

A typical Italian phenomenon

The unauthorized building

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I. Introduction

Authored by Petrella and de Biase

In Italy, unauthorized building is a very common phenomenon. In the present paper, we show the first results of a research focused on the impact of unauthorized buildings on urban and local systems, which frustrates the city plans and the provisions done before.

For a start, it is appropriate to underline that if we want to know the amount and the quality of unauthorized building in the Italian Regions we need to proceed with a direct survey since Italian institutions, both at a national and at a local level, have not publicized any datum even if nearly thirty years have passed since the first national law concerning “building sanction” (Erbani, 2003).

Italian laws determining rules and conditions in order to get building indemnity have been promulgated in 1985 (L. n. 47), in 1994 (L. n. 724), and in 2003 (L. n. 326).

Because of the inefficient controls and of the increasing of unauthorized building, in the Eighties, Italian Government promulgated a law establishing that it was possible to get authorization a-posteriori after reporting the unauthorized building and supporting some costs. Law n. 47/1985 established seven cases of unauthorized building and the costs where calculated according to the time when the unauthorized building was realized. Law n. 724/1994 extended the number of cases and the time-span to refer to. Law 326/2003 extended even more the time-span and included also the buildings that were realized in hedged areas.

The present research focuses on the relevant unauthorized buildings in order to investigate if the typology is the same or if it changes in reference to its causes and effects. Data are referred to three municipalities in Campania Region.

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II. General Features of Unauthorized Building

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A. In Italy

After the Second World War and until the first building sanction, in Italy, population has grown up and, as consequences, the average of family members has decreased, the dimension of houses has increased and the ratio resident/compartment has passed from 1.4 to 0.8 while the ratio number of families/number of houses has been constant. Real estate has increased because of social houses, of private authorized houses and of private unauthorized houses – 6% of the total (Cremaschi, 1990).

In Italy, the building sanction requests presented after the three laws are 2,040,544 (Legambiente, 2014). Of the total requests, nearly 28,000 have been rejected while 800,000 are outstanding. After the last building sanction, 327,800¹ unauthorized buildings have been estimated, showing an incidence of 14,7% on the total (Rapporto Bes). Between 1983 and 2010 nearly 1,300,000 unauthorized houses have been built. If Cremaschi’s estimations are right, then unauthorized buildings realized between 1971 and 1984 (before L. n. 47/1985) are 2,723,000 and so nearly 700,000 request of building sanction are missing. In reference to the same time-span, Bellicini (1990) estimates the difference between existing buildings and granted licenses. It was over 1,300,000, and the 60% was in the South of Italy.

B. In Campania Region

In Campania Region, the use of the ground is estimated nearly to the 9% and it has increases nearly of 4% if compared to the Fifties (Ispra, 2014). The index of unauthorized buildings is bigger than the national one five times. By mixing different sources of data², since 1985 nearly 278,000 requests have been presented (10% of the national amount). Out of this amount, 168,000 are due to the Law n. 47/1985 (71,000 have been executed); 80,000 are due to the Law n. 724/1994 (30,000 have been executed) and 30,000 are due to the Law n. 326/2003 (even if the unauthorized buildings are 76.836). In Campania, 30,000 requests

¹ 25,800 between 2003 and 2011+ 25,800 in 2011 + 18,000 in 2012 + 26,000 in 2013 (Legambiente).

² Cresme, Legambiente, Casaclima.

are still missing (Cremaschi, 1990) but if we consider the recent unauthorized building (Iurillo, 2011) the total amount of unauthorized building is greater than 70,000. In 2002, Campania was the first Region for unauthorized building, the amount was 5,925 (Legambiente, 2003) but if the number of new unauthorized building is related to the number of already existing building than Molise and Sicilia are at the top of the list and Campania follows them. Campania, however, is the Region where the cement cycle is managed in the most illegal way (17% in 2007 and 14% in 2012) with 875 ascertained infractions (Legambiente, 2014).

c. The survey

The municipalities we focus our attention on are Giugliano in Campania (GC), in the district of Naples, Santa Maria Capua Vetere (SMCV) and Casal di Principe (CdP), in the district of Caserta. Their PRG can be dated back respectively in 1984, 1983 and 2006. In CdP and SMCV the building rate of growth (both authorized and unauthorized one) is above the Province average (+4%); the rate of growth in GC is even higher (PRG, 1984). The municipalities are close enough (13 kms far one another) and they differ according to number of citizens, to evolution of the population and building, to the area and their density. GC and SMCV, which in the Seventies differ for nearly 4,000 citizens, now differ for 80,000 citizens. While the growth rate in SMCV has been equal to 4%, in GC the growth rate has been equal to 208%. This datum is relevant even if compared with the municipality of Naples whose rate has been equal to 5%. The growth rate of citizens in CdP is very relevant too, above all if compared with the one referred to the municipality of Caserta (whose rate is 7%). It is important to point out that while GC covers a very extended area (94Kms), part of them are on the coast³ (where of the unauthorized building of second houses is a common phenomenon), SMCV and CdP are very limited areas (the areas are respectively of 23 and 16 Kms) and they are not on the coast. Over the years, all the municipalities have mixed themselves with other municipalities. This phenomenon is particularly clear in GC, while in SMCV it is less relevant and it is even less in CdP where parts of the municipalities are still destined to agriculture. The relevant growth of GC, due to the movement of citizens from Naples and to the earthquake in 1980, has made it one of the most densely populated municipalities – not administrative centres - in Italy where the usage of the area is equal to 9,1% (Legambiente, dossier, 2014a). Even if it is at the second place in the list of the most densely populated municipalities in Naples (this is due to the extension of the area), in 2013 the DAT is at position 69 out of 92 municipalities in the district of Naples. The DAT of SMCV is clearly higher: it is at position number 5 out of 104 municipalities in the district of Caserta and it is

at position 17 in the list about population density. CdP, instead, is at position 32 about DAT and at position 11 for number of citizens.

When considering the relationship between citizens and the dimension of residential zone, some differences emerge. SMCV (600Ha) shows a small, limited residential zone. CdP (403Ha) has grown according to a crown-shape, with opened offshoots and buildings diffused over agricultural areas. GC, made up of 12 communities, the ISTAT has identified 4 residential zones plus some units. The main residential zone is located around the primary part of the municipality and along the boundaries with Villaricca, Mugnano, and Melito. The residential zones along the coast and in the agricultural part of the municipality are not so relevant. In GC (2001) more than 3,500,000 ms (3,9% of the municipality) have been built – that is nearly 29,000,000 mc⁴.

If we analyze the dynamics of the number of houses over the time-span 1971-2011 related to the number of families, we can realize different paths even if, in 2011, in all the three municipalities it happens that the number of families is higher than the number of houses.

In SMCV the number of houses grows up (13,5%) in the first thirty years and then it slows down (7,2%) in the next twenty years. These variations differ from the ones about families and citizens: the number of families rises over all the period but the rates vary (15; 1; 10; 8; 17; 7). The evolution of population is still different: it increases over the years 1971-1981 (3%), it decreases in the next twenty years (-4%) and it increases again in 2011 (6%) and then it decreases again. The supply of houses does not vary according to the demand and in 2011 there are 186 houses less than the number of families. CdP shows rates that can be defined as homogeneous, unless in the last ten years when the increase of houses stops (passing from 24% to 1%) while the families go on increasing – in the end they are 300 more than the number of houses available. It is important to highlight that in the last years all the media have talked about the role that criminal groups have in the management of CdP particularly in the management of new building - the AC has been put under temporary receivership three times.

The PTCP in the province of Caserta estimates that more than 35% of the new buildings realized between 1984 and 2004 are not in compliance with urban planning, i.e. they are unauthorized, and it underlines that CdP is the municipality with the highest rates of proprietary buildings (85%) and of use (92%).

GC, another municipality where criminal groups rule (since 1991 it has been put under temporary receivership four times) and where in 2000s many unauthorized buildings have been revealed and some demolitions have been carried out, reports an fluctuating ongoing. In the first twenty years the number of houses has grown up more than the number of families (+20%). In the following years, the number

³ The coast comprehends the following settlements: Varcaturò, Licola, and Lago Patria.

⁴ P.I.U. Europa di GC.

of new houses decreases while the number of families still grows up and they are 186 more than the number of houses.

By comparing the above data with the requests for amnesty it is clear that SMCV (put under temporary receivership twice) is less negligent than the other two municipalities. The total amount of requests for amnesty is equal to 17% of the existing houses, while the amount of requests is equal to 30% in CdP and to 56% in GC. The result does not change even if we take into account the unauthorized buildings revealed through cartographic overlapping (they are 120 in SMCV, 510 in CdP and 1,000 in GC). Moreover, while the requests for amnesty have decreased in SMCV and CdP, in GC the requests after Law n. 724/1994 are more than the ones referred to Law n. 47/1985 and the requests referred to the last amnesty represent the 23% of the total.

As for GC, on October 2013 (data derive from AC) it is still outstanding more than the 60% of requests while according to the DPR (may 2013) through which the municipality was put under temporary receivership, the outstanding requests were the 83% of the total.

AS for SMCV, we do not have precise data about the requests. Dedicated offices declare that only 338 requests are still outstanding (17%) and 1,066 abuses have been restored. If data are right, since there are no refuse requests, it means that more than 500 requests are disappeared.

As for CdP, the 51% of requests are still outstanding.

In the ending, in order to supply a whole frame of the real situation, it results that GC is among the municipalities with more than 50,000 citizens that asks for the lowest payment of the ex ICI (34,2 euros) that, according to Martini (2003), is related to the very poor quality of housing conditions. None of the three municipalities, however, is included among the ones that spend public money in an efficient way or among the ones that spend more money in order to improve their areas or public building.

III. Case study: Santa Maria Capua Vetere

Authored by de Biase C.

Santa Maria Capua Vetere⁵, despite its historical and cultural origins, undergoes the phenomenon of unauthorized building as well. As already said, the phenomenon is less developed than in other parts of the Region. Urban rules in SMCV are recent: there is a Pdf emanated in 1972; there is a PRG approved in 1983 and is still in force; there is a “proposta di piano” presented in 2000, upgraded in 2010, never presented

at CC; there is a PUC (2012 - DGC 175 del 21.11.201) that still needs to be edited.

A. Unauthorized building in SMCV: the analysis

Since the PRG precedes the first national law on the amnesty for unauthorized building (L. 47/85), we decided to start the analysis in reference to what was established in the above law. Type, quantity and location of unauthorized buildings in the area differ according to the period of analysis: on the one hand we consider the ones realized between the PRG and the last amnesty; on the other hand we consider the ones realized in the last ten years. While in the time-span 1983-2004 unauthorized buildings have been realized in the entire municipality, without a conceptual line and in all the possible areas, since 2005, after realizing a urban infrastructures (linked to the highway from and toward Caserta), unauthorized buildings are more concentrated in those areas. In order to understand how relevant the phenomenon is, we used the method called “overlay mapping” that is based on the overlapping of the zoning tables of PRG (1983), the CTR of Campania Region (2004) and the images downloaded from *google earth* (2014)⁶. By the used of this method, we could derive the new buildings realized time by time and we could elaborate sixteen tables⁷. For each of the new buildings we verified legitimacy, the request of amnesty (if any), the license or the refuse and the state of the art of the proceeding (outstanding requests). Moreover, we verified if any of the new building was a “ghost building”. The final result is the mapping of the buildings that are still unauthorized since they did not request for amnesty and did not get the necessary licenses.

B. Unregulated activity: 1983-2004

The first part of the analysis has dealt with the overlapping of the map referred to the PRG (1983) and of the map referred to CTR edited by Campania Region in 2004. Through this, we could highlight the new buildings realized in the time-span, including the enlargements of pre-existing buildings. The same process has been made by overlapping the map downloaded by *google earth* del 2014 with the map of 2004.

Since 1983 to 2004, 957 new surfaces have been covered in the municipality⁸, 567 of these are new buildings while 390 are significant enlargements. As for the new buildings, 411 are in ZTO A, B or C and 156 in ZTO D, E and F. As for the 390 enlargements, they cover all the ZTO.

The following step of the analysis was to identify how many of the 957 new buildings were unauthorized

⁵ Santa Maria Capua Vetere cover an area of 15,76 Kms and the number of citizens is equal to 33,500 (31/12/2013) – Source: Municipal Agency.

⁶ These are the most recent maps in reference to the national laws promulgated about amnesties (www.centrointerregionale-gis.it/distribuzione/Campania.pdf).

⁷ Claudia de Biase and Rosaria Barone have made all the tables.

⁸ Specific tables are available on request.

– we considered the related request for amnesty⁹. The result shows that 491 asked for amnesty (289 in reference to L. 47/85, 159 in reference to L. 724/94 and 43 in reference to L. 326/2003). Among these, 285 got it, while 206 (113 new buildings and 93 enlargements) are still outstanding.

Of the 491 amnesty requests, 188 (107 in reference to L. 47/85; 68 in reference to L. 724/94 and 13 in reference to L. 326/2003) deal with the realization of new buildings for different aims and 303 deal with enlargement of already existing building. The new buildings condoned are 75 (19 are garages, 1 is an apartment plus garage, 3 are warehouses, 8 are storages and 44 are houses) while the enlargements condoned are 210 (2 are enlargements and raisings, 11 are enlargements for garages and 197 are enlargements of buildings)¹⁰.

According to the data, 466 amnesty requests are missing¹¹. Among these, 379 are new buildings and 87 are enlargements. According to the survey, it emerges that 302 new buildings and 78 enlargements have licenses – 30 of them got the license (pre legge Bucalossi), 71 got a regular license and 279 got the permission to build (post DPR 380/2001) –, while 77 new buildings and 9 enlargements, which did not get any license or any amnesty request, are totally unauthorized¹². The abuse, according to the maps, is focused in the area called “campo Sorbo”, an area born in the Seventies and still not restored (35 buildings: 9 restored and 26 with no license)¹³.

C. Unregulated activity: 2004-2014

The present analysis, as already said, focuses also on the time-span 2004-2014 through the overlapping of the maps downloaded by *google earth* and the maps of CTR of Campania Region. In the above time-span, 133 new buildings and 7 enlargements are realized. Among these, 104 new buildings and 2 enlargements got the license to build¹⁴. As it happened in the previous time-span, some irregular buildings appear as well: they are 34. Of these, 29 are new buildings and 5 are enlargements¹⁵. If we consider the total amount of 120 unauthorized building (86 in the first time-span and 34 in the second), 106 are new buildings and 14 are enlargements.

To sum up, it is necessary to say that numbers do not mirror reality since some licenses have not been assigned in a legal, regular way (licenses assigned while waiting for modifications to the PRG that, in more than thirty years, have not been generated yet) and since some amnesties were allowed even if they do

not respect the three national laws in force. In the municipality of SMCV, the “Agenzia del territorio di Caserta” has surveyed 85 ghost parcels with 36 new building undeclared to the land register¹⁶: non of these deals with the 120 unauthorized areas. Thus, if the job done by the “Agenzia del territorio” is right – as we think – 120 unauthorized areas should be registered in the land register as illegal, while 36 buildings with housing license are not registered. This drives to question about tax evasion that, even if strongly related, is another topic of research.

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⁹ Amnesties, in the tables, have been differentiated by year of request and typology. Other tables have been made upon the amnesty requests, the amnesties got, and the outstanding practices.

¹⁰ Specific tables are available on request.

¹¹ As for these 466 new buildings, the next phase will check if they already existed and so if they were acceptable.

¹² Specific tables are available on request.

¹³ Specific tables are available on request.

¹⁴ Specific tables are available on request.

¹⁵ Specific tables are available on request.

¹⁶ Specific tables are available on request.