Strengthening Urban Property Taxes

Abstract:

Strengthening municipal finance has been on the government agenda for a long time. The union budget speech for FY 2023-24 mentioned incentivizing municipal governments through mobilizing own resources through property taxes and user charges for urban infrastructure and enhancing creditworthiness for municipal bonds. This paper focuses on the potential of property tax for Indian cities and the measures needed to realise additional revenue. For this to happen, the national and state governments will need to 'empower' the Urban Local Bodies (ULBs), especially the small and medium sized ULBs.

Keywords: Property tax, Municipal finance, Reforms

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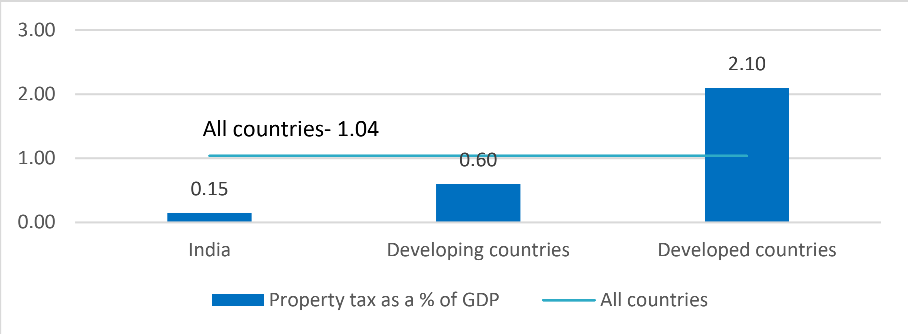
In the budget speech on 1st February 2023, the finance minister mentioned urban infrastructure and municipal bonds. She stated, "Through property tax governance reforms and ring-fencing user charges on urban infrastructure, cities will be incentivized to improve their creditworthiness for municipal bonds." To enable this vision of financing urban infrastructure, the focus will need to be on strengthening municipal own resources. We focus in this paper on property tax, its potential for Indian cities, and the measures needed to realise additional revenue.

Untapped revenue potential from Property Tax

For Urban Local Bodies (ULBs) in India, property tax is an important source of own revenues. Its economic rationale is that it makes it possible to capture a part of the 'unearned' increase in property values, as urban property values rise with infrastructure. investments by ULBs. It is also a 'progressive' tax, as bigger and higher value properties pay higher taxes. Recognizing this, the 13th Finance Commission had suggested that "all local bodies should be fully enabled to levy property tax (including tax for all types of residential and commercial properties) and any hindrances in this regard must be removed" (Finance Commission (13th), para 10.161).

Efforts have been made to undertake property tax reforms under the JNNURM and AMRUT programmes. These had largely focused on streamlining billing and collection systems. However, Indian cities still fare poorly on property tax mobilisation as compared to other countries. Figure 1 shows that "in 2017–18, property tax revenue as a share of GDP in India was 0.15 per cent" (Ahluwalia et al., 2019, p. 9), which compares rather unfavourably with 0.6 per cent for developing countries and 2.1 per cent for developed countries. This suggests a potential to increase property tax revenues four to five times when compared with developing countries, and by 15 times when compared with developed countries.

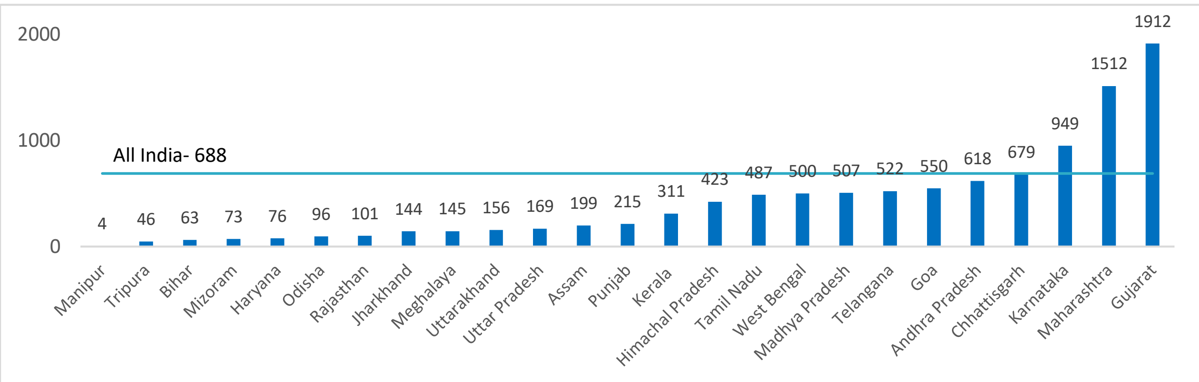
Figure 1: Property tax as a % of GDP across selected countries-



Sources: For India 2017-18: Ahluwalia et al. (2019), p. 9; and for others: Bahl and Martinez (2007), Table 1, p. 16, or based on International Monetary Fund Government Finance Statistics, various years.

It is, however, important to note that there are significant variations in per capita property tax revenues across states in India (see Figure 2). Gujarat, Maharashtra and Karnataka have higher per capita property tax levels. It is possible that these states benefit from regular reassessments of properties. On the other hand, some of the other large states such as Tamil Nadu, Uttar Pradesh and West Bengal fare poorly, suggesting irregular revision/assessment of property taxes. The state-wide variations may also be due to tax administration, i.e., billing efficiency and collection efficiency.

Figure 2: Per capita property tax of Indian states, 2017–18 (in Rs)



Source: Ahluwalia et. al. (2019), p. 91

Linking property tax to market price of property

In India, the state governments define the property tax base. In India ARV (Annual Rateable Value) was used as the basis of taxation. ARV is defined as the annual rent, which the land and buildings might 'reasonably' be expected to fetch in an open market, from year to year, after allowing deductions for repairs and maintenance. The issue surrounding the ARV approach had always been the definition of a 'reasonable' rent. There have been many litigations based on assessment of ARV. The notion of "standard rent" under the Rent Control legislation has further compounded the issue of assessing ARV.

To overcome these problems, reforms using a simpler Unit Area Value (UAV) method for assessing ARV, were initiated under the JNNURM and later continued under the AMRUT programme. This was first initiated in Patna in 1993 (Singh, 1996; Vaidya, 2000). Under UAV system, the price per unit value of the area (built-up/carpet) is fixed and is used to determine the tax. This unit value is further multiplied by various factors such as property type, location, tenure and size to arrive at total tax. UAV has helped to minimise arbitrariness in fixing property values and enabled self-assessment of tax by property owners. The Telangana Municipalities Act, 2019, mandated all ULBs to undertake a self-assessment system (SAS) for property tax. Many cities such as Delhi, Navi Mumbai, Chennai, Pune and Bangalore have implemented self-assessment, where property assessment is done on the basis of information provided by property owners. This helps to free taxpayers from harassment by tax collectors, and decrease tax administration costs.

Globally, as pointed out by Chattopadhyay and Kumar (2019), property tax is usually levied on the capital value of property. In this system, the tax is levied as a percentage of the market value of the property. Use of capital value method was introduced in Karnataka, starting with Bangalore. As per a recent document of the Ministry of Housing and Urban Affairs (MOUHA), five states, Karnataka, Maharashtra, Nagaland, West Bengal and Telangana have moved to capital value-based property taxation, where capital values are linked to circle rates (MOUHA n.d.). The Greater Mumbai Municipal Corporation has also adopted capital value base method for property tax. However, as Ahluwalia et al. (2019) point out, in Mumbai "the shift … has not been smooth. The steep increase in tax levied led to a spurt of litigations against the new system and the Bombay High Court gave an interim order in the year 2014 to levy tax with half the expected increase. Only in year 2019, the Court upheld the capital value system while directing certain changes in the assessment method" (p. 26).

The 15th FC has put a condition that the 'state government will notify floor rates of property tax". The guidance for setting floor rate can come from the 'ready reckoner rate', which is determined by the state government's revenue department or by the local development authorities. The ready reckoner rate is usually considerably lower than the market rate. Cases of Delhi's Defence Colony show that ready reckoner rates were lower than the market rates by 50 percent (Awasthi and Nagarajan, 2020; Kulkarni, 2016). In addition, many states do not revise the ready reckoner rates regularly. For example, in Gujarat, the ready reckoner rates (referred to as Jantri rates locally) were revised recently after a gap of 12 years. The lack of updated property values also adversely affects receipts from stamp duty, which are shared with ULBs. With a shift to capital valuation, property tax revenues can increase significantly. However, it is also important to note that there are political implications. States governments can explore indexation of the ready reckoner rate with Residex Index or Housing price Index, brought out by the National Housing Bank. This will bring more structure, science and discipline to property valuation (RBI (2014), RBI (2022), and NHB (n.d.)).

During the Covid pandemic, in May 2020, the finance minister announced an increase in the limit of borrowing by state government from 3 per cent of the Gross State Domestic Product (GSDP) to 5 per cent, subject to certain conditions. One of these conditions, related to notifying floor rates of property tax in urban bodies, in consonance with prevailing circle rates. However, this was taken up by only 6 states in FY 2020-21. (PIB 2020 and 2021).

Many states have set up Property Tax Boards to notify the basis and rates, as suggested by the 13th Finance Commission. However, most of these boards are largely dysfunctional. The memorandum submitted by the Ministry of Urban Development (MoUD) to the 14th Finance Commission stated that, "The Property Tax Boards have been constituted by several states. However, the understanding of the subject and its effective implementation is doubtful" (Ministry of Urban Development [MoUD], 2014a, p. 18). A recent SFC report from Maharashtra also states that while "Municipal Property Tax Board Act 2011 came into force in March 2011 ... however the Board has not been established" (Maharashtra State Finance Commission [MSFC], 2019, p. 6). Similarly, the Tamil Nadu SFC also reported that while a Property Tax Board was established, it had not started functioning (Tamil Nadu State Finance Commission [TN SFC] 2016, p. 114).

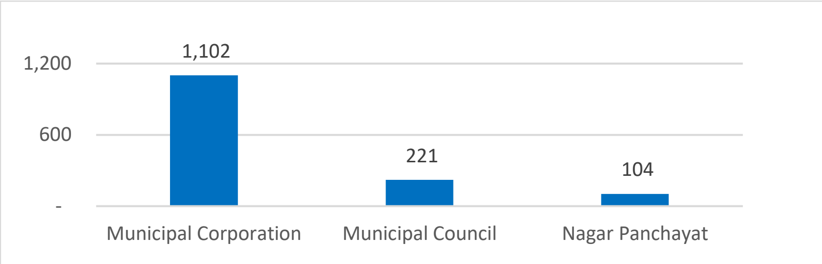
Despite the relative non-performance of the Property Tax Boards, there have been recommendations for setting up Municipal Revenue Boards (MRBs). For example, Awasthi and Nagarajan (2020) suggest that MRBs "could be an appropriate institutional structure to administer the fiscal cadastre (property register), such as an autonomous board to be created by an act of the state legislative assembly." (p. 25).

Along with fair valuation of property, periodic reassessment of the property tax base is also critical to bring assessed values in line with market realities. Municipal Acts of many states recommend assessment of properties once in every five years (Uttar Pradesh, Andhra Pradesh, Telangana, Tamil Nadu, Karnataka and Odisha) or four (Maharashtra, Gujarat and Rajasthan). It is important to assess the extent to which this has happened regularly by ULBs. Better performance of Gujarat and Maharashtra may partly reflect regular four-yearly reassessments by ULBs.

Even when assessments are done regularly, the sudden increase in taxes payable due to reassessment can lead to a drop in collection efficiency, as illustrated by Jadhav (2019) for two small cities in Maharashtra. To overcome this, annual increases that are more acceptable to property owners may be needed, though it will require amendments in the prevailing Municipal Acts. The case of Ahmedabad Municipal Corporation is worth emulating as it levies an increase of 2 percent of property tax every year (Ahmedabad Municipal Corporation, 2023, pg. 12; Times of India, 2023).

Analysis across size class of municipal authorities shows that the per capita property tax of municipal corporations is nearly five times that of municipal councils, and 10 times that of Nagar Panchayats (NP) (see Figure 3). Interestingly, this is despite the fact that collection efficiency of property taxes for municipal councils and NPs is higher or comparable in most states (CWAS, 2020).

Figure 3: Per capita property tax by size of ULBs (in Rs)



Source: Based on information reported in Ahluwalia et al. (2019)

Improving the coverage and collection efficiency of property tax

Besides the need to regularly and properly assess property values, the current property tax system also faces inefficiencies in both billing and collection. Poor billing efficiency is often due to the inability of ULBs to fully cover all taxable properties in the tax net. With cities growing rapidly over space, assessing and taxing the new properties remains a challenge. Collection efficiency is defined as the amount billed versus the amount collected. Low collection efficiencies reflect the inability to recover the tax demand.

Implementation of e-governance was one of the mandatory reforms under the JNNURM. Under AMRUT reforms, a set of municipal services were listed to be covered with E-MAAS (E-Municipality as a Service). It included computerised billing of property tax, water and sewerage charges, and other fees and taxes. Experience in many cities in India shows that there is considerable potential to increase both billing and collection efficiencies with digital geographic information system (GIS) mapping and computerisation of municipal billing and collection systems. Digital Door Numbering (DDN) with linkages to GIS based mapping and creation of single digital repository system ensures better coverage, collection of property tax. With digital repository, Andhra Pradesh has achieved 25% increase in coverage and improved 30% in collection efficiency (MoHUA, n.d.). Efforts are made by various municipal corporations to adopt digital methods to improve assessment, enumeration and collection of property taxes, as showcased and promoted at the recent G20 Infrastructure working group meeting (G20, 2023, Financial Express, 2023).

Billing coverage of properties in Indian cities ranges from 63 to 80 per cent (Mathur et al., 2009; McKinsey, 2010), suggesting the potential to increase properties in the tax net. A number of measures are envisaged for this. Bhan (n.d.) illustrates good practices using GIS to improve billing efficiency. For example, Mirzapur in Uttar Pradesh, with the use of GIS, achieved a 10-fold increase in the number of properties and tripled revenues in three years and Kanpur doubled its coverage of properties in four years. Raj (2020) shows that, using spatial analytics, it was possible to double the built-up area reported in property tax database in nine wards in Bangalore. However, “the challenge in using technological solutions does not end with the initial GIS mapping of urban properties. The challenge is in keeping the data dynamic and up to date for additions of property, additions to existing property, and change of ownership” (Awasthi and Nagarajan, 2020, p. 10). It is also important to assess efficacy and usefulness of GIS-based technologies and outsourcing of tax collection to a central agency or private agencies, particularly for small and medium cities.

For improving property tax coverage, a simple reform is to match property records with utility data records from electricity companies. For example, Indore Municipal Corporation matched property tax records with electricity records and found that “total commercial power connections in a zone were 5,198, while property tax records showed only 2,570, which means 51 per cent of properties did not declare commercial/mixed usage” (Das, 2020, p. 1). It would also be useful to digitise building permission process and link the property tax system to ‘building use certificate’. This was done by Greater Hyderabad Municipal Corporation (GHMC) by synchronising building permissions with the property tax database. An alert is automatically sent to the revenue department to generate property tax receipt based on the constructed plinth area (Singh, 2019).

It is also possible to increase property tax revenue significantly by improving collection efficiency. For this, many local governments have made efforts to simplify bill generation and payment by introducing online systems and providing incentives for early payment of dues. Besides incentives, strict enforcement on delays and defaults such as interest payments on outstanding dues, disconnection of water supply, ‘naming and shaming’ in the local press and issue of warrants have also been used. Khan et al. (2014) also suggests use of incentives for tax collectors to improve tax collection and avoid arrears

However, the cost of collection of property tax is often quite high, ranging from 12%-25% of total property tax collection in selected cities (Jadhav, 2019). Compared to this, the cost of collection for direct tax, is in the range of 0.53% to 0.76% of net collection (Central Board of Direct Taxes, 2021-22). This suggests a need to improve process efficiency for property tax collection.

Data from five states suggests that most cities face mounting arrears, which comprise nearly 30 to 50 per cent of total tax demand, along with poor collection efficiency (CWAS (2020). This results in accumulation of cases of defaults. Some cities have made special efforts to improve collection of arrears. For example, the Pune Municipal Corporation (PMC), through its ‘Amnesty scheme’, enabled nearly 1.2 lakh property owners to clear their outstanding payments. The PMC mobilised Rs 225 crore over a short period (PMC, n.d.).

The property tax revenues are also affected by exemptions given to many properties. Chattopadhyay and Kumar (2019) point out that “exempted properties in India constitute about 11 per cent of the assessed properties" (p. 3). A recent provision by the Mumbai Municipal Corporation to exempt properties below 500 sq. ft. has led to decline in property taxes in Mumbai (Pinto, 2019).

In addition to these issues, taxes on vacant land also remain unexploited in Indian cities. ''In many countries, especially in Latin America, vacant land is taxed at a rate higher than that for built-up property. This is driven by the desire to curb speculation in land and promote use of land within urban areas. A tax rate of 1 to 2 per cent on the capital value of vacant land appears to be the normal practice in Latin American countries'' (Mohanty, 2003). In Gaborone City in Botswana, land tax rates on underdeveloped plots are four times higher than on developed plots (Collier et al., 2018). There is a wide scope to tap revenue from vacant land tax in Indian cities.

Consultation and involvement of the public at various stages of planning, design and implementation of property tax reforms is also critical for its success. The willingness of property owners to pay increased taxes is likely to be higher if they are made aware that their tax rupee is going towards service improvements. For this to happen, there is a need for transparency and greater awareness among the public about costs of services in their cities. Along with regular budgets as well as property tax bills, ULBs can inform citizens about the costs of providing services.

Incentivising local governments to increase own revenues

It is generally recognized that incentives can be provided to local governments for increasing their own revenue collection from property taxes. This maybe by the central government to incentivise state governments to take up reforms, or by state governments to incentivise ULBs to increase their revenues. Incentives may also through special incentive grants by state governments for improved property tax performance. For example, Gujarat and Maharashtra have taken this approach of incentivizing its ULBs for an increase in their property tax collection. This is also reflected in better performance by ULBs in these states (CWAS 2020).

Gujarat and Maharashtra have introduced additional incentives for increase in property tax collection by urban local governments. As per a 2014 resolution of the Government of Maharashtra, two incentives are provided: a) ULBs whose water tax or charges recovery is more than 90 per cent get a subsidy to cover the costs of salary and pension of their employees; and b) ULBs that recover 90 per cent of the property tax are to be permitted to use the 13th and 14th Finance Commission grants for processing the salary and pensions of their employees (Government of Maharashtra, 2017). The Government of Gujarat has also introduced an incentive for disbursal of basic/salary allowance grants to municipal councils linked to collection efficiency of property tax. Municipal councils receive 50 per cent of approved establishment expenditure of council as grant-in-aid against achieving property tax collection efficiency greater than 80 per cent; this reduces to 40 per cent and 30 per cent if they achieve property tax collection efficiency of 60–80 per cent and <60 per cent, respectively (Government of Gujarat, 2012). It would be useful to better assess the role played by these incentives as both Maharashtra and Gujarat do show higher per capita property collections compared with other states.

Various Central Finance Commissions have made it conditional for municipal governments to raise revenues. For example, the 14^{th} Finance Commission included, "performance grants to on submission of: (i) making available reliable data on local bodies' receipt and expenditure through audited accounts; and (ii) improvement in own revenues. In addition, the urban local bodies will have to measure and publish service level benchmarks for basic services" (Finance Commission (14^{th}), p. 113).

The 15^{th} Finance Commission, in its interim report, had gone a step further and states that "to qualify for any grants for urban local bodies in 2021–22, states will have to appropriately notify floor rates and thereafter show consistent improvement in collection in tandem with the growth rate of state's own GSDP" (Finance Commission (15^{th}), p. 53). This provision is rather stringent as the entire basic grant is linked to this condition. Mehta and Mehta (2020) show that as per available data for 2018–19, only one-third of ULBs in the four states would have qualified for any grant.

Unlike the Central Finance Commission, most SFCs do not seem to have provided any incentives for ULBs to increase their own revenues. While the Tamil Nadu SFC did mention that "property tax needs to be increased from 0.2 per cent of state GDP to 0.6 per cent", it did not provide any incentives for this (TN SFC, 2016, p. 105–106). The recent SFCs from Gujarat and Maharashtra had sought and received suggestions for performance grants linked to improvement in ULBs own revenues, particularly for property taxes. These were for performance-based grants for urban local governments with a few key minimum conditions as well as improvements on selected performance measures (Mehta et al., 2013a, 2013b). While these were recognised in the SFC report of the Maharashtra SFC, no specific recommendations were made (MSFC, 2019, p. 6). For Gujarat, the SFC report was not even placed before the legislative assembly (Ahluwalia et al., 2019, p. 100).

Conclusions

Strengthening municipal finance has been on the government agenda for a long time. Urban Local Bodies (ULBs) are advised to mobilise own resources through taxes and user charges. The union budget 2023-24, advocates, capital market borrowings through municipal bonds. Property tax reforms are advocated by Finance Commissions and union budget. However, compared with international experience, property tax mobilised by Indian cities has been very low. Many efforts have been made to change the basis of property tax from ARV to capital value, use digital technology, and improve billing and collection efficiency. Despite these efforts, the level of property tax in relation to GDP has not matched international experience in most states. To achieve this improvement, concerted efforts will be needed to move to capital value as a base for property tax, backed by more realistic and regular assessment of property values. It should also be recognised that for small and medium towns with generally lower property values, there will be limits to raising revenue from property tax.

For property tax, the Finance Commissions and the union budget 2023-24 recommend that state governments should decide the framework and rates. Thus, while the third tier of government is recognised by the Constitution, ULBs still remain under the influence of state governments. Their inability to improve their own revenues, is partly a result of lack of empowerment of ULBs by the state governments. Periodic revisions of circle rates or indexation of circle rates with prevailing indexes will need to be pursued through these reforms to revise the property tax rates in accordance with the market rates. It is important to also ensure regular annual increases in both property taxes and other user charges by ULBs. This will help to achieve steady increases to keep pace with price increases and avoid sudden jumps in taxes, which result in public opposition and reduction in collection efficiency.

Focusing on the agenda of municipal finance reforms, the MoHUA has launched a toolkit for property tax reforms. Similar efforts of preparing guidebooks, manuals, documentation of good practices were done in the past. What is needed is to build capacity of ULBs, especially of small and medium size ULBs, to implement property tax reforms. The state governments will also need to 'empower' the ULBs and allow them to set the property tax base and the rates, to increase revenue.

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