Global Sustainable Buildings Guide - Brazil

Planning

| Contents |
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| To generate table of contents, right-click here and select **Update Field.** |

# Is the national or local/state government able to mandate green initiatives via the planning/zoning regime (e.g., district heating systems on large developments)?

Brazilian Environmental National Policy (Federal Law No. 9.638/1981) was first established in 1981, with the enforcement of Federal Law No. 6,938/81. The law instituted environmental zoning as one mechanism to implement the environmental national policy.

For this purpose, Federal Decree No. 4,297/02 created the Ecological-Economical Zoning (ZEE). The ZEE is an instrument used to rationalize the occupation of areas and redirection of activities. It creates subvention to elaborate and execute regional plans aiming for sustainable development. It also establishes measures and standards for environmental protection aiming to ensure the environmental quality of water and soil resources, the conservation of biodiversity, and the improvement of living conditions. Therefore, the ZEE establishes guidelines for the geographical distribution of economic activities while considering the importance of the environment, as well as the limitations and fragility of the ecosystems. It also establishes prohibitions, restrictions and alternatives for the exploration of the territory.

In addition, the City’s Ordinance Law refers to the basic policy on the use of urban land. This subject was first regulated by the Federal Constitution (articles 182 and 183), which determines that the policy of urban development, executed by the local public authority, aims to command the entire development of the city’s social functions and to guarantee the inhabitants’ welfare.

The urban property fulfills its social function when it observes the demands of the city’s ordinance expressed on the Master Plan (Plano Diretor) approved by a municipal law, ensuring that sufficient attention is given to the needs of the citizens regarding the quality of life, social justice and development of economic activities. The Master Plan is the basic instrument of development and urban expansion policy.

Some state and municipal laws aim to promote certain sustainable measures that are to be adopted by buildings constructed in the referred location. As an example, in the state of Rio de Janeiro, buildings with offices of more than 50 square meters of constructed area or residential buildings for more than 50 families must be constructed with rainwater collectors (Law No. 4,393/2004). Other municipalities have enacted rules obliging the installation of individual systems of measurement of water consumption in new buildings (traditionally, the water measurement is made for the entire building and split into equal portions by the residing families).

A bill of law (PL 272/2015) in the municipality of São Paulo, the largest city in Brazil, aims to oblige new buildings and retrofits that result in an increase of the constructed area of at least 5% to observe a minimum environmental quota, which will assess the real estate’s draining capacity, vegetation coverage and other social environmental aspects to be defined by the executive.

Solid wastes resulting from construction are also broadly treated in Brazilian legislation. The regulations mainly deal with solid waste disposal and reuse and recycling terms. In the state of Rio de Janeiro, State Law No. 4.829/2006 created a plan for recycling slag.

Several laws at state and municipal levels also restrict or control the use of certain construction materials. Special attention has particularly been granted to wood. Several states and municipalities have enacted policies to control and prohibit the use of wood from sources that have not been certified.

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