# ADEQUATE TAX POLICY AND IMPLEMENTATION: A PANACEA TO THE SUCCESS OF A PROPERTY TAX SYSTEM. A CASE OF THE FAILED ANAMBRA STATE PROPERTY AND LAND USE CHARGE (APLUC)

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**Abstract**
Anambra State Property and Land Use Charge (APLUC) Law was promulgated in 2011 in order to address the problem of dwindling revenue allocations to the State. There are doubts as to whether APLUC really yielded the expected dividend for the State. This study, therefore, appraised APLUC with a view to assessing its performance with regards to revenue generation. Three towns, namely, Awka, Onitsha and Nnewi were chosen for this study. Survey design was used to generate data. The APLUC Law was analysed and compared with the property tax policy guide of UN-HABITAT to determine the adequacy of its provisions using content analysis. The responses from the tax administrators (GLOBAL MCKENS) and the Estate Suveryors and Valuers were used to examine the property tax assessment basis and method provided by the law and the extent of tax administration. The study discovered that there is a significant difference between the provisions of APLUC and UN-HABITAT land and property tax policy guide. The APLUC Law did not provide the basis for assessment, the skills and training of tax assessors. It did not define the cycle for updating taxable values among others. This shows that the tax assessment system is not transparent. The basis and method of tax assessment provided by the law based on the responses are not consistent with known equitable principles of taxation. The study recommended that the provisions of the APLUC law should be reviewed to indicate the basis of allocation of the tax burden to tax payers since a transparent tax assessment system enhances public acceptability of the tax. The basis of its assessment should be on income generated from property on annual basis as against the market value of property. The APLUC Law should also name Estate Surveyors and Valuers as the expert property tax assessors since they are the professionals in valuation for property taxation. They should also be included as members of the tax assessment appeal panel so as to create a transparent assessment system.

**Keywords:** Property tax law, Land Use Charge, Tax assessment, Un-Habitat, Revenue

## Introduction

Property taxation is a stable and reliable source of revenue for states and local governments. One tax with the potential of raising sufficient revenue in developing cities is the property tax (Bahl and Martinez-Vazquez, 2007). Although, there is a long history of property tax in Nigeria's major urban centers, it has remained under-developed and under-exploited. This was in spite of the government policy of 1976, which was part of the nationwide reform of local government and framework that supported the development of property tax for financing the increasing array of local government council's services. In recent times, a number of state governments also initiated bold reforms on property taxation in a bid to harness optimum revenue from property taxation. Lagos State took the lead followed by Anambra State, Federal Capital Territory, (Abuja) (though the bill has not been passed into law), Oyo and Edo State in 2012, Ondo State and Abia State in 2014, Osun and Enugu States in 2016 (Egolum, 2016). Despite these reforms, property tax revenue in Anambra State maintained low buoyancy. Anambra State went into the venture with an

expectation to realize an annual income of 1.5Billion naira from the property tax, but much success was not recorded by the tax. Anambra State Property and Land Use Charge (APLUC) never yielded the projected revenue from property taxation to the state before the government kept it in abeyance.

International organizations such as the United Nations have made considerable efforts in assisting governments at various levels in developing countries to re-position their property tax laws for effective and sustainable revenue generation. UN-HABITAT Land and Property Tax Policy Guide was developed and proposed for adaptation by governments.

**Statement of the Problem**

Property tax is known to be a politically sensitive tax due to its direct nature. The common experience is that property tax systems based on haphazardly formulated tax policies that are poorly implemented without regard to the cannons or principles of taxation are known not to meet their expected tax returns. Such tax systems would rather provoke resentment, non-compliance and oppositions among tax payers. In November 2018, Global Mckens, the agency charged with responsibility of administering the property tax in Anambra State closed down its operations and laid off its staff. Records from the Anambra State Ministry of Finance shows that the following amounts have been realized from the property tax: ₦28,103,771.61 in 2011, ₦21,728,421.73 in 2012, ₦48,945,481.76 in 2013, ₦93,716,991.99 in 2014 and ₦82,456,789.32 in 2015. (Odimegwu, 2017). These figures are not close to the annual target of 1.5Billion Naira. Secondly, the examination of the APLUC law also shows that it fails to provide the basis of assessment. The provision of basis of allocation of the tax burden to the taxpayers is an essential feature of property tax laws because a transparent tax assessment system helps the tax gain public acceptance. This therefore suggests that there might be deficiencies in the assessment and the administration of APLUC. Thirdly, random comments and negative remarks by the residents of the State also raise doubts as to the fairness and equity of the tax system.

This study examined the provisions of the Anambra State Property and Land Use Charge (2011) tax law and its implementation with a view to exploring possible reasons for the failure of the tax system in Anambra State, Nigeria.

**Literature Review**

Tax policy is the first step in achieving a simple and successful property tax system. The less complex the policy, the easier its implementation.In the design of an effective property tax policy, the policy objectives are to be integrated with other aspects of the tax system bearing in mind the peculiar economic and political environments of the country. A tax policy is a design of a tax system that has the ability of financing public spending in the most efficient and equitable way Tanzi and Zee, (2000).The intended users (taxpayers) should be consulted when drafting the policy. Attention should also be given to the drafting style, language and volume to make it transparent and as simple as possible. The lack of legal simplicity of tax policies has been identified as the greatest problem facing taxpayers and tax administrators (Mckerchar and Chan, 2009). The success of a property system depends largely on the availability of a sound and dynamic legal structure which gives the tax its legal backing and legitimacy. (Adamu, 2008). Apart, from a potent tax law, proper implementation is also a strong factor that cannot be overlooked (Mangioni, 2012). The importance of administrative capacity shows up most clearly in four areas: Monitoring land use, valuation, billing and collection and also appeals. It is the combined product of these factors according to Dillinger (1998) that makes for an efficient tax administration.

The right professionals should be involved in drafting property tax laws right from the onset. Oni (2009) carried out a research on An Estate Valuers' Assessment of the Lagos State Land Use Charge Law 2001. The study assessed the provisions of the tax law in Lagos State and determined its effects on stakeholders (citizens, Estate Valuers, Government).

Using the Bartlett model , a sample size of one hundred and fifty firms were selected from a population of three hundred and twenty five registered firms of Estate Surveyors and Valuers in Lagos. Questionnaires were administered on an Estate Valuer from each firm and also on tenants and landlords. The study revealed that Estate Surveyors see the capital value basis of calculating land use charge as inappropriate and that makes the tax assessment unfair and inequitable. The existing provision for penalty for delayed tax payment of the tax is inconsiderate since default or delayed rent payments by tenants was not considered by the law. It concluded that for the property tax to be a success, Estate Valuers must be appointed to determine the appropriate annual values on net annual basis of valuation and also collect and remit land use charge. Similarly, Babawale and Nubi (2013) in Property tax reform: an evaluation of Lagos State Land Use Charge examined the performance of the Land Use Charge in its first nine years. In the absence of authentic information from the government and its agents, the respondents were drawn from Estate Surveyors given their familiarity with the provisions of the enabling Act, they are in a position to provide a representative opinion on the performance of the property tax. Data was gathered though interview and questionnaires. According to the study findings, the law has enjoyed limited acceptability and achieved limited success in spite of all the coercion, threat, muscle-flexing and substantial concessions by the government in almost ten years of its existence. The study concluded that the right professionals should be consulted in the drafting of the tax policy considering the local peculiarities and the tax system should be perceived to be equitable and fair to achieve desired results.

In the area of property identification and monitoring land use, the use of GIS is of great importance. GIS which is a valuable tool and powerful decision support system for the computerization of land records is indispensable in effective land administration, Property taxation, sustainable land development and planning among others. Umeokafor (2010) studied the review of land information management in Enugu and Anambra States and the potentials of GIS in improving land information management in the States. The study identified the various needs for land information, highlighted the problems land offices face in land information management administration in the States. It also evaluated the effectiveness of managing land information using analogue method. The study sampled thirty –one (31) land officers in Enugu State, nineteen (19) in Anambra State, twenty-five (25) Estate Surveyors and twenty-five (25) Lawyers. The study found out that eighty-one percent (81%) of the population sampled have a little knowledge of the use of the computer. Land information is still managed manually in the two states. Awareness of the benefits of digitalized land information system over the analogue by the respondents is very low. Transition from the management of land information manually to digital system has not been achieved to a desired extent in both States. The study concluded there is need to incorporate the use of GIS in land administration in both States. See also (Oluwadare & Ojo, 2014; Ayeni & Adewale, 2006; Ishaya & Dabo, nd).

Existing studies in various climes showed that tax administration affects the revenue generated by the government and there is a significant relationship between tax administration, tax policies and tax laws. (Enahoro&Olabisi,2012; Lin, 2010; Cornia&Slade,2003; Birskyte,2013; Boamah,2013; Dedu,2015; Elibariki, 2013; Abiola&Asiweh, 2012; Doerner& Ihlanfeldt,2014).

The review showed that the following factors affect the performance of a property tax system:-Inadequate tax policy factors which include: inappropriate tax assessment basis and method, inconsiderate or rigid penalties and sanctions and the non- provision of Estate Surveyors and Valuers as expert tax assessors, are consistent with the works of Oni (2009) and Babawale and Nubi (2013). Poor property identification factors which include: non digitalized or manual system of keeping property records, non- existent property database, incomplete database among others as noted by Umeakafor (2010), Oluwadare and Ojo

(2014) and Ayeni and Adewale (2006). Inequitable tax assessment/collection/ enforcement factors include: Inappropriate tax assessment methods, poor collection machinery, corruption, inadequate personnel, public contempt and negative perception of the tax among others. These are evident in the works of Enahoro and Olabisi (2012), Ishaya and Dabo (nd), Cornia and Slade (2003), Birskyte, (2013), Boamoh, (2013), Dedu, (2015), Elibariki (2013) and Abiola & Asiweh (2012). Non-functional appeal process factors include: inequitable and unfair appeal process, inefficient appeal system, among others according to; Doerner and Ihlanfeldt (2014).

**Property Tax in Anambra State: The legislative framework**

Property rating or taxation was brought into existence in Anambra State by the Property Rating Assessment Law 1963 also known as Cap.11 Laws of Eastern Nigeria, 1963. Other legislations on property rating assessment were also enacted before the Anambra state of Nigeria Local Government Edict 1976 presently known as Anambra State of Nigeria Local Government Law, 2000. Part X1 deals with property rating. There was also the Property Rates Law CAP 108 RLAN 1991 and the Assessment Law CAP 11 RLAN 1991.The various local government authorities conducted the valuation of hereditaments in their jurisdiction based on the rental values. These values form the valuation list from where the rate nairage is applied to determine the liability of the property owner. The property tax was suspended in January, 2009 by the government of Mr. Peter Obi due to inadequacy of tax revenue amongst other reasons. Anambra State Property and Land Use Charge (APLUC) law 2011 came into force on the 29th day of November, 2011, and henceforth, the provisions of Assessment Law Cap11 RLAN 1991 AND Property Rates Law Cap 108 RLAN 1991 seized to apply to property in Anambra State.. The tax law harmonized and consolidated Tenement / Property rate, Ground rent, Infrastructural, Development and Maintenance levies into a single tax in Anambra State.

**Provisions of the APLUC Law.**

The APLUC Law on twenty-four (24) sections is a land based charge which shall be payable on all real property situate in the State, Section1 (a). This means that in Anambra State, land (residential, commercial, industrial, agricultural) and improvements to the land in both rural and urban areas are subject to the tax.

**Section 1(b)** - The property and land use charge consolidated the following land based levies and rates: Property Rate, Tenement Rate, Ground rent and Infrastructural Development and Maintenance Levy.

**Section 2(1) -** It empowers the Local Government Authorities to levy and collect the charge for their areas of jurisdiction as the Collecting Authority.

**Section 2(2) -** The Local Government Authority, by a written agreement, may delegate to the State its functions with respect to collection of the tax and the assessment of privately – owned houses or tenements for the purpose of levying the tax. This subsection reads **may delegate to the State,** and this, according to Egolum, (2016), means that the local government can choose to delegate its constitutional powers or not.

**Section 3 (1) -** the Commissioner of Finance is empowered to undertake or cause to be undertaken an assessment of chargeable properties in the State for the purpose of prescribing the formula to be used in determining the annual amount of the charge collectable from each collecting authority. In Anambra State, the local government councils are not involved in the assessment and collection of the property tax.

**Section 3(2&3) -** The Commissioner of Finance may in such areas as may be designated appoint property identification officers, qualified assessors and other persons considered necessary.

**Section 4**: The property owner is liable to pay the tax.

**Section 5(1)** of the law, the formula for determining the annual amount of the tax payable for any property shall be determined by the Commissioner of Finance. The provision of the constitution on valuation empowers only the Estate Surveyor and Valuer to carry out valuations on real properties as specified in secton2(a) of the Estate Surveyors and Valuers Registration Decree No 24 of 1975 now CAP 111(Laws of the Federal Republic of Nigeria 1990). According to Igwe (2012), and other Estate Surveyors and Valuers, the property tax (APLUC) should be based on income that is net of outgoings got from a property and not on capital value which tax unrealized gains in property value.

**Section 7** of the law exempted some properties from the payment of the property tax.
**Section 9** specifies that any person liable to pay the tax is issued a demand notice in respect to the property in each financial year. Pasting of the demand notice on the property shall be deemed sufficient delivery of notice.
**Section 10 and 11** empowered the collecting authority which is the local government to appoint any person including an occupier of chargeable property to be the agent of the property owner and such person will become liable for the payment of the charge on behalf of the owner from monies due to him or becomes due by him for payment to the owner.
**Section 12** made provisions for appeals because of disputes that may arise from its implementation.
**Section 16** of the law stated that tax revenue will be pooled in a common fund called Property and Land Use Charge Collection Fund and not later than fourteen days after the beginning of each month pay to the local government in the state an agreed percentage of the revenue.
**Section 20** deals on penalties and sanctions for non-payment of the charge. Failure or delays to pay the Charge within the period specified in the demand Notice attracts a 25 percent increase for the first three months after which the property falls under receivership, advertised as being under receivership in at least two newspapers and will not be released until all outstanding charges ,taxes, penalties and administrative charges are paid.

**Administration of APLUC**

The Global Mckens Company used depreciated replacement cost method of valuation to value some focal properties which they use as prototype to assess other properties in Anambra State without regard to other factors that affect value like location, physical condition, facilities and others. They engaged the services of some Estate firms who came up with assessment values of different property classes. For instance, one storey building, buildings on two floors, three floors, and so on. Using the GIS software, properties are called up with their data, after which the focal properties are used as prototypes to assess other properties. The pictures of the properties and the value of the focal properties determine the amount payable. Properties with same characteristics carry same values while those without comparables are referred as "orphaned properties".
The agency used the model below to compute the property tax in Anambra State:

Property Value = Capital value of Land + Building Value (Less 75% State Government Discount)

The government approved tax rate is applied on the property value to arrive at tax payable.

**UN Policy Guide**

The following are the components of a good property and land use charge law according to UN-HABITAT (2011) Land and Property Tax Policy Guide.

*Effective date of property tax:* The calendar date on which the land and property tax takes effect should be stated in the property tax law. This helps define the taxable property since valuation must take place at a specific date.

***Heads of tax:*** The name of the land tax or taxes to be levied or consolidated should be stated.

*Taxpayer: Who* is irresponsible for paying the tax? Is it the property owner or occupier?

***Level of government to administer the tax****:* What tier of government will collect the tax? Is it Federal, State or Local government?

***Tax base:*** The property tax law should define what is taxable. Is it only land, improvements or land and improvements as a single unit?

***Definition and identification of property types****:* The law should define and describe the classes of taxable properties for easy identification by the tax payers.

***Interpretation of key concepts and* terms:** The law should interpret important concepts and terms used to make it easy to understand and reduce ambiguity.

***Exemption*:** The law must spell out what land and property to be fully or partially exempted from the property tax. It should also make clear what makes a property lose its exemption status.

***Tax rates:***The tax rates for the different classes of properties are stated

***Definition and stipulation of standard of value****:* The law should state in fairly general terms the value of standard to be used in the assessment of the tax. Is the land and property taxed based in its capital market value, annual rental value or based on property attributes?

***Skills and training of tax assessors:*** The tax assessors should be the registered estate surveyors and valuers and should be stated in the property tax law.

***Definition of cycle for updating taxable values:*** Property values are not static. The law should define the period for revaluation or updating of taxable values. In general, period of a year to three years are recommended.

***Agency responsible for generating and delivery of tax bills:*** Administrative functions are shared to make the administration of the tax easier. The law should stipulate which functions are assigned to which agencies.

***When tax bills are to be sent out and when tax is due:*** This should also be stated to guide the taxpayer.

***Stipulation of what constitutes notification of taxpayers****:* The law should be clear on what qualifies as notification so that claim of notice not given could be dealt with. It should state whether it is by Email or delivery of demand notice.

***Agency responsible for collection of tax payments:*** How tax payments can be conveniently made by the taxpayers should be stated in the law.

***Assessment appeals and assessment appeals process:*** The law should establish the administrative process through which taxpayers can appeal if they feel an error has occurred.

***Condition of appeal:*** The law should establish what will be appealed. Is it the actual tax bill or the errors in assessment? It should also state the period during which the appeal can be made.

***Sanctions and penalties:*** These should be fixed and spelt out in the law in the event of non - payment of property tax.

***Sharing pattern of revenue*:** The sharing pattern of revenue for the different tiers of government should be stated.

**Research Method**

The descriptive research design was adopted. The primary data were sourced by the researcher through questionnaire and personal interviews. Since property forms the basis of taxation, then the respondents (property owners) were identified using the properties. Different types of questionnaire were designed and distributed to these groups of people: the *property owners* who pay the tax, *Estate Surveyors and Valuers* and four (4) key staff members of *Global Mckens Limited*, the Agency that administers the tax in the State, were also interviewed. The questionnaire for the property owners was structured into two parts. The first part comprised of questions on demographic and background information of respondents. The second part contained questions that elicited information on the property tax assessment, collection, tax enforcement and appeals. The questionnaire for Estate Surveyors and Valuers contained questions on Property Tax Assessment Method and Principles of a Good Tax System. Lastly, the questionnaire for the staff of Global Mckens Limited contained questions on Property Identification, Tax Assessment, Tax collection, Tax Enforcement and Appeals. Questions based on five point Likert scale were used for the analysis. For secondary data, the components of a good property tax law were adapted from "The Land and Property Tax: A policy Guide by United Nations' Human Settlements Programme (UN-HABITAT) (2011) and the provisions of the Land Use Charge Laws of Anambra State were also used. The data obtained in the study were analyzed using the following measures: Content or qualitative analysis of the tax laws, mean, frequencies, percentages, Chi Square and One Sample T-test.

**Results and Discussions**

Content Analysis was employed in analyzing the provisions of the APLUC law to determine its adequacy based on the provisions of United nations human Settlements Programme (UN-HABITAT)2011, Land and Property Tax: A Policy Guide.

**Table 1: Provisions of APLUC versus UN-HABITAT**

| S/N | Provisions | UN-HABITAT | APLUC |
|---|---|---|---|
| 1. | Effective date of property tax | 1 | 1 |
| 2. | Heads of tax | 1 | 1 |
| 3. | Level of government to administer the tax | 1 | 1 |
| 4. | Tax base | 1 | 1 |
| 5. | Property types identification and definition | 1 | 0 |
| 6. | Interpretation of key concepts and terms | 1 | 1 |
| 7. | Exemptions | 1 | 1 |
| 8. | Tax payer | 1 | 1 |
| 9. | Stipulation of government entity responsible for tax rate setting | 1 | 0 |
| 10. | Stating of tax rates | 1 | 0 |
| 11. | Definition and stipulation of value of standard | 1 | 0 |
| 12. | Skills and training of tax assessors | 1 | 0 |
| 13, | Definition of cycle for updating taxable values | 1 | 0 |
| 14, | Agency responsible for generating and delivery of tax bills | 1 | 1 |

| | | | |
|---|---|---|---|
| 15. | When tax bills are to be sent out and when tax is due | 1 | 1 |
| 16. | Stipulation of what constitutes notification of taxpayers | 1 | 1 |
| 17. | Agency responsible for maintenance of fiscal cadastre | 1 | 0 |
| 18. | Agency responsible for collection of tax payments | 1 | 1 |
| 19. | Agency responsible for responding to taxpayers questions and concerns | 1 | 0 |
| 20. | Process for handling appeals | 1 | 1 |
| 21. | Profession and qualification of members of appeal panel | 1 | 0 |
| 22. | Description of process of assessment appeals | 1 | 1 |
| 23. | Conditions of appeal | 1 | 1 |
| 24. | Sanctions and penalties for non-payment of tax | 1 | 1 |
| 25. | Sharing pattern of revenue | 1 | 1 |
| | Total | 25 | 16 |

Key: 1 = Component Included; 0 = Component not included

The component or provision included is designated as one (1) while the ones not included are zero (0). APLUC met a total number of sixteen (16) provisions out of twenty-five (25) presented by UN-HABITAT.

To establish if there is a significant difference between the provisions of APLUC and that of UNHABITAT, the Chi Square test was used for the analysis. A comparison is done to evaluate how well the APLUC Law met the conditions provided by UN-HABITAT (2011) as seen on Table 2.

**Table 2: Chi Square test of the Comparisons of the provisions of APLUC with UN-HABITAT.**

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | Components Not Included | Components Included | Total | df | $X^2$ | *P*-value | Decision |
| UN_HABITAT | Observed N | 0 | 25 | 25 | 1 | 10.98 | .001 | Significant |
| | Expected N | 4.5 | 20.5 | 25 | | | | |
| | Row % | 0% | 100% | 100% | | | | |
| Anambra | Observed N | 9 | 16 | 25 | | | | |
| | Expected N | 4.5 | 20.5 | 25 | | | | |
| | Row % | 36% | 64% | 100% | | | | |
| Total | Observed N | 9 | 41 | 50 | | | | |
| | Expected N | 9 | 41 | 50 | | | | |
| | Row % | 18% | 82% | 100% | | | | |

This shows that the provisions of the Anambra State Property and Land Use Charge (APLUC) Law is significantly less than the components of a good property tax law as provided by UN-HABITAT, $X^2$(df 1) = 10.998, P< 0,05. Therefore, it is concluded that there is a significant difference between the provisions of the Anambra State Property and

Land Use Charge Law No. 1 of 2011 and that of UN-HABITAT (2011). This finding agrees with the result of the content analysis.

**Interview Analysis**

**Themes that emerged from the Tax Administrators (Global Mckens Limited) Interview Analysis.**

The interview transcripts were read and coded to identify the major themes arising from the administration of APLUC by the Global Mckens Limited. They are identification of properties, assessment of properties, collection and enforcement of tax and appeals. Detailed discussions of the themes are presented below:

- **Property Identification.**

In the words of one of the key staff of Global Mckens Limited in the discussion of the availability of a tax database:

"*Global Mckens makes use of a tax database though not comprehensive. We have cadastral maps of most of the local governments and of course they are updated manually. The GIS system broke down a few months ago so we have not been able to print out new maps. The maps being used for tax bill distribution this year were printed two years ago". (Interview Transcript.01)*

This suggests that though there is a database, it does not cover all the properties in Anambra State. It is incomplete and has inaccurate property information. This same idea was also expressed by another staff who noted:

"*You know how capital intensive such projects are, we paid so much to get it to the level it is currently and we are doing our best to make it perfect. (Interview Transcript 02)"*

It seems therefore, that there was no coordination between the agency and the Ministry of Lands, Physical Planning and Rural Development on landed property transactions in the state. The process of property Identification was done solely by the Agency.

**Tax Assessment**

The ambiguity of the tax assessment process also emerged from the researcher's interaction with the tax administrators. It was evident in the words of the staff:

"*I would just say that every property owner is given a fair tax properties with same features pay same tax. I think what we are doing is good enough because it will cost a fortune to conduct valuation of all properties in the state" (Interview Transcript 01).* In the same vein, another staff expressed a similar position when he noted that:

*"Already determined values by Estate Surveyors are used as guide in determining the tax values. Property owners are reluctant to provide information on their properties so they are not involved in the assessment process. (Interview Transcript 02)"*

Yet in the words of another staff:

"*We try to give similar values to properties with same features. Properties which do not match with focal properties are called "orphan Properties" and we carry out valuation on these properties.*
*(Interview Transcript 03*)"

In the words of another staff (Tax Bill distributor when asked the reason for the low compliance):

*"Our company is trying so much. As you can see, the 2015 tax is smaller than that of last year. It was reduced because people have been complaining of high tax. (Interview Transcript 04)"*

These suggest that the tax administrators are not adopting a tax assessment system that is consistent with known principles of property taxation. Values of properties are determined based on features of the properties alone. The location of the property is not considered. It is also obvious that the tax values are not determined by Estate Surveyors and they are manipulated at will.

**Tax Collection and Enforcement**

Collection of the property tax levied is the most important function of the tax administrator and the inability to perform this task is the bane of the tax. However, the theme emerging from the discussions with the tax administrators presents a tax system where taxpayers are coerced to comply. Indeed, the tax administrators interviewed said:

"*The tax compliance was very low until we had to seal some properties after getting judgments from courts. This enhanced tax compliance a great deal. (Interview Transcript 01)"*

"*People are beginning to respond gradually. Our Enforcement Team is also very vibrant. We have got lots of court Judgments against debtors and execution is in progress.(Interview Transcript 02)"*

*"People cannot run away from paying the tax. Anything the government sets out to achieve it does. We can ensure compliance no matter your status or profession. No one is above the law. (Interview Transcript 03)"*

The above statements suggest that the property owners are not paying the tax willingly.

**Appeals**

The impression got from the researcher's interaction with the staff of the agency administering the property tax is that, there is no functional appeal tribunal. The tax administrators handle the few complaints they get concerning the assessment of the tax. In the words of one of the key staff:

*"Few people who have contested their tax values regretted doing so. They were asked to value their properties and bring the reports. They ended up paying what was higher than the value given to them initially because the values they presented were higher. (Interview Transcript 01)".*

This shows that the right assessment methods are not used .It also suggests that the tax appeal tribunal is not functional and tax payers might have lost confidence in the appeal system. This is an indication that the implementation machinery of the tax is not functioning properly.

**Tax Assessment**

The tax administrators make use of the capital value basis and depreciated replacement cost method of valuation in the assessment of the property tax. The use of the depreciated replacement method for assessing properties for tax should only be used in a nearly stagnant economy according to Ogbuefi (2004) while Mbadiwe (1988) states that it should only be applicable in cases where no rent is passing on the property or there is no evidence of rents. The responses of Estate Surveyors and Valuers on table 3 were analysed to show the

inappropriateness of using the capital value basis and the depreciated replacement cost method in the assessment of APLUC.

**Table 3. Appropriateness of the Basis of Assessment and the Method adopted by the government.**

| | SD | | D | | UN | | A | | SA | | Mean |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | N | % | N | % | N | % | N | % | N | % | |
| **1**.The capital value basis of assessment taxes the total worth of the property and the unrealized gains and therefore appropriate for an annual tax in Anambra State | 15 | 43% | 11 | 31% | 5 | 14% | 0 | 0% | 4 | 11% | 2.06 |
| **2**.The Depreciated Replacement Cost method which is the tax assessment used by Anambra State government is appropriate for all property types | 19 | 54% | 7 | 20% | 6 | 17% | 0 | 0% | 3 | 9% | 1.89 |
| **3**.The use of Depreciated Replacement Cost Method which under-appraises high values properties and over-appraises low value properties is appropriate for use in annual tax like APLUC | 12 | 34% | 11 | 31% | 8 | 23% | 0 | 0% | 4 | 11% | 2.23 |
| **4**.Anambra State Government's use of Depreciated Replacement Cost Method in property assessment allocates equal tax burdens to similar properties without considering the location of the | 13 | 37% | 12 | 34% | 7 | 20% | 0 | 0% | 3 | 9% | 2.09 |

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| properties which is appropriate | | | | | | | | | | | |
| **5**. Government's adoption of focal properties assessed using the Depreciated Replacement Cost method in determining the tax values of properties gives tax values which are objective and equitable. | 17 | 49% | 10 | 29% | 5 | 14% | 0 | 0% | 3 | 9% | 1.91 |
| **Grand Mean** | | | | | | | | | | | **2.04** |

The first question on table 3 bothered on if the capital value basis of assessment which taxes the total worth of the property and the unrealized gains is appropriate for an annual tax in Anambra State. With a mean response of 2.06, 43% of the respondents strongly disagree, 31% disagree, 14% is undecided. 0% agree while only 11% strongly agree. 74% of the respondents disagree that the capital value basis is appropriate for an annual tax in Anambra State.

**Table 4: Sample t-test analysis on Appropriateness of Tax Assessment Method Adopted by the Anambra State Government.**

| **One-Sample Statistics** | | | | | | |
|---|---|---|---|---|---|---|
| | N | Mean | Test Value | Df | t- | P-value |
| The capital value basis of assessment which taxes the total worth of the property and the unrealized gains which is appropriate for an annual tax in Anambra State | 35 | 2.06 | 3.50 | 34 | -6.66 | .000 |
| The Depreciated Replacement Cost method which is the tax assessment used by Anambra State government is appropriate for all property types | 35 | 1.89 | 3.50 | 34 | -7.76 | .000 |
| The use of Depreciated Replacement Cost Method which under-appraises high values properties and over-appraises low value properties is appropriate for use in annual tax like APLUC | 35 | 2.23 | 3.50 | 34 | -5.96 | .000 |

| | | | | | | |
|---|---|---|---|---|---|---|
| Anambra State Government's use of Depreciated Replacement Cost Method in property assessment allocates equal tax burdens to similar properties without considering the location of the properties which is appropriate | 35 | 2.09 | 3.50 | 34 | -7.14 | .000 |
| Government's adoption of focal properties assessed using the Depreciated Replacement Cost method in determining the tax values of properties gives tax values which are objective and equitable. | 35 | 1.91 | 3.50 | 34 | -7.84 | .000 |

The data in table 4 shows a calculated t-values of -6.66,-7.76, -5.96, -7.14,-7.84 and a *P-value = .000* (<0.05). Since the t-values are high and the *P*-values are less than 0.05, it was decided that the respondents' observed mean rating of appropriateness of using the depreciated replacement cost method adopted by APLUC (Mean = 2.06,1.89.2.23,2.09) were significantly less than the test value (3.50). Therefore, it was concluded that the property tax assessment method adopted by APLUC was not appropriate and not consistent with known equitable principles of taxation

The different components of tax administration were analysed as shown on table 5.

**Table 5: Tax Administrators' (GLOBAL MCKENS) Percentage and Mean Ratings of APLUC's satisfaction of elements of a Good Tax Administration.**

| **Elements of Tax Administration** | **SD** | | **D** | | **UN** | | **A** | | **SA** | | **Mean** |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **N** | **%** | **N** | **%** | **N** | **%** | **N** | **%** | **N** | **%** | |
| **Property Identification** | | | | | | | | | | | |
| 1. Database covers all landed properties in Anambra State | 8 | 44% | 6 | 33% | 4 | 22% | 0 | 0% | 0 | 0% | 1.78 |
| 2. Database has property owners' details and property attributes | 9 | 50% | 7 | 39% | 2 | 11% | 0 | 0% | 0 | 0% | 1.61 |
| 3. Database updated annually to effect current changes in property uses | 3 | 17% | 5 | 28% | 5 | 28% | 5 | 28% | 0 | 0% | 2.67 |
| 4. There is synergy between Ministry of | 8 | 44% | 7 | 39% | 3 | 17% | 0 | 0% | 0 | 0% | 1.72 |

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Lands and Agency on property transactions | | | | | | | | | | | |
| 5. The database is open for public inspection | 11 | 61% | 7 | 39% | 0 | 0% | 0 | 0% | 0 | 0% | 1.39 |
| **Mean Property Identification** | | | | | | | | | | | **1.83** |
| | | | | | | | | | | | |
| **Tax Collection** | | | | | | | | | | | |
| 10. Tax demand notices are delivered to every taxable property annually | 0 | 0% | 0 | 0% | 0 | 0% | 9 | 50% | 9 | 50% | 4.50 |
| 11. Reminders are also delivered to every taxable properties annually | 1 | 6% | 13 | 72% | 4 | 22% | 0 | 0% | 0 | 0% | 2.17 |
| 12. The property owners pay the taxes promptly at the due dates | 5 | 28% | 9 | 50% | 3 | 17% | 1 | 6% | 0 | 0% | 2.00 |
| **Mean Tax Collection** | | | | | | | | | | | **2.89** |
| **Tax Enforcement** | | | | | | | | | | | |
| 13. The government keeps track of non-compliant property owners | 0 | 0% | 0 | 0% | 0 | 0% | 9 | 50% | 9 | 50% | 4.50 |
| 14. The property owners pay the tax willingly | 6 | 33% | 7 | 39% | 1 | 6% | 4 | 22% | 0 | 0% | 2.17 |
| 15. The judicial machinery for prosecuting offenders is effective | 2 | 11% | 1 | 6% | 1 | 6% | 10 | 56% | 4 | 22% | 3.72 |
| 16. The enforcement strategies like sealing of properties of tax | 0 | 0% | 3 | 17% | 5 | 28% | 9 | 50% | 1 | 6% | 3.44 |

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| offenders has increased compliance | | | | | | | | | | | |
| 17. Tax enforcement is mostly carried out on commercial properties like Hotels, Schools and Office buildings | 0 | 0% | 0 | 0% | 0 | 0% | 11 | 61% | 7 | 39% | 4.39 |
| **Mean Tax Enforcement** | | | | | | | | | | | **3.64** |
| **Tax Assessment Appeal** | | | | | | | | | | | |
| 18. There is a functional tax assessment appeal tribunal for taxpayers to register their grievances | 3 | 17% | 10 | 56% | 5 | 28% | 0 | 0% | 0 | 0% | 2.11 |
| 19. The tribunal has a venue and time for sitting | 10 | 56% | 8 | 44% | 0 | 0% | 0 | 0% | 0 | 0% | 1.44 |
| 20. Relevant professionals like Estate Surveyors and Valuers and Lawyers are members of the appeal tribunal | 5 | 28% | 9 | 50% | 4 | 22% | 0 | 0% | 0 | 0% | 1.94 |
| **Mean Tax Assessment Appeal** | | | | | | | | | | | **1.83** |
| **Grand Mean** | | | | | | | | | | | **2.74** |

Table 5 shows the analysis of the tax administrators' responses to the questions on the elements or components of a good tax administration. On whether the property database used by the tax administrators covers all properties in the State, 77% of the respondents disagree. 89% of the respondents also disagree that the database has property owner's details and property attributes. 83% disagree that a synergy exists between the Ministry of Lands and the agency to help the agency track property transactions. 100% of the respondents disagree that the database is open for public inspection. This shows that the agency has not achieved much in the area of property identification. 100% of the respondents agree that tax demand notices are delivered to every chargeable property annually but 78% indicated that reminders are not delivered annually to all chargeable properties. 88% disagree that property owners pay their taxes at due dates. This shows that the agency makes effort to deliver the demand notices but do not remind or encourage the

property owners to pay. In the area of tax enforcement, 100% of the respondents affirm that the agency keeps proper track of non-compliant property owners. 69% disagree that property owners pay the tax willingly while 78% agree that the judicial machinery for prosecuting offenders is effective. 56% agree that sealing of properties of tax offenders has increased compliance while 100% of the respondents agree that enforcement is mostly carried out on commercial properties. 73% of the respondents disagree that a functional tax appeal tribunal is available for taxpayers. 100% indicate that the tribunal has neither no sitting venue nor time. 78% disagree that the tribunal has relevant professionals as members. The mean ratings on the various components of property tax administration, namely property identification, tax collection, tax enforcement, and tax assessment appeal are 1.83, 2.89, 3.64 and 1.83 and a grand mean of 2.74. This shows that to a low extent, proper property identification and tax assessment appeal are done, tax collection is achieved to a moderate extent but tax enforcement is achieved on a high extent although only on commercial properties. The grand mean of 2.74 shows that APLUC is properly administered to a moderate extent.

**Table 6: Tax Payers' Percentage and Mean Ratings of APLUC's Satisfaction of Good Tax Administration**

| **Elements of Tax Administration** | **SD** | | **D** | | **UND** | | **A** | | **SA** | | **Mean** |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | **N** | **%** | **N** | **%** | **N** | **%** | **N** | **%** | **N** | **%** | |
| **Tax Collection** | | | | | | | | | | | |
| 1. Demand notices and reminders are served yearly on property | 12 | 3% | 98 | 27 % | 26 | 7% | 213 | 59 % | 9 | 3% | 2.77 |
| 2. Taxpayers are reminded and encouraged to pay tax after getting demand notices | 50 | 14 % | 119 | 33 % | 54 | 15 % | 132 | 37 % | 3 | 1% | 2.46 |
| 3. Property owners pay the tax willingly | 38 | 11 % | 186 | 52 % | 70 | 20 % | 60 | 17 % | 4 | 1% | 3.34 |
| 4. Property owners do not encounter problems making payments at designated banks | 0 | 0% | 57 | 16 % | 16 | 4% | 232 | 65 % | 53 | 15 % | 3.78 |
| **Mean Tax Collection** | | | | | | | | | | | **3.09** |
| **Tax** | | | | | | | | | | | |

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **Enforcement** | | | | | | | | | | | |
| 5. Taxpayers are aware of tax penalties and sanctions | 10 | 3% | 80 | 22 % | 64 | 18 % | 186 | 52 % | 18 | 5% | 3.34 |
| 6. Penalties for late payment have made taxpayers pay the tax promptly | 8 | 2% | 87 | 24 % | 91 | 25 % | 147 | 41 % | 25 | 7% | 3.26 |
| 7. Sealing of property for non- payment have made taxpayers to pay promptly | 19 | 5% | 88 | 25 % | 81 | 23 % | 155 | 43 % | 15 | 4% | 3.16 |
| 8. The government has been sealing up lots of properties lately for non-payment of APLUC | 74 | 21 % | 160 | 45 % | 84 | 23 % | 35 | 10 % | 5 | 1% | 2.27 |
| | | | | | | | | | | | |
| **Mean Tax Enforcement** | | | | | | | | | | | **3.00** |
| **Tax Assessment Appeal** | | | | | | | | | | | |
| 9. Taxpayers are aware of right to appeal if not satisfied with tax amount | 148 | 41 % | 89 | 25 % | 1 | 2% | 2 | 1% | 83 | 23 % | 2.99 |
| 10. Taxpayers not satisfied with tax value, object at the panel set up by the government | 74 | 21 % | 160 | 45 % | 84 | 23 % | 35 | 10 % | 5 | 1% | 2.27 |
| 11. Aggrieved taxpayers have confidence in the tax appeal system | 57 | 16 % | 197 | 55 % | 69 | 19 % | 35 | 10 % | 0 | 0% | 2.23 |
| 12. Aggrieved | 57 | 16 | 19 | 55 | 6 | 19 | 35 | 10 | 0 | 0% | 2.23 |

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| taxpayers have confidence in the tax appeal system | | % | 7 | % | 9 | % | | % | | | |
| **Mean Assessment Appeal** | | | | | | | | | | | **2.43** |
| **Grand Mean** | | | | | | | | | | | **2.82** |

Based on the analysis on Table 5, only 59% of the respondents agree to have received demand notices and reminders yearly on their properties. 47% of the respondents disagree to have been reminded and encouraged to pay the tax after receiving demand notices while 15% is undecided.63% disagree that property owners pay the tax willingly. 80% of the respondents agree that they do not encounter problems making payments at designated banks. Although the tax administrators claim to serve demand notices to every chargeable property yearly as shown on table 30, not many property owners agree to have received these demand notices. Again, 57% of the respondents are aware of the tax penalties and sanctions. 48% agree these penalties have made taxpayers pay the tax promptly, while 26% disagree and 25% is undecided. 47% agree that sealing of properties for non-payment of the tax has made taxpayers pay the tax promptly, 23% are undecided while 30% disagree. A lot of property owners are not aware of the tax penalties and sanctions. The penalties and sanctions have not also increased compliance. 66% of the respondents are not aware of their right to appeal if not satisfied with tax amount. 66% also do not agree that tax payers object at the panel set up by the government. 71% are of the opinion that aggrieved tax payers have no confidence in the tax appeal system. The mean rating for tax collection, tax enforcement and tax assessment appeal are 3.09. 3.00 and 2.43 respectively. This shows that tax collection and tax enforcement are carried out to a moderate extent while tax assessment appeals are achieved to a low extent. The grand mean of 2.82 shows that tax administration is administered to a moderate extent.

**Table 7. Estate Surveyors and Valuers' Overall Assessment of the Administration of APLUC**

| **No** | **Themes** | **N** | **%** |
|---|---|---|---|
| 1 | Non-Adherence to principle of equity (Benefit tax) | 6 | 30 |
| 2 | Poor Assessment | 10 | 50 |
| 3 | Poor Administration | 2 | 10 |
| 4 | Tax Payer Education | 1 | 5 |
| 5 | Non adherence to principle of equity(Ability to pay) | 1 | 5 |
| | Total | 20 | 100.0 |

Table 7, shows the Estate Surveyors and Valuers' general opinions of the administration of the APLUC. Of the 20 comments from 20 respondents, 6 revolve around the theme of Non-Adherence to the principle of equity (benefit tax). Cumulatively, this represents 30% of the responses. On the other hand, poor assessment method was the most dominant theme from the responses as this represents 50% of the responses while this was followed by poor administration which represents 10% and Non-adherence to principle of equity (Ability to

pay) which represents 5%. This suggests that poor administration which also includes the assessment of the tax is a dominant problem of APLUC.

**Table 8: Sample T- test analysis on the extent the Anambra State Property and Land Use Charge (APLUC) is properly administered in the State.**

| | N | Mean | Test Value | df | T | P-value |
|---|---|---|---|---|---|---|
| Mean: Property Identification | 18 | 1.83 | 3.50 | 17 | -19.39 | .000 |
| Mean: Tax Assessment | 18 | 2.89 | 3.50 | 17 | -6.06 | 0.00 |
| Mean: Tax Collection | 18 | 3.50 | 3.50 | 17 | 7.86 | 0.00 |
| Mean: Tax Enforcement | 18 | 3.64 | 3.50 | 17 | 1.92 | .071 |
| Mean: Tax Assessment Appeal | 18 | 1.83 | 3.50 | 17 | -19.31 | .000 |

The results in table 8 shows that calculated t-values for the five components of tax administration were -19.39, -6.06 and 7.86,1.92 and -19.31 with *P-values = .000* (<0.05). Since the t-value on the tax collection and enforcement of APLUC were positive, and the *P*-value was less than 0.05, except tax enforcement whose p-value is 0.071, it was decided that the respondents' mean rating on tax collection and enforcement of APLUC (Mean =3.50 and 3.64) was significantly greater than the test value (3.50) which suggests that tax collection and enforcement is carried out to a moderate extent. On the other hand, the t-values associated with proper property identification, tax assessment, and appeals were -19.39, -6.06, and -19.31with corresponding *P-values* less than 0.05 indicate that respondents' mean ratings on proper identification, tax assessment, and appeals (1.83, 2.89, 3.00 and 1.83) were significantly less than 3.50. Therefore, it was decided that APLUC was not properly administered in the State.

**Conclusions**

The study evaluated the law and the administration of APLUC in line with the attributes of a good property tax system with a view to determining the factors affecting the performance of the tax. It found that the provisions of the Anambra State Property and Land Use Charge Law No.1 of 2011 are not consistent with the international standard. The tax assessment basis and method being used for APLUC is very inappropriate. The basis of assessment of APLUC is the capital value and the valuation model the agency claim to employ is the Depreciated Replacement Cost Method of valuation in the assessment of the tax. The use of the depreciated replacement method of tax assessment by the agency tend to under-value high value properties relative to low value properties because it is not linked to income received from the property. Lastly, APLUC is not properly administered. According to Kelly (2000)the elements of tax administration namely property identification, assessment, collection, enforcement and appeals must be linked together and their performance determines the success of the tax system and the administration of the tax is poor in all respects.

**Recommendations:**

Based on the findings the following recommendations are made:

1. The tax law should be reviewed to indicate the basis of allocation of the tax burden to taxpayers since a transparent tax assessment system enhances public acceptability of the tax.
2. The basis of its assessment should be on income generated from property on annual basis as against the market value of property.

3. The APLUC Law should also name Estate Surveyors and Valuers as the expert tax assessors since they are the professionals in valuation for property taxation.
4. The APLUC Law should also include Estate Surveyors and Valuers as members of the tax assessment appeal panel so as to create a transparent assessment system.
5. The Anambra State Government should as a matter of urgency complete the computerization of the land registry, Anambra Land Information Management System (ALIMS). There should also be an integration of the tax administrators into the activities of the Ministry of Lands, Survey and Rural Development. Property information should be available to enable the tax authorities identify property, determine ownership and should be updated frequently to capture the growth in the tax base. This lack of synergy has affected property identification which is the first step in property administration.
6. There is need for professional /expertise input in bills before passage into laws. There should be a synergy between the law makers at various levels of government and relevant professional groups in the drafting and passage of bills into laws in the country. This kind of relationship will go a long way to ensure that the bills are fine tuned and avoidable shortcomings/lapses in the laws are eliminated. Even though the Anambra State Land Use Charge Law 2011 is patterned to an existing land use charge law (Lagos State Land Use Charge already in practice in Lagos), the gaps in the law which are replicated in the APLUC Law would have been better addressed and possibly eliminated.
7. The State government should set up a functional assessment appeal tribunal for the taxpayers to seek redress. An independent panel of taxpayers, Estate surveyors &valuers and Lawyers should be set up by the government to address this issue.
8. The authorities should provide more tax education to the populace. Many taxpayers are not aware of the contents of the tax law; they do not know their rights and responsibilities in the system for instance, the right to appeal. Tax education will make the taxpayers understand the whole process of taxation and this will improve their perception of the fairness of the tax system and increase compliance.
9. Lighter sanctions like public exposure, seizure of other valuables and cutting off public services should be considered for nonpayment of the property tax.

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