

COUNTY GOVERNMENT OF KITUI



COUNTY ASSEMBLY
SECOND ASSEMBLY – (THIRD SESSION)

COMMITTEE ON LANDS, INFRASTRUCTURE AND URBAN DEVELOPMENT

REPORT ON THE AFFORDABLE HOUSING POLICY

CLERK'S CHAMBERS
COUNTY ASSEMBLY BUILDINGS,
KITUI.

JUNE, 2019

Table of Contents

1.0. PREFACE..... 4

1.1. THE COMMITTEE’S MANDATE 4

 1.2. COMMITTEE MEMBERSHIP..... 5

 1.3. TERMS OF REFERENCE..... 6

 1.4. ACKNOWLEDGEMENT..... 7

2.0. SCRUTINY OF THE AFFORDABLE HOUSING POLICY 8

 2.1. INTRODUCTION 9

 2.2. OBJECTIVES OF THE POLICY..... 10

 2.3. SITUATION ANALYSIS..... 10

 2.4. CHALLENGES/ISSUES TO BE ADDRESSED BY THE POLICY 13

 2.5. AN ANALYSIS OF THE EXISTING LEGAL FRAMEWORK 13

 2.6. STRATEGIES FOR ITS IMPLEMENTATION 21

 2.7. ACTORS OR STAKEHOLDERS AND RESPONSIBILITIES 21

 2.8. TARGET AUDIENCE..... 22

 2.9. MONITORING AND EVALUATION MECHANISMS 23

 2.10. THE REVIEW MEASURES..... 23

 2.11. PROVISION OF A LEGAL INSTRUMENT FOR ITS OPERATIONALIZATION 23

 2.12. OBSERVATIONS FROM THE PUBLIC HEARING AND THE SUBMITTED STATEMENT OF
MEMORANDA..... 24

3.0 COMMITTEE OBSERVATIONS..... 24

4.0 COMMITTEE’S RECOMMENDATIONS 25

5.0 COMMITTEE CONCLUSION..... 26

ABBREVIATIONS

CGA	County Government Act
CO	Chief Office
CECM	County Executive Committee Member
LIUD	Lands, Infrastructure and Urban Development
LIHUD	Lands, Infrastructure, Housing and Urban Development
EMCA	Environmental Management and Coordination Act
CGOK	County Government of Kitui
PPP	Public Private Partnership
EIA	Environmental Impact Assessment
NEMA	National Environmental Management Authority
KENHA	Kenya National Highways Authority
KURA	Kenya Urban Roads Authority
KERRA	Kenya Rural Roads Authority
NCA	National Construction Authority
SWOT	Strength, Weaknesses, Opportunities and Threat

ANNEXURES

- i. The signed Committee members list (**Annex I**).
- ii. Analysis of the views of the members of the public with the attendance list (**Annex II**).
- iii. Committee minutes adopting the report (**Annex III**).

1.0. PREFACE

Mr. Speaker Sir, the Committee on Lands, Infrastructure and Urban Development reviewed the *Affordable Housing Policy* and came up with a report.

The policy is critical and of much importance since the County Department of Lands, Infrastructure, Housing and Urban Development intends to facilitate the progressive realisation of the right to adequate housing for the County staff, and the residents of Kitui County as provided for under Article 43(1) (b) of the Constitution.

1.1. THE COMMITTEE'S MANDATE

Mr. Speaker Sir,

The Sectoral Committee on Lands, Infrastructure and Urban Development is constituted pursuant to the provisions of Standing Order No. 190(5) of the County Assembly of Kitui and executes its mandate in accordance with the provisions of the said Standing Order; which mandates the Committee to inter alia;

- i. Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operation and estimates of the assigned department;
- ii. **Study programs and policy objectives of departments and the effectiveness of the implementation;**
- iii. **Study and review all County legislation referred to it;**
- iv. Study, assess and analyse the relative success of departments as measured by the results obtained as compared with their stated objectives;
- v. Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- vi. To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee Appointments); and

- vii. Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Mr. Speaker Sir, in the context of legislation, a policy is a document which outlines what a government aims to achieve for the society as a whole. All policies start off as an idea. It may be the idea of a member of the executive wing of the Government, a bureaucrat, legislator, a stakeholder group or an individual citizen. The provisions of Article 185 of the Constitution of Kenya 2010 on legislative authority of county assemblies are very clear and the same state that;

1. The Legislative Authority of a county Assembly is vested in, and exercised by, it's County Assembly.
2. A County Assembly may make any Laws that are necessary for or incidental to, the effective performance of the functions and exercise of the powers of the County Government under the fourth schedule.
3. A County Assembly, while respecting the principles of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive Organs.
4. A County Assembly may receive and approve plans and policies for:
 - a. The management and exploitation of the counties resources; and
 - b. The development and management of its infrastructure and institutions.

1.2. COMMITTEE MEMBERSHIP

The Committee is composed of the following members:

1. Hon. Boniface Katumo – Chairperson
2. Hon. Geoffrey Mwalimu – Vice-chairperson
3. Hon. Colleta Koli Kimanzi – Member
4. Hon. Eunice Katheke – Member
5. Hon. Charles Maema – Member

- | | |
|--------------------------------|----------|
| 6. Hon. Jehoshephat Nzamba | – Member |
| 7. Hon. Alex Mbili | – Member |
| 8. Hon. Alex W. Mwangangi | – Member |
| 9. Hon. David Thuvi | – Member |
| 10. Hon. John Kisangau Mbaki | – Member |
| 11. Hon. Anthony Ndooh Mwanzia | – Member |

1.3. TERMS OF REFERENCE

Mr. Speaker Sir,

The committee on Lands, Infrastructure and Urban Development received the policy from the County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development on 2nd April, 2019 through the office of the Clerk. The Honorable Speaker in his communication to the House committed the policy to the Committee pursuant to standing order 190(5) (iii) for scrutiny and reporting to the House.

Mr. Speaker Sir,

The Committee retreated from 12th to 18th May, 2019 at Pride Inn Hotels and conferencing in Nairobi to deliberate on the policy and compile a report for submission to this Honourable House.

During this period, the committee noted that the public participation had not been done on the policy and this being an integral part of the objectives of devolution as provided for in Article 174(1) (c) of the constitution of Kenya, 2010.

It is important to note that after consultations with the CECM for LIHUD the Committee found it necessary to have the public participation exercise done and a report on the same forwarded to the Assembly for consideration before concluding with its report on this policy.

Upon receipt of the public participation report on the Affordable Housing policy, the committee retreated further to Mwingi Cottage on June, 14th to 17th 2019 for consideration and subsequent incorporation of the public views in this report.

1.4. ACKNOWLEDGEMENT

Mr. Speaker Sir,

The Committee is thankful to the Offices of the Speaker and the Clerk of the County Assembly for the logistical support accorded to it during the report writing as it executed its mandate.

I wish to express my appreciation to the Honorable Members of the Committee for their resourceful input that informed the content of this report. My sincere gratitude also goes to the Secretariat for his dedication towards compiling this report.

It is therefore my pleasant duty and privilege, on behalf of the Sectoral Committee on Lands, Infrastructure and Urban Development to table this report on the **Affordable Housing Policy** and its recommendations to the Assembly for deliberation and adoption.

Thank you.

Signed _____

Hon. Boniface Katumo,
Chairperson, Lands, Infrastructure and Urban Development (LIUD),
County Assembly of Kitui.

17TH June, 2019

2.0. SCRUTINY OF THE AFFORDABLE HOUSING POLICY

Mr. Speaker sir,

A guide to the legislative process in Kenya by Kenya Law Reform Commission first edition of 2015 provides for salient features of a policy framework. The guide provides that a policy framework should amongst others reflect the following features.

- ✓ Be forward looking that is, it must have a long term view of the problem and offer a long term solution
- ✓ Benefit from the experience of others who have resolved similar situations.
- ✓ Seek new solutions to old problems by being clear on objectives and outcomes.
- ✓ Be based on a study or current analysis of the problem at hand.
- ✓ Offer an inclusive solution to all the segments of the community in which it would be implemented.
- ✓ Fit into the current policies being implemented by other agencies.
- ✓ Borrow from best practices and learn from implementation mistakes and successes elsewhere.
- ✓ Must have an inbuilt communication strategy for dissemination to the public and all stakeholders.
- ✓ Should have evaluation and review mechanisms as one of its features.
- ✓ Provide a pre-legislation impact assessment statement.

Therefore,

Mr. Speaker Sir, the committee scrutinized the Affordable Housing Policy based on the framework stated hereunder:

- ✓ Introduction
- ✓ Situation analysis
- ✓ Challenges or problem/issues to be addressed
- ✓ An analysis of the existing legal framework
- ✓ Strategies for its implementation
- ✓ Actors/stakeholders including the roles and responsibilities

- ✓ Targeted audience and their role and obligations
- ✓ Monitoring and evaluation mechanism
- ✓ Review measures
- ✓ Provision of legal instrument for its operationalization

2.1. INTRODUCTION

Mr. Speaker Sir,

The formulation of the Affordable Housing Policy marks an important milestone in Kitui County as it strives towards the fulfillment, respect, observance, promotion and protection of the right to housing. The policy gives effect to Section 103(1) (b) of the County Government Act and Article 43(1) (b) of the Constitution, which is the legal and constitutional framework on the right to housing in Kenya.

It is important to note that this project will be undertaken in a public private partnership (PPP) between the county government of kitui and the private sector pursuant to Section 6(3) of the County Government Act as read together with Section 33 of the Urban Areas and Cities Act which provides for partnerships and joint venture agreements between county governments and private utility companies to provide social infrastructural services.

The partnerships and joint ventures agreements envisioned by section 6(3) of the County Government Act and section 33 of the Urban Areas and Cities Act must conform to the regulatory frameworks set out in the country's public procurement laws, which include article 227 of the Constitution, the Public Procurement and Asset Disposal Act, 2015 and the Public Private Partnerships Act, 2013.

Mr. Speaker,

The successful provision of adequate and affordable housing to residents of Kitui County requires the development and adoption of a coherent policy frame work that provides guidance to all actors regarding the specific tasks that need to be accomplished to ensure that development projects are seamlessly and sustainably realized.

Mr. Speaker,

The formulation of this policy by the Ministry of Lands, Infrastructure, Housing and Urban Development in consultation with key stakeholders is a testimony to the desire and resolve of the County Government of Kitui to provide affordable housing and improved living environments to the residents of the County.

2.2. OBJECTIVES OF THE POLICY

Mr. Speaker Sir,

The objectives of the policy are to;-

- (a) Provide a coherent long-term policy framework for the sustainable and continuous resolution of the myriad social, habitational, physical planning and land use problems facing the Kitui County in the housing sector.
- (b) facilitate the progressive realization of the right to adequate housing for the County Staff, and the residents of Kitui County as provided for under Article 43 (1) (b) of the Constitution;
- (c) facilitate access to land and security of tenure for all socio-economic group of persons within the County;
- (d) ensure the production of decent and affordable rental housing to the residents of Kitui County;
- (e) construction of affordable housing to the residents of the County;
- (f) ensure that the housing stock is inclusive of all segments of the community within the County;
- (g) increase housing stock to mitigate and reduce homelessness within the County;
- (h) provide appropriate housing and infrastructure for disadvantaged groups or groups with special needs, such as the elderly and persons living with disabilities;
- (i) improve the living conditions of people residing in Kitui county;
- (j) Increase housing stock available for rental purposes;
- (k) Provide an opportunity for Kenyans to own a property within Kitui County;

2.3. SITUATION ANALYSIS

Mr. Speaker Sir

Like most counties, the housing situation in Kitui County is characterized by an acute shortage of affordable housing. This situation is aggravated by the rapidly rising rural urban migration in search for work, business opportunities as well as modern living and the low percentage of individuals within the County who are engaged in gainful economic activity with the statistics pointing out that Kitui County has the lowest percentage of people who are economically engaged, at 22.5%, amongst other counties in Kenya.

Mr. Speaker sir,

The devolved system of government has further complicated the situation because county government’s capacity and mandate has been expanded thereby increasing the number of people they employ and the services they provide. The population surge has caused an unmet need for decent and affordable housing estimated at about 42,000 houses as per the 2009 census report.

Presently, most of the urban and peri-urban dwellings in the towns of Kitui and Mwingi are informal and unplanned as they have been developed by individuals for their domestic dwelling in addition to minimal development for rental purposes. The few ongoing developments within the county headquarters are small scale private investments which are unlikely to have a meaningful impact in changing the housing situation. In essence, the county lacks a modern large scale or even medium scale housing settlement that can house 200 households.

Housing Status as per 2009 Census Report

	Purch a-sed	Construc ted	Inherite d	National Govern ment	Local Authorit y	Indi vi- dual	othe r
Kitui Count y	3,335	177,111	3,872	1,200	550	18,0 55	1,36 8

%	1.6%	86.2%	1.9%	0.6%	0.3%	8.8	0.7 %
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Population Distribution and Number of Households as per Census 2009 Report

	Urban & Peri Urban	Rural	Total	Households
Kitui Municipality	109,568	46,328	155,896	27,526
Mwingi Town	15,970	67,833	83,803	5,522

Mr. Speaker sir,

In addition, according to the 2012/2013 Kenya National Housing Survey, amongst the 13,977 households within Kitui County that pay rent, 7,016 households, representing 50.2% of the total number of rent paying households, pay between Ksh.500 – Kshs.1,000 per month.

Households by Rent Paid Per Month Kitui County (Kshs)

501- 1,000	1,001- 2,000	2,001- 3,000	3,001- 4,000	4,001- 6,000	6,001- 10,000	10,001 and above	Total Households
7,016	3,718	1,095	1,074	716	358		13,977
50.2%	26.6%	7.8%	7.7%	5.1	2.6%		100%

Mr. Speaker sir,

These statistics are a grim reminder of the housing situation within Kitui County and the need to address the housing menace through affordable housing to the residents of Kitui County.

2.4. CHALLENGES/ISSUES TO BE ADDRESSED BY THE POLICY

Mr. Speaker,

The policy targets to address the challenge of inadequate and dilapidated housing and lack of an investment in affordable housing which is caused by:

- (a) poor town planning;
- (b) low investment on housing;
- (c) poor enforcement of the building code;

2.5. AN ANALYSIS OF THE EXISTING LEGAL FRAMEWORK

Mr. Speaker Sir,

Article 6 (2) of the Constitution provides that the national and county levels of government shall be distinct and inter-dependent. Each level of government, the Constitution states, must discharge its specific and shared functions on the basis of consultation and cooperation with the other level of government.

Further, Article 189 (1) (a) of the Constitution requires each level of government to discharge its functions and exercise its powers in a manner that respects the functional and institutional integrity of the other.

Generally, the national government is responsible for formulating housing policies (Fourth Schedule, Part 1 of the Constitution). County governments, on the other hand, are generally responsible for county planning and development, including housing (Fourth Schedule, Part 2 of the Constitution). The provision of decent and affordable housing, and related social amenities, therefore, generally falls within the sphere of shared responsibilities of national and county governments.

Article 43 (1) (b) of the Constitution, for instance, provides that every person has the right to (inter alia):

- (a) accessible and adequate housing;

(b) reasonable standards of sanitation

Article 2 of the Constitution provides (inter alia) that the general rules of international law and treaties and conventions ratified by Kenya shall form part of the law of Kenya. Kenya has ratified various treaties and international legal instruments that provide for the right to decent and affordable housing for all citizens. They include:

- (a) the Universal Declaration of Human Rights captioned under Article 25 of the Constitution of Kenya; and
- (b) the International Covenant on Economic, Social and Cultural Rights (Article 11).

As is evident from the foregoing, the County Government has an obligation to either provide affordable housing for its residents or facilitate the access to adequate and acceptable housing standards in line with the Constitution of Kenya, 2010.

Section 7 of the Housing Act permits the National Housing Corporation to give loans and grants to local authorities [and presumably County Governments] for purposes of developing residential houses. Accordingly, the County Government of Kitui may apply for loans or grants from the National Housing Corporation for the purposes of developing affordable housing for its residents.

The County Governments Act and the Urban Areas and Cities Act are arguably the core legislation that give effect to the devolution chapter of the Constitution. In summary, the County Governments Act gives effect to the provisions of Chapter 11 of the Constitution relating to the powers, functions and responsibilities of county governments. The Urban Areas and Cities Act, on the other hand, seeks to establish a regulatory framework for:

- (i) the classification, governance and management of urban areas and cities;
- (ii) the establishment of urban areas and cities; and
- (iii) the participation of residents of urban areas in matters concerning them.

Both the County Governments Act and the Urban Areas and Cities Act provide for development planning and control within counties, cities, municipalities and urban areas. The relevant provisions of the County Governments Act are to be found in (inter alia) sections 37 and 102-115. The relevant provisions of the Urban Areas and Cities Act, on the other hand, are to be found in (inter alia) sections 36-42.

Section 111 of the County Governments Act states that development plans for cities and municipalities must provide for:

- (a) functions and principles of land use and building plans;
- (b) location of various types of infrastructure within the city or municipality; and
- (c) development control in the city or municipality within the national housing and building code framework.

Section 6(3) of the County Government Act read together with Section 33 of the Urban Areas and Cities Act provides for partnerships and joint venture agreements between county governments and private utility companies to provide social infrastructural services. The partnerships and joint ventures agreements envisioned by section 33 of the Urban Areas and Cities Act must conform to the regulatory frameworks set out in the country's public procurement laws, which include article 227 of the Constitution, the Public Procurement and Asset Disposal Act, 2015 and the Public Private Partnerships Act, 2013.

Sections 36-40 of the Urban Areas and Cities Act provide for integrated development planning within cities, municipalities and urban areas. The integrated development plans must provide for (inter alia):

- (a) identification of communities which do not have access to basic services;
- (b) an assessment of the existing level of development in a city or urban area, including an identification of communities which do not have access to basic services;
- (c) affirmative action measures to be applied for inclusion of communities which do not have access to basic services to access funds from the equalization funds; and

- (d) a spatial development framework, including basic guidelines for land use management system.

The Physical Planning Act provides for preparation and implementation of physical development plans in the country. The Act provides the CGOK with many tools to initiate and implement affordable housing programs. Specifically, under the Act, the CGOK has the power to (inter alia):

- (a) control the use and development of land and buildings in the interests of proper and orderly development in the county of Kitui;
- (b) consider and approve all development applications and grant all development permissions (Sections 31 and 35 of the Physical Planning Act);
- (c) ensure proper execution and implementation of approved physical development plans (Section 36 of the Physical Planning Act);
- (d) formulate by-laws to regulate zoning in respect of use and density development; and
- (e) preserve and maintain all land planned for open spaces, parks, urban forests and green belts in accordance with the approved development plans.

The Environmental Management and Coordination Act (EMCA) was enacted to provide for the establishment of an appropriate legal and institutional framework for the management of the environment. Further to the Act are the following subsidiary legislations:

- i. Environmental (Impact Assessment and Audit) Regulations, 2003;
- ii. Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2009;
- iii. Environmental Management and Coordination (Public Complaints Committee) Regulations, 2012;

- iv. Environmental Management and Coordination (Water Quality) Regulations, 2006; and the Environmental Management and Coordination (Waste Management) Regulations, 2006.

These subsidiary legislation regulate various aspects of the environment specifically provision of measures to mitigate and curb pollution.

The Affordable housing projects envisioned under this policy will be carried out in conformity with the provisions of EMCA and more particularly:

- (a) Before the project is initiated, all requisite permits and certifications shall be obtained. This ensures that all potential environmental risks are identified and addressed;
- (b) An Environmental Impact Assessment (EIA) study shall be conducted as required by the National Environmental Management Authority (NEMA) before embarking on the affordable housing project. The CGOK shall endeavor to ensure that the project developer complies with this requirement of submitting an EIA report and paying for the entire process of the EIA;
- (c) Ensure the public is invited to make comments on the EIA study and the possible effects of the affordable housing project to the environment;

The Roads Act provides for the establishment and powers of the Kenya National Highways Authority (KENHA), the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KERRA). These pieces of legislation are relevant to the Affordable housing project especially with regards to the infrastructural development and roads. The CGOK shall work in collaboration with the developer to ensure that the planning and development of road infrastructure complies with the approvals issued by the Rural/Urban Roads Authority.

The National Construction Authority (NCA), No. 41 Of 2011 establishes the Authority to accredit and register contractors and regulate their professional undertakings. The Act

provides for NCA to accredit and certify skilled construction workers and construction site supervisors. Accreditation ensures that all individuals participating in the various trades have the necessary skill to undertake the same.

Section 116 of the Public Health Act mandates the county government of Kitui to:-

- (a) take all lawful, necessary and reasonable practicable measures for maintaining the county in a clean and sanitary condition;
- (b) prevent the occurrence, in the county, of any nuisance or condition likely to injure or endanger the health or life of the residents.

The Act offers an opportunity for collaboration between the CGOK and the health authorities in preventing the endangerment of the health of residents of Kitui County due to construction and habitation of unhealthy housing units.

The Local Government (Adoptive By-laws) (Building) Order, 1968 (hereinafter, “the Building Code”) provides for (inter alia):

- (a) submissions and approval of building plans;
- (b) access of buildings; and
- (c) external passages, siting and space about buildings.

The National Housing Policy (Sessional Paper No. 3 of 2004) provide a coherent national policy framework for the provision of adequate and affordable housing to all socio-economic groups in Kenya. The National Housing Policy seeks to (inter alia):

- (a) facilitate the progressive realisation of the right to adequate housing;
- (b) promote the development of housing that it functional, healthy, aesthetic, and environmentally friendly;
- (c) improve the quality of existing stock of houses;
- (d) encourage increased [private] investment in the housing sector;

Under the policy framework of the National Housing Policy, the CGOK has an opportunity to partner with the national government in:

- (a) giving tax incentives such as investment allowances to developers or institutions who invest in low cost development;
- (b) facilitating the procurement and supply of serviced land as an input for the affordable housing projects; and
- (c) ensuring that legislative and regulatory instruments on land use are regularly reviewed to promote housing development.

The Sessional Paper No. 1 of 2017 of the National Land Use Policy seeks to guide the country towards an environmentally friendly and socially responsible use of land for the social and economic transformation of the people of Kenya. The affordable housing projects envisioned under this Affordable Housing Policy must abide by the policy statements contained in the National Land Use Policy.

More specifically, to ensure sustainable urbanization and promote the development of adequate and appropriate shelter for all, the National Land Use Policy requires the CGOK and the national government to (inter alia):

- (a) create an enabling environment for urban development through the establishment of transparent, accountable, sustainable, comprehensive and participatory governance structures and decision-making processes;
- (b) harmonize urban plans with the long-term national development plans to ensure synchrony between urban centres and rural areas;
- (c) manage spatial growth of areas in order to generate an economic and social environment for urban development;
- (d) consider the re-conceptualization of zoning and sub-division control, not as exclusionary mechanisms within and across residential areas, but as tools for creation of integrated viable urban communities sharing common services;
- (e) provide efficient amenities for urban settlements;

- (f) create and protect green and recreational areas within urban centres;
- (g) review building and planning standards with a view to making them user friendly as opposed to being a deterrent to development;
- (h) promote research in appropriate technology in the construction industry with a view of reducing the costs of building materials; and
- (i) create an enabling environment for public-private partnerships, concessions and other appropriate contractual arrangements with private investors in the housing sector.

More importantly, the National Land Use Policy requires the CGOK and the national government to promote the use of compact sustainable urban forms (i.e. densification)

Under the National Land Use Policy, the CGOK has the opportunity to partner with the national government in:

- (a) providing incentives to developers engaged in affordable housing projects; and
- (b) promoting research in quality, low cost building materials and technologies.

Kenya's long-term blue print for economic, social and political transformation of the **Kenya Vision 2030** identifies housing as one of the key social pillars of Kenya's transformation into a middle-income country. According to the Vision 2030, the housing sector in Kenya is characterised by (inter alia);

- (a) low-level of urban home ownership;
- (b) extensive and inappropriate dwelling units, including slums and squatter settlements;
- (c) an annual requirement of at least 150,000 new housing units in urban areas, against an estimated supply of only 35,000; and
- (d) an acute shortage of housing for low-income households, especially in urban areas, caused by private sector aversion towards investment in housing for this demographic group.

Vision 2030 acknowledges the housing deficit in the country and makes many recommendations to revamp urban housing, including: establishment of a second finance mortgage company; establishment of a national housing fund; enhancement of the development planning capacities of county and municipal governments; devolution of development planning; and promotion of low-cost housing technologies.

On or around 12th December 2017, the national government announced an economic transformation plan (dubbed “the Big Four Agenda”) aimed at guiding the country’s development for the period between 2018 and 2022. The national government aims, through the Big Four Agenda, to (inter alia) provide housing to all Kenyans by targeting construction of at least 500,000 affordable housing units by 2022. This offers many potential areas for partnership between the CGOK and the national government in the affordable housing projects.

2.6. STRATEGIES FOR ITS IMPLEMENTATION

Mr. Speaker Sir,

To ensure the successful implementation of this affordable housing policy, the CGOK shall:

- (a) **provide the necessary political leadership required to see the affordable housing project to completion;**
- (b) sell the vision of affordable housing to the local residents;
- (c) build residents’ support of the affordable housing projects;
- (d) leverage public and private capital required for up-front investment in the housing projects;
- (e) map out the life-cycle of the affordable housing project, including the expected date of handover; and
- (f) Ensure utilization of locally available materials.

2.7. ACTORS OR STAKEHOLDERS AND RESPONSIBILITIES

Mr. Speaker Sir,

This section highlights the key actors/stakeholders and their responsibilities in the implementation of the policy.

1. National Government

- Policy support
- Approval of the construction works
- Guarantee loans/municipality bonds to the County Government
- Provision of grants in support of the project

2. County Government of Kitui

- Financing support of the program
- Quality Assurance
- Provision of staff
- Capacity building of staff
- Acquisition of land

3. Community

- Beneficiaries of the housing project
- Public participation

4. Private Sector

- Funding of the project

2.8. TARGET AUDIENCE

Mr. Speaker Sir,

The policy targets the following

- County Government of Kitui
- Government Agencies
- Civil Societies
- NGOS
- Community/public
- Faith based organizations and the community

2.9. MONITORING AND EVALUATION MECHANISMS

In order to address and ensure the lifespan of the developed affordable housing units last long, the county government of Kitui shall ensure monitoring and evaluation of the project is key to prioritization by;

- (a) considering development and implementation of guidelines on management and maintenance of the affordable housing units;
- (b) considering formulation of standards for minimum maintenance of the housing units;
- (c) implementing a procedure requiring all rental housing units to be re-inspected every 10 years and issuing renewable certificates of occupancy for compliant housing units;
- (d) sensitization and education of the public on the need to maintain the affordable housing units clean and in good sanitary condition;
- (e) ensuring that pre-construction surveys are carried out to ascertain/establish that the soil mechanics of the proposed developments are sustainable;
- (f) enforcement of the use of permanent, quality construction materials;
- (g) requiring all the proposed developments are structurally sound and stable;
- (h) ensuring that the affordable housing projects are only handled by reputable, qualified, certified and registered professionals.

2.10. THE REVIEW MEASURES.

The policy did not provide for review measures.

2.11. PROVISION OF A LEGAL INSTRUMENT FOR ITS OPERATIONALIZATION

The policy proposes for the creation of a development corporation for management of the housing project and handover, therefore this calls for enactment of Kitui County Corporation Act and a regulation to foresee the implementation of this policy.

2.12. OBSERVATIONS FROM THE PUBLIC HEARING AND THE SUBMITTED STATEMENT OF MEMORANDA

Mr. Speaker,

The main observations and cross cutting issues arising out of the public hearing and submitted memoranda from various stake holders are as summarized below:-

- i. The policy is silent on the measures to be undertaken during allocation of the houses therefore calling for a formulation of a framework and criteria addressing on the distribution of the houses.
- ii. The county government should ensure that the framework and criteria on distribution of the houses addresses the procedure on appointment of the housing allocation committee factoring the marginalized and the people living with disability (PWD).
- iii. The county government should ensure that affirmative action in respect of the youth, low income women and the people living with disability benefit from this project.
- iv. The county government should ensure that representatives from the special interest groups are considered in the committees spearheading this project.
- v. The county government should ensure that the affordable housing project is there to benefit the local people therefore an avenue for price negotiation should be created in such a way that there is no arbitrary escalation by the developers.

Other recommendations collected during the public participation exercise are as contained in **annex II** attached to this report.

3.0 COMMITTEE OBSERVATIONS

Mr. Speaker Sir,

The Committee having scrutinized the policy makes the following observations.

1. The policy is not self-executing and thus proposes for an enactment of Kitui County Corporation Act and a regulation to foresee the implementation of this policy.
2. The policy is all inclusive as all relevant authorities were consulted and their inputs considered towards successfully drafting of this policy.

3. The policy has highlighted foreseeable challenges and the possible solutions by the fact that the project will involve various stakeholders.
4. Once the policy is adopted and implemented, it will create employment opportunities to the large Kitui residents and beyond, therefore increase county revenue.
5. The policy is well tailored and thought out as it intends to meet the purpose which is to provide affordable housing to the residents of kitui.
6. The policy further does not provide for review measures.
7. The policy does not provide for strengths, weaknesses, opportunities and threats (SWOT) analysis.
8. The policy is silent on the criteria/framework to be used during identification of the project beneficiaries.
9. If the project is implemented to the latter, the affordable housing project will reduce social services cost by providing targeted health and social services and therefore ending the presumed cycle of poverty in Kitui County.
10. The policy provides for the affordable housing project to be carried out in conformity with the provision of the Eurocodes, which is yet to be formulated and subsequently adopted or ratified in Kenya.
11. The project under this policy is a Public private partnership between the county government of Kitui and the private sector.

4.0. COMMITTEE'S RECOMMENDATIONS

Mr. Speaker Sir,

The committee recommends that this House adopts this report with the following;

1. There is need to fast track the enactment of Kitui County Corporations Act and regulation for self-execution of the policy.
2. The policy should provide for review measures and Strength Weaknesses Opportunities Threat (SWOT) analysis.

3. There is need for provision of criteria/framework for use during identification of the project beneficiaries.
4. Fairness and transparency during implementation of this policy is key to attain the desired results.
5. The policy should stick on the recognized building code, noting that the Eurocode is yet to be formulated and subsequently ratified in Kenya.
6. There is need for developing a spatial development framework, including basic guidelines for land use management system pursuant to Section 36 & 37 of the Urban and Cities Act.
7. The project should be factored in the entire county where appropriate.

5.0. COMMITTEE CONCLUSION

Mr. Speaker Sir

The Committee is cognizant of the fact that this policy will be able to change the image of the county if well implemented to the latter, therefore the committee recommends to this house to adopt it.

(This Report was compiled by: David Manzi- Clerk Assistant)

Annex I

ADOPTION SCHEDULE

The Members of the Committee on Lands, Infrastructure and Urban Development hereby append their signatures adopting this report of the **Affordable Housing Policy**.

S/NO.	NAME	DESIGNATION	SIGNATURE
1	Hon. Boniface Katumo	Chairperson	
2	Hon. Geoffrey Mwalimu	V/Chairperson	
3	Hon. Colleta Kimanzi	Member	
4	Hon. Anthony Ndooh	Member	
5	Hon. Alex Mwangangi	Member	
6	Hon. Charles Maema	Member	
7	Hon. John Kisangau	Member	
8	Hon. David Thuvi	Member	
9	Hon. Eunice Katheke	Member	
10	Hon. Alex Mbili	Member	
11	Hon. Jehoshaphat Nzamba	Member	