Review of Local Government Rating System in Fiji

(A Preliminary Study)

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Abstract: Approximately 39,700 properties fall within city and town boundaries in Fiji on which property rates are levied by two cities and ten town councils.

One of the complexities of the present system is that the majority of land in urban areas is leasehold, yet the rating value is fixed on fee simple (freehold).

Unlike the other countries, the Local Government Act of Fiji does not allow for a multiple rating system. For example, in Australia legislation and law permits each State and Territory to adopt the system, which suits their needs. In the absence of such a proviso in the Local Government Act of Fiji, local councils face difficulty in assessing land values. The general sentiment amongst the Ratepayers, Local Government Association, and the Local Councils is that the present system is not equitable to the ratepayers and other users of municipal services.

This paper will examine the merits and demerits of the present system, consider alterations and recommend changes to meet the present day demand created by the substantial development of the towns and cities over the last fifty years.

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The views represented in this paper are those of the author and do not necessarily reflect those of the University of the South Pacific.

Introduction

Rating valuation in Fiji is carried out for the purpose of local rates, which is the means of raising revenue to meet the needs and functions of a local council. Other sources of income for a municipal council are fee, charges and rent, building rents, business and trading licences and government grants. Graph at figure 1 shows the percentage of revenue derives from each income type.

To date very little research has been done on the local government rating system in the country though Fiji has immensely progressed socially, politically and economically in the last fifty years. The only review that I am aware of was carried out by Vidya Narayan in 1999, a valuer in private practice for the Fiji Government. However in my opinion a more detail research is still needed.

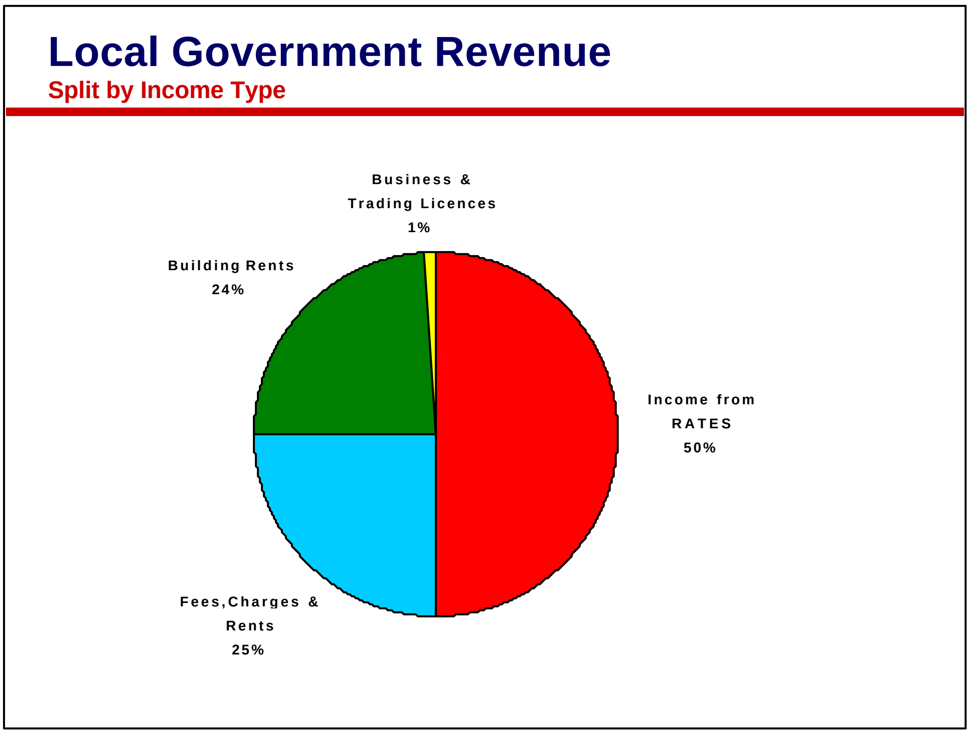

Figure 1 Source : Ministry of Urban Development, Fiji

There are two cities and ten towns in Fiji and cities namely Suva and Lautoka which can be considered fully developed in terms of buildings while towns are still in developing stage. The total local council rateable properties in the whole country is approximately 39,700 as shown in the below figure 2 split zones.

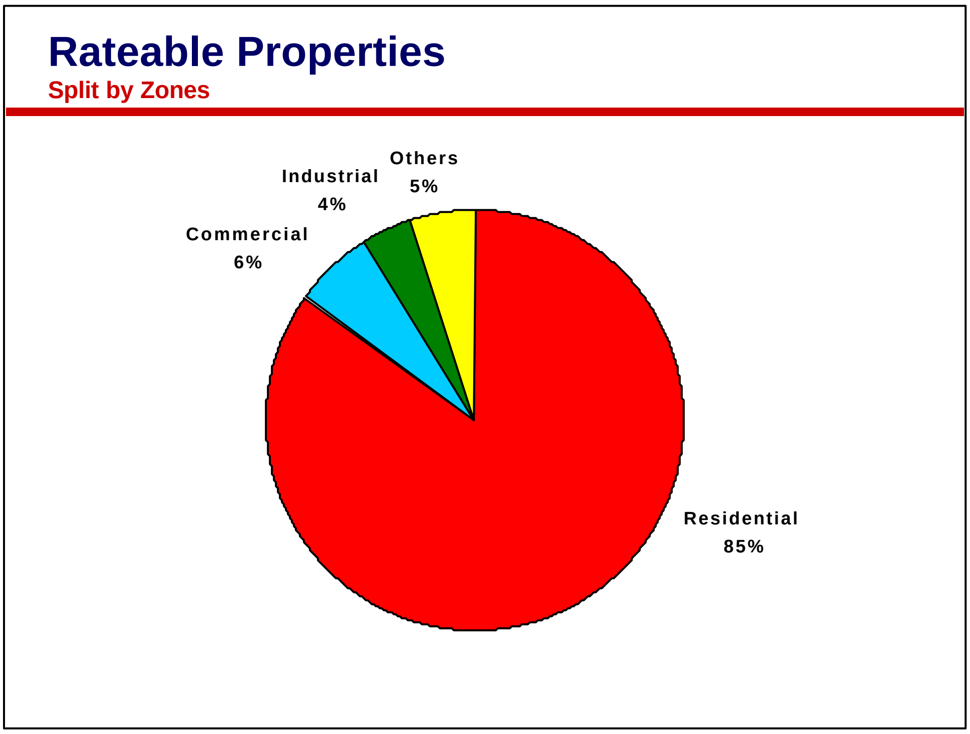

Figure 2 Source: Lands Department, Fiji

Figure 3 Source: Lands Department, Fiji

The Unimproved Capital Value (UCV) system is adopted in Fiji, which relates to the rates charged to the current market value of the land excluding improvements. Property owners and registered lessees are required to pay an annual rate based on the percentage of the Unimproved Capital Value of the land. Rating valuation in Fiji is carried out under the provisions of the Local Government Act 1972 and Local Government Amendment Act 1980. Unimproved Capital Value is statutorily defined as "*the capital sum which the land, if it were held for an estate in fee simple unencumbered by any mortgage or charge thereon, might be expected to realise at the time of valuation or revaluation if offered for sale on such reasonable terms and conditions as a bona fide seller expected to require and assuming that the improvements, if any, thereon or appertaining thereto had not been made"*

Provided that in any valuation of land on which structures have been erected such valuation shall not take into account the actual use of the land, but the use for which the land is zoned under any existing planning scheme."

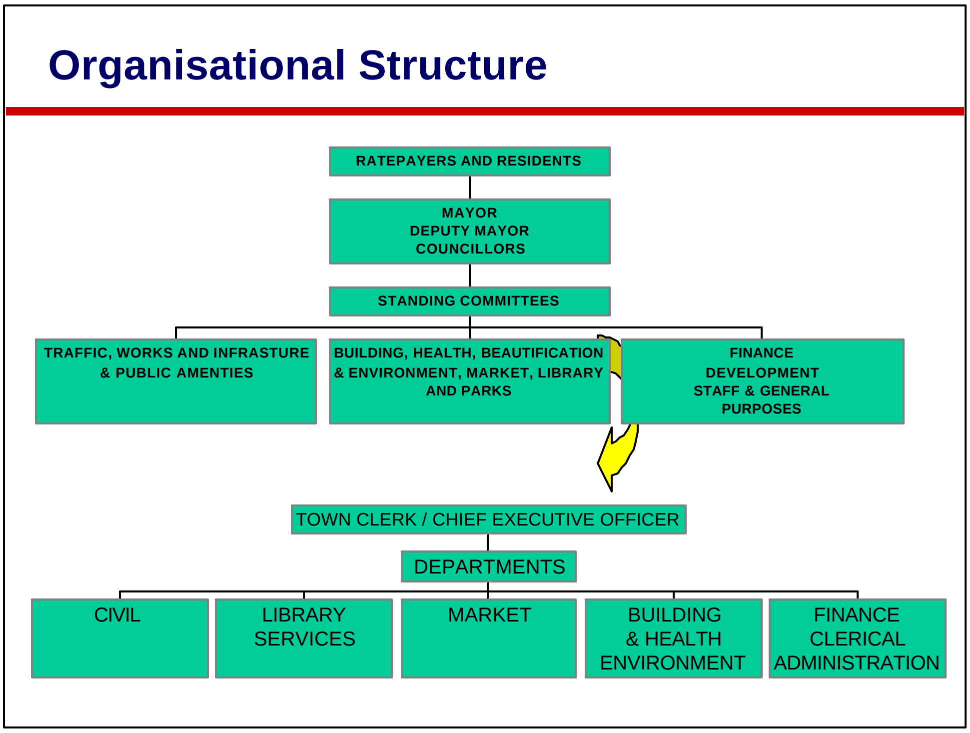

Figure 4 Source: Ministry of Urban Development, Fiji

One of the disadvantages of this system is that the majority of land in urban centres is leasehold, yet the rating value is based on freehold value. Under this method those properties situated in better locations pay higher rates in comparison to those located on lower valued sections, yet both enjoy the same services. Also an owner of a vacant lot pays the same rate as an adjoining improved section.

According to Narayan (1999) local government rating system commenced operating in the country in Levuka, the first capital of Fiji in 1877. During the early years the Colonial Government in the way of grants in aid and subsidies financed the municipal councils. In the subsequent years several improvements were made in the legislation governing the municipal councils to facilitate the operation of a council. This resulted in the enactment of Local Government Act in 1972. Further amendment was made in the ACT in 1980 to allow a rateable land to be valued by reference to its zoning under any existing planning scheme and not by actual use. Prior to that land was valued according to the actual use.

In the 1930s, when the rating system became more organised in Fiji, Unimproved Capital Value could be determined easily as sufficient sales of vacant sites were available. Since then development in the urban centres has accelerated and as a result it is now difficult to obtain sales of vacant lots in any municipality. The few freehold transactions are sold with improvements and cannot be used as a sound basis of valuation in view of the definition on UCV under the Local Government Act of Fiji. Leasehold sales cannot be used as a basis due to the restrictions, limitations, onerous covenants and conditions contained in a lease, which preclude proper analysis. Figure 5 shows the over all land tenure system in local council area for the whole country.

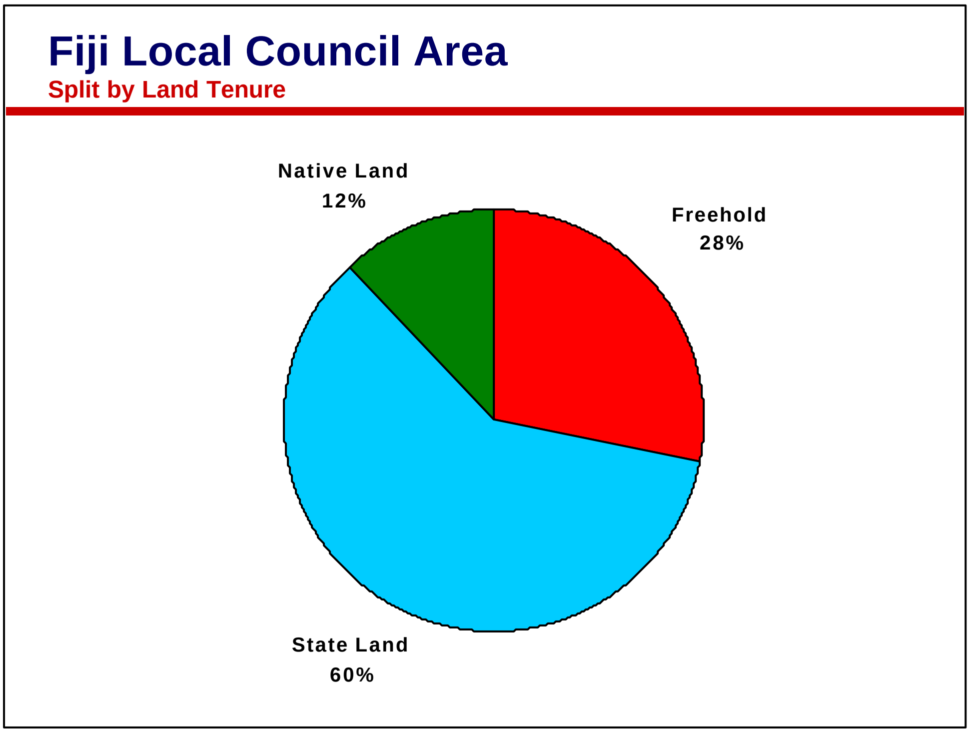

Figure 5 Source: Lands Department, Fiji

The general sentiment amongst the ratepayers is that the present rating method in Fiji is not a fair system and should be revised. There is no doubt the colonial administration introduced the system for good reasons, but times has changed and in the present situation it is no longer applicable.

Need for Research

The local government rating system has never been looked into seriously since the colonial administrators introduced it to the country. With the development of rating systems in other countries there is a desire amongst both the ratepayers and local councils to revise the present system. With this need in mind a literature review of three internationally accepted rating systems has been undertaken. The literature review investigates the weaknesses and strengths of each system to determine which may be most suitable for Fiji.

Property Tax System

The criteria to measure tax falls into administrative, social justice, economic and political categories (International association of Assessing Officers, 1997) Most of these are based on common sense and comprise the notions of fairness, equity and uniformity. An ideal property tax has a special feature, which can be described as one that is uniform. This implies proportional taxation in relation to “ability to pay”.

International Association of Assessing Officers (IAAO) is of the view that a common objective of taxation is neutrality, which should be designed so that it does not distort economic decisions. A uniform broad-based tax is supposed to be neutral and serves to improve economic efficiency. It encourages development, which according to economic theory increases general welfare. High tax on one property shifts investment to others with lower tax. For example a tax charged on the owner of an apartment building might be passed along to a tenant in the form of higher rents.

Rating Systems

According to McCluskey (1997), universally, three rating systems exist that are based on unimproved capital value of land, capital value and assessed annual value. The first two systems can be viewed as partial wealth taxes whereas assessed annual value may be seen as an attempt to tax the current yearly income from properties. Each country should evolve its own system through its cultural values, historical background and political situation.

Unimproved Capital Value

It is of interesting to note that several countries have changed their rating system from a Capital Value to an Unimproved Capital Value basis following the study of their local government rating system (Holland, 1969). Holland identifies one such country as Jamaica, where the rating system was changed to Unimproved Capital Value basis after a study undertaken by J. F. N Murray, an Australian Land Valuation Expert and Land Economist. Jamaica is a former British colony with landmass of 4,400 square miles and primarily engaged in agriculture. It is similar to Fiji in many ways and achieved independence in 1962. Holland asserts that as a poor developing country, to improve the existing economic situation the best option is to introduce the Unimproved Capital Value rating system.

In describing the advantages of a UCV System, Holland said that it encourages development of land and stimulates construction work. He believes that under a UCV System, property owners will get the benefits but they would not undertake expenditure or expend effort to account for the enhancement in values.

Holland further supports the (UCV) method on the grounds that it is an unearned increment. Revenue in the form of raised income is redistributed and economic decisions are not affected. In several under-developed countries a large number of unimproved, or vacant sales could easily be used to establish UCV for developed sites by comparing with the values of vacant sites. In many developing countries, decisions on land use show several values other than the market component. For instance the sentimental attachment to a large subsistence holding. Taxing the unimproved capital value would force such a landowner to make a more rational decision on land use.

Woodruff and Ecker-Racz (1965) believe that in the Unimproved Capital Value system valuation can be applied in improved areas as some of the sales can be counted as vacant because of the condition of the improvement. Improvement has become obsolete and adds little value to the sites. The selected benchmark can be extrapolated and reapplied to all properties.

In many cases the expansion of towns, or a locality of a town, has resulted in the increase in value of surrounding land. The increase in value of properties occurs before development commences. It is due to the expectation that the property will be able to find a higher use in the future that would be worth more than its present value. To acquire land in such cases with the expectation of making a speculative gain can be reduced by levying rates on an unimproved capital value system (Woodruff and Ecker-Racz, 1965). In other cases the owners would like to hold on to the land with the expectation of selling it at a higher price later on. The advantage of this system of rating is that owners are liable to pay rates that are proportional to the value they themselves set upon the land. Having to pay rates under this system, the speculators or landowners would reduce the time that they are willing to suspend land from development.

Trickett (1982) stated that the concept of Unimproved Capital Value is the product of an unsophisticated economy. Such a view would support its adoption in a developing rating in Fiji. However, he said it is easy to understand why unimproved capital value was adopted in most of Australian States in the early stages of their development. It had a particular philosophical attraction to those responsible for the development of a largely undeveloped state. Excluding the improvements from taxation the system imposes no penalty on industry. Initiative and good husbandry on the other hand, acts as a disincentive to speculation of undeveloped lands, as these are taxed in the same way as developed lands. In this way the unimproved value system was seen as a positive step in encouraging development and settlement on lands.

Demerits of Unimproved Capital Value system

According to McCluskey (1997) the demerits of UCV or site value systems are that they cause assessment problems. There is a paucity of sales evidence for vacant plots in urban areas; as a result sites must be valued, either by reference to the residual approach or by isolating land value from sales of land plus other improvements. The other disadvantage is that site value alone would provide only a limited tax base and generates sufficient revenue at a high rate. It is easier to levy a lower rate on a wider base if the value of improvements is included as well. Excluding improvements leaves a large portion of the property untaxed. Two similar sites may have the same site value but in terms of their existing development they may be producing different levels of revenue/profit for the owners as an example in Fiji would be the Reserve Bank building and the adjacent car park. One is a vacant lot, underused as a carpark whilst the adjacent site (paying the same rate per square metre) is a prime landmark office building. For this reason it is believed that site value tax is insensitive to horizontal equity and to the ratepayers' ability to pay.

Capital Value System

The basic test of rating valuation is whether the ordinary ratepayer can understand the system (Petherick, 1982). Capital value is the only valuation approach that an ordinary ratepayer can understand. It is the best measure of the benefit the landowner obtains from the land and is connected to the market prices with which the landowner is familiar. Petherick claims that laws, which provide for land valuation as the basis of rating, should be simple and clear so that any layman can understand them. Improved Capital Value fulfils that test closely. Petherick has quoted Oliver Wendell Holmes who said "*If taxes are the price we pay for a civilised society then the important thing is that the price be fair that each pay his share and that the price does not become more than any man can afford to pay".*

Mander (1982) claims that *"as far as I am concerned personally, having worked with all three systems over a period of nearly forty years as a valuer, I have a strong personal preference for "Capital Value". It provides the best means to achieve equity between ratepayers on the basis of their ability to pay; it is more readily understood by the ratepayers with the clear measure of the market easily demonstrated and always before them; it generates fewer objections than other systems and in those districts using "Capital Value "rating in New Zealand we have never been able to discern any difference in development from those districts using "Land Value" which inclines me to the view that the traditional theory regarding the effects of taxing improvement is in fact, in practical terms not a disincentive to development".*

According to McCluskey (1997) the use and application of capital value system is increasing in importance especially in those countries where the market for property is conducted on capital value basis. In this case it would be the owner who would be the taxpayer. McClusley and his group believe that this approach produces a buoyant tax base, as capital values are more volatile than annual rental value. It is important that a property tax base keeps up with the trends in property values. Also, it requires that revaluation of the property be more regular then on the annual value basis.

Strama (1969) believes that many countries have devised their own system to assess capital value for rating purposes. For instance in Chile, which is believed to have a very effective tax system in Latin America in assessing values, the government issues manuals to the valuers will have pictures of typical types of buildings with values per square metre of various standards of construction. These are termed in "very good", "good", "poor" and "bad" condition. The unit values and other factors are worked out by the Internal Revenue Service and approved by the President. Thereafter the work of the valuer is confined to a visual classification regarding the condition and to enquire on the area and date of construction of building. If during revaluation, it does not match with the previous assessment, appeals can be filed on the ground that the area of the house or lot is overstated or the building type is not properly classified. The values are meant to come within the reach of the full market value. There is no provision for appeal just because the owner alleges that his assessment exceeds the standard value. The development of urban properties is encouraged by various means even though the improvements are fully assessed.

In certain cases income tax exemptions are given. New 'economical' housing generally exempt from seventy five percent of the tax incurred on the value of the improvements. In Chile for example, construction is further encouraged by a surcharge on vacant lots which ranges from one to six percent in an annual increment that begins in the year of first transfer by a developer.

Demerits of Capital Value System

According to Dillinger (1991) only a small percentage of properties are sold in any given year and limited direct market transactions of capital value are available at any given time. In many cases prices at which property changes hands are used as a basis for valuation. In the state of Tabasco, Mexico, property is re-valued only when it is sold. It is valued for rating purposes at the reported sale price. Because of the data constrains problems land is valued based on the sales data and the buildings are valued separately using the information from the construction industry, which is considered to be more reliable.

In the Philippines, buildings are valued based on the construction cost which includes the cost of materials obtained from the timber yard, hardware stores plus labour cost. In other cases, the information is extracted from the Deeds Registrar who is not considered reliable in all the cases.

In Brazil taxing authorities depend on the cost data supplied by the local contractors or compiled from the professional building industry journals. This data may not be accurate, but on this basis the taxing authorities arrive at the cost per square metre of a particular type of building. Different types of floorings, plumbing, furnishing and electrical facilities and a subjective estimate of the quality of repair and obsolescence may not reflect the true value of a building. These adjustment factors can dramatically affect property values, as it has not been determined by analysis of the costs that exist in the market. It largely reflects the deliberations of the valuation profession. In this country the state agency is responsible for administering a tax on property taxation and licensed Registrars of Deed are required under the law to inform the valuers of all recent transactions.

In United States the statistical data used are more precise and reliable, but in the developing countries the opportunity to improve the accuracy and objectivity of individual valuation is yet to be fully exploited. Dillinger states that in many countries where a capital value system is used, the valuers have no alternative but to seek information from real estate agents to fix property values.

Many developing countries impose high tax on real estate transactions. This results in the parties grossly understating actual prices in official documentation (Dillinger,1991). In practice therefore, taxing authorities cannot rely on official sources. In such cases a Valuation Commission has been formed consisting of real estate agents and prominent property owners who come up with information based on their professional experience.

Other problems with the capital value system are that first it starts with a systematic ordering of the data, but then it becomes overloaded with arbitrary adjustment factors (Dillinger, 1991). Market prices of specific properties in various locations are determined and grouped by neighbourhood then divided by their respective dimensions, showing the unit value of property according to a neighbourhood. A variety of adjustment factors are then imposed. However there is no evidence that the value attached to these adjustment factors is based on the analysis of market conditions. McCluskey (1997) suggested *"Having all property taxed on a capital value basis could lead to a system, where there is a lack of market information and sales data. This is more of a problem within commercial and industrial sectors where capital assessments would have to be extrapolated from a very weak rental transaction base to a higher and intensive use".*

Current market value is attached generally on the basis of an ability to pay argument (IAAO, 1997). It has been seen that where most of the property owners are on fixed or limited incomes, such as retired community, taxes may force people from their homes. This creates a social conflict. However from an economic perspective property owners with higher values have greater wealth in the form of unrealised capital gains, which can be converted into income in several ways which can avoid the loss of property. For example the burden of increasing property tax due to increasing value can be alleviated through specific, selective exemptions and controls.

Assessed Annual Value

The Annual Value Rating system is based largely on British rating system and are common in former British colonies (McCluskey, 1997). Taxes are paid from income rather than capital wealth. Tax is levied on the estimate of the rental value of the property and is normally an occupier's tax. Rental is negotiated on the basis of the existing/current use of the property and not on the basis of some future or potential use. The existing use approach does not penalise the non-use of the property or indeed an inappropriate use. Valuing vacant property under this system is not a problem as the property is valued on the basis of any use to which it can be put without additional structural or planning changes. The Annual Value system tends to tax on existing use of property, which is market value.

McCluskey states that annual value is an openly negotiated market rental. It is vital that there are a number of transactions upon which to rely for assessment. He believes the quality of market transactions can be eroded in a number of ways. For instance the presence of rent controls constraining the levels of rent to within statutory limits, the increase in levels of owner occupation and an extremely active capital market.

Demerits of Assessed Annual Value System

Dillinger (1991) in a World Bank working paper on property tax reform states that there are basically two approaches to valuation. The first is direct market information about the property being valued and the second depends on extrapolation by formula from a sample of properties which is commonly known as mass appraisal. The direct market approach is mainly used in the countries of Africa and South Asia, one-time colonies of France and Britain. Mass appraisal is used in countries like Brazil, Mexico and Philippines. Many problems have been identified in the Annual Value system of rating. In some cases, the market data approach cannot reflect a fair value. Control on rental can affect the property tax.

How severe an impact rent control has depends on the nature of the control. In many South Asian countries, and in Fiji, rent control regimes freeze rental on historical data, permitting the rents on new tenancies to be set at market levels but then restricting any subsequent increases. As a result this would slow the rate of increase in rents compared to an uncontrolled situation. If observed by the rating authority, it would slow the growth of assessed values.

Another effect of the rent control is that it distorts the distribution of the tax burden. In effect rent control constitutes a *de facto* exemption of the older properties from the property tax. This shifts the tax burden onto more recently built properties. The owners, or occupants, of a new structure are subsidising the tax of older properties. The rent control problem is severe in India. Similarly, the properties in other countries are valued not on the basis of rent control but on the basis of "hypothetical market rent" which is established from the analysis of rental values in the uncontrolled sector of the market. In many cases it has been found that the tenants are not providing the true information. For instance, in Calcutta, India, a valuer is required to value rented properties on the basis of actual rent and in the process required seeking rental information including actual receipts from the occupants. In many cases occupants collude with landlords to understate rents by submitting false receipts.

Evaluation of each System

It has been observed that unimproved capital value or the site value basis of rating provides much more incentive for urban development. This may be relevant to some local council areas in Fiji, where building development is still in progress and some old structures needs upgrading. It encourages the landowners to clear obsolete and dilapidated structures off their land, providing incentives to redevelopment with new buildings, or refurbishment and upgrading of existing structures. As a result of the redevelopment, values of the properties in the neighbourhood will rise which would benefit the owner and the community at large and enlarge non-property tax base. Unimproved Capital Value rating systems utilise market economics and permit investment. Growth does not need direct government intervention.

Unimproved Capital Value systems provide an incentive for the full utilisation of land, as there is no penalty in the form of higher tax for making improvements. UCV assessment can be done more cheaply and uniformly. The land fits more easily into a general pattern of value and assessment can be done using mass appraisal technique. Australia and New Zealand have many leasehold properties in many municipalities where the UCV system is used. In Fiji over sixty percent of the rateable properties are on leasehold land.

The Unimproved Capital Value system is seen as cheaper to administer. In Fiji, only the government valuers who are familiar with UCV system undertake the rating valuation. This exercise is to determine the benchmark values and interpolate them to determine a land value for each rating area. This system is seen as more straightforward than when each building has to be valued as required in a capital value system.

The disadvantage of this system is that obtaining accurate transaction of vacant plots in highly developed areas is very problematical. As indicated early two cities in Fiji namely Suva and Lautoka, are almost fully developed within the metropolitan area and it is very difficult to obtain vacant sales data.

The ratepayers see Capital Value system, as system that can be easily understood. It is seen as the best means to achieve equity in the payment of rates amongst the ratepayers on the basis of their ability to pay. The system requires property to be assessed at its highest and best use that is full market value, disregarding its present use. This method places a higher proportion of the property tax burden on the "under used" property, vacant land or built up properties for which market shows that it is ripe for higher use/development or refurbishment.

With the Capital Value system in Fiji it may be difficult to obtain sufficient rental figures for industrial and residential buildings, as they are largely owner occupied. For the commercial and industrial sector, capital value is derived from the capitalisation of rental transactions and the figures provided by the parties are not always reliable. In many cases the true rental figure is not shown on a lease document and as such does not reflect the prevailing market rental.

A capital value system of assessment requires a large number of personnel and trained specialists for valuing special types of properties. Since the volume of work is high, the cost of valuation is much higher than Unimproved Capital Value system. It is yet to be established whether the local councils in Fiji can afford to pay higher cost for valuation if this method is introduced.

In the Annual Value Rating system, the rate is levied on the estimate of rental value of a property. The quality of market rental evidence can be eroded by rent control, which is in Fiji. Other difficulties would include the increase level of owner occupation of properties and extremely active capital market. The rental is closely tied to its existing use rather than the best use. Administratively this system is complicated by the existence of owner occupied vacant land, for which estimates must be made, and in an area where no extensive system of cash rent exist. This system of valuation is suitable in a country where there is an active rental market, a reasonably uniform development that allows the comparison of properties and sufficient development to provide the volume of data that are required. These parameters are not available in Fiji at present.

It is often difficult to ascertain the rent being paid due to the demand for payment in advance premiums, incentives subleasing, leasing of unauthorised or substandard occupation or other payment for special consideration. In many cases tenants are reluctant to provide true information for the fear of being evicted. Also, reporting of rental income by the landlords may not be true. Resolving these anomalies in a large number or large jurisdiction wide valuation programmes would be difficult and prohibitive in cost and beyond the capabilities of most municipal councils in Fiji

Conclusion and further Research Directions

It has been concluded from the literature that in appropriate land rates serves to restrain land speculation and artificial rises in land prices. Reasonable real estate rates in urban areas foster growth, reduces the cost of housing projects, discourages urban sprawls and reduces the cost of providing urban services. Land rates thus, properly structured and administered should provide reasonable revenue to a local council.

Under the present system in Fiji, the rates charged by a council for a built up property and vacant site are alike. This cannot be accepted as a fair method. It is inevitable that the revising of the system will produced some effect on the ratepayers. The initial effect may be that there will be a drop in the prices of properties particularly for those required to pay high rates. Also the building development on the sites may slow down if a Capital Value System is adopted. There could therefore be some merit to introduce any new system over a number of years to try and alleviate the sudden impact and ratepayers reaction.

Further research is needed to establish the cost that will be incurred by each council, if the present rating system is changed. Capital Value and Annual Value systems entail collection of vast amounts of information when first introduced. This would require a great deal of professional skill, judgement and utilisation of specialised knowledge and techniques. At this stage Fiji does not have such personnel in the government, or private sector, to undertake such exercise. Hence outside assistance would be needed to implement a new system.

One approach would be to arrange for official valuers to visit other countries where such system is in operation to learn from the study and observation. The other option in the absence of local professional and other resources is to engage valuers from other countries by recruiting them directly or through the auspices of an aid program.

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