Property Tax Dynamics Reengineering in Nigeria: The Alternative Infrastructure Financing Option for National Development

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Abstract

The availability of resources to either provide new infrastructural facilities, services or to maintain the few obsolete ones has recently become an issue of national concern. States across the country have witnessed and are still witnessing a critical infrastructure deficit. Scholars globally have suggested property tax as a formidable alternative infrastructure financing option. The study examines the need for property tax dynamics reengineering in Nigeria to provide valuable information as an infrastructure financing option for national development through a theoretical research approach. The study established the link between real property investment and property tax dynamics, the nexus between property tax and infrastructure development and Nigeria's need for property tax reengineering. The study found the deteriorating state of critical infrastructure due to overuse and lack of adequate maintenance. Hence, it concluded that the reawakening of the property tax system in the country could help facilitate the transformational agenda of the Local Government Administration in the country. It recommended replicating the robust Lagos state property taxation strategy across the other states in Nigeria.

Keywords: *Property Tax, Reengineering, infrastructure Financing and National Development*

Introduction

Nigeria, the largest economy in Africa, is currently facing severe challenges, especially in security and infrastructure financing. The inability of the government at the Federal, States and Local levels to meet or perform its financial obligation to the citizenry through regular and timely payment of salaries is a serious issue the nation is currently facing.

The recent lack of infrastructure provision and the inability to maintain the few available but run-down infrastructures that could guarantee peaceful and secure lives points to the need for alternative resource financing options. Real property taxation has been used as an alternative resource financing option and a veritable public financing mainstay in Asian and European nations through the Middle Ages (Ankeli, Saheed & Ogundipe 2008). Property tax applications in African countries, especially Nigeria, have never been appreciated as a significant revenue generation source except for Lagos State, where successive governments have made some progress.

Real property taxation, just like the other form of taxes, is a veritable fiscal policy instrument that government can deploy to mobilise revenue to promote economic growth, infrastructure and other developmental tendencies. Odhiambo and Olushola (2018) opined that government at various levels uses revenue generated from tax to provide and maintain infrastructural facilities and a conducive environment for peaceful coexistence. McCluskey, Franzsen, Johnstone, & Johnstone (2005) argued that the philosophy underpinning the principles of property taxation is the Ricardo economic rent theory.

The theory is based on the idea that excess payment accruable to land use over and above its transfer earning ought to be taxed based on an excellent taxing system. Hence as a significant revenue generation source adopted in the developed nations of Europe and the Americas, real property tax is usually levied on the estimated annual rental or market values of landed property (land and building). It invariably denotes that the quantum of capital to be realised from any property tax exercise depends mainly on the property type, condition and quality of the neighbourhood where the property is sited.

Thus, Ankeli, Dabara, Oyeleke, Joshua & Eyitayo (2015) stated that an urban setting ability to meet up the need of her populaces largely depends on the adequacy, availability and effectiveness of her infrastructural facilities, including the nature and conditions of properties in the neighbourhood.

Furthermore, the spontaneous expansion of cities in Africa, especially in Nigeria, leading to urbanisation, has exerted tremendous pressure on the available infrastructures, thereby increasing the government financial burden on infrastructure provision and maintenance. In light of this, the study evaluates property tax dynamics and reengineering in Nigeria using Lagos State as the case study.

Real Property Investment and the Dynamics of Property Taxation in Nigeria

Though adjudged one of the most viable and profitable investment options the world over, real estate investment is fraught with high-level risks and uncertainties, especially in an emerging economy like Nigeria. Earlier studies such as Enamidem and Ogunba (2015), Ogunba, Obiyomi, and Dugeri (2013), Olujimi & Bello (2008), however, lamented the immature nature of the real property market and the dearth of data for real estate investment analysis in Nigeria. Despite these challenges, the real property market in the country is found to have great potentials for investment return. The assertion is consistent with the views of Ankeli, Nuhu, Sule, Ankeli and Alade. (2019), Dabara (2015), Olaleye (2011) and Olaleye (2003), who opined that real estate investment has peculiar characteristics of inflation hedging and high-level diversification potentials, good returns capabilities; hence could serve as better sustainable taxation or internally generated revenue option for infrastructure development in Nigeria.

Property taxation is an ad Valorem tax imposed by a local authority on the calculated value of landed property within its jurisdiction. The property owner pays the tax, but where the tenant pays such tax in tenanted dwellings, a refund is usually expected to be made to the tenant. However, before the advent of the modern-day property tax system into the Nigerian tax system, it has been accepted as a way of living; hence considered a phenomenon that is as old as man's existence on earth (Emueze 2008).

For instance, the payment of *isakole*, the cattle tax, and sweat tax or contributions for the maintenance of obas, emirs, and chief palaces practised in the southern and northern parts of Nigeria in the early days with well-established, transparent, efficient and cheap collection models are all forms of property taxes comprehended by the taxpaying public.

Alanna (2013) argued that taxation is a revenue source for the community and a robust tool that could be employed to engender the growth of the desirable locations, exercise supervisory effect on the land market and redistribute the benefits of the unearned increase in land values to the general public. At the same time, Odhiambo and Olushola (2018) opined that the current highly dependence on volatile external flow of the national economy could be reduced through effective tax revenue mobilisation. Tax can create better and greater flexibility in the designing and controlling government developmental programs; redirect States focus on improving their local economic policy environment, creating a favourable setting for foreign direct investments, and fortifying the accountability ties between governments and the citizens.

The low revenue potentials of property taxation in most States in Nigeria have been attributed to reasons such as the difficulties in its administration due to the politicisation, or the lack of political willpower to either introduce or implement property tax, the prioritisation of revenue from oil and the improper documentation of land use transactions (Ankeli, Saheed, & Ogundipe. 2008; Emueze 2008; Kuye 2003 and Tomori (n.d)).

Despite taking centre stage in several countries of the world, especially the developed nations, to improve and diversify revenue sources, property tax has suffered severe setbacks in the developing nations (Odhiambo and Olushola 2018). In the United States of America, over 72% of tax receipt in 2006 fiscal year was raised via property taxation. As an external source of revenue for Local Authorities in the United States of America and England, Zhao and Huang (2013); Slack (2010) and Tsoodle and Turner (2008) observed that property taxes are local taxes that nations globally rely on in one way or the other to finance their local services.

In America, for instance, England, Zhao and Huang (2013); Tsoodle and Turner (2008) opined that property taxes make up about 73% of local taxes as reasonable proportions of the taxes are levied on the owners of residential properties who in turn benefited substantially from the community services the Municipal Authorities uses the fund generated from there to finance. Australia and New Zealand generated almost 100%

and 56% of their tax revenue from property tax (Dye & England, 2010). In Nigeria, States have adopted several innovative approaches, policies, reforms, and other tools towards effective implementation of property taxation aimed at urban infrastructure development and financing, housing provision and investments.

For instance, the 1976 Reform Act gave birth to the creation of Local Government Authorities with a mandate to develop its tax system to finance developmental activities within its jurisdiction. Even with this decentralisation effort and the long-standing history of property tax in Nigeria, its practical implementation has become a mirage in most Nigerian cities except for Lagos State (Ankeli, Saheed, Adepoju, Akinremi, Omotehinshe & Okoh 2021; Enahoro & Olabisi 2012 and the Nigeria Governors Forum 2015)

Need for Real Property Taxation Reengineering in Nigeria

The importance of property taxation as a veritable source for developmental funds for Local Authorities cannot be overemphasised. Nations in Europe and the Americas have used property taxation for an effective and sustainable revenue sources, land use development and management and reliable service delivery mechanism. More so, these countries have expanded and used land and property taxes to resolve or cushion their credit, economic and other financial shocks apart from ameliorating housing problems (Nedozi, Obasanmi & Ighata 2014; Kumari & Sharma 2017).

In transition or emerging economies like Nigeria, reengineering property taxation could help achieve cost-effective public infrastructure provisions and other developmental activities. An International City/County Management Association (ICMA) Service Report (1999) submitted that property tax has a limited problem of tax avoidance by the taxpayers, hence a reliable, predictable and relatively stable revenue source for the municipal authorities. It has the potential of large yield, advanced characterisation and is a good source for infrastructure financing.

However, to provide an adequate management incentive through the widening of social interest in real property taxation requires a comprehensive documentation or identification, recording and land rights registration. Hence, a thorough understanding of relevant guidelines, legislation, or regulatory bodies/legal frameworks, tools, and instruments for the exercise are needed. The explosive increase in urbanisation, the increasing demand for resource use, and the dwindling revenue necessitated the need for states to look inward for revenue generation sources.

Over the years, States in Nigeria have experimented with various property taxation implementation procedures to generate revenue by averting property tax challenges and failures. However, Ankeli *et al.* (2021), Chukwu (2019), Goodfellow and Owen (2018), Enahoro and Olabisi (2012) argued that none of the instruments, policies or tools adopted yielded any outstanding successes, except for Lagos State.

Oni and Ajayi (2011) observed a 99.3% probability of Lagos State maintaining an increasing internally generated revenue trend. They opined that the stance would be achieved through the aggressive revenue drive of the State government. The quest for supplementary income generation drive explains the government's action of fusing multiple taxes as Neighbourhood Improvement Charge Law (Cap 136), Land Rates Law (Cap. 112), and Tenement Rate Law (Cap. 186) into the Land Use Charge Law (200I).

Property Taxation and Infrastructure Development in Nigeria – The Nexus.

The unprecedented and uncontrollable rates of city expansion in Nigeria with its consequential effect of urban landscapes or city morphology distortions, increased demand for urban infrastructures, socio-economic, demographic and physical characterisations have become a topical national issue in recent times (Ankeli *et al.*, 2020). Previous studies such as Iremiren (2001) and Babarinde (1998) have decried the low investment in infrastructure development in Nigeria.

Dabara, Ankeli, Guyimu, Oladimeji, & Oyeleke (2015a) argued that investment in basic infrastructure and its maintenance in Nigeria is inadequate and has suffered total neglect with the consequential effect of degraded inefficient infrastructural facilities. The phenomenal rate of urbanisation of cities in Nigeria has put considerable strain on the few available infrastructural facilities, and the dwindling national revenue has further compounded the problem of infrastructure need, provision, maintenance and financing.

The proliferation of slum/informal settlements in and around major cities in

Nigeria has also been linked to the lack of long-term funds for infrastructure development and financing. Other reasons are political instability/fear of policy reversals by successive governments as typical infrastructure projects span over long periods, uncertain economic environment, inadequate investment and the presence of inefficient, run-down infrastructural services in our cities (Daniel, Lawal, Adebowale, Ankeli & Gambo 2016).

Earlier scholars have advocated the need for other viable options for financing capital intensive development projects that require substantial initial capital outlay, high-level risk and probably a long maturity period. Kingsley (2011) and Alabi and Ocholi (2010) argued that the globalisation of the world economies, the underperformance of the State-owned monopolies coupled with the volatile national economic indices and the dwindling revenue, calls for alternative investment financing options.

Hicks, cited in Olowu (2002), contended that property taxation is the most appropriate tax for municipal governments for infrastructure development. Besides using private and foreign interests in infrastructure provision, Kingsley (2011) suggested using budgetary support via Public-Private Partnership and other similar funding sources, viability gap funding, debt/borrowings, specialised institutions, international/multilateral institutions.

However, Muhammed and Ishiaku (2013) opined that the most suitable and appropriate source of revenue to the government for infrastructure development is property tax. The phenomenal development of cities, especially in emerging economies, has proved that the conventional infrastructure financing strategies can no longer be sustained as the local fiscal financial gap increases.

Considering the consistent decline in oil revenue, which is currently the mainstay of revenue generation in the country, and the fast-dilapidating state of critical national infrastructure, Orisanaiye, Adegbie and Salawu (2020) has suggested that the Nigerian government should intensify efforts in her revenue drive through the repositioning of her tax laws.

Olowu (2002) recommended property taxation, which might be progressive in the transition economies, as the best option for infrastructure and other developmental project financings even though it has not been adequately tapped in Nigeria and other evolving nations.

Lagos State as a Property Taxation Model in Nigeria.

Nigeria monolithic economic driven nature, whose mainstay is the proceeds from oil revenue, has exposed the country to the current whim of the dwindling oil prices at the international oil market. As an alternative revenue-generating option, Edward (2015) argued that Property taxation had been regarded as one of the revenue sources considered appropriate for Local Authorities given the nexus between local taxes and the proximate service delivery and infrastructure provision.

The study further noted that even though taxes on land and buildings account for about 0.5% of GDP in sub-Saharan Africa, Lagos state, Nigeria, in 2013 generated over ₦ 7.13 billion. The reform and feat achieved in the Lagos State Tax Administration began in 1999, as Nigeria returned to democratic rule. It has led to the generation of revenue for the provisions of public infrastructure and other local services.

After the reform was introduced by the then State Governor, Tinubu (1999 to 2007), who engaged the services of Land Record Company, a private consulting firm to take charge of the Land Use Charge revenue generation process, property enumeration, issuance of bills, and bill collection, other subsequent governors as Fashola, Ambode and the current governor Sowolu keyed into the tax reform of the State. It was once reported that the State income in tax receipt moved from US$190 million in 1999 to over US$1 billion in 2011. The generated fund was reinvested in such community services as sanitation, roads and public transportation, and the State's refuse collection system (Goodfellow & Owen, 2018).

More so, the professionalisation of business tax collection administration through technocratic regions creation in Lagos State bureaucracy was a blessing. For instance, in 2001, three basic rating systems were brought under a single umbrella – Land Use Charge. The exercise was further consolidated by Tinubu's predecessor, who engorged the State tax registry by ordering property inventory in the State between 2007 and 2010.

In 2009, when Fashola was the governor of Lagos state, he told the people of Lagos origin in London that the State requires a considerable amount of money to fund her developmental agenda. To develop the state infrastructure, the State will need about $3 billion annually for the expansion and water supply network improvement; about $9.3 billion for inter-modal transportation systems; $20 billion for roads and drainages; $10 billion for power supply; $5 billion for information and computer technology.

Governor Ambode, in the first quarter of 2015, spent over ₦ 4.7billion on security, ₦ 17.5billion on road infrastructure and ₦ 2.5billion on school rehabilitation. The same administration earmarked ₦25 billion Employment Trust Fund to employ more staff into Lagos State Transport Management Authority, Fire Service, strengthen the state security infrastructure, Hospitals, and the Light Up Lagos Project initiative (Lagos State Government, 2016).

Olugbade and Adegbie (2020) affirmed that Lagos State Government spent an annual average of ₦ 4,951.15 million on Housing and ₦4, 160.05 million on road infrastructure between 1997 and 2018. Lagos State Government (2021) asserted that, Independent Revenue (taxes related) have one of the most substantial performance bases at 44.7%; Non-Tax Revenue has a sub-optimal performance of 21.5%; while Aids and Grants have the minimum performance of 17.4% for the period ended 30th June 2021. The document, however, confirmed that 65% of the infrastructure project in the State were financed using internally generated revenue, precisely revenue from property-related taxes.

The digitalisation of property tax records through its electronic database via Lagos Internal Revenue Service (LIRS) has increased revenue generated from land use charges in 2008 from about ₦1.72 billion to ₦ 7.13 billion in 2013. The aggressive public enlightenment campaign and the display of the government achievement or fulfilment of its side of the "social contract" are what other States in the country have not been able to do for their citizen; hence the reluctance displayed in the willingness to pay property tax.

Goodfellow and Owen (2018) opined that Lagos State, once perceived as a city in a permanent crisis, has been transformed due to the significant reformation of her tax administration. Lagos is a beacon of megacity development and an quintessence of a perfect modern property taxation administration in Nigeria.

Conclusion

Property taxation has been used to slow sprawling growth but encourages intelligent city development in some countries. For instance, States like Maryland, Oregon, and Colorado in the United States of America have developed models for rewarding localities that follow smart growth guidelines; hence, property taxation reengineering in Nigeria is not negotiable if the nation is to experience rapid positive growth.

Therefore, the paper appraised the tie between real property investment and property taxation, the need for property tax reengineering in Nigeria, the link between infrastructure development and property taxation, and finally, the innovation in tax administration that made Lagos State become a tax beacon in Nigeria.

Therefore, it is recommended that all states in Nigeria be encouraged to replicate the Lagos State tax reform model/innovation; leaders (political office holders) should be more transparent in delivering their social contract with the citizenry.

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