

# THE WAY FORWARD ON BUILDING REGULATION IN LAGOS STATE.



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## **Chapter 1**

### **Introduction**

#### **Lagos State**

Lagos State is an administrative division of Nigeria, located in the south-western part of the country. The smallest in area of Nigeria's states, Lagos is arguably the most economically important state of the country, containing Lagos, the nation's largest urban area. The actual population total is disputed between the Nigerian Census of 2006, and a much higher figure claimed by the Lagos State Government.

Lagos State was created on May 27, 1967 by virtue of State (Creation and Transitional Provisions) Decree No. 14 of 1967, which restructured Nigeria's Federation into 12 states. Prior to this, Lagos Municipality had been administered by the Federal Government through the Federal Ministry of Lagos Affairs as the regional authority, while the Lagos City Council (LCC) governed by the City of Lagos. Equally, the metropolitan areas (Colony Province of Ikeja, Agege, Mushin, Ikorodu, Epe and Badagry were administered by the Western Region. The State took off as an administrative entity on April 11, 1968 with Lagos Island serving the dual role of being the State and Federal Capital. However, with the creation of the Federal Capital Territory of Abuja in 1976, Lagos Island ceased to be the capital of the State which was moved to Ikeja. Equally, with the formal relocation of the seat of the Federal Government to Abuja on 12 December 1991, Lagos Island ceased to be Nigeria's political capital. Nevertheless, Lagos remains the centre of commerce for the country.

Since its creation in 1967, the state has been administered by either a governor and a House of Assembly in civilian or quasi-civilian (under Ibrahim Badamasi Babangida's administration) federal administrations, or by Sole-Administrators or Military Administrators in military dispensations. Since December 2007, Yoruba has been the second official language of debate and discussion for the House of Assembly after English.

While the State is essentially a Yoruba-speaking environment, it is a socio-cultural melting pot attracting both Nigerians and foreigners alike.

Indigenous inhabitants include the Aworis and Eguns in Ikeja and Badagry Divisions respectively, with the Eguns being found mainly in Badagry.

There is also an admixture of other pioneer settlers collectively known as the Ekos.

The indigenes of Ikorodu and Epe Divisions are mainly the Ijebus with pockets Eko-Awori settlers along the coastland and riverine areas.

### Map of Lagos State



## Chapter 2

### The Housing issues in the state

As the commercial hub of the country, the demand for good accommodation is ever increasing due to continuous number of business people and diplomats into the state.

Private landlords have taken advantage of the situation by ensuring that they cash in on this high demand for housing in the state. Many are aware that the population is increasing rapidly and that there is a very limited number of housing to accommodate the average individual and his immediate family. It is therefore the landlords market. Properties are not maintained properly by the landlords, which makes some of the structures of the buildings unsafe for tenants to live in. The 'desperate tenant' is more concerned about having a roof over his/her head, than to be bothered about the poor structures. This explains why most of them accept these poor dilapidated buildings to rent, as they have no other choices.

The heavy rains and floods have caused some of these badly maintained properties to collapse, causing loss of lives and very serious injuries to many residents, including children. The Lagos State Government has reacted to this mayhem by introducing the Tenancy Laws of Lagos State in 2011, which has done nothing whatsoever to deal with this problem. [See Rethinking Tenancy Laws of Lagos State by Jide Ogundimu; page 6 of 'This Day' National Newspaper, 20<sup>th</sup> August 2013 or visit <http://www.ilupejutoday.com/the-new-chaotic-tenancy-laws-of-lagos-state/>](#)

They also announced the immediate take off of the Lagos State Building Control Agency (LASBCA), as part of measures to curtail the recurrence of such incidents.

Governor Babatunde Fashola who announced the immediate take off of the agency, called for an inter-ministerial collaboration between ministries of Physical Planning and Urban Development, Housing and Environment on measures that would put an end to the unfortunate incidences of building collapse.

Following the announcement, the state Ministry of Physical Planning and Urban Development planned an immediate review of the report on distressed buildings between 2008-2010 when Lagos witnessed several cases of buildings collapse. Senior officials of the ministry also expressed the need to ensure that all buildings above one-storey complied with insurance certification.



**The poor state of buildings in Lagos State**





## **Building collapse in Lagos State**

### **Chapter 3**

#### **The Lagos State Building Control Agency (LASBCA)**

It would be recalled that the Lagos State Building Control Agency (LASBCA) was created a few years ago for the enforcement of building control regulations and implementation of the 2010 Physical Planning, Urban Development and Building Law in the state.

The functions of LASBCA include the inspection of building works and the certification of various stages of building construction and keeping of such records; removal of illegal and non-conforming developments; identification and removal of distressed buildings to prevent collapse and; the insurance of Certification and Fitness for Habitation.

Other functions are the provision of building services such as material evaluation and testing, fire and health control; establishment of District Development Control offices for the discharge of these functions; Conducting research in building construction and control; Cooperating with the Development Permit Authority to achieve zero tolerance of illegal developments; Enforcing the provisions of the new law and any regulations

that may be made under the law for inspection of building, verification and certification of building insurance among other powers.

Incidences of building collapse have recently assumed an alarming proportion in the state, prompting calls by the Nigerian Society of Engineers (NIStructE) for greater enforcement of the laws and regulations within the building industry, following observations that some developers are erecting buildings without necessary approvals and technical expertise.



**A LASBCA notice usually displayed on distressed buildings in Lagos State**

## **Chapter 4**

### **The Failings of the Lagos State Building Control Agency (LASBCA)**

The Lagos State Building Control Agency (LASBCA) has failed in its objectives, for a number of reasons.

- (i) Lack of resources – Dealing and tackling building regulation is a massive challenge in Lagos State, especially with the numerous erections in the state. There are no records of most of these buildings, as majority have not been registered with the Land Registry, which makes it extremely difficult or almost impossible to regulate.
- (ii) Experience or lack of it – The Lagos State Building Control Agency (LASBCA), does not have the necessary experience or expertise to deal with the numerous housing issues in the state. Most of the top officials lack the necessary exposure and very few have travelled out of the country, which is extremely important in terms of exposure these days.



- (iii) Knowledge – Majority of the officials at the Lagos State Building Control Agency (LASBCA), lack the necessary skills and knowledge to tackle the challenges ahead. Their academic qualifications and experience is questionable. If there are at all, they are very limited in number.
- (iv) Infrastructure – Lack of infrastructure of the Lagos State Building Control Agency (LASBCA) is another reason why this governing body has failed in its objectives.
- (v) Corruption – Corruption within and outside the Lagos State Building Control Agency (LASBCA) is another reason why building regulation is impossible to enforce in the state.

## **Chapter 5**

### **The way forward**

Building regulation and certification must be an important part of the Lagos State planning system. It should ensure that planning requirements and building and supervision standards are met during construction. It should also ensure buildings continue to provide acceptable levels of safety throughout their effective lives.

Changes must be made to the building regulation and certification system to rebuild confidence in the quality and safety of buildings and to provide better direction and support to the Lagos State building sector.

The key changes proposed for building regulation and certification are as follows;

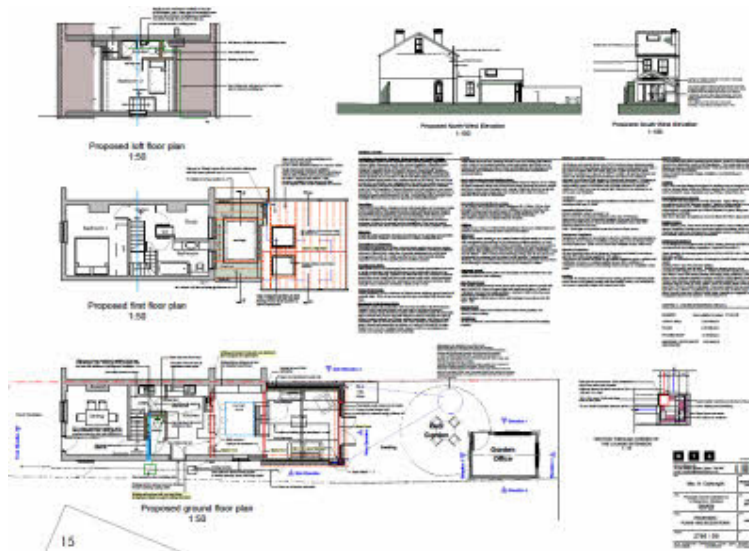
- (i) Accreditation of additional occupations involved in building design and construction such as designers, specialist engineers, fire protection system installers and inspect/test technicians, energy

efficiency designers and access consultants and other relevant professions.

- (ii) Mandatory certification of specialised building aspects including the design, installation and commissioning of critical building systems and elements.
- (iii) Improved levels of documentation through all stages of the building life cycle, including the requirement for a building manual which will include key building information.
- (iv) Increased support for certifiers on complex building matters through peer review and enhanced decision support.
- (v) Strengthened controls on certifiers through stronger disciplinary guidelines increased auditing and increased obligations to report non compliant building work and other controls.

In order to ensure these changes take place, the Lagos State government needs to implement and enforce;

- (i) An introduction of a tougher and better building regulation regime for the life cycle of buildings.
- (ii) A review of the building regulation system in partnership with industry and stakeholders and consideration of the merits of establishing better coordination of building regulation to deliver improved safety and consumer protection.
- (iii) Improvements in the private certification system through greater accountabilities and steeper penalties for non-compliance.
- (iv) Preventing accredited certifiers being engaged by vested interests.



**A typical building regulation drawing designed by competent and approved contractors.**

## **Chapter 6**

### **An assigned private organisation working in partnership with the Lagos State Government**

Such an organisation should be able to carry out the following;

- (i) Clarify minimum acceptable standards and requirements for the regulation and certification of buildings, critical building systems and subdivision.
- (ii) Improve approval/certification processes and procedures.
- (iii) Require additional qualified professionals to certify building elements systems.
- (iv) Link more effectively certification and approved plans (including designs for structural hydraulic, geotechnical, fire protection and

stormwater engineering) with built outcomes and the developments generally.

- (v) Improve mandatory critical stage inspections.
- (vi) Improve the levels and quality of documentation and other building information at all phases of approval, construction and ongoing use and management.
- (vii) Improve support for building certifiers and local councils in relation to decision making and ongoing compliance monitoring.
- (viii) Enhance compliance with approvals and standards.
- (ix) Improve the life cycle performance of important building measures and features.
- (x) Provide adequate, effective, efficient and regular training to all her employees, partners and other necessary parties involved in the certification of buildings.

Improved building regulations and certification will;

- (i) Ensure planning outcomes and building and subdivision standards are achieved.
- (ii) Provide practitioners with the support, education and tools to enable consistent and appropriate decision making.
- (iii) Reduce red tape and the complexity of regulatory requirements.
- (iv) Reduce building defects and rectification costs through the better design and installation of essential building elements and systems.
- (v) Ensure practitioners are accountable for the work they perform and are clear about their responsibilities.
- (vi) Increase confidence that essential building services and features are always in working order.
- (vii) Give the community increased confidence in building outcomes and built environment.



## **The dream building for commercial business in Lagos State**

### **Chapter 7**

#### **A plan for building regulation on existing buildings in the state.**

- (i) All properties in Lagos State will have to be listed in the land registry. The Lagos State government with its executive powers can make it mandatory for all owners and occupiers of properties to register their properties within a specified period. Failure to comply will result in offenders being prosecuted under the appropriate laws.
- (ii) Registration of properties will include all designs, blueprint and other documentation relating to the property, including details of all the occupants. All this data will be inserted on the data base system, which will be central.
- (iii) Once all the properties in the state have been registered or listed as the case might be, the process of building certification will commence. All property owners will be given a deadline to apply and have their properties issued with building regulation certificates

which will cost an amount determined by the Lagos State government and her building regulation partners. Failure to comply will result in offenders being prosecuted under the relevant state laws.

- (iv) The whole process of registration and certification of buildings will be regulated by a sophisticated computerised system which the Lagos State government and her partners will have access to.
- (v) The whole registration process will be of benefit to the Lagos State government in implementing and enforcing other services or sources of revenue such as the tax system.