



# Perceived Effects of 1978 Land Use Act Provisions on Sustainable Housing Development in Lagos State, Nigeria

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## Abstract

*Despite the implementation of the 1978 Land Use Act provision that assured access to land to every Nigerian, especially for housing development, the citizens are still faced with inadequate housing provision. The study examined the effects of State Ownership of Land, Governor's Consent, Customary Rights of Occupancy, Revocation of Land Rights, and other related provisions of the 1978 Land Use Act on sustainable housing development, with focus on housing affordability and access to housing services in Lagos State, Nigeria. The study adopted a mixed research approach by employing quantitative and qualitative research methods to collect data from 271 stakeholders on the perceptions of the Act provisions, housing affordability, and access to housing services, using a simple random sampling technique. Data were analysed using descriptive tools like means, frequency, and inferential tools, especially regression analysis. The mean score perceptions of the Act provisions showed that Governor's consent (3.66), State Land Ownership (3.55), and customary rights of occupancy (3.45) are perceived as the most discriminating. While perceived housing affordability and access to housing services mean score showed that gross deficit of housing units (4.18) and house cost increases (4.11) are the most discriminating statements. However, the regression analysis result showed that 60.9% of the overall explanation for the variations in sustainable housing development in Lagos is provided by the perceived housing-related provisions of the Land Use Act. Therefore, the study concluded that the perceived effects of the Act provisions on sustainable housing development in Lagos include a gross deficit of housing units and increasing housing costs. It is recommended then to review the identified sections of the Land Use Act in line with the perceived housing-related provisions of the Act to ensure sustainable housing development in terms of increasing housing stocks at an affordable cost.*

## Keywords

Land Use Act provisions, Housing affordability, Accessible services, Sustainable development, Lagos

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## 1. Introduction

The Land Use Act of 1978 is a law that governs land ownership and administration in Nigeria (Laws of the Federation of Nigeria, 1990). It vests all land in each state in the governor, who holds it in trust for the people, and grants rights of occupancy to individuals or corporations for residential, agricultural, commercial, and other purposes, rather than full ownership, with commencement on 29<sup>th</sup> March, 1978.

Historically, before 1978, the land ownership in Nigeria was primarily governed by a customary land tenure system, which allowed traditional rulers, families, and communities to control land according to local customs and traditions. While this system worked in many rural areas, it created significant problems in urban and developing regions, especially as the country industrialized.

Thus, the Nigerian government recognized that without reform, this fragmented system would hinder economic growth, real estate development, especially housing, and equitable access to land.

In line with the reformation thoughts, the objectives of the 1978 Land Use Act were to centralize land administration, ensure that land was used for the public good, such as agriculture, industry, and housing, simplify the complex land tenure systems that had previously existed, and regulate land use for economic development (Laws of the Federation of Nigeria, 1990). The provisions introduced in the Act that affect land rights, property ownership, and housing development include state ownership of land, the Governor's consent, customary rights of occupancy, revocation of land rights, and other direct or indirect provisions.

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For state ownership of land provision, it means that all land in each state is held in trust by the governor, who administers it for the benefit of the public, so individuals and corporations can only hold land for any development through grants of a certificate of occupancy from the state, which is crucial for proving ownership and conducting real estate transactions. Governor's consent provision implies that such consent is required for any transfer, sale, or lease of land, and without the governor's approval, any land transaction is considered null and void under the law. The customary rights of occupancy in rural areas mean that the traditional rulers or local governments can allocate land to individuals for agricultural or residential purposes, but the rights must still be approved by the state. Land rights are revoked by the Governor for public purposes, as well as for unlawful use or development of the land. These provisions for housing development translate to needing a Certificate of Occupancy (C of O) or Governor's Consent for land transactions, as well as the possible land rights revocation for overriding public interest, all of which will affect sustainable housing development.

Sustainable housing development refers to the construction and operation of residential buildings that minimize negative environmental impact, promote resource efficiency, and enhance the well-being of occupants and the surrounding community, both now and in the future (Almusaed and Almssad 2022). Therefore, sustainable housing development can be measured using various indicators across environmental, social, and economic dimensions. These indicators often involve assessing the building's life-cycle cost, resource consumption, environmental impact, social well-being, and affordability (Almusaed and Almssad, 2022). By considering these diverse indicators and approaches, it is possible to comprehensively assess the sustainability of housing development

and ensure that it contributes to a more environmentally responsible, socially equitable, and economically viable future. The question is how this can be achieved in the context of the provisions of the 1978 Land Use Act in Nigeria.

Past studies on the Land Use Act's impact on housing development in Nigeria reveal a complex and often contradictory narrative. Specifically, some of these past studies examined the impact of the provisions of the 1978 Land Use Act on the citizens

and state of housing in Nigeria, as well as the government intervention in the housing process (Yahaya, 2019; Ifenacho, 2019; Aluko, 2012; Yakob et al., 2012; Gyuse, 2009).

The consensus of these studies is that despite the implementation of the 1978 Land Use Act provisions that streamlined land administration and assured access to land to every Nigerian, especially for housing development, the citizens are still faced with inadequate and unsustainable housing provision. The studies argued that the Land Use Act has contributed significantly to the worsening situation of housing in Nigeria, and Lagos State in particular, where it has created challenges and hindered sustainable housing development. Therefore, the objective of the study is to examine the effect of the 1978 Land Use Act's provisions of the State ownership of land, Governor's consent, customary rights of occupancy, revocation of land rights, and other related provisions on sustainable housing development, with a focus on housing affordability and access to housing services, in Lagos State, Nigeria.

## 2. Literature Review

### 2.1 1978 Land Use Provisions affecting Housing Development

The 1978 Land Use Act introduced several important provisions that affect housing development, property ownership, and land rights in Nigeria. These provisions, which could be found in different parts and sections of the Act, include State ownership of land, Governor's consent, customary rights of occupancy, revocation of land rights, and other related provisions (Laws of the Federation of Nigeria, 1990).

#### State Ownership of Land

For the State Ownership of Land, the act states that all land in each state is held in trust by the Governor, who administers it for the benefit of the public. This is stated in Part I and sub-sections 1 & 2 as follows:

1. Subject to the provisions of this Act, all land comprised in the territory of each State in the Federation is hereby vested in the Governor of that State, and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act.
2. (1) As from the commencement of this Act -

(a) all land in urban areas shall be under the control and management of the Governor of each State, and

(b) all other land shall, subject to this Act, be under the control and management of the Local Government, within the area of jurisdiction of which the land is situated.

This provision means that individuals and corporations can only hold land through grants of occupancy, usually in the form of a Certificate of Occupancy (C of O) from the state. This shows the right to land acquisition for housing development.

### **Governor's Consent**

Governor's consent requirement is one critical aspect of the Act for any transfer, sale, or lease of land, as stated in Part IV and subsections 21 & 22:

21. It shall not be lawful for any customary right of occupancy or any part thereof to be alienated by assignment, mortgage, transfer of possession, sublease, or otherwise whatsoever.

- (a) Without the consent of the Governor in cases where the property is to be sold by or under the order of any court under the provisions of the applicable Sheriffs and Civil Process Law; or
- (b) in other cases, without the approval of the appropriate Local Government.

22. It shall not be lawful for the holder of a statutory right of occupancy granted by the Governor to alienate his right of occupancy or any part thereof by assignment, mortgage, transfer of possession, sublease, or otherwise whatsoever without the consent of the Governor first had and obtained.

The provision means that any land transaction for housing development, whether a transfer, sale, or lease of land, without the Governor's consent, is considered null and void under the law. This applies to both private and corporate housing developers.

### **Customary Rights of Occupancy**

Customary right of occupancy in the Act is a right granted in respect to land in rural areas, which means that the traditional rulers or local governments can allocate land to individuals or organizations for residential purposes, but the rights must still be approved by the state or the Governor, as stated in Part II and subsections 5 & 6:

5. (1) It shall be lawful for the Governor in respect of land, whether or not in an urban area:

- (a) to grant statutory rights of occupancy to any person for all purposes;

6. (1) It shall be lawful for a Local Government in respect of land not in an urban area.

- (a) to grant customary rights of occupancy to any person or organization for the use of land in the Local Government areas for agricultural, residential, and other purposes.

The provision means that for housing development in the rural areas, individuals or organizations are required to obtain the Governor's consent through a customary right of occupancy certificate or Certificate of Occupancy.

### **Revocation of Land Rights**

The existing rights of occupancy can be revoked by the Governor if required for public purposes, with compensation made as provided in Part V and subsections 28 & 29 as follows:

28. (1) It shall be lawful for the Governor to revoke a right of occupancy for overriding public interest.

(2) Overriding public interest in the case of a statutory right of occupancy means--

- (a) the alienation by the occupier by assignment, mortgage, transfer of possession, sublease, or otherwise of any right of occupancy or part thereof contrary to the provisions of this Act or of any regulations made thereunder;

- (b) the requirement of the land by the Government of the State or by a Local Government in the State, in either case, for public purposes within the State, or the requirement of the land by the Government of the Federation for public purposes of the Federation

- (c) the requirement of the land for mining purposes, or oil pipelines, or for any purpose connected therewith.

(3) Overriding public interest in the case of a customary right of occupancy means -

- (a) the requirement of the land by the Government of the State or by a Local Government in the State, in either case for public purpose within the State, or the requirement of the land by the government

of the Federation for public purposes of the Federation.

(b) the requirement of the land for mining purposes, or oil pipelines, or for any purpose connected therewith;

(c) the requirement of the land for the extraction of building materials;

(d) the alienation by the occupier by sale, assignment, mortgage, transfer of possession, sublease, bequest, or otherwise of the right of occupancy without the requisite consent or approval.

29. (1) If a right of occupancy is revoked for the cause set out in paragraph (b) of subsection (2) of section 28 or (c) of subsection (3) of the same section, the holder and the occupier shall be entitled to compensation for the value at the date of revocation of their unexhausted improvements.

(2) If a right of occupancy is revoked for the cause set out in paragraph (c) of subsection (2) of section 28 or in paragraph (b) of subsection (3) of the same section the holder and the occupier shall be entitled to compensation under the appropriate provisions of the Minerals Act or the Mineral Oils Act or any legislation replacing the same.

(4) Compensation under subsection (1) of this section shall be, as respects –

(a) the land, for an amount equal to the rent, if any, paid by the occupier during the year in which the right of occupancy was revoked;

(b) building, installation or improvements thereon, for the amount of the replacement cost of the building, installation or improvement, that is to say, such cost as may be assessed based on the prescribed method of assessment as determined by the appropriate officer less any depreciation, together with interest at the bank rate for delayed payment of compensation and in respect of any improvement like reclamation works, being such cost thereof as may be substantiated by documentary evidence and proof to the satisfaction of the appropriate officer;

(c) crops on land apart from any building, installation, or improvement thereon, for an amount equal to the value as prescribed and determined by the appropriate officer.

Despite the compensation, the provision means that the amount of land acquired by individuals or organizations for housing development is limited, which will affect the number and cost of housing units to be provided.

### **Other Related Provisions – Land Ownership before and on commencement of the Act**

Other related provisions affecting housing development are stated in Part VI and subsection 34 as follows:

34. (1) The following provisions of this section shall have effect in respect of land in an urban area vested in any person immediately before the commencement of this Act.

(2) Where the land is developed, the land shall continue to be held by the person in whom it was vested immediately before the commencement of this Act as if the holder of the land was the holder of a statutory right of occupancy issued by the Governor under this Act.

(3) In respect of land to which subsection (2) of this section applies, there shall be issued by the Governor on application to him in the prescribed form a certificate of occupancy if the Governor is satisfied that the land was, immediately before the commencement of this Act, vested in that person.

(4) Where the land to which subsection (2) of this section applies was subject to any mortgage, legal or equitable, or any encumbrance or interest valid in law such land shall continue to be so subject and the certificate of occupancy issued, shall indicate that the land is so subject, unless the continued operation of the encumbrance or interest would in the opinion of the Governor be inconsistent with the provisions, or general intent of this Act

(5) Where, on the commencement of this Act, the land is undeveloped, then

(a) One plot or portion of the land not exceeding half a hectare in area shall continue to be held by the person in whom the land was so vested as if the holder of the land was the holder of a statutory right of occupancy granted by the Governor in respect of the plot or portion as aforesaid under this Act; and

(b) All the rights formerly vested in the holder in respect of the excess of the land shall, in the commencement of this Act, be extinguished, and the excess of the land shall be taken over by the Governor.

Despite the upgrading of ownership status, the provisions for undeveloped land limit the amount of land acquired by individuals or organizations for housing development, which will affect the number and cost of housing provision.

## 2.2 Sustainable Housing Development

Sustainability is the ability to maintain or support economic, environmental, or social processes over time without depleting natural resources (Kobo et al, 2011; Clough et al, 2006). This means that the idea of sustainability can be broken down into three dimensions: Economic, Environmental, and Social (McGuinn et al, 2020). The concern of this study is on the social dimension, which focuses on creating and maintaining conditions where people can thrive and societies can flourish over the long term. This involves ensuring equitable access to resources, opportunities, and services, fostering social inclusion and cohesion, and promoting well-being for all and protecting human rights. Therefore, in the words of the World Commission on Environment and Development Report (1987), sustainable housing development is described as meeting the present housing needs of the people without compromising the ability to meet future generation housing needs. Meeting these needs involves the creation of residential buildings and communities that minimize their environmental impact while promoting social and economic well-being. Social dimensions that could influence these needs include affordability, service accessibility, building life cycle cost, access to resources (land), environmental impact, and social well-being (Almusaeed and Almssad 2022). Furthermore, sustainable housing development, as contained in Goal 11 of the United Nations Agenda for Sustainable Development, refers to “increased access to sufficient, safe and low-cost housing for the world’s poorest people” (Ojoko et al, 2016). Typically, the ideals of sustainable housing development encompass various multi-disciplines such as urban and regional planning, construction management (Ayedun and Oluwatobi, 2011; Ibem, 2010), sustainable building

materials and waste valorization (Bashir, 2013; Nyakuma, 2015), green buildings and smart grids (Otegbulu and Adewunmi, 2009; Dodo et al, 2015), as well as sustainable energy technologies (Oyedepo, 2012). In addition, sustainable housing development involves all the processes, systems, and stakeholders involved in the planning, construction, and management of cities around the world (Williams and Dair, 2007; De Groot, 2006). Therefore, it is important to investigate if the Land Use Act in Nigeria has an effect on achieving sustainable housing development.

## 2.3 The 1978 Land Use Act and Housing Development

In the context of State Ownership of land, Governor’s consent, Revocation of land rights, and other related provisions, the 1978 Land Use Act has not succeeded in making land readily available to Nigerians because the process of accessibility to land is long, tortuous, and expensive (Aluko, 2012). This situation implies that efforts of the public and the private sectors at ameliorating the shortage of affordable housing for low-income earners have not produced sustainable strategies for housing development in Nigerian urban centres. This, therefore, could explain the current housing situation in Nigeria. In terms of shortage, Yahaya (2019), citing Onubokun et al (1983), estimated housing types’ shortfalls of 19,286,433 units in 2010 and 28,548,633 units in 2020, with an average of 9,262,200 units in 10 years, and which could increase to 40 million housing units in 2030. Lagos faces a significant housing deficit despite ongoing development efforts. While the state government has been actively delivering new housing units, the gap between supply and demand continues to widen. A recent Punch Newspaper report of August 6, 2025, indicates a deficit of 3.4 million units, an increase from 2.95 million units in 2016. As a result, the occupancy ratio is relatively high in major cities like Lagos (Enisan, 2017), and the price of available houses to the annual income of households is very high in some cities like Lagos, Ibadan, and Kano, making affordability difficult.

It has been observed that alienating land to the Government’s power of eminent domain was usually resisted by the land owners/developers, especially when it is envisaged that the monetary compensation will not be adequate to procure capital

for housing development (Ajayi, 2013). In furtherance of the provision of the Land Use Act, vesting the granting of the Right to land on the Governor or Local Government Chairman, led to a further increase in the growth of slums due to the stoppage of the adoption of private housing layout schemes. The problems of obtaining Certificate of Occupancy and Governor's consent in Lagos for housing development have been on the increase (Aluko, 2012). Oserogho (2002), in his study of the Lagos State and Land Use Act, has the view that the decision of the State Government to take over the authorities for charging and collection of land use charge from the Local Government Authorities has resulted in the institution of various litigations by both landlords and tenants, which stall any meaningful intention for housing development. Oni (2010), in an attempt to determine the effects of the Land Use Act on housing development, revealed that the basis for calculating the land use charge was inappropriate, and that the provision for a penalty for delayed payment of the land use charge was not encouraging for housing development, and hence the unaffordability and inaccessibility of housing.

At this point, not so much literature has examined housing-related provisions of the 1978 Land Use Act to understand their effects on sustainable housing development in terms of housing affordability and access to housing services; and hence the objective or purpose of this study.

### 3. Research Methodology

#### 3.1 Research design and Philosophy

The study adopted a mixed research approach by employing quantitative and qualitative research methods. The quantitative aspect involves collecting numerical data through a structured questionnaire distributed to the respondents, while the qualitative aspect involves gathering in-depth insights through semi-structured interviews with key informants. The underlying philosophy guiding this research is pragmatism, which emphasizes the practical application of findings and the use of multiple methods to address real-world problems effectively. This is to ensure that the research process remains flexible, adaptable, and focused on generating actionable solutions. Therefore, the adoption of the research design and philosophy is to examine how sustainable housing development is affected by the housing-related provisions of the Land Use Act.

That is, to examine the extent to which housing affordability and access to housing services are influenced by the provisions of State Ownership of Land, Governor's Consent, Customary Rights of Land, Revocation of Land Rights, and other related provisions (Land Ownership before and on commencement of the Act) as provided in the Act. This will help to understand the effect of the provisions of the Act on sustainable housing development.

#### 3.2 Data Sources and Types

With the mixed method approach, the data were obtained from both primary and secondary sources. The primary data types were the perceptions of the public on the State Ownership of Land, Governor's Consent, Customary Rights of Land, Revocation of Land Rights and other related provisions (Land Ownership before and on commencement of the Act) as provided in the Act; housing affordability; access to housing services as well as their perceived effects of the provisions of the Act on housing affordability and access to housing services. These quantitative data were complemented by in-depth interviews of the stakeholders on the perceptions of the provisions of the Act, as well as a deeper understanding of the state of housing affordability and access to housing services. The secondary data types were the provisions of the Land Use Act; whereby content analysis was employed to identify the housing-related provisions of the Act. Also, relevant government publications and past studies were consulted to understand the state of housing affordability and access to housing services in Lagos.

#### 3.3 Sampling Frame, Sample Size, and Sampling Technique

The sample frame comprised an unknown population of the land/property owners, stakeholders from the ministries involved in the administration of the Land Use Act, stakeholders from housing development in the Lagos State Property Development Corporation, private housing developers, and professionals in housing development. To ensure that the heterogeneous population or the sample frame was evenly represented, the  $n = [Z^2 \times p(1-p)] / E^2$  formula for the unknown population was used to calculate the sample size as follows:

Z = 90% level of confidence chosen for the results @ 1.645

P = estimated proportion of the population @ 0.5

E = margin error to accept in the results @ 0.05

Therefore, sample size, n

$$= [1.645^2 \times 0.5 (1 - 0.5)]/0.05^2$$

$$= [2.706 \times 0.25]/0.0025 = 270.6$$

The sample size for the study was estimated to be 271, which was proportionately distributed to ensure a balanced representation across the different stakeholders. Considering the significant roles and relevance of the stakeholders, the sample size was distributed as shown in the Table 1.

**Table 1: Sample Size Distribution for the Study**

s/n	Respondents	Percentage Ratio (%)	Estimated Sample Size
1	Ministries' Officials in charge of the Land Use Act administration in Lagos State	15%	41
2	Officials of Lagos State Property Development Corporation	10%	27
3	Private Housing Developers	25%	68
4	Land Owners/Landlords	40%	108
5	Professionals (Estate Surveyors, Project Managers, etc.)	10%	27
<b>Total</b>		<b>100%</b>	<b>271</b>

**Source:** Authors' work, 2024

The sampling technique is a simple random sampling where a subset of individuals is chosen from a larger population, with every member having an equal chance of being selected. In this case, the larger population is represented by the identified five major stakeholders/organizations, namely Ministry of Land Matters in Lagos State, Lagos State Property Development Corporation, Major Private Housing Developers in Lagos State, Lagos State Land Registry and list of registered Estate Surveyors' firms in Lagos State; while the subset of individuals includes officials and representatives in each of the major stakeholders/organization population.

Ministry of Land Matters is structured into five units, namely, administrative support, land administration, physical planning, surveying and

mapping, and land disputes/development control. An average of eight officials were randomly sampled in each unit for the estimated number of respondents (41) in the Ministry of Land Matters. In Lagos State Property Development Corporation, the units or departments that are directly concerned with housing provision include Architectural services, Engineering services, land and housing, Building and Quantity Surveying, and Urban and Regional Planning. In each unit, average of five officials were randomly sampled for the estimated number of respondents (27) in the Corporation. The major private housing developers in Lagos State considered for the study include Adorn Homes & Properties, Landway Investment limited, RevolutionPlus Property, Sujimote Nigeria, The Grenadines Homes, Mixta Nigeria, Veritasi Homes & Properties, and Adesuwa Realty. An average of eight representatives of each company were randomly sampled for the estimated number of respondents (68). From the Lagos State Land Registry office, number of individuals owing landed properties in Victoria Island, Yaba and Okokomaiko, representing high, medium and low-income areas of Lagos metropolis, respectively, was obtained and an average of 36 land owners in each income area were randomly sampled for the estimated number of respondents (108). Finally, the professional firm considered was the Estate Surveyors and a list of practicing professionals in Lagos State was obtained. Out of the 465 firms, about 6% of them were randomly selected and each representative was sampled for the estimated number of respondents (27).

In addition, two officials each in the ministry of Land matters and Lagos State property Development Corporation were interviewed for an in-depth understanding of the administration of the Act and housing development.

### 3.4 Data Collection and Analysis Methods

Data were collected through the administration of a questionnaire to the respondents, as well as the conduct of interviews with the selected stakeholders. The data collection focused on the perceptions of the provisions of the Act as related to State Ownership of land, Governor's Consent, Customary Rights of land, Revocation of Land Rights, and other related provisions, as well as housing affordability and access to housing services.

The collected data were analysed using descriptive and inferential statistical tools. In addition, content analysis was used to identify and classify the housing-related provisions of the Act. Descriptive statistical method was employed to calculate means, frequencies, and percentages of the perceptions of the identified provisions of the Act and responses on the housing affordability and access to housing services. The descriptive narratives were subjected to inferential analysis, using regression analysis to assess the relationships between the identified provisions of the Land Use Act as the independent variables and sustainable housing development (housing affordability and access to housing services) as the dependent variable, to determine the effect.

#### 4. Findings and Discussions

##### 4.1 Background of the Respondents

The respondents were carefully selected based on their knowledge of the Act as well as the perceived effects of its administration, which gave credit to the data for analysis and the acceptability of the findings. The respondents were the officials of ministries in charge of the Land Use Act administration, officials of the Lagos State Property Development Corporation, private housing developers, land owners/landlords, and professionals, mostly Estate Surveyors. The background characteristics considered were sex, age, years of experience in land and housing-related development, level of education, and awareness of the Land Use Act. The summary percentages of these characteristics are presented in Table 2.

**Table 2: Background Information of the Respondents**

S/N	Characteristics	Land Use Act Officials		Development Corporation Officials		Private Developers		Land Owners		Professionals		Total	
		No	%	No	%	No	%	No	%	No	%	No	%
1	Sex: Male	27	9.96	18	6.64	45	16.61	72	26.57	18	9.96	180	66.42
	Female	14	5.17	9	3.32	23	8.49	36	13.28	9	5.17	91	33.58
2	Age: 18 – 30	6	2.41	5	1.85	10	3.69	16	5.90	5	1.85	42	15.50
	31 – 45	17	6.27	10	3.69	28	10.33	44	16.24	10	3.68	109	40.22
	46 – 60	14	5.17	9	3.32	23	8.49	37	13.65	9	3.32	92	33.95
	Above 60	4	1.48	3	1.11	7	2.58	11	4.06	3	1.11	28	10.33
3	Years' Experience												
	< 1 yr	2	0.74	2	0.74	3	1.11	4	1.48	2	0.74	13	4.80
	1 – 5 yrs	18	6.64	12	4.43	30	11.07	49	18.08	12	4.43	121	44.65
	6 – 10 yrs	14	5.17	9	3.32	24	8.86	38	14.02	9	3.32	94	34.69
	>10 yrs	7	2.58	4	1.48	11	4.06	17	6.27	4	1.48	43	15.86
4	Level of education												
	No Formal Edu	1	0.37	1	0.37	2	0.74	2	0.74	1	0.37	7	2.58
	Primary	2	0.74	2	0.74	3	1.11	5	1.85	2	0.74	14	5.14
	Secondary	3	1.11	3	1.11	5	1.85	9	3.32	3	1.11	23	8.49
5	Tertiary	35	12.92	21	7.75	58	21.40	92	33.95	21	7.75	227	83.79
	Awareness of the Act												
	YES	30	11.07	20	7.38	50	18.45	80	29.52	20	7.38	200	73.80
	NO	11	4.06	7	2.58	18	6.64	28	10.33	7	2.58	71	26.20

Source: Authors' Work, 2024

The respondents were mainly males (66.42%) with 33.58% consisting of females, who are mainly aged between 31 – 45 years (40.22%) and 46 – 60 years (33.95%), thus have lived before or during the time of the promulgation of the Act. Years of experience in land and housing development showed that the respondents' experience was mainly between 1 – 5 years (44.65%) and 6 – 10 years (34.69%), which is good enough to understand the influence of the Act on their development activities. The level of education of the respondents was

mainly tertiary education (83.79%), which is evident in the stakeholders in the ministries, private developers, and the professionals in the built environment, who are directly or indirectly involved in land administration, as well as some enlightened landowners. Finally, considering when the Act was promulgated in 1978 (about 47 years ago), the responses showed that 73.80% were aware of its existence, while 26.20% were not. This gives the study the confidence to believe in the data collected for the analysis.

#### 4.2 Analysis of the Relevant Provisions of the Land Use Act

As highlighted earlier, the housing-related provisions of the 1978 Land Use Act identified and classified in the content/document analysis were State Ownership of Land, Governor's Consent, Customary rights of occupancy, Revocation of Land rights, and other related provisions such as Land Ownership before and on commencement of the Act.

The analysis of State ownership of land showed that all land in each state is held in trust by the governor, who administers it for the benefit of the public, as contained in Part I, sections 1 & 2. This means that individuals and corporations can only hold land through grants of occupancy, usually in the form of a Certificate of Occupancy (C of O) from the state, for housing development. This means that C. of O must be obtained first before development, and the process of obtaining C of O, as observed by Aluko (2012), has limited the efforts of the individuals, private and corporate developers in ameliorating the shortage of affordable housing provision and hence the persistent housing shortage in Nigerian cities, especially Lagos. Moreover, this centralization can lead to bottlenecks or delays in land acquisition, impacting the speed and efficiency of housing projects.

Also, for any transfer, sale, or lease of land for housing development, the Governor's consent must be obtained, as stated in Part IV sections 21 & 22. This means that it shall not be lawful for individuals or corporate holders of C of O to alienate the right of occupancy or any part, by transfer, sale, or lease for development, without the Governor's consent. Again, the process of obtaining this consent has been observed by Yahaya (2019) and Aluko (2012) to be time-consuming, thereby limiting the efforts of developers to increase housing development, thus making the price of the available houses to annual income of households very high (Enisan, 2017). This provision can slow down housing transactions and complicate property deals, affecting the fluidity of the housing market.

The content analysis further revealed that even in rural areas where customary rights of occupancy are granted by the Local government, the rights must still be approved by the state or the Governor, as stated in Part II sections 5 & 6. This is a major hindrance and challenge for housing development because of double approval or consent. This decision by the Governor, according to Oserogho (2002), has resulted in the institution of various litigations by

both landlords and tenants in Lagos State, which stalled any meaningful intention for housing development. The effectiveness of local authorities in managing land allocation impacts rural and peri-urban housing projects.

In the event of any land requirement by the Governor for public purposes, the rights of occupancy granted can be revoked with compensation made as provided in Part V and subsections 28 & 29. The argument is that despite the compensation, the amount of land acquired by individuals or organizations for housing development is further reduced by the revocation, thereby limiting the number and cost of housing units provided. The reduction in the amount of landholding through revocation and the envisaged inadequate compensation to procure capital for housing development has resulted in increasing housing shortage and unaffordability (Ajayi, 2013). Also, this provision can lead to the loss of land for ongoing or planned housing projects, deterring investment and development in certain areas.

Other related provisions, like Land Ownership status before the Act and the amount of land to be granted if undeveloped on commencement of the Act, were captured in Part VI, section 34. The provisions for developed and undeveloped lands before and on commencement of the Act are that: where the land is developed, the land shall continue to be held by the person as if rights has been granted by the Governor but on commencement of Act for undeveloped land, one plot or portion of the land not exceeding half hectare in area shall continue to be held by the person as if rights has been granted to him or her. This means a reduction in the amount of land available for individuals or organizations for housing development despite upgrading the ownership status. This reduction in the views of Yahaya (2019) and Aluko (2012) amounts to the unavailability of land for housing development, with its resultant effects of high prices of the available houses, thus making housing unaffordable for many households.

#### 4.3 Public Perceptions of the Relevant Provisions of the 1978 Land Use Act

The analysis of public perceptions was on the identified and classified provisions as discussed in subsection 4.2. The perception survey ascertained the level of agreement by the respondents to the provisions of the Act concerning the State Ownership of Land, Governor's Consent,

Customary rights of occupancy, Revocation of Land rights, and other related provisions, such as Land Ownership before and on commencement of the Act. The perceptions were assessed on the 5-5-point Likert scale as follows: 1 – Strongly disagree, 2 – Disagree, 3 – Undecided, 4 – Agree, 5 – Strongly agree, as presented in Table 3. A total of 12

discriminating variable statements of the relevant provisions were considered, and a mean response score of 2.87 was obtained, which means that an index score above 2.87 is the most discriminating perception and significant, while those below are less discriminating and insignificant.

**Table 3: Public Perceptions of the Relevant Provisions of the Land Use Act**

S/N	Perceptions of the Act Provisions						Sum of Weighted responses	Index Score	Rank
		Strongly disagree 1	Disagree 2	Undecided 3	Agree 4	Strongly agree 5			
1	<u>State Ownership of Land (Part I):</u>								
	a. The ownership of land by the Governor is for the benefit of the public	27	41	27	108	68	962	3.55	3 <sup>rd</sup>
	b. individual/organization are granted land rights (C of O) when applied	96	84	56	20	15	587	2.17	10 <sup>th</sup>
	c. the process of obtaining the C of O takes a long time	45	36	40	85	65	902	3.33	5 <sup>th</sup>
	d. vesting of land on Governor or centralization of ownership can lead to bottlenecks or delay	42	20	32	95	82	968	3.57	2 <sup>nd</sup>
2	<u>Governor's Consent (Part IV):</u>								
	a. transfer, sale or lease of land without consent should be lawful	116	108	10	15	12	482	1.78	2 <sup>th</sup>
	b. period of obtaining consent slows land transactions	15	38	45	98	75	993	3.66	1 <sup>st</sup>
3	<u>Customary Rights of Occupancy (Part II):</u>								
	a. where customary right of occupancy has been granted by LG, the right should still be approved by Governor	121	89	26	22	13	530	1.96	11 <sup>th</sup>
	b. local authorities should be allowed to manage land under their jurisdiction	40	30	42	87	72	934	3.45	4 <sup>th</sup>
4	<u>Revocation of Land Rights (Part V):</u>								
	a. revocation of land rights for public purposes leads to reduction in the amount of land holdings by individuals/organizations	46	62	58	65	40	804	2.97	7 <sup>th</sup>
	b. compensation made for the revoked land rights is usually adequate	84	104	31	35	17	610	2.25	9 <sup>th</sup>
5	<u>Other related provisions (Part VI)</u>								
	a. one plot or portion of the land not exceeding half hectare should be granted to a person if the land is undeveloped on the commencement of the Act	25	75	95	55	21	785	2.90	8 <sup>th</sup>
	b. the reduction in the size of land granted amounts to unavailability of land for development	24	42	75	85	45	898	3.31	6 <sup>th</sup>

**Source:** Authors' work, 2024

From table 3, the first-ranked perception is the Governor's consent, that the period of obtaining such consent is perceived to slow land transactions, with a score of 3.66. This is followed by the State ownership of land provision, which states that vesting of land in Governor or centralization of ownership can lead to bottlenecks or delay, scoring 3.57. However, despite this perception, the ownership of land by Governor is for the benefit of the public (3.55) ranked third. Under the customary rights of occupancy provision, the fourth ranked perception is that local authorities should be allowed

to manage land under their jurisdiction (3.45). The fifth ranked perception is that the process of obtaining C of O takes a long time, scoring 3.33 while the sixth ranked is the perception that the reduction in the size of land granted amounts to unavailability of land for development (3.31). The seventh ranked perception is that revocation of land rights for public purposes leads to reduction in the amount of land holdings by individuals/organizations (2.97), which could be related to the eighth ranked perception in terms of restriction, that one plot or portion of the land not exceeding half

hectare should be granted to a person if the land is undeveloped on commencement of the Act (2.90).

Other perceived statements were considered less discriminating and insignificant with scores less than 2.87: compensation made for the revoked land rights is usually adequate (2.25); individual/organization are granted land rights (C of O) when applied (2.17); where customary right of occupancy has been granted by LG, the right should still be approved by Governor (1.97); and transfer, sale or lease of land without consent should be lawful (1.78).

The summary perceptions based on the ranking showed that Governor's consent is most discriminating perception, followed by State ownership of land, customary rights of occupancy, revocation of land rights and other related provision on Land Ownership before and on commencement of the Act. These perceptions were subjected to further analysis to determine their effects on housing affordability and access to housing services in the study area.

#### 4.4 Perceived Housing Affordability and Access to Housing Services

Perception studies in Lagos reveal a widespread concern regarding housing affordability, particularly among low and middle-income earners, despite efforts to address the housing deficit. The perceived housing affordability studies were based on the households' income levels, housing costs and the ratio between the income and households' expenses on housing. Oyesomo et al (2023) revealed that the housing units are costly and not affordable to low-medium income earners in Lagos, using house price

to income ratio. In Lagos, the ratio of income to housing expenditure, particularly rent, is quite high, with many households spending a significant portion (70%) of their income on housing (Oyesomo et al, 2023).

Several studies in Lagos investigate residents' perceptions of housing services, revealing both satisfaction and areas needing improvement. Residents generally perceive spaces in public housing as adequate, but often express concerns about essential services like electricity and water, as well as inadequate ventilation. Studies also highlight issues like poor neighbourhood and housing standards, lack of conducive dwelling facilities, and inadequate basic amenities. The studies were based on key areas of affordability, availability, accessibility, and quality/adequacy. For examples, residents' perception of the quality of public housing in Lagos by Oluwunmi and Emoka (2022), indicated that while spaces were deemed adequate, electricity and water supply were areas of concern. Also, Olabisi (2011) revealed that while gender-based discrimination in housing access had softened, students still faced challenges like rent increases, domestic violence, and disturbances from neighbours in Lagos State University. Furthermore, Alabi et al (2017) assessed perceived impact of gatekeepers on access to housing resources and homeownership in Lagos State and found that certain groups were more likely to face challenges in accessing housing. Therefore, the perceptions of housing affordability and access to housing services were assessed on 5-likert scale as follows: 1 – Strongly disagree, 2 – Disagree, 3 – Undecided, 4 – Agree, 5 – Strongly agree, as presented in Table 4.

**Table 4: Perceived Housing Affordability and Access to Housing Services in Lagos**

S/N	Perceptions of Housing Affordability and Access						Sum of Weighted responses	Index Score	Rank
		Strongly disagree	Disagree	Undecided	Agree	Strongly agree			
		1	2	3	4	5			
1	<u>Housing Affordability:</u>								
	a. There are more low-income households than medium – high income earners	35	50	44	68	74	909	3.35	6 <sup>th</sup>
	b. Housing units are costly.	10	25	12	102	122	1,114	4.11	2 <sup>nd</sup>
	c. Proportion of household income spent on house rent is high	23	47	36	106	59	944	3.48	4 <sup>th</sup>
2	<u>Access to Housing Services:</u>								
	a. There is gross deficit in housing units and affordability	8	10	2	156	95	1,133	4.18	1 <sup>st</sup>
	b. Availability of land for housing development is restricted by regulation	19	25	75	70	82	984	3.63	3 <sup>rd</sup>
	c. Essential housing services and amenities are not adequate	35	56	25	100	55	897	3.31	7 <sup>th</sup>
	d. housing is not accessible to all Social groups.	27	48	58	70	68	917	3.38	5 <sup>th</sup>

Source: Authors' work, 2024

Seven discriminating variables statements of the housing affordability and access to housing services were considered and mean response score of 3.63 was obtained, which means that index score above 3.63 is most discriminating perception and significant while those below are less discriminating and insignificant. Table 4 showed that the most perception of access to housing and its affordability is that there is gross deficit in housing units, which is ranked first (4.18). The deficit could be responsible for the perception that the housing units are costly, ranked second (4.11). The third ranked perception is that availability of land for housing development is restricted by regulation (3.63), which could be the reasons for the first and second ranked perceptions.

Other perceptions were considered less discriminating and insignificant because their scores are less than the mean score, 3.63. However, the fourth ranked perception showed that proportion of household income spent on house rent is high (3.48), while the fifth ranked opinion is that housing is not accessible to all social groups (3.38). Income level perception is ranked sixth, which showed that there are more low-income households than medium – high income earners (3.35) in Lagos. Finally, the seventh opinion is that essential services and amenities are not adequate in the houses provided (3.31).

The summary perceptions based on the ranking showed that gross deficit of housing units is the most discriminating perception of access to housing services, followed by high cost of housing in housing affordability perception, and finally perception on regulation restrictions of land availability for housing development. All these

perceptions amount to housing affordability in explaining sustainable housing development. This is because the housing deficit will lead to high cost of housing and unavailability of land for housing development leads to housing shortage or deficit, which subsequently leads to high cost of housing; meaning that all these variables are captured as housing affordability in understanding sustainable housing development in this study. These perceptions were subjected to further analysis to determine how housing affordability is affected or influenced by the provisions of the Land Use Act.

#### 4.5 Effect of Perceived Provisions of the Act on Housing Affordability and Housing Services

The perceptions of the Land Use Act provisions in Table 3 and perceptions of housing affordability and access to housing services in Table 4 were subjected to regression analysis to determine how sustainable housing development (measured by Housing affordability) are influenced or affected by the provisions of the Act considered. In this analysis as shown in Table 5, the dependent variable is Sustainable Housing Development (SHD) measured by the perceived housing affordability and access to housing services; while the independent variables are the significant perceptions of the provisions including Governor Consent Period (GCP), Land Ownership Centralization (LOC), Public benefit of Land Ownership (PLO), Local Authority Autonomy (LAA), C of O processing Time (COT), Land Size Reduction on commencement of the Act (LSR), Land Revocation for Public purpose (LRP), and Amount of Undeveloped Land on commencement of the Act (AUL).

**Table 5: Regression Analysis Results: Sustainable Housing Development and Provisions of Land Use Act**

Variables	Regression Coefficient	Standard Error	t – value	Sign. level
GCP	.022	.073	-.026	.005
LOC	.036	.088	-.015	.003
PLO	.032	.091	.018	.051
LAA	-.041	.095	.020	.004
COT	.056	.097	-.012	.002
LSR	-.028	.085	-.013	.001
LRP	.048	.096	-.017	.002
AUL	-.045	.094	-.019	.003
Constant	4.849	.607	7.989	.001
R <sup>2</sup> = 0.609	SEE = 0.881	F-value = 56.620	probability of F </= 0.05	

In Table 5, the overall performance of the regression analysis is good as indicated by  $R^2$  statistics of 0.609 and F-value of 56.620. The  $R^2$  value means that 60.9% of the overall explanation to the variations in sustainable housing development in Lagos are provided by the perceived housing related provisions of Land Use Act and their coefficients are significant except PLO variable (Public benefit of Land Ownership).

The regression coefficients of the variables are used to compare and explain their predictive power or contribution to the variations in sustainable housing development in order to determine their influencing effects. The variable, COT (C of O processing Time) has the strongest and significant unique contribution (0.056) to explaining variation in sustainable housing development. This means that a unit increase in the processing time of Certificate of Occupancy results to 0.056 increase in the perceived gross deficit in housing units and housing cost increases in terms of housing affordability and access to services for sustainable housing development. The next significant variable is Land Revocation for Public purpose (LRP), which contributed (0.048) to variation in sustainable housing development. The variable value means that a unit increase in the amount of land revoked for public purposes leads to 0.048 increase in the perceived gross deficit in housing units and housing cost increases in terms of housing affordability and access to services for sustainable housing development. Following is the amount of undeveloped Land granted on commencement of the Act (AUL), which contributed -0.045. This value means that a unit decrease in the size or amount of undeveloped land granted on the commencement of the Act, results to 0.045 increase in the perceived gross deficit in housing units and housing cost increases in terms of housing affordability and access to services for sustainable housing development. Local Authority Autonomy (LAA) also contributed -0.041 to variation in sustainable housing development. This means that a unit decrease in the powers of the local authority in granting customary right of occupancy results to 0.41 increase in the perceived gross deficit in housing units and housing cost increases in terms of housing affordability and access to services for sustainable housing development. Another significant variable is the Land Ownership

Centralization (LOC), which contributed 0.036 to variation in sustainable housing development. This value means that a unit increase in the centralization of land ownership leads to 0.036 increase in the perceived gross deficit in housing units and housing cost increases in terms of housing affordability and access to services for sustainable housing development. Next variable is Public Benefit of Land Ownership (PLO) which contributed 0.032 to the variation but not significant at  $p>0.05$ . Therefore, the next significant variable is Land Size Reduction on commencement of the Act (LSR), which contributed -0.028. This value means that a unit reduction in land size on the commencement of the Act leads to 0.028 increase in the perceived gross deficit in housing units and housing cost increases in terms of housing affordability and access to services for sustainable housing development. Finally, the last variable is Governor Consent Period (GCP) that contributed 0.022. This means that a unit increase in time period for obtaining Governor's consent results to 0.022 increase in the perceived gross deficit in housing units and housing cost increases in terms of housing affordability and access to services for sustainable housing development.

In summary, the regression analysis showed that sustainable housing development is significantly influenced by the processing time of Certificate of Occupancy, amount of land revoked for public purposes, size or amount of undeveloped land granted on the commencement of the Act, limited powers of the local authority in granting customary right of occupancy, centralization of land ownership, reduction in land size on the commencement of the Act, and time period for obtaining Governor's consent provisions in 1978 Land Use Act. Specifically, the effects of the provisions on sustainable housing development in Lagos are gross housing units' deficit and housing cost increases.

## 5. Conclusion and Recommendations

This study has examined the effects of 1978 land use act provisions on sustainable housing development in Lagos State. In doing so, attempts were made to examine the provisions on the state ownership of land, Governor's consent, customary rights of land, revocation of land rights and other related provisions to determine their effects on sustainable housing development, with focus on housing affordability and access to housing services. To achieve this, a

mixed research approach was adopted in the assessment of the public perceptions of the provisions and housing affordability and access to housing services. The findings revealed that Governor's consent is most discriminating perception, followed by State ownership of land, customary rights of occupancy, revocation of land rights and other related provision on Land Ownership before and on commencement of the Act. The perceptions of housing affordability and access to housing services showed that gross deficit of housing units is the most ranked, followed by the increasing housing costs. However, the results of the regression analysis on the perceptions showed that sustainable housing development is significantly influenced by the processing time of Certificate of Occupancy, amount of land revoked for public purposes, size or amount of undeveloped land granted on the commencement of the Act, limited powers of the local authority in granting customary right of occupancy, centralization of land ownership, reduction in land size on the commencement of the Act, and time period for obtaining Governor's consent provisions in 1978 Land Use Act. Therefore, the conclusion is that the effects of the provisions on sustainable housing development in Lagos are gross housing units' deficit and housing cost increases.

To ensure sustainable housing development in terms of increasing housing stocks or supply at affordable cost, it is recommended to review the concerned sections of Land Use Act in line with the perceived housing related provisions of the Act. This means that the following specific provisions should be reviewed accordingly:

- (i) Part I – State Ownership of Land: Here, one of the provisions is that C of O must be obtained before development, which this study supports but it is suggested that time for processing the certificate should be fast and seamless to

encourage people to invest in housing development and increase housing unit provision. Also, the granting of rights should be decentralized such that Local authorities should be allowed to manage land within their jurisdiction for housing development.

- (ii) Part VI - Other related provisions: One of the provisions is that one plot or portion of the land not exceeding half hectare should be granted to a person if the land is undeveloped on commencement of the Act. This is very discouraging and limits developers' interests to invest in housing development. Developers should be allowed full ownership of their lands whether developed or undeveloped on commencement of the Act and encouraged to develop them so as to increase housing provision.
- (iii) Part IV - Alienation and surrender of rights of occupancy: The provision is that it shall not be lawful for individuals or corporate holders of C of O to alienate the right of occupancy or any part, by transfer, sale or lease for development, without the Governor's consent. The processing of obtaining the consent is lengthy and takes time. It is suggested that the consent be decentralized so that time taken in land transaction could be reduced in order not to limit the efforts of developers to increasing housing development, thus reducing the ratio of the amount spent on house prices to annual income of households.

In addition to the review, government should facilitate the process of increasing housing units' production by providing the enable environment like the sites and services schemes for development to take place.

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