

The Tax Everyone Loves to Hate: Principles of Property Tax Reform

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Introduction

Almost every country has some type of annual tax on land and buildings, for reasons that have been well documented elsewhere - for example, see Rosengard (1998); Bahl and Martinez-Vazquez (2007); and Fisher (2009) - but can be summarized as follows:

- It is often the main source of local government discretionary revenue, and thus
 an essential component of fiscal decentralization that supports local autonomy
 and complements intergovernmental fiscal transfers. For a series of papers
 analyzing property tax trends and their implications for local autonomy in the
 context of America's fiscal federalism, see Bell et al (2010).
- It is economically efficient because it is hard to avoid and easily enforceable if evaded.
- It is perceived as socially equitable because it is roughly progressive, loosely correlated with local government benefits, a relatively good proxy for a tax on multi-year income, and a way to enable the public sector to derive a share of private sector windfall gains from appreciation of real estate values largely due to public investments in previously unserviced land.

Although ubiquitous, the property tax is also universally despised, again for reasons that have been well documented elsewhere but can be summarized as follows:

- While the high number of statutory taxpayers creates a large tax base, a good thing in theory, it can be a political and administrative nightmare in practice;
- While the tax's high visibility is good for government transparency and accountability, heightened taxpayer awareness also tends to intensify taxpayer resistance;
- While computer-assisted mass appraisal and other applications of appropriate technology increase administrative efficiency and effectiveness, property valuation nevertheless still has a contentious subjective component;
- While the tax is seen as fair in general, there is no direct relationship between tax liability and ability to pay the tax, which leaves some taxpayers 'asset rich but cash poor';
- While the tax supports local government autonomy, it can also worsen regional disparities in wealth, as the 'rich get richer and the poor get poorer';
- While citizens might accept the tax in principle, there is still widespread resentment in some countries to enforcement proceedings, sometimes seen as a threat to the sanctity of the home.

The dilemma is real and profound: most countries have a property tax, but few of their citizens like the tax. The property tax is the tax everyone loves to hate. Countries can seldom live with the tax as initially designed, yet neither can they live without the tax at all.

Thus, this chapter focuses on the reform of an existing system of property taxation rather than on the creation of an optimal property tax. Leaders seldom have the opportunity to design a property tax with a blank slate. There is usually already some sort of system of taxing land and buildings, with a variety of established special interests and a political, social, and historical context. The challenge is to make an existing property tax less taxing.

Attempts to enhance the property tax's strengths and mitigate its weaknesses are numerous and widespread. This is true for both high-income and emerging economies. Unfortunately, most of these efforts have been unsuccessful (see Bahl *et al* 2010) for a comprehensive review of these failures.

The remainder of this chapter provides guidance on property tax reform by addressing the most frequent mistakes and highlighting common elements of success; section 2 examines the primary rationale for reform, section 3 deals with fundamental principles of reform, section 4 examines strategic choices for reform, section 5 looks at policy pitfalls of reform, while section 6 covers lessons learned from reform initiatives.

Section 2 Primary Rationale for Reform

The four primary rationales for initiating property tax reform are to improve fiscal performance, social equity, economic efficiency, or administrative cost-effectiveness (see Muellbauer (2005) for both a general review and a specific application of these objectives to the reform of property taxation in the United Kingdom after the 2004 Barker Review).

The main strategic shortcoming of reform efforts is either failure to articulate clearly the rationale for reform, or to have unprioritized, contradictory objectives. Low revenue yield is the most common reason for property tax reform in emerging economies, so revenue enhancement is most often the principal objective of reform (see Bahl and Martinez-Vazquez (2008) for international comparisons of property tax revenue, and Rosengard et al. (2007) for an example of the potential for increased property tax revenue in Vietnam (Ho Chi Minh City) and China (Shanghai).

Property tax reform can also be revenue neutral if social, economic, or administrative considerations are more important, which is usually the case in high-income countries. However, reform cannot be designed to reduce tax revenue in any country and survive. This is not the same as limiting the rate of tax revenue increase, as was the case in the

California Proposition 13 'tax revolt' of 1978 and the replications it inspired throughout the United States.

Just as with other types of tax reform, revenue shortfalls doom property tax reform, given that there is no fiscal compensation for the financial and political capital expended in reform efforts – revenue losses and political costs outweigh social, economic, or administrative benefits.

Horizontal and vertical inequities are another common reason for property tax reform, so the reform might be redistributive in nature as opposed to being distributionally neutral. The objective is to treat 'equals equally' (horizontal equity) and 'unequals unequally' (vertical equity), so that those with the same property values have the same tax liabilities and those with higher value property pay more than those with lower value property. Although this might appear to be a simple and straightforward proposition, 'equity' means many things to many people. As U.S. Senator Russell Long remarked, a tax loophole is "something that benefits the other guy. If it benefits you, it is tax reform."

Another inequity that might be addressed is the perceived unfairness of property tax liabilities that rise at a much higher rate than income growth. This is often the case during property bubbles, particularly in high-income countries, such as the real estate booms accompanied by unmitigated property tax increases during the 1970s in California and Massachusetts that culminated in their respective Proposition 13 and Proposition 2½ tax revolts. Proposition 13 (People's Initiative to Limit Property Taxation) was a California ballot initiative that, after its passage in 1978, became Article 13A of the Constitution of the State of California. It capped the property tax at 1 percent of assessed market value, rolled back property values to their 1975 assessment, restricted annual increases in assessed value to an inflation factor not to exceed 2 percent per year, and prohibited reassessment of a new base year value except upon completion of new construction or change in ownership. For analysis of the fiscal impact of Proposition 13, see Chapman (1998), Hoene (2004), Wasi and White (2005), and Citrin (2009). See Martin (2009) for a description of how the Proposition 13 'fever' spread and

Haveman and Sexton (2008) for an analysis of the impact of property tax assessment limits over the past three decades.

Proposition 2½ (Mass. Gen. Laws Ch. 59 § 21C) was a Commonwealth of Massachusetts initiative petition inspired by California's Proposition 13 that, after its passage in 1980 (effective in 1982), capped the total annual property tax revenue that a municipality could raise at 2.5 percent of the assessed value of all taxable property in the municipality, and limited the annual increase of property tax revenue to 2.5 percent (excluding the amount attributable to taxes from new real estate).

However, given the weaknesses of the property tax summarized earlier, there is often a gap between perceived and actual fairness. This gap is widened by difficulty in determining economic as opposed to statutory incidence – there is no consensus on who bears the ultimate economic burden of the property tax in either high-income or low-income countries; see Sennoga *et al* (2008) for a review of the ongoing debate over property tax incidence and economic impact.

Inefficiencies in resource allocation is a third reason for property tax reform, so the reform might be interventionist in nature to address tax-induced distortions in behavior rather than economically neutral. The objective is to minimize the impact of property taxation on the production and consumption decisions of households and firms, for example by ensuring that investment decisions are not determined by destructive property tax competition between local jurisdictions and that property tax policies leave consumers indifferent when deciding whether to buy or rent a home.

Revenue can be increased by changing the tax design (i.e., enlarging the tax base and/or increasing the tax rate) or improving tax administration (i.e., upgrading tax rolls, revaluing property, and/or strengthening billing, collection, and enforcement procedures). Thus, administrative weaknesses are the last major reason for property tax reform, where there is a mismatch between tax complexity, taxpayer sophistication, economic structure, and administrative capacity. The objective is to reduce

administrative costs while improving administrative speed, accuracy, service, and integrity.

Although much tax policy is actually made in implementation, administrative reform is often neglected, leading to the frequent unintended negative consequences of conceptually sound but poorly executed property tax laws and regulations – something might look good on paper, but simply cannot be credibly implemented as designed. Tools to improve administrative cost-effectiveness include simplification, rationalization, standardization, and automation of property taxation.

Section 3 Fundamental Principles of Reform

There are four fundamental principles of property tax reform that should be heeded regardless of the primary rationale for reform:

- Simple in practice trumps optimal in theory.
- Revenue generation trumps social engineering.
- Economics of taxation trumps political mathematics.
- Behavioral change trumps paper tigers.

For examples of both the application and neglect of these principles, see the four case studies (Jamaica, Philippines, Chile, and Indonesia) in Rosengard (1998).

Simple vs. Optimal

While the theory of optimal taxation is attractive, it is nonetheless a theory, and theories are usually not achievable in practice without considerable adaptation to real-world constraints. For example, the distribution of property in emerging economies is highly skewed, with a relatively small number of properties comprising the bulk of property value. It therefore makes little sense to spend a significant amount of resources on property discovery, valuation, and assessment for most properties, especially if the effective tax rate is very low. Instead, a combination of self-reporting and simplified computer-assisted mass appraisal for most properties, coupled with individual valuations for expensive real estate, should be able to capture ninety percent of value

most of the time, and what is missed is not worth calculating or collecting – this is much more cost-effective than trying to capture all value all of the time. In short, it is better to be approximately right than precisely wrong.

Revenue vs. Non-Revenue

The primary purpose of the property tax is to generate revenue. It is a very poor tool for non-revenue objectives such as guiding allocative decisions like attracting investment, achieving social goals like combating property speculation, or recovering capital costs like those incurred in large-scale infrastructure investment. It is also an ineffective means of achieving income redistribution through highly progressive tax schedules. While these are all important policy objectives, there are policy tools better suited to achieving these objectives. Instead, the property tax should focus on maximizing revenue at minimum financial, economic, political, and social cost. In the words of Louis XIV's Controller-General of Finance, Jean-Baptiste Colbert, "The art of taxation consists in so plucking the goose as to obtain the largest amount of feathers with the least possible amount of hissing."

Economics vs. Politics

In the short term economic and political cost-benefit calculations about property taxation might diverge, but in the long term they converge. It might be politically tempting to grant many special favors to powerful constituencies through tax exemptions, exclusions, deductions, and credits, but these tax expenditures eventually leave local government with two unattractive alternatives: either receive less property tax revenue and make corresponding budget cuts, or increase tax rates on the remaining smaller tax base to generate an equivalent amount of money. The first alternative is seldom a popular political move, while the latter usually leads to increased tax evasion, economic distortions (deadweight loss), and corruption. A maxim of the economics of taxation is a large tax base and a low tax rate, which is also the only tenable long-term political strategy: not only is it economically efficient, but it also avoids many of the political, social, and administrative problems of a small tax base and high tax rate.

Behavior vs. Fiat

Property tax reform is fundamentally about instilling behavioral change in both taxpayers and tax administrators. It is much more cost-effective if people comply voluntarily with tax laws and regulations rather than comply only when compelled to by enforcement measures. The key is to construct positive and negative incentives for property tax stakeholders that create a system of convergent self-interests, so that what is good for the individual is also good for society – the rational action from the perspective of a taxpayer or tax administrator is also the socially desired action. Many countries pass commendable property tax reform legislation, but are then surprised when very little changes in practice. Policy makers believed that these laws were self-enforcing by fiat, despite personal or institutional incentives that dictated otherwise.

Section 4 Strategic Choices in Reform

There are four key strategic considerations entailed in designing and implementing property tax reform:

- Defining the tax base.
- Determining the tax rate.
- Evaluating administrative options.
- Mitigating transitional pains

The first two considerations are principal design parameters, while the last two considerations are fundamental implementation parameters. See Bahl and Martinez-Vazquez (2007), for a stylized simulation that illustrates the importance of these strategic considerations in formulating reforms to increase property tax revenue; and Bell and Bowman (2002) for the application of these strategic considerations to property taxation in South Africa.

Design Parameters: Defining the Tax Base and Determining the Tax Rate

As depicted in Figure 7.1, the two variables that set the ceiling for potential property tax revenue are the tax base (what you tax) and the tax rate (how much you tax).

The property tax base is determined by taxable wealth (value) and number of properties (quantity), that is, how much of the value of how many properties may be taxed.

This, in turn, is a function of assessed value as a share of unadjusted current market value (valuation accuracy, as well as assessment ratio and other valuation adjustments) for each taxable property, together with the degree of inclusiveness in defining taxable properties.

Thus, reform of property tax design essentially is a question of broadening the tax base by firstly, expanding the types of property classified as taxable (reducing exemptions and exclusions); and secondly striving to tax as much value of these properties as possible (mandating frequent revaluations or indexing between valuations, increasing the assessment ratio, and reducing deductions, credits, and deferrals).

Other than simplification of tax rate structures or reduction of tax rates, which are complementary and mutually reinforcing, there is much less latitude for reform of property tax rates. Worldwide empirical observations indicate a proclivity for relatively low (around one percent of market capital value for residential property), flat (proportional), and uniform (usually not more than two classes, residential and non-residential) property tax rates, due to economic, political, and administrative considerations: economists note the social welfare losses associated with high tax rates (deadweight loss increases at the square of the tax rate); politicians fear the repercussions of taxing real estate at too high a rate (see Section One); and tax administrators wish to maximize voluntary compliance by minimizing the perceived gains of evading high tax rates (not worth cheating).

The main exception to this maxim of a broad base, low rate property tax is land value taxation, which either imposes a higher tax rate on land than on improvements, or does not tax improvements at all but instead taxes only the land value at an even higher rate to make up the revenue loss. While there is no consensus on the economic efficiency and social equity impact of this approach, more than thirty countries have adopted land value taxation for administrative and political expediency. See Dye and England (2010) for a concise review of the theory and practice of land valuation taxation. A more extreme version of land value taxation, a single tax on land replacing all taxes on labor, business, and trade, is championed by George (1879) in his seminal work *Progress and Poverty*.

Tax Revenue **Tax Rate** Tax Base X Uniform Progressive, **Number of** Proportional, or or Taxable Wealth Tax Objects **Differentiated** Regressive Exemptions, Exclusions, Deductions, General Assessment Credits, Ratio Valuation **Deferrals**

Figure 7.1: Property Tax Principal Design Parameters

Implementation Parameters: Evaluating Administrative Options and Mitigating Transitional Pains

Although the statutory property tax base and rate set the ceiling for *potential* property tax revenue, *actual* property tax revenue is also a function of tax administrative efficiency and effectiveness in executing the tax design at every stage of implementation, including:

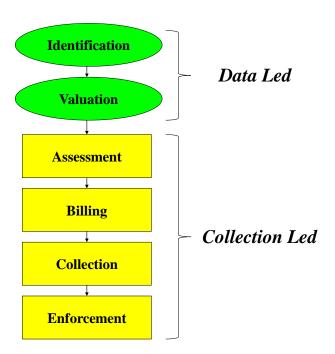
- property identification, valuation, and assessment;
- tax billing and collection; and
- enforcement for non-complying taxpayers.

Much tax policy is actually made in tax administration, that is, in the translation of tax laws and regulations into field realities. Thus, there is considerable scope for reforming the property tax by upgrading tax administration. Examples include:

 enhancing the completeness and accuracy of the property tax roll through better property identification, valuation, and assessment practices; • improving the collection ratio (the ratio of tax collected to tax assessed) by strengthening tax billing, collection, and enforcement practices.

While most property tax reforms in emerging economies begin with a focus on improving the quality of the property tax roll, commonly known as the "data led" approach, these usually end in failure because they are front-loaded with many financial and political costs while benefits are perpetually delayed future promises. A notable exception to this approach was tried in Indonesia in the mid-1980s, where the emphasis was first on generating revenue and building credibility, dubbed the 'collection led' approach, while gradually improving data quality. These two approaches are contrasted in Figure 7.2.

Figure 7.2: Data-Led and Collection-Led Approaches to Property Tax Reform



A key component of improved collections was facilitation of voluntary compliance, coupled with projection of a credible enforcement threat. This was achieved through a combination of improved taxpayer service, including use of the banking system for tax payments (dubbed the 'Payment Point System'), together with escalating sanctions that culminated in the seizure and liquidation of land and buildings to settle unpaid tax liabilities. This final enforcement measure was only politically and administratively

feasible because of the government's policy of deliberately pursuing the tax object (real estate) rather than the tax subject (taxpayer), so it could avoid the sensitive and often problematic issue of identifying ownership of taxed land and buildings. More than two decades later, the reformed property tax system in Indonesia is still performing quite well, although it now faces many new challenges in the context of Indonesia's comprehensive decentralization program. See Kelly (1993) for a more detailed description of Indonesia's collection-led strategy, and Rosengard (1998) for a case study-based comparison of the data-led and collection-led approaches. Kelly (2004) provides an update of Indonesia's property tax reform in the context of the country's decentralization program.

There are also special challenges in property tax reform where there is no well developed real estate market, either because: 1) the country is transitioning from a planned economy to a market-based economy such as in Central and Eastern Europe, China, and Vietnam, a phenomenon detailed in Malme and Youngman (2001); or 2) land is communally owned as in rural South Africa, a predicament examined in Bell and Bowman (2006).

The implementation challenges are especially acute in very poor but rapidly urbanizing nations (i.e., much of sub-Saharan Africa), where the need for property tax reform is also critical due to the importance of fiscal decentralization initiatives. See Franzsen and Youngman (2009) for an overview of the state of property taxation in Africa, and McCluskey *et al.* (2003) for a detailed examination of the challenges of property tax reform in Africa through the lens of a case study of Tanzania's experience with property taxation.

Finally, property tax reform will upset the status quo to which key stakeholders have already adapted. Thus, a special implementation consideration is mitigation of short-term disruptive effects created as a byproduct of the transition to a new long-term equilibrium.

For example, if reformers pursue a collection-led approach to property tax reform, shortterm inequities will probably arise as those already on the existing tax roll are compelled to meet their tax obligations, while those with omitted or grossly undervalued property will not yet be paying their fair share of tax liabilities. This makes a compelling argument for keeping the effective tax rate low until the tax roll is relatively comprehensive and accurate. However, there is indeed nothing more permanent than something temporary, and transitional adjustments often become permanent. This has been the case in Indonesia. During the property tax reform of the 1980s, the finance minister refused to use his authority to increase the assessment ratio above 20 percent (under the property tax law the finance minister could set the assessment ratio from 20 to 100 percent) until the tax roll was deemed to be relatively complete and accurate, even though this would have been the easiest way to increase revenue quickly. However, although the property tax roll was vastly improved roughly two decades ago, shortly after the collection system was up and running, the assessment ratio is still at 20 percent today for most property (it has been increased to 40 percent for very high-value property). At a 0.5 percent nominal tax rate, this leaves Indonesia with an effective property tax rate of 0.1 percent for most land and buildings, one of the lowest in the world.

Another type of short-term adjustment pain is the 'sticker shock' of greatly increased property tax liabilities after property revaluation. This can be mitigated by reducing the tax rate during a transitional period so tax liabilities go up incrementally, especially during a real estate bubble. During periods of market stability, this can be mitigated by more frequent revaluations and by indexing property values between revaluations. Keeping increased property tax liabilities more in line with income growth by reducing tax rates might have tempered some of the anger that generated the Property 13 tax revolt (and its spinoffs) described earlier; a good example of indexing between valuations is described in the Chile Case Study in Rosengard (1998).

Section 5 Policy Pitfalls of Reform

There are three key dimensions of policy pitfalls in designing and implementing property tax reform: political, technical, and tactical. Many of the policy pitfalls discussed in this section are not restricted to property tax reform and can be applied to tax reform in general. See Gillis (1989) and Boskin (1990) for more detailed discussions and case study illustrations of these pitfalls.

The primary political challenge is that any property tax reform inevitably creates winners and losers, both within the tax administration and among the general public. Moreover, internal and external special interests tend to be organized and proactive, while the majority of tax employees and taxpayers are diffuse and reactive.

Internally, this problem is most acute when corrupt employees who feel threatened by reforms can easily sabotage the reform through delayed, slow, or incorrect administration: the reform suffers death by administration. Externally, this difficulty is most pronounced when the reform is targeted at relatively wealthy property owners: the reform is murdered by the rich and powerful.

If the problem is primarily political, so is the solution. Without the visible and sustained support of political leaders, the reform is probably doomed before it is launched: the reform is stillborn.

However, even with strong political support, a reform can fail due to technical shortcomings. The most prevalent of these are firstly, poor or incomplete information on the present situation, often leading to inaccurate tax forecasting of the likely impact of the reform and thus, unintended consequences; and secondly, insufficient financial and human resources, contributing to inadequate administrative capacity for effective implementation of the reform. Considerable attention to the behavioral and administrative dimensions of property tax reform is essential for success – design change in an implementation vacuum is a potent recipe for failure.

These technical shortcomings are exacerbated for emerging and transitional economies by inappropriate recommendations from donors and consultants. These advisors often try to replicate tax systems with which they are most familiar without understanding the specific context of the country they are attempting to assist. Moreover, procurement of source-country advisors and equipment are commonly linked to financial assistance, regardless of their appropriateness. Host countries should assess the full costs and benefits of external assistance before agreeing to this assistance.

The third policy pitfall is tactical, revolving around the timing and sequencing of property tax reform.

Tax reform in general has been most successful when it has been least needed. This applies to revenue-enhancing property tax reform as well because it allows tax administrators to develop their systems and information bases with very low transitional tax rates. It also facilitates a learning period for taxpayers to familiarize themselves with the new system, thus enhancing longer term understanding of, and voluntary compliance with the property tax.

There are two approaches to the sequencing of property tax reform: 'big bang' reform of everything, everywhere at the same time; and 'asymmetrical' reform characterized by phased implementation.

The former usually takes place in politically-driven reform, where proponents are afraid of losing support with a more incremental approach but have not thought through potential implementation problems, particularly the behavioral response of affected taxpayers. Consequently, hurried reforms are often failed reforms. The United States property tax revolts described earlier and Indonesia's recent decision to assign the property tax to local government are examples of this approach. This was done through a new law on local taxes and charges, passed in 2009 (*Undang-Undang Republik Indonesia Nomor 28 Tahun 2009 Tentang Pajak Daerah Dan Retribusi Daerah*).

The latter commonly takes place in technically-driven reform, where proponents need to develop a political constituency by demonstrating success; they can also use this time to test and revise their approach, concentrate scarce resources on the highest return targets, and conduct a mass communications campaign to build public awareness and understanding. Indonesia's property tax reform of the 1980s is a good example of this approach.

Section 6 Conclusion

While there is no fixed formula for successful property tax reform that applies to all jurisdictions in all countries at all times, there are nevertheless common challenges and general lessons from past attempts to improve property taxation around the world. This chapter summarizes the fundamental principles, strategic choices, and policy pitfalls of initiatives that have been undertaken in a wide variety of environments to improve fiscal, social, economic, or administrative performance of property taxes.

But no matter how well a property tax is designed and implemented, it will probably remain the tax everyone loves to hate. Thus, the challenge is to strike a balance between two conflicting sentiments.

The first sentiment is well-articulated by former U.S. President James Madison: "The power of taxing people and their property is essential to the very existence of government." The second sentiment is reflected in this rueful observation by the political philosopher and statesman Edmund Burke: "To tax and to please, no more than to love and to be wise, is not given to men." A third quote, this one from the eighteenth century Prussian king, Frederick the Great, succinctly sums up the dilemma and offers an antidote: "No government can exist without taxation. The money must necessarily be levied on the people; and the grand art consists of levying so as not to oppress."

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