

The Basis and Administration of the Property Tax: What can be learned from International Practice?

Frances PLIMMER, William J McCLUSKEY, United Kingdom

Key words: Property Tax; Tax Administration; International Practice; Good practice.

SUMMARY

This paper is seeking to address two key objectives, firstly, to place into context within countries or jurisdictions a rationale for identifying the most appropriate basis of the property tax and secondly, to develop a framework that can suggest optimal administration of the property tax system.

One of the fundamental questions for policy makers involved with land and property taxation relates to ‘what is the most appropriate basis of the tax?’ This might seem a simple question, but often the answer is complex as issues such as property market maturity, history, culture and land tenure all contribute to the debate. The literature and indeed international practice would indicate that there are several alternatives available such as Capital Improved Value, Annual Rental Value, Land Value (Site Value), Buildings, Area, Adjusted Area Approach, Flat Tax or combinations of the above.

This paper seeks through international comparative research to address some of these issues; we investigate the various basis of the property tax and ultimately draw conclusions as to international trends, patterns and usage. Linked to this is the whole debate surrounding which level of government should have the responsibility for administering the tax. Administration is so fundamental that the decision on responsibility is often central to the success of the property tax. Variations extend from being centrally administered to wholly localist to forms of joint administration.

The research methodology to be adopted is centered around international practice in terms of the basis of the property tax and its administration. Data are gathered from existing empirical sources and supplemented with other literature and on-line sources.

This paper provides elements which are important to this conference in terms of addressing issues contained within the Theme dealing with institutional issues in particular, issues surrounding centralised or decentralisation, as well as the Theme focusing on valuation and implementation in terms of international/comparative practice.

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1. INTRODUCTION

In our experience, property taxation is ubiquitous. It is hard to find a country which does not levy a tax on its land and / or buildings. However, there is evidence of a wide range of different tax bases. The literature and indeed international practice indicate that there are several alternatives available such as Capital Improved Value, Annual Rental Value, Land Value (Site Value), Buildings, Area, Adjusted Area Approach, Flat Tax or combinations of the above, all of which are used in different jurisdictions with different levels of success. One of the fundamental questions for policy makers involved with land and property taxation relates to ‘what is the most appropriate basis of the tax?’ This might seem a simple question, but often the answer is complex as issues such as property market maturity, history, culture, social expectations and land tenure all contribute to the debate.

This paper seeks through international comparative research to address some of these issues; we investigate the various basis of the property tax and ultimately draw conclusions as to international trends, patterns and usage. Linked to this is the whole debate surrounding which level of government should have the responsibility for administering a property tax. Administration is so fundamental that the decision on responsibility is often central to the success of the property tax. Variations extend from being centrally administered to wholly localist to forms of joint administration.

This paper seeks to address two key objectives, firstly, to place into context within countries or jurisdictions a rationale for identifying the most appropriate basis of the property tax and secondly, to develop a framework that can suggest optimal administration of the property tax system.

2. DIFFERENT TAX BASES

There is a range of different property taxes which are imposed in different jurisdictions. For example, it is possible to tax only land (as in Kenya and Jamaica), thereby encouraging both an optimum use of land, and also improvements to the land, because they attract no tax; only buildings (e.g. Kosovo and Tanzania) which avoids any need to find a value for the land element of the real estate; or, what is more common, land and buildings together, which reflects how real estate is disposed of in most markets and this improves comprehension on the part of the taxpayer. Where land and buildings are taxed together, it is usual to value the entire property (real estate) as one, and to apply one rate to the whole. However, it is possible to apply one rate of tax to the land component and another to the building (split rating), as practiced in Pennsylvania, USA and Grenada, which, by reducing the relative rate of

buildings, can encourage land owners to improve their real estate. Thus, the different kinds of tax base aim to achieve different economic or social outcomes.

There are different economic and social outcomes with the use of different tax bases. Briefly, the major tax bases used globally can be split into three different groups: market or *ad valorem* based, area-based and modified area based. Market or *ad valorem* assessment bases reflect market value and such tax bases include an assessment to capital value, rental value. It is normally expected that such assessments will be discrete individual valuations for each taxable property. However, this is not invariably the case. For example, in the England and Scotland, taxable properties are allocated to one of seven tax bands, and banding is seen as a flexible and relatively simple method of introducing a value-based assessment roll in countries with a developing property market (McCluskey *et al.*, 2002).

According to the IAAO, (2004: 13) *'To maximise fairness and understanding in a property tax system, assessments should be based on the current market value of property.'*

Thus, assuming frequent and regular revaluations, an *ad valorem* tax base maintains a uniform relationship between property values and property taxes; is a clear and demonstrable tax on at least one definition of 'wealth'; and allows for specific and targeted exemptions and reliefs to alleviate any apparent hardship among the taxpaying public, in recognition that the value of property owned or occupied does not necessarily reflect ability to pay. It is also argued that the market-based assessments are an objective constraint on what could be seen as a highly subjective process (i.e. valuation).

There are considered to be major benefits in having an *ad valorem* tax base.

'In a dynamic economy, property values change constantly. Values in one area may increase, whereas those in another may decrease or stabilize. Property taxes then shift to areas with increasing wealth as measured by property value. Only a system requiring current market value acknowledges these changes in local economies and the distribution of property-related wealth.' (IAAO, 2004: 13)

However, the use of market value as a basis for tax ignores the ability to pay of the taxpayers, and this is one of the more usual arguments against such a tax base. Some groups of taxpayers who own or occupy property may be 'asset-rich' but 'income-poor', and while there are ways of earning income from property, it is generally more acceptable that such taxpayers should be supported through income-based exemptions and reliefs at the point of tax payment, rather than through any device to change the taxable value of the property.

Non-market bases rely on a formula for assessing tax payable. They are generally found in jurisdictions where either there is no property market or where the property market is not sufficiently developed to support an *ad valorem* tax base. However, this is not universally the case. There are some countries (e.g. Israel) where a formula-based system is in operation, despite the existence of an active, open and healthy property market. In many countries with such property markets, there may be taxable property types which are simply not traded in the

market e.g. railways, energy providers. In such circumstances, some kind of formula for fixing a taxable value may be adopted. Generally, such assessments do not need the skill of trained valuers, until there is a need to develop a more market-based approach to the assessments. However, there is always uncertainty about the relative liability to tax which such properties bear in relation to other taxpayers and this can cause problems both at a social, economic and political level.

2.1 Advantages and Disadvantages of the Major Tax Bases

2.1.1 Land Value

The taxing of land alone, normally to its highest and best use, under existing planning regulations, means that owners of land which is under-utilised, (including vacant or derelict) are incentivised through the tax system to maximize its use. One of the outcomes of this is that the use of land, especially in urban centres, is used as intensively as the planning system allows. This leads to less urban dereliction as vacant sites are more quickly developed, improved transport links because the urban area is more concentrated and therefore minimized, and is thus considered to be a very 'sustainable' form of tax. There may, however, be valuation issues with a Land Value Tax, if the market does not see large volumes of undeveloped land sold for a range of uses. Where there is a paucity of market evidence to provide a valuation for the land, it is necessary to have an alternative methodology, the most usual of which is to take an open market sale price of the improved property, remove the depreciated cost of the buildings etc., to arrive at the value of the land component. This is inherently unsatisfactory (given that the depreciated cost of buildings does not equate to their value, and even if it did, there is no independent proof to substantiate this), although some formula for deducting a percentage of the value of the improved property to arrive at the value of land could be a reasonable and practical substitute.

2.1.2 Capital and Rental Values of Improved Property

Provided that such tax bases reflect the prevailing form of tenure and that there is plenty of up-to-date, suitable and reliable market evidence on which valuers can base their assessments, capital and rental values can be an extremely effective, politically and socially acceptable bases on which to levy tax. They can be derived from an analysis of market transactions, such data normally being collected by and made available from a government administration department, and they lend themselves to manipulation by computer-based technology so that the process of producing a tax roll is an effective and efficient operation, allowing annual revaluations or such other methods of ensuring an up-to-date tax roll.

2.1.3 Split Rate Taxes

Split rate taxes are applied to land and building, normally on a capital value basis, however, the land component attracts a different (normally higher) tax rate than the buildings. This provides some of the advantages of a land tax (encouragement to improve land and buildings) while broadening the tax base to include the value of buildings. There is, however, a similar

issue involving the split of open market value between land and buildings, as applies to land value taxation (see above).

2.1.4 Modified Area

Area-based systems are largely formulaic but they do at least have some objective and checkable components (e.g. the area of the buildings), thereby demonstrating to the taxpaying public a degree of accuracy and fairness, within the rules of assessment. However, such systems may fail to ensure that the more wealthy (in terms of their ownership of land and buildings) citizens pay a greater share of the tax burden. Given that:

‘Valuation is the major technical challenge in property and tax administration and is especially difficult in transition countries ... [where because] markets are still underdeveloped and not transparent enough, it is impractical or difficult to use market information as a valuation base.’ Trasberg, 2004: 109)

An area or modified area tax base avoids issues of valuation. However, as property markets become more developed and the public more conscious of relative market values of real estate, a modified area system can be introduced to reflect increased awareness of the valuable attributes of both the real estate and the location. Thus, there are jurisdictions which zone their urban areas to reflect relative values for different property types which, when applied to the area of either land, buildings or both, produce a taxable value. Such formulae can be modified to reflect, for example, the age of the buildings and, in this way, a greater degree of proximity to some sort of market-based characteristics is produced. This tax base is not solely the preserve of developing economies, having been used in Israel for decades.

The advantages of an area-based system include simplicity of data, administration and therefore lower costs and the ability to operate effectively in the absence of an active, healthy and comprehensive property market. Such a system is cheap to introduce and manage and, because of the factual nature of the tax base, attract little argument, thereby obviating the need for high level technically- and professionally-skilled valuation staff which further reduces costs. There is no need for a periodic revaluation with all the costs and disruption which result.

For the taxpaying public, such a system should be easy to understand and self-assessment is common in several jurisdictions (including the Czech Republic and Slovenia). In addition, according to Almy (2001: 71) area-based systems are more objective than value-based systems because with measured areas there is less to challenge than with value estimates. Finally, it is possible for the area-based system to be modified relatively easily into a more complex and sophisticated system to reflect more value-based attributes, often as a step towards an *ad valorem* tax base.

The main drawback to an area-based system is the failure to achieve horizontal or vertical equity, as reflected in the relative ‘wealth’ of the property holdings of individual taxpayers. Such systems also bear no relation at all to ability to pay, nor to any benefits received, which

may reduce their social acceptability. Buoyancy of the tax revenue under an area system must therefore be achieved by the alteration of the tax rates, because the tax base (assessed 'value') remains fixed over time. The disadvantages of area based taxes include a relatively narrow tax base which is not elastic to economic growth and the yield is generally lower than with a value-based system. Thus, such a tax base may therefore be said to be less 'fair'.

The failure of such a tax base to reflect other spatial benefits which location offers to property of similar size e.g. the inability to reflect relativities in the range of uses and amenities (and therefore potentially the values) of either land or buildings, is a major problem. Effectively, they do not put a 'scarcity' value on the individual property. The failure to reflect the value in land which result from location, including services and other amenities (or their absence), means that there is a danger that the various tiers of government, government agencies and the public treat all land as being the same, which discourages the most productive and efficient use of land.

Thus, area-based tax systems distort the land markets because they give no signal to the public as to scarcity value of the land and / or buildings; and thereby discourage the most productive and efficient use of land. According to Almy (2001: 71): *In general, area-based systems are suitable only as long as revenues are negligible. Systems that require measurements of volumes are much more expensive to administer. They have little to recommend them.*

2.1.5 Other Tax Bases

However, these are not the only tax bases in operation. Youngman (1996) identifies some form of enterprise value, going concern value, or measure of business income as being "*often found in the base of a tax on business property*". She opines that: "*Strictly speaking, a tax on land and building values should not include going concern or enterprise values*"; although "*it is not unusual to encounter hybrid taxes that combine these elements of a property tax and an enterprise income tax*".

In 1978, California abandoned a value-based tax an 'acquisition value' was introduced as the basis of their property tax. Effectively, such a value means the purchase price of the property, plus a small annual inflationary increase. This tax has had a huge and negative impact on the level of revenue the local authorities have to spend, and therefore on the level of service provision. It has also impacted on the property market by ensuring that relatively few properties are sold – selling a property which has been owned for 20 years and replacing it with another in California means abandoning a very low assessed value (1979 price) for a current open market value tax base. Thus, it is argued, the 'acquisition value' ensures neighbourhood stability and encourages owners to repair and maintain their properties, although the abandonment of the principles of horizontal and vertical equity have resulted in substantial injustices between the tax levied on neighbouring properties, as well as a limited churn of dwellings for purchase. Also, given the need of the municipalities to raise revenue to provide services, California has had to resort to other forms of real estate taxation e.g. retail properties, and fee payments for a range of licenses etc. for public services.

There are a number of reasons for using a tax base which is not *ad valorem*. Generally, as seen above, these reflect the absence of a reliable, open, active, and comprehensive property market from which to derive the necessary valuation data, as in the central and eastern European states mentioned above.

'Area and point based tax systems have been introduced in recognition of the need to tax real property within local authority areas as a means to raise finance to meet infrastructural and other locally based expenditures. Nevertheless, these systems are practicable and socially acceptable and, for as long as these systems remain so, there may be little incentive/political will to change them. There are however, several problems associated with non-value based taxes mostly related to ability to pay, fairness and tax buoyancy. Clearly, many of these countries view their existing property tax systems as purely temporary until they have reached a stage when discrete ad valorem systems can be put in place. There may be an opportunity to refine such systems to reflect an ad valorem property value once the property market develops to the stage where such a tax base can be sustained. In an effort to improve equity and to take advantage of the rapidly developing property markets, many transitional countries have implemented fiscal reforms, which include the utilisation of ad valorem systems.' (McCluskey, et al. 2002: 55 – 56)

Thus, the quality and availability of appropriate up-to-date market data and a necessary administrative structure are necessary for an *ad valorem* tax base. Where they are not available, alternatives must be sought. Avoiding the use of complex valuation methodologies is also important for jurisdictions where there are few qualified valuation staff and other necessary resources, such as in a large number of African and South American countries.

It can also be argued that, as valuation is not an exact science, there is no major advantage in arriving at a discrete value for each property, provided that appropriate and realistic estimates of relative values are produced. This argument would support a banded system of valuation as well as a value-substitute system which achieves high levels of horizontal and vertical equity and which is socially and politically acceptable.

The above is a very brief outline of a limited range of different tax bases and it masks huge complexities. For example, in some jurisdictions, different tax bases can be applied to different property types, as happens within the UK. However, it is clear from the brief outline above, that there must be certain pre-requisites before any decision can be made about an appropriate tax base. Whatever basis of valuation is used, taxpayer support for a property tax system is extremely important for its reputation and its survival. Using a tax base which is comprehensible, reasonable and realistic to the taxpaying public is an important advantage.

2.2 Prerequisites for a Tax Base

One of the most important prerequisites for establishing a tax base is its establishment within a clear and comprehensive legislative framework, so that all concerned with assessment

(including taxpayers) are clear about what exactly is to be taxed, and that minimal time and effort is spent clarifying through the courts any areas of confusion or ambiguity.

Another vital prerequisite is the cadastral or survey data necessary to both identify the taxable real estate, and to provide the necessary data on which to base a taxable assessment. The accuracy and availability of such data to those who need to use it is vitally important for taxpayers to be convinced of the 'fairness' of the assessments on which they pay taxes.

A real estate market in which rights in land and / or buildings are clear and recorded is normally necessary in order to provide assessments to reflect relative values between different kinds of ownership. Ideally, the basis on which the tax is assessed should reflect the prevailing tenure for the real estate in question. Thus, for example, in Northern Ireland, dwellings are assessed to capital value while non-domestic properties are assessed to rental values. This improves the comprehension of the assessment for the taxpayer as well as ensuring that the market provides suitable data on which to base the assessments within the jurisdiction. In countries where a real estate market is developing or where such a market is localized only to the urban areas, it may be necessary to use different tax bases in main urban areas compared to the rest of the country, and thus find some surrogate method of distinguishing different forms of value, in particular, to reflect location and the amenities which location represents.

Clearly, there needs to be suitable and adequate resources to provide such a tax base, including assessors who are suitably qualified, and suitably resourced with the necessary technology to achieve and be able to demonstrate to both taxpayers and an appeal system, an acceptable degree of accuracy in assessment. Assessments should be undertaken by an organisation which remote from the tax collecting and tax spending authorities, so that a high degree of transparency in assessment process can be demonstrated.

Thus, the tax base used as the basis on which a property tax can be levied must reflect a number of fundamental and related issues.

3.0 DEVELOP A FRAMEWORK FOR OPTIMAL ADMINISTRATION OF THE TAX SYSTEM

3.1 Introduction

As important as an appropriate tax base is for an effective and efficient property tax, the structure and quality of the administration of the tax system is crucial. Administration can reflect both the administration of the tax assessment process, as well as the billing and collection functions. Both are important to the effective operation of a tax system, and to some extent, the requirements for both are similar.

Equity of treatment between taxpayers is an important social and political goal, as is the absence of any political interference within the tax system once the legislation has been

approved by government and implemented. Thus, in both the assessment and the billing and collection processes, transparency and quality control are important if taxpayers are to have confidence in the systems. Recognising the “customer” nature of the taxpayer can help enormously in this regard.

Thus, issues such as avoiding the need for administration staff to have access to personal and confidential information, speedy and efficient responses to queries and correspondence, high quality and effective service provision, clear and informative communication with taxpayers and the wider community are all administrative goals which improve the perception of the property tax system for the taxpaying public, even though many of these functions are not directly linked to the method of raising revenue. It is well recognised, for example, that criticisms levelled at tax administration processes can tarnish the reputation of a ‘good’ basis of taxation. Conversely, an efficient and effective tax administration can make a ‘bad’ tax basis seem more acceptable to the tax paying public.

Administration for property taxation normally operates at various levels of government. Clearly, the legislation within which property tax is implemented, which sets up the administrative bodies and their functions is the responsibility of central government. In some jurisdictions, central or state government is also responsible for more specific functions, including billing and collection, but this is relatively unusual. It is generally recognised that such day-to-day functions are best undertaken at the local level, as is the provision of services to the community, so that the benefit of local knowledge can improve the administration and service delivery.

The assessment of the valuation function may be linked to other central government activities, such as land registration or cadastres. In any event, it is clearly advantageous that a single organisation has overall responsibility for the assessment process (in order to ensure that similar valuation methodologies are applied to similar properties, for example), and that such an organisation should be and be seen to be independent of the tax spending authority, to avoid any suspicion of a conflict of interest. The quality of the human and technical resources of the organisation responsible for assessment should reflect the needs of the taxation system and capacity building, staff training and development are important factors within such an organisation. Also vital is the quality of data on which the assessments are based (both property and sales-related), in particular, where such data is linked to spatial systems (cadastre, value maps etc.), how that data is investigated, prepared and stored, the use of any computer-assisted mass appraisal (CAMA) techniques, and the degree of transparency which is available to help taxpayers understand how tax assessments are derived.

Efficiency in administration can achieve cost savings and ensure that an optimum amount of the revenue is spent on front line services which is, fundamentally, what a tax system is all about. Where local authorities cover relatively small geographical areas, combining their revenue in order to benefit from economies of scale can be an efficient use of revenue in the provision of services.

The right and the process of appeal against the tax assessment is an important part of administration, particularly for the taxpaying public. Rights of appeal can be limited by frequency, time and by individual (for example, in England, only an owner and an occupier, and in some cases, the local authority have the right to challenge a tax assessment). Such limitations should be carefully considered to ensure that a reasonable balance is achieved in allowing the taxpayer to challenge the basis on which tax is paid by the administrative costs in both time and expertise spent investigating and defending an assessment and the courts' time in hearing such cases. In any event, the speed, cost and user-friendliness of an appeal system is extremely important to the acceptability by taxpayers of the administration system.

Regardless of the details of the basis of tax etc., it must be remembered that taxation is a means to an end and, for property taxes, that 'end' is the raising of sufficient revenue in the most efficient and effective manner in order to pay for services provided for the benefit of the local community.

CONCLUSIONS

This paper addresses two key objectives, firstly, to place into context within countries or jurisdictions a rationale for identifying the most appropriate basis of the property tax and secondly, to develop a framework that can suggest optimal administration of the property tax system. There is no 'one size fits all', and each jurisdiction should reflect on the options available and adopt a system which will work best for its community and culture.

Clearly it is important that whatever tax base is used, there should be a high level of social acceptability and that relates as much to the system itself as to the outcome of the process i.e. a strong perception that both horizontal and vertical equity are achieved; that there is general public comprehension as to both the tax base itself and how it is arrived at, as well as (somewhat illogically, perhaps) a sense of good value for money from the services provided out of the tax paid.

If social acceptability is, as we believe, key to the acceptability (and therefore the survival) of a tax system, then it must be recognised that social perceptions change as a result of time, experience, and evolving expectations. This means that tax bases may need to change to reflect these changes. In this case, governments need to understand their options and how best to make the appropriate choices for their citizens. The valuation profession is well placed to contribute to such a debate and this paper aims to help with such discussions.

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BIOGRAPHICAL NOTES

Frances Plimmer qualified as a Chartered Valuation Surveyor with the Valuation Office in Cardiff after which she joined the University of Glamorgan as a lecturer in 1978, acquiring the degrees of Master of Philosophy in 1991, and a PhD in 1999, and was appointed Reader in 1996. She was appointed Research Professor at Kingston University in 2006 and now works in the Research Department at the College of Estate Management.

She has been the editor of *Property Management* since 1994 and is on the editorial advisory board of the *Journal of Property Tax Assessment & Administration* and *International Journal of Housing Markets and Analysis*. She is a member of the RICS' Research Advisory Board, and is a member of the Institute of Revenues and Rating Valuation and the Institute of Continuing Professional Development in the UK and the International Association of Assessing Officers in the USA. Formerly the UK delegate the International Federation of Geometers' (FIG's) Commission 2 (Professional Education, she is now the UK delegate and chair elect to FIG's Commission 9 (Valuation). She has written and presented widely on the subjects of valuation, property taxation and also on professional education and qualifications.

Dr William McCluskey is presently Reader in Real Estate and Valuation at the University of Ulster. He has held various international positions including Visiting Professor of Real Estate at the University of Lodz, Poland and Professor of Property Studies at Lincoln University, Christchurch, New Zealand, and he is an Associate Tutor with the College of Estate Management. His main professional and academic interests are in the fields of real estate valuation and more specifically ad valorem property tax systems, local government finance, computer assisted mass appraisal modeling and the application of geographic information

systems. Within this context he has been involved in a number of international projects advising on ad valorem property tax issues around the world, including Jamaica, Northern Ireland, Bermuda, Poland, Kosovo, Tanzania and South Africa.

CONTACTS

Professor Frances Plimmer, Dip Est Man, MPhil, PhD, FRICS, IRRV, FInstCPD,
The College of Estate Management,
Whiteknights,
Reading,
RG6 6AW
UNITED KINGDOM
Tel: +44(0)1189 214 667
Fax: +44(0)1189 214 620
Email: f.a.s.plimmer@cem.ac.uk
Web site: www.cem.ac.uk

Dr William McCluskey
University of Ulster
Jordanstown
Co. Antrim
N. Ireland, UK
BT37 0QB
Tel: +44 (0)28 90366567
Wj.mccluskey@ulster.ac.uk