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The role of neighborhood impact study (NIS) in the approval of housing developments: the case of São Carlos (SP)

O papel do estudo de impacto de vizinhança (EIV) na aprovação de empreendimentos habitacionais: o caso de São Carlos (SP)

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Abstract: Federal Law no. 10,257/2001, known as the City Statute, consolidated principles of the social function of the city and property, by regulating the articles of the Urban Policy of the Federal Constitution. Among the instruments designed to achieve these principles is the Neighborhood Impact Study (NIS), considered an instrument for urban environmental planning and the democratization of urban management. This research analyzed the role played by the NIS in licensing processes for land subdivision projects for housing purposes in the Municipality of São Carlos (SP). Initially, a survey, mapping and systematization of land subdivision projects approved by the municipality for which NIS studies were required was carried out. Then, 13, out of a total of 33, administrative processes that resulted in the approval of land subdivision projects for housing purposes were sampled and analyzed. Although it was observed in most of the processes that this instrument was used only to meet the legal requirements of municipal licensing, as it was not the subject of analysis in a technical opinion prepared by the Executive, it was found that the NIS performed two functions: a tool to support the urban licensing process and a tool to support democratic management.

Keywords: neighborhood impact report; urban environmental planning; municipality of São Carlos; urban licensing.

Resumo: A Lei Federal 10.257/2001, conhecida como Estatuto da Cidade, consolidou princípios da função social da cidade e da propriedade, ao regulamentar os artigos da Política Urbana da Constituição Federal. Mesmo decorridos mais de 20 anos de sua promulgação, ainda possui instrumentos poucos implementados e estudados. Dentre os instrumentos previstos para alcançar esses princípios, encontra-se o Estudo de Impacto de Vizinhança (EIV), considerado um instrumento de planejamento ambiental urbano e de democratização da gestão urbana. Assim, este trabalho analisou o papel desempenhado pelo EIV em processos de licenciamento de empreendimentos de parcelamento do solo para fins habitacionais no Município de São Carlos (SP). Inicialmente, foi realizado o levantamento, o mapeamento e a sistematização dos processos administrativos de empreendimentos de parcelamento de solo aprovados no município para os quais foram exigidos apresentação de EIV. Em seguida, foram amostrados e analisados 13, de um total de 33, processos administrativos que resultaram em aprovação de empreendimentos de parcelamento do solo para fins habitacionais. Apesar de ter sido observado em grande parte dos processos que esse instrumento foi utilizado apenas para atender às exigências legais do licenciamento municipal, já que não foi objeto de análise em parecer técnico elaborado pelo Executivo, pode-se constatar que o EIV desempenhou duas funções: ferramenta de apoio ao processo de licenciamento urbanístico e ferramenta de apoio à gestão democrática.

Palavras-chave: estudo de impacto de vizinhança; planejamento ambiental urbano; município de São Carlos; licenciamento urbanístico.

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1. Introduction

The social function of the city and property were highlighted in Federal Law 10.257/2001, known as the City Statute (Medeiros et al., 2022). This legal document represents a social achievement by consolidating the constitutional provisions of the Brazilian National Urban Policy foreseen by the Federal Constitution (Dias et al., 2023), with the main objective of creating a socially just and environmentally balanced city (Hoshino et al., 2014; Tonini & Agra Filho, 2024).

Although born in an environment of optimism, the City Statute (EC) completed 20 years in 2021 in a very different historical moment. Analyzing this moment, Fernandes (2021) discusses its trajectory considering four phases: optimism; distrust; discredit; and a certain abandonment. One of the factors that helps explain the change of course is the need for specific regulation of many instruments foreseen by the EC. Among the instruments formulated to achieve this objective is the Neighborhood Impact Study (NIS), considered an important instrument for planning and democratizing urban management (Schvarsberg et al., 2016; Peres & Cassiano, 2019). These objectives are achieved through the analysis of the predicted potential impacts of projects and activities in their surroundings, assisting the manager in decision-making and allowing the participation of the affected population in this process (Abreu et al., 2019).

The EC presents three articles that address the NIS (Neighborhood Impact Study). Article 37 describes the minimum content to be included in the studies, while Article 38 requires the publication of the documents comprising the study, as well as their availability for public consultation. Article 36 requires municipalities to draft municipal law to indicate which projects and activities will be subject to the preparation of the study. This requirement may cause delays or even make its application unfeasible (Farias & Correia, 2021). Another factor is the absence of a federal structure to support municipalities with institutional and administrative capacity building actions and guidelines for the necessary regulations (Carmona, 2021).

The municipality of São Carlos (SP) is a representative case that has undergone a historical process of intense occupation in recent decades. Located in the central region of the state of São Paulo, 232 km northwest of the state capital, it has a population of 254,822 inhabitants (IBGE, 2023). Stanganini and Lollo (2018) studied the urbanization of the municipality between 1980 and 2016 and found an increase in urbanized areas, from 37.74 km^2 in the 1980s to 80.82 km^2 in the 2010s. In the more recent period, between 2006 and 2018, the implementation of housing developments was concentrated in the peri-urban areas of the municipality.

The dynamics of urban expansion and evolution in Brazil demand insertion into a rigorous environment of regulation and oversight (Lima et al., 2024). In this context, licensing is recognized as one of the most

important control instruments, with implementation responsibility extending to all spheres of government (Struchel, 2016). At the national level, the requirement that all construction activity or new development be submitted to a process of public evaluation and approval is materialized through urban planning licensing (Peres & Cassiano, 2019). This licensing procedure constitutes a preventive mechanism, since it assesses whether the norms related to the well-being of the community are being followed, based on criteria that encompass physical-environmental, socioeconomic aspects and local aspirations (Ministério Público do Paraná, 2018). However, there are still many aspects related to licensing that deserve attention. One of them refers to the costly and bureaucratic procedures that end up promoting illegality. Indeed, illegal urbanism becomes the norm, highlighting the contradiction between advanced laws and archaic reality (Maricato, 2014). Even so, the increasing flexibility of urban plans expands processes of real estate speculation, favoritism, and financialization (Abramo, 2001).

The NIS (Neighborhood Impact Study) is one of these administrative control instruments, enabling municipalities to define the types of projects that will be subject to impact studies and conditioning them to the observation of impacts on a smaller scale (Inguaggiato et al., 2021).

In the Municipality of São Carlos, there are four legal documents that address the Neighborhood Impact Study (NIS). The first, Law No. 13.056/2002, was enacted to comply with Article 36 of the EC. As in several other municipalities, this regulation did little to improve the use of the NIS. In 2005, the Master Plan (Law No. 13.691/2005) was instituted, dedicating a section to this instrument. However, it left it to the executive branch to regulate "the criteria and procedures for the application of this instrument"(Lei nº 13.691, 2005, p. 60). In 2016, the Revision of the Master Plan (Law No. 18.053/2016) was approved, which, in its Chapter XII, addresses the NIS. This chapter addressed the instrument in more detail, but still left gaps by assigning to the Executive Branch the obligation to present a specific municipal law within a period of 180 days. It was only in 2023 that the specific law was enacted: Law No. 21,808/2023.

Given the importance of increasing studies (Abreu & Peres, 2021) and the actual application of the NIS, this work aimed to analyze the role played by this instrument in the licensing process of housing developments in the municipality of São Carlos (SP).

2. Methodology

The research used an integrated approach of quantitative and qualitative methods, giving greater emphasis to qualitative analysis. As methodological procedures, the survey and systematization of land subdivision projects approved in the municipality of São Carlos between 2006 and 2018, for which a Neighborhood Impact Study (NIS) was required, was initially

carried out. Next, a selection of projects for housing purposes was made. Finally, the analysis focused on the processes of projects for housing purposes that required an NIS through the application of analytical frameworks to evaluate the procedures adopted.

2.1. Projects requiring the submission of a Neighborhood Impact Study (NIS).

Between 2006 and 2018, 56 land subdivision projects were approved and published in the Official Gazette of the municipality of São Carlos. Analyzing the projects submitted for the preparation of the NIS in São Carlos, it was found that most (52) consisted of land subdivisions for residential purposes. These projects were divided into different typologies, with emphasis on residential condominiums and subdivisions, as detailed in Table 1.

Based on this survey, two criteria were adopted to select the projects for analysis: time frame and typology. The typology adopted was land subdivision for residential purposes, since the Municipal Master Plan stipulates the presentation of a Neighborhood Impact Study (NIS) for these projects (Lei nº 18.053, 2016).

The time frame began in 2006, as the São Carlos Master Plan was established at the end of 2005. From then on, the presentation of a NIS became mandatory for the approval of certain types of projects and/or activities. This requirement remained in the 2016 Master Plan. To ensure that the entire administrative process was available for public consultation, including the assessments carried out by the Municipal Council for Environmental Defense (COMDEMA) and the Municipal Council for Urban Development (COMDUSC), the year of 2018 was determined as the final year for the analysis.

2.2. Survey and classification of housing developments for analysis

To identify the decrees approving land subdivision projects, all publications in the Official Gazette of the municipality of São Carlos between 2006 and 2018 were previously analyzed. After reading and analyzing the publications

Table 1 Typology of land subdivision projects approved in the municipality of São Carlos (SP), between 2006 and 2018.

Typology of Developments	Number of approved projects
Residential Condominium	19
Land subdivision (residential and mixed-use)	22
Industrial subdivision	2
Social Housing Project (EHIS)	11
Industrial and commercial Condominium	2
Total	**56**

SOURCE: Santilli (2023)

of official acts between 2006 and 2018, 56 approved land subdivision projects were identified. Of these, those that were not residential and administrative processes opened before 2006 were excluded, following the inclusion criteria described above, resulting in 33 administrative processes for selected housing projects whose location is shown in Figure 1.

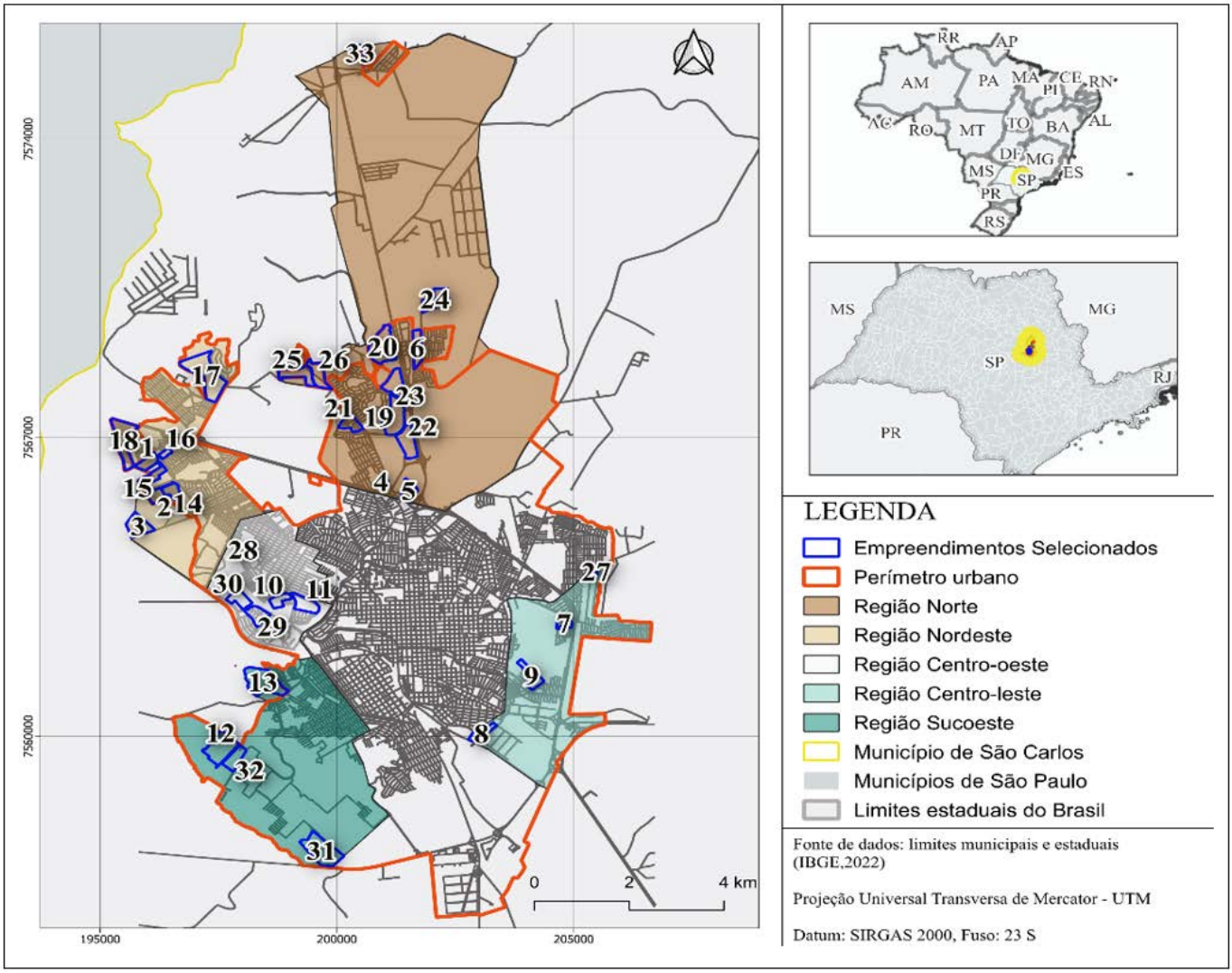
Regarding the quantities and types of land subdivision projects for housing purposes, a variation was observed in the number of approved projects over the years, as shown in Figure 2. In the years 2006, 2009, and 2013, only one housing project had its decree published in the Official Gazette, in contrast to the years 2012 and 2017, in which 6 and 7 projects were approved, respectively.

Starting in 2012, there was a noticeable increase driven by social housing projects, which were promoted by the federal government through the "Minha Casa, Minha Vida" (My Home, My Life) Program, implemented by Law No. 11,977/2009.

Figure 1

Location of land subdivision projects for housing purposes in São Carlos (SP), approved between 2006 and 2018.

SOURCE: Santilli (2023).



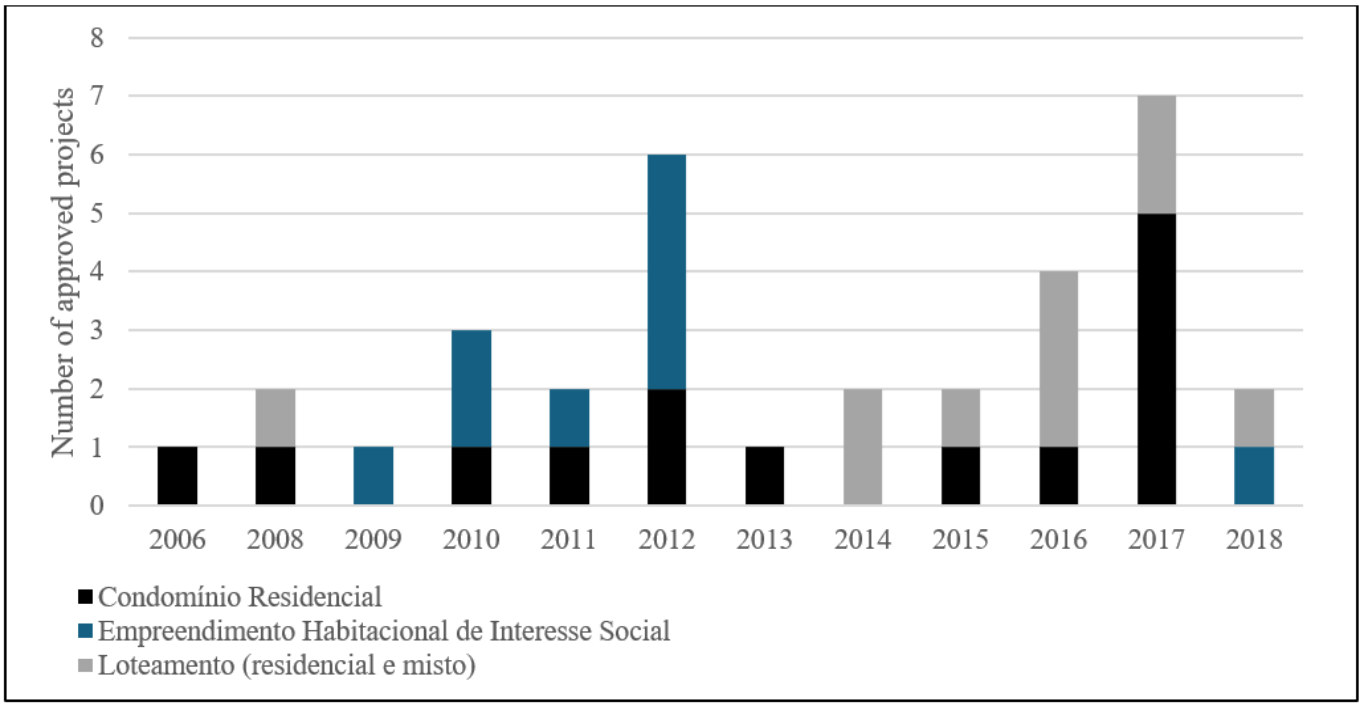


Figure 2

Distribution of selected administrative processes, according to the publication of the approval decree over the years in the Official Gazette of the municipality of São Carlos (SP).

SOURCE: Santilli (2023).

The geographical distribution of the developments, analyzed according to typology and presented in Figure 3, corroborates the trend of socio-spatial segregation in the process of urban space production in the municipality, as observed by Silva et al. (2015). In the southern region of the municipality, there is a predominance of Social Interest Housing Developments (EHIS), while the northern region concentrates the "residential condominium" typology. A high number of EHIS is also observed in the northwestern region. However, these have controlled access, unlike those located in the southern region.

To enable the analysis of the administrative processes that resulted in the approval of the projects, a sampling was carried out, that is, a portion of the 33 processes that met the inclusion criteria was selected. To ensure the sampling was representative, the following criteria were adopted: dispersion across the urban territory – the urban area was divided into 5 regions: north, northwest, central-east, southwest, and central-west (Figure 1); and housing typologies: subdivision, social housing development, and residential condominium.

One project from each existing housing typology in each region was selected. Thus, the representative sample encompassed 13 projects selected for analysis, as presented in Table 2.

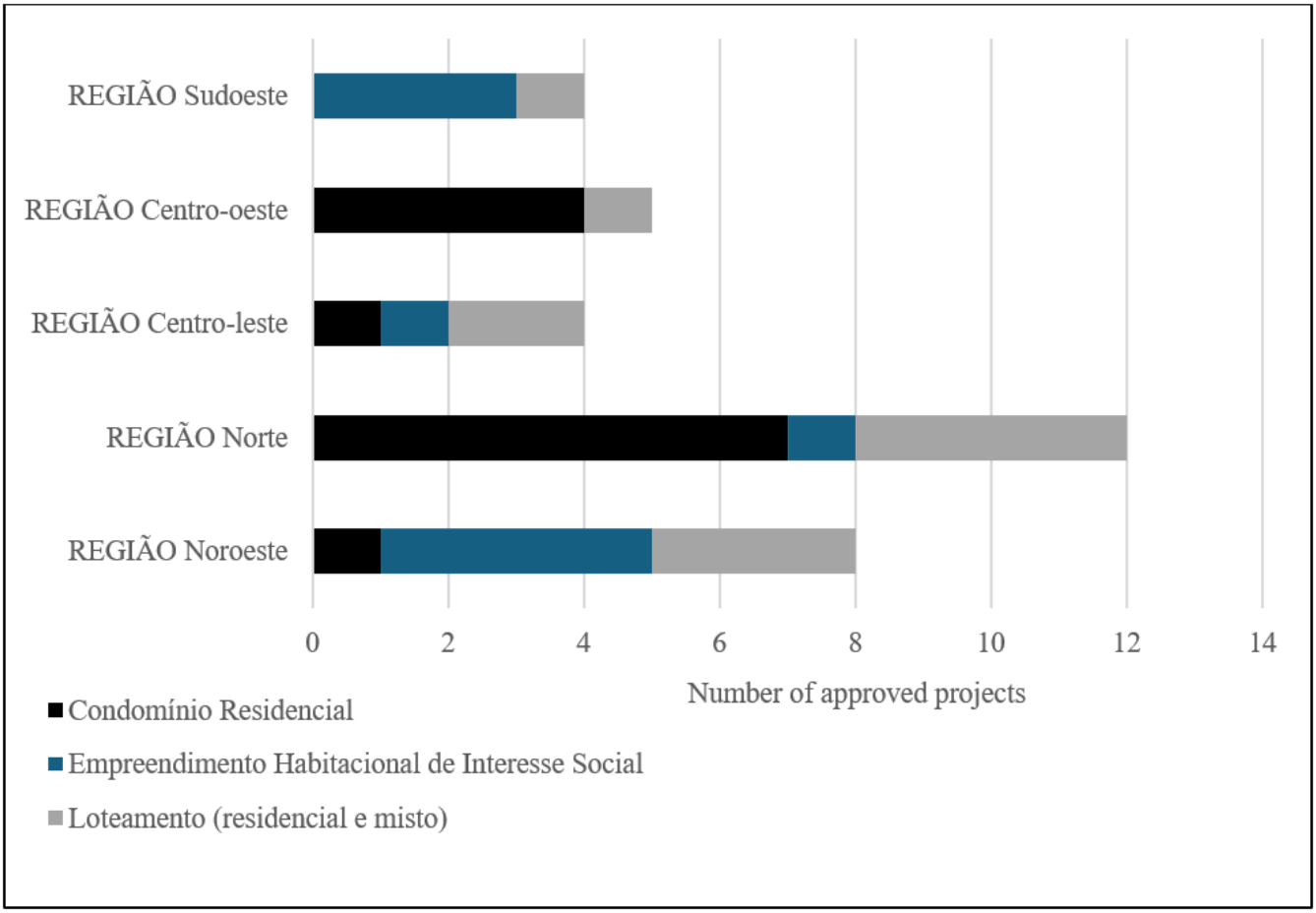


Figure 3 Distribution of land subdivision projects approved by the Municipality of São Carlos (SP) between 2006 and 2018.
SOURCE: Santilli (2023).

Table 2 Sample of projects selected based on the application of the inclusion criteria

	Projects selected for analysis			
	Project name	**Region**	**Typology**	**Year of publication Decree approval**
1	Moradas São Carlos I	Northwest	EHIS	2009
2	Moradas São Carlos III	Northwest	EHIS	2012
3	Eccobrisa I	Northwest	Subdivision	2018
4	Mont Park	North	EHIS	2010
5	Parque dos Pássaros	North	Subdivision	2014
6	Faixa Azul	North	Lot. and Cond.	2016
7	Vila Verde Sabará	Center-east	Residential Condominium	2010
8	Mont Royal	Center-east	EHIS	2011
9	Jardim Leticia	Center-east	Subdivision	2016
10	Reserva Aquarela	Central-west	Residential Condominium	2012
11	Monte das Araucárias	Center-west	Subdivision	2016
12	Eduardo Abdelnur	South-west	EHIS	2012
13	Salto do Monjolinho	South-west	Subdivision	2017

SOURCE: Santilli (2023).

3. Results and discussion

3.1. Analysis of the processes of the selected housing projects

Once the inclusion criteria were applied and the relevant administrative processes selected, the analysis of the processes proceeded, in which relevant information was collected and compiled into what we call a "Roadmap". The "Roadmap" was developed to assist in collecting pertinent data in order to achieve the objective of this research. To this end, a sequence of information to be sought in the consulted administrative processes was organized. The detailed characterization and survey of the selected administrative processes, carried out between January and August 2022, allowed the identification of the roles played by the Neighborhood Impact Study (NIS) in the licensing process for land subdivision projects for housing purposes in São Carlos (SP).

3.2. Role played by the NIS in municipal licensing

According to the "Technical Handbook for the Regulation and Implementation of Instruments of the City Statute" (2016):

> From the perspective of impact mitigation and social control, the Neighborhood Impact Study (NIS) should function as a tool to support the urban planning licensing process, providing subsidies to the public authorities to decide on granting the license or conditioning it on the implementation of compensatory measures. In this process, the publication and availability to any interested party of all documents and studies related to the NIS are mandatory, increasing the transparency of the licensing act and opening channels of dialogue with society, in accordance with the urban policy guideline that advocates democratic management through the participation of the population and representative associations of the various segments of the community in the formulation, execution and monitoring of urban development plans, programs and projects (Schvarsberg et al. , 2016, p. 13).

Given the functions recommended by the aforementioned federal guideline, the roles considered in the analyses of the selected projects in São Carlos were divided into two groups:

1) a tool to support the urban planning licensing process;

2) a tool to support democratic governance.

The first group refers to the production and dissemination of information regarding the potential impacts of the project on its surroundings, in order to assist public management in the decision-making process. This production and dissemination is promoted by legal obligation and/or through requirements in technical reports prepared by civil servants, the result of which may be consolidated into measures that are conditions for the approval of the project.

The second group, democratic management, refers to making the instrument public and allowing for popular participation in the licensing

of projects. This participation was demonstrated through public hearings, expressions of civil society represented on the Councils, and statements from the affected population.

3.3. The NIS as a tool to support the urban planning licensing process

Despite the scarcity of conclusive technical opinions issued by municipal bodies regarding the Neighborhood Impact Study (NIS), it was observed that in four of the 13 cases analyzed, the instrument enabled the production of information that contributed to decision-making.

In the "Salto do Monjolinho" project, technical opinions issued by the Municipal Department of Housing and Urban Development (SMHDU) and the Municipal Department of Transportation and Traffic (SMTT) requested additions to the Neighborhood Impact Study (NIS) to improve the identification of impacts. The administrative process for "Reserva Aquarela" included an opinion from the Environmental Coordination Office requesting additions to the Study: including an arborization project and indication of public areas to be donated. In the administrative process for "Monte das Araucárias", two technical opinions were issued by the SMHDU, which required additions to the NIS such as identifying the carrying capacity of the urban infrastructure, clarifying existing reforestation, rectifying the project's area framework, and improving the impact assessment. During the approval process for the "Vila Verde Sabará" project, the developer submitted a document summarizing the conditional measures, called "Contraparts of Works", which presented several measures divided into three groups:

1) Actions defined in the NIS;

2) Actions defined in the Traffic Impact Report (RIT);

3) Actions defined in the meeting of 03/16/10.

There were three actions defined in the NIS:

1) Road improvements;

2) São Carlos Autonomous Water and Sewage Service (SAAE);

3) Stormwater drainage system.

Therefore, it was observed that, in these four administrative processes, the Neighborhood Impact Study (NIS) contributed with information to the decision-making process, whereas in the others, there are no statements from the Municipal Government regarding the Study.

The still fragile and recent regulation of the specific NIS law in São Carlos, a challenge frequently highlighted in several studies (Bandeira, 2018; Matoso & Ferreira, 2018; Merícia, 2018; Araújo et al., 2019; Chagas & Cordovil, 2019), results in the absence of a clear procedural flow and

the lack of an indication of when in the project process the NIS should be required.

3.4. Neighborhood Impact Study as a tool to support democratic management

The objective of democratic management advocated by the Neighborhood Impact Study (NIS) is based on the publicity of documents and popular participation in the decision-making process. The vast majority of documents and results from the NIS presented to the municipality are not available for citizens to access. Even the council members who make up COMDEMA reported, in the minutes, difficulties in receiving the material for analysis, highlighting a precarious mechanism for publicizing the material, an aspect observed by other scholars (Schvarsberg & Kallas, 2016; Araújo & Campante, 2017; Braga, 2018).

Regarding the publicizing of the instrument, it should be stressed that, starting in November 2018, that is, in the last two months considered in the time frame, the Municipal Government began to make available the documents that make up the NIS (Neighborhood Impact Study), including a call for a public hearing, on its website, thus complying with article 38 of the EC.

Although it represents progress towards popular participation, the City Hall's attitude in holding public hearings and publicizing the documents related to the Neighborhood Impact Study (NIS), as part of the approval process for land subdivision projects, was a response to the intervention of the Public Prosecutor's Office, which understood that Law No. 13.056/2002 was not being complied with, since it provided for the participation of civil society. As the specific law was only enacted in 2023, Law No. 13.056/2002 remained in force during the review of this process.

The City Hall's response to the Public Prosecutor's Office occurred in November 2018. Therefore, it only applied to one of the analyzed processes, the "Monte das Araucárias" case, in which the documents were made public and a public hearing was held.

Although public hearings are one form of popular participation and control, the effective participation of the affected population is often insufficient (Araújo, 2009), but it can be encouraged through the regulation of procedures for how hearings should take place. For Environmental Impact Assessments (EIA), there are national guidelines issued by the National Environment Council (CONAMA) through CONAMA Resolution No. 09/1987, which provide for the holding of public hearings and can serve as references for the Neighborhood Impact Study (NIS).

In the remaining 12 cases analyzed, the publication of documents and the holding of public hearings were not observed, hindering popular participation in the decision-making process. However, it was noted that in

three cases the Neighborhood Impact Study (NIS) contributed to ensuring that the affected community was heard.

One example was the case of "Vila Verde Sabará", where neighborhood groups protested against the impacts resulting from the implementation of the project and had some of their demands met in the conditional measures presented in the Neighborhood Impact Study (NIS).

Another area for public participation is in the Councils, which review the projects under consideration and can raise questions regarding the implementation plan. During the review process, the Neighborhood Impact Study (NIS) can be used to discuss the potential impacts and request any necessary additions or project changes. In the approval process for the "Moradas São Carlos III" project, COMDEMA requested that the NIS include an analysis comparing the current housing pattern in the neighborhood with the future situation. At the COMDEMA review meeting for the "Jardim Eccobrisa I" project, one of the council members stated that the presented NIS did not clarify how the proposed mitigation measures would be able to mitigate environmental impacts. Also during the COMDEMA review, the "Monte das Araucárias" project received a request to supplement the NIS, including a study on the impact on traffic.

Table 3 presents a summary of the analyses performed on the administrative processes regarding the role played by the Neighborhood Impact Study (NIS).

In only 5 of the 13 processes analyzed were functions from both groups performed: in the tool supporting the urban planning licensing process and in the tool supporting democratic management. Therefore, for the majority of approved projects, that is, in 8 of the 13 processes analyzed, this instrument was used only as part of the legal compliance with licensing procedures (Ayoub & Kanashiro, 2013), without even having been the subject of analysis in a technical opinion by the Executive branch.

The potential use of the Neighborhood Impact Study (NIS) instrument in the urban planning licensing process, exemplified by the administrative processes of the "Monte das Araucárias" and "Vila Verde Sabará" projects, where it played a supporting role in decision-making and democratic management, coupled with negligence regarding its use, reaffirmed the need for improvement in the application of the instrument by the Executive branch. Municipal entities, in the case of São Carlos (SP), faced several challenges and difficulties in the proper application of the NIS instrument (Merícia, 2018), as well as opportunities, as demonstrated in the functions and roles performed.

Table 3 Summary table of the role played by the NIS in São Carlos (SP)

		The role played by the NIS as a tool to support the Urban Planning Licensing process			**The role played by the NIS as a tool to support Democratic Management**		
Projects analyzed		NIS's contribution to defining conditioning measures	NIS's contribution to project supplementation -alteration	Existence of a technical opinion NIS from the Executive Power	Existence of a Public Hearing	Discussion of the NIS in the Councils	Neighborhood Group Demonstration
1	Moradas São Carlos I	No	No	No	No	No	No
2	Moradas São Carlos III	No	Yes	No	No	Yes	No
3	Eccobrisa I	No	No	No	No	No	No
4	Mont Park	No	No	No	No	No	No
5	Parque dos Pássaros	No	No	No	No	No	No
6	Faixa Azul	No	Yes	No	No	No	Yes
7	Vila Verde Sabará	Yes	Yes	No	No	Yes	Yes
8	Mont Royal	No	No	No	No	No	No
9	Jardim Letícia	No	No	No	No	Yes	No
10	Reserva Aquarela	No	Yes	Yes	No	Yes	No
11	Monte das Araucárias	Yes	Yes	Yes	Yes	Yes	Yes
12	Eduardo Abdelnur	No	No	No	No	Yes	No
13	Salto do Monjolinho	No	No	Yes	No	No	No

SOURCE: Santilli (2023)

4. Final considerations

The analyses carried out allowed us to understand the role played by the Neighborhood Impact Study (NIS) in the municipality of São Carlos (SP), based on the evaluation of administrative processes related to the approval of housing developments between 2006 and 2018. Although the NIS was configured, in most cases, as a mere fulfillment of the legal requirements of municipal licensing, reproducing a scenario of excessive bureaucracy and inefficiency reported by other authors (Paranaíba & Ferro, 2022), the study highlighted its potential as an instrument to support public management and democratic management when applied in a structured and participatory manner (Abreu & Peres, 2021).

This research offers an applied perspective on the institutional limitations and possibilities for improving Neighborhood Impact Study

(NIS), articulating local empirical evidence with theoretical discussions from the literature. Among the challenges identified, the weak regulation of the instrument stands out – also pointed out by other authors (Bandeira, 2018; Chagas & Cordovil, 2019) – which compromises its effectiveness and procedural coherence. The development of specific legislation (Ayoub & Kanashiro, 2013; Matoso & Ferreira, 2018; Chagas & Cordovil, 2019; Peres & Cassiano, 2019; Inguaggiato et al., 2021) appears as a recurring path to overcome this limitation, although subject to obstacles arising from conflicts of interest and decision-making delays. In this context, ensuring predictability and legal certainty (Hoshino et al., 2014) becomes fundamental to enabling regulatory advances. Other critical aspects observed – such as the absence of conclusive technical opinions and the restricted popular participation – reinforce the need to improve analysis and deliberation procedures. The definition of Terms of Reference, basic criteria, guidelines, and conditional measures can reduce the subjectivity of evaluations, while the regulation of public hearings and the broad dissemination of documents and processes (Braga, 2018; Peres & Cassiano, 2019) can strengthen transparency and social control (Mitincu et al., 2021).

Thus, the present study demonstrates how the Neighborhood Impact Study (NIS) can be consolidated as an effective instrument for urban planning and democratic management, corroborating the results of other research (Tonini & Agra Filho, 2024), provided it is accompanied by clear regulations, consistent technical practices, and real spaces for participation. It is hoped that the results presented here can support local policies and new comparative investigations aimed at understanding and improving the use of NIS in different municipal contexts.

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