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## RESEARCH ARTICLE

### FORMAL LAND OWNERSHIP AND HOUSING DEVELOPMENT IN LAGOS STATE, NIGERIA

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#### ABSTRACT

Lack of access to formal land and strenuous regulations guiding land acquisition have hampered housing development in Lagos state. These are mostly resulted from inadequate provision for land, tendency towards over regulation and administrative and institutional framework that are hostile to the people. The resultant effect of which is shortage of housing supply and development of slums. It is against this background that this study aims at assessing formal land ownership and housing development in Lagos, Nigeria. In order to ensure adequate coverage, data were obtained from the respondents using multi-stage stratified random sampling. A total of 2054 questionnaires were administered in the 16 urban local government areas that make up the metropolitan Lagos to obtain information on the socio economic characteristics, housing types and means of land acquisition. Both descriptive and inferential statistics were used to present the result. Findings revealed that most low income earners were excluded from the land allocation process by stringent financial measures and institutional ineptness. The paper therefore recommends among other things that government needs to ensure improvement in land administration so as to allow unhindered access to legal security of tenure on residential land in the state.

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#### INTRODUCTION

As rightly observed by Gamu (2002), nothing is achievable without land, and if its management in terms of delineation, distribution, accessibility, ownership, uses and control are very problematic, then the populace will find it difficult to develop in several spheres. Consequently, land and land resources need to be properly harnessed and managed to sustain current needs and ensure adequate provision for future generation (Ibidapo-Obe, 2003). In the past, Third World cities had a tremendous ability to provide residential land for its growing populations. Land has been available in fairly central location because of the loose structure of the cities and large public landholdings. However, disadvantaged groups' housing opportunities in many developing cities have rapidly been decreasing as there has been a commercialization of the urban land and, thus, rapid increases in land prices. As more and more land is being purchased by highly organized professional and land developers with access to a considerable amount of capital, disadvantaged groups such as the urban poor, the aged and women's chances of gaining access to land have been reduced.

With regards to land management, the UN-Habitat Conference of the 1976 held in Vancouver, Canada, recommended public land management and control as the surest way of ensuring efficient and equitable distribution of land resources. Thus, public land management is expected among other things; guarantee equitable distribution of land rights on the basis of non-commercial criteria; empower government to ensure a more judicious, orderly and healthy development of urban areas; guarantee cheaper and easier access to land for both public and private land development; and curb speculations which was believed to be the main cause of escalating land prices in the periphery of urban areas (Omirin, 2003).

In cities of developing countries, informal and illegal housing and human settlements exist and expand because of the inadequate provision for land, a tendency towards over-regulation and an administrative and institutional framework that is, at best indifferent and more likely-hostile to the need of the urban poor (Cobbet, 1999). Conventionally, policy makers are blamed for this problem, which has been attributed to a number of factor including corruption and lack of interests to adopt alternative land use systems. Providing legal security of tenure and equal access to secured residential land for all people irrespective of sex is one of the major prerequisites of sustainable housing delivery and urban development. Security of tenure is closely linked to two central objectives at international policies; the right to adequate housing or shelter

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and sustainable resource management (UNCHS, 2000). In Habitat Agenda 21, the significance of access to land and security of tenure are underlined in the chapter as "promoting sustainable human settlements". Hence, to the extent that legal security of tenure is not provided in an area, proper management of local resources will remain an illusion and sustainable urban development will continue to remain a receding mirage in the horizon of the citizens (Ugochukwu 2001). It is against this background that this study therefore aims to examine formal land ownership and housing development in Lagos state, Nigeria

## Literature Review

The literature on urban land markets began with the work of a group of land economists, especially, Alonso (1964) and Muth (1969). The literature revealed that land is a factor of production, essential to the provision of urban housing and infrastructural services and production of agricultural products (Agbola *et al.*, 2002). The conventional neo-classical explanation for residential differentiation is based largely on land costs. The Alonso-Muth studies demonstrated how the 'rent gradient' of declining land prices and rents away from the centre could be calculated from first economic principle, and the location of various groups could be predicted (UN-HABITAT, 2003). In their works, residents are considered to have a trade-off between transport costs or time and living space. Each group has a 'bid rent curve' for the amount of money that they are prepared to pay per square metre for particular locations, and the group with the steepest curve will win. Dowell (1989), in his study of housing market in Bangkok contended that for an ample of land, strong competition among developers and builders, and adequate supply of finance are necessary conditions for the efficient operation of the land markets, especially in the fastest growing cities of the developing countries. The poor are where they are because, even with their low incomes, they are outbid by the rich for the areas in which they live, and they pay more than the rich would be prepared to pay to live there (UN-HABITAT, 2003).

Earlier, Haig (1927) considers site rent and transportation costs as complementary values, summing up to total costs of friction. According to him, the layout of a metropolis – the assignment of activities to areas – tends to be determined by a principle, which may be termed the minimization of the costs of friction. A crucial concept in Alonso's work, the bid rent curve, is defined as a set of combinations of rent and transport inputs which represent an equal satisfaction level for an individual (Korcelli, 1982). With bid-rent curve, Alonso describes a process through which households compete for particular residential lots with a view to maximizing efficiency and satisfaction. Therefore, competition for residential location and size of lot is expressed through a bid rent function for each household (Alonso, 1964). Furthermore, as revealed by Harvey (1973), Muth (1969) provides particularly sophisticated formulations in which he attempts to bring together analyses of the production of housing, the allocation of existing housing stock, the allocation of land to uses, and utility-maximizing behaviour on the part of individual consumers with different income characteristics and diverse preferences for housing. Muth provided a theoretical explanation for the rationale behind the disadvantaged groups living near the CBD on

costly land as observed in many American cities. The builder landlords typically take the bid rents of households to determine the most profitable housing form at each location (Morris and Win 1982). It is difficult to give a description of a "typical" sites-and-services scheme as the interpretation of the concept varies substantially. Some projects only provide pegged-out lots, unpaved roads and footpaths as well as communal pit latrines and water-taps while others may even include paved roads, a utility wall and a partly finished house (Morris and Win 1990) states further that there are many physical components to be considered within schemes. First, a utility wall may be provided which includes main service connections such as water supply, electricity and sewerage. Other projects may have a sanitary core while another solution is communal utilities with the option to provide individual connections. Second, the layout of the area depends largely on the planned lot sizes, accessibility to roads and footpaths, and topography. Third, some schemes have included the construction of posts and a roof, features which are both expensive and difficult to build. In other instances, some walls or rooms have been provided as a temporary solution while the household built their houses.

## The Process of Residential Land Acquisition in the Formal Land Market (Sites and Services Schemes)

In the formal land market, residential plots are made available for acquisition through normal allocation of state land in government sites and services. The allocation of residential plots in government sites and services schemes is the responsibility of certain individuals and agencies. These include the ad-hoc committee members of Land Use and Allocation Committee (LUAC), appropriate Government Residential Scheme Officers, Executive Secretary of the LUAC, Permanent Secretary (Ministry of Lands), and State Governor. Under normal circumstance, the ad-hoc committee members of Land Use and Allocation Committee (LUAC) should be available and meet in order to consider applications in batches to select those qualified and send the list to the Governor for approval. However, this committee is not constituted most of the time. Hence, the allocation is usually done by the appropriate residential scheme officers and the Executive Secretary of LUAC. In the case of prime state land, the Permanent Secretary, Ministry of Lands is also involved in the selection exercise. The lists of the names of selected applicants are then presented to the Governor for his approval. On receiving letter of allocation of state land issued by the LUAC, the Executive Secretary of LUAC mandates an applicant to pay capital development levy and other land charges to the Lagos State Government. This is in addition to annual ground rents, normal premium, development charges and stamp duty/administrative charges. The affected schemes are Magodo I & II, Omole I & II and Ogudu. The rate of land allocation in these schemes is N3, 500.00 per square metre. Prospective applicants that want to obtain buildable plot of 749.52 square metres in any of the residential schemes will have to pay N3, 264,819.00. The following conditions are to be met by prospective applicant. Applicant must:

- a) Make necessary payments within 90 days. The power vested in the Office of the Governor under the LUD of 1978 and State Land Law and Regulation of 1974 ensure that all offers/allocation in respect of which full payment

of Capital Development Levy and Land Charges were not made within 90 days as stipulated in the latter of offer/allocation are deemed rejected by the applicants and consequently withdraw by the State Government.

- b) Forward Bank certified cheque made payable to the Land Bureau for the capital contribution and other charges to the LUAC;
- c) Ensure that the cheque is cleared by the Executive Secretary of LUAC before lodgment in the Bank; and
- d) Ensure that the cheque gets to the LUAC office within 60 days from the date on the letter of allocation. The Governor has the power to nullify offer that is not backed with necessary payments after 60 days.

After payment, Surveys Department of the Land Bureau is expected to send survey plans of respective plots to LUAC. This is with a view to commencing the processing of the legal title (C of O for State Land). The organized private sector is also involved in the provision and allocation of formal land. The State Government allocates large hectares of land to this sector with a view to expanding the sector's role in the housing production system. Investigation, however, revealed that some private property developers later sub-divide the whole or part of the land allocated to them by the State Government into plots for outright sale to the general public. For example, private property developers have supplied about 500 service plots in their various estates in Lekki, namely, Victory Park Estate, Fountain Spring Villa and Pinnock Beach Estate. In addition, XTADOK Nigeria Limited makes provision for 86 residential plots at its Estate located at Oketiri-Ado Village, via Aja. Both the State Government and Organized Private Sector (OPS) are also involved in the provision of formal land through reclamation of wetlands. In the course of developing land for housing construction, the State and the OPS have sand filled some of the existing wetlands in Victoria Island, Ogudu Foreshore and Lekki Peninsula.

Through sand filling of wetlands, certain corporate organizations are given large tract of land to develop in form of staff housing scheme and site and services schemes while some may consider the option of outright construction and sale to any interested members of community. See Plate 5.1 for wetlands reclamation exercise embarked upon by the Organized Private Sector for residential development in Lekki Peninsula.

### The Study Area

Lagos State is one of the thirty-six states in the Federal Republic of Nigeria. It lies between Latitudes  $6^{\circ} 22'$  and  $6^{\circ} 42'$  North of the Equator and between Longitudes  $2^{\circ} 42'$  and  $3^{\circ} 22'$  East of the Greenwich Meridian (African Newspapers of Nigeria (Plc) and Lagos State Government, 1999). Lying in the south-western portion of Nigeria, Lagos state stretches for more than 180 kilometres along the Guinea Coast of the Atlantic Ocean and it is bounded on the North and East by the sister state of Ogun, and on the West by the neighbouring Republic of Benin (IBLL, 1998). The metropolitan Lagos consists of island endowed with creeks and Lagoon. Lagos metropolitan area is bounded in the west by Oyo and Ijamikin, Lekki Peninsula in the east and Ikorodu and Alagbado towns in the north. It covers an area of about  $1,183 \text{ km}^2$  out of the  $3,577 \text{ km}^2$  total area of Lagos State.

### MATERIALS AND METHODS

The data obtained in the pursuit of this study were from two sources, these are primary sources and secondary sources. The primary data were sourced from the field survey conducted through the administration of questionnaires and on the spot assessment through observations. The multi-stage stratified random sampling was used for the purpose of administering the household head questionnaire.



Figure 1. Lagos State showing the Lagos Metropolis

At the first stage, all the Local Government Areas (LGAs) that fall within metropolitan Lagos were identified. At the second stage, simple random sampling technique was used to select three enumeration areas (EAs) from each LGA. The selected EAs in each LGAs are true representatives of high, medium and low density residential areas respectively. Next, in each of the selected EAs, all streets were numbered. The resulting number of streets was then divided by the number of questionnaires to be administered in each EAs at the fourth stage. Using Lagos Street Map, a sampling frame was developed by listing all households living in the selected streets at the fifth stage. At the final stage, appropriate number of households was systematically selected from each of the selected streets. Only one household-head was picked from each house for the interview. At the end of the Survey, there were 2105 residential buildings in which a household-head was picked per residential building for the administration of household-head questionnaire. Out of the 2,105 questionnaire administered; (2,054) were retrieved in a useable form, representing 97.6 percent response rate for household-heads. Data were analyzed using descriptive statistics.

## RESULTS AND DISCUSSION

### Pattern of Access to Residential Land

Respondents that claimed to have acquired land for housing development by a different variety of means. As shown in Table 1, 63.9 percent acquired land in private informal land market through private purchase from original owners, land speculators, members of land owning families popularly called 'omo-onile' as well as land grabbers and their agents. Other than land acquired through these means, 18.0 respondents acquired land from the state through statutory allocation made by the LUAC. While 10.8 percent acquire land in private formal land market through organized land developers, and 7.3 percent of the entire respondents acquired land in areas designated by the Lagos State Government as ratified areas; yet the principal law guiding ownership and use of land in Lagos, that is the Land Use Act specifies Government as the owner of land from which individuals are supposed to obtain permission before use. This result shows that accessibility to land for residential uses from public is low. It also indicates the belief that land belongs to families. It could be inferred that a more aggressive solution requires the replacement of market mechanism with an alternative system of land acquisition and land use determination based upon public ownership and control.

**Table 1. Land Acquisition**

Means of Acquisition	No of Respondents		Total %
	Male	Female	
Public Formal	250 (67.6%)	120 (32.4%)	(370) 18.0
Private Formal	151 (68.3%)	70 (31.7%)	(221) 10.8
Private Informal	978 (74.5%)	335 (25.5%)	(1313) 63.9
Ratified Area	100 (66.7%)	50 (33.3%)	(150) 7.3
Total	1479	575	(2054) 100

Note: % in parenthesis

Source: Author's Fieldwork, 2007.

Time of land acquisition, as contained here shows that only 13.1 percent respondents acquired their residential plots prior to independence in 1960. Between 1961 and 1978, the time

when the Land Use Decree now referred to Land Use Act (LUA) was enacted, another 31.0 per cent acquired their residential plots. While 32.5 percent acquired their plots between 1979 (immediately the LUA was enacted) and 1999, only 23.4 percent claimed to have acquired their plots after year 2000. However, several factors may be attributed to this perhaps, the most important one being the land tenure, land administration, and improved economy in the study area. Further, it was discovered that most of the private informal land owners has no legal status and so could not benefit from formal sector bank loans or mortgage. On the other hand, the Government losses valuable revenue that would have accrued, had the private informal access to residential land is recognized.

### Period of acquisition of residential land

The number of weeks taken to acquire land by respondents is contained in Table 2. The table shows that 309 respondents (15.0%) claimed to have acquired their residential plots between one to four weeks of search for them especially from private sources. Another 16.1 percent respondents acquired their residential plots between 5-12 weeks, 13-24 weeks (25.6%), 25-48 weeks (17.5%), 49-72 weeks (13.5%) and more than 72 weeks (12.3%). The implication of this is that the Period of land acquisition has impact on the number of houses that are produced annually. The shorter the period involved in accruing land, the better, for development activities to take off. Without secured access, production of housing development cannot take place. However, further investigation shows that the land transaction is more complex than this. Acquisition appears simple because majority of land owners obtained their land from unofficial sources such as individuals and family. Thus, when land is purchased by people, they still need to perfect the title document by obtaining Certificate of Occupancy as specified by the Land Use Act. Besides, the fact that processing of this title document takes at least 6 months, it makes room for double payment for the same plot of land. Apart from those lands acquired from government directly, field investigation reveals that owners will pay initial owner of land and also pay the Government to obtain the title document.

**Table 2. Time Taken to Acquire Residential Land (in weeks)**

Time Taken (weeks)	No of Respondents		Total %
	Male	Female	
1-4	229 (74.1%)	80 (25.9%)	(309) 15.0
5-12	240 (72.7%)	90 (27.3%)	(330) 16.1
13-24	370 (70.5%)	155 (29.5%)	(525) 25.6
25-48	260 (72.2%)	100 (27.8%)	(360) 17.5
49 – 72	200 (72.2%)	77 (27.8%)	(277) 13.5
above 72	180 (71.2%)	73 (28.9%)	(253) 12.3
Total	1479	575	(2054) 100

Note: % in parenthesis

Source: Author's Fieldwork, 2007.

### Cost of residential plot

Initial cost of land indicates that 15.3 percent of the entire respondents acquired their residential plots for N200, 000 or less. While another 36.2 percent paid between N200,001 and N500,000 for their plots, 17.0 percent claimed to have acquired their plots at prices that range between N500,001 and N1 million. 259 respondents or 12.6 percent of the respondents

paid between N1.1 – and N1.5 million for residential land, 9.2 percent (N1.6 - N3 million), 5.7 percent (N3.1 - N6 million) as 2.9 percent (N5.1 - N10 million). Only 1.1percent of the entire respondents got their residential plots at a cost more than N10 million. The implication of this indicates that Cost of land in Lagos is very high and beyond the reach of majority of the people that belong to the low-income groups (most especially women) who may not have access to land for housing development. Only 15.3 percent of the respondents have access to land with initial cost of N200, 000 or less.

**Table 3. Initial Cost of residential Plot (₦)**

Cost (₦)	No of Respondents		Total %
	Male	Female	
₦ 200,000	235 (74.6%)	80 (25.4%)	(315) 15.3
₦200,001- 500,000	535 (72.0%)	208 (28.0%)	(743) 36.2
₦500,001-1 million	240 (68.8%)	109 (31.2%)	(349) 17.0
₦ 1.1-1.5 million	189 (72.97%)	70 (27.03%)	(259) 12.6
₦ 1.6-3 million	138 (73.02%)	51 (26.98%)	(189) 9.2
₦ 3.1-5 million	85 (72.7%)	32 (27.4%)	(117) 5.7
₦ 5.1-10 million	40 (66.7%)	20 (33.3%)	(60) 2.9
Above 10 million	17 (77.3%)	5 (27.7%)	(22) 1.1
Total	1479	575	(2054) 100

Note: % in parenthesis

Source: Author's Fieldwork, 2007.

### Values of land acquired

The present values of land acquired by both male and female respondents are shown in Table 4. A glance at the table shows that present monetary value of residential plots is considered very high in Lagos. According to the Table 5.4 percent of the sample land was estimated to cost more than N200, 000. The values of land acquired by another 17.5 per cent, range between N200, 000 and N500, 000. The present values of residential plots recorded for another 33.2 percent range between N500, 000 and N1million. Two hundred and thirty respondents or 11.2 percent of the entire respondents possess land that presently worth between N1.1 and N1.5 million, 9.3 percent respondents (N1.6-N3 million); 6.1 percent (3.1-N5 million); 7.6 percent respondents (N5.1-N10 million).

**Table 4. Present value of land (N)**

Cost (N)	No of Respondents		Total %
	Male	Female	
₦ 200,00	59 (53.6%)	51 (46.4%)	(110) 5.4
₦200,001-500,000	270 (75.0%)	90 (25.0%)	(360) 17.5
₦500,001-1 million	580 (85.0%)	102 (15.0%)	(682) 33.2
₦ 1.1-1.5 million	150 (65.2%)	80 (34.8%)	(230) 11.2
₦ 1.6-3.0 million	130 (68.4%)	60 (31.6%)	(190) 9.3
₦ 3.1-5.0 million	80 (64.5%)	44 (35.5%)	(124) 6.1
₦ 5.1-10 million	110 (71.0%)	45 (29.0%)	(155) 7.6
₦ 10.1-20 million	70 (56.9%)	53 (43.1%)	(123) 6.0
Above ₦ 20 million	30 (37.5%)	50 (62.5%)	(80) 3.9
Total	1479	575	(2054) 100

Note: % in parenthesis

Source: Author's Fieldwork, 2007.

In addition, 203 of house-owners or 9.9 percent respondents put the values of their residential plots at more than N10 million. A look at the present value of land shows that land can act as a hedge against inflation. It was discovered that land value had gone up astronomically from less than N200, 000 in recent past to above N20, 000,000. The main reason is the collapse of the Naira against other currencies in the world

market. (The Naira exchange rate of about N156 to 1US Dollars). The negative effect of this exchange on the present value of land is a reduction on its affordability and ease of transaction especially for the low-income earners.

### Determinant of Access to Statutory Allocated Residential Land

Respondents' perception shows that cost of obtaining legal title is the most important factor constraining access to statutory allocated plots. A cursory look at Table 5 indicates that 19.5 percent of the entire respondents are in support of this factor. Other major factors identified by the respondents are whom you know syndrome (47.5%), Land Use Decree {now Land Use Act} is (13.9%) and the various criteria required by land managers before granting access to state land (19.1%). The Implication is that the higher income earners and the highly connected people in government and society with more disposable income secured access to residential land with secured tenure, than the majority who are poor and not well connected in higher place in the society.

**Table 5. Determinant of Access to Statutory Allocated Residential Land**

Determinant	No of Respondents		Total %
	Male	Female	
Whom you know	740 (75.8%)	236 (24.2%)	(976) 47.5
Cost	260 (71.4%)	140 (35.0%)	(400) 19.5
Eligibility Criteria	289 (67.4%)	104 (26.5%)	(393) 19.1
Land Use Act	190 (66.7%)	95 (33.3%)	(285) 13.9
Total	1479	575	(2054) 100

Source: Author's Fieldwork, 2007.

### Recommendation and Conclusion

This paper examined the process of formal land ownership and the impact on housing development. It shows that the government has failed to meet the needs of prospective house owners. The rate at which land managers are granting access to residential land and legal security of tenure cannot be said to lead to significant growth in housing production in the metropolis. This, in addition to shortage of housing stock has led to the development of slums all around Lagos metropolis and its environs. Against this development, the paper therefore recommends that government needs to ensure improvement in land administration so as to allow unhindered access to legal security of tenure on residential land in the state.

It is also recommended that policies relating to land procurement such as time taken, fees payable and paper requirement be relaxed so that majority of the people can have access to land security and tenure. In conclusion, Land administrators through their various activities have produced land scarcity rather than improving access. Poor governance and bad policies have led to land shortage and deteriorating living conditions and it has denied the urban poor of having access to legal residential sites. As such, effective and sound governance in land administration is necessary. Effective and improvement in land administration will enable individual/community have access to legal security of tenure on residential land/plot.

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