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COVID & HOUSING: OCCUPATIONS AND EVICTIONS IN BOGOTÁ, CAPE TOWN AND SÃO PAULO

RESEARCH REPORT

Research Report

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Introduction

For anyone walking in the cities of Bogotá, Cape Town or São Paulo the rise in homelessness and informal occupations is hard to ignore. In the city centres, tents and other precarious shelters have filled public parks, open fields, sidewalks, and spaces between roads and under highways. Abandoned buildings have been brought back to life and repurposed for habitation. Further afield in the urban peripheries, residents have continued to construct informal settlements on vacant land. The coronavirus pandemic has had a massive impact on housing issues for low-income, largely Black, families and communities in cities around the world. Furthermore, indebted middle-class households have also become vulnerable to homelessness. These urban residents have been hit hard by the economic fallout, with many having most or even all their monthly incomes, forcing many into makeshift homes, including land and building occupations, to maintain a foothold in the city. In doing so, they face resistance and many live under threat of eviction, further exacerbating a global health and economic crisis.

Cape Town

In Cape Town, government estimates suggest that there have been 1025 attempted land occupations between March 2020 and April 2021 on city-owned land alone, excluding those on land owned by private individuals or other spheres of government (Timeslive 2021). A significant factor driving this rise was the inability of backyard tenants to pay rent due to job losses during the pandemic, resulting in widespread evictions. This was despite the national moratorium on evictions which

was passed during the first and strictest lockdown period in March/April 2020. More than 20 civil society organisations and social movements called for evictions to stop during the pandemic, but the moratorium was impossible to enforce in the informally regulated rental sector. After an initial grace period, many landlords evicted their tenants or cut essential services. Occupying vacant land became the last resort for many.

At the same time, in response to rising occupations, the City of Cape Town's Anti-Land Invasion Unit carried out evictions and demolitions of new settlements on occupied land, framing these as politically motivated 'land invasions' or 'shack farming' as opposed to a life sustaining necessity. The City flouted anti-eviction legislation by defining homes as 'unoccupied structures' and evictions as anti-spoliation measures, hence protecting land owners from dispossession. Upholding 'law and order' became a prime justification for violent evictions. However, growing civil society pressure turned into a moment of public outrage, when a video of a naked man being dragged out of his home while it was demolished went viral on social media. The South African Human Rights Commission and the NGO Housing Assembly took the City to court, which ruled in August 2020 that their practices were unconstitutional, describing them as "reminiscent of apartheid-era brutal forced removals" (Kiewit 2020). This important victory put a temporary hold on evictions, allowing several new settlements to emerge and grow, most of which remain largely underserved. Some are located on uninhabitable land earmarked for other housing or development projects, resulting in significant state-citizen contestation with little prospect for state support. Most occupations in Cape Town are on peripheral land, however there has been a rise in centrally located building occupations, largely driven by the movement Reclaim the City (RTC). However, these have been criminalised by key politicians within the municipal council and presented as an obstacle to the realization of social housing in the city. The recent local government elections and differences between political and administrative visions, potentially offer hope for co-producing a more positive future for the building occupation.

On 29th of September 2021, the City council promulgated a new by-law to address growing 'unlawful occupations'. The intent of the by-law is to protect private and state land and address gaps in eviction legislation. In contrast, legal scholars and social movements have argued that it represents nothing short of a further criminalisation of the homeless and poor. They contend that the bylaw is unconstitutional by giving the City the authority to determine what constitutes a home. In addition to protests (image 1) they intend to challenge the bylaw in the Constitutional Court (Human 2021; Gontsana 2021).



Image 1: Protest march against City of Cape Town’s new by-laws. Source: Tommaso Cosentino

São Paulo

In São Paulo, Brazil, housing movement activists are clear and quick to notice that the pandemic only intensified existing urban dynamics and inequalities in Brazil. According to the Campanha Despejo Zero (Zero Evictions Campaign), roughly 4,600 families were evicted from their homes in the state of São Paulo between the start of the pandemic and August 2021. In July 2020, a group of researchers from three federal public universities highlighted the unprecedented scale of evictions to the UN Special Rapporteur on adequate housing, Balakrishnan Rajagopal, requesting an official response. He was evidently so shocked by the document he received that he demanded an immediate end to evictions during the COVID-19 pandemic. In the same month, more than 40 Brazilian organizations and social movements, both urban and rural, launched the Zero Eviction Campaign – equally demanding a zero evictions policy during the raging pandemic (Lacerda 2020) (image 2). It took more than a year for the law to pass at the federal level: On October 8, 2021, the Federal Congress overthrew the veto that president Jair Bolsonaro had given to the proposal, and the federal law that suspended all evictions until 31st December 2021 was finally approved.

Social and housing movements played a crucial role in the fight against evictions, protecting Black, low-income, working-class and middle-class families, with elderly, women, youth and children, and avoiding evictions before the Zero Evictions law was passed. One example is an occupation of 350 families in the Southern region of the city of São Paulo, which was suspended in February 2021 (Ramos 2021). In March 2021, when the city was facing one of its worst moments during the pandemic with more than a thousand deaths per day, a judicial decision suspended the eviction of 400 families from a building in the centre of the city that was set to be demolished. The same happened with the Occupation Carolina Maria de Jesus, in the Eastern region of the city. Named after a black Brazilian

writer that wrote about life in the favelas, this land occupation with more than three thousand families is organized by the Movement of Homeless Workers (MTST by its acronym in Portuguese). In June 2021, an injunction to remove the occupation was rejected in the courts.

Today thousands more people are living on the streets of São Paulo than at the start of the pandemic. While numbers are hard to determine with certainty due to the lack of a recent census, the rise in homelessness is noticeable throughout the city. New occupations have emerged, both in the urban periphery as well as in the urban centre, on public and private land or buildings. These include Occupation Jardim Julieta in the North Region of the city, and Ocupação dos Imigrantes (Occupation of Immigrants) Jean-Jacques Dessalines, a smaller-scale occupation of a building in the centre of the city. The occupation is located in the central neighbourhood of Liberdade, and is occupied by 80 migrant and refugee families, mostly from Haiti. Occupations have played a key role during the pandemic, serving as centres of mutual support and providing resources to people in situations of vulnerability during the pandemic.



Image 2: Campanha Despejo Zero (Zero Evictions Campaign). Source: <https://www.campanhadespejozero.org/acervo>

Bogotá

In Bogotá, Colombia, evictions were carried out during the harshest period of the lockdown between March and July 2020. Families in vulnerable situations who established their homes in peripheral neighbourhoods were among the most affected. The main justification for these evictions was to remove and dismantle informal settlements located in areas of high risk, illegally occupied public and private properties which, according to the authorities, were linked to the illegal land business.



Image 3: Community garden as life sustaining activity in peripheral neighbourhood. Source: Diana Sanchez Betancourt and John Giraldo Díaz

These were typically large households headed by single mothers and constituted by displaced persons and victims of the internal armed conflict, and sometimes belonging to indigenous or Afro-descendant communities and people with disabilities. Many live with little social security benefit and their income comes from informal work such as recycling or doing casual work in construction or homes. Some are engaged in community gardening as a life sustaining activity (image 3).

However, although legally justified by high level government officials as a means to protect residents from landslides, these processes were carried out without prior relocation plans to safeguard the rights of the evicted families. The mitigation measures were not conducive for improving their living

conditions in any substantive or sustainable manner. These were carried out through the use of public force by the Mobile Anti-Disturbance Squad, ESMAD as it is known in Bogota. Overall these processes enhanced the situation of vulnerability and limited the impact of public policies aimed at safeguarding citizen rights.

Conclusion

The coronavirus pandemic has undoubtedly intensified housing inequalities and struggles for low-income, Black and working class families. Substantially reduced household incomes, increased poverty and joblessness has produced vulnerability and pushed residents into land or building occupations, as the last resort to remain in the city. While social movements offered significant support in protecting residents from evictions during the pandemic, they continue to face the risk of displacement and discrimination. Courts, as sites of contestation, enable temporary bans on evictions which, while critically important, do not tackle the root causes of housing inequalities. The housing crisis is of a much longer timeframe, going back to historical foundations of city making, which is embedded in racialised politics of land ownership and capital accumulation. As this structural housing crisis is growing globally, increased criminalisation and policing will not make occupations go away. Instead, they must be recognised as an integral feature of urban landscapes and life. As such they deserve to become central elements of post-covid recovery strategies of creating inclusive and liveable cities. However, co-producing solutions and transforming occupations into sustainable neighbourhoods are not small tasks, as our research with three occupier communities in Bogotá, São Paulo and Cape Town is revealing.

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