

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**NAIROBI CITY COUNTY ACTS, 2025**

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**NAIROBI, 25th August, 2025**

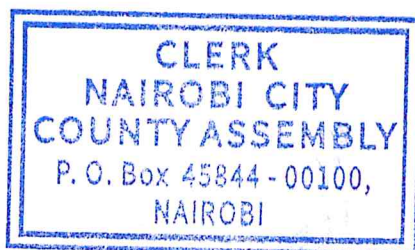
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**THE NAIROBI CITY COUNTY REGULARIZATION OF  
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**No. 4 of 2025**

*Date of Assent: 29th July, 2025*

*Date of Commencement: See Section 1*

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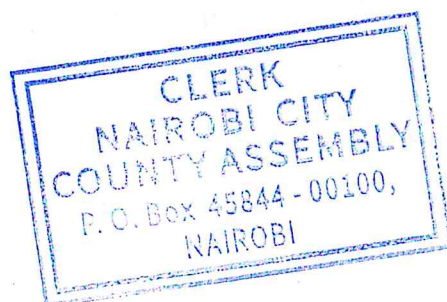
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**THE NAIROBI CITY COUNTY REGULARIZATION OF  
UNAUTHORISED DEVELOPMENTS ACT, 2025**

**AN ACT of the County Assembly of Nairobi City to provide for the Regularization of Unauthorised Developments; and for connected purposes.**

**ENACTED** by the Nairobi City County Assembly, as follows —

**PART I—PRELIMINARY**

**Short title and Commencement**

1. This Act may be cited as the Nairobi City County Regularization of Unauthorised Developments Act, 2025 and shall come into operation upon publication.

**Interpretation**

2. (1) In this Act, unless the context otherwise requires—

“Regularization” means process of approving developments/buildings plans whose were not originally approved by the County Government.

“applicant” means an owner intending to make an application for regularization of unauthorised development under section 9;

“Advisory Committee” means the Nairobi City County Regularization Advisory Committee established under section 22 of this Act;

“County” means Nairobi City County;

“County Assembly” means the County Assembly of Nairobi;

“County Liaison Committee” means the County physical and land use planning liaison committee established under section 76 of the physical and land use planning act, 2019;

“development” has the same meaning as ascribed thereto in the physical and land use planning Act, 2019;

“Executive Committee Member” means the Nairobi City County Executive Committee Member for the time being responsible for matters related to physical and land use planning;

“owner” means a person with proprietary interest in the development in question;

“private land” has the meaning assigned to it in the Land Act, 2012;

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“provisional order of regularization” means an order issued by the Executive Committee Member pending the permanence of certain acts by the applicant or payment of fees by such applicant.

“regularization period” means the period referred to in section 6 (1) as may be extended from time to time.

“relevant law” means national and Nairobi City County laws; and

“unauthorised development” means a development where, irrespective of ownership, no permission or necessary approvals under the Physical and Land Use Planning Act, 2019 and other relevant law have been obtained prior to the commencement of this Act, or having obtained such permission or approval, the development is in contravention of the relevant laws, including but not limited to the use of substandard building materials, techniques, or other non-compliance with prescribed construction standards.

(2) The meaning ascribed to words, phrases or expressions in the Physical and Land Use Planning Act, 2019 shall apply to those words, phrases or expressions respectively where the words, phrases or expressions are used in this Act and the words, phrases or expressions used in this Act shall have corresponding meaning as set out in the Physical and Land Use Planning Act, unless the context requires otherwise.

### **Objectives of Act**

3. The objectives of this Act are to—

- (a) provide for regularization of unauthorised development commenced or completed before the date of commencement in this Act;
- (b) exclude unauthorised development made on any public land from the benefit of regularization;
- (c) provide for regularization of unauthorised developments which fall within the required set-off specified in any law governing buildings;
- (d) provide for the establishment of an Advisory Committee for purposes of this Act; and
- (e) provide for the appointment of Regularization Technical Committee for the purpose of this Act.

## **Principles and Norms of the Physical and Land Use Planning Act**

4. All the principles and norms of Physical and Land Use Planning as stipulated in the Physical and Use Planning Act, No. 13 of 2019 shall with the necessary modifications be applicable to this Act.

## **PART II—THE REGULARIZATION PROCESS**

### **Regularization**

5. Notwithstanding anything contain in any law, but subject to such a rule as may be prescribed, any unauthorized development in County, except those specified in section 15 (1) made prior to the commencements of this Act by any person on—

- (a) allotted land belonging to the County Government; or
- (b) Private land, may on the application of such person made before such date as may be prescribed, be regularized in accordance with this Act.

### **Regularization period**

6. (1). Development shall be eligible for Regularization under this Act from the date of commencements of this Act and shall lapse at the expiry of three (3) years from such a date.

(2) The County Executive Committee Member may, with the approval of the County Assembly extends the Regularization period.

(3) The power to extend the Regularization period shall not be extended for an aggregate period of more than three (3) years but may be extended more than once.

(4) The County Executive Committee Member shall provide to the County Assembly Quarterly reports on the progress of Regularization.

### **Notification of the public**

7. The Executive Committee Member, as soon as may be, after commencement of this Act, shall publish this Act for the information and awareness of the public in such manner as may be prescribed.

### **Notice and application for unauthorized developments**

8. (1) Fourteen (14) days after the notification of the public of the substance of this Act under section 13, the Executive Committee Member shall issue a Notice to all persons with unauthorised developments to make applications for regularization:



Provided that such notice shall conspicuously be published in at-least two newspapers of nationwide circulation for a period of not less than fourteen (14) days.

(2) Any applicant who has been served with the notice under the sub-clause (1) may make an application in such form and in such manner as may be prescribed by the Executive Committee Member for regularization of any unauthorised development within a period of three (3) months from the commencement of this Act.

(3) The form of application referred to in section 2 shall be in a digital format accessible through a publicly available online portal established and maintained by the County Government:

provided that making an application shall be an obligation on part of the owner or occupier.

(4) The Executive Committee Member shall within six (6) months from the date of commencement of this Act, or within such period as may be extended by the Executive Committee Member by order in writing, serve on the owner or occupier a notice in the manner as may be prescribed and direct him to furnish such particulars and documents as the Executive Committee Member deems necessary.

(5) The occupier or owner or, as the case may be shall reply in response to the notice served upon them under sub-section (4) within a period of fourteen (14) days of such notice and in such manner as may be prescribed.

(6) Any owner or occupier may on their own motion within a period of six (6) months from the commencement of this Act make an application to the County Executive Committee Member for regularization of unauthorized developments.

(7) The applicant shall pay the requisite application fees upon making the application.

#### **Plans and documents to be prepared by a qualified person**

9. A person applying for regularization of an unauthorised development shall ensure that any documents, plans and particulars that are provided to the Executive Committee Member while applying for regularization have been prepared by the relevant qualified, registered and licensed professionals.



**Grant or refusal to regulate unauthorized developments**

10. (1) On receipt of the reply to the notice or the application made by the applicant under section 14, the County Executive Committee Member shall forthwith give a copy of the application to the relevant authorities or agencies to review and comment on all the relevant matters including—

- (a) land survey;
- (b) roads and transport;
- (c) public health;
- (d) public works and utilities;
- (e) environment and natural resources;
- (f) urban development;
- (g) national security in respect of land adjoining or within reasonable vicinity of safeguarding areas; and
- (h) any other relevant authority.

(2) Within twenty-one (21) days upon scrutiny of the reply to the notice or the application, and after making such inquiry, as it deems fit, the County Executive Committee Member shall prepare and forward a report to the Advisory Committee.

(3) Within seven (7) days after receipt of the County Executive Committee Member's report, the Advisory Committee shall scrutinise and evaluate the report and make a decision thereof.

(4) The Advisory Committee shall recommend to the Executive Committee Member to approve, defer or reject the application to regularize such unauthorised development, with grounds thereof, in the form and manner as may be prescribed.

**Register**

11. (1) The County Executive Committee Member shall maintain a register of documents submitted by applicants for regularization of unauthorised developments.

(2) The County Executive Committee Member shall maintain a register of regularization of unauthorised developments and shall enter the details of each applicant for regularization of any unauthorised development, whether or not regularization was granted to that applicant and the details of the project for which regularization has been applied for.

(3) A register maintained by the County Executive Committee Member under this Act shall be open to the public for scrutiny and the Executive Committee Member shall publish guidelines for public access to that register.

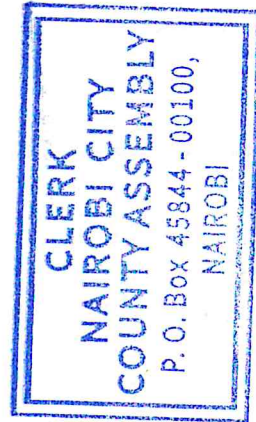
### **Regularization fees**

12. (1) The fees payable under this Act shall be determined by the relevant finance laws as passed by the County Assembly.

### **Circumstances under which unauthorized developments may be regularized**

13. (1) Subject to the rules formulated under this Act, the Executive Committee Member shall consider the following aspects during regularization of any unauthorised developments in respect of the following matters, namely—

- (i) ground coverage;
- (ii) built up area;
- (iii) height of building;
- (iv) plot boundary;
- (v) change of user/extension of user;
- (vi) land amalgamation;
- (vii) land subdivision;
- (viii) advertisements;
- (ix) plot ratio;
- (x) common plot;
- (xi) parking facility;
- (xii) public health requirements;
- (xiii) fire safety requirements; or
- (xiv) such other matters which the County Government may, prescribe.



### **Circumstances under which unauthorized development shall not be Regularized**

14. (1) An unauthorised development shall not be regularized in any of the following circumstances—

- (a) unauthorised developments on existing or proposed roads, including those proposed for widening, railway line, communications and other civic facilities or public utilities;
- (b) unauthorised developments on forest land or river banks and riparian areas as defined by the Environmental Management and Co-ordination Act;
- (c) unauthorised developments done by any person on land belonging to another person over which the former has no title or where the title is disputed as evidenced by court proceedings;
- (d) unauthorised developments done in violation of any law;
- (e) unauthorised development on public land or land otherwise reserved for public utility;
- (f) unauthorised development on land appurtenant to any building owned by the Government or by a company owned or controlled by the Government and not allotted;
- (g) unauthorised development done on land belonging to the County Government and not allotted;
- (h) unauthorised development on any land reserved for parks, play grounds, open places or for providing any public amenities;
- (i) unauthorised development on water courses and water bodies like tank beds, river beds, natural drainage and such other places;
- (j) unauthorised development which is otherwise structurally unsound or which poses danger to the occupants or to the occupants of neighbouring premises or members of the public generally;
- (k) development/Building that are not within the beacon both vertical and horizontal; and
- (l) such other unauthorised development as the Regularization Committee in consultation with the Executive Committee Member may determine.

(2) Further, and without prejudice to sub-section (1) above, an unauthorised development shall not be regularized if it is inconsistent with—

- (a) fire safety measures under the relevant laws, or

- (b) structural stability requirement as per the physical and Land Use Planning Act, 2019, the Kenya National Building Code, 2024, Euro code and BS 114;
- (c) public health standards under the relevant laws:

Provided that subject to other provisions of this Act, on presentation of a certificate or licence from the relevant authorities, and as may be prescribed in the regulations, with regards to the compliance of provisions of section (a), (b) and (c) or either, as the case may be, the Advisory Committee may regularize the unauthorised development.

(3) Unauthorized developments occasioned by long-term occupation, delayed approvals, or projects undertaken with official inaction shall be exempted from the provisions of this section.

### **Consequences of regularization**

15. (1) On regularization of unauthorised development under this Act, all court cases or other proceedings, filed by the Executive Committee Member, the occupant, and owner or otherwise and pending in any court in so far as they relate to the state of being unauthorized, shall stand abated.

(2) Any decision under this Act shall not be deemed to have decided the ownership of the unauthorised development.

### **Prior actions to be recognized under this Act**

16. All things done, or omitted to be done, and all actions taken, or not taken, with respect to obtaining approval for development during the period before the commencement of this Act shall, in so far as they are in conformity with, and regularised in accordance with the provisions of this Act be deemed to have been done, or omitted to be done, or taken, or not taken, under the provisions of this Act as if such provisions were in force at the time such things were done or omitted to be done and action taken, or not taken, during that period.

### **Conditional Regularization**

17. The Executive Committee Member may through the Advisory Committee regularize a development subject to such conditions as he or she may impose, and an approval in the prescribed format shall not issue unless such conditions are met by the occupier, owner or applicant and within such timelines as the Executive Committee Member may determine.

**Amnesty**

18. (1) All notices issued by the County Government for initiating action against unauthorised development in respect of such development shall be deemed to have been suspended and no punitive action shall be taken till the expiry of the three (3) months from the date of notification of the public stipulated under section 14, if the development in question-

- (a) conforms to the safety standards as in force under any written law or such other safety requirements as may be notified by the County Government; and
- (b) complies with the directions with respect to safety, if any, issued by the County Government.

(2) This section shall not apply to developments mentioned in section 14.

**Unauthorized developments not regularized to be demolished**

19. Every unauthorized development which is not regularized under this Act after the expiry of three (3) years from the date of publication of this Act, shall be liable for an enforcement action in accordance with applicable laws.

**Application of certain provisions of the National Physical Planning Act**

20. The provisions of the Physical and Land Use Planning Act, 2019 relating to a matter of procedure or the manner of objections shall with the necessary modifications apply to the Regularization process under this Act.

**Liability**

21. (1) An owner undertaking any alteration, modification or addition in an unauthorized development so as to get the unauthorized development regularized shall continue to be wholly and solely liable for any injury or damage or loss whatsoever that may be caused to any one in or around the area during the carrying out of such work, and no liability whatsoever in this regard shall lie on the County Government.

(2) Regularization of unauthorized development shall not in any way mean the acceptance of any County Government, documents, structural report, design or drawings and shall not discharge the owner, engineer, architect or the structural designer from the responsibilities imposed upon such owner engineer, architect or the structural designer under the relevant law.



(3) No suit, prosecution or other legal proceedings shall lie against any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

(4) An officer or authority under this Act shall be liable to prosecution and court proceedings for any gross misconduct, negligence and any violation of the law.

### **PART III—REGULARIZATION OF INFORMAL DEVELOPMENT ON PRIVATE LAND**

#### **Objectives**

22. The exercise seeks to enable the settlers to attain security of tenure and realize full economic potential of their properties and to facilitate the regularization exercise. It applies to informal developments and un-surveyed properties that were encroached on or before inception of the County Government on August, 2013.

#### **The role of the Advisory Committee**

23. The Advisory Committee described in section 10 (3) together with the land owners whose Land has been encroached on shall engage the occupiers of the land with a view to using dialogue to unlock the economic potential of the land occupied.

#### **Procedure**

24. (1) The Nairobi City County shall, *vide* a public notice in the national dailies and any other suitable media, notify the affected land owners and occupiers of the intention to engage in process for regularization of the existing informal development on identified lands.

(2) The County Government shall hold necessary public participations by engaging both the land owners and occupiers in accordance with the constitution, in the spirit of willing seller-willing buyer principle.

(3) The Nairobi City County shall by a *Gazette* Notice appoint an external law firm(s) to act as arbiters and carry out requisite conveyancing procedures.

(4) The Nairobi City County through the Advisory Committee described above shall carry out the following in respect of the identified lands—

- (a) site mapping;
- (b) planning;

- (c) land surveying;
- (d) identification of ground positions of existing settlers/occupiers and owners;
- (v) preparation of registrable documents.

(5) The technical committee shall receive, vet and verify the list of occupier of the affected lands and compile a list ready for processing by the external law firm.

(6) The Nairobi City County Chief Officer—Lands shall avail to the law firm the verified list of occupiers duly matched with respective land registration data (parcel information).

(7) The appointed law firm(s) shall prepare and witness the necessary agreements, transfers, consents, etc. between the property owners and occupiers.

(8) The appointed law firm(s) shall receive original mother titles from the legitimate registered land owners, copies of personal and property documents from the settlers and carry out requisite verifications.

(9) The appointed law firm(s) shall prepare and attest lease documents.

(10) The appointed law firm(s) shall charge the allottees or owners directly for the fees assessed at an all-inclusive fee that will cover all the professional fees, statutory fees and any other fee that may be requested.

(11) The Appointed law firm(s) shall timely oversee and fast-track the processing and registration of leases or titles at the ministry of lands.

(12) The appointed law firm(s) shall charge the allotted/owners directly for their professional fees assessed at an all-inclusive sum of not more than KSh.100,000 inclusive of legal fees and disbursements towards registration and VAT for county allotted properties.

#### **PART IV—THE REGULARIZATION ADVISORY COMMITTEE**

##### **Establishment of the Advisory Committee**

**25.** (1) There is established the Nairobi City County Regularization Advisory Committee.

(2) The Advisory Committee shall consist fourteen (14) members appointed by the Governor—

- (a) a Chairperson who shall be a registered planner from the Built Environment Sector;



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- (b) a surveyor nominated by the Lands Surveyor Board of Kenya;
- (c) the Chief Officer for the time being responsible for matters related to works in the County;
- (d) the Chief Officer for the time being responsible for matters related to Public Health in the County;
- (e) a representative from the National Environment Management Authority;
- (f) an engineer nominated by the Institute of Engineers of Kenya;
- (g) an architect nominated by the Architectural Association of Kenya;
- (h) the County Attorney;
- (i) the Chief Officer for the time being responsible for matters related to Planning in the County;
- (j) the Chief Officer for the time being responsible for Lands in the County;
- (k) the Chief Officer for the time being responsible for matters related to Disaster Management in the County;
- (l) the Chief Officer for the time being responsible for matters related to Revenue in the County;
- (m) the Chief Officer responsible for Finance in the County;
- (n) an Officer of National Land Commission;
- (o) any member of the public co-opted by the Advisory Committee for that person's special skills, interest and knowledge; and
- (p) a representative of the Property Developers Welfare Society of Nairobi.

(3) A person shall not qualify for appointment under this section unless the person meets the requirements of Chapter Six of the Constitution.

(4) For the purpose of exercising its functions under this Act, the Advisory Committee shall be presided over by the Chairperson and in their absence any member as shall be appointed by the Advisory Committee to execute the said mandate.

(5) The Advisory Committee may co-opt a maximum of three (3) experts to assist in its deliberations.

(6) The members of the Advisory Committee shall serve for a term of (3) years' renewable only once.

### **Powers and functions of the Advisory Committee**

26. (1) The Advisory Committee shall have all the generally necessary for the execution of its functions and mandate under this Act.

(2) Without prejudice to the generality of sub-section 1, the Committee shall be responsible for—

- (a) advising the Executive Committee Member generally on the regularization exercise;
- (b) recommending the necessary stakeholder involvement in the regularization exercise;
- (c) advising on the regularization exercise and recommending such measures as may be necessary to ensure its fair, equitable and efficient implementation.

(3) The Executive Committee Member shall provide such information, to the Advisory Committee as the committee may require on all aspects of the regularization process under this Act including information on the pending applications for regularization.

### **Procedure of the Advisory Committee**

27 (1) The Advisory Committee shall, subject to this Act, determine its own procedure.

(2) Despite sub-section (1), the quorum of the Advisory Committee shall be nine (9) members where the total membership is fourteen (14) and eleven (11) members where the total membership is seventeen (17) by way of co-opted members.

(3) Where the Chairperson of the Advisory Committee is unable to exercise his functions owing to illness, genuine absence or any other reason, the members present shall elect one of their own to be the Chairperson of the Committee.

(4) The Advisory Committee shall meet at least once in a month.

### **Remuneration and allowances**

28. The members of the Advisory Committee shall be paid such remuneration or allowances as per the Salaries and Remuneration Commission guidelines.

**Powers of Executive Committee Member**

29. (1) The Executive Committee Member may issue, from time to time, directions to the Advisory Committee as it may deem fit to give effect to the provisions of this Act.

(2) The decision to approve or reject an application for regularization of unauthorised developments shall be communicated by the Executive Committee Member after consideration of the Advisory Committee's report.

(3) An applicant or an interested party that is aggrieved by the decision of the Executive Committee Member regarding an application for regularization of an unauthorised development may appeal against that decision to the County Liaison Committee within fourteen (14) days of the decision and that Committee shall hear and determine the appeal within thirty (30) days of the appeal being filed.

**Role of the County Director Physical and Land Use Planning**

30. (1) The County Director of Physical and Land Use Planning shall be responsible for—

- (a) receiving development applications;
- (b) invoicing and confirming payments;
- (c) evaluating and processing the applications;
- (d) conducting site visits and auditing of the Developments;
- (e) recommending for approval, deferment or rejection of regularised developments to the Executive Committee member; and
- (f) preparing reports and updates on the progress to County Executive Committee Member for Built environment and Urban planning.

**Secretariat**

31. The Directorate of Physical and Land Use Planning shall provide secretariat support to the Advisory Committee.

**PART V—MISCELLANEOUS PROVISIONS****Rules and Regulations**

32. (1) The Executive Committee Member shall, on the recommendation of the Advisory Committee and with the approval of the

County Assembly make rules and regulations for the better carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of sub-section (1), the regulations may provide for—

- (a) the procedure of making applications for regularization and the processing of such applications;
- (b) the requirements with respect to documentation that may be required with the applications and other processes in the Regularization process;
- (c) the forms to be used and the manner of communication in the Regularization exercise;
- (d) action to be undertaken to make provision for expansion of access roads, disposal of solid and other waste, creation of space for amenities;
- (e) the manner of public participation in the Regularization exercise; and
- (f) the receipt and dealing with objections by interested parties considering the relevant provisions of the national Physical Planning Act and any other relevant written law.

### **Administrative and other arrangements**

33. The Executive Committee Member shall put in place measures necessary to enable the full operationalization of this Act including establishing the necessary administrative arrangements for that purpose. For the avoidance of doubt, the Executive Committee Member shall through the Physical and Land Use Planning Department provide secretariat services to the Advisory Committee.

### **Repeal**

34. (1) The Nairobi City County Regularization of Developments Act, 2015, is hereby repealed.

(2) Notwithstanding such repeal, all notices and directions issued under the repealed Act shall be deemed to have been issued under the provisions of this Act and all proceedings pending before the advisory committee including appeals pending before the Nairobi City County Physical and Land use Committee shall be decided in accordance with the provisions of this Act.

