

### **ABSTRACT**

This study was intended to evaluate the effect of land use act on sustainable housing development in Nigeria. This study was guided by the following objectives; to examine the effect of land use act on sustainable housing development in Nigeria, to investigate the influence of land use act on ease of land access by Nigerians, to identify the factors limiting sustainable housing development in Nigeria.

The study employed the descriptive and explanatory design; questionnaires in addition to library research were applied in order to collect data. Primary and secondary data sources were used and data was analyzed using the chi-square statistical tool at 5% level of significance which was presented in frequency tables and percentage. The respondents under the study were 45 employees of the ministry of housing, Lagos branch. The study majorly focuses on the effect of land use act on sustainable housing development in Nigeria. The study findings revealed that land use act has a significant effect on sustainable housing development in Nigeria; based on the findings from the study, efforts should be made by the Nigerian government and stakeholders in providing sustainable and affordable houses as this would enhance housing development in Nigeria.

### **CHAPTER ONE INTRODUCTION**

#### **1.1 BACKGROUND TO THE STUDY**

Land use regulations and controls are used to restrict the rights of private landholders in the use of land. The regulations are used to protect public interest in the use of private land. The regulations stem from the need to provide public amenities, to increase the efficiency of land-use, to limit urban sprawl and unnecessary encroachment on agricultural land, and to achieve economies of scale and least-cost production of public services (Courtney, 1983). The regulations are also used to ensure the availability of land to all groups, and to ensure that the benefits of development go to the community as a whole.

Today, if you buy land in Nigeria and you do not have the Certificate of Occupancy (C of O) from the government, it is not yours, all you have is a lease, that is, you never have a freehold. You cannot even have access to any loan or do anything tangible if you do not have funds of your own, not even the National Housing Fund which was set up by the government to render such assistance. Yet the Certificate of Occupancy is even more difficult than getting the land itself. All efforts by some State Governments especially the Lagos State government to ease the procedure and collection have been described as mere gimmicks. We have heard series of cases where Governors wield their powers to revoke legally acquired rights of occupancy in the interest of the public, whereas it was obvious that they were done on political reasons especially against oppositions. The former President of the federation who was the author of the Act when it was promulgated during his first military administration

had to reassure Nigerians on 26th of September 2001 in Abuja that “no government owns land” and that “land belongs to the people”. This statement was made when he was condemning the excesses of the Governors. As stated above, since it is a known philosophy that laws are made by men for men and are operated, implemented and enforced by human beings through various legal institutions, our concern is how the Act has affected sustainable housing development schemes in Nigeria.

Several controversies that were created by the Act have been well documented in different reactions and

write-ups (Mabogunje (2007; 2011) and Aluko (2007; 2009; 2010) dealt excessively on the sorry state of affairs about the housing situations in Nigeria in general and how it could be sustained. In this research study, we try to examine the effects that the Land Use Act has had on sustainable housing provision in Nigeria. Since one of the major areas of the Act is to control future uses and open new land for the needs of Nigeria's growing population especially in urban areas, yet there is still the outcry of the people to affordable housing provision. In Lagos State for example, the municipalities (local governments) have no say in the issue of Certificate of Occupancy as all lands in the State have been declared urban and are all under the control of the governor. Whereas in the commencement of the Land Use Act 1978 No. 6 on 29th March, 1978, it was stated that “whereas it is in the public interest that the rights of all Nigerians to the land of Nigeria be asserted and preserved by law”. And that all lands comprised in the territory of each State in the Federation are hereby vested in the Governor of the State. The Act also provides that “all land in urban areas shall be under the control and management of the Governor of each State”.

## **1.2 STATEMENT OF THE PROBLEM**

The concern of the researcher in this study is not really another criticism of the Act but an in-depth evaluation of how it has achieved its aim in the mass provision of housing to the people. However, the hope of the Nigerian masses lies in the Act with the current wave of high cost of acquisition of land. It should be noted that one of the cogent reasons why the Act came into existence was because of the nature of trusteeship of land in the past. It was difficult for anyone to get access to land. It is important for the researcher to examine if the Act has made it easy for Nigerians to get land for housing development. Ownership of a

house starts from the acquisition of a piece of land. That is to say the intending house owner must first of all have access to land. In urban areas access to land is not quite easy and that is why one of the objectives of the Land Use Act is to ensure that land is made available promptly to all those who need it in the interest of the economy. Having regards to the fact that housing is one of the best indicators of a person's standard of living and of his place in the society, it also serves as a place in which man seeks shelter, comfort, security and dignity among other things, it is important to examine the effect of Land use Act of sustainable housing development in Nigeria.

### **1.3 OBJECTIVES OF THE STUDY**

The following are the objectives of this study:

1. To examine the effect of land use acts on sustainable housing development in Nigeria.
2. To investigate the influence of land use act on ease of land access by Nigerians.
3. To identify the factors limiting sustainable housing development in Nigeria.

### **1.4 RESEARCH QUESTIONS**

1. What is the effect of land use acts on sustainable housing development in Nigeria?
2. What is the influence of land use act on ease of land access by Nigerians?
3. What are the factors limiting sustainable housing development in Nigeria?

### **1.5 HYPOTHESIS**

$H_0$ : Land use act has no significant effect on sustainable housing development in Nigeria

$H_A$ : Land use act has significant effect on sustainable housing development in Nigeria

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