The role of cadastral value in balancing local budgets

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Abstract. Modern tax federalism implies that federal budget relies on the major taxes. This results in the lack of regional and local taxes and dependency of the local authorities. Local taxes mainly include personal income tax, corporate property tax, personal property tax and land tax. Thus, the taxable base is related to the cadastral value of real estate. In the article the authors study the dependence of the balance of local budgets on the cadastral valuation.

Regional and local authorities apply the mechanical approach to the development of their taxable base, which leads to overestimation of cadastral value in most regions. The authors studied this problem and analyzed the situation in Tambov and Volgograd regions (that belong to different federal districts) and in their regional centers.

The study showed that an overestimated cadastral value leads to an increase in the number of claims challenging the cadastral value and to a reduction in the taxable base. As a result, local budgets suffer and it gets difficult to balance a budget.

Keywords - local budget, budget balance, budget deficit, cadastral value, local taxes

I. INTRODUCTION

It has always been a challenging task to balance regional and local budgets. In 2018 budget subsidies were not paid to 12 regions: Tatarstan, Leningrad region, Moscow region, Samara region, Sakhalin region, Sverdlovsk region, Tyumen region, Nenets autonomous district, Khanty-Mansiysk autonomous district, Yamalo-Nenets autonomous district, Moscow and St. Petersburg [1].

The other regions were subsidized. However, the level of subsidies was different. So, Kaluga region was paid 0.27 billion rubles, Tambov - 9.11 billion rubles, and the republic of Dagestan - 59.07 billion rubles. [1].

The criterion of a balanced budget is determined by the Budget Code of the Russian Federation. According to Article 133 of the Budget Code of the Russian Federation, the balance of the budget is ensured if the budget revenue and the sources of financing the budget deficit correspond to budget expenditures. However, we should note that in the long-term perspective it is possible to balance a budget only if the budget revenue (that does not include the sources of financing the deficit) corresponds to budget expenditures. Due to the budget deficit, the solution to the problem of balance is postponed, and actually, the problem itself remains.

Only 12 out of the 85 regions are donors, which means that the problem the authors raised is very serious. It is important to note that in the dynamics the problem is only aggravated. So in 2006 there were 25 regions with a budget surplus, in 2015 - 14, and in 2018 - only 12 [2].

Perhaps, this is due to the current system of tax federalism, which implies that the major taxes are considered to be federal. Thus, there is a grave problem of imbalances in regional and local budgets, which makes regions dependent.

However, we should mention that the Ministry of Finance of the Russian Federation makes an attempt to mitigate the situation, widely using the mechanism of co-financing various projects. In fact, the point is that the federal center is ready to provide financial help, but only if the region itself has financial resources. This makes the regions and local authorities develop their own taxable base.

II. MATERIALS AND METHODS (MODEL)

The research was based on the logical method, as well as the methods of analysis and induction. In addition to general scientific methods, statistical methods were widely used in the study, including the method of analyzing the dynamics (revenue from taxes); structural analysis method (tax and non-tax revenue in the overall structure of the local budget); sampling method (the regional centers of the Central Federal District (Tambov) and of the Southern Federal District (Volgograd)).
III. RESULTS AND DISCUSSION

As it has already been noted, the authors studied the problem analyzing the two regions that belong to different federal districts (Tambov region - the Central Federal District and Volgograd region - the Southern Federal District) (Table 1). These are typical Russian subsidized regions.

<table>
<thead>
<tr>
<th>Tambov Region</th>
<th>Year</th>
<th>2018</th>
<th>2019 (forecast)</th>
<th>2020 (forecast)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue, billion rub., including</td>
<td>48901.9</td>
<td>46507.9</td>
<td>45497.1</td>
<td></td>
</tr>
<tr>
<td>tax and non-tax revenue, billion rub.</td>
<td>29939.0</td>
<td>30004.0</td>
<td>30715.2</td>
<td></td>
</tr>
<tr>
<td>gratuitous receipts, billion rub.</td>
<td>18942.9</td>
<td>16053.9</td>
<td>14781.9</td>
<td></td>
</tr>
<tr>
<td>Expenditures, billion rub.</td>
<td>49282.7</td>
<td>48862.1</td>
<td>45969.6</td>
<td></td>
</tr>
<tr>
<td>Deficit (-) / Surplus (+), billion rub.</td>
<td>-380.8</td>
<td>-2804.2</td>
<td>-472.5</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Volgograd region</th>
<th>Year</th>
<th>2018</th>
<th>2019 (forecast)</th>
<th>2020 (forecast)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue, billion rub., including</td>
<td>98637.6</td>
<td>79075.6</td>
<td>81220.9</td>
<td></td>
</tr>
<tr>
<td>tax and non-tax revenue, billion rub.</td>
<td>69543.5</td>
<td>64523.6</td>
<td>67878.4</td>
<td></td>
</tr>
<tr>
<td>gratuitous receipts, billion rub.</td>
<td>29094.1</td>
<td>14552</td>
<td>13342.5</td>
<td></td>
</tr>
<tr>
<td>Expenditures, billion rub.</td>
<td>98637.6</td>
<td>79075.6</td>
<td>81220.9</td>
<td></td>
</tr>
<tr>
<td>Deficit (-) / Surplus (+), billion rub.</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

The situation is even more serious at the level of local budgets (Table 2). Here, the imbalance between revenue and expenditures is even more critical.

<table>
<thead>
<tr>
<th>Tambov</th>
<th>Year</th>
<th>2018</th>
<th>2019 (forecast)</th>
<th>2020 (forecast)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue, billion rub., including</td>
<td>5114</td>
<td>4676.9</td>
<td>4595.4</td>
<td></td>
</tr>
<tr>
<td>tax and non-tax revenue, billion rub.</td>
<td>2858.7</td>
<td>2922.3</td>
<td>2840.8</td>
<td></td>
</tr>
<tr>
<td>gratuitous receipts, billion rub.</td>
<td>2255.3</td>
<td>1754.6</td>
<td>1754.6</td>
<td></td>
</tr>
<tr>
<td>Expenditures, billion rub.</td>
<td>5114</td>
<td>4676.9</td>
<td>4595.4</td>
<td></td>
</tr>
<tr>
<td>Deficit (-) / Surplus (+), billion rub.</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Volgograd</th>
<th>Year</th>
<th>2018</th>
<th>2019 (forecast)</th>
<th>2020 (forecast)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue, billion rub., including</td>
<td>21161.2</td>
<td>14073.9</td>
<td>14315.1</td>
<td></td>
</tr>
<tr>
<td>tax and non-tax revenue, billion rub.</td>
<td>3612.7</td>
<td>8027.2</td>
<td>8121.2</td>
<td></td>
</tr>
<tr>
<td>gratuitous receipts, billion rub.</td>
<td>12548.5</td>
<td>6046.7</td>
<td>6193.9</td>
<td></td>
</tr>
<tr>
<td>Expenditures, billion rub.</td>
<td>21346.7</td>
<td>14073.9</td>
<td>14315.1</td>
<td></td>
</tr>
<tr>
<td>Deficit (-) / Surplus (+), billion rub.</td>
<td>-185.5</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

The analysis of the structure of the revenue sources makes things obvious. Let us focus on the tax and non-tax revenue of Tambov and Volgograd (Table 3).

<table>
<thead>
<tr>
<th>Tambov</th>
<th>Basic taxes and non-tax revenue</th>
<th>Total, mln.rub.</th>
<th>Budget revenue, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal income tax</td>
<td>1258.3</td>
<td>44.0%</td>
<td></td>
</tr>
<tr>
<td>Land tax</td>
<td>632.9</td>
<td>22.1%</td>
<td></td>
</tr>
<tr>
<td>Corporate Property Tax</td>
<td>570.7</td>
<td>7.2%</td>
<td></td>
</tr>
<tr>
<td>Individual Property Tax</td>
<td>199.8</td>
<td>7.0%</td>
<td></td>
</tr>
<tr>
<td>Land rent</td>
<td>291.5</td>
<td>10.2%</td>
<td></td>
</tr>
<tr>
<td>Fines, sanctions</td>
<td>43.3</td>
<td>1.5%</td>
<td></td>
</tr>
<tr>
<td>Privatization of municipal property</td>
<td>77.2</td>
<td>2.7%</td>
<td></td>
</tr>
<tr>
<td>Total tax and non-tax revenue</td>
<td>2858.3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Volgograd</th>
<th>Basic taxes and non-tax revenue</th>
<th>Total, mln.rub.</th>
<th>Budget revenue, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal income tax</td>
<td>2960.1</td>
<td>37.2%</td>
<td></td>
</tr>
<tr>
<td>Land tax</td>
<td>1398.5</td>
<td>17.6%</td>
<td></td>
</tr>
<tr>
<td>Corporate Property Tax</td>
<td>650.8</td>
<td>8.2%</td>
<td></td>
</tr>
<tr>
<td>Individual Property Tax</td>
<td>522.1</td>
<td>6.6%</td>
<td></td>
</tr>
<tr>
<td>Land rent</td>
<td>1106.5</td>
<td>13.9%</td>
<td></td>
</tr>
<tr>
<td>Fines, sanctions</td>
<td>231.5</td>
<td>2.9%</td>
<td></td>
</tr>
<tr>
<td>Privatization of municipal property</td>
<td>230</td>
<td>2.9%</td>
<td></td>
</tr>
<tr>
<td>Total tax and non-tax revenue</td>
<td>7948.2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
We should note that 4 taxes are related to the cadastral value of real estate:

- personal income tax (when real estate is sold);
- corporate property tax (on real estate which is mentioned in article 378.2 of the Tax Code of the Russian Federation);
- individual property tax (on all real estate);
- land tax (with the exception of land withdrawn from agriculture).

Moreover, revenue from the lease of municipal land is also related to the cadastral value.

So, in 2018, personal income tax accounted for 44% of the budget of the city of Tambov, land tax - 22.1%, corporate property tax - 7.2%, property tax - 7.0%. In general, the total revenue from the taxes accounted for 80.3% of the revenue of the city budget, and together with the land rent - over 90%.

The situation was similar in Volgograd: personal income tax accounted for 37.2% of the budget of the city, land tax - 17.6%, corporate property tax - 8.2%, property tax - 6.6%. The total revenue from the taxes accounted for 69.6% of the revenue of the city budget, and together with land rent - over 90%.

The figures show that there is no taxation strategy related to cadastral valuation. Thus, within the period of 15 years the specific indicator of the cadastral value (cost of 1 sq.m) of industrial objects at first increased (it was 2 times the size of the original value), and then it decreased to one fourth of the previous value. According to the results of the valuation carried out in 2007 and 2014, the most expensive land in Tambov was the land for the objects of education, science, health care and social security.

Moreover, there is a lack of systematic cadastral valuation; it is not related to the market value of such land, which causes overestimation of the cadastral value [13].

However, the cadastral valuation is regulated by the two federal laws:


Both laws protect the interests of property owners in case of pre-trial and court procedures for challenging the cadastral value. Of course, such procedures are not simple; they require good legal training and financial costs [14].
The pre-trial procedures are regulated by the body of the Federal Service for State Registration. The results of the procedures are regularly published.

According to the official statistics, in 2015-2016, about 75-80% of the claims were satisfied (Table 4), which means that the Federal Registration Service confirms that in these cases the cadastral value is overestimated.

<table>
<thead>
<tr>
<th>Year</th>
<th>Plaintiffs' claims are satisfied, (cases /%)</th>
<th>Plaintiffs' claims are not satisfied, (cases /%)</th>
<th>The number of pending matters by the end of the analyzed period, (cases /%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>21346</td>
<td>15825</td>
<td>10359</td>
</tr>
<tr>
<td>2016</td>
<td>29512</td>
<td>18843</td>
<td>no data</td>
</tr>
<tr>
<td>2017</td>
<td>37390</td>
<td>26760</td>
<td>no data</td>
</tr>
<tr>
<td>2018</td>
<td>21238</td>
<td>14437</td>
<td>3657</td>
</tr>
</tbody>
</table>

In general, it should be noted that according to the statistics, more than 50% of the plaintiffs’ claims were satisfied. According to the statistics in Table 5, within the period of 2015-2016, in 4 out of 5 cases the cadastral value was overestimated. Moreover, since 2017 the number of pending matters by the end of the year has significantly increased due to the cadastral valuation of buildings, which requires a specific judicial practice.

<table>
<thead>
<tr>
<th>Year</th>
<th>Plaintiffs' claims are satisfied, (cases /%)</th>
<th>Plaintiffs' claims are not satisfied, (cases /%)</th>
<th>The number of pending matters by the end of the analyzed period, (cases /%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>7240</td>
<td>1556</td>
<td>732</td>
</tr>
<tr>
<td>2016</td>
<td>11056</td>
<td>1019</td>
<td>1402</td>
</tr>
<tr>
<td>2017</td>
<td>8164</td>
<td>1016</td>
<td>6637</td>
</tr>
<tr>
<td>2018</td>
<td>9283</td>
<td>829</td>
<td>6002</td>
</tr>
</tbody>
</table>

Nevertheless, according to the statistics reflecting the work of the body of the Federal Service for State Registration in 2018, the percentage reduction in cadastral value was a little over 20%. However, according to the statistics, thanks to the court procedures, the percentage reduction in cadastral value was 40-55%, which means that the cadastral value had been twice as high.

According to the Federal Service for State Registration, due to the procedures carried out by the body of the Federal Service for State Registration and by the court, the cadastral value is reduced (Table 6, Table 7).

<table>
<thead>
<tr>
<th>Year</th>
<th>Cadastral value before consideration of claims, billion rubles.</th>
<th>Cadastral value after consideration of claims, billion rubles.</th>
<th>The percentage reduction in cadastral value, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>6 167</td>
<td>3676</td>
<td>40.39%</td>
</tr>
<tr>
<td>2016</td>
<td>5 641</td>
<td>4951</td>
<td>12.23%</td>
</tr>
<tr>
<td>2017</td>
<td>9 400</td>
<td>8000</td>
<td>14.89%</td>
</tr>
<tr>
<td>2018</td>
<td>2 869</td>
<td>2262</td>
<td>21.16%</td>
</tr>
</tbody>
</table>

Thus, the most complicated cases related to overestimation of cadastral value are considered in court.

Moreover, there is a noticeable difference in the outcome of the procedures carried out by the Federal Service for State Registration and the Supreme Court. Thus, according to the statistics of the Supreme Court of the Russian Federation, 97%
of the claims are satisfied [23], which proves that the cadastral value is overestimated.

This fact may have a negative impact on local budgets as balancing local budgets becomes problematic.

Thus, the Department of Finance of the Administration of Volgograd gives the following figures (Table 8).

TABLE 8. Statistics of lost revenue from land tax and land rent in the city of Volgograd in 2018 [8]

<table>
<thead>
<tr>
<th>Figures in 2018</th>
<th>Land tax</th>
<th>Land rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of tax / rent, mln. rub.</td>
<td>1 399</td>
<td>1 107</td>
</tr>
<tr>
<td>Lost revenue as a result of challenging the cadastral value in court, mln. rub.</td>
<td>441</td>
<td>377</td>
</tr>
<tr>
<td>Lost revenue after consideration of the claims challenging the cadastral value</td>
<td>278</td>
<td>65</td>
</tr>
<tr>
<td>by the Federal Service for State Registration in Volgograd Region, mln. rub.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lost revenue from land tax / rent, mln. rub.</td>
<td>719</td>
<td>442</td>
</tr>
<tr>
<td>The ratio of the lost revenue from land tax / rent to the amount of tax / rent</td>
<td>33.9%</td>
<td>28.5%</td>
</tr>
<tr>
<td>and the lost revenue, mln. Rub.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

According to the figures in the last line, the revenue from land tax was reduced by more than 1/3 and the revenue from the land rent was reduced by almost 30% as a result of challenging the cadastral value of the property.

Thus, we can see how much the local budget revenue was reduced. So, in 2018, the percentage reduction in cadastral value was 20% (due to the claims considered by the Federal Service for State Registration), whereas thanks to the court procedures, the percentage reduction in cadastral value was about 40%. The overall reduction in the cadastral value was 28.5%.

This shows how much the revenue from land tax, individual property tax and land rent (and to a lesser extent from personal income tax and corporate property tax) can be reduced. So, in other words, taking into consideration the above-mentioned statistics, the local governments can forecast a reduction in revenue.

IV. CONCLUSION

Summing up the results of this research, the authors made a number of conclusions.

Firstly, the mechanical approach to the development of the taxable base (overestimation of cadastral value) has negative effects. On the one hand, it helps to increase revenue from the taxes and land rent. On the other hand, claims challenging the cadastral value are considered in court or by the Commission of the Federal Service for State Registration (which is a legal mechanism for protecting the rights of ownership), which leads to the reduction in revenue.

This reduction can be confirmed by official statistics which can be different in Russian regions, whereas the situation is the same throughout the country.

Secondly, local authorities do not approve of challenging the cadastral value because the administrative resource is often involved in this process, which has certain consequences. Actually, an overestimation of the cadastral value leads to an increase in social tension and to a tax burden on business. Local taxes are a big concern to small and medium-sized enterprises, while large enterprises, as a rule, are registered in Moscow, St. Petersburg and in large Russian regions. In addition, it is obvious that large business has more opportunities for tax optimization. Therefore, the overestimation of the cadastral value has a negative impact on small business supported by the government. In theory, the described approach is aimed at increasing the taxable base; however, in reality there is a reduction in the taxable base as enterprises are closed [24].

Thirdly, the methods of cadastral valuation are improving thanks to the federal law No. 237-ФЗ (dated July 03, 2016 “On state cadastral valuation”. It came into effect on January 01, 2017) and Methodological guidelines for state valuation № 226 (dated December 05, 2017). Thanks to the better system, the cadastral valuation is likely to be more objective. Consequently, the above-mentioned “mechanical approach” cannot be used in the long-term perspective. In any case, local authorities need to adapt to the reduction in the taxable base. It is advisable to create better conditions for small business; therefore, local authorities should be interested in the objectivity of the cadastral valuation.

References

[6] Decision No. 730 of Tambov City Duma of Tambov Region dated December 22, 2017 “On the budget of the city district - the city of Tambov for 2018 and for the planned period of 2019 and 2020”

[9] Resolution of the regional administration dated July 29, 2003 N 584 “On approval of the results of the state cadastral valuation of land settlements of Tambov region”

[10] Resolution of the regional administration dated November 30, 2007 No. 1311 “On approval of the results of the state cadastral valuation of land settlements of the region”


[12] Order of Property Management Committee of Tambov Region No. 1378 dated December 27, 2018 “On approval of the results of determination of the cadastral value of land of settlements, industry, energy, transport, communications, broadcasting, television, IT, lands for the provision of space activities, lands of defense, security and other special purposes on the territory of Tambov region”


[14] Fedotova M. A., Grigoriev V. V. The cadastral value of real estate: 8 challenges to its dispute and 8 measures to solve these problems // Property Relations in the Russian Federation, No. 11 (158) 2014


[23] The Supreme Court summed up the the results of the work of the courts in 2017 // Supreme Court of the Russian Federation. URL: http://www.vsrf.ru/press_center/media/26471/