

# Regulation of platforms: distortions in urban planning and zoning in São Paulo

Regulação de plataformas: distorções no planejamento urbano e zoneamento em São Paulo

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## Abstract

This article examines the impact of home-sharing platforms such as Airbnb on urban planning in São Paulo. Based on the hypothesis that the lack of specific regulation has contributed to urban and housing distortions, the study combines legislative analysis, both in Brazilian and foreign cities, with a literature review on territorial impacts. It argues that, even without systematized data for São Paulo, it is possible to identify evidence in the urban policy, specifically in the Urban Transformation Structuring Axes, incentivized mixed-use, zoning, and social housing. The comparison with international experiences highlights key aspects missing from Brazilian legislative initiatives. The article concludes that specific, data-driven regulation is essential to mitigate the negative impacts of these platforms on cities.

**Keywords:** regulation; platform urbanism; Airbnb; urban planning and zoning.

## Resumo

*Este artigo examina o impacto das plataformas de compartilhamento de moradia, como o Airbnb, no planejamento urbano de São Paulo. Sob a hipótese de que a ausência de regulação específica tem contribuído para distorções urbanas e habitacionais, o estudo combina análise legislativa, em cidades brasileiras e estrangeiras, e revisão de literatura especializada sobre os impactos territoriais. Argumenta-se que, mesmo sem dados sistematizados para São Paulo, é possível indicar evidências na política urbana em: Eixos de Estruturação da Transformação Urbana, uso misto incentivado, zoneamento e habitação social. A comparação com experiências internacionais destaca aspectos ausentes nas iniciativas legislativas brasileiras. Conclui-se que uma regulação específica, baseada em dados, é essencial para mitigar os impactos negativos dessas plataformas nas cidades.*

**Palavras-chave:** regulação; urbanismo de plataforma; Airbnb; planejamento urbano e zoneamento.



# Introduction

In March 2013, the British magazine *The Economist* published a special issue on what was emerging as a wave of economic transformations. The article “The Rise of the Sharing Economy” opened with a story that vividly illustrated this new paradigm:

LAST night 40,000 people rented accommodation from a service that offers 250,000 rooms in 30,000 cities in 192 countries. They chose their rooms and paid for everything online. But their beds were provided by private individuals, rather than a hotel chain. Hosts and guests were matched up by Airbnb, a firm based in San Francisco. Since its launch in 2008 more than 4m people have used it – 2.5m of them in 2012 alone. (The Economist, 2023)

There were many novelties. Firstly, although the internet was already part of most people's daily lives and online shopping was already widespread, it was difficult for transactions to take place between individuals, even more so if they were strangers. The early stages of the digital economy were grounded on the premise that technology was at the service of the annihilation of space through time (Davidson & Infranca, 2015, p. 222 et seq). One need only consider the development of communications, which enabled individuals to speak with anyone from virtually anywhere and to work remotely, without a fixed address. Digital marketplaces allowed purchases to be made entirely online, distributed across warehouses that could be in different geographical locations. The acceleration in the development of technology suggested

that geography was no longer decisive, since, according to the promise, “near” and “far” had become virtual points in an immaterial network of connections. However, the new wave that began to emerge at the turn of the 2010s brought geographical space back into the equation, if it had ever been off the horizon: the location of the advertised rooms was decisive, the prospect of having the experience of a resident of the chosen city transformed the way of traveling. No wonder Airbnb advertisements still exploit the mottos “living like a local” and the authenticity of the place — a “sense of place” (Benner, 2016).

The second major innovation was that access to various goods was no longer exclusively tied to private ownership. Consequently, the architecture of this new economy came to be described as one of “sharing” (Schor, 2016). “Sharing” referred to the efficient use of previously underutilized assets – such as cars in the garage and extra rooms left over in the homes of Airbnb hosts. However, the fact that the transactions were financial – unlike gift-based platforms such as Couchsurfing, where it was possible to get accommodation for free (Sudararajan, 2016) — and intermediated by startups led the literature to look for terms other than “sharing economy” (see, for example, Slee, 2015). The term “gig economy” emphasizes the precarious labor relations involved in these transactions; matchmakers highlight the role of intermediaries in a two-sided digital economy; “platform capitalism” signals the broader structure of these economic transformations.<sup>1</sup>

As the main platforms of the so-called “sharing economy” perform central functions for cities – such as transportation and housing

– depending on urban conditions such as proximity and density (Davidson & Infranca, 2015), a critical literature in urban studies has coined the concept of “platform urbanism” (Barns, 2019; Leszczynski, 2019; Graham, 2020).

In the case of Airbnb – and similar platforms that promote intermediation between guests and hosts –, there is still no specific term established and consolidated in the literature. It is possible to find the notion of “home sharing”, which carries with it all the descriptive and analytical problems that the term “sharing” contains. In English-language literature, the definition usually comes from the concept of Short-Term Rental (STR). This path assumes, without further questioning or discussion, that it is in fact a rental relationship established between guest and host, which is far from having legal recognition in all the countries where these platforms operate (Tavolari & Nisida, 2020; Tavolari & Puppio, forthcoming). The problems of conceptualization reflect precisely the fact that the contours of previously stable differentiations become ambiguous and blurred (Sudararajan, 2016). The question of whether we are dealing with a family home or a business no longer seems to make sense, as platforms mix personal and professional, intimacy and work, hotel and rental.

Since the article in *The Economist* in 2013, or even the founding of Airbnb in 2008, several cities have understood that this was a public problem, beyond the more immediate relationship of competition between the hotel sector and the platforms (Colomb & Souza, 2021). To the extent that housing units are withdrawn from the long-term rental market

to be made available on the platforms, we are facing a housing problem, with serious impacts on the stock of rental units, the price of rents and urban planning in general.

In Brazil, it is not yet possible to say that the issue of home-sharing platforms has become a public problem (Tavolari & Puppio, 2024). There is no specific regulation of these platforms – the only current regulatory discussion revolves around taxation, in a traditional key of analysis, which disregards housing and urban space as central themes, still centered on the relationship between the hotel industry and the platforms (Tavolari & Puppio, forthcoming). Despite this, this article aims to analyze the impacts of the Airbnb platform on the city of São Paulo.

In São Paulo, Airbnb has a significant presence in the market, although there is no data to establish a quantitative and qualitative diagnosis.<sup>2</sup> To date, there is still no municipal legislation that directly addresses the dynamics caused by digital platforms in the use and land occupation in São Paulo. This absence raises questions about the capacity of the urban legislation currently in force to respond to the structural changes brought about by platform urbanism or whether the digital phenomenon causes distortions in urban planning. More than a tax issue or a question of competitiveness with traditional sectors, such as the hotel industry, the lack of regulation impacts and, as we will point out throughout this article, distorts the express purpose of urban policies.

The article's central hypothesis is that the current legal framework not only lacks mechanisms for access to information and

adequate regulatory instruments to deal with the complex dynamics of sharing economy platforms such as Airbnb, but also contributes to distortions in urban planning instruments and in the implementation of housing policy. To support this hypothesis, we present four pieces of evidence of distortions that are a consequence of the unregulated activity of home-stay or home-sharing platforms in São Paulo: (1) the intensive use of properties for short-term rentals in areas that concentrate public investment in transportation and urban infrastructure; (2) the appropriation of mixed-use building incentives for non-residential purposes; (3) the use of residential buildings for commercial lodging activities; and (4) the conversion of units intended for social housing into short-term rental accommodations. This article undertakes a legislative analysis of urban legal norms, both in national and international contexts, engaging with specialized literature to demonstrate how regulatory gaps and distortions in urban policy underscore the need for specific legal frameworks to address the challenges posed by platform urbanism in São Paulo.

From a methodological standpoint, this article adopts a qualitative and normative approach, grounded in documentary analysis and literature review. The research does not rely on an original empirical dataset, but rather on the articulation of multiple sources: national and international urban legislation, ongoing legislative proposals in Brazil, established academic studies, journalistic reports, and secondary data concerning the use of the Airbnb platform in major urban centers. Drawing on these sources, the article conducts

a legal and urban analysis of indirect evidence that points to significant distortions resulting from the absence of specific regulation of such activity, with particular emphasis on the city of São Paulo.

In addition to this introduction, the article is structured in four main sections. In the first, we analyze the main points of the debate on platform urbanism, focusing on the bill in the municipality of São Paulo and regulatory experiences in other cities. Next, we discuss the distortions caused by the lack of regulation in São Paulo's urban context, with an emphasis on its effects on land use and housing policies. In the subsequent section, we connect these distortions to the limitations of current urban legislation, highlighting elements that need to be present in order to promote adequate regulation, including access to platform data and articulation between urban norms. Finally, the conclusion reinforces the urgency of building specific legislation that addresses the challenges posed by platform urbanism.

## Regulation of platform urbanism

In urban contexts, platforms operate in a structurally unaccountable manner (Graham, 2020). Operating in legal grey areas, without a clear regulatory framework that allows them to be regulated in terms of taxes, urban planning or commerce, they benefit from a regulatory vacuum that favors their unrestrained expansion (Viswanathan, 2018a). This regulatory gap supports the perception that they are “too

big to be controlled, too new to be regulated and too innovative to be stopped” (Graham, 2020, p. 453). However, the complexity of their activities requires a specific regulatory approach, adapted to the particularities of each type of business, since there is no one-size-fits-all solution (Hübscher; Kallert, 2023). Generic regulations fail to address the full range of externalities – from services such as short-term rentals to app-based transportation – making it essential to identify what exactly should be subject to regulation<sup>3</sup> (Quattroni, 2016).

Uber and Airbnb illustrate this need for regulatory specificity. While the urban mobility sector has quickly attracted proposals for intervention, motivated by pressure from organized groups such as cab drivers, home-sharing platforms such as Airbnb and Booking.com remain underestimated in terms of their impacts (Drapalova & Wegrich, 2024, p; 17). In Brazil, this disparity is evident. Almost a decade after the arrival of these platforms, little progress has been made in building a regulatory framework that addresses the specificities of Airbnb (Tavolari, 2017). Since the platforms began operating in Brazil, especially in the case of Airbnb, the regulatory ambition has orbited between two poles. On the one hand, regulation seeks to meet the demands of the accommodation sector for a level playing field; on the other, it focuses on the opportunity to raise revenue from the new economic activity. In both perspectives, taxation has been chosen as the primary regulatory instrument (Piscitelli, 2022; Tavolari & Puppio, forthcoming).

Nonetheless, the challenges generated by the platforms go beyond competition or tax issues. Their operations have a profound impact on urban dynamics, including the interaction between neighbors and condominium owners (Tavolari & Nisida, 2020), the de-characterization of neighborhoods and processes of gentrification of spaces (Wachsmuth; Weisler, 2018), and the increase in rents in residential neighborhoods (Duso et al., 2024).

Latin American literature on Airbnb is still incipient and largely limited to descriptive or tourism-oriented approaches, as Lerena and Rodríguez (2024) point out. Even so, studies such as that by López-Gay et al. (2019), which analyzed the distribution of Airbnb listings in São Paulo and Mexico City, reveal the concentration of the activity in high-value areas and the intensive use of housing for non-residential purposes. Even in cities with a corporate tourism profile, such as São Paulo, these findings reinforce that the lack of regulation allows platforms to operate uncontrolled in strategic areas. Despite the magnitude of these impacts, these issues remain absent from diagnoses or regulatory initiatives within the municipality of São Paulo.

An example of this – and so far, the only attempt at regulation – is Bill n. 232/2017, proposed by Councilman Paulo Frange (PTB-SP), which sought to regulate the "Bed and Breakfast" lodging model. In the bill's justification, the councilman broadened the scope beyond Airbnb, including references to

international companies such as HomeAway, HouseTrip, Roomorama, and Onefinestay, as well as regulatory and tax initiatives from cities like Paris, Tokyo, San Francisco, New York, and Berlin (São Paulo, 2017a). The bill received favorable opinions from several committees within the City Council but was never brought to the floor and was ultimately shelved in 2021 (São Paulo, 2017b). The proposal can be summarized through five regulated aspects.

The attempt to regulate lodging platforms in São Paulo, embodied in Bill No. 232/2017, reflected the objective of assigning a commercial, non-residential legal nature to the “Bed and Breakfast” model. It also

included mechanisms for accessing transaction data and a framework for platform oversight and taxation. However, from the outset, the proposal lacked coherence in defining the legal nature of the relationships intermediated by Airbnb and similar platforms.

Firstly, by limiting the definition of “Bed and Breakfast” to lodging linked to the owner’s residence, indicating that it refers to cases in which the host lives on the property and offers available rooms, the regulation excluded entire properties listed on digital platforms. This not only left out of the regulation a common practice in the short-term rental market – and one with potentially significant impact, as

Chart 1 – Regulation proposed by Bill n. 232/2017

Regulated aspects	Description and details
Definition as a lodging contract (Art. 4), in accordance with Ordinance n. 100/2011 of the Ministry of Tourism (Art. 1).	“Bed and breakfast”-type accommodations are defined as residences with up to three housing units intended for tourist use, requiring that the owner reside on the premises. The bill expressly characterizes such contracts as lodging contracts, thereby subjecting them to the requirements of the General Tourism Law (Law n. 11,771/2008). <sup>4</sup>
Classification as a non-residential activity (Art. 2)	The nR1-12 typology is classified as non-residential use, belonging to subgroup 1, which covers activities compatible with the residential neighborhood, falling within the group of activities called “lodging or housing services”.
Obtaining operating licenses (§1 and §2, Art. 2 and Art. 3)	Compliance is required with zoning laws and nuisance parameters (Law n. 16,402/2016). However, the Economic Freedom Law (Law n. 13,874/2019) loosens licensing requirements for low-impact activities, and the exemption from permits in certain cases may hinder control over listings in residential buildings. Bill 232/2017 ties licensing to condominium approval and the condominium bylaws.
Access to data (§1 and §2, Art. 4 and Art. 5)	Requires a Classification Certificate, data sharing with Cadastur, and the implementation of a “whistleblower hotline” service to report irregularities such as unlicensed lodgings
Platform taxation (Art. 6)	Requires lodging platforms (such as Airbnb and Booking.com) to register with São Paulo’s Municipal Taxpayer Registry (CCM), ensuring that these companies contribute to municipal taxes.

Source: author’s elaboration.

shown by case studies in Latin America and Europe<sup>5</sup> – but also kept unregulated potential business users who list multiple properties and operate in a systematic manner.<sup>6</sup>

Secondly, the attempt to assign a non-residential classification to the nR1-12 building typology is, or should be, incompatible with the uses permitted in residential units. However, the bill provided for the issuance of operating licenses in residential condominiums, which, in addition to potentially generating conflicts among condominium residents, would leave such activity unregulated in terms of zoning and the urban planning of land use in the city.

Furthermore, in a move that further weakened the scope of the proposal, the Constitution, Justice and Participatory Legislation Committee of the São Paulo City Council introduced a substitute version that reduced the bill to only two articles. These amendments limited the regulation to a

generic definition of “Bed and Breakfast” and the requirement of registration in the Municipal Taxpayer Registry (CCM), along with compliance with Service Tax (ISS) regulations, while excluding any mention of urban zoning, nuisance parameters, or data access. Shelved in 2021, Bill n. 232/2017 represents not only an incomplete regulatory proposal from the outset, but also an initiative that was progressively hollowed out until it became nonexistent.

Other Brazilian cities<sup>7</sup> – such as Caldas Novas, Fortaleza, Ubatuba, and Rio de Janeiro – also attempted to regulate digital lodging platforms. However, much like São Paulo, these efforts were largely centered on ISS tax collection and yielded similar outcomes: the proposals were either rejected or, when approved, were never effectively implemented (Tavolari & Puppio, forthcoming). In Caldas Novas, Complementary Law n. 99/2017 was enacted but never regulated, thereby limiting its applicability. In Fortaleza,

Chart 2 – Legislative Proposals in Caldas Novas, Ubatuba, Fortaleza, and Rio de Janeiro

City	Legal Instruments	Status
Caldas Novas	Complementary Law n. 99/2017	Approved Not regulated
Ubatuba	Law n. 4.050/2017 Bill n. 131/2018 Law n. 4.140/2019	Approved 2017 law was repealed by the 2019 law
Fortaleza	Recommendation n. 304/2017 Bill n. 44/2017 Complementary Law n. 41/2017	Approved Only one article included in the Municipal Tax Code
Rio de Janeiro	Bill n. 935/2018 Bill n. 1.001/2018	Shelved

Source: author’s elaboration.

Recommendation n. 304/2017 led only to the insertion of a tax-related provision in the Municipal Code. In Ubatuba, an initial attempt to classify hosts as commercial entities was swiftly repealed and replaced with a more permissive regulation. In Rio de Janeiro, two bills introduced in 2018 were ultimately shelved on constitutional grounds.

However, the regulatory landscape in Brazilian cities contrasts sharply with international experiences. The regulation of

short-term rental platforms in other parts of the world sets boundaries aimed at intervening in the housing impact of this economic activity, going beyond mere tax collection. Based on comparative studies by Hübscher and Kallert (2023) on Berlin, London, and Amsterdam; the analysis by Ross et al. (2024) on Denmark; the recent legislative innovation proposed by the French Senate (LCP, 2024); and the legal dispute reported in New York (Phelps, 2019), Chart 3 illustrates a comparative overview

Chart 3 – International Regulation of Short-Term Rentals

City	Legislation and year	Duration limits	Licensing and permits	Zoning	Entire space / shared room
Amsterdam	<i>Wet toeristische verhuur van woonruimte</i> (2017, amended in 2018)	Maximum of 60 days/year (reduced to 30 days in 2018)	Mandatory license, for both entire units and private rooms	Prohibited in certain areas	No specific information
Berlin	<i>Lei Zweckentfremdungsverbot-Gesetz</i> (ZwVbG, 2014; amended in 2018)	Secondary residences: maximum of 90 days/year	Mandatory license, except if the rented area is less than half of the property	No specific information	Primary residences: rental allowed under certain conditions
Londres	<i>Deregulation Act</i> 2015	Entire residences: max. 90 days/year without a permit	License required for listings of entire spaces exceeding 90 days/year	No specific information	No time limit for rooms, as long as the owner is present
Nova York	<i>Local Law</i> 18 (2022; effective as of 2023)	Stays under 30 days allowed only if host is present	Mandatory license	No specific information	Host must be present, limited to 2 guests per property
Copenhagen	<i>Lov om korttidsudlejning</i> (2018)	Maximum of 70 days/year	Mandatory licensea	No specific information	No specific information
Paris	<i>Proposition de loi n. 1176</i> (2023; approval expected in 2024)	Maximum of 120 days/year (reduced to 90 days in 2024)	Mandatory license	High-demand areas may be reserved for permanent residents	No specific information

Source: author's elaboration.



of the regulations implemented in these contexts, indicating that it is possible to identify normative boundaries regarding the maximum number of days listings can be offered, whether a license is required, whether there are zoning limitations, and the differentiation in regulation for listings of entire spaces or rooms in shared spaces.<sup>9</sup>

The Chart 3, comparing the regulations implemented in cities such as Amsterdam, Berlin, London, New York, Copenhagen, and Paris,<sup>9</sup> reveals the blind spots of Brazilian legislative proposals, which are often narrowly focused on tax collection.

This contrast also exposes the failure of Bill No. 232/2017 in the city of São Paulo, whose fragmented approach overlooked a central issue: the impact of short-term rental platforms on the housing market, urban planning, and city zoning. In addition to the lack of specific regulation, the use of these platforms – combined with existing legislation – generates negative externalities that distort the fundamental purposes of São Paulo's urban policy.

## Distortions in urban planning in São Paulo

Without a massive influx of tourists, short-term rental platforms tend not to be addressed or even recognized as an issue that demands public intervention.<sup>10</sup> In Brazil, unlike the cities previously mentioned, there is no legislation that sets clear limits for this activity, whether

through zoning, time frames, or licensing requirements. This, however, does not mean that short-term rental platforms do not constitute a public issue.

Platform urbanism, operating in a legislative vacuum due to the absence of specific regulation, settles into municipal urban planning legislation in a dysfunctional way, distorting the purpose of urban policy. This pattern has already been observed in other Latin American cities, such as Buenos Aires, where the predominance of entire units listed on platforms has reinforced real estate appreciation dynamics and deepened socio-spatial inequalities (Lerena et al., 2024).

The four pieces of evidence below illustrate that, far from fully achieving the goals of organizing urban planning, increasing population density in areas with public transport infrastructure, and bringing housing and employment closer together, the current legislation ignores the potential impacts of these platforms, whose actual reach remains obscure due to the lack of publicly accessible data, and paradoxically ends up encouraging their proliferation.

## Short-term rentals in the urban transformation structuring axes

The Urban Transformation Structuring Axes (EETU) are a creation of the Strategic Master Plan of the Municipality of São Paulo and are portions of the municipal territory that receive various construction-related benefits aimed at guiding real estate development toward areas

located along public transportation corridors (Prefeitura Municipal de São Paulo, 2024). The idea is not new: São Paulo has historically associated urban planning with the road system (Costa; Santoro, 2024, p. 512).

The primary purpose of the EETU is to create population density in areas served by urban mobility infrastructure. To this end, São Paulo's Master Plan and Zoning Law establish more favorable construction parameters<sup>11</sup> in areas located near bus corridors, subway stations, and train stations.<sup>12</sup> The possibility of allowing increased building density near public transport has been present since the master plans of the 1950s (Costa; Santoro, 2024), but the current Master Plan introduces innovations by including a range of benefits – a “basket of incentives”<sup>13</sup> – that further increases the development potential of real estate projects in these areas.

The intention of the EETU policy was to increase housing density and the supply of social housing in areas close to the structural public transportation system.<sup>14</sup> According to the Municipality of São Paulo (2024), the objective is to promote better relationships between spaces and to contribute to the reduction of travel times and distances. That is, urban planning through the strategy of creating areas such as the EETU was aimed at reducing urban segregation, shortening travel times, and expanding access to areas with better infrastructure and services.

Under the control of the real estate sector, in fact, the real estate product most commonly produced in the EETU, as identified by Larissa Capasso (2023),<sup>15</sup> moves away from a product intended for permanent housing. These

are units that do not have laundry facilities or even space for a two-burner stove, but offer a wide range of services on a pay-per-use basis, which indicates that this type of production seems to be designed for short-term rental (Stroher et al., 2024, p. 14).

In the 2014–2021 Strategic Master Plan Implementation Diagnostic (2022), prepared by the Municipality of São Paulo, it is acknowledged that the EETU policy was more successful in promoting building density than in achieving population density. In other words, there was a significant increase in the production of buildings, but without a corresponding increase in the number of residents:

If, in general, the licensing data suggest that the areas designated as EETUs are concentrating real estate activity — mainly to the detriment of the inner parts of neighborhoods — and that a large number of housing units is being produced, which suggests housing density, the measurement of its impact on population density is more difficult to be carried out at this moment. (São Paulo, 2022, p. 52)

In an attempt to explain this disparity, the report, limited by the absence of updated data from the 2022 Census, presents hypotheses regarding the underlying reasons. Four elements compose the diagnosis, with distinct causes: (1) replacement of residential uses by non-residential ones, with impacts on population density due to use; (2) violations of the plot ratio parameter through renovations carried out after the conclusion of the construction, combining more than one unit to create larger apartments and, therefore, with fewer residents; (3) impacts of the vested rights

provision (direito de protocolo), which opens licensing windows based on parameters from previous legislation and scheduled exceptions; and (4) vacancy related to the transitory nature of occupation, used as lodging services.

The approval of developments intended for lodging services also stands out, which highlights the Municipality's recognition of the potential distortion of the policy caused by digital platforms. According to Table 6 of the 2014–2021 Strategic Master Plan Implementation Diagnosis (2022), the following indicators should be considered in the analysis of population densification:

1 – There would be a large volume of predominantly non-residential development over areas previously occupied by medium- or high-density residential uses; AND/OR 2 – The residential areas built within the axes would be vacant or have low occupancy as permanent residences (being used for non-residential purposes, such as lodging services); AND/OR 3 – Renovations carried out after the certificate of completion would be merging apartments and undoing the maximum plot ratio per unit of the new developments; AND/OR 4 – Real estate production would still be mostly licensed based on previous legislation or rules that allow for exceptions to the provisions concerning the EETUs. (São Paulo, 2022)

Another clear acknowledgment by the Public Authority, which took place around the same time as the legislative revision of the Strategic Master Plan, was a statement by former Secretary of Urbanism and Licensing Marcos Duque Gadelho.<sup>16</sup> As reported by UOL, the former secretary mentioned that the expectation of the EETU policy was that residents would use public transportation.

However, many properties came to be used for short-term rentals, often through platforms such as Airbnb.

Despite the clear acknowledgment of the impact of short-term rental platforms, no concrete action followed from the diagnosis of the problem. A first step would be to confirm the impact of platform-based transactions on the mismatch between building density and population density. To do so, it would be necessary to recognize the public interest in obtaining specific data from the platforms,<sup>17</sup> such as the geolocation of listings, actual completed transactions, number of nights booked, average stay price, number of entire units and shared rooms. Only with more information would it be possible to refine the diagnosis, even to assess the weight that the dynamics of the platforms carry among the other explanatory factors for the mismatch between incentives for construction and incentives for permanence. However, the findings were not further explored, nor was any specific regulatory proposal made.

The Strategic Master Plan, by establishing housing policies aimed at encouraging the real estate market to build more housing and promote population density in areas close to public transportation, did not achieve the expected results. According to the Municipality's own diagnostic, the use of these digital platforms is one of the factors that diverts the permanent housing character of developments, promoting the creation of real estate products aimed at short-term economic exploitation. This ends up distancing the policy from its original objectives, highlighting its distortion in the absence of measures that take into account the impact of these platforms.

## Mixed use and the nR1-12 category

Part of the “basket of incentives” for non-accountable built areas in the EETU is an incentivized mixed use. This incentive seeks to promote the coexistence of residential and non-residential uses, combining housing density with economic activities in strategic areas of the city. The mechanism provided in the legislation exempts up to 20% of the built area allocated to non-residential uses (nR) from the payment of the Charges for the Right to Build (*Outorga Onerosa do Direito de Construir – OODC*), as set forth in the Master Plan<sup>18</sup> and the Zoning Law.<sup>19</sup> The purpose of this urban planning instrument was, once again, to increase density in order to shorten commuting distances and bring jobs and housing closer together.

However, as discussed by Rosa and Souza (2023), the application of this incentive revealed significant distortions, especially in the licensing of activities classified under the nR1-12 building typology, a group that includes “lodging or housing services.”<sup>20</sup> According to the authors, the vague definition of this category allowed the proliferation of developments intended for economic exploitation through digital short-term rental platforms, such as Airbnb.

In practice, it has been observed that many projects took advantage of this incentive to produce more residential units by being approved under the nR1-12 activity group: lodging or housing services. Licensing data indicate that approximately one-third of the mixed-use developments licensed between 2017 and 2021 utilized the incentivized nR, resulting in the production of non-residential units. These projects benefited from an increase in their

construction potential, without the requirement for financial compensation, to produce apartments with minimum sizes, mostly studio units, which were often made available for short- and long-term rental on platforms. (Rosa; Souza, 2023, p. 4)

A development licensed in an EETU area, by including both residential units and units associated with lodging use, became eligible to build more and receive a discount on the financial compensation payment, since this configuration would be classified as “mixed use.” There are some important layers of analysis to consider.

First, these are not developments in which a hotel chain is actually operating in part of the building while the other part houses permanent residents. The developments could rely on the same residential units, which would be made available through digital platforms, but license them under a different use category in order to secure the mixed-use incentive provided for in the legislation.

Second, it is not necessary for a residential unit to be licensed under this specific zoning category in order to be listed on the platforms. In the face of regulatory gaps, any unit can be advertised, regardless of what is established in the zoning’s urban parameters. Thus, in practice, not every unit licensed as nR1-12 is necessarily intended for home-sharing platforms, and even regular residential units can be monetized on Booking or Airbnb. In this sense, although licensing under this category may indicate a strategy by the real estate market, it does not directly correspond to the actual use.

In the third place, by associating the use of short-term rental platforms with non-residential licensing for the purpose of accessing urban planning incentives, it is assumed, as a premise, that transactions carried out via Airbnb and Booking are of a commercial nature. They would therefore be distinct from residential leases. One of the main characteristics of these business models is precisely the blurring of boundaries between public and private, between professional and personal (Sundararajan, 2016, p. 27). While the platforms themselves argue that the transaction is governed by the Tenancy Law, avoiding any role of intermediation (Tavolari & Puppio, forthcoming), from the perspective of licensing, the commercial dimension becomes advantageous for developers and construction companies, even though the legal nature of the activity carried out by the platforms is still unclear (Tavolari, 2017).

The recent intermediate revision of the Zoning Law, consolidated in Law No. 18,081/2024, sought to mitigate these distortions by expressly prohibiting the use of nR1-12 activities as incentivized mixed use. The inclusion of §6 in Article 62 of the Zoning Law eliminated the possibility for flats, apart-hotels, boarding houses, and similar types to benefit from the incentive, acknowledging the negative impacts of these activities on urban planning. This change, however, reflects a late response to a problem that had already compromised the goal of balancing the supply of housing, employment, and the coexistence of different uses.

This means that, from the enactment of the Strategic Master Plan and the Zoning Law, in 2014 and 2016 respectively, until the recent revision of the Zoning Law, it was possible to broadly license nR1-12 uses. Currently, therefore, the group of categories highlighted below is no longer part of the basket of incentives.

Chart 4 – nR1-12 – Activity Group

nR1-12: lodging or housing services	Nursing homes, geriatrics, or collective residences with assistance service	Q	8711-5	All	Assistance activities for the elderly, physically disabled, immunocompromised, and convalescents provided in collective and private residences
		Q	8730-1	All	Social assistance activities provided in collective and private residences
	Flats, apart-hotels, boarding houses or inns	I I I		5510-8-02 5590-6/03 5590-6/99	Apart-hotels Inns (lodging) Other lodging not previously specified
	Hotels	I		5510-8/01	Hotels
	“Hostels”, guesthouses, inns	I I I		5510-8-01 5590-6/01 5590-6/99	Hotels Hostels, except those providing social assistance Other lodging not previously specified
	Motel	I		5510-8/03	Motels
	Student lodging services, such as student houses or dormitories	I		5590-6/99	Other lodging not previously specified
	Spa with lodging	I		5510-8/01	Hotels

Source: sole annex of Municipal Decree n. 57,378, dated October 13, 2016.

The weakness in the normative definition of nR1-12 highlights the ambiguous nature of this classification. While lodging activities require registration with the Ministry of Tourism, specific operating licenses, and the payment of service taxes (ISS), the use of units for short-term rental often takes place outside the scope of these obligations.

According to the Zoning Law, as a general rule, no activity classified under non-residential uses (nR) may be implemented without the prior issuance of the corresponding license.<sup>21</sup> The procedure for obtaining the license, as well as the documents required for the application, is regulated by Municipal Decree n. 49,460/08, which establishes the need for compatibility between the property and both its building typology and the activity to be carried out.<sup>22</sup> Aspects such as zoning, conditions for installation on the street, accountable and non-accountable built area, and other legal requirements are conditions that would allow for land use control in São Paulo.

There is, however, a scenario of blurred definitions. An Internal Order issued by the Municipal Finance Secretariat acknowledged the possibility of converting non-residential use – nR1-12 – into residential use for the purpose of applying a reduced urban property tax (IPTU) rate,<sup>23</sup> through a condominium manager's declaration or a lease agreement, creating an opportunistic regulatory scenario in which it becomes possible to take advantage of the incentivized mixed use while still paying the reduced tax as if it were not.

This distortion also demonstrates that the attempt to assign a commercial legal nature through the nR1-12 classification, as proposed in São Paulo's Bill n. 232/2017, would not be effective in supporting a municipal regulation

of platform activities. In light of the blurred boundaries created by digital platforms, licensing under this use classification is nothing more than a shortcut that allows economic activities under this typology to operate outside the intended purpose of urban policy, in areas that should be dedicated to improving urban mobility near public transportation.

## Zoning and residential condominiums

Another dimension that remains entirely outside the scope of regulation is the location of the properties listed on digital platforms and whether they comply, or not, with the land use and occupancy parameters established for the zones in which they are located, according to the Zoning Law. This is because it is through zoning that the public authority directs and organizes the permitted forms of land use and economic exploitation within the municipality.

Tavorali and Nisida (2020) compiled a case law analysis regarding legal disputes involving the Airbnb platform heard by the São Paulo State Court of Justice (TJ-SP). The authors found that judicial attention primarily focuses on lawsuits filed by residential property owners against condominium decisions that prohibited short-term rentals within their buildings. Additionally, they conducted a georeferencing exercise, based on the names of the condominiums, mapping the locations of the properties listed on the platform that were the subject of legal disputes, alongside the zoning designations of São Paulo.

The georeferencing of condominiums with Airbnb listings revealed the zones in which these properties are located, since condominiums do not exist in a vacuum but are

part of the urban fabric of São Paulo. By cross-referencing the addresses with the land use zones, the authors identified different territorial patterns. In zones such as Mixed Zones (ZM) and Centrality Zones (ZC), where there is a mix of residential and commercial uses, Airbnb activity can be interpreted as compatible, with no clear violation of urban parameters at first glance. However, in zones such as Urban Structuring Zones (ZEU) and Metropolitan Structuring Zones (ZEM), which promote residential density to bring permanent residents closer to public transportation, the temporary use typical of Airbnb runs counter to the intended purpose of these areas.

Even more concerning are the cases in Special Zones of Social Interest (ZEIS), since these zones are designated for providing adequate housing for low-income populations. In these areas, the deregulation of platform urbanism, allowing properties to be offered through platforms like Airbnb, is incompatible with housing policy.

ZEIS-3 zone. The Special Zones of Social Interest (ZEIS) are delineated with the purpose of promoting adequate housing for low-income populations. Currently, there are five categories of ZEIS, with ZEIS-3 referring to “areas with vacant, underutilized, unused, overcrowded, or deteriorated properties located in regions equipped with urban services, infrastructure, and access to employment opportunities, where there is public or private interest in promoting Social Housing Developments” (Article 45, III, of Law n. 16,050/2014). (...) The stated purpose of the ZEIS is to ensure adequate housing for low-income populations. Replacing permanent residents with

temporary occupants or tourists in these zones contradicts the express objective of this zoning designation. (Tavolari; Nisida, 2020, p. 24)

If even with the limited sample of properties involved in judicial disputes it was possible to identify significant distortions in urban zoning, especially in the ZEIS areas, it becomes inevitable to question the extent of the impact that this economic activity may be causing on the overall purpose of urban policy. The replacement of permanent housing with temporary uses compromises the goals of providing access to housing for low-income populations. For urban planning and zoning to fulfill their functions, digital platforms and their transactions must be explicitly addressed in urban legislation. Otherwise, social housing policy runs the risk of becoming ineffective, incapable of achieving the objectives for which it was designed.

## Short-term listings of Social Housing Units

One of the most harmful impacts of deregulation in the context of platform urbanism is the potential distortion of housing policy aimed at low-income populations. An alarming example, reported by *Folha de São Paulo*, involves a property linked to the *Minha Casa Minha Vida* Program that was listed on digital platforms for daily rates of up to R\$800.00.<sup>24</sup>

Associated with the idea of the basket of incentives,<sup>25</sup> São Paulo’s housing policy grants, in the building permits for the constructive



typologies of Social Housing (Habitação de Interesse Social – HIS) and Affordable Market Housing (Habitação de Mercado Popular – HMP), an exemption and discount on the Charges for the Right to Build (Outorga Onerosa do Direito de Construir), given that their target population is low-income.<sup>26</sup>

From this perspective, Rosa (2023a) analyzes the improper allocation of HIS and HMP units in São Paulo, highlighting how gaps in the legislation create room for the exploitation of these properties by investors and developers, often for rental through digital platforms.

The author analyzes a landmark case of a development located in a social interest zone and partially financed by a federal housing program. Built on an area previously occupied by an informal settlement, the building currently includes several units operated by lodging companies for short-term rentals, with daily rates exceeding R\$800.00. Additionally, there are records of units being offered for residential rent at monthly prices ranging from R\$2,798.00 to R\$4,200.00, highlighting the distortion of the original purpose of providing affordable housing.

These data reveal how the concept of “allocation” (*destinação*) of HIS and HMP housing units lacks proper regulation. In fact, based on a survey of the average real estate product in developments with HIS/HMP within the EETU, Stroher et al. (2024) concluded that this is a case of false social housing,<sup>27</sup> especially due to the price and the size of the units.

At the time of the enactment of the Strategic Master Plan, the notion of allocation was not clearly defined. Although the intermediate revision of the Master Plan (Law n.

17,975/2023) provided more precise guidelines for the control of these units, it still allows them to be rented, as long as the tenants fall within the defined income brackets. However, cases such as the *Quinta Madalena* demonstrate that these rules may be insufficient to prevent exploitation through digital platforms.

This phenomenon is not a problem specific to the context of São Paulo, let alone to Brazil. As reported by The Guardian (Tims, 2024), properties intended for low-income families are being illegally rented through digital platforms, often at exorbitant prices. However, Airbnb and Booking.com resist<sup>28</sup> sharing data or removing illegal listings without a court order, which hinders enforcement efforts and worsens the problem. Moreover, these platforms operate in ways that facilitate fraud, as they do not require proof of ownership for property listings and refuse to implement such measures.

In this sense, it is also important to consider that the activity of digital short-term rental platforms not only impacts urban planning due to the absence of regulation, but must also be understood as part of a broader movement of housing financialization. As noted by Guerreiro, Rolnik, and Marín-Toro (2022), rental has become consolidated in Latin America as a new frontier connecting finance and the real estate sector, through mechanisms that turn housing into a service and concentrate income flows in digital platforms and investment funds. The lack of public control over these flows and over the use of the housing stock hinders the implementation of urban and housing policies, especially in highly unequal contexts such as that of São Paulo.



## Discussion

The need to regulate short-term rental platforms such as Airbnb is intrinsically linked to housing policy and to the goal of ensuring the availability of properties and housing units that have been captured for short-term stays. Currently, São Paulo lacks specific regulation capable of properly guiding this economic activity and minimizing its negative impacts on urban planning.

One of the greatest challenges in understanding the extent of the impact of short-term rental platforms in São Paulo is the absence of public data on their operations. Platforms like Airbnb do not disclose detailed information, and independent tools such as InsideAirbnb.com,<sup>29</sup> widely used in European and North American cities, have yet to find an equivalent in the São Paulo context. The lack of transparency hinders the mapping of completed transactions, preventing more robust analyses of the scope and effects of this phenomenon.

Even without concrete data, international experience offers paths to address the problem. European and North American cities have entered into partnership agreements with short-term rental platforms to obtain georeferenced data on operations. These agreements may include limits on the number of rental days, specific authorizations for residential areas, and greater fiscal transparency. Adopting similar initiatives in São Paulo would be an important step toward bringing greater clarity to the impact of this economic activity.

The absence of specific regulation for short-term rental platforms in São Paulo allows the phenomenon of platform urbanism

to interfere negatively with the city's urban planning. This phenomenon, characterized by the intersection between technology and urban space, generates market dynamics that were not foreseen by the existing municipal legislation.

São Paulo's legislation combines urban planning incentives aimed at stimulating real estate development in strategic areas, such as axes near public transportation and developments intended for low-income populations. These incentives include exemptions for built areas designated for specific uses, making developments with HIS/HMP located near transit corridors more attractive.

However, by ignoring the impact of short-term rental platforms, this incentive policy may create distortions on multiple levels. Instead of meeting the housing demand of the low-income population, these incentives may be captured by actors who develop real estate products geared toward rent-seeking,<sup>30</sup> such as units intended for short-term rentals. This dynamic undermines the goals of social inclusion and reduction of the housing deficit set forth in the Strategic Master Plan.

## Final remarks

The lack of specific regulation for lodging platforms in São Paulo highlights a legislative gap that allows the unchecked growth of this phenomenon, solidifying it as an example of "too big to fail" platform urbanism (Graham, 2020). Without an adequate normative framework, these platforms

create distortions in the real estate market and urban planning, undermining the social function of housing policy.

International experiences offer pathways for regulating this activity, highlighting regulatory frameworks that could be incorporated into the context of São Paulo. These examples include setting limits on the number of days allowed for rentals, licensing requirements, zoning restrictions, and the distinction between renting entire properties and individual rooms. Adopting similar practices may help mitigate the negative impacts of this economic activity and protect the residential purpose of the properties.

The case of São Paulo reflects the national scenario of deregulation. The only bill presented in the city sought to assign a non-residential nature to short-term rentals,

linked to the nR1-12 typology. However, the bill did not address fundamental issues such as zoning problems, licensing requirements, and compatibility with condominium regulations. Even with these limitations, the text was progressively weakened throughout its legislative process until it was shelved without advancing, highlighting the difficulty of structuring regulation that goes beyond tax matters and addresses the challenges of urban planning and housing policy.

Finally, access to platform data is essential to assess the impacts of this activity and to design effective public policies. Without transparency, public authorities remain unable to properly monitor the phenomenon, which perpetuates distortions in the urban fabric and weakens the purpose of housing and urban planning policies.

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## Notes

- (1) The literature is quite vast, with various currents and characterizations. For the different diagnoses of each current, see Vallas & Schor (2020) and Kenney & Zysman (2016).
- (2) On the strategic absence of data, see Cox & Haar, 2020, p. 20 and following.
- (3) “Sharing economy platforms are quite different from each other, and regulations should be tailored to each situation. The taxi industry and the hotel industry do not have the same legal frame-work; neither should Uber and Airbnb. Additionally, as we have seen in the case of Airbnb for different categories of listings, important differences exist even within the same platform. It is therefore crucial to understand what to regulate” (Quattroni, 2016).
- (4) According to article 24 of Law n. 11. 771/2008, lodging establishments must meet at least one of the following requirements in order to obtain registration: (1) possess an operating license issued by the competent authority, even if it only covers parts of the building; or (2) in the case of developments such as hotel condominiums, flats, and similar establishments, present a building permit or certificate of completion, accompanied by documents such as a condominium bylaws including provisions for hotel services, a formal rental pool agreement with the participation of at least 60% of the units, and a management or operation agreement with a hotel service provider registered with the Ministry of Tourism. Additionally, such establishments must prove compliance with safety regulations and affiliation with the hotel sector’s trade union.
- (5) González Loyde (2023) shows that, in Latin American contexts, the concentration of entire-property listings on Airbnb – especially by multi-hosts – acts as a disruptive factor in the housing market, intensifying the financialization of housing and straining residential use in central urban areas. Moreover, according to data collected by Duso et al. (2024), the regulation of entire units used for commercial rentals had a greater impact on rental prices in Berlin than restrictions on occasional rentals, which showed limited effects on the market.
- (6) Folha de S. Paulo (2019).
- (7) From a methodological perspective, the data collection was conducted in November 2024, based on newspaper articles reporting on municipal legislative proposals aimed at regulating short-term lodging via digital platforms. News reports were identified through keyword searches using the Google News tab. These reports were then supplemented by searches for official documents in the repositories of the respective municipal legislative chambers. The survey includes only those cases in which legislative activity could be verified and access to official documents – such as enacted laws, draft bills, motions, and/or amendments proposed by city council members – was possible.
- (8) One dimension that remains beyond the scope of of current legislation is the growing professionalization of the market, evidenced by the increasing presence of multi-hosts – that is, individuals or companies that manage multiple properties on short-term rental platforms, as noted by Hübscher and Kallert (2023, p. 18).

- (9) The absence of Latin American cities among the compared examples reflects a significant gap both in normative production and in the academic systematization of the topic itself. As pointed out by Lerena and Rodríguez (2024), regulatory experiences in Latin America are still incipient and, when they do exist, tend to reproduce Global North standards without adapting to local specificities. Although the international regulatory debate is more consolidated in cities of the Global North, recent studies show that Latin American cities also face significant territorial impacts resulting from short-term rentals. In Buenos Aires, Mexico City, and Valparaíso, the concentration of entire-unit listings in central areas has intensified processes of financialization, real estate appreciation, and housing exclusion (Lerena, Rongvaux and Rodríguez, 2024; González Loyde, 2023; López-Gay, 2019; Cáceres-Seguel, 2023). Conversely, Havana illustrates a more active state response, with containment measures to limit the expansion of such activity (Pirone, 2021). These cases reinforce that, also in Latin America, the absence – or weakness – of regulation enables the capture of urban land by a logic driven by short-term profitability.
- (10) Barcelona exemplifies how a massive influx of tourists can turn short-term rental platforms into a public issue. In July 2024, following a wave of protests against the impacts of overtourism, Mayor Jaume Collboni announced that, by November 2028, all licenses for apartments intended for short-term rentals would be revoked.
- (11) “In simplified terms, the axes (EETUs) correspond to areas where higher density is allowed –with a floor area ratio (FAR) of up to 4 times the land area, and the possibility of reaching 6 times in specific cases – while the rest of the city, or the “neighborhood core,” was limited to a maximum FAR of 2” (Costa; Santoro, 2024, p. 522).
- (12) “These urban transformation structuring axes are defined by the blocks located within 150 meters on each side of bus corridors, as well as within a 400-meter radius around subway and train stations” (Prefeitura Municipal de São Paulo, 2024).
- (13) “The axes were regulated to “shape” a specific built form, resulting from a combination of urban planning incentives and a typology grounded in a “basket of non-computable built area incentives” (Costa; Santoro, 2024, p. 523).
- (14) According to Municipal Law n. 16,050/2014, Article 23, the strategic urban planning objectives to be fulfilled by the Urban Transformation Structuring Axes include promoting better land use near the structural public transportation system by increasing building, population, housing, and urban activity density, as well as expanding the supply of social housing in areas close to the structural public transportation network;
- (15) “The indicative mapping of unit bedroom counts shows that 57.7% of building permits correspond to developments with studio units and/or one-bedroom units, while 67 projects include units with two or more bedrooms. Studio units are concentrated in developments located especially in the districts and surrounding areas of República and Bela Vista, whereas one- and two-bedroom units appear to be more evenly distributed across the territory” (Capasso, 2023).
- (16) SP: Prefeitura... (2023).
- (17) The absence of legal requirements obliging platforms to share information with public authorities adds to institutional obstacles and to the limitations imposed by the General Data Protection Law (LGPD), Federal Law n. 13,709/2018. Although aimed at protecting user privacy, the LGPD has often been invoked as a barrier to providing aggregated data – even when anonymized – that would be essential for urban planning. This situation reinforces opacity as a structural component of how platforms operate, making them not only economic actors but also agents of spatial reorganization that remain opaque to public scrutiny.

- (18) Article 80 establishes that, in the areas of influence of the axes, certain portions of the built area are considered non-accountable. Specifically, item V provides that, in mixed-use developments and in Social Housing Developments (EHIS), the area allocated to non-residential uses (nR) is considered non-accountable up to a limit of 20% of the total accountable built area of the project.
- (19) Article 62 provides that certain areas are considered non-accountable. Specifically, item VIII establishes that, for lots located in ZEU, ZEUa, ZEUP, ZEUPa, ZEM, ZEMP, ZC, and ZCa zones, the area allocated to non-residential uses is considered non-accountable up to a limit of 20% of the total accountable built area in mixed-use developments with active frontages.
- (20) According to Law n. 16,402/2016 (Zoning Law), Article 98 classifies the following groups of activities under the non-residential use subcategory nR1: item XII refers to nR1-12, which includes lodging or housing services.
- (21) Article 136. No non-residential activity (nR) may be established without prior issuance of the corresponding license by the City Hall, without which it will be considered in an irregular situation.
- (22) Article 14 establishes that the issuance of the electronic operating license will only be possible after electronic verification that the intended use may be implemented or installed on the property, based on the type of use zone, the street category and its width, the built or accountable area, and compliance with the legal requirements, as applicable.
- (23) Internal Order SF/SUREM No. 1, dated January 15, 2021, issued by the Municipal Finance Secretariat of São Paulo, acknowledges the possibility of applying a reduced IPTU (Urban Property Tax) rate to nR units used as residential (R). Article 4 establishes that condominium units classified as apart-hotels (flats) may be reclassified as residential use (use = 25) if the following documents are submitted: I – a declaration from the condominium manager, attesting that the owner resides in the unit: (a) on the date of the triggering event (January 1st) corresponding to the contested tax assessment; or II – during the current fiscal year, in the case of a cadastral update; or (ii) a lease agreement governed by Federal Law n. 8,245 of 1991, signed and with a term exceeding ninety (90) days, which must cover: (a) the date of the triggering event (January 1st) corresponding to the contested tax assessment; or (b) the date of the next triggering event, considering the year in which the update request is made. The sole paragraph specifies that the manager's declaration must be accompanied by an identification document verifying the authenticity of their signature, along with the minutes of the meeting in which they were elected."
- (24) *Minha Casa Minha Vida...* (2022).
- (25) In the case of São Paulo, since the increase in building rights and the production of affordable housing receive incentives such as full exemption from the Charges for the Right to Build in the case of HIS, and partial exemption in the case of HMP, and when associated with certain zones, such as the Axes, allow the maximum floor area ratio of the lot to be further increased. A large part of the city's recent production in the affordable housing segment has benefited from these HIS and HMP incentives, as we will discuss (Stroher et al., 2024, p. 6)
- (26) As established in Table 5 of the Strategic Master Plan, the Social Factors (Fs) used in the calculation of the Charges for the Right to Build are set to zero for HIS units and reduced by half for HMP units.
- (27) Social Housing is fake, as there is no control over who is acquiring it, and the financing mechanisms do not seem to match the conditions of the lower-income population. Moreover, this housing is small and expensive, and it continues to increase in price while decreasing in size. Between 2014 and 2019, the average price per square meter of housing increased and the average usable area decreased across all territories, with the most drastic changes occurring in the Axes and in the city center (Stroher et al., 2024, p. 19).

- (28) According to a report by The Guardian, in the British context, it is considered a criminal offense for tenants to rent accommodations owned by municipal councils or housing associations. However, the Municipality of London has stated that Airbnb refuses to remove listings that violate the Prevention of Social Housing Fraud Act. While the Data Protection Act allows for the legitimate sharing of personal data with authorities for law enforcement purposes, Stephanie Toghil, from the Islington Council, criticized Airbnb's stance, stating that the company behaves as if this legislation does not apply to it.
- (29) Inside Airbnb is an independent platform that compiles publicly available data provided by Airbnb in various cities around the world, organizing it into a historical series that offers transparency for analyses of the impacts of the app's use in cities. According to its official website, Inside Airbnb is a mission-driven project that provides data on the impact of Airbnb in residential areas (Inside Airbnb, 2024).
- (30) As currently conceived, urban planning benefits increase the returns of financial-real estate capital by allowing for the construction of a greater number of housing units without paying financial compensation for it, and they encourage the development of properties that are very likely to be targeted at social groups with even higher incomes than those proposed by the laws, moving further away from any discourse of democratizing access to well-located land for different social groups (Stroher et al., 2024, p. 8)

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