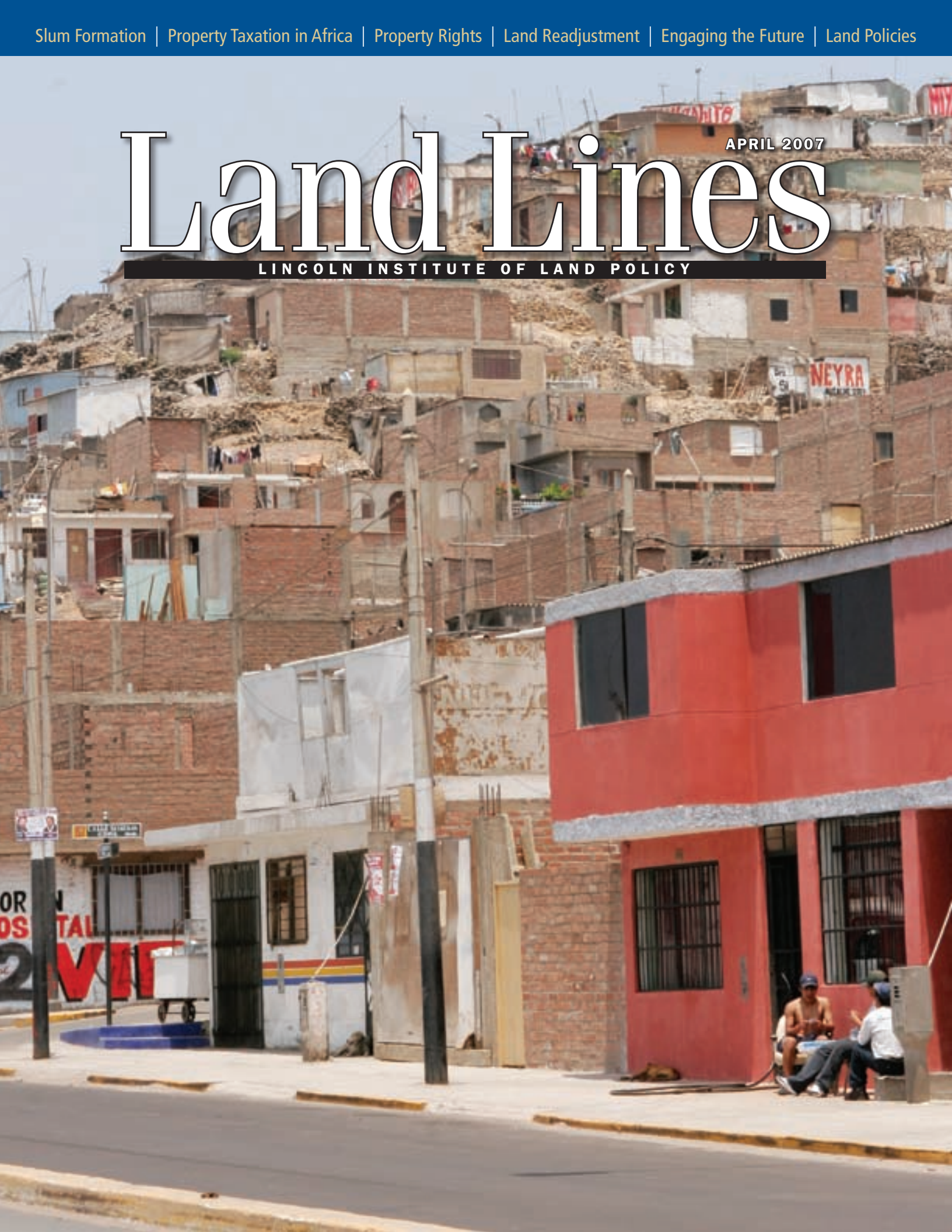


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Lima, Peru / © Richard Lord

Appreciating Density

Population density has been identified by many analysts as a key indicator of the efficiency and sustainability of human development patterns.

Developments at higher densities reduce the amount of land removed from other uses, preserve open space, and maintain options for future land use patterns. Much empirical work has been done on the distribution of population by density level and on the characteristics of settlements with differing population densities. The Lincoln Institute continues to contribute to this topic through both recently completed and ongoing work.

Many studies of population density focus on the municipal and metropolitan scale, contrasting low-density, auto-oriented development with higher-density development alternatives. While there is much numerical analysis of density, one challenge is the lack of systematic information about the physical appearance of developments at different densities.

A new Lincoln Institute book, *Visualizing Density* by Julie Campoli and Alex S. MacLean, addresses this issue. It presents more than 1,000 aerial photographs of residential development across the United States along with site diagrams and street patterns. Organized by level of density (in units per acre), this visual catalog can enable designers, planners, students, and citizens to immediately contrast and compare alternative designs at the same or different density levels. A major theme and message of the book is that design quality has a profound effect on the appearance of residential development across all density ranges.

In a recent working paper, "Does Urban Design Influence Property Values in High-Poverty Urban Neighborhoods?" Brent Ryan and Rachel Weber demonstrate that design quality also is valued in the marketplace. Their research analyzes the determinants of market values of new residential developments in low-income neighborhoods in Chicago. They find that developments that are carefully integrated into surrounding neighborhoods have higher values than developments that are separated from the existing street grid by gates and entryways.




Gregory K. Ingram

Ongoing work at the Institute is also examining density and the distribution of population at the national and state level in the United States. At the national level, an analysis using census data by state on population and area reveals that the distribution of state populations across the contiguous 48 states became progressively more uniform from 1900 through the 2000 census. This holds even as more people have moved closer to the coasts.

At the state level, county data on population and area for each state show that the distribution of county populations within states became more uniform for only 13 out of 48 states from 1980 to 2000, and for 20 of 48 states from 1990 to 2000. States with increasingly uniform distributions of population across counties include those in New England and the mid-Atlantic region, Florida, and California. States whose population became much more concentrated within particular counties are predominantly Midwestern states that have experienced large declines in rural populations.

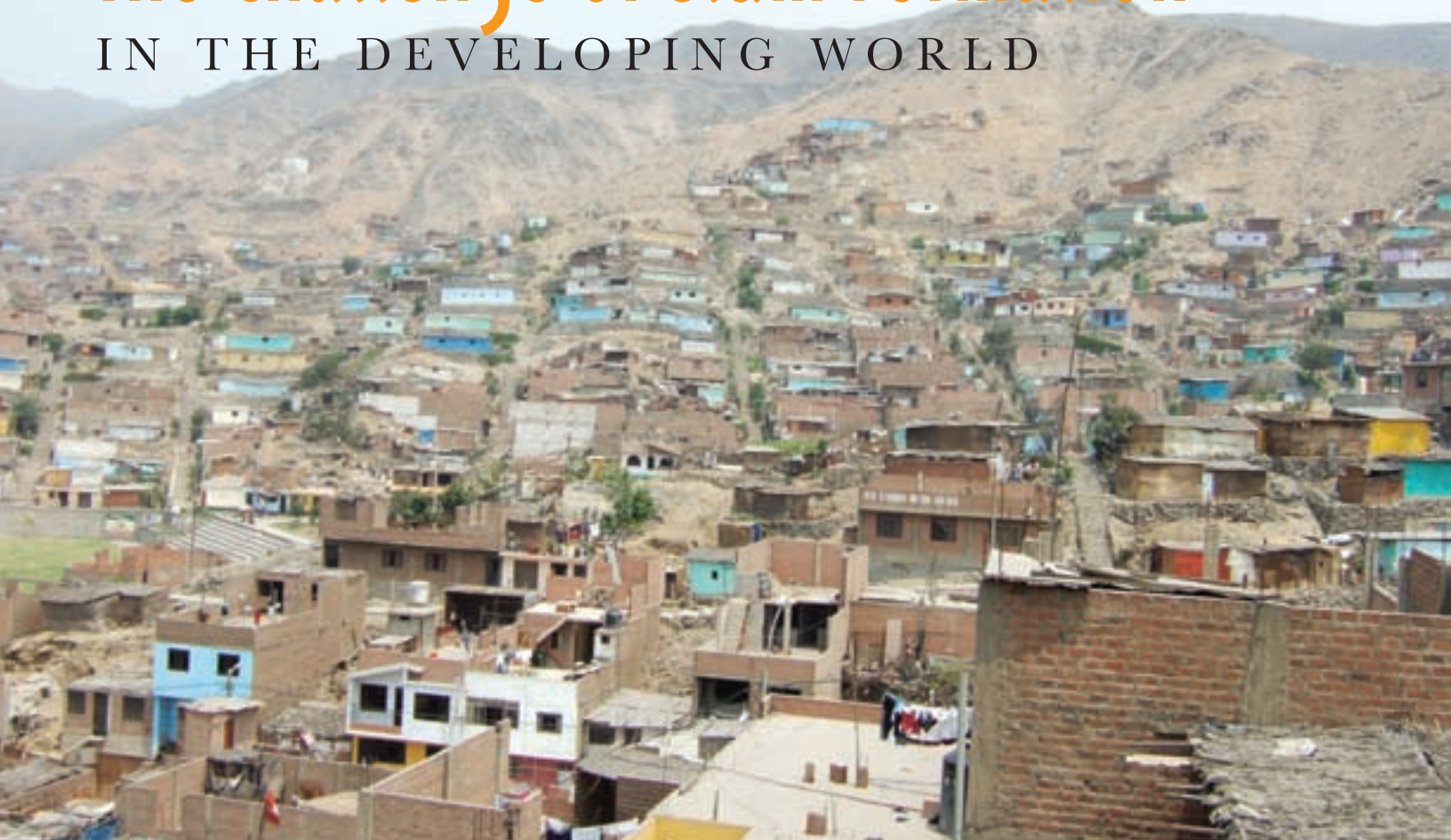
In 2000, states with the most concentrated population distributions at the county level were Utah and Nevada, with large sparsely populated areas and growth concentrated around a few large cities. Those states with the most uniform population distributions were Vermont and Connecticut, both of which lack large cities. These results indicate that in many states major metropolitan growth has not yet crossed county boundaries to a great extent.

At the metropolitan scale, the Lincoln Institute will analyze changes in the distribution of population over time as part of an evaluation of smart growth policies that will focus on eight states with widely varying growth management policies. This evaluation will also examine the effects of smart growth policies on related areas including transport, public finance, environment, housing, and institutional capacity. All of these efforts will further illuminate the curious dynamics of density and dispersal in human settlements.

For more information on the two published works, visit the Lincoln Institute Web site (www.lincolninst.edu). 

The Challenge of Slum Formation

IN THE DEVELOPING WORLD



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Claudio Acioly Jr.

One of every three urban citizens lives in slum conditions across the world today. According to the United Nations Human Settlement Programme, in 2006 there were nearly 1 billion people who could find housing only in slum settlements in most cities of Latin America, Asia, and Africa, and a smaller number in the cities of Europe and North America (UN Habitat 2006). The problem is of unprecedented magnitude and complexity, but tells us in simple terms that the majority of cities are finding it difficult to accommodate their residents within the formal, official, and enacted plans governing the use of land and urban space.

What are the causes of this massive noncompliance with the formal rules and regulations that govern urban development? This remains a difficult question to answer, but we know more than

we did 30 years ago when the first UN Habitat Conference in Vancouver started investigating informal housing processes. Low incomes and limited household ability to pay are part of the problem, and lack of local government investment in infrastructure is another. It is clear that neither a city plan nor a sanctioned land use planning system alone can guide urban development and produce slum-free urban spatial structures. Research and practical experience now provide sufficient evidence about the different mechanisms and strategies that individuals and/or organized groups pursue to access land and housing.

The phenomenon of slum formation has grown in scale and has produced a variety of local or regional settlement types, such as favelas and clandestine settlements in Brazil, *barriadas* in Peru, *katchi abadis* in Pakistan, *gecekondu* in Turkey, and pirate land subdivisions in Colombia. Despite these local differences, the phenomenon has many

common characteristics: the formal land delivery system is not working for many people; land prices are skyrocketing; individuals are trading land and property rights regardless of legal status as a way to access a place to live and legitimize their right to the city; and these settlements are plagued by overcrowding, inadequate sanitation, and poor housing conditions.

Informal Land and Housing Markets

A flourishing informal market already provides housing alternatives for poor, middle-class, and even some high-income families in many cities where sanctions on informality are lax and/or access to land is constrained in the urban core and held privately in the fringe areas. The densification of existing and consolidated settlements in the urban core and informal and often illegal subdivisions of private land in the fringe areas are evidence of the phenomenon that I call privatization of informal land development. It means individuals can access land only through market transactions controlled by private owners and subject to speculation.

At first sight, it seems that the phenomenon of informal urbanization overpowers the capacity of city governments to respond to the demographic pressure and increasing demand for housing, land, and infrastructure. A closer look reveals among other things that slums and informal settlements are a symptom of a malfunctioning housing sector earmarked by high housing-price-to-income ratios, scarcity of serviced land, and distorted and non-transparent land, housing, and real estate markets. The inability of city governments to anticipate, articulate, and execute well-designed land and housing policies is also part of the equation. Many policy makers have not fully understood the complexity of informal land development and the nexus of land markets, housing, and slum development in their cities, and therefore their ill-conceived policies continue to stimulate rather than slow informal development.

Any attempt to tackle the problem of existing settlements must take into account the deep-rooted causes of this phenomenon in order to design measures that will prevent it from continuing at the present speed and scope. Thus, while addressing the lack of basic infrastructure, accessibility, and public services, as well as unclear tenure rights, governments must look at policies to either stop or decrease the speed at which urban informality

grows in its various dimensions. If nothing is done to reverse the current trend, the slum population may reach 1.5 to 2 billion people in 2020 (UN Habitat 2003; 2006; UNDP 2005).

National governments and the entire international community have acknowledged the problem. The Millennium Summit of the United Nations in September 2000 established a series of goals for the twenty-first century, the so-called MDGs (Millennium Development Goals), two of which focus on urban problems. The MDG7 Target 11, which was revised in 2005, states, “by 2020, improving substantially the lives of at least 100 million slum dwellers, while providing adequate alternatives to new slum formation” (UNDP 2005, 3). This goal still represents a small number compared to the nearly 2 billion slum dwellers projected by that date.

The translation of this goal into action raises a twofold challenge. Local and national governments and international development agencies must focus on slum upgrading, infrastructure improvement, and regularization of informal settlements, coupled with measures that can actually improve living conditions and the quality of life in the existing settlements and those in the process of consolidation. At the same time, these governments and agencies must address preventive policies and measures that can offer feasible and affordable alternatives to the informal development model currently in place. Only then can we overpower what I call the industry of informality that persists and challenges city governments.



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Regional Differences

To gain more understanding of this challenge, the Lincoln Institute entered into a collaboration with the Institute for Housing and Urban Development Studies-IHS, based in The Netherlands. Over the last four years these two institutes have designed and offered a specialized international training program on land management and regularization that has attracted senior executives and practitioners from governments, NGOs, and academic institutions, as well as parliamentarians, elected municipal councilors, mayors and vice-mayors, and private sector practitioners from more than 30 different countries in Africa, Asia, Latin America, and Eastern Europe.

These participants bring a wealth of local knowledge and experience to the classroom since they are directly involved with the challenges of informal urbanization and the problems of housing the poor in their countries. The training program has provided an excellent forum to exchange experiences and discuss what is happening in different cities on different continents, the types of measures and policies that have been designed, and what is working and not working to address the phenomenon of informal urbanization.

Africa: The Challenge of Customary Lands

Local governments in most African countries are ill-equipped in terms of well-trained personnel and specific urban management policies and in-

struments to deal effectively with the problem. In addition, they often have a low tax base, poor property tax collection, and corrupt land administration systems. Many countries have an intricate institutional framework regulating land use at the local level that involves locally based town and country planning and land administration units operating alongside a variety of central government agencies, including a ministry of lands. It is also common to have local governments subordinated to a ministry of local government, thus limiting municipal autonomy and adversely affecting local capacity to address the problem. Countries that have nationalized land may create frameworks of land administration that are difficult to manage, resulting in inaccurate land records and duality in land allocation systems.

Furthermore, Africa's post-colonial institutional and organizational structures must coexist with customary rules and systems of land ownership. In some ways, customary landowners (e.g., chiefs, tribal kings, and their respective traditional councils) operate much like pirate land suppliers of Colombia or Pakistan. The latter supply plots by subdividing privately owned land while the former deliver customary lands to individuals and even to developers, all bypassing or disregarding formal rules and official government regulations. Land prices rise dramatically and serviced land becomes more scarce, resulting in large premiums paid on plots where infrastructure is available. The local governments are unable to expand infrastructure and supply serviced land at a scale that might help bring prices down.

Africa is facing the fastest urbanization rates on the planet. The slum growth rate of sub-Saharan Africa is 4.53 percent compared to that of Southern Asia, at 2.20 percent (UN Habitat 2006). There is an urgent need to broaden local knowledge about how the informal land market functions and the policy implications for public intervention. Reforms are needed at all levels, not only in the regulatory frameworks.

Asia: Involving Private Landowners

NGOs in Asia tend to play a much more prominent role than in other regions in supporting local initiatives to improve access to land by community-based organizations (CBOs) and federations of the urban poor. The private regime of land ownership seems to prevail, and invasions are rarely successful. Landowners tend to reclaim their land relatively

easily when making use of court and legal procedures, resulting in forced evictions or negotiated solutions that open avenues for direct purchase of part or all of the settled lands. With NGO support CBOs and poor people's federations pursue savings schemes to purchase land through the market—either where their settlements are located or on resettlement sites defined by the government. This also explains why land sharing has been a popular policy in some Asian countries where governments, landowners, and CBOs and NGOs collaborate. Despite some successes with land sharing initiatives in Thailand and India, however, local governments generally are not well-equipped with land management and land use planning instruments.

Another widely accepted approach to the provision of housing and serviced land for low- and middle-income groups in Asia is through land readjustment schemes, where large tracts of peripheral lands are held privately (Hong and Needham 2007). Practitioners from India report the difficulties in planning for urban growth and making use of land resources without involving these large landowners in the land development schemes. Some national programs, such as the Kampung Improvement Program (KIP) of Indonesia and the Community Mortgage Program (CMP) of the Philippines, combine infrastructure improvement with access to land and security of tenure.

Latin America: Densification and Illegal Land Subdivisions

In Latin America, the most urbanized continent in the developing world, population growth rates in the largest metropolitan areas are falling, although informal settlements continue to grow rapidly. According to UN Habitat (2006), the physical growth rates of the total urbanized area and of slum areas in Latin America are 2.21 percent and 1.28 percent, respectively, suggesting relatively low levels of expansion onto undeveloped land. However, data from the Municipality of Rio de Janeiro show that during the 1990s the population growth rate in the favelas and in illegal land subdivisions were respectively five and three times higher than the population growth rate for the city as a whole (Cavaliere 2005). This larger disparity in population growth, compared to the UN Habitat data, suggests that a process of densification and crowding of population may exist without associated expansion of the physical boundaries of informal settlements.

More than a dozen cities in different countries of Latin America have undertaken large-scale citywide slum upgrading programs, in addition to regularization, formalization, and legalization of informal settlements. All these operations have been supported by significant financial resources from the Inter-American Development Bank and the World Bank, such as the Favela-Bairro Program (Rio de Janeiro), Habitat Rosario Program (Rosario, Argentina), COFOPRI (Peru), and Morar Legal (Rio de Janeiro).

What makes Latin America different from the other regions is that in many countries the local governments enjoy constitutionally protected autonomy. Some policy innovations and government programs also have had the time to develop better capacity and more experience in dealing with informal urbanization over the last 50 years. The phenomenon of *barriadas* in Peru dates from the 1960s, and many favelas in Rio de Janeiro have existed for more than 100 years. Pioneering upgrading initiatives in this city date from the 1960s, when evictions and resettlement policies were more common.

Addressing This Global Challenge Through Training

How can we deal with this global challenge and tackle the problems of informal land development and slum formation? There is no simple answer, but capacity building, training, and international education are key elements. Competencies, skills, and knowledge must be strengthened at the local government level and at the levels where legislation is drafted and policy decisions are made. Our



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experience with the joint IHS-Lincoln training program shows that there is a great need for practical knowledge about what can be done within the limitations of existing institutional and regulatory frameworks. But, it is surprising how little is generally known about the underlying causes of informal land development processes and the market mechanisms fueling the current scale and scope of informality.

The IHS-Lincoln training program has offered an interactive learning environment through which case studies, policy analysis, and role-playing games can demonstrate the links among land supply, housing sector performance, and economic analysis, coupled with program and project management skills. However, most of the professionals from various backgrounds who have enrolled in the course reported having limited knowledge of urban economics, making it difficult for them to understand the logic of the market and to make correlations between land prices, scarcity of serviced land, regulations, and buoyant informal land and housing markets.

The first part of the training program focuses on developing basic skills in land economics to broaden participants' understanding of land markets and land price formation. Such knowledge is needed to develop public policies and design alternative measures that result in a greater supply of serviced land. This starting point demonstrates how demand for land works and how various players behave in the real estate market and interact with

each other to influence land prices that ultimately affect urban form and city growth. We argue that serviced land is one of the fundamental inputs to housing, and therefore its supply and availability will definitely influence housing prices.

To understand how to stimulate and influence the demand side, we focus on the legal status of land and property rights regimes in different contexts. Again we use case studies that have tried to establish a paradigm change and examine security of tenure, legal pluralism, informal rules, and the role of urban laws in land prices, all of which affect social and spatial segregation. Titling of individual properties is a goal of some upgrading and regularization programs that has proved to be costly, time consuming, and institutionally complex, and has rarely been effective in dealing with the scale of the problem. The COFOPRI experience in Peru (Program for the Formalisation of Properties) shows that reforming the institutional framework and the legal procedures to record and register properties helps to decrease transaction costs and shorten the time involved in bureaucratic processes, all obstacles associated with informality.

Other creative solutions, such as certain forms of condominium ownership and the establishment of special zones of social interest (ZEIS) that actually safeguard the territory of the urban poor, seem to open new avenues to deal with the problem of existing settlements. The challenge is to integrate this instrument into the process of land use planning prior to occupation.

Many cities in Brazil, the pioneers being Recife and Belo Horizonte, have made use of the ZEIS instrument and the innovative national legislation called "Statute of the City" to translate the principle of the social function of property rights into legal and planning instruments to be applied by local governments in the regularization of informal settlements, such as the instrument of adverse possession (*usucapion*), which under certain conditions recognizes the rights of individuals to use plots of less than 250 square meters they have occupied uncontested for five years or more, even if they did not own that land.

The compulsory allocation of areas for socialized housing in new land development endeavors in the Philippines is quite similar to the ZEIS, as it intends to safeguard land and a place for the poor in the city. The slum networking programs in India also exemplify how governments, the private sector, and slum residents can actually engage in a part-

nership to secure access to land and housing while providing land development opportunities for private investors. Such efforts require good negotiation skills and deliberations in law enforcement.

One of the major breakthroughs and contributions of the IHS-Lincoln training program is the opportunity given to the participants to understand a range of land management instruments, such as transfer of development rights, land value capture, and other fiscal instruments to discipline land markets and to devise alternative sources of funding for cities to boost infrastructure development. Case studies and role playing help to demonstrate how these instruments can enhance the supply of infrastructure and positively influence housing supply at possibly lower prices. This in turn may have a positive impact in neutralizing informal land developments while offering affordable housing opportunities.

Experiments such as the USME urban operation in Bogotá, the Macroproyecto in Pereira, and the social urbanizer programs in metropolitan Porto Alegre, Brazil, and in Rosario, Argentina, all provide promising avenues for local governments to design and execute preventive policies that offer an alternative to informal settlements (Maldonado and Smolka 2003). These examples show how large-scale urbanization can be funded by land value increments resulting from the urbanization process itself. More specifically, they show how fully serviced land can be supplied at a competitive price against unserviced plots provided by pirate land subdivisions. In USME, the local government makes a market assessment of land values before it enacts local plans to convert rural land into urban land uses, and it calls private owners to put their land in a kind of trust as part of a land readjustment scheme. The process is very transparent. Landowners refusing to adhere to the principles may face expropriation of their land at prices set prior to the announcement of the project.

The resulting land value increment from public action is then captured to finance infrastructure in the area, while accepting a margin of profit for landowners, albeit smaller than that obtained if the land were developed informally. This USME project is backed by proper legislation, political will, and law enforcement. Nevertheless, it requires a very active government and technical and political support to succeed. Some years from now we may have sufficient evidence whether the supply of affordable land can actually diminish or even halt the growth of informal settlements.


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Another course topic is large-scale citywide programs, such as those carried out in Rio de Janeiro, Caracas, Indore, Ahmadabad, or Lusaka, which require a significant institutional effort and sufficient skills to manage multiyear, multi-stakeholder, and technically complex urban operations under extremely volatile environments. The IHS-Lincoln training program puts great emphasis on designing, managing, and implementing large-scale operations that deal with existing settlements while keeping abreast of preventive policies and measures within the realm of local governments.

One comes to the conclusion that the skills, knowledge, and competences are indispensable components of a comprehensive endeavor that must drive local, national, and international government and nongovernmental organizations. The problem of billions of people around the world living in poorly serviced informal settlements has reached such a scale that existing formulas and instruments need to be revisited with urgency. The joint IHS-Lincoln training program is tackling this challenge through human resources and skills development. 

Property Taxation in Anglophone Africa



© John Bowman

Riël C.D. Franzsen

A well-functioning property tax system could offer many benefits to the nations of sub-Saharan Africa. At a time of decentralization, when local governments are being asked to assume new responsibilities for services and infrastructure in such countries as Sierra Leone, South Africa, and Uganda, a dependable and locally administered source of revenue would greatly benefit local democracy and economic development. It could improve the standard of living in local communities on a continent still grappling with abject poverty and poor governance.

It is not surprising, therefore, that local revenue enhancement forms an important part of the contemplated or ongoing reform agendas in many developing countries. The responsible mobilization of appropriate independent revenue sources could

raise the level of public services, improve local infrastructure, and offer a means of funding ongoing operation and maintenance needs. In many cases such projects are neglected after the original investment, which may have been financed by another level of government or by international donors.

It is often argued that the property tax is an ideal candidate to spearhead the mobilization of own-source revenues at the local government level. However, it is also widely acknowledged that many developing countries are not able to realize the full potential of the property tax (Bahl 1998). This is true in most if not all Anglophone countries in Africa. The reasons are varied and include:

- inappropriate tax and/or land policies;
- high real estate transfer taxes;
- weak property markets;
- inappropriate or outdated property tax legislation;

- the lack of political will to support and strengthen the decentralization agenda and local revenue mobilization;
- the lack of professionally skilled valuers to undertake municipal valuations; and
- the lack of capacity to administer the property tax correctly.

Data-Gathering Challenges

Basic information and comparative data on current African property tax systems is extremely difficult to assemble. Reform proposals require detailed knowledge of current practice, its success or failure, and the operation of alternate systems in neighboring countries. Yet when my colleague Billy McCluskey and I set out under a David C. Lincoln Fellowship to document property tax legislation and practices in the former British Commonwealth of Nations countries of Africa, and when I examined property taxation in Botswana, Lesotho, Namibia, and Swaziland (Franzsen 2003), we discovered that personal visits were often the only means of obtaining this information (Franzsen and McCluskey 2005a; 2005b). Not only was Web-based data extremely limited, but often there was no data on local taxation even in the central government offices in the national capital. In some instances valuable information was obtained through interviews with councilors and municipal officials in secondary cities and rural towns.

This experience challenged us to consider how the Lincoln Institute might work with an Africa-based educational institute to gather and disseminate critical data on property taxation on that continent. This need is particularly acute given the linguistic divisions within Africa. Data from Portuguese-, French-, or English-speaking regions are often not translated, and therefore are inaccessible to many researchers in other regions (see figure 1).

In November 2006 the Lincoln Institute and the Southern African Tax Institute (SATI), located at the University of Pretoria, South Africa, entered into a joint venture to undertake in-depth research into property-related taxation in Africa. Our aim is to collect data and issue research reports on the present status and future prospects of property-related taxes levied in all 54 countries in Africa, with the primary focus on (local) property taxes and real property transfer taxes.

The primary objectives of this joint venture project are to:

- report and reflect in a concise, uniform, and comparable manner on property taxes levied and collected in Africa, with special emphasis on those countries not covered in other recent studies and with only brief references to those countries where a property tax (in the strict sense defined) is not presently levied;
- develop a comprehensive template to collect data regarding all forms of property taxation in Africa that could be updated and maintained with relative ease;
- report on property tax systems as *legislated* in African countries;
- reflect on property tax systems as *practiced* in African countries;
- establish the importance and extent of annual property taxes and property transfer taxes as sources of municipal revenue in Africa;

FIGURE 1
Language Zones and Geographic Regions of Africa



TABLE 1
Property-Related Taxes Levied in African Commonwealth of Nations Countries

Country	Value Added Tax (VAT)	Property Transfer Tax	Urban Property Tax	Rural Property Tax
Botswana	Yes	Yes	Yes	No
Cameroon	Yes	Yes	Yes	No
The Gambia	?	Yes	Yes	No
Ghana	Yes	Yes	Yes	No
Kenya	Yes	Yes	Yes	In principle
Lesotho	Yes	Yes	Yes	No
Malawi	Yes	Yes	Yes	No
Mauritius	Yes	Yes	Yes	?
Mozambique	Yes	Yes	Yes	No
Namibia	Yes	Yes	Yes	Yes
Nigeria	Yes	Yes	Yes	?
Seychelles	No	Yes	No	No
Sierra Leone	Yes	Yes	Yes	No
South Africa	Yes	Yes	Yes	Yes
Swaziland	No	Yes	Yes	No
Tanzania	Yes	Yes	Yes	No
Uganda	Yes	Yes	Yes	No
Zambia	Yes	Yes	Yes	No

Source: Franzsen and McCluskey (2005a)

Note: Includes Mozambique (a Lusophone or Portuguese-speaking country, but member state of the Commonwealth), but excludes Zimbabwe (an Anglophone country, but no longer a member state of the Commonwealth).

- comment on the future role of property taxation in Africa; and
- discern general trends in the application of property taxation throughout Africa.

To facilitate the proposed research, we divided the African continent into four primary language zones—English, French, Portuguese, and Arabic. Where necessary, these zones have been further subdivided into manageable geographic regions to facilitate the proposed research. Research fellows associated with SATI will study five or six countries each. They will be a national or resident of one of the countries in their region (or zone) and fluent in the primary language.

The first three research fellows were selected in January 2007 to enhance the existing international

coverage pertaining to property taxation:

- Samuel S. Jibao of Sierra Leone, for the six Anglophone countries in West Africa;
- Vasco Nhabinde of Mozambique, for the five Lusophone (Portuguese) countries; and
- Jean Jacques Nzewanga of the Democratic Republic of the Congo, for the six Franco-phone countries in the southern region.

SATI's primary goal is capacity building in the public sector in the areas of tax policy and tax administration on the African continent. Since its inception in June 2002, more than 500 individuals from 20 countries in sub-Saharan Africa have benefited from attending one or more SATI programs among the following taxation and public finance modules.

- Comparative Tax Administration
- Comparative Tax Policy
- Legal Drafting
- Introduction to Tax Analysis and Revenue Forecasting
- International Taxation
- Public Finance and the Economics of Taxation
- Fiscal Decentralization and Local Revenue Options
- Property Taxation
- Advanced Tax Analysis and Revenue Forecasting
- Tax Treaties
- Customs and Excise Taxation
- Business Taxation
- Value-added Taxation

The three property tax modules, offered in 2003, 2004, and 2006 respectively, were attended by a total of 64 participants from the following countries: Angola, Democratic Republic of Congo, Lesotho, Malawi, Rwanda, Sierra Leone, South Africa, Swaziland, Sudan, Tanzania, and Uganda.

Current Findings

The property tax as an annual tax on real property is levied in all Anglophone countries in Africa except in the Seychelles (Franzsen and McCluskey 2005a). Table 1 provides an overview of several property-related taxes in the 18 Commonwealth of Nations member countries in Africa.

Only in the case of Cameroon is the property tax a national tax (although local authorities are entitled to levy and collect a 25 percent surcharge tax). Rural properties are generally not taxed,

TABLE 2
Property Tax Bases Utilized in Practice by African Commonwealth of Nations Countries

Country	Tax Base	Country	Tax Base
Botswana	Capital value (land and buildings)	Namibia	Capital value (land and buildings separately); Area in small urban jurisdictions; Land value (for commercial farms)
Cameroon	Area (land and buildings)	Nigeria	Capital value; Annual value; Area
The Gambia	Annual value	Seychelles	No property tax
Ghana	Annual value (buildings only)	Sierra Leone	Annual value (buildings only); Area
Kenya	Land value only; Area (in rural areas)	South Africa	Capital value (land and buildings)
Lesotho	Capital value (land and buildings)	Swaziland	Capital value (land and buildings separately)
Malawi	Capital value (land and buildings); Flat tax	Tanzania	Capital value (buildings only); Flat tax
Mauritius	Capital value (land and buildings)	Uganda	Annual value (land and buildings)
Mozambique	Capital value (buildings only); Area	Zambia	Capital value (land and buildings); Flat tax

Source: Franzsen and McCluskey (2005a)

TABLE 3
Responsibility for Valuation Rolls and Use of CAMA and/or GIS

Country	CAMA and/or GIS ¹	Number of Registered Valuers	Responsibility for Valuation Rolls		
			In-house Valuers	Government Valuers	Private Valuers
Botswana	No	<70	No	Yes	No
Cameroon	Partially ²	No data	No	Yes	No
The Gambia	No data	No data	No data	No data	No data
Ghana	No data	No data	Yes	Yes	Yes
Kenya	No ³	<400	Yes	Yes	No
Lesotho	No	<6	No	Yes	No
Mauritius	No data	No data	No	Yes	In principle
Malawi	No	<25	No	Yes	Yes
Mozambique	No	No data	No data	No data	No data
Namibia	No	<15	Yes	No	Yes
Nigeria	No data	No data	No data	No data	No data
Sierra Leone	No data	No data	No data	No data	Yes
South Africa	Partially ⁴	2,050	Yes	No	Yes
Swaziland	No	<6	No	No	Yes
Tanzania	No	<110	Yes	Yes	Yes
Uganda	No	<25	Yes	Yes	Yes
Zambia	No	<50	Yes	Yes	Yes

Source: Franzsen and McCluskey (2005a)

Notes: Seychelles is not included here because it has no property tax system.

1. CAMA is computer-assisted mass appraisal; GIS is Geographic Information Systems.

2. Cameroon was contemplating the introduction of a value-based tax (using CAMA) in at least Yaoundé (administrative capital) and Douala (commercial capital).

3. A pilot CAMA project was undertaken in the towns of Mavuko and Nyeri in 1998-1999.

4. Cape Town introduced a CAMA-generated valuation roll in 2002, whereas aspects of CAMA and GIS are used for valuation purposes by most of the metropolitan municipalities.

TABLE 4
Real Estate Transfer Taxes in Selected African Countries

Country	Tax Rate(s)
Botswana	Transfer duty: <ul style="list-style-type: none"> • Citizens: 5%, agricultural land exempt • Non-citizens: 5% generally, but 30% on agricultural land
Lesotho	Transfer duty: 3–4%
Namibia	Transfer duty: <ul style="list-style-type: none"> • N\$1–N\$60,000* for improved property: 1% • N\$60,000*–N\$250,000: 5% • N\$250,000+: 8% (*N\$24,000 if unimproved) N\$ = Namibian dollar = Rand
Seychelles	Stamp duty: <ul style="list-style-type: none"> • Citizens: 5% on first SR50,000 plus 10% on the balance of value • Non-citizens: additional 40% SR = Seychelles Rupee
South Africa	Transfer duty: <ul style="list-style-type: none"> • Natural persons (from 1 March 2006): R1–R500,000: 0% R500,001–R1,000,000: 5% R1,000,001 and above: 8% • Persons other than natural persons: 8% R = Rand
Swaziland	Transfer duty: <ul style="list-style-type: none"> • First E40,000: 2% • E40,001–E60,000: 4% • E60,001+: 6% E = Emalangeni = Rand
Tanzania	Stamp duty: sliding scale up to a maximum of 1.5%
Uganda	Stamp duty: 1%
Zambia	Property transfer tax: 3%

Source: Franzsen and McCluskey (2005a)

although property taxation is currently being extended to rural properties in South Africa under the terms of the Local Government: Municipal Property Rates Act 6 of 2004. Namibia introduced a land tax on commercial farmers in 2004 as a measure to fund that country’s land reform program.

Country-specific legislation often provides for various property tax base options in Anglophone African countries (e.g., Kenya, Malawi, Namibia, Nigeria, Swaziland, and Tanzania), largely due to their colonial heritage. However, in only a few countries (e.g., Namibia, Nigeria, and Tanzania) do municipalities utilize more than one of the tax bases to any significant degree (see table 2).

It is noteworthy that Tanzania allows local authorities to use different systems within a single taxing jurisdiction. This dual system helps to coun-

ter low coverage and the serious capacity constraints to extend and maintain valuation rolls. For example, over a two-year period and using only in-house capacity, the Temeke Municipal Council in Dar es Salaam, Tanzania, managed to add about 80,000 properties to its flat tax property register at a cost of less than US\$1.00 per property. This compares extremely favorably to the mere 5,000 properties added to the valuation roll by private consultants, at a cost of approximately US\$17.00 per property, over a similar period (Franzsen and McCluskey 2005b).

Although availability of relevant data is somewhat limited, a lack of qualified valuers to prepare or maintain valuation rolls is also a problem, except in South Africa (see table 3). In many of these countries valuation rolls, if they exist, are reportedly quite out of date.

Discernable Trends

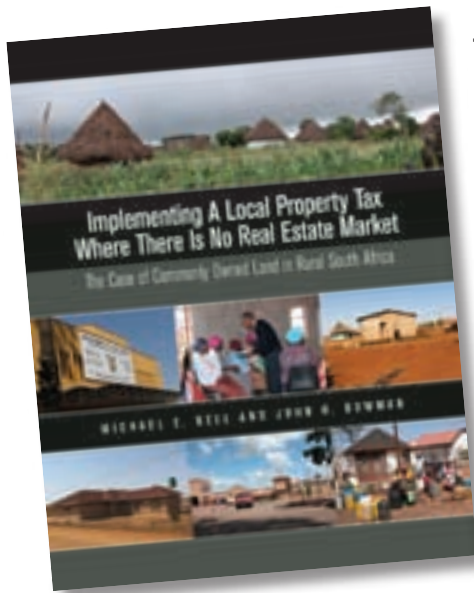
Although data are often scant, some broad property tax trends are discernable.

Tax Base

There seems to be some reluctance (especially among politicians and the valuers’ profession) to consider alternative and possibly more appropriate property tax systems, or less cumbersome mass valuation methods. So, despite the acute shortage of valuers and the poor valuation coverage in most countries, there seems to be a definite move toward capital values, as indicated by changes in Cameroon, Mauritius, Rwanda, and South Africa, and as suggested in Kenya and Uganda (Franzsen and McCluskey 2005b).

Valuation

There is a noticeable move away from relying on central government valuation offices to prepare valuation rolls (e.g., Lesotho, Malawi, Mauritius, Swaziland, South Africa, Uganda, and Zambia). In some countries, the possible introduction of “mass valuation,” as an alternative to discrete valuations of individual properties, is being considered (e.g., Kenya, where a pilot study was done in two towns in 1998–1999) or introduced in recent reforms (e.g., South Africa and Uganda). External quality control with regard to valuation rolls is practically nonexistent. Only the new South African legislation provides for ministerial oversight regarding the effectiveness, consistency, uniformity, and application of municipal valuations.



This short report sponsored by the Lincoln Institute summarizes what was learned from a workshop held in a tribal area of Limpopo Province, South Africa, to help local residents identify land attributes as a step toward developing taxable values as proxies for market value. The report is available for free downloading at <http://www.lincolninst.edu/pubs/PubDetail.aspx?pubid=1123>.

Most countries are using a value-based tax, even though their capacity to implement accurate valuation practices is modest. Research undertaken to date in Anglophone African countries suggests that if the property tax is to provide a reliable and adequate source of revenue for municipalities, many African countries face major challenges. In some countries even the rationality and administrative feasibility of property tax policies and current legislation must be questioned.

A comprehensive continent-wide comparative study may provide further valuable insights to policy makers and tax administrators. It may also provide the building blocks required to develop appropriate skills development and skills transfer programs. **L**

Tax Rates

Most countries apply different tax rates to different types of property. Rates are generally determined annually (e.g., Botswana, Namibia, South Africa, and Swaziland), but in some instances are fixed by central government or municipal by-laws for a determined or undetermined period so rates may remain static for years (e.g., Ghana and Tanzania). Where differential rates apply, the tax rates for residential properties tend to be significantly lower than the rates for commercial, industrial, and government properties, where these are taxable (e.g., Lesotho, Swaziland and Zambia).

Real Property Transfer Taxes

Real property transfer taxes are common in Anglophone African countries, often at very high tax rates (see table 4). As these taxes are generally levied at the national level, the conflicting interests of local and national treasuries are seldom noticed, let alone addressed. Furthermore, high transfer taxes “discourage the development and formalization of land markets” (Bird and Slack 2002, 64).

It is hoped that through the Lincoln/SATI research fellowships it will be possible to gather sufficient data on the extent and level of property transfer taxes throughout Africa to stimulate and improve the level of the debate on the appropriateness of these taxes at high rates at any level of government.

Conclusions

Use of the property tax in Africa is widespread in principle, but it is levied mainly in urban areas.

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Social Conflict



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Harvey M. Jacobs

That there is social conflict over property rights is clear to anyone with even passing attention to the national media. In August 2006 *Parade* magazine, an insert to many local Sunday newspapers across the United States, had a cover depicting a family of five next to a headline titled “Will the Government Take Your Home?” The story, about a year after the U.S. Supreme Court decision in *Kelo v. New London, CT*, captured as well as anything the extent to which this conflict has entered the mainstream.

This was not the first time the national media has found itself reporting on the controversy over

property rights. In 2005, soon after the Supreme Court’s *Kelo* decision, many newspapers covered the story, and a front-page article in the *New York Times* was titled “Ruling Sets Off Tug of War Over Private Property.” As early as 1995 *Time* magazine carried a cover story about property rights—“Don’t Tread on Me: An Inside Look at the West’s Growing Rebellion.”

The Property Rights Movement and Its Policy Strategy

In the United States this conflict is tied to the emergence of the so-called property rights movement, which traces its founding to 1988 (Brick and Cawley 1996). What exists today is a national

over Property Rights

coalition targeting national, state, and local land use and environmental laws, policies, and programs, such as those for endangered species protection, smart growth, and farmland and wetland protection (Jacobs 1995). This coalition argues that these attempts at the management and restriction of private property are un-American, inefficient, and ultimately ineffective.

Property rights advocates decided early on to combine a legal strategy with a policy and legislative strategy (Jacobs 1999). In the early years, this strategy was focused at the national level, exploring what could be accomplished through the President's office and Congressional legislation (Folsom 1993). The strategy quickly shifted to the states, however, where it found fertile ground.

Since 1991 every state has considered state-based legislation in support of the property rights movement's position, and by 1996 26 states had passed such legislation (Emerson and Wise 1997; Jacobs 1999). These states are on both sides of the Mississippi; they are "red" and "blue" states; and they extend from Maine to Washington and from the Dakotas to Texas.

The property rights coalition initially offered up two types of state-based laws. Compensation laws, adopted in six states, establish the precise percentage at which an individual property owner is entitled to compensation. Takings impacts assessment (TIAs) laws require a unit of state government to prepare a report on the likely impact of a proposed law, policy, or program on private property rights, and TIAs have been adopted in 17 states. These two legislative approaches represented the first wave of state-based laws, and the majority of these laws. Most were passed between 1991 and 1995. However, much to the surprise and frustration of the property rights movement these laws seemed to have had little impact (Jacobs 1999).

In the mid-1990s, property rights activists adopted a third approach to state-based laws and crafted conflict resolution laws as "let's sit down and talk about it reasonably" laws. Two states (Maine and Florida) adopted this approach. But by the late 1990s some in the property rights movement began to question its strategy. Its leaders had been



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effective in passing state and county laws and in garnering significant media attention to their cause, but ineffective in changing the fundamental way government acted upon private property. With the 2000 election, advocates saw an opportunity to return to nationally based action through the President's office and Congress. However, several factors—principally the systemic impact of 9/11 on administration priorities and Congressional realignments—again forced the movement back to a state-based strategy (Jacobs 2003).

In November 2000 and 2004, property rights activists sponsored a compensation law ballot initiative in Oregon, directly intended to undercut the influence and impact of the state's nationally recognized 30-year-old approach to planning and urban sprawl management (Ozawa 2004). The November 2004 ballot initiative—Measure 37—passed with 61 percent of the vote. It forces state and local governments to either remove the requirements of the 30-year-old planning law on properties owned by people who owned them prior to the adoption of the law and have owned

them continuously since then, or to provide compensation to these owners for the burden of the law.

The adoption of Measure 37 by such a strong majority in Oregon has emboldened the property rights movement and led to efforts to pass parallel laws in Colorado, Florida, South Carolina, Washington, Wisconsin, and Wyoming. However, the potential for duplicating Measure 37 is limited because few states have a statewide land use planning program like Oregon's, and this approach is most viable only in states that allow citizen initiatives.

Nevertheless, the property rights movement was bolstered by the seemingly unfavorable decision from the U.S. Supreme Court in the *Kelo* case in 2005. This case, decided by a one-vote margin (5–4), posed the question of whether government has the right to expropriate private land when the land will be used for increased economic development opportunities and increased land taxation. It would appear that in making this decision the Court struck a blow against the property rights movement, but subsequent state-based actions make one wonder.

The *Kelo* case established what was permissible under federal law, but it did not mandate how states were to behave. The decision made clear that states could refine the range of allowable governmental activity within the bounds of state constitutions and state law, and this is precisely what has happened.

Property rights activists are using the *Kelo* decision to initiate a public conversation about property rights. They want citizens to talk about two questions: 1) When is it reasonable and legitimate for government to take property under the authority of the takings clause? and 2) Are there limits to reasonable government regulation, beyond which the individual property owner is entitled to a degree of compensation?

The movement has been successful in bringing this conversation into the public realm by publicizing the issue in the most mainstream of media, such as *Parade* magazine, and they have orchestrated a set of votes supporting their positions in 34 states (see figure 1).

Kelo (largely, and Measure 37 secondarily) has allowed property rights activists to give their issue national visibility and to establish it as a struggle between the government and developers on one side and landowners on the other. Together these two actions have, I believe, launched a third-wave approach for state-based action in this century.

Some Historical Perspective

The property rights movement draws strongly on America's founding period for its justification. Property rights was a subject of strong concern among the founders, who saw the protection of property as one of the principal functions of forming a government (Ely 1992). In the debate over the ratification of the proposed U.S. Constitution, James Madison wrote in *Federalist* No. 54, "government is instituted no less for the protection of property than of the persons of individuals."

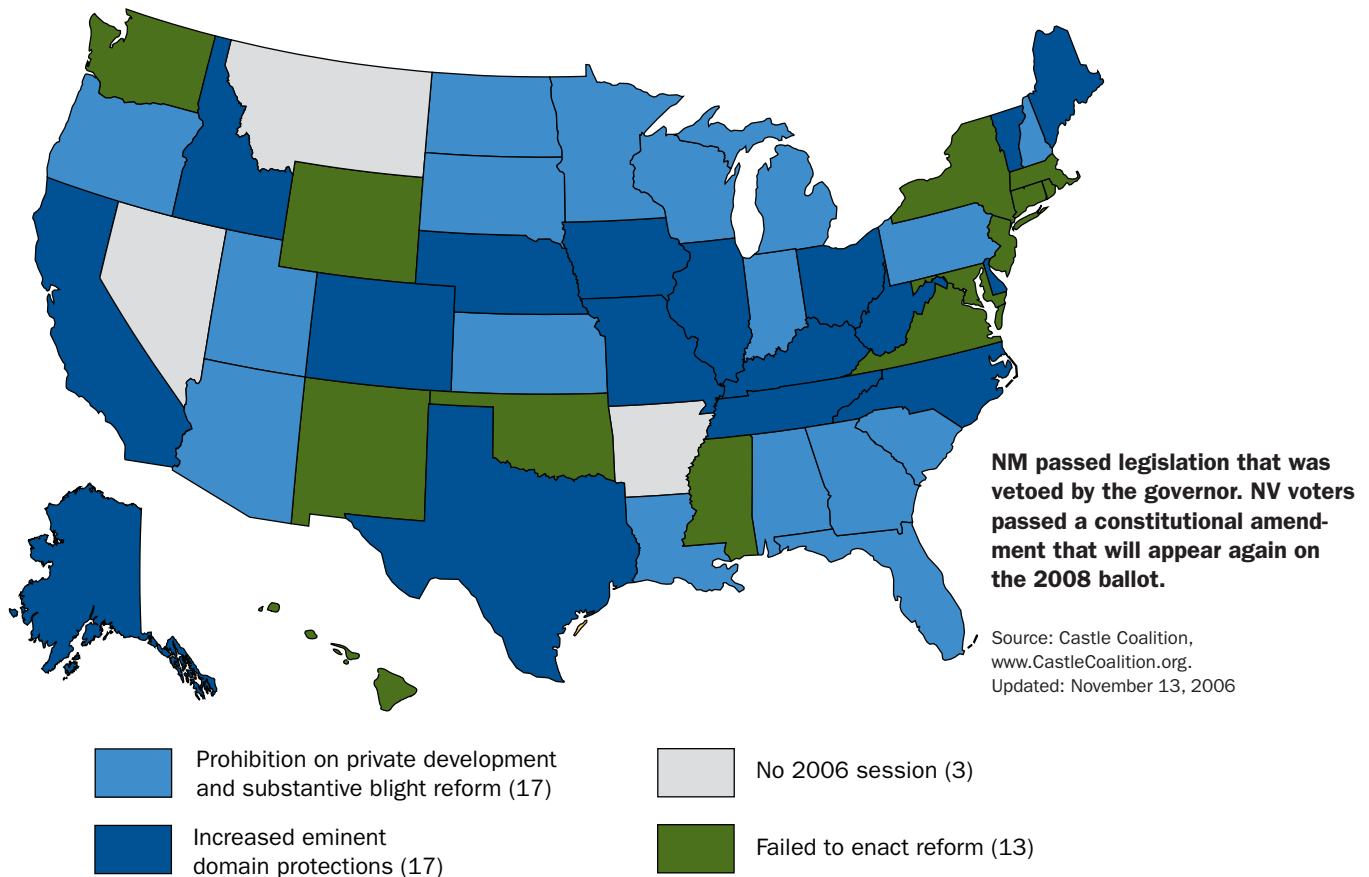
Others, including Alexander Hamilton and John Adams, concurred. Adams noted that "property must be secured or liberty cannot exist. The moment the idea is admitted into society that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence."

But it was Thomas Jefferson who left modern Americans with their most enduring image of this perspective—the yeoman farmer. According to Jefferson, because the yeoman farmer owned his own farm and could produce food and fuel for himself and his family, he was obligated to no one; he was literally free to exercise his political views as a democrat. For Jefferson it was the very act of ownership that created the conditions that allowed democracy to exist.

The most prominent skeptic on this issue was Benjamin Franklin. In the debate over Pennsylvania's state constitution he said, "Private property is a creature of society, and is subject to the calls of the society whenever its necessities require it, even to the last farthing." Franklin appeared to view as legitimate the public's right to create, recreate, take away, and regulate property as it best served public purposes.

Private property was thus a confusing issue for the founders. How were these disparate positions resolved? With ambiguity. In 1776 the Declaration of Independence promised each (free, white, male) American "life, liberty and the pursuit of happiness" not 'life, liberty and property' (which is what Jefferson wanted the Declaration to say). Eleven years later when the U.S. Constitution was adopted it also said nothing about land-based private property. It was not until 1791, with the adoption of the Bill of Rights, that the "takings" phrase appeared as the closing clause to the Fifth Amendment to the Constitution: ". . . nor shall private property be taken for public use, without just compensation."

FIGURE 1
Eminent Domain Legislation Status (2006)



In the colonial period and for a century afterwards, disagreements about the place of private property in a democracy and the exact meaning of the takings clause were largely theoretical. There was little regulation of land as we currently understand it. When government determined that it needed to take property, the public use was generally clear—land for a school, a road, or other public facility—and the owner was compensated. For much of the eighteenth and nineteenth centuries there was limited social conflict over private property rights. The new country had land in abundance. It was the disposition of public land, not the management of private land, that dominated the public agenda.

The twentieth century ushered in a new period for American land use as public policy concerns shifted from public lands to more pressing issues of immigration, industrialization, and urbanization. The 1920 U.S. Census officially recorded the shift from a rural to an urban nation. It was in response to these changes that modern planning and a new

relationship between the state and the individual via private property rights was born. As cities and states began to pass regulations to manage public health and safety under changing spatial and economic conditions, concern rose about the appropriate limits to government regulation.

The U.S. Supreme Court was called upon to interpret the meaning of the takings clause under conditions very different from those when it had been written. At first the Court's answer to the question of whether there were limits to government regulation of private property was a simple and strong "no." In 1915 the Court affirmed the right of government to regulate absent any obligation for compensation (*Hadacheck v. Sebastian* 239 US 394 [1915]).

Within less than a decade, however, the Court seemed to completely change its mind. In *Pennsylvania Coal v. Mahon* (260 U.S. 393 [1922]) the Court issued its famous dictum, defining the twentieth-century concept of *regulatory taking*. In a decision that has echoed down through the years,

2006: The Year of Property Rights

Property rights moved from the courts to the ballot box in 2006, as voters were presented with numerous initiatives for restrictions on the use of eminent domain, compensation for regulatory takings, and in some cases combinations of the two.

Voters in Washington state rejected Measure 933, an initiative similar to Measure 37 in Oregon, which passed in 2004 and requires compensation for loss of property value due to statewide land use regulations dating from 1972. Similar measures offering landowners relief for regulatory takings also failed to pass in California, where the proposed law would have extended to all property affected by regulation, and Idaho, where the measure failed by a 3-1 margin, partially due to dissatisfaction with out-of-state financing behind the initiative.

Two other compensation questions never got to the ballot box in Montana and Nevada, due to successful court challenges. Arizona voters, however, did approve a ballot measure that both restricts eminent domain and provides compensation for regulatory takings. Voters in eight other states passed restrictions on the use of eminent domain, as the backlash continues following the 5-4 *Kelo v. City of New London* Supreme Court decision in 2005, which affirmed states' rights to use eminent domain in economic development projects.

At the federal level, Congress considered but did not pass two property rights bills: H.R. 4128, a blanket restriction on the use of eminent domain for economic development; and H.R. 4772, which provides fast-track access to federal courts for regulatory takings claims.

Planners and policy makers across the country anticipate that these types of ballot measures and proposed legislation will continue to be a prominent feature on the political landscape. The margin in California and Washington was only a few percentage points, encouraging ballot backers to return with fresh campaigns.

The common themes in the battleground states included explosive growth, planning combined with limitations on development through regulation, and land assembly for primarily urban redevelopment. A better system for mediating land use disputes—before the tension they generate erupts at the ballot box—is one alternative being explored at the Lincoln Institute.

— Anthony Flint
Lincoln Institute of Land Policy

the Court said: “The general rule . . . is, that while property may be regulated to a certain extent, if regulation *goes too far* it will be recognized as a taking” (page 415; emphasis added). A regulation can be equivalent to a takings under the Fifth Amendment. If it is, then compensation is required. But the Court did not say exactly where the line is that distinguishes regulation that “goes too far” from regulation that does not.

The twenty-first century began with two notable cases. In 2002 the Court took up the validity of a nearly three-year moratorium on development. In a decision favoring government, the Court found that local planning and regulation are normal and expected governmental functions and that the Court has no reason to interfere with regular planning activity (*Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency* (535 U.S. 302 [2002]); Kayden 2002). Then, in June 2005, the Court issued its closely watched decision in the case of *Kelo v. City of New London* (125 S. Ct. 2655 [2005]).

To the property rights movement the message seemed clear—even though the Court in 1922 said there was a line where governmental activity would be recognized as going “too far,” in reality little that government does is recognized as crossing that line.

The Current Global Context

Americans think they are especially attuned to property rights issues and may be particularly engaged with them. Yet, property rights and social conflict over them is one of the hottest issues in international public policy as well. The fall of communism in much of the former Soviet Union's sphere of influence more than 16 years ago set off a chain reaction in which dozens of nations rushed to adopt western-style political and economic systems. But how do you jump-start democratic governance and market-based economic systems? According to both political and economic theory, both systems require a foundation of secure private property rights.

The 1990s was a period when private property was actively promoted by bilateral and multilateral international development aid organizations, such as the U.S. Agency for International Development, the United Nations, and the World Bank, and countries as diverse as Albania, South Africa, and China actively sought assistance.

The Chinese case is especially interesting. For the last decade China has been grappling with

how to reform its constitution to acknowledge the existence of private property, even though doing so is a violation of fundamental Marxist-Leninist theory. But Chinese government leaders have realized they cannot attract international investment without property reform. Investment will not occur without a guarantee that government is not going to arbitrarily confiscate land and real estate.

This issue has even come back around to the developed world. For much of the twentieth-century American planners looked to the social democracies of Western Europe as a model for how to plan cities, control urban sprawl, manage landscapes, and protect critical environmental resources. Europeans—through a tradition of strong government and weaker individual property rights (compared to the United States)—seemed to have a solution.

But now Europeans are looking to the United States as a model of a strong economy and a strong democracy. While European countries have the latter, they do not have the former. And if the advice for creating strong market economies and strong democracies is good enough for Africa, Asia, Latin America, and Central and Eastern Europe, why is it not good enough for Western Europe (Jacobs 2006)?

An Uncertain Future

The United States offers one lesson in this area: individuals cannot have unfettered property rights. The invention of zoning in the 1920s and development of environmental laws in the 1960s and 1970s are rooted in the metaphor popularized by the Garrett Hardin: “The Tragedy of the Commons.” Hardin sought to demonstrate that there was a mismatch between the logic individuals pursued in making their own land and resource decisions and the logic that even they would recognize as sensible from a social point of view. So, for example, it is logical for me to sell my urban fringe farmland to a developer for the highest market price I can receive, but if every farmland owner behaves like me then we lose all our farmland. In the United States we have developed a very complicated relationship between the rights of the individual and the rights of society over property, a relationship we are always renegotiating.

It is precisely because property is so central to political and economic theory, and in the case of the United States our founding history and cultural myths, that we fight about it as we do. I think fighting about it is actually a good thing. Why?

Because it is in fighting about the very notion of property—what it means, what role it serves, what prerogatives belong to neighbors, communities, future generations—that we, as Americans, come to understand who we are and what we believe about ourselves and our society. **L**

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Peter Pollock, FAICP, is the Ronald Smith Fellow at the Lincoln Institute of Land Policy. Since July 2006 he has been working with the Department of Planning and Urban Form to manage the Institute's joint venture projects with the Sonoran Institute and the Public Policy Research Institute of the University of Montana.

He worked for almost 25 years for the City of Boulder, Colorado, as both a current and long-range planner, and he served as director of the city's Planning Department from 1999 to 2006. His work in Boulder is profiled in Roger Waldon's book *Planners and Politics: Helping Communities Make Decisions* (APA Planners Press 2006).

Pollock began his career as the staff urban planner for the National Renewable Energy Lab in Golden, Colorado, where he specialized in solar access protection, energy-conserving land use planning, and outreach to local communities.

During the 1997–1998 academic year Pollock was a Loeb Fellow at the Harvard University Graduate School of Design and a visiting fellow at the Lincoln Institute. He received his master's degree in Landscape Architecture at the University of California at Berkeley in 1978 and his bachelor's degree in Environmental Planning at the University of California at Santa Cruz in 1976. Contact: ppollock@lincolninst.edu

Peter Pollock

LAND LINES: *How did you come to be associated with the Lincoln Institute?*

PETER POLLOCK: I came to the Lincoln Institute in the fall of 1997 as a visiting fellow, after some 16 years working at the City of Boulder Planning Department. My supervisor and the planning director at the time, Will Fleissig, suggested that it was time in my career to get out of Boulder and “fly at the treetop level” for awhile. I was able to put together a sabbatical year with the city's support that combined a Loeb Fellowship in Advanced Environmental Studies at Harvard University with a visiting fellowship at the Lincoln Institute. This was a great opportunity to study, reflect, interact with the other fellows, learn from teachers and other practitioners, and put my own experience into perspective.

LAND LINES: *What projects did you work on then?*

PETER POLLOCK: One of the main things I did that year was to review the planning literature regarding Boulder's storied history of growth management efforts. That research resulted in an article for *Land Lines* in January 1998 titled “Controlling Sprawl in Boulder: Benefits and Pitfalls.” While it's a bit dated now, I was trying to evenhandedly evaluate the use of an urban growth boundary in Boulder and look at both the upsides and downsides.

I still feel that urban growth boundaries are a great tool for maintaining compact cities. They serve to encourage redevelopment and infill inside the boundary, and can lead to significant open space protection outside the boundary. Most of the impacts of urban growth boundaries can be traced to the mix of land uses within them. For Boulder that was an emphasis on commercial and industrial development to enhance local sales tax capture with the resultant issues of high housing prices and significant in-commuting and traffic congestion.

Among other activities in which I participated was a conference on smart growth that Lincoln cosponsored with the group Bluegrass Tomorrow in Lexington, Kentucky. Having an office at Lincoln House also meant that I could take advantage of Lincoln's great courses and publications, and work directly with other visiting and resident fellows and staff. Even after I returned to Boulder and was successful in being named the planning director, the possibility of working again for Lincoln was always at the back of my mind.

LAND LINES: *How did your city planning work later intersect with Lincoln programs?*

PETER POLLOCK: I was pleased to serve on an advisory committee for the development of Dan Perlman and Jeff Milder's research, which was later published as the book, *Practical Ecology for Planners, Developers, and Citizens* (Island Press and Lincoln Institute of Land Policy 2005).

Around the same time, when the National Planning Conference of the American Planning Association was scheduled to meet in Denver in 2003, I proposed to Armando Carbonell that I would coordinate a program for about a dozen planning directors from the host city and surrounding region to share success stories and frustrations in a retreat setting. A summary of the day-long retreat would then be presented by some of the participants as a panel session at the APA conference. We have since followed this model at APA conferences in San Francisco in 2005 and San Antonio in 2006, and will be doing another program in Philadelphia this year.

LAND LINES: *Tell us about your new role with the Institute.*

PETER POLLOCK: After a good six-year run as planning director I was ready for a change. Through my work in Colorado and my associations with the Institute and APA, I was familiar with the unique land use issues facing the western United States and the challenges of planning for rapid population growth in an area with

seemingly vast open spaces and an arid climate. As the Institute was making its transition to a private operating foundation, it became clear that there was a need for additional, dedicated project management of its joint ventures with other organizations.

Since two of these joint ventures are located in the West, with the Sonoran Institute based in Arizona and the Public Policy Research Institute at the University of Montana, this seemed to be a perfect opportunity to contribute to the Institute's programs while working half-time out of my home in Boulder.

LAND LINES: *What is the focus of your work with Lincoln Institute and Sonoran Institute projects?*

PETER POLLOCK: The Sonoran Institute is a 16-year-old organization that focuses on conserving important lands through the use of community-based collaboration. Its geographic focus is in the eight states of the Intermountain West (Montana, Idaho, Wyoming, Utah, Nevada, Colorado, New Mexico, and Arizona) and the portions of Washington, Oregon, and California east of the Cascade or Sierra mountains.

The joint venture between the Lincoln Institute and Sonoran Institute was established in 2003 to address state trust land management in the West. There are approximately 46 million acres of state trust lands spread across 23 of the lower 48 states, primarily west of the Mississippi River. A significant body of work has been developed, targeted at state trust land managers, to help them fulfill their fiduciary responsibilities while also responding to the variety of public interests in the use of land. Both institutes have published reports on this work, and have posted information on a special Web site (www.trustland.org).

As this joint venture has matured to include broader issues of growth and land use planning in the West, the range of topics that have become part of the work program has expanded as well. This year, for instance, the joint venture work program includes a workshop for land managers dealing with the impacts of urban development at the edge of protected lands

and a study of spatial patterns in second-home ownership in Montana.

This spring we held a roundtable discussion designed to shape this more inclusive research and policy analysis agenda for the coming years. We are looking for the overlap between the interests and core competencies of the Lincoln Institute and Sonoran Institute, and the immediate research and informational needs of land managers and decision makers in the West. These are exciting times in the West, and the joint venture is well-poised to help meet the challenges ahead.

LAND LINES: *How does your work in Montana fit into this agenda?*

PETER POLLOCK: The Public Policy Research Institute (PPRI) is an applied research and education center at the University of Montana in Helena, the state capital. Its focus is on helping citizens and officials solve tough public policy problems through collaborative governance, which includes citizen participation, multiparty negotiation, and consensus building. Matt McKinney, the director of the Institute, has been associated with the Lincoln Institute for many years as a faculty member and developer of courses and curriculum materials on regional collaboration.

Since 2000, the PPRI joint venture with the Lincoln Institute has applied this general framework more specifically to land use issues, and especially to land use issues that spread across multiple jurisdictions. A recent course in Calgary, Alberta, Canada, was grounded in the principles of regional collaboration with case studies of successful regional efforts, but it was also directed to the specific issues facing this rapidly growing region and the institutions working to address these challenges.

McKinney and his colleagues also are interested in policy issues that affect the West more generally. For instance, their work program with Lincoln this year included a workshop focused on the land use challenges and opportunities of the Great Plains, given the region's changing demographic, economic, and land use trends. The workshop dealt with the roles that smaller cities and vast rural areas of

the Plains can play among the burgeoning populations and economies of America's mega-regions, such as Colorado's Front Range.

My role is to help all of these institutes work together more effectively to identify significant issues in the West, prepare research and policy analyses, and then develop the demonstration projects, best practices, and education and outreach to improve land conservation and urban form in the West.

LAND LINES: *In addition to your role as a program manager, what are some of your own research interests?*

PETER POLLOCK: I am especially interested in researching the whole host of issues related to mitigating the impacts of global climate change and adapting our communities to a changing physical environment. I was directly involved in community energy planning, and specifically solar access protection, at the National Renewable Energy Lab in the late 1970s and early 1980s. Unfortunately, not much has been done on these issues since that time.

One of the questions I'm most interested in now is, if renewable technologies are to be widely used to minimize greenhouse gases, what are the land use and urban form implications? There is the challenge of ensuring solar access to individual buildings, but also the land use implications of district heating and cooling systems and micro-electric generation, which might use a variety of renewable energy sources.

A number of institutions and individuals are already tackling these questions. For example, the Rocky Mountain Land Use Institute is developing ways to modify zoning codes for sustainable communities, and the American Planning Association is working with the Environmental and Energy Study Institute on integrating energy sustainability into U.S. planning practice. On the international level, many other researchers and practitioners are addressing these issues, and I'm interested in seeing what can be transferable from their experience to ours. **L**

Analyzing Land Readjustment: Economics, Law, and Collective Action

Great effort has been devoted to the precise delineation and assignment of the legal and physical boundaries of private property. Yet, issues of unifying or assembling private property rights for urban redevelopment remain understudied. Edited by Yu-Hung Hong and Barrie Needham, the chapters in this book describe a viable alternative to voluntary exchange or public intervention in the form of expropriation: land readjustment. The authors explore the international possibilities for facilitating cooperative land readjustment and the circumstances under which this should be possible.

The difficulty of assembling land has long been considered by public and private developers a major impediment to land redevelopment, especially in urban centers where property ownerships are segmented. Conventional land-assembly methods, most noticeably voluntary exchange and eminent domain, have at best produced “suboptimal” outcomes (in terms of efficiency and equity) and at worst thwarted urban revitalization initiatives.

In this book, the authors argue that there may be a third way, termed *instigated property exchange*—a concept applied in a land-assembly method commonly known in the literature as *land readjustment*. The intention of creating this term is to broaden the scope of the analysis to include innovative land-assembly methods that are similar to land readjustment, but do not follow exactly its conventional structure. As long as selected land-assembly schemes involve land-for-land (or property rights) exchanges, the editors comprise them in their analysis and in the case studies of countries where these tools have been applied. These studies include land readjustment experiences in Germany, Japan, The Netherlands, and Israel, and also explore the potential for urban redevelopment in China and the United States.

This book is dedicated to William A. Doebele, professor of planning and urban design emeritus of Harvard University Graduate School of Design, who intro-

duced the concept of land readjustment to American scholars and practitioners more than 25 years ago. Since then, he has been researching industriously the transferability of the technique to the United States and other countries. Doebele notes in his Foreword to the book:

“Training in the basic principles of land readjustment should be part of the education of every city planner, real estate development professional, and other individuals engaged in making policy for land and urban development. . . . As a text and reference, this volume will contribute to more informed and wider applications of land readjustment in complex situations that require solutions more efficient and equitable than those provided by any other instrument now available.”

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4. Consensus, Persuasion, and Opposition: Organizing Land Readjustment in Japan, *André Sorensen*
5. The Search for Greater Efficiency: Land Readjustment in The Netherlands, *Barrie Needham*

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8. Law, Reciprocity, and Economic Incentives, *Yu-Hung Hong*

ABOUT THE EDITORS

Yu-Hung Hong, fellow at the Lincoln Institute and visiting assistant professor at Massachusetts Institute of Technology, is engaged in research and teaching on utilizing land as a public revenue source, with a focus on institutional development of property taxation, public leasehold systems, and land readjustment. Contact: hong@lincolninst.edu

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Analyzing Land Readjustment: Economics, Law, and Collective Action

Edited by Yu-Hung Hong and Barrie Needham
2007 / 240 pages / Paper / \$25.00 / ISBN-13: 978-1-55844-164-4

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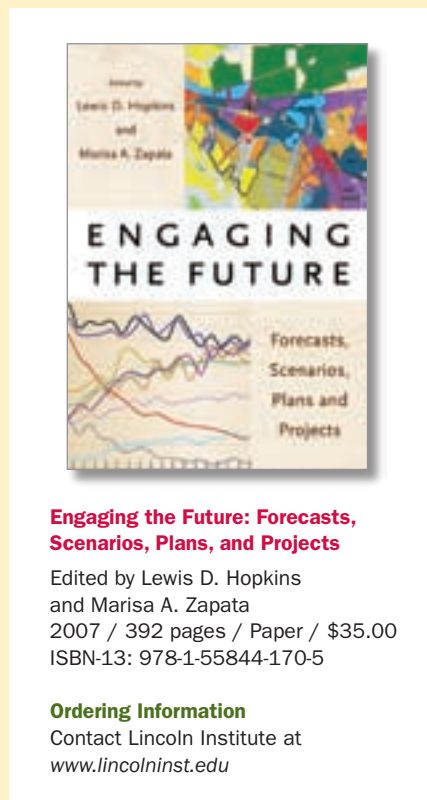
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Engaging the Future: Forecasts, Scenarios, Plans, and Projects

Engaging the future successfully will require the active participation of planners, community leaders, and many individuals, as well as the contributions of students and scholars of planning. To shape any number of possible futures, we must imagine them in advance and understand how they might emerge. Forecasts, scenarios, plans, and projects are four ways of representing, manipulating, and assessing ideas about the future. The chapters in this richly illustrated volume offer a variety of tools and examples for planners in situations where they are positioned to advocate for a new kind of planning—one that allows communities to face uncertain and malleable futures with continuous and deliberative planning activities.

This book evolved from various threads and discussions among the editors, Lewis D. Hopkins and Marisa A. Zapata, and several chapter authors around changing methods of planning analysis. They sought to examine a more complex view of planning practice, acknowledging recent arguments from academic planners that seemed to undermine the usefulness of plans, but arguing that plans were still useful in particular ways. The Lincoln Institute sponsored a symposium in September 2005 at which both experienced planning practitioners and academics worked to advance this conversation in ways of interest to both audiences. Presentations and discussions at the symposium led to significant reframing of these ideas toward the form in which they are presented in this volume.

In addition to the chapters describing different approaches to and uses of forecasts, scenarios, plans, and projects, the editors include a glossary of planning terms and an introduction, “How to Read This Book,” to help the intended range of readers—planning students, seasoned practitioners, activist public participants, specialized planning academics—find numerous ways to engage the ideas presented. The editors seek to encourage the reading and rereading of chapters in different combinations to obtain different lessons or



ideas each time. The intention in such continuing, multiple, and deliberative readings is to model the innovative planning practices described throughout the book.

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▶ ABOUT THE EDITORS

Lewis D. Hopkins is a professor and former head of the Department of Urban and Regional Planning at the University of Illinois at Urbana–Champaign. He has served as editor of the *Journal of Planning Education and Research* and currently is a member of the Urbana Planning Commission. His B.A. in architecture, Master of Regional Planning, and Ph.D. in city planning are from the University of Pennsylvania. Contact: l-hopkins@uiuc.edu

Marisa A. Zapata is in the Ph.D. program in urban and regional planning at the University of Illinois at Urbana–Champaign, where she completed her Master of Urban Planning in 2004. She formerly worked for Congressman Charles B. Rangel in Washington, DC, and completed her B.A. in anthropology at Rice University. Contact: zapata@uiuc.edu

▶ **Lewis D. Hopkins will present a lecture on *Engaging the Future* and host a book signing at Lincoln House on Wednesday, June 6 at 4:00 pm. See page 25.**



Land Policies and Their Outcomes

Edited by Gregory K. Ingram and Yu-Hung Hong
 2007 / 464 pages / Paper / \$30.00
 ISBN-13: 978-1-55844-172-9

Ordering Information

Contact Lincoln Institute at
www.lincolninst.edu

This book presents the main contributions to a Lincoln Institute conference, “Land Policies for Urban Development,” held in Cambridge, Massachusetts, in June 2006. The conference was designed to review the current research on the impacts of land policy on housing prices and affordability, real estate investment decisions, local public finance, and urban development patterns.

The scholarly work on these issues is normally published in academic journals or presented at conferences whose audiences represent a particular discipline. One goal of this Institute conference was to promote cross-disciplinary dialogue on land policy issues among urban economists, public finance experts, urban and regional planners, and policy makers. Another goal of the conference was to draw on the global experience with these issues from both industrialized and developing countries.

Bringing together a group of scholars and practitioners with varied backgrounds

Land Policies and Their Outcomes

and from different continents to examine this topic proved fruitful. At the core of much of the discussion was a debate on the extent of the roles that the market, the government, and the community should have in shaping the livelihood of urban residents and metropolitan landscapes.

The objective of the conference and this publication was not to solve a particular set of problems, but to stimulate further exchanges among scholars and to disseminate information to policy makers and practitioners about the implications of public and private actions for urban development. The chapters, edited by Gregory K. Ingram and Yu-Hung Hong, provide a wide-ranging treatment of land policy issues and are accompanied by commentaries that shed new light on the debates.

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The Importance of Land Value in Today's Economy

6. The Value of Land in the United States: 1975–2005, *Karl E. Case*
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7. Urban Land Rents in the United States, *David Barker*
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8. Land Value Taxation as a Method of Financing Municipal Expenditures in U.S. Cities, *Richard W. England*
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9. Taxing Land and Property in Emerging Economies: Raising Revenue . . . and More?, *Richard M. Bird and Enid Slack*
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11. The U.K.'s Experience in Revitalizing Inner Cities, *Peter Hall*
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12. Hopeful Signs: U.S. Urban Revitalization in the Twenty-First Century, *Eugénie L. Birch*
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New Developments in Land and Housing Markets

13. Community Land Trusts and Housing Affordability, *Steven C. Bourassa*
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14. Multiple Home Ownership and the Income Elasticity of Housing Demand, *Eric Belsky, Zhu Xiao Di, and Dan McCue*
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15. Brazil's Urban Land and Housing Markets: How Well Are They Working?, *David E. Dowall*
 Commentary, *J. Vernon Henderson*

ABOUT THE EDITORS

Gregory K. Ingram is president and CEO of the Lincoln Institute and cochair of the Department of International Studies. He was formerly director-general, Operations Evaluation at the World Bank, where he was responsible for evaluating operations, policies, and programs. Contact: gkingram@lincolninst.edu

Yu-Hung Hong, fellow at the Lincoln Institute and visiting assistant professor at Massachusetts Institute of Technology, is engaged in research and teaching on utilizing land as a public revenue source, with a focus on institutional development of property taxation, public leasehold systems, and land readjustment. Contact: hong@lincolninst.edu

Courses and Conferences

The education programs listed here are offered for diverse audiences of elected and appointed officials, policy advisers and analysts, taxation and assessing officers, planning and development practitioners, business and community leaders, scholars, and advanced students, and concerned citizens. For more information about the agenda, faculty, accommodations, tuition, fees, and registration procedures, visit the Lincoln Institute Web site at www.lincolninstitute.edu/education/courses.asp.

For information about other programs offered by the Program on Latin America and the Caribbean, visit www.lincolninstitute.edu/aboutlincoln/lac.asp, and for information about the Program on the People's Republic of China, visit www.lincolninstitute.edu/aboutlincoln/prc.asp.

FRIDAY, APRIL 6

Lincoln House

Comprehensive Planning

John R. Mullin, Center for Economic Development, University of Massachusetts, Amherst

This in-depth review of fundamental planning principles and the planning process explores both the theoretical and practical aspects of comprehensive planning. It is designed to equip participants with state-of-the-art tools and techniques for realizing specific planning objectives, and for framing, implementing, assessing, and managing comprehensive plans. Topics include strategic and long-range planning, the land use plan, the capital improvements plan, the plan and the map, the plan and zoning, and growth management. This course qualifies for 4.25 AICP continuing education credits.

MONDAY-FRIDAY, APRIL 23-27

Santiago, Chile

Land and Building Taxation in Latin America

Martim Smolka, Lincoln Institute of Land Policy; and Claudia De Cesare, Municipality of Porto Alegre, Brazil

Leading practitioners involved in policies and administration of property taxes share experiences and exchange views on tax issues. Theoretical and practical aspects of the property tax are examined: determination of property values; links with urban finance; components and definition of the tax base; assessment performance;

tax rates and exemptions; information systems (cadastre, maps, and GIS); collection and appeal; and responsibilities of policy makers and administrators.

FRIDAY, MAY 4

Lincoln House

Important Issues in the Era of Rapid Urbanization in China

Yan Song, University of North Carolina

A previous symposium in 2006 identified and elaborated on a range of issues that have accompanied rapid urbanization in China, such as urban sprawl, land use inefficiency, public resource shortage, transportation ineffectiveness, and social inequity. This program will begin to look for potential solutions to those problems. The symposium will explore "smart growth" strategies familiar to the U.S. experience, but will seek to generate relevant parameters of smart urban development and management programs that are most relevant for China. Discussions by scholars and participants will cover five policy issues: planning, housing and redevelopment, transportation, land use, and land preservation.

SUNDAY-FRIDAY, JULY 15-20

Buenos Aires, Argentina

Land Management in Urban Redevelopment Projects

Martim Smolka, Lincoln Institute of Land Policy; Eduardo Reese, General Sarmiento National University, Buenos Aires; Ignacio Kunz, National Autonomous University of Mexico; and Paulo Sandroni, Sandroni Associates, Brazil

This professional development course examines projects designed to redefine land uses in Latin American cities. It

focuses on the tools and instruments available for alternative land use regulatory regimes and on methodologies to evaluate the impacts of these projects. The projects include those designed to promote the redevelopment or conversion of large tracts of deteriorated or abandoned urban areas, and the rehabilitation of historical centers and city center building stock.

Lincoln Lecture Series

The Institute's annual lecture series is presented at Lincoln House in Cambridge, Massachusetts, beginning at 12 p.m. (lunch is provided), unless otherwise noted. The programs are free, but pre-registration is required. Contact help@lincolninstitute.edu to register.

THURSDAY, APRIL 12

Evaluating the Fiscal Impacts of Land Development: The Source and Size of Estimation Errors

Jack Huddleston

**Department of Urban and Regional Planning
University of Wisconsin-Madison**

THURSDAY, APRIL 19

Colombian Innovations in Land Policy: Lessons and Highlights from the Bogotá Experience

Patricia Acosta

**Department of Urban Studies and Planning
Massachusetts Institute of Technology**

WEDNESDAY, JUNE 6, 4:00 PM

LECTURE, BOOK SIGNING, AND RECEPTION

Engaging the Future: Forecasts, Scenarios, Plans, and Projects

Lewis D. Hopkins

**Department of Urban and Regional Planning
University of Illinois at Urbana-Champaign**

Research Fellowship Deadlines in September

The David C. Lincoln Fellowships in Land Value Taxation (LVT) were established in 1999 to develop academic and professional interest in this topic through support for major research projects. The fellowship program honors David C. Lincoln, former chairman of the Lincoln Foundation and founding chairman of the Lincoln Institute, and his long-standing interest in LVT. The deadline for the next annual application process is September 1, 2007.

The Research Fellowships in Planning and Development were established in 2004 to encourage research on land planning and development topics related to the Institute's broad research agenda. The Department of Planning and Urban Form supports fellowship projects in planning and the built environment. The next application deadline for these fellowships is September 15, 2007.

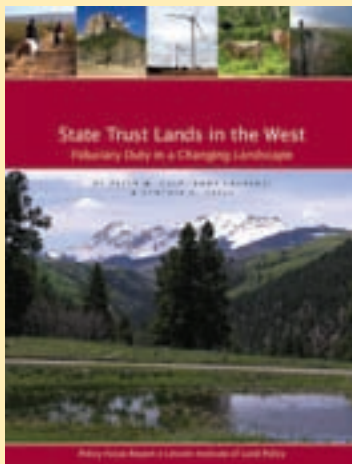
For more information, visit the Institute's Web site at <http://www.lincolninstitute.edu/education/fellowships.asp>



2007 Publications Catalog

The Lincoln Institute's 2007 Publications Catalog features more than 85 books, policy focus reports, and multimedia resources. These publications represent the work of Institute faculty, fellows, and associates who are researching and reporting on a wide range of topics in valuation and taxation, planning and urban form, and economic and community development in the United States, Latin America, Europe, China, South Africa, and other areas.

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The Lincoln Institute Web site also hosts an increasing number of online publications, and the search functions have been upgraded recently to help you find the title, author, or type of publication that you want. Go to www.lincolninst.edu/pubs/index.asp to begin your search.

Policy Focus Reports

The Lincoln Institute has published 14 policy focus reports since 1995, and several other reports are being prepared for publication this year. All current reports are now available for free downloading, and most of them are also available for purchase.



Working Papers

More than 450 Working Papers are posted online for free downloading. These papers include the results of Institute-sponsored research, course-related materials, and occasional reports or papers cosponsored with other organizations. Some papers by associates affiliated with the Institute's special programs in Latin America and China are available in Spanish, Portuguese, or Chinese.

Land Lines

All issues of the Lincoln Institute's quarterly magazine published since 1995 are posted in full, and each article is also posted separately.

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