. The financial institution could start the eviction process after only one month of arrears, and the financial institution could take over the property in an auction for minimum 50% of the initial taxation price (this percentage has been modified to 60% as we explain later on). This leaves the debtors with still a large amount to pay in order to settle the debt. It is the article 1911 of the Civil Procedure which states that the debtor has to meet the debt with all his present and future goods. Up until the recent adjustments in 2012 and 2013 there was no possibility for the debtor to defend himself in court during the eviction process (even when the mortgage contract contained abusive clauses), nor any option for debt settlement or individual bankruptcy.

The PAH movement: bottom-up social innovation

Bottom-up strategies leading to social innovation emerge when organized citizens who may disagree with mainstream policy implementations can put forward alternative ways of addressing new risks that have not been taken into account by public and market institutions. In order to analyse bottom-up strategies two related issues need to be addressed: 1) the innovative processes to obtain material and immaterial resources in order to tackle social exclusion, and 2) the way this process can lead to a transformation of the governance mechanisms, which might or might not produce changes in power relations in areas that deal with social exclusion dynamics (Pradel, et. al., 2013, 156).

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6 Decreto de 8 febrero 1944, Ley Hipotecaria
7 Ley de Enjuiciamiento civil, art. 1911: “del cumplimiento de las obligaciones responde el deudor con todos su bienes, presentes y futuros”
8 Art. 695 of Ley de Enjuiciamiento Civil limits the possibilities of plea to only calculation errors or liquidation of debts.
Often bottom-up strategies remain local and only reach the level of municipal governance structures since actors of such strategies have limited networking capacity to engage a wider public or power to reach regional national administrations. Therefore, the extent to which different kinds of actors engaged in social innovation can influence policy in a multi-level context is an open question, subject to empirical analysis (García 2006; Moulaert et al. 2007). In the case of PAH we have seen a rapid expansion from a small group of citizens, organized around housing and other social issues, into a large movement capable of changing the frame of action of people affected by the eviction problem, but also creating a nation-wide awareness of a situation of social injustice. In this sense the PAH resembles a social movement dealing with grievances affecting a targeted population, those who cannot pay their mortgage and are evicted from their homes and at the same time have to pay the accumulated debt.

In the following pages we analyse the PAH as a social movement in relation to its objective, strategies and campaigns. Then, we move to the PAH internal and external governance relations. And finally we will discuss the impacts the mobilization has had on governance processes and how it inspired the initiation of other innovative initiatives.

**Graph 1. Analytical frame**

The proposed analytical frame includes: (a) the context (economic and financial crisis; collapse of the housing bubble; high unemployment; deprivation of housing and a process of social exclusion; (b) mobilization of resources by civil society actors and public institutions; (c) the resulting social and institutional innovation involving

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9 The main promoters of the Platform were familiar with housing problems in Spain and had already founded a low-profile social movement “V por Vivienda” in 2006 that focused on the inaccessibility of housing for low income population especially young people.

10 Deprivation of human needs: material and currently also democratic participation.
satisfaction of the need for housing, empowerment of people affected by the mortgage crisis and changes in governance as a result of civil society and institutional action.

Methodology

The analysis we present is based on statistics from the National Institute of Statistics, EUROSTAT, Judiciary statistics, CIS (Centre of Sociological Research). We also rely on participant observation, 10 semi-structured interviews with stakeholders and public institutions officials, media attention, documents of the PAH on websites, protocols and data of eviction cases. Also a local Stake-holders workshop was organized gathering representatives of the different social and institutional initiatives and other stakeholders related to the subject of housing. Empirical research was done between April and September 2013.

The Platform for the Affected by the Mortgage (PAH)

The Platform emerged in February 2009 in Barcelona and gradually spread to other cities of the Barcelona region and to the rest of Spain creating new local platforms. Although at the beginning the growth on number of these emerging platforms was slow – up to 10 platforms by May 2011- after the 15M mobilisations (Indignados movement starting 15 May 2011) the PAH started growing rapidly throughout most Spanish provinces. In December of the same year the existing local platforms met for the first time constituting a national federation (Colau & Alemany, 2012). By March 2013 the number of local platforms had reached the number of 144, and by the 5th anniversary of the PAH in 2014 we have counted up to 205 locally organized platforms.

We argue that the PAH has become a social movement capable of influencing public opinion and of providing innovative collective strategies to support families that are affected by housing eviction. By the beginning of 2013 the social movement already covered all 17 regions (Autonomous Communities) of Spain. They organize as one horizontal organization with local divisions and representatives organizing local actions and counselling meetings. As can be seen in Graph 2, each Autonomous Community has at least 1 local platform with a clear predominance of representation in Catalonia and Valencia, which also reflects the way in which the movement expanded from its early roots in Barcelona throughout the rest of the country. Besides, the density of the number of platforms in an area correlates with the number of evictions that have taken place in that particular area. In other words, where the crisis has hit the most (the areas where the housing bubble reached higher levels: the Mediterranean coastline), more platforms have been developed (see Graph 3).

Graph 2. Number of local Platforms by Autonomous Community (Spanish regions)
In Catalonia the existing 67 platforms meet regularly and organize assemblies offering advice in a collective way. Members of platforms explain the eviction process in some kind of group lecture, stressing the importance of mutual support and attending the concerns of whoever approaches them with a housing eviction problem. Each of the local platforms have their own webpage or group on Facebook through which they communicate their actions, reunions and share information and documents that can be used to fight the eviction process. Territorially the majority of these platforms are located in the Barcelona Metropolitan Region.

The strength of the PAH movements relies on their actions and on their capacity to capture media attention, which serves them to become visible as a movement and more importantly to make visible the tragedy of hundreds of thousands of families that have lost their homes. In this way they managed to transform, what was originally conceptualised by financial institutions as an individual problem, into a collective issue (Colau & Alemany, 2012) that has gone beyond (up-scaled) the national territory and reached the European scale. We will come back to this aspect later on.

**Objectives of the Platform**

From the beginning the PAH had as main objective: to provide information to evaluate the extent to which the evictions were affecting the population and to empower those affected with instruments to respond to financial institutions. As more general objectives, PAH aimed at changing financial practices in the form of suspension of

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11Plataforma de Afectados por la Hipoteca, [http://afectadosporlahipoteca.com](http://afectadosporlahipoteca.com), consulted on 2/04/2013
evictions and to introduce payment in kind (by returning the house to the bank); finally they intend to put pressure on private and public institutions to enlarge the rental housing stock (a social rent of 30% of income) and the provision of social housing.

**Strategies and campaigns**

The general objectives of the PAH movement have been to achieve to stop the evictions and to transform the evicted houses into social housing. The strategies of the movement are: acquire visibility and influence public opinion, to mobilize constituents, to organize protests, pursue collective negotiations with banks to ease mortgage payments, expose politicians publicly, change the legislation affecting housing debts after eviction, influence housing governance, to occupy empty buildings and encourage housing acquisition by institutions in order to promote social rent housing. These strategies have been pursued by the PAH movement through the following campaigns. We refer to some of the strategies in the following lines (see table 2 for a more complete picture).

"Stop Evictions"

Stop Evictions are mobilizations that occur when the affected families are about to be evicted from their homes and negotiation with the financial institution is no longer possible. The PAH negotiates with the bank and tries to pressure the courts of justice so that they will not evict families from their homes. When the financial institutions are unwilling to negotiate and decide to execute the eviction, adherents of the PAH will mobilize and prevent the eviction from happening. Together with other participators of the PAH, they will block the entrance of the home-to-be-evicted. In that way they try to stop or paralyze the eviction to gain time for further negotiation with financial institutions.

**Payment in kind/accord and satisfaction**

PAH has campaigned from early days to change bank practices. The regulation of payment in kind was proposed for the first time in Barcelona on 30/03/2010 with the support of a Lawyer of the Defence Committee of the College of Lawyers of Barcelona, and with the support of multiple civil society actors.12

In Spain mortgage foreclosure was possible after missing just one mortgage payment.13 Unlike in other European countries, the mortgage debtor who has received a mortgage foreclosure and is evicted from his home still has to pay the rest of the initial debt with no option for a renegotiation of the debt. This amount can be extremely high because when the mortgaged property goes to auction and there are no bidders, the bank can purchase the dwelling for 60%14 of the initial taxation price.

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12 El País, 30/03/2010 [http://economia.elpais.com/economia/2010/03/30/actualidad/1269934384_850215.html](http://economia.elpais.com/economia/2010/03/30/actualidad/1269934384_850215.html)

13 The new law (Ley de Enjuiciamiento Civil) for the "protection of the mortgage debtor" voted on 14/05/2013 extends the period for Mortgage eviction to a minimum 3 unpaid instalments.

14 14/05/2013 Law: purchase of the dwelling for minimum 60% of initial taxation price. Before this new law the amount was only for 50%.
Motions to Municipalities

The PAH members try to convince municipal administrators to take a political position in the debate on housing evictions. They want them to publicly express their view on the injustice towards families as victims of the crisis and to support the alternatives proposed by the Platform. They could for example instruct the municipal police to stop cooperation in cases of evictions or fine the financial institutions who keep their dwellings vacant. The actions of the PAH have brought some results.

When the PAH proposes a motion to the municipality they proceed as follows. Firstly they try to convince some political parties to collaborate and to present the motion to the town council. Otherwise, the PAH participants present the motion just as citizens. A small number of Spanish municipal councils have approved those motions with varying clauses. (In total, 84 Municipalities throughout Spain have committed themselves to the motion supporting the demands of PAH between October 2011 and November 2012.

Moreover, The PAH has urged local and regional governments to take the initiative in responding to the housing emergency throughout the country. This motion is based on the Catalan Law on the Right on Housing of 2007 (under a left coalition government). This law allows municipalities and the autonomous communities to fine institution up to 900,000 Euros for extended vacancies. In barely one month (January 2014) 65 Catalan municipalities have signed the motion which is a strong political statement, expressing their support for the demands of the PAH movement.

ILP (the People’s Legislative Initiative)

The People’s Legislative Initiative (ILP) is a “recommendation for law amendment” that promotes a better protection of people with mortgage problems in these times of crisis. Firstly it demands the halt to forced evictions as long as the government does not provide an alternative solution for these people. Secondly it requests a change of the legislation so that it would be possible to pay the remaining mortgage debts in kind (by handing over the house). The initiative also proposes to adjust the law so that people who have had a mortgage foreclosure can stay in their former homes, paying a social rent. And thirdly, these adjustments in law should be retroactive. All these demands aimed at the protection of citizens in case of their first and residential home.

Mobilization started officially on the 23rd of April 2012 by gathering at least 500,000 signatures of citizens who support a legislative proposal that was later presented to the Spanish parliament. The promoting group of this action consisted of several organizations including neighbourhood associations, the alliance of third sector entities.

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15 The list of the Municipalities that have approved the motion can be found on http://afectadosporlahipoteca.com/mociones-ayuntamientos/
16 Ley del Derecho a la Vivienda 18/2007
17 And 36 other municipalities are in process of approving the motion. El País, 23/02/2014 http://politica.elpais.com/politica/2014/02/21/actualidad/1393010178_488272.html
of Catalonia and one major trade union. By February 2013 they had gathered almost triple the number (1,402,854) of the required signatures. In this way they could exert a lot of pressure on the government and political parties. Finally all parties saw themselves obliged to take the proposal into consideration.

The Spanish Parliament debated changing the law. The law that was voted in Parliament on 18/04/2013 does not settle the question of bankruptcy of natural persons and neither does it enable people to ease the mortgage payments they cannot keep up due to unemployment or diminished household income. The new law permits the suspension during two years of the eviction of families with a household income lower than 1500 Euros a month, and which meet the conditions of “vulnerability”. Also, the new law obliges the banks to negotiate and lower the mortgage debt by 35% or 20%, when paying the entire debt in 5 or 10 years, respectively.

**Obra social PAH (occupation of empty dwellings)**

Since the rejection of the Peoples Legislative Initiative in April 2013, the Platform decided on a different tactic in order to reach their ultimate goal: the satisfaction of the human need of housing. Therefore they re-launched the campaign of “Obra Social”. By the end of June 2013, PAH Barcelona occupied their first a building (four years empty) owned by a bank, where they placed at least five evicted families. Through the occupation of buildings they also aim at negotiating with the financial institution – owner of the building – in such a way that those families will have a rent contract with the bank and will pay a social rent (30% of their family income). After 8 months since the re-launch of this campaign the PAH movement has occupied 20 building blocks that had been empty for at least 4 years) throughout the country, sheltering more than 1049 people by February 2014.

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19 Newspaper article in El peridico, [http://www.quenotehipotequequenlavid.org/wp-content/uploads/2012/04/18abr-El-Per%CE%B3dico_Contra-la-condemna-hipotec%C3%A0ria.pdf](http://www.quenotehipotequequenlavid.org/wp-content/uploads/2012/04/18abr-El-Per%CE%B3dico_Contra-la-condemna-hipotec%C3%A0ria.pdf) and [http://pahbarcelona.org/](http://pahbarcelona.org/); publication of 26/6/2012

20 [http://politica.elpais.com/politica/2013/04/18/actualidad/1366292843_530574.html](http://politica.elpais.com/politica/2013/04/18/actualidad/1366292843_530574.html), Ley de medidas para la proteccion a los deudores, Reestructuracion de la deuda y Alquiler social
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<th>Territorial Level</th>
<th>Size of Mobilization</th>
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Social innovation and governance: internal and external relations

In this section we briefly examine the way the PAH organizes internally and the way the platform has developed relations with other organizations and institutions. Being a grassroots movement the social base of the PAH is widely composed of citizens affected by the mortgage problem. Only a core group has not experienced a financial housing problem. The majority of members are adults, who were employed until recently, but have lost their jobs or have low or middle income.

**Graph 4. Nationality of PAH constituents in Barcelona**

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<tr>
<td>Negotiation with banks</td>
<td>Municipality</td>
<td>3-50</td>
<td>no</td>
<td></td>
</tr>
<tr>
<td>Occupation of banks</td>
<td>Municipality</td>
<td>20-50</td>
<td>yes</td>
<td></td>
</tr>
</tbody>
</table>
The PAH is a horizontally organized urban movement that regularly discusses actions in assemblies. Core groups meet several times a week to discuss strategies and actions to be taken. Open assemblies also take place on a weekly basis, in which people newly affected by mortgage problems can join the veterans. Individual experiences are shared publicly and answered with advice and human support. The core group and the veterans help the newcomers and socialise them into the dynamics of the organization.

Table 2 PAH- Barcelona Internal organisation

<table>
<thead>
<tr>
<th>Support Base</th>
<th>“Deprived” Citizens (financial stress, housing problem)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age constitution:</td>
<td>adults over 25</td>
</tr>
<tr>
<td>Socio-economic class:</td>
<td>low and middle class</td>
</tr>
<tr>
<td>Adherents to the movement:</td>
<td></td>
</tr>
<tr>
<td>Personal Benefit:</td>
<td>reciprocity, solidarity</td>
</tr>
<tr>
<td>Nuclear Group</td>
<td>Dedicated and involved members and others experiencing financial stress</td>
</tr>
<tr>
<td>Resources’</td>
<td>Labour: Most people are unemployed &amp; have time to participate</td>
</tr>
<tr>
<td></td>
<td>Money: Own fund-raising, Individual Donations, Donations Observatory DESC</td>
</tr>
<tr>
<td>Legitimacy:</td>
<td>High citizen support (81% of the Spanish population, according to Metroscopia survey. ELPAIS)</td>
</tr>
<tr>
<td>Structure</td>
<td>Horizontal</td>
</tr>
<tr>
<td>Network</td>
<td>Professionalization</td>
</tr>
<tr>
<td></td>
<td>Spokesperson: (charismatic woman)</td>
</tr>
<tr>
<td></td>
<td>Subgroups in charge of different actions</td>
</tr>
<tr>
<td>Decision Making</td>
<td>Consensus by Assembly: no voting</td>
</tr>
<tr>
<td></td>
<td>Representatives in regional and federal meetings</td>
</tr>
<tr>
<td></td>
<td>Leaderless: rotation of Responsibilities, full involvement of everybody</td>
</tr>
<tr>
<td></td>
<td>Leaderless: rotation of Responsibilities, full involvement of everybody</td>
</tr>
</tbody>
</table>
We have differentiated PAH external relations in two types: relations with private and civil society and relations with public institutions (see tables 3 and 4). PAH collaborates with some significant civil society groups in Barcelona. These associations offer support to the Platform as a whole and to individual members. Whereas the relationship with financial institutions is based on a conflict of interest. However, agreements are reached in particular instances between PAH and bank managers to renegotiate debts or even to condone these.

**Table 3. PAH-Barcelona External relations with Private and Civil Society**

<table>
<thead>
<tr>
<th>Private &amp; Civil Society</th>
<th>Territorial Level</th>
<th>strength of ties</th>
<th>Collaboration</th>
<th>Conflict</th>
<th>Constraining/Supportive</th>
</tr>
</thead>
<tbody>
<tr>
<td>FAVB (Federation Neighbourhood Association BCN)</td>
<td>Municipal</td>
<td>high</td>
<td>high</td>
<td>no</td>
<td>Supportive</td>
</tr>
<tr>
<td>Observatory DESC (Social, Economical and Cultural rights Association)</td>
<td>Municipal</td>
<td>high</td>
<td>high</td>
<td>no</td>
<td>Supportive</td>
</tr>
<tr>
<td>Labour Unions</td>
<td>National</td>
<td>low</td>
<td>no</td>
<td>no</td>
<td>Supportive</td>
</tr>
<tr>
<td>Other Social movements (iaio flautas, DRY, auditoria de la deuda y 15M)</td>
<td>National</td>
<td>medium</td>
<td>medium</td>
<td>no</td>
<td>Supportive</td>
</tr>
<tr>
<td>Caritas</td>
<td>National &amp; Municipal</td>
<td>low</td>
<td>no</td>
<td>no</td>
<td></td>
</tr>
<tr>
<td>Financial Institutions</td>
<td>National &amp; Municipal</td>
<td>high</td>
<td>no</td>
<td>yes</td>
<td>Constraining</td>
</tr>
</tbody>
</table>
**Table 4. PAH External relations with public institutions**

<table>
<thead>
<tr>
<th>Public Institutions</th>
<th>Territorial Level</th>
<th>Strength of Ties</th>
<th>Cooperation</th>
<th>Conflict</th>
<th>Constraining/Supportive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ofideuta Barcelona</td>
<td>Regional</td>
<td>low</td>
<td>no</td>
<td>no</td>
<td></td>
</tr>
<tr>
<td>“Table Housing Barcelona”</td>
<td>Municipal</td>
<td>medium</td>
<td>low</td>
<td>no</td>
<td></td>
</tr>
<tr>
<td>Municipal Council</td>
<td>Municipal</td>
<td>low</td>
<td>no</td>
<td>No/....</td>
<td>Constraining</td>
</tr>
<tr>
<td>Catalan Government</td>
<td>Regional</td>
<td>low</td>
<td>no</td>
<td>no</td>
<td>Constraining</td>
</tr>
<tr>
<td>National Government*</td>
<td>National</td>
<td>low</td>
<td>no</td>
<td>Yes</td>
<td>Constraining</td>
</tr>
<tr>
<td>Judiciary *</td>
<td>National</td>
<td>medium</td>
<td>medium</td>
<td>Diminishing</td>
<td>Supportive</td>
</tr>
<tr>
<td>European Court of Justice*</td>
<td>European</td>
<td>low</td>
<td>low</td>
<td>no</td>
<td>Supportive</td>
</tr>
</tbody>
</table>

* These external relations applied to PAH-Spain in general and not only to PAH-Barcelona.

**Impact on governance: Innovative initiatives: public actors and actions. The case of Barcelona 21**

Public administrations, civil society organisations and social movements are responding in multiple ways to meet these newly risen social needs. These innovative initiatives are a reaction to the newly emerged specific needs in society, such as knowledge about mortgage contracts and legislation, information on the rights and responsibilities of people with housing problems, advice and assistance in negotiation with financial institutions. It is important to emphasise that the actions of the “Platform of the Affected by the Mortgages” have meant a shift in public opinion on the problem of mortgage foreclosures and housing evictions, reaching their maximum impact in March 2013. The situation of more than 415.000 mortgage foreclosures in 2008-2012 period; 244.500 initiations of housing evictions of which almost 160.000 have been executed has been acknowledged as a social issue that requires policy intervention.

In Barcelona a new frame of governance has been developed by regional and local institutions. In this section we briefly introduce the organizations and actions in order to give an idea of the innovations taking place. The most salient aspect however, is the ways in which public institutions and civil society organizations are creating new

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21 Developed with the use of data obtained from newspaper articles, participative observation and interviews
forms of coordination in order to have more effective results in dealing with the housing crisis generated by the mortgage crisis.

Autonomous Community of Catalonia: “Ofideute”

In 2010 under the government coalition of the left known as the tripartite, the Autonomous Community of Catalonia set up a mortgage debt counselling service in order to respond to the social exclusionary dynamics caused by the financial crisis. Over the last three years “Ofideute” has evolved from a small team of four employees attending only the people in the Barcelona office, to a well known entity widely spread over the Catalan territory. The main objective of Ofideute is to prevent indebted families from ending up on the street and without shelter.

In the current Spanish context, financial institutions are by no means obliged to start a mediation process with one of their indebted clients, let alone come to an agreement of debt settlement. In this way Ofideute creates an innovative initiative since they have managed to establish informal agreements with the financial institutions to establish a network between the risk department of financial institutions and a debt mediation service of the public administration, thereby establishing a communication channel on mortgage problems of vulnerable consumers. Ofideute does not intend to take position in the conflict with regard to responsibilities, social exclusion and unequal power relations. In fact, its role is closer to Caritas’ whose head of the mediation service is the same person who initiated Ofideute in 2010.

Provincial administration. (SIDH) Mediation Service in Housing Debts

This is an initiative of the provincial administration Diputació of Barcelona, whose main function is to advise and support municipal governments. Officials are contacted by smaller municipalities who do not have enough resources, expertise or infrastructure to fulfill all administrative and public tasks on their own. The Social Services department of the Diputació offers judicial advice to people who lack resources on the principle that every citizen has the right to social assistance and social integration.

This initiative is a broadening of the mediation service of Ofideute. The strength of this service, as well as of Ofideute, is that they are coordinated. They ensure a communication/mediation channel between the financial institution and the individual. Moreover, partnership agreements were established with 27 municipalities.

22 A left coalition between the PSC (Partido Socialista de Catalunya), ERC (Ezquerra Republicana Catalunya) & ICV (Iniciativa por Cataluña Verdes)
23 The initiative of this new project was taken by Carmen Trilla, secretary of housing at that moment.
24 Ofideute has agreed with the different financial institutions to have a single contact person, mostly in the risk department, to which the head office of Ofideute sends the debt settlement proposals of each case they receive.
25 Also two other people who formed the nuclear group of Ofideute: Joana Suñer and a financial expert have moved from Ofideute to Caritas, apparently because of a lack of funding.
26 However a financial institution is not in any way obliged to accept mediation in the case of payment arrears on mortgage contracts, so people depend entirely on the goodwill or interests of the financial institution in each particular case.
of the Barcelona region covered by the Diputació. These municipalities were chosen strategically in function of their proximity to users to make the service accessible for all inhabitants of the Barcelona region.

Governance based on institutional cooperation in Diputació has also involved recently the housing and Juridical Service Orientation service departments in the form of a new mediation service on housing debts partly using the existing infrastructure of the formerly existing Service of Judicial Orientation (SOJ).

Officially there is no collaboration between the Diputació and the Platform of Affected by the Mortgage. However, officials do communicate with Observatory DESC, which is closely related with the PAH, through meetings or lectures organized by the Diputació, the municipality of Barcelona or other official gatherings. The tie with Caritas consists of mutual recognition. In the information leaflets on mortgage issues, the Diputació would refer to Caritas and vice versa.

Consortium on Housing of Barcelona ("Consors d’Habitatge de Barcelona")

The consortium on Housing of Barcelona is a public institution that existed before the beginning of the financial crisis, formed by the Catalan government and the municipality of Barcelona. They manage and work on the improvement of the services related to access to housing in the municipality of Barcelona. In order to carry out the tasks of improving the accessibility of housing they develop programmes on housing rehabilitation and neighbourhood planning, promoting social rent and development of the citizen services in housing issues in Barcelona. They carry out these tasks through the partnership agreements and pacts they have concluded with the corresponding specialized institutions of the administration (e.g. la Diputació, the Housing offices of the municipality).

Council for Social Housing-Barcelona ("Consell de 'l Habitatge Social de Barcelona")

The Advice Board on Social Housing (ABSH) has emerged from one of the thematic boards of the "Consell de la Ciutat", which is the participatory organ of the municipality of Barcelona. The ABSH was formed in 2007 within the framework of the overarching body on housing of the municipality and the autonomous community: Consorci de l’habitatge de Barcelona. The ABSH was set up to function as a participatory and consultative structure concerning all issues of housing policy in Barcelona. The idea is that this structure provides the space for citizen participation in order to facilitate the debate, the formation of opinion, the formulation of new proposals, the promotion of policy analysis and the monitoring of the activities of the consortium. They encourage the participation of the different stakeholders in housing

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30  List of members of ABSH: http://www.bcn.cat/consorcihabitatge/es/consell-habitatge.html
issues such as experts of the administration, political representatives, civil society organizations, private institutions who manage social housing services, etc. The Observatory DESC, which collaborates closely with the social movement PAH, is one of the members of the ABSH, as well as the FAVB (Federation of Neighbourhood Associations of Barcelona). Also, the ombudswoman is always invited and informed as a visiting member of the Board.

Municipal Government of Barcelona –“ Servicio Asesoramiento”

Overall the municipality of Barcelona has reacted in multiple ways to the housing crisis. For example, it has created a new function of coordination involving different departments (social services and the housing area). Within the Barcelona municipality there are forty offices of Social Services and ten offices of housing where people with housing problems can be attended. They have organized their own mediation service between owners and tenants, where in some cases also financial help is offered in order to make rent more accessible for tenants, to pay the deposit or to deal with the accumulated debt. In this way they create some kind of social rent through the subvention of the private rental market31.

The most innovative initiative taken by the municipality of Barcelona, supported and promoted by the ABSH, was the formation of the Mixed Commission on Housing Evictions in February 2011. The formation of this commission has been an important political act, because it means that the municipality acknowledges the existence of a structural problem of housing eviction, both rental and in property, and of social exclusion dynamics due to the financial crisis. The Platform of the Affected by the Mortgages is an official member of this mixed Commission. This is the only participatory organ or commission of the municipality of Barcelona that officially includes the social movement. This incorporation can be seen as innovative governance. The goal of this mixed commission on housing is to provide a platform for the different stakeholders of housing and social exclusion to communicate with each other and jointly search for alternatives to prevent the housing evictions at the municipal level32.

Innovative initiatives: Caritas and Civil Society Actors

Caritas’ Mediation Service for Housing

In September 2011 Caritas started the Mediation Service in Housing (MSH). Caritas in general mostly runs on volunteers and on individual donations. The MSH in particular received a big anonymous donation that allowed them to develop this Mediation Service on Housing. With these funds they can give financial support to households in

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31 In 2012, 1.972618 euro (which represents 64% of the total import on family assistance) was destined towards family aid related to housing problems.

32 Forty representatives of social organizations, financial institutions, legal institutions and the public administration gather to communicate and relate the experiences and practices from the point of view of their field of action.
need. Up until June 2013 they owned 250 buildings which they acquired from multiple resources.

Caritas has established a communication channel with the financial institutions. This tie consists of an agreement with the financial institutions that they will cooperate and keep the communication open on all the cases of mortgage troubles of socially excluded groups. The elaboration of this communication channel with a unique interlocutor is mostly done on an informal basis, because most financial institutions do not want to bind themselves formally. For Caritas a case is solved when they have succeeded in renegotiating the mortgage debt, people can stay in their houses with a social rent or by reaching an accord of payment in kind. If they cannot keep people from losing their property, Caritas will assist them in the search for new housing, either in the private rental market, or in one of the dwellings of their own organisation.

Federation of Neighbourhood Associations (FAVB) “Servicio de Mediación”

The FAVB brings together more than 100 neighbourhood organisations in Barcelona. With regard to housing issues they search for solutions to this collective problem actively cooperating with social movements and civil society organisations such as: Laio Flautas, 500*20 15M, Caritas and the PAH; all active concerning the deprivation dynamics of the crisis.

The broad network of the FAVB among the neighbourhoods of Barcelona, allows them to reach many neighbourhood organisations which in their turn can inform the inhabitants of their area. In this way they cooperate in broadening the coverage and the knowledge of the existence of the PAH. The FAVB members have organized their own mediation service in which people are attended individually by a lawyer and expert in mediation.

"Platform of People Affected by Mortgage ("Observatory DESC")

Key members of Observatory DESC overlap with PAH. The Observatory wants a change in the law, and while this does not happen they come up with other ways to prevent people from being thrown on the streets. In January 2014 they have started a new strategy to put pressure on public institutions such as persuading municipalities to fine the banks which keep their dwellings empty instead of putting them on the rental market for social rent. The motions put forward in over 100 municipalities in Catalonia (66 already passed, 36 in process33) are based on the Catalan normative on the social function of housing. In a way this follows the actions taken in the Autonomous Community of Andalusia, whose parliament also voted a norm that will fine financial institutions if they keep their dwellings empty34.

33 El País Domingo, 23rd February 2014, p. 3
34 Ley antidesahucios, Ley para garantizar la función social de la vivienda http://www.juntadeandalucia.es/boja/2013/69/2
Other institutions and governance arrangements:

Ombudsman office

The national ombudswoman presented a report on the "Economic Crisis and mortgage debts" in January 2012. She proposed to establish regulations in order to act on issues of insolvency of natural persons following the practice of most European countries. The report recommended that the government should provide a rule that allows “bona fide” debtors to remain in their property paying a rent according to the circumstances. There should be a limitation on the interest on arrears. Since May 2013 this is included in the law, after the verdict of the European Court of Justice.

The Catalan ombudsman has also made multiple recommendations to the regional government on housing matters. The ombudsman states that it is crucial to diffuse information and create an overview of all existing mediation and advisory services in order to make all possible alternatives accessible to the citizens. There should be a free system of restructuring of debts managed by a public entity which will establish a personalized plan, in agreement with the creditor, in order to pay off the obligatory debts. Until an agreement is reached, the debtor should not be evicted from his property. The Catalan Ombudsman insists that 30% of the housing units should be destined for social rent.

Commission of the Associations Network – “Consell de la Ciutat”

The city advisory board is the participatory organ of the municipality of Barcelona where representatives of the municipality and civil society meet and debate on the major societal issues in the city of Barcelona. They have constituted a Commission of the Associations Network and the Addressing of the Crisis. In this Commission civil society organisations meet with representatives of the municipality of Barcelona and debate on the possible solutions, experiences in the field and best practices in order to address the crisis effectively. According to their website it is a temporary commission, implemented as a response to a request in September 2012. The acts of three meetings are posted on the website. Caritas is noted as a member on their list, but PAH is not present. The FAVB is actively involved in this participatory organ, as the FAVB also addresses other social needs such as nutrition, education, water provision, social cohesion and other neighbourhood development issues.

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36 The PAH movement used the ombudsman office to submit their complaints against the administrations and cooperate on the formulations of recommendations.
38 http://www.conselldeciutat.cat/es/page.asp?id=123
The relation between PAH and institutions

Local and regional governments

Throughout 2010 and 2012, the PAH presented motions to municipalities in order that they would take position in the problems of mortgages and housing issues. Many municipalities have approved these motions but without their having much practical impact.

In November 2011, the municipality of Barcelona installed a roundtable on housing issues in which PAH Barcelona is represented and some other civil society actors participate. However since the installation of the roundtable they only have met three times. This type of mixed commission was also initiated in a few other municipalities in Spain. Depending on the negotiation power of local PAHs and the willingness of local and regional governments, they came up with initiatives to protect the social rights of their citizens.

Some municipalities started to suspend the tax payment (value added tax) that citizens have to pay on the financial transaction of buying a house. This tax comes

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39Amongst others: Badalona, Terrassa, Sant Boi & Rubí
from the fiscal idea that with a sale, the family has realised the benefit. This tax also has to be paid in the case of the compulsory sale of the property in case of mortgage eviction of payment in kind. The Municipality of Barcelona announced in August 2012 that they would cease VAT claims when handing in property to the bank but now, 10 months later, this promise still has not been put into practice.

At the regional level the most ambitious initiative so far (May 2013) is one of the Andalusia regional parliament40. In Catalonia the regional government installed an office for advice on mortgage issues: Ofideuta 41. Moreover, the Autonomous Communities of Catalonia and Valencia have agreed with the Judiciary for Social Services to be informed of court rulings on evictions42. Also, some cases are known where the municipal council tries to pressure banks to offer some of their buildings on the rental market. One mayor even threatened a financial institution to withdraw all the municipal funds in their accounts if the bank would go through with a particular eviction.

National

At the national important legislative changes have occurred. Two of them are: The November 2012 measures that should offer a better protection to mortgage debtors without resources. And, then, in May 2013, as a result of citizen pressure with the Peoples Legislative Proposal and a ruling of the European Court of Justice (see below), the government saw itself obliged to adjust the law in order to give more protection to citizens.

1. In November 2012 measures were adopted to protect the particularly vulnerable groups.

A two-year suspension of evictions for people who are considered particularly vulnerable such as: (a) single-parent families with 2 children; (b) families with one handicapped member; (c) the mortgage holder is unemployed but not entitled to unemployment benefits anymore, etc. Moreover, to apply for the two-year postponement of eviction the mortgage instalment has to exceed 50% the total household income, the family should have suffered economically since 4 years and the household income should not exceed 1,597.53 euro per month.

2. “Law to strengthen the protection of the debtors, debt restructuring and social rent”43 (voted on 8/05/2013 in the Senate)

This law was drafted and voted under strong citizen pressure – due to the impulse of the People’s Legislative Proposal (ILP) - and the sentence of the European Court of Justice on 14/03/2013 (see below). The adjustments of the mortgage law consist

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40 A left majority: IU & PSOE, voted on 09/04/2013
41 In operation since 2010
42 February & April 2013
43 Ley 1/2013, de 14 de mayo, de medidas para reforzar la protección a los deudores hipotecarios, reestructuración de deuda y alquiler social
among other things in the postponement of the period in which the bank can start the mortgage eviction from one to three months of delayed payment, the possibility to get out of debt if the family pays 65% of the remaining mortgage debt in five years and of 85% in ten years, the minimum value of purchase of a dwelling in auction rises to 75% of the initial value, etc. In Januari 2013 the government announced an agreement between a few Ministry departments and financial institutions to create a social housing stock of 6000 houses, which will be rented out to particularly vulnerable families.

European

*Ruling of the European Court of Justice* (ruled on 14/03/2013)

The ECJ entered into the picture when a Spanish lawyer, asked a preliminary question at the European Court of Justice in a case in which Mohammed Aziz would be evicted from his home in a process wherein he was unable to defend himself in court. He doubted the legitimacy of this norm. The Spanish lawyer also asked at the European court how the disequilibrium should be interpreted when contractual clauses were not negotiated individually with the contractor. The Advocate General of the ECJ answered that the national judge should interpret the abusive character of the clauses. On these bases the mortgage contract can either be invalidated or undone.

As a response to this ruling and the enormous public pressure and support for the People’s Legislative Initiative – drafted by the PAH movement – the Spanish government was obligated to take the ILP in consideration and to modify the Mortgage Law and the Civil Procedure in order to straighten the imbalance between the creditor and the individual debtor. On May 14th the Spanish Parliament voted a new law to "reinforce the protection of mortgage debtors". It is clear this new standard still leaves very little leeway for lawyers, judges and only under very strict and extreme conditions debt settlement is allowed. However, the modification of this law and the internationalization (up-scaling) of the problem have led, to some extent, to social innovation in power relations between mortgage debtors and creditors by a modification of a national law concerning the eviction process.

*Ruling European Court of Human Rights* (16/10/2013)

An occupied house by the PAH movement had been ordered to be evicted by the Court hearing in Girona. This house, owned by the national ‘bad bank’ SAREB, housed 43 people that were affected by the mortgage. When these 16 families were ordered to leave the building their lawyer went in appeal against this ruling. The European Court of Human Rights decided that this was in contrary with the international right on housing and postponed the eviction at least one month, up until the moth spires the government can offer alternative lodging.

*European Central Bank*

The European Central Bank pointed out in a recent statement signed by its president, Mario Draghi, directed to the Spanish government that they should provide a broader
regulative context than the limited adjustments made so far. The recommendation of the ECB president is that the Spanish government should address the underlying causes of problems related to the mortgage loans, which are a result of the changing economic context and the diminishing value of real estate property. Draghi argues that the Spanish government should try to avoid mortgage foreclosures insofar as possible, while keeping up the proper economic incentives and avoiding moral hazard. In other words, it is also the ECB that points out to the Spanish government that citizens should not be the victims of the crisis.

**Judiciary**

Gradually more and more judges start to denounce the injustices in the legal system. In their judgements they are generally bound to prescriptions and a legal framework which prescribes what is legal and what not. They have limited autonomy in judging in favour of the affected citizens when the law does not allow them to do so. But the judgment of the ECJ has given more autonomy to the judges to decide on abusive clauses and abusive interests on arrears.

In fact, it was a lawyer who took the initiative to ask a prejudicial question on the legitimacy of Spanish legislation. A growing number of judges publicly supports citizens and the injustice and abuse of the legal system of mortgage foreclosures and evictions.

**Media analysis**

As shown before the Platform was formed in February 2009, but it took two years for them to gain attention from the media. The emergence of the 15M movement and the simultaneous demonstrations in 50 Spanish cities on the 15th of May 2011 was the turning point for the PAH. They started to be mentioned in the news and it brought them to the attention of the public. In this period they are referred to mostly in combination with reference to the 15M movement (Indignados). The following chart shows the media coverage given to the mortgage payment problems and evictions related to the PAH in the national newspaper *EL PAÍS*. We have taken this newspaper for its widest media impact.
Graph 6: Media Coverage on PAH in El País

Media Attention
(2009 - 2013)

Source: Elaboration of authors with data collected from newspaper articles “El País”
* from 8/02/2012 all articles published online, before only articles in printed version

After the boom of attention in the second quarter of 2011, media attention diminishes again up until the second and third quarter of 2012, with an exponential growth up to April 2013. In the second quarter of 2012 media attention rises again reporting mainly on the start of the Popular Legislative Initiative (ILP) and the first anniversary of 15M. From then on media attention rises, reporting on evictions and all sorts of actions of the PAH. The presentation of the ILP in Parliament coincided with the ruling of the European Court of Justice on the Spanish mortgage legislation and moreover the PAH contested actions – the “escraches” – took place during the first quarter of 2013, which made them to be the breaking news of this period.

Consequently, increased media attention induced more and more affected people to reach out to PAH for their help and support. This made the movement grow enormously in number of adherents as well as in negotiating power and the respect it commands.
From the division of topics in Graph 7 reported on in the media, we can see that media attention mainly goes towards actions and civil disobedience, i.e. confrontational events. Very rarely - or never – were articles published on the organisation of the social movement, the efforts they make behind the scenes or less spectacular actions such as the collective negotiations or the collective advice assembly. Almost half of the media attention (48%) goes to the Stop Eviction actions, the Escraches, the People's Legislative Proposal and the street demonstrations. And 19% of the attention goes to the impact on governance.

Conclusions

In this paper we have presented a unique case of social innovation by organized citizens' fight for social justice. The impact of the financial and economic crisis in Spain, one of the largest home ownership countries in the world, has had a very specific feature: the loss of homes for thousands of families over a very short period. The emergence of a bottom-up collective response is therefore explained partly by the scale of the social crisis created by a financial crisis.

The PAH movement has developed with a very broad social base. Family members affected by the loss of their homes have joined the movement becoming active members creating a horizontal web of relations based in community support and solidarity. Their actions have been based on providing information and knowledge to citizens in order to deal with the problem of evictions but also to confront financial institutions. With local public administrations the PAH movement has acted as a pressure group pushing for institutional action in support of citizens, including changing practices and legislation.
One of the characteristics of a successful social movement is visibility. On the basis of our research we see that the PAH movement has achieved over a short period of time considerable visibility in the public sphere. This was the result of the presence of the movement in the media showing the human, concrete suffering caused by the instances of social injustice. However, the presence of the PAH actors in the public sphere could not have been possible without a systematic organization at the neighbourhood level in cities.

In our analytical perspective we see the emergence and consolidation of a social movement as an example of social innovation because its aim goes beyond denunciation and protest to actually providing (facilitating) material resources not provided by the market or the state. We have argued that the failure of public and private institutions in Spain to provide solutions for the loss of homes created the opportunity for the socially innovative action of the PAH movement. However, social actors involved in social innovative practices find themselves with important opportunities and constraints in their path to consolidation of their projects. Many of these opportunities and constraints are related to the ways in which institutions respond to innovation. But also the way civil society organizations and social movements approach institutions.

The institutionalization of socially innovative practices is crucial for the endurance of social innovation projects and for achieving long term effects. What we mean by institutionalization is mainly recognition of the objectives and the actors as legitimate and support of public authorities. Institutions may be first receptive to bottom-up initiatives and in some cases incorporate some of the innovative practices into policy making. In the case of the PAH movement in Barcelona and Catalonia we have seen that local institutions have been more open to develop mechanisms of negotiation with financial institutions in order to deal with the mortgage crisis. Similar processes have taken place in other cities of Spain. However, there is ambiguity in the cooperation between the PAH movement and institutions. On the one hand they share information and participate together in formal housing commissions, on the other hand the PAH keeps an openly critical approach to the insufficient policy action of the administrations.

Finally, the impact of mobilization on international institutions to the point that these have exercised pressure on the Spanish parliament to change legislation is a demonstration of the strength the movement. Often institutionalization of this kind involves “Up-scaling”. That is other levels of governance beyond the local assume some responsibility for maintaining/improving universal access to welfare resources. This question is particularly relevant in the current economic and political context of welfare state retrenchment.

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Possibility of Area Management Organizations for “Bulwark” against Neoliberal Urbanization – Thorough the Cases of Public Development Authorities (PDAs).

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Abstract

As in many other countries, U.S cities have experienced "Neoliberal Urbanization". Originating from 1970s, it, as the reconstitution form of market-guided regulation, has soaked U.S.cities. Since 1980s, and especially 1990s, the process have been associated with dialectical process that is named "actually existing neoliberalism", such as conflicted process of the creation and the destruction, and the conflict between or among new and old factions (Brenner & Theodore 2002). As the result, city, the target and experiment lavatory of neoliberal agenda, is called “Neoliberal City”, of which feature is uneven geographical development, especially inner city gentrification. On the other hand, since 1980s, mainly 1990s urban management of many cities has adopted and experienced the new measures and methods, such as PFI and PPP as multi-sectors’ partnership as well as CDC and PDA that seek for neighborhood vitalization. (Paradigm shift in urban management) (Maeyama 2014).

This presentation focuses on effectiveness of area management organizations in neoliberal urbanization. Especially through test case of PDAs (Public Development Authority), progressive and unique entities created by city for the mission of area management that have developed themselves mainly in West Coast, we examined the possibilities of intuitional setting for area management as "bulwark" in or against neoliberal urbanization.

As the result of our examination on PDAs (such as Pike Place Market PDA ,SCIDpda in Seattle, Washington State), we had the findings: 1) PDA (area management entity that is created and charted by city as special purpose government) emerged in the citizen movement in 1970s. 2 ) Through test study of a typical area management PDA, in terms of demographical analysis ,basically outcome of PDA as key element was perceived that protected the neighborhoods’ character (low income and diverse neighborhood) and activation (keeping the residents) through their comprehensive implementation of projects ,in the neoliberal urbanizing stress. 3) That is related to the advantage ((①)legal status as public agency (government), ② institutionally sustained properties. 4)) And we recognized in the essential perspective of related persons to avoid bureaucratization. Indispensable point especially for the potentiality to cope against "capital initiated - not citizen grounded -urbanization".

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(1) Premise –Neoliberal Urbanization.

(1)-1 Neoliberal Urbanization and the city
In many countries such as U.S., Japan and European countries, there have been tendencies that are called “Neoliberal Urbanization”. In the case of U.S. neoliberalism has evolved, originating from “abstract economic doctrine” it in 1970s, and worked as reconstituted form of market-guided regulation in 1980s. And especially in 1990s it gained fully the momentum to deploy, especially focusing on soaking in urban sphere (privatization, retrenching of public finance, restructuring of urban housing market and labor market, restructuring strategies of territorial development, transforming of the built urban form such as destruction of traditional working class neighborhoods etc.).

The space of neoliberalism evolved not as the linier process, but occurred with dialectical process with conflicting tendency toward destruction and creation. In each city the destruction proceeds in related to the removal of Keynesian artifacts (public housing etc.) policies (redistributive welfare), institutions (labor unions), and agreements. The creation proceeds in related to establishment of new institution and practices to produce neoliberalism (government-business consortia, workfare policies) are related. And that process are depends on each political situation such as adjustment, compromise between and among new and old factions in each area (city). Brenner & Theodore names this dialectical urbanizing process “actually existing neoliberalism” (Brenner & Theodore 2002).

From other angle Hackworth mentions plural “spatial fixes” (Hackworth 2006) (like the following).
○"Spatial Fix to the Great Depression”(1930s) → ○ other Spatial Fix (mid-1970s)→ ○Neoliberal City (1990s)

In the time of Spatial Fix to the Great Depression” in 1930s, a couple of distinct aspects were observed such as outward growth of the city, inner city decline, regulated development, public investment in infrastructure (Keynesian managerial city).

In mid-1970s, U.S cities experienced the different spatial fix in tow aspects. ①Federal outlays were cut, and governments became more entrepreneurial;②more reliance to investment in commercial real estate progressed (offices, shopping malls).

Successively in 1980s and 1990s these aspects proceeded fully. Eventually at the Neoliberal City stage, along with revalorization (evaluation) of inner core of cities and revalorization (depression) of inner suburbs, especially the inner city gentrification has been “a process fundamental to contemporary urbanization”.

Finally Cities have become central to the reproduction, mutation, reconstitution of neoliberalism itself. And cities became the strategic target for neoliberal policy experiments, innovation as well as incubator for major political and ideological strategies. Finally during the neoliberal urbanization process three issue are observed:
(2) Revolarization of city area

① Uneven geographical development

Especially, uneven socio-economic development in district/neighborhood level

③ exclusion of some sorts of residents from “public sphere” in each neighborhood

(2)-2 Urban Management Paradigm Shift – PFI, PPP and CDC

On the other hand, since 1980s, mainly 1990s urban management of many cities has adopted and experienced the new measures and methods, such as PFI and PPP as multi-sectors’ partnership as well as CDC and PDA that seek for neighborhood vitalization. (Paradigm shift in urban management) (Maeyama 2014).

In 1980s due to debts (for public service) in many cities, for utilizing private sectors’ money for public works, new methods and measures such as Public Financial Initiative (PFI) and Public Private Partnership (PPP) were adopted. After the depression of 2008, the numbers of states that establish laws for PPP increased to 35 (from 19.)

Among areal organizations CDCs, originated from neighborhood activists in 1960s, increased the number to more than 2000 in US. (CDCs are non-profit organizations that serve affordable housing, care program of senior citizens etc. on neighborhood basis; driven under the supervision/governance of citizens’ board members.) Mazmanian & Kraft evaluate CDCs as “the predominant organizational means of implementing community sustainability objectives. (Mazmanian & Kraft 1999).

Expectation to be “bulwark” against neoliberal urbanization.

On the other hand there is a considerable criticism on CDCs: CDCs got too much “professionalization” in order to adjust grant from federal government (such as the Community Development Block Grant CDBG) during 1980s-90s ( “developer” like!). (Stoecker 1997; Vidal 1997: Simon). It might be possible that CDCs and PDAs work for neoliberal agenda in some case.

Here we come across the following question. What is the necessary, efficient function of area management organizations for maintaining neighborhoods’ intrinsic vitality and areal public sphere?

(2) Purpose

This presentation focuses on effectiveness of area management organizations in neoliberal urbanization. Especially focusing on the test case of PDAs (Public Development Authority), progressive and unique entities created by city for the mission of area management that have developed themselves mainly in West Coast, we examined the possibilities of intuitional setting for area management as ”bulwark” in or against neoliberal urbanization.

For the purpose first of all we are trying to find the origin/history of PDAs. And in the next place we are going to examine the framework (governance, efficiency) of PDAs.
(3) Background and history of PDA

PDA started in Seattle, (Washington State, U.S.). Among PDAs, the backgrounds of two representative ones, Pike Place Market PDA and SCIDpda (Seattle Chinatown International District PDA) are treated here.

(3)-1 Pike Place Market PDA

In 1963, the Central Association (association consisted of businesses) unveiled a plan to demolish the Pike Place Public Market's nest of buildings and alleys and replace them with terraced garages and high-rise office and apartment buildings. By 1964, the "Pike Plaza Redevelopment Project" was integrated into Seattle's first application for federal Urban Renewal funds. In September 1964, attorney Robert Ashley, architect Victor Steinbrueck with 60 sympathizers organized the group "Friends of the Market" for protecting the historical market area. For years there was hard discussion with the city mayor and city councils, and also controversy and factions among local business owners (such as the Central Association and some pro-redevelopment business persons such as Pete De Laurenti).

An initiative, direct legislation*, was passed on November 2, 1971 that created a historic preservation zone and prevented Pike Plaza Redevelopment Project. (*Advocated draft of ordinance by hands of citizens is gotten on voters’ ballot.) The result was 76,369 (yes for historic preservation) to 53,264 (no). The initiative created the Market Historical District and placed its administration firmly under public control. Namely the Pike Place Market Preservation and Development Authority (Pike Place Market PDA) was created by the city to run the Market. (Mr. O. Yale Lewis, attorney, contributed by his legal suggestion about PDA to the city and state.)

Creation of first PDA

Preceded by actual activities of Pike Place Market Historical District Commission (12 members, including 2 Friends of Market persons), Pike Place Market PDA was charted and established by the City of Seattle in 1973 (ordinance 100475) for managing the properties within the district (that was owned by PDAs) in the areas as well as overseeing Preservation Plan & Urban Renewal Plan (Figure 1). As for organizational governance, 12 board members that preside PDA as the special purpose government were established officially (and also staffing stared).
In 1971 a big sports multipurpose stadium "King Dome" was decided by King County to site at King Street, on the International District's fringe, the decision triggered an immediate backlash from neighborhood groups that feared a loss of low-income housing, more crime and traffic problems, more noise and light pollution and fast-food restaurants. “Collapse of Unique Asian-American culture” was concerned. There held big march in 1972. And International District Improvement Association (Inter*Im) and its executive director Bob Santos supported the movement, helping groups (such as members of the Union of Democratic Filipinos (KDP) and a number of high-school age youth from the International District Youth Center (IDYC)) to establish "Committee for Corrective Action". Inter*Im, established by neighborhood activists and local business owners, leaded the "non-violent", but "for-neighborhood" action along with and amidst the movement. They presented the county with 6 demands (such as a percentage of stadium profits for neighborhood social and health services; a percentage of stadium jobs for Asian Americans etc.). During the process of the construction, many of the demands were met.
During this process, Santos, Inter*Im started focusing on lobbying for more elderly low-income housing in the International District. They marched to, and discussed with HUD (federal Department of Housing and Urban Development) about rehabilitation of several dilapidated International District hotels. After 1973, when HUD released funds for low-income elderly housing, Inter*Im worked with several property owners to rehabilitate or build housing projects in the neighborhood. In 1974, Inter*Im tried the creation of the International District Preservation and Development Authority (SCIDpda) to build low-income housing directly. With other community groups, such as the Chinatown Chamber of Commerce, Inter*Im drafted a charter for the organization. In 1975 the City of Seattle accepted the plan of the charter for SCIDpda.

SCIDpda converted the New Central Hotel and Jackson Apartments into 45 low-income apartments for the elderly, and bought the old Bush Hotel in 1978. And they converted it to Bush-Asia Center with 200 low-income residences, a cultural center, and offices of several social service agencies, by using a federal urban development grant as seed money.

- SCIDPDA (Seattle Chinatown International District PDA) (1975)
  - Charted by the City. Mission: "preserve, promote, and develop the Seattle Chinatown International District as a vibrant community and unique ethnic neighborhood." (managing of apartment for low-income, Senior centers, consulting for local businesses)

(3)-3 PDA generated by citizen movement

As the result of examining the background for establishment of PDAs, we could see the followings: PDAs are generated in the citizen movement or activists’ movement. In the case of Pike Place Market, the movement was conducted against demolition plans (Pike Plaza Redevelopment Project) driven by alliance of business-city (The new type of urban “development” started). In that process PDA was created for the vessel for maintaining the management of the market (implementing Preservation Plan & Urban Renewal Plan and managing properties in the area). In the case of International District the movement started against “neighborhood-demolishing like” construction (King Dome). And it became strong movement for the neighborhood housing for low-income housing. For it PDA was created for direct vessel to build such affordable housing. Finally the city charted and created them as “special purpose government”.

(4) Framework of PDAs

Public Development Authorities (PDAs) are unique, independent entities of Seattle government, which are legally separate from the City. This allows accomplishment of public purpose activities without assuming them into the regular functions of City government. Each PDA is governed by council members (a governing board), which sets policies and oversees activities and staff. The success or failure of a public corporation is assume to be dependent on its council's abilities.

In U.S, especially in Washington State there are 54 PDAs. The framework of PDAs are mentioned here on legal status, organizational governance, function, peculiarity. In the case of Seattle there are 6 PDAs such as Burke Gilman Place PDA,
Capitol Hill Housing Improvement Program, Historic Seattle PDA, Pike Place Market PDA, SCIDpda, and Seattle Indian Services Commission PDA. According to Kenny Pittman, policy advisor of Seattle City, totally they have more than $192 million in assets, built 13 new buildings, and have remodeled 52 buildings. And they own and manage more than 1,287 housing units (mostly low-income), health clinics, community space, commercial and office space, and parking garages.

PDA’s features are summarize here for 4 points: ① PDA’s legal status are “general purpose government”. That is generated through charter by the city (general purpose government). State has original authority to permit municipalities (cities) to create PDAs and BIDs based on Law of Washington State, “RCW” (Revised Code of Washington) 35.21.730. ② As to the function, according to RCW, PDAs are created to 1) administer and execute federal grants or programs; 2) receive and administer private funds, goods or services for any lawful purpose; and 3) to perform any lawful public purpose or public functions (RCW 35.21.730(5)). Such undertakings may be specified in the PDA’s charter. They are more often created for a specific project (historical preservation, area management, management of specific development (market, museum etc.), specific racial issue etc.) Therefore they need to be subject to audit by State’s Auditor. In addition to that property PDAs own took considerable role in their functions. ③ Organizational governance of PDA is overseen by 12 “Board Council Members”. 4 members are elected by city mayor, 4 by constituency (concerned citizens or stakeholders such as tenants), 4 by PDA council itself. ④ Compare to CDCs, the peculiarity of PDAs are: 1) They function as “public agency”, 2) they stably rely on their own property as well as tenant from them, 3) According to Ben Franz-Knight, the executive director of Pike Place Market PDA, PDA has emphasis on “possession of land and its management”, “maintenance”, "development", compare to traditional non-profit or CDCs.
(5) **Efficiency of PDA – Test case of SCIDpda**

Here we need to gaze at “efficiency of PDA” in neoliberal urbanization.

(5)-1 **Present tendency related to gentrification in Seattle**

According to White, Gentrification in Seattle has deployed in the following 3 types: 1) replacement gentrification, 2) core Redevelopment gentrification, 3) displacement gentrification (White 2012).

Based on industrial growth and settlement such as Microsoft, Bowing and the like has influenced some neighborhoods (Figure 2). Intensive flux of high education, high income employee emerges in some knighthoods such as Capitol Hill. That encompasses “skyrocketing rents”, and fosters developers to build expensive condos by developers. That leads to exclude non- "high education/ income" from the area. And also it is challenge for existing local business (challenge for adjusting to new layer customer), causing involuntary closure of their shops.

☆Accumulation of High-tech industry → ☆intensive settling of "high education/ income" → ☆"skyrocketing rents"; building expensive condos by developers→ ☆"social tension"(such as mugging)
☆ →☆exclusion of non- "high education/ income" from the area

Figure 2 Process and Impact of area mutation

And especially as to International District, Henry remarks the impact of “gentrification” to Central Area that is just east-next of the International District.

“There was also a dramatic shift in the racial landscape of the Central District, Seattle’s traditionally African American community. In 1990, there were nearly three times as many black as white residents in the area, but by 2000, the number of white residents surpassed the number of blacks for the first time in 30 years. The overall racial shift in the Central District is clearly in favor of white in-movers, with a concomitant number of blacks moving out.” “The overall percentage of households reporting incomes of $50,000 or more has risen substantially. Most black families in the area report incomes of less than $15,000”. Now “Working class African Americans moving southeast into Seattle’s Rainier Valley or beyond into Renton and other inner suburbs” (Renton, Kent, Federal Way). “What is clear is that thousands of African Americans have been displaced from the city’s oldest identifiably African American community.” (Henry 2007)

Area mutation what Hackworth indicated has proceeded in the treated area: “The revolization of the inner core and the devalorization of the inner suburbs” as the core part of “Neoliberal City”.

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(5)-2 Efficiency of PDA – the case study on SCIDpda

When we look at SCIDpda, relatively genuine “area management” prototype among PDAs. At present SCIDpda hold main projects & function in 3 realms:

a) Affordable housing

SCIDpda owns & manages 9 neighborhood properties (nearly 500 units of affordable housing for over 700 low-income individuals) (families and seniors). Properties nearly 200,000 square feet of affordable commercial/retail space

b) Senior programs over 650 low-income elders annually.

(Assisted-living and adult day health services and weekday lunch program).

c) Promoting small business and properties – community development

leverage 1.5 million in investments toward public realm enhancements, neighborhood marketing, community block watches, small business technical assistance, historic preservation and conceptual studies for real estate development projects etc. – through IDEA Space project

(5)-3 Efficiency

Census data in 10 years is useful for measuring the efficiency. According to U.S. Census Bureau data, the mentioned Central District have lost “minority population“ by − 3.89 ~ − 17.72 % (varied rates in each semi-neighbors in the District). In International District population grew 20.4% (2083 in 2000; 2508 in 2010), and minority population has almost not changed: −0.35% (84.88% in 2000; 84.53% in 2010). (Median household income is $20,469 (In Seattle $79,936) at present.) This means in the changing pressure as flux of the highly educated and high income as well as “skyrocketing rents”, PDA’s comprehensive projects –trinity improvement of the affordable housing, senior programs, and community (small business) development would be apprehended to be key project in the District with positive impact against area mutation, or neoliberal urbanization like the following:

- protect historical building against redevelopment pressure
- maintain the rooms for low income persons
- Comprehensive way of affordable housing, senior service, and Community (small business) development

(6) Implication

During the research one more thing should be added. Many concerned person refer to PDA as “quasi-municipality (quasi-government)”. However, PDA is the very “special purpose government” in legal status. What does it mean?

One reason is that the definition of Washington States refers to PDA as public corporation as well. Some recognizes that PDA is not real local government, but just a public corporation. Other reason is related to how PDA works for citizenry
During my interview research to Mr. Yele O. Lewis, so called “father of PDA”, he refers to the idea about PDA.

“In 1960s and 1970s urban projects were so stagnant in Washington State and in Seattle. Pike Place Market was quite inactive, and Pioneer Square was planned to demolish by the city. About such situation, Citizens had strong distrust to the city, thinking the City's behavior as "Top Down". And Citizens felt distrust to public companies as well.

Then I thought the idea came to me. For resolving that, we should firstly put "government-like" function to Nonprofits, and secondly add function that is independent from government to Nonprofits.” (Yele O. Lewis : Interview 8 December 2010).

Additionally he explained that he wrote the draft about that city has the power for creating PDA in mid-1970s. And as easy word "Public Development Authority" was adopted, and the word "board council” was devised because he liked to put the word more close to "quasi- municipality”. In drafting PDA, Lewis evaluate the function of PDA as civic project in the core part.

PDA works as the real municipality/local government. But Lewis and other persons feel "quasi" aspect, namely citizen-initiated work and project should be basis of PDA, implying "not bureaucracy government, but real public entity that is close to citizens” or “grassroots way”. The gap between the real legal status and conventional usage of the word comes from persistent effort to keep the citizenry core.

(7) Findings

Through this research we acquired the following findings.

1) PDA was generated and is sustained by the historical background as citizen/ activist movement.

2) Through test study of SCIDpda, through comprehensive way of implementing affordable housing, senior service, and community (small business) development, basically outcome of PDA as key element was perceived that protected the neighborhoods’ character (low income and diverse neighborhood) and activation (keeping the residents) in the neoliberal urbanizing stress.

3) In the process PDA has advantage for stability as “public agency” (stability from the “public” character, as well as stability from intuitionally sustained properties (land and building, and rents from them).

4) On the other hand some persons (father of PDA, PDA staffs) are concerned about the persistently keeping “grassroots way” in projects, for avoiding bureaucratization. Indispensable point especially for the potentiality to cope against "capital initiated - not citizen grounded -urbanization".
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Abstract
The world is being urbanized; the urban space is being neo-liberalized (Peck and Tickell, 2002) (Leitner; Peck and Sheppard, 2007). Neo-liberalized space rises up social and urban fragmentation, polarization, and building excluded towns in the city. At the same time however, the neoliberal spirit and practice, akin a contemporaneous religion, also arouses renewal urban struggle dynamics, renewal place strikes. The neoliberal practices and discourses produce their own spatiality and that reality is in permanent retroaction with alternative, subversive, counter-hegemonic and resilient space production and space demand. Those are the assumptions and questions criss-crossing the present essay which aims is to add some contributes to the resistance processes analysis in the neoliberal scenario. How the neoliberal direction of space production does may be reverted by the local people’s activity and their creative urban production visible on social movements, more or less resilient, more or less resistant? How the neoliberalized space does interacts with resilient and resistant space, what movements do these processes engage and what are fragilities and lines of flight can they offer? On approaching these questions, we take as case studies the Comunidade Coliseu, a São Paulo’s favela – a Brazilian urban slum habitation type – placed on Vila Olímpia Neighbourhood, and Es.Col.A. Fontinha, a squat-eviction process of an abandoned Porto’s municipal school, occupied in order to create a self-managed collective space. Immerged on dominant urban governance directed to the privatization, to globalized plans, to the flux creation, to the attractively of city, to the urban marketing, those places and those people try to opposite that path, almost heroically. Attempting those cases, the ambition is to underlie local/unprivileged urban population ways of coping with the (neo)liberal hegemony, understand how people shape acts and discourses of their fight, viz. grasping urban resistance potentials in a neo-liberal ambience.

Key Words: Neoliberal City, Resistance, Resilience, Social Movements, Community.

FRAMEWORK NOTES

With the aim of exposing ways of contesting neo-liberal city and neo-liberal conceded protests, we take the Favela Coliseu, Comunidade Coliseu - São Paulo-Brasil - and the self-managed project Es.Col.A - Porto-Portugal - as two different, but also convergent ways of exposing urban and social exclusion in neo-liberal city. First, we underline that both Coliseu and Fontinha express a huge commitment and experience of bottom-up urban production. Despite of many differences between the two cases - starting from the differences between places and cities urban scale we focus - a dialog between them is possible and enlightening. We do not have a cross-cultural studies pretension. The aim is to promote an urban dialog between them, avoiding falling in direct comparisons temptation, trying to underline and communicate their experiences.44

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44 See Fortuna & Proença, 2013.
Brief, the neo-liberal city approach consider the entrepreneurial city (Leitner, 1990), with a structure and basis overpower urban environment (Peck; Tickell, 2002), reconceptualizing in economical bases human behavior and social practices (Leitner; Sheppard; Sziarto; Maringati, 2007). We follow an approach to contestation, as one exceeding neoliberalism, “including the vast variety of imaginaries and practices of all political hues that not only practice resistance but also are resilient to and rework neoliberalism” (Katz, 2004 apud Leitner et al (2007: 5).

Either Coliseu or Fontinha are, we may say, in the center of a neo-liberal city that is being produced both in São Paulo and Porto. Despite their differences in what concerns to production process and scenarios, the market and the private initiative is, in both cases, the urban governance path, overlapping people and community needs, public participation, and well-being. Foremost, our intent is to valorize the hidden, excluded, and alternative experiences produced by these neo-liberal cities; amplifying experiences. In this sense, this essay is inscribed both in an emergence and absence sociologies (Santos, 2006, 2009a). The emergence sociology has to do with an enlargement and exploration of social experience possibilities and potentials, amplifying symbolically those urban knowledge and practices essential to a social emancipation. By is turn, the absence sociology aim to reveal experience, initiative, and conception which have been proper silenced by hegemonic tools, and therefore, surprised as necessity expression or emancipatory quest.

The Market overlaps State, taking apart community and aesthetic and expression central to social emancipation and following a colonialist way of doing city. Cosmopolitism and colonialism forces are both producing urban space. In what concerns to the cases here presented, they are embedded hegemonic urban production but also in a counter-hegemonic scenario of city cultural and local production and demand. They may be considered as assays, emergencies helpful to an alternative city view, inscribed in an insurgent cosmopolitism base of the citizen urbanism prosecution and amplification (Santos, 2009b).

An alternative cosmopolitism translates, in this cases, a resistance against the unequal city (Rodrigues, 2002) produced by hegemonic processes, and nowadays ruled by the neo-liberalization of space. A bottom-up urbanism will be able to resist, to struggle with the current globalized urbanism drive by capital – the neo-liberal, top-
down globalization producing social, economic, political and cultural exclusion (Santos, 2006, 2009a).

As David Harvey (2012) underline, “No alternative to the contemporary form of globalization will be delivered to us on high” (Harvey, 2012: 112). To the author, popular culture, as produced in everyday relationships is crucial, being there where reside “one of key spaces of hope for the construction of an alternative kind of globalization and a vibrant anti-commodification politics: one in which the progressive forces of cultural production and transformation can seek to appropriate and undermine the forces of capital rather than the other way round” (Harvey, 2012: 112). Focusing in Coliseu and Fontinha immediately rises up right to the city issues (Lefebvre, 1968; Harvey, 2012), enlightening that “city is – and must be – an experimentation, innovation, and social emancipation field” (Rodrigues, 2013: 559).

**COMUNIDADE COLISEU, SÃO PAULO-BRASIL**

*Comunidade Coliseu* it’s the denomination from dwellers to this *favela* placed in the Vila Olímpia, neighborhood located in the South West zone, one of the most valorized São Paulo zones. The Comunidade Coliseu emerged by the medals of the XX century, initially composed by migrants of all parts of Brasil.47

Particularly in the last few years, São Paulo has become the target of foreign capital investments, as real estate companies can now go public and capture foreign capital (Hirata and Samora, 2013).48 Inscribed in the neo-liberal orientated urbanization, speculative retention of real estate emerges in consolidated neighborhoods as in this case affecting Comunidade Coliseu. Therefore, since 1990, with the real estate market *boom*, the neighborhood increased in value, and became one of the most expensive city areas.

The Coliseu has always represented a resistant and resilient space, fighting for basic life conditions and infra-structures, as it happened during the 70’s, a period when a wave of dwellers movement wave emerge in Brasil. Community had fight for the right to basic sanitation, wined in the end of the 70’s of the last century. The favela is target of segregation reflected, and a risk and oppressed area (Levy, 2008).

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47 We use here the Portuguese words comunidade, which we can translate to community, and favela, which we can translate to slum.
48 “According to data from 2008, many neighborhoods experienced a valuation above 50% in five years, some of which reached 78.4%.” This leads to several processes of expulsion of low-income dwellers from areas under valuation” (Hirata and Samora, 2013: 616).
The 1988 Brazilian Constitution represents a mark and drive to resident or dwellers movements. The judicial begin to be social relationships regulation entity, given hope to those questing and fighting to de decrease of social injustice and unequally (Gohn, 1991). To ensure the social right to housing, contemplated in constitution, local government must attempt in territorial spatial planning considering planning and use control, subdivision and urban land occupation in order to promote social well-being to all city dwellers, particular to those living in houses without dignity (Levy, 2010). We may say that constitution and the political scenario where it’s involved created the basis for the current resistance and fight for the right to dwell in Coliseu, creating resilience and community straight in a capital invaded territory.

Nowadays, Coliseu resists to the neo-liberal intentions and invasions. Since 1995, a crucial urban operation beginning - Operação Urbana Faria Lima - planning the architectural and building sophistication with urban market intent to change the neighborhood image as a business center (Fix, 2007: 23). Operação Urbana Faria Lima contemplates the articulation between dwellers, investors, and all actors involve in that space dynamic. Supposedly, the operation direction is to social and environmental improving. Nevertheless, all that Urban Operation has gentrification impacts (Bógus, Ferreira, and Gagliardi, 2013). Vila Olímpia becomes, we may say, a gentrification target, as “a face of urban regeneration, reproducing the colonial western spirit directing the right to the city and the right to the public space to desirable and convenient urban players where the urban marketing rules” (Rodrigues, 2013: 566).

Reacting to this urban operation aim, the Comunidade Coliseu started their protest. These area residents, from the slum and the other zones, engaged in a campaign namely by putting posters in door houses as, “Faria Lima Project? I’m against”. However, urban intervention was intense, supporting the neighborhood high land valorization, with a real estate speculation, leading to many dwellers eviction. Nevertheless, the project intent was the complete re-housing of the slum dwellers, to a place outside Vila Olímpia and, until today, this plan was not succeeded, reveling somewhat the resistance and resilience of those dwellers to the neo-liberal urbanization; it’s a kind of victory…

In 2001, Brasil approves the City Statute, a Brazilian federal law passed in 2001 to regulate the chapter of the Constitution of 1988 related to urban policies, regulated the constitutional principle of the “social function of cities and property”,
which then reassessed individual rights against collective rights (Hirata and Samora, 2013).\footnote{In practical terms, this means the assurance of the property right provided that such property meets its social function, to be determined by the municipal legislation (Samora, 2013: 613).}

São Paulo was the first Brazilian city to integrate instruments from the City Statute into its 2002 Master Plan, designating some areas as *Zonas Especiais de Interesse Social* (ZEIS) (Hirata and Samora, 2013). The entire local urban policy, from the formulation of the master plan, must include the effective participation of society in the form of public hearings, creation of boards, environmental and neighborhood impact studies, popular initiatives to propose urban laws, and participative budgeting practices (Hirata and Samora, 2013: 614). To judicial protect the community rights, the city government intent to classify the area as ZEIS. A zoning concept created to expand the right to housing, either in informal areas or in consolidated areas. The ZEIS requires the formulation of Urbanization Plans by a Managing Board comprised of members of the government, real estate owners, and residents.

As Márcia Hirata and Patrícia Samora (2013) underlines, despite of the available instruments in São Paulo city to prevent an unequal development, they seem to be worthless against the power of the property. Despite the efforts to protect citizen rights, and the development of legal tools to protect them, in the end, it’s very difficult to struggle with broader interests to the area. Otherwise of improving urban quality in the Comunidade Coliseu, all the changes trough years, have a size reduction effect, maintaining the absence of urban infra-structure. Therefore, neo-liberal urbanization continues the ancient favela exclusion processes, and is now in the direction of it elimination, placing Comunidade Coliseu and its inhabitants in a resilience situation.

Since 2000, this Comunidade resistance had increase with the formalization the Coliseu Residents Association, being nominated a community leader in order to represent and defend dwellers interests and demands most of them related to basic life conditions and to the use right of that territory. The negotiation with community dwellers had lead, for instance, to the maintenance of the Vila Olímpia characteristic as predominantly residential, without vertical development (Bógus, Ferreira and Gagliardi, 2013). The vertical orientation of Vila Olímpia urbanization reduces intensely less favored places as Comunidade Coliseu (Levy, 2011).

The association engagement clearly improved life conditions in Community, reinforces community identity, and helped to juridical defend the right to life in that
space. A space occupied by Coliseu dwellers since the 50s of the last century, so attractive nowadays to São Paulo neo-liberalization and gentrification direction. The Association activities begins to improve life in the slum, either by the legal work in order to regulate the occupied land; either developing, with some local enterprises, community activities, educative support, parties, houses self-improvement and so on.

Despite the amount of eviction orders to Comunidade dwellers, the local leader Rosana Maria dos Santos, with the Public Prosecution support, succeeded to stop re-housing intention evoking the possession right. Brief, the long term use of that land gives favela dwellers right to remain there. Since 2005, the association constructed a site to it, a sport space, making available medical, education, environmental and cultural support, and so on. The association work has a media diffusion, by the hand of the local paper called “A Voz da Coliseu” (Coliseu Voice), also published online. There is also a military policy mobile site in favela entrance, with the intent to promote security to neighbors and visitors. The association mobilizes community, from the old ones to the young ones; activities were diversified during the time, as some community needs and desires were expressed – theater, dance, sports, leisure, cultural visits…

The resistance is also reveal by some voices we like to briefly underline: Rosana, 44 years old communitarian leader engaged in the arrival of basic sanitation to the favela, during the 70’s, and nowadays, the attempts to remove people from favela. Zezinho, 51 years old, catador de papelão paper piker, graffiter and “Beatle maniac” which colorized the community walls with his interpretation of the band. Zezinho consider is street art as a protest, painting and giving forms to the walls dividing favela from the business, consumption, and vertical city nearby. Ana, 29 years old is in charge of the association educational favela site. All of them, along all Coliseu dwellers, and considering the city hall promises, are expecting favela’s existence recognition and try to be a legitimate part of the Vila Olímpia glamour.…

When questioned about neighborhood growth, and real estate action, Rosana states: “They have to understand that before being valorized, it was a place where no one will like to live. And you had resisted. The [JK] are here for one or two years. We are here for 52 year. So, who is bowering who?”.50

Most of the dwellers had already get proposals from the government to by the slum-house, and they chose to stay in a place they helped to construct and to demand, in

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a central place, a place raised by 3 generations... Today, the Comunidade is inscribed in a 5000 m2 area with approximately 250 houses and 1200 dwellers. It is placed between the mirrored buildings as the E-Tower and the bigger consumption temple, the Shopping JK Iguatemi, and therefore, evaluated in $25 dollars million.\(^{51}\)

Recently, in April 2014, São Paulo city hall, by the hand of COHAB – São Paulo Housing Metropolitan Company (Companhia Metropolitana de Habitação de São Paulo), inscribed in the Operação Urbana Faria Lima, reveals the intent to build residential set to host favela houses – liberating $20 million dollars. This project execution is supposed to begin in the followed months, and there are a lot of expectation about the impact on favela dwellers dignity and identity. If the project goes forward, it will also represent a local and punctual victory against real state…

**A ES.COL.A DA FONTINHA (PORTO-PORTUGAL)**

Es.Col.A - *ESpaço COLetivo Autogestionado* (meaning ‘School’, self-managed collective space) - happened in Porto between April 2011 and April 2012. With Es.Col.A, a new self-managed neighborhood center, a collective action place was born in Fontinha Neighborhood. Es.Col.A can be embedded in a wide *occupy movement*, and in the so called new social movement: a group of people squatters, in this case, Fontinha’s public space either open – the abandoned school, or close – the Fontinha square. We must underline that this period is embedded by a protest ambience transversal to the entire world, contesting top-down globalization namely occupying public space.\(^{52}\) As Elísio Estanque (2012) underlines, during 2011 world had observed an unexpected rebellion and movement wave, even in countries where it was unimaginable any political change idea. It’s a period translating a protest moment of the world; nevertheless, the protester is elected the person of the 2011 year by “Time” magazine…

Before enter on Es.Col.A history, we must go back in time to look to this city Porto central area: Fontinha neighborhood, a kind of triangular shape in territory with accidental topography. This excluded neighborhood, as other central neighborhoods, was left by local power to decay and aging, is now include in the Priority Intervention


\(^{52}\) See Gallanter (2013).
Zone (ZIP) of the city hall rehabilitation entity Porto Vivo – SRU, Urban Rehabilitation Society. However, their intervention has not yet arrived to the neighborhood, however, speculative retention of real estate is surrounding… Despite neighborhood topography and the chronic spatial exclusion that this area is devoted from ages, Fontinha has a lure potential. Thus, formal rehabilitation and the broader urban governance inscribed in neo-liberalization of space - oriented to private-public partnership and urban marketing - will soon get there…

Fontinha neighborhood is historically associated with people protest, demand, participation, and resistance. At the middle of the XIX century, the labor movements emerged in Portugal. Porto, an industrial city in development, had a crucial role in the movement, as well as Fontinha - a labor neighborhood in its emergency and essence with an important role shaping labor movement.53

In Fontinha place memory there is also a unique experience inscribed in a self-construction and public participation model: SAAL – Serviço de Apoio de Ambulatório Local – Service of Local Ambulatory Support. The experience promoted by SAAL – include in the program of the first government post April 25 revolution Portuguese revolution (1974) - had remain manly diffused inside architectural and academic circles, being nowadays - and in the ambience of contesting neo-liberal city and of the emergence of new social movements – widely exposed and apparently proper valorized... The Bairro do Leal, placed in Fontinha neighborhood, was one of SAAL neighborhoods, a place where architects and dwellers engaged in horizontal dialog in order to build and rebuild houses. However, from the 200 houses planed, and because of state cost cuts, only 16 of them was built, being other local dwellers subjects to a re-housing process to city hall low-income and peripheral. Therefore, these re-housing processes also translate the inscription of both place and local people, in an unequal city production in Porto, following, as a kind of fate, a route and maintenance trough social-spatial exclusion; drawing a migration between the labor neighborhoods, the inner city islands, and the social neighborhoods (Rodrigues, 2002).

Brief, Fontinha, as a place, has a labor mark; a labor movement mark; a social-space exclusion mark; an urban resistance and resilience mark; and public participation mark. With Es.Col.A, and following this tradition, it was imprinted in Fontinha a new social movement mark. Thus, Fontinha is a place where protest, alternative and creative

53 To the labor movement see Monteiro (2014).
experiences happened, and became part urban city marks reinforced nowadays by Es.Col.A. A place where the old meets and chats with the young, the old resistance and participatory actions meets the new social movement wave, the old people intercourse with young people. A place where resiliently social emancipation fights with social exclusion... Fontinha has, we may say, a tradition, a mark of counter-hegemonic and alternative urban production. This neighbourhod has therefore a importante role in urban resitence history and memory, with impacts at city scale and neighboorhoud scale; in urban present and future… The participatory and resistance Fontinha carater has, naturaly, a vast significance to place and urban identity formation and therefore, to residential and urban satisfation (Rodrigues, 2002).

The equipment occupied by Es.Col.A was an abandoned public school built in the middle of the last century, has vacant and abounded. In April 2011, a group occupies the space festively, aiming to create a public participation place - as expressed in the previous letter delivered to local dwellers and published in their blog.\textsuperscript{54} Taking as primal drive the devolution of place to people and communities, the movement is inscribed in the principles of self-management – free of political parties and market; horizontal decision – the quest is the consensus – and of self-sustainability. An abandoned public space is a crime against community say Pedro Lima, one of the collective members.\textsuperscript{55} Free spaces, in the case, public and urban space, and create alternatives to the use of community is the direction of the growing group occupying the space. A social and cultural dynamic project, with autonomy from finance support, self-managed, made with and to local people (Carta Aberta Es.Col.A. do Alto da Fontinha, 2012, 19 February)\textsuperscript{56}.

Therefore, we may say that the collective Es.Col.A has social movement qualities, as Elísio Estanque (2012): is detached from political and trade union traditional structures, underlines the new virtual social networks, cyber-activism and information communication; is highly encourage by young dynamics and qualified sectors but involving a diversity of sectors and generations. The new social movements deny hierarchic and centralized forms of political process, preferring collective participation, non-institutional (Lucas, 2006). To Alain Touraine (2006), the social

\textsuperscript{54} Es.Col.A. Blog: http://escoladafontinha.blogspot.com
\textsuperscript{56} See previous note #11.
movements has as main characteristics, identity – a sense of belonging to a collective; opposition - related to an identified adversary, in this case is the urban governance followed by city hall; and totality - the proposal of an alternative society. underline, new social movements no longer rise up to defend workers from industry bosses, but instigate discussion in new conflict spaces, which had expanded from the labor organization to other social life domains (Touraine, 2006). If the labor movement was a class movement, new collective action dynamics which take place particularly since the middle of the XX century involve other classes and segments, sectors, has a huge presence of young people and new information technology domain (idem). Trade union was institutional and attached to the labor class, the new social movements and engaged in a heterogenic social composition.

Es.Col.A begin to develop, neighbors and other people pop up and stay, suggesting, volunteering to activities, different work groups are created, covering from the infrastructure to project principles, from material to philosophic and political issues. It was clear from the beginning local people welcome reception to Es.Col.A – something difficult to happen in the most planned and technical community project hosted most of the times as distant, and sometimes as an intruder to community. In these case, it seems that local residents are affective engaged with the movement that is returning de communitarian dynamic of an abandoned neighborhood.

Therefore, Es.Col.A had contributed to local empowerment from the first moment, helping to reverse social exclusion and invisibility through social, cultural, communitarian, and occupational engagement of all actors. The activities emerged as desires and needs appeared. From local dwellers, to voluntaries, a need and compromise is working in progress, encompassing all ages, beginning to be part of day-to-day life. Activities, general assemblages, parties, are now part of local and non-local dwellers everyday life, being clear the inter-generation and inter-cultural intercourse.

After a month of occupation, Porto City Hall (CMP), evicted - without previous notice - occupants, walling in the equipment. Meanwhile, after the eviction, the activity had continued now in the public open space, the square Largo da Fontinha during 11 weeks. The negotiation with CMP was in course, and 2 months after, and following popular protest and movement, and it mediatization, local power reveals the
intention to yielding the space to the movement. Es.Col.A goes back to the school equipment and says there during 7 moths, continuing and advancing with new activities adapted to new needs and supports. Continuing the physical recuperating of the equipment, learning support, painting, yoga, communitarian kitchen, bike workshop, internet access, theater, cinema, and debates, are few of the activities developed in Es.Col.A with affluence from different people and public, being, however, Fontinha dwellers the main addressers.

However all actors engaged and the notorious impact on community development and satisfaction, the communication with formal power, with CMP, did not proceed: At March 2012 it’s publicly announced the city hall intent to evict the project. Es.Col.A resists announcing the intent to proceed with the occupation and activities development. At 19 April de 2012, the equipment and their occupants are evicted violently by policy, increasing, extending, and transcending the popular support already verified. Public figures manly those associated with culture and arts express their support, the media divulgates the situation reinforcing the movement local, national, and international visibility and diffusion.

Brief, we may consider that Es.Col.A was amplified by art, media, and, naturally by the power of local and non-local people support and actions. Nevertheless, art, media, and resistance are ancient buddies… In what concerns to media and hypermedia, as said above, an attribute of new social movements, and taking Es.Col.A experience, we must underline this counter hegemonic use of hegemonic tools giving straight to new social movements, and therefore, in these case, empowering communities. In what concerns to art and creation, present not only in new social movements, we must underline: creative and carefully designed posters diffused in city walls; concerts, theater toked place in Fontinha; all kind creative activities promoted by the collective with local people; music and films, reporters that were made in order to expose and support movement, and also to contest Es.Col.A indolent forced end…

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Es.Col.A was able to show, resistance has expressive, communitarian, aesthetical and also festive contents.

During the symbolic night from 24 to 25 April – celebration date of the end of dictatorship in Portugal (1974) – the so called Carnation Revolution - the movement and their supporters re-occupied festively the school during some hours. It was a moment of inversion, of festive contestation, of resistance symbolism and experience... The next day, the situation re-turns to city hall control, closing the equipment... However, as Pedro Lima states, (le monde diplom) despite the end of the process, Es.Col.A had proved that there are alternatives, and can mark a new path to Fontinha. There's always be rebel towns in neoliberal cities...

FINAL REMARKS

“Do we live in a neoliberal urban society? Not really: Cities remain more than engines of spatial competition, welfare reform, and neoliberal subject formation.” (Leitner et al, 2007: 21). Coliseu and Fontinha are superb examples of the neo-liberal city reverse and alternative. We may say that in both cases we are dealing with propriety issues. Vacant space occupation – old (Coliseu) or recent (Fontinha) – contemplated in both Brazilian and Portuguese Constitution, is demanded engaging a land use fight. Aesthetic expression, culture, gathering, participation, in the direction of dwellers empowerment and community resistance and resilience, are some of Coliseu and Fontinha common strengths. The projects had the ludic, educative, participative, and protest attributes in common, bases to social emancipation. They illustrate current protest scenario, with new and old issues, new urban roles, new alliances, new movements, and new ways and tools to protest.

In brief, the Coliseu case shows us the resilience and resistance of a neighborhood immersed in neo-liberal scenario of Via Olimpia urban development. In what concerns to Coliseu, resistance is related with communitarian articulation to the favela local development, expressing resilience to the permanent intents from public power and the real state capital to remove favela from that territory. Coliseu is engaged

Listen to Expeão, Chullage e Rey Hip Hop music Desobedece (Disobey) dedicated to Es.Col.A collective https://www.youtube.com/watch?v=ml4VCBmpIUt0 (Accessed at 14 Maio 2014).
in an unequal fight against the real estate ventures, placing favela in an imminent destruction situation. Coliseu dwellers fight to preserve memory, history and costumes of people whose life is based and rooted in favela; of people who help to develop space with the available means; people suffering from exclusion in their own home, neighborhood and city… Therefore, favela Coliseu resists the destroying neoliberal model; fights to stay in the 50 years dwelled space; tries to empower community fight for better and dignified living conditions taking community from the absence field; through some dwells social practices and artistic expressions the community quests for change...

In what concerns to Fontinha, since de end of XIX century, this neighborhood is related to the worker’s movement and its emergency in the city. With Es.Col.A, Fontinha is now related to new social movements emergence in the city. Fontinha was, and continues to be, at least symbolically, the stage of the so called new social movement, transcending the traditional and homogeneity of class fight, presenting an alternative city view and city creation. Fontinha is part of an urban memory of resistance and participation, related also to a broad city identity, as resilient, undefended - invicto (Rodrigues, 2012). As the city, Fontinha seems to have, in their place spirit, a resistance spirit, reinforcing both urban and place identity, matching, by is turn match with satisfaction. Therefore, despite of the local power boycott, the Es.Col.A, as well the actions of the labor movement, has the SAAL, will stay in the city and citizens memory...

In both cases, expresses political resistance in urban space, a fight for the right to the city (Lefebvre 1968, Harvey, 2012), by reinforcing sociability in an empowerment direction, taking into account the social practices, and improving and questioning social justice and equality. Both can be taken as contestation helping to promote grassroots to democratic and life-centered instead of profit-centered economic practices. 59

The social movements either new or old may not be away from the spotlight during long periods; however, past experience seeds begin to sprout times to times (Estanque, 2012). We may say the same about all protest movements including social movements, from the labor ones to the new social movements, passing by the dwellers

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ones. These movements underling resilience or resistance, are experience to attempt, enlightening society and society alternatives, they entail urban and social emergencies.

Taken Chris Mizes (2013) questioning, *at what time and in what place have we actually taken back the city?*

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