



LEGAL APPRAISAL OF LEGAL AND REGULATORY FRAMEWORKS GOVERNING REAL ESTATE INVESTMENT IN NIGERIA: RIVERS STATE AS A CASE STUDY

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ABSTRACT

This paper appraised the legal and regulatory framework governing real estate investment in Nigeria using Rivers State as a case study. The persistent increase in cases of revocation of property without compensation or adequate compensation which have been hitherto occasioned countless of protracted litigation in real estate related transactions necessitates the inquiry into and to ascertain the existence and functionality of the legal and regulatory framework regulating the sector. In order to effectively conduct the inquiry, this paper adopted the doctrinal method of legal research. By way of clarification the paper attempted to elucidate the key concept as identified in the title of the paper which inter alia include Legal Regulatory Framework, Real Estate, investment respectively. Similarly, this paper highlighted on the relevant provisions of the Land Use Act 1978, the provisions of the Constitution of the federal Republic of Nigeria 1999, (as amended) where explored as it relates to Real Estate Investment. The Rivers State Urban and Regional planning law, which regulate Urban Planning and Development, was also considered including the Public Health Law which ensures that buildings meet health and safety standard and National Housing Fund Act amongst others. In the same vein, this paper highlighted and reviewed the roles of Federal Ministry of Housing and Urban Development, Rivers State Ministry of Land, Land and Housing Authority, Surveyor'-Generals Office River State, Real Estate Developers Association of Nigeria (REOAN) and Nigeria Institute of Estate Surveyors and Valuers (NIESR) respectively. This paper ended with a conclusion and suggested some recommendations to regime that is a line with international best practices.

KEYWORDS: Estate, Real Estate, Investment, Real Estate Investment, Legal and Regulatory Frameworks.

1. INTRODUCTION

The real estate sector is a critical component of Nigeria's economy, contributing significantly to wealth creation, employment, and infrastructure development. In Rivers State, a key economic hub in the Niger Delta, real estate investment has grown due to urbanization, oil and



gas activities, and population growth¹. Real-estate investment in Nigeria is governed by a layered mix of federal statutes, state legislation and state administrative practice. Investors therefore face a legal environment where federal norms set broad principles (notably the vesting of land in state governors² and environmental safeguards) while states implement land allocation, planning control, registration and revenue measures through ministries, registries and subsidiary state laws. This interplay shapes market entry, title security, development approvals, financing (mortgages), and exit strategies for developers and investors.

However, the sector is plagued by challenges such as arbitrary property revocations, inadequate compensation, and protracted litigation, which undermine investor confidence. These issues stem from gaps in the legal and regulatory framework governing real estate transactions³ Also, Land Title uncertainty and post conflict issues has posed as a hindrance to investment and property development in Rivers State⁴. Land title uncertainty refers to the lack of clarity, validity, or security of ownership rights over land. In Rivers State (and Nigeria generally), this arises from a mix of statutory, customary, and administrative challenges. This has led to Multiplicity of Claims where different individuals or communities often claim ownership of the same parcel of land. This is due to overlapping grants (customary vs statutory rights) or fraudulent multiple allocations by land officials. Also there have been Land Use Act 1978 Complications which provides that All land in each state is vested in the Governor⁵. In practice, obtaining a Certificate of Occupancy (C of O) in Rivers State is bureaucratic, costly, and slow, discouraging investors. Fake land documents (C of O, deeds of assignment, etc.) are common in Rivers State. This undermines trust in transactions. Customary Land Tenure Conflicts: Communities often sell land without proper authority or recognition of statutory requirements, creating disputes when government or investors attempt development. It also been stated that growth in real estate is stifled by poor financing mechanisms and unfavorable legal regimes⁶.

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¹C..E. Udechukwu, Introduction to Estate Management in Nigeria. (Treem Nigeria Limited, Lagos, 2006)23.

² LUA 1978, s.1

³The Guardian Newspaper (2023), For instance, disputes over land revocation in Port Harcourt had led to significant investor losses.

⁴O. Onyebuchi and I.I Kakulu, Land Title Conflicts and Real Estate Investment and Development in Rivers State. [2022], *American Journal of Humanities and Social Sciences Research(AJHSSR)*62–68.

⁵LUA 1978, s1.

⁶G.O. Akolokwu ,Interrogating the Challenges of Real Estate Development and Secured Credit Financing in Nigeria(2020).Nnamdi Azikiwe University Journal of Commercial and Property Law (6).



The real estate sector in Nigeria, particularly in Rivers State, operates within a complex legal and regulatory ecosystem that significantly influences investment dynamics. This appraisal examines legislative frameworks, institutional roles, and contextual challenges shaping real estate investment.

2. CONCEPTUAL CLARIFICATIONS

Legal and Regulatory Framework

A legal and regulatory framework comprises laws, regulations, policies, and institutions that govern a sector. In real estate, it includes statutes, administrative rules, and professional standards that regulate land acquisition, development, and transactions, ensuring transparency and accountability⁷. It refers to the structured system of laws, regulations, policies, and institutional mechanisms established by a government or authoritative body to govern specific activities, sectors, or industries. In the context of real estate investment, as discussed in the provided paper, these frameworks provide the rules, guidelines, and mechanisms that regulate land ownership, property transactions, urban planning, and related activities to ensure order, fairness, and compliance with societal goals.

a) Estate

Estate means the degree, quantity, nature, and extent of interest a person has in real and personal property. The total property of whatever kind that is owned by a decedent prior to distribution through a will or intestacy.⁸ Estate is defined as “an interest in land which entitles the owner to possession, either now or in the future, for a period that is either certain or capable of being made certain.”⁹ The word estate is used to denote the degree, quantity, nature, and extent of the interest which a person has in land or property.¹⁰ An estate in land is a time in land, that is, the extent of a person’s rights over land measured in terms of duration.¹¹ Estate is the right which a person has to lands or tenements, or the condition or quantity of interest a person possesses in lands or other property.¹²

⁷ I.O. Smith, *Practical Approach to the Law of Real Property in Nigeria* (Ecowatch Publications Lagos 2013)15.

⁸ B.A. Garner, *Blacks Law Dictionary* (11th edn Thomson Reuters, 2019)727-728

⁹ R. Smith, Cheshire and Burn’s *Modern Law of Real Property* (Cap1,18th edn., Oxford University Press 2011 19-21

¹⁰ Halsbury’s *Laws of England* (5th edn., Volume 39 on Real Property, LexisNexis publishers 2012) paras 1-5, pp 3-10

¹¹ C. Harpum, S. Bridge, M. Dixon, Megarry and Wade: *The Law of Real Property* (9th edn., Sweet & Maxwell publishers, 2019) pp 3-7.

¹² M. Woodley, *Osborne Concise Law Dictionary* (12th edn., Sweet & Maxwell publishers, 2009)167.



The land Use Act, while it does not define “estate” directly, it regulates rights of occupancy which are often referred to as estates in land. It vests all land in the Governor, who grants rights of occupancy.¹³In practice, the “estate” in land under Nigerian law refers to rights of occupancy(statutory or customary) rather than absolute ownership. Estate means all property which the testator was entitled to, either legally or equitably, at the time of his death.¹⁴

b) Real Estate

Real estate encompasses land and any permanent improvements, such as buildings or structures. In Nigeria, it includes residential, commercial, and industrial properties, governed by statutory and customary laws¹⁵. Real estate is defined as the land and any permanent structures, like a home, or improvements attached to the land, whether natural or artificial.

Real estate is a form of real property. It differs from personal property, which is not permanently attached to the land, such as vehicles, boats, jewelry, furniture, and farm equipment. Land refers to the earth’s surface down to the center of the planet, including the trees, minerals, and water. The physical characteristics of land include its immobility, indestructibility, and uniqueness, where each parcel of land differs geographically.

Real estate encompasses the land, plus any permanent artificial additions, such as houses and other buildings. Any additions or changes to the land that affect the property’s value are called an improvement. Once land is improved, the total capital and labor used to build the improvement represent a sizable fixed investment. Though a building can be razed, improvements like drainage, electricity, water, and sewer systems tend to be permanent.¹⁶

Real estate refers to land and any permanent structures attached to it, including buildings, natural resources, and improvements.¹⁷ It encompasses not only the physical property but also the legal rights and interests associated with the ownership, use, and transfer of land and immovable property. Real Estate can be defined as real property with tangible assets. This absolutely includes lands, houses built on the land, crops, road network, solid and liquid minerals underneath the property.¹⁸ Real estate is Land and everything permanently affixed to

¹³ Land Use Act 1978, s1.

¹⁴ Wills law of Lagos state 2015, s2.

¹⁵Smith (n 7).

¹⁶O. Ojo, *Real Estate Investment in Nigeria: Principles and Practice* (Lagos: NIESV Press, 2019)10.

¹⁷ M. Woodley, *Osborne Concise Law Dictionary* (12th edn., Sweet & Maxwell publishers, 2009) 326

¹⁸LUA 1978, s1.



it, such as buildings, fences, and those things attached to the land, both above and below the ground.¹⁹

In other words, real estate comprises of land which is the earth's surface, including soil, rocks, air rights above, and subsurface rights below, Any additions or changes made to land to increase its value, such as buildings, roads, fences, or utility systems, Items that were once movable but have been permanently attached to the land or buildings that is, plumbing or lighting systems and Property Rights which includes the bundle of rights (often referred to as the “bundle of sticks”) associated with real estate ownership, such as: Right of possession, Right of control, Right of exclusion, Right of enjoyment and Right of disposition. In legal terms, real estate is classified as immovable property, distinguishing it from personal property (or chattels), which is movable.

In Nigeria, legal control of real estate is heavily influenced by the Land Use Act of 1978, which vests all land in the state governor²⁰ and introduces the requirement of a certificate of occupancy²¹ for lawful possession. This makes real estate not just an economic asset, but a regulated legal entity subject to constitutional and statutory provisions.

In Nigeria, real estate is one of the most active and promising sectors of the economy, particularly in cities like Lagos, Abuja, and Port Harcourt. Despite its potential, the sector faces numerous challenges including Insecure land tenure, Cumbersome land registration systems, Lack of affordable housing, Poor mortgage infrastructure and Inconsistent enforcement of property laws. Nonetheless, it remains an essential avenue for both public and private sector investment. Also, Real Estate can be very beneficial as it significantly contributes to economic growth (job creation and infrastructural development), generates wealth individuals, businesses and government and drives urbanization and modernization of cities of towns. Real Estate is property consisting land and the buildings in it, along with it's natural resources such as crops, minerals or water.²² Moreso, Real estate is widely recognized as a viable and often lucrative form of investment. Investors may acquire real estate for Rental income, Capital appreciation (increase in property value), Portfolio diversification and Hedge against inflation.

¹⁹ B.A. Garner, *Blacks Law Dictionary* (11th edn., Thomson Reuters, 2019) 1510

²⁰LUA, s1.

²¹Ibid, s9.

²²'Real Estate'(2020). Landmark university journals <<https://prog.lmu.edu.ng>>accessed 20 August 2025..



In Nigeria, real estate has become a major destination for both domestic and foreign direct investment, driven by urbanization, population growth, and demand for housing and infrastructure. However, an understanding of the legal underpinnings of real estate is crucial for resolving land disputes, securing investor confidence, and harnessing the full potential of the property market.

c) Investment

Investment refers to the allocation of resources, such as capital, to acquire or develop assets for profit or social benefits. In real estate, it involves purchasing, developing, or leasing properties to generate returns. Investment is traditionally defined as the “commitment of resources into something expected to gain value over time²³. If an investment involves money, then it can be defined as a “commitment of money to receive more money later”. From a broader viewpoint, an investment can be defined as “to tailor the pattern of expenditure and receipt of resources to optimise the desirable patterns of these flows²⁴. When expenditures and receipts are defined in terms of money, then the net monetary receipt in a time period is termed cash flow, while money received in a series of several time periods is termed cash flow stream.

d) Real Estate Investment

Real estate investing involves purchasing, owning, managing, renting, or selling real estate to generate profit or long-term wealth. A real estate investor or entrepreneur may participate actively or passively in real estate transactions. Real estate investment is the real estate that generates income or is otherwise intended for investment purposes rather than as a primary residence. It is common for investors to own multiple pieces of real estate, one of which serves as a primary residence while the others are used to generate rental income and profits through price appreciation. The tax implications for investment real estate are often different than those for residential real estate. Real estate can provide opportunities for investors to build wealth, increase income, and diversify an investment portfolio.

Residential investments typically involve homes, townhouses, and condominiums.

²³ M. Casey, *The Ups and Downs of Biotechnology*, Investopedia. (Archived from the original on Nov 2, 2021. Retrieved 2021-12-15.

²⁴ Graham, Benjamin; Dodd, David (2002-10-31). *Security Analysis: The Classic 1940 Edition* (2 ed.). New York; London: McGraw-Hill Education.



An investment in commercial real estate might involve the ownership of retail stores, office buildings, or storage facilities and warehouses. Investment real estate can create capital gains for investors due to increases in property value as well as provide rental income.

3. TYPES OF REAL ESTATE INVESTMENT.

1. Residential Real Estate

Residential real estate is a great investment for both income generation (through rental properties) and value appreciation. They are primarily used for living purposes and includes various property types, such as:

Single-family homes: These are detached houses with separate yards and typically occupied by a single family.

Multi-family homes: They include duplexes, and apartment buildings that house multiple families.

Condominiums: This include individual units within a larger building, where residents share common facilities like pools, gyms, etc.

Townhouses: These are attached homes with shared walls that often include private yards or veranda.

2. Commercial Real Estate

Commercial real estate can offer higher rental income and potential for significant appreciation, but it often requires more specialized knowledge and management. They are used for business purposes, it comprises a wide range of property types, which includes;

Office buildings: Used for businesses and organizations activities.

Retail spaces: Shops, malls, and strip centers used for retail businesses.

Industrial properties: Warehouses, factories, and distribution centers.

Hospitality properties: Hotels, motels, and resorts.

Self-storage facilities: Rented units out for storage purposes.



3. Land for Agriculture

Agricultural land is primarily used for farming, ranching, or other agricultural activities. It offers stable income, potential for appreciation, and the opportunity to contribute to food production.

However, its management requires specific knowledge and skills in agriculture. Investing in agricultural land can offer stable income, appreciation potential, and tax benefits. It requires a deep understanding of agriculture, market trends, and environmental factors.

4. LEGAL FRAMEWORK GOVERNING REAL ESTATE INVESTMENT IN RIVERS STATE

1. The Land Use Act 1978

The Act²⁵ is the primary legislation governing land administration in Nigeria. It vests all urban land in the state governor, who holds it in trust for the public.²⁶ Three Key provisions include:

(a)Section 1: All land in a state is vested in the governor, who grants statutory rights of occupancy.²⁷

(b)Section 28²⁸ The governor may revoke a right of occupancy for overriding public interest, with compensation limited to improvements on the land.

(c)Section 29²⁹ Compensation must be paid for revoked land, but disputes over adequacy are common, as seen in *Osho v. Governor of Lagos State*.³⁰

In Rivers State, the Act's implementation has led to controversies, particularly arbitrary revocations without fair compensation, undermining investor confidence.

2. The Constitution of the Federal Republic of Nigeria 1999 (as amended)

The Constitution provides the legal foundation for property rights. Which are:

²⁵ Land Use Act 1978.

²⁶ LUA, s1

²⁷ Ibid

²⁸Ibid s28.

²⁹LUA 1978.

³⁰(2012) 5 NWLR (Pt.1293)261.



(a)Section 43³¹ Guarantees the right to own immovable property anywhere in Nigeria.

(b)Section 44: Prohibits compulsory acquisition without prompt and adequate compensation.³²

However, conflicts between the Constitution and the Land Use Act create legal ambiguities, as the Act's compensation provisions often override constitutional guarantees.³³

3. Rivers State Physical Planning and Development Law

This law regulates urban planning and development in Rivers State, mandating master plans, zoning regulations, and building approvals. Non-compliance has led to demolitions, particularly in Port Harcourt's waterfront areas. An example of this can be seen in the demolition of waterfront settlements in Port Harcourt which sparked legal battles in 2020. Section 39³⁴ of the Law deals with the revocation of development permit by the control department. Similarly, the law³⁵ provides for appeals against the revocation of a development permit.³⁶ This means that if your development permit is revoked by the control department you have the right to appeal the decision. The fore going presupposes that the law expects compliance with the mandating master plan of urban development.

4. Public Health Law

The Rivers State Public Health Law³⁷ ensures buildings meet health and safety standards, including sanitation and structural integrity. Violations result in penalties or demolition, impacting investors. The Rivers State Public Health Law is primarily concerned with ensuring public health safety, preventing diseases, and promoting overall well-being within the state. It is backed by the Public Health Law.³⁸ The law is implemented through various departments and programs within the Rivers State Ministry of Health. The law aims to prolong life and prevent the spread of infectious diseases dangerous to life. The law is enforced through various

³¹CFRN 1999.

³²*Goldmark Nigeria Ltd v Ibafor Company Ltd* (2012)10 NWLR (Pt.1308)291.

³³ J.A. Omotola, *Essays on the Land Use Act*. Lagos: University Press (1990) 45.

³⁴Rivers State Physical Planning and Development Law 2003

³⁵ Ibid.

³⁶Ibid, s40.

³⁷Cap 103, Laws of Rivers State, 1999.

³⁸Ibid.



units and programs within the Ministry of Health, including the Department of Public Health Services and Disease Control.³⁹

5. National Housing Fund Act

This Act⁴⁰ establishes the National Housing Fund to provide affordable housing through contributions from employees and employers. In Rivers State, its implementation is limited by bureaucratic inefficiencies.⁴¹ The National Housing Fund Act of Nigeria, enacted as Act No. 3 of 1992, establishes the National Housing Fund (NHF) to mobilize funds for affordable housing provision for Nigerians. The Act commenced on January 31, 1992, and is managed by the Federal Mortgage Bank of Nigeria (FMBN). It has been amended, notably in 2018, to align with contemporary housing needs.

The National Housing Fund Act is structured into 27 sections. The National Housing Fund (NHF) is to collect contributions and other monies prescribed by the Act. All funds are paid into the NHF for housing provision.⁴² The Fund aims to facilitate the mobilization of resources for affordable housing for Nigerians, ensuring access to decent and affordable homes.⁴³ The Act Mandates a 2.5% contribution of monthly income from Nigerians earning ₦3,000 or more per annum (adjusted to the National Minimum Wage in amendments). Applies to both public and private sector workers. All Commercial and merchant banks are required to invest 10% of their loans and advances portfolio into the NHF.⁴⁴ The Act specifies financial contributions from the Federal Government to support the Fund's objectives.⁴⁵

5. ROLES OF THE FEDERAL MINISTRY OF HOUSING AND URBAN DEVELOPMENT

The Federal Ministry of Housing and Urban Development in Nigeria, officially re-established as a standalone entity on August 21, 2023, under President Bola Ahmed Tinubu's administration, plays a pivotal role in addressing the nation's housing deficit, promoting

³⁹Olatunji v. Governor of Oyo State (2008) 2 NWLR (Pt. 1071)345.

⁴⁰National Housing Fund Act, 1992 (Act No. 3 of 1992).

⁴¹Rivers State Physical Planning and Development Law, No. 6 of 2003; Property Tax Law, Cap P17, Laws of Rivers State 1999.

⁴² National Housing Act, s1.

⁴³Ibid, s2.

⁴⁴NHFAs5.

⁴⁵Ibid, s6.



sustainable urban development, and enhancing the quality of life for Nigerians.⁴⁶ The Ministry, previously merged with the Ministry of Works, was demerged to allow a sharper focus on housing and urban development challenges, aligning with the Renewed Hope Agenda. Led by the Honourable Minister, Arc. Ahmed Musa Dangiwa, the Ministry oversees policies, programs, and partnerships to provide affordable housing, improve urban infrastructure, and foster sustainable urban growth.

The roles of the Federal Ministry of Housing and Urban Development are:

1. Policy Formulation and Implementation

The Federal Ministry of Housing and Urban Development is responsible for developing and implementing policies to address Nigeria's housing and urban development needs. A key achievement is the revision of the National Urban Development Policy (NUDP) in collaboration with UN-Habitat, replacing the 2012 edition.⁴⁷ This policy provides a framework for urban planning, development, and governance over the next decade, emphasizing sustainable urbanization, slum upgrading, and climate-smart urban planning.⁴⁸ The Ministry ensures that policies align with global standards, such as Sustainable Development Goal 11 (SDG 11), which aims to make cities inclusive, safe, resilient, and sustainable.⁴⁹

The Ministry also oversees the National Housing Fund (NHF) Act of 1992, which it administers through the Federal Mortgage Bank of Nigeria (FMBN). The NHF mobilizes funds for affordable housing by collecting 2.5% of workers' monthly income, contributions from banks and insurance companies, and federal government allocations. The Ministry ensures the effective implementation of the NHF, facilitating low-interest loans (6% per annum) for contributors and promoting homeownership through schemes like the FMBN's Rent-to-Own program.

2. Provision of Affordable Housing

⁴⁶C Obiowo, "FG to provide 5.5 million housing units over 10 years – Housing Minister," Nairametrics, 2023.

⁴⁷ Remilekun Towobola, "Housing Ministry Engages UN-Habitat On Nationwide Urban Renewal and Slum Grading Projects," Federal Ministry of Information and National Orientation, October 21, 2023.

⁴⁸ Federal Ministry of Housing & Urban Development, "Housing Ministry, Polaris Capital, Sign MoU On Artisans Skills Acquisition," September 2, 2025.

⁴⁹S Anyanwu, "FG Committed to Solving Housing Needs of Nigerians – Belgore," Federal Ministry of Information and National Orientation, February 27, 2025.



A core mandate of the Ministry is to bridge Nigeria’s housing deficit, estimated at 17–20 million units. The Ministry is spearheading the Renewed Hope Cities and Estates Program, which aims to deliver 5.5 million housing units over ten years across the 36 states and the Federal Capital Territory (FCT). In its first phase, the program targets 40,000 units, with 10,112 units currently under construction across 14 active sites in Nigeria’s six geo-political zones. These include 12 estates, each with 250 units (totaling 3,000 units), and larger Renewed Hope Cities, such as the 3,112-unit project in Karsana, FCT.

The Ministry facilitates homeownership through innovative financing models, such as:

1. NHF Loans: Offering up to ₦15 million at 6% interest with a 30-year repayment period.
2. Rent-to-Own Scheme: Allowing Nigerians to pay for homes in installments, making ownership accessible to low- and medium-income earners.
3. Outright Purchase: For those able to buy homes directly.
4. To support these efforts, the Ministry secured an additional ₦50 billion in the 2025 budget, reversing a proposed reduction by the Budget Office. This funding enhances the Ministry’s capacity to clear inherited liabilities, create jobs, and execute housing projects, aligning with the Renewed Hope Agenda’s focus on economic growth.

3. Urban Renewal and Slum Upgrading

The Ministry is committed to improving living conditions in Nigeria’s urban areas through the Nationwide Urban Renewal and Slum Upgrading Program. In partnership with UN-Habitat, the Ministry seeks multilateral funding and technical support to transform informal settlements into vibrant, integrated neighborhoods with access to essential services like water, sanitation, and electricity. This program aims to prevent slum proliferation and enhance urban resilience, particularly in rapidly urbanizing areas.⁵⁰

The Ministry collaborates with state governments and Federal Controllers of Housing to identify and prioritize slum upgrading projects. It mandates monthly updates and data-driven reporting from controllers to monitor progress and ensure accountability. By addressing rapid

⁵⁰ R Towobola, “Housing Ministry Engages UN-Habitat On Nationwide Urban Renewal and Slum Grading Projects,” Federal Ministry of Information and National Orientation, October 21, 2023.



urbanization and poor access to land, the Ministry aims to create sustainable urban environments that improve citizens' welfare.⁵¹

6. INSTITUTIONAL ROLES THAT SHAPE THE REAL ESTATE INVESTMENT

1. State Governor / Ministry of Lands and Survey: Under the Land Use Act (1978), all land in a state is vested in the Governor.⁵²The Governor's office (often through the Ministry of Lands and Survey) is responsible for Granting statutory rights of occupancy, approving land transfers, leases, or mortgages (Governor's consent)and Allocating land for residential, commercial, or industrial purposes. However, investors must obtain approval to secure legal tenure.
2. State Ministry of Urban Development / Physical Planning Authority: They are Responsible for:Urban planning and zoning (residential, commercial, industrial areas), Building permits and approvals for construction and Enforcing land use regulations and urban development standards. They seek to ensure orderly development, prevents illegal constructions, and guides investors on permissible land uses.
3. State Land Registry / Surveyor-General: They Maintains records of Certificates of Occupancy (C of O), Land survey plans and property maps and Transactions and assignments of land. Also, it Provides official documentation that protects investors against fraud and overlapping claims.
4. Environmental Agencies: Includes Federal Ministry of Environment and State Environmental Protection Agencies. The agencies are Responsible for Environmental Impact Assessments (EIA) for large-scale projects and Monitoring compliance with environmental standards (drainage, waste management, pollution control). It Ensures sustainable development and prevents environmental degradation.
5. Judiciary: These involves Courts (High Court, Court of Appeal, Supreme Court) which handle Dispute resolution over land ownership, boundaries, and occupancy rights and Challenges to compulsory acquisition or revocation by government. They Provides legal certainty and protects investors' rights.

⁵¹Federal Ministry of Housing & Urban Development, "Dangiwa Backs AHCN's Ambitious Plan for Nationwide Affordable Housing, 13th September 2024.

⁵²LUA, s1.



6. **Federal / State Revenue Authorities:** Includes Federal Inland Revenue Service (FIRS) and State Boards of Internal Revenue which are Responsible for Collection of property taxes, stamp duties, and development levies. They Ensure fiscal compliance and affects investment costs.
7. **Professional Bodies:** Examples: Nigerian Institution of Estate Surveyors and Valuers (NIESV), Architects Registration Council of Nigeria (ARCON). They are responsible for Providing valuation, surveying, and advisory services and Certifying plans, valuations, and construction compliance. Moreover, they provide Professional guidance which helps to reduce investment risk and ensures regulatory compliance.

7. CONCLUSION

The real estate sector in Nigeria, particularly in Rivers State, operates within a complex legal and regulatory framework shaped by the Land Use Act 1978, the 1999 Constitution, and state-specific laws like the Rivers State Urban and Regional Planning Law. While these laws provide a foundation for regulating real estate investment, challenges such as property revocation without adequate compensation and bureaucratic inefficiencies persist. The roles of institutions like the Federal Ministry of Housing, Rivers State Ministry of Lands, REDAN, and NIESV are critical in ensuring compliance and fostering sectoral growth. However, gaps in enforcement, transparency, and alignment with international standards hinder the sector's potential. By implementing the proposed recommendations, including stronger compensation mechanisms, digital land registries, and judicial reforms, Nigeria can enhance the functionality of its real estate investment framework. These reforms will reduce litigation, boost investor confidence, and align the sector with global best practices, fostering sustainable economic development.

8. RECOMMENDATIONS

1. **Transparency and governance:** Establishment of a transparent and centralized property registry. A publicly accessible and reliable land registry system is crucial for securing property rights and reducing fraud. This system should clearly document ownership, encumbrances, and transaction histories, which is a major draw for international investors. Mandate comprehensive and standardized disclosure of property information, including building specifications, environmental assessments, and any legal issues. This reduces information asymmetry between buyers and sellers and increases market trust.



2. **Regulation and standardization.** Creation of a clear, enforceable building codes and standards that align with international benchmarks for safety, quality, and sustainability. A strong regulatory framework promotes better quality construction and protects consumers. Ensure that property laws and regulations are predictable and consistent. This provides a stable environment for investment and effectively protects tenant and landlord rights.
3. **Ensure rigorous due diligence and title-verification before issuing title documents:** Under Land Use Act, 1978 (LUA), all land in a state, including Rivers State, is vested in the Governor which means land transactions and allocations must be carefully documented. The state should require that any “native” or communal lands be surveyed, mapped and laid out before the sale or issuance of a Certificate of Occupancy (C of O), to prevent overlapping allocations and disputes. This responds to widespread conflicts and double-allocation issues. The relevant state land registry or ministry (in Rivers State: for instance, Rivers State Ministry of Urban Development, RSHPDA) should maintain transparent records, survey plans, ownership history, and assignments to make verification accessible.
4. **Strengthen enforcement of “Governor’s Consent” and land transaction registration requirements:** The LUA requires that any transfer, lease, assignment or sublease of statutory rights of occupancy must obtain the Governor’s Consent; without it the transaction is void. Rivers State authorities should ensure that this requirement is strictly enforced, and that consent (or refusal) is granted/rejected promptly and with clear, recorded reasons. Additionally, registration of deeds, survey plans, and assignments at the state registry should be mandatory and properly supervised; failure to register should result in null transactions, this would protect buyers from “fake documents” and land fraud.
5. **Promote investor education, public awareness, and legal support for small investors:** Many problems arise because ordinary people, especially first-time buyers or small investors, are unaware of legal requirements (Governor’s consent, registration, zoning etc). The state government (or agencies like RSHPDA) should run regular outreach, education, and awareness campaigns. Encourage legal representation and professional involvement (surveyors, lawyers) at early stages of land acquisition and development. This helps avoid pitfalls such as invalid titles or unapproved development. Adopt simplified, transparent



procedures (and perhaps fast-track for small investors) to reduce bureaucratic delays which discourage small-scale real estate investment.