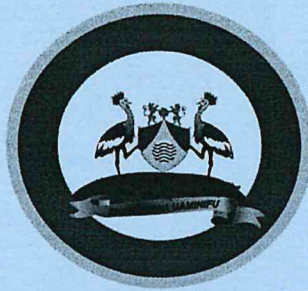


GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(THIRD SESSION)



NCCA/TJ/PL/2024(69)

4TH DECEMBER 2024

PAPER LAID

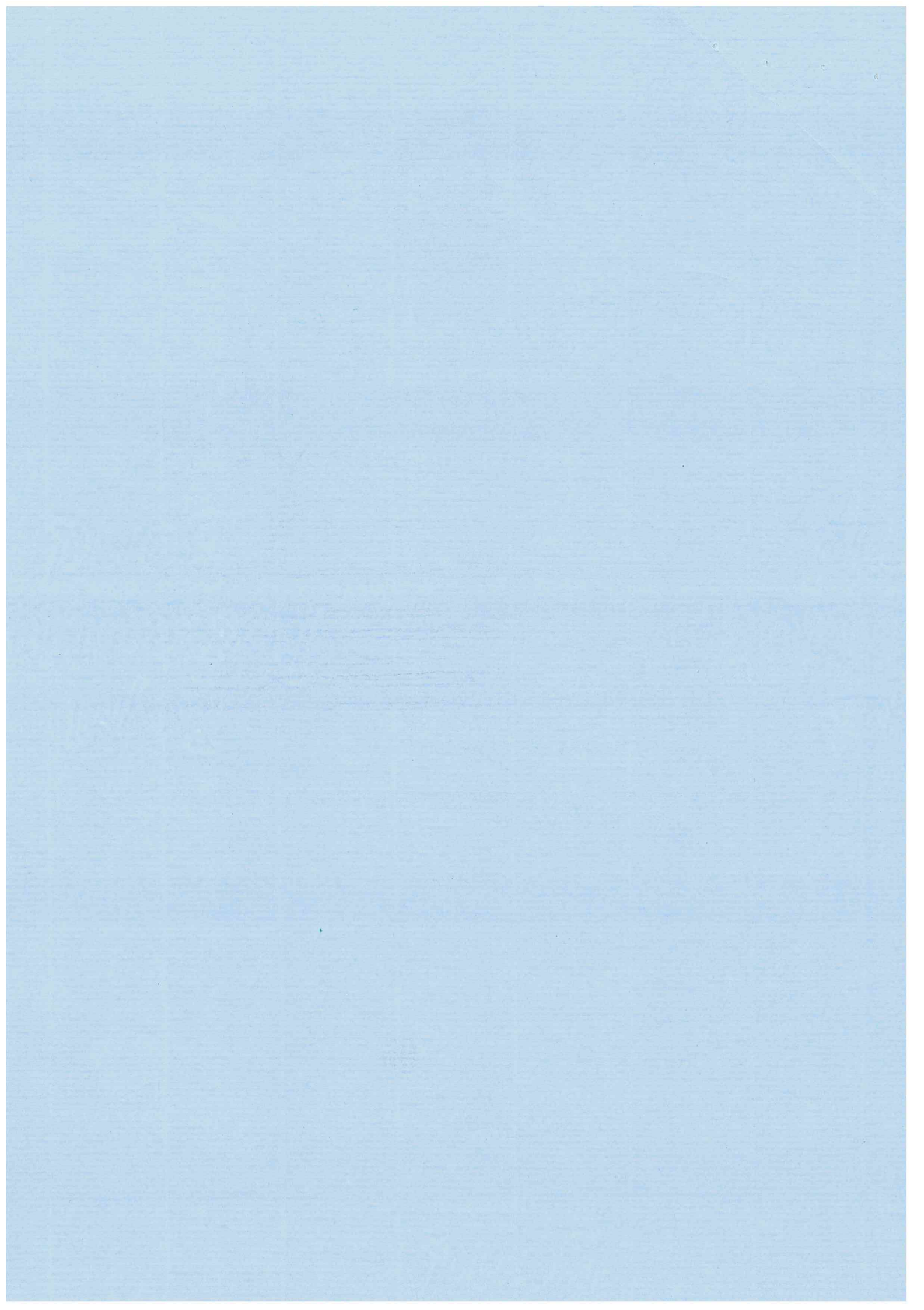
SUBJECT: REPORT OF COMMITTEE

Pursuant to Standing Order 196, I beg to lay the following Paper on the Table of this Assembly, today 4th December 2024:

— THE REPORT OF THE SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING ON INQUIRY INTO PANGANI AND JEVANJEE AFFORDABLE HOUSING PROJECTS IN THE COUNTY.

(The Chairperson, Sectoral Committee on Lands, Planning and Housing)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press



NCCA/TJ/NTC/2024

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY

(THIRD SESSION)

4th December 2024



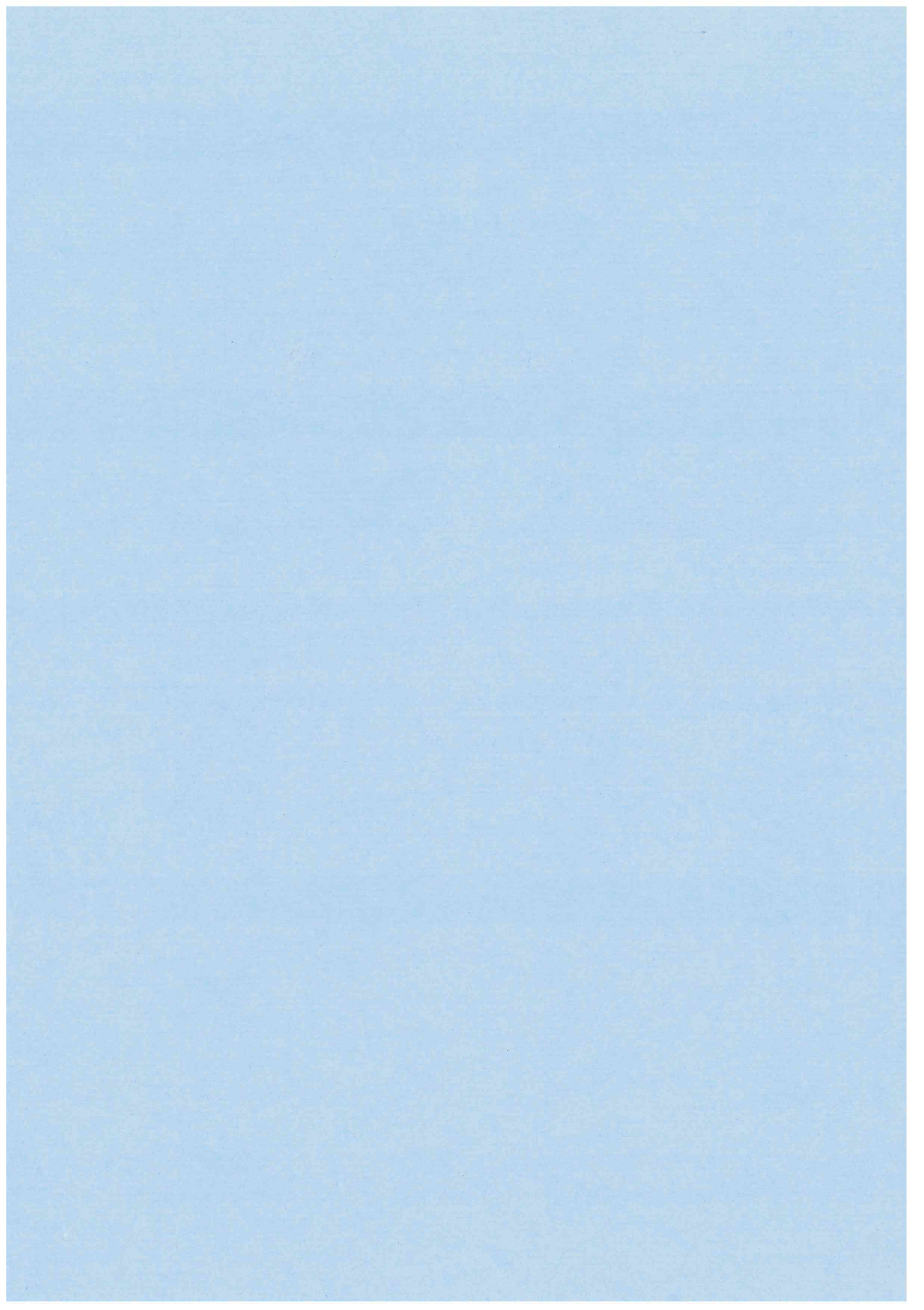
NOTICE OF MOTION

Subject: Adoption of report of a Committee

Hon. Speaker, I beg to give notice of the following motion:-

THAT, this Assembly adopts THE REPORT OF THE SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING ON INQUIRY INTO PANGANI AND JEVANJEE AFFORDABLE HOUSING PROJECTS IN THE COUNTY laid on the Table of the Assembly on 4th December 2024.

Chairperson, Sectoral Committee on Lands, Planning and Housing)



GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY- THIRD SESSION

**REPORT OF THE SECTORAL COMMITTEE ON LANDS, PLANNING AND
HOUSING**

ON

**INVESTIGATION INTO PANGANI AND JEVANJEE AFFORDABLE
HOUSING PROJECTS**

**Clerk's Chambers,
Nairobi City County Assembly
City Hall Buildings
NAIROBI.**

NOVEMBER 2024

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1.0 PREFACE

The Sectoral Committee on Lands, Planning and Housing is established under Standing Order 209, and its mandate amongst others, as outlined under Standing Order 209 (6) is to:-

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*
- b) study the programme and policy objectives of departments and the effectiveness of the implementation;*
- c) study and review all county legislation referred to it;*
- d) study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;*
- e) 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;*
- f) 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 on Appointments); and*
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.*

Committee Membership

The Committee comprises the following Members:-

- | | |
|------------------------------|--------------------|
| 1. Hon. Alvin Palapala, MCA | - Chairperson |
| 2. Hon. Collins Ogenga, MCA | - Vice-Chairperson |
| 3. Hon. Peter Imwatok, MCA | |
| 4. Hon. Anthony Kiragu, MCA | |
| 5. Hon. Paul Kados, MCA | |
| 6. Hon. Waithera Chege, MCA | |
| 7. Hon. Geoffrey Majiwa, MCA | |
| 8. Hon. Fuad Hussein, MCA | |
| 9. Hon. Hashim Kamau, MCA | |

10. Hon. Thuo Fiunifu, MCA
11. Hon. Paul Ndungu, MCA
12. Hon. Nasra Nanda, MCA
13. Hon. Hannah Wanjiru Muriuki, MCA
14. Hon. Nyantika Ricardo, MCA
15. Hon. Lily Akoth Kidenda, MCA
16. Hon. Jane Wanjiru, MCA
17. Hon. Nicholas Juma, MCA
18. Hon. Peter Maina, MCA
19. Hon. Clement Kamaru, MCA
20. Hon. Francis Kimondo, MCA
21. Hon. Patrick Macharia, MCA
22. Hon. Tricer Jeptoo, MCA
23. Hon. Martin Wairobi, MCA

The Committee exercises oversight role on the work and administration of the Built Environment and Urban Planning.

In accordance with the Third Schedule of the Standing Orders, the Planning and Housing Sectoral Committee is mandated to cover subject areas relating to:-

- (i) County planning and development;
- (ii) Statistics, land survey and mapping;
- (iii) Boundaries and fencing; and
- (iv) Housing and outdoor advertisement.

Mr. Speaker Sir,

Pursuant to Standing Order No. 47 (2) (c), Hon. Chege Mwaura, MCA on Thursday 19th September 2024 requested a Statement from the Sectoral Committee on Lands, Planning and Housing regarding the ongoing Pangani and Jevanjee affordable housing project. The Committee deliberated on the questions raised in the Statement and resolved to expand the investigation into an inquiry. In this regard, the County Executive Committee Member responsible for Built Environment and Urban Planning and other relevant officers from the County Executive be invited to its meeting held on 6th November 2024. Further, the Committee resolved that the representative of the Jabavu Village Limited and Technofin Limited (**hereafter referred to as Development partners**) and the Managing Director for National Bank of Kenya be requested to appear before the Committee on the same day. Consequently, vide letters Ref. NCCA/LPH/2024/0044 dated 7th November 2024; NCCA/LPH/2024/0045 dated 7th November 2024; and NCCA/LPH/2024/0046 dated 7th November 2024 and NCCA/LPH/2024/0047 dated 7th November 2024 the foregoing persons were invited on 14th November 2024.

Further, in order to get more insight into the construction of the housing projects and ascertain the information provided at the foregoing meeting, the Committee conducted a site inspection visit to Pangani and Jevanjee projects on 19th November 2024.

Mr. Speaker Sir,

I wish to sincerely thank Members of the Committee for their hard work and dedication while inquiring into the matter. The Committee also wishes to sincerely thank the Offices of the Speaker, the Clerk of the County Assembly and the secretariat for their support.

Mr. Speaker Sir,

It is my honour and pleasure on behalf of the Committee to present this Report of the Committee on Lands, Planning and Housing on investigation into Pangani and Jevanjee affordable housing project.

Thank You.

SIGNED 

HON. ALVIN OLANDO PALAPALA, MCA

(CHAIRMAN - LANDS, PLANNING AND HOUSING COMMITTEE)

DATE 3rd/12/2024

2.0 BACKGROUND

Pursuant to Standing Order No. 47 (2) (c), the Hon. Chege Mwaura, MCA on Thursday 19th September 2024 requested a Statement from the Sectoral Committee on Lands, Planning and Housing regarding the ongoing Pangani and Jevanjee affordable housing projects. In the Statement, the Members requested for a report on the following issues:

- i) When the affordable housing contracts for the said estate was awarded;
- ii) The number of housing units for the estate as contained in the contract, number of completed units clearly stating those sold and those pending;
- iii) Current status of the projects and the expected dates of completion as per the contracts;
- iv) The status of ownership of the title deed of the estate and in whose name is the title deed, attach proof;
- v) Reasons the why the completion of projects has delayed; and
- vi) Measures the County Executive has put in place to ensure the affordable housing projects within the City are realized within stipulated timeline contained in the signed contracts.

Accordingly, the Committee deliberated on the questions raise in the Statement and resolved to convert the matter into an inquiry. Pursuant to Standing Order No.221, the Petition was committed to the Sectoral Committee on Planning and Housing to inquire into the matter and report to the Assembly.

The Committee deliberated on the magnitude of the issues raised by the Member in his Statement and resolved to pursue the matter by way of inquiry and table a report with recommendations in the Assembly. It is on this basis that the Committee invited officers from the County Executive, representatives of the Developers and the Managing Director of the National Bank of Kenya at its

meeting held on 14th November 2024 at the Assembly Chamber. However, representatives of Technofin Limited, the lead Member of the consortium in the construction of Pangani project did not attend the meeting, neither did they furnish the Committee with the documents as requested in the invitation letter.

Further, the Committee conducted a site inspection visit to Pangani and Jevanjee affordable housing project on 19th November 2024 to gather more information and to ascertain the information provided at its meeting.

3.0 FINDINGS OF THE COMMITTEE

Mr. Speaker sir,

Following the joint meeting held on 14th November 2024, the Committee made the following findings on the questions raised by the Member:

- a) On when the affordable housing contracts for the said estates were awarded, the Committee was informed that the contracts were award on 29th February 2016.
- b) On the number of housing units for the estate as contained in the contract, number of completed units clearly stating those sold and those pending, the Committee was informed as follows:

Summary of Jevanjee Estate Housing Units

1) **Total Units:** 1,830

2) **Affordable Housing:**

- a. **1 Bedroom:** 180 units (175 County share, 5 Developer's share), all sold.
- b. **2 Bedroom:** 718 units (133 County share, 585 Developer's share), all sold.
- c. **3 Bedroom:** 318 units (58 County share, 260 Developer's share), all sold.

3) **Market Housing:**

- a. **2 Bedroom:** 350 units (all Developer's share), 10% sold, 90% remaining.

- b. **3 Bedroom:** 264 units (all Developer's share), 10% sold, 90% remaining.
- 4) **The Committee was also informed that the Developer was is scheduled to deliver 400 units by March of 2025 to the investors.**

County Share of Jevanjee Estate Housing Units

- **Total County Share:** 366 units
 - a. **Reserved for Former Tenants:** 80 units
 - b. **Reserved for Rental:** 111 units
 - c. **Remaining Units:** Allocated for sale to Nairobi City County Executive, Nairobi City County Public Service Board, Honorable Members, and Nairobi City County Assembly staff.

Summary of Pangani Estate Housing Units

- **Total Units:** 1,562
- **Affordable Housing:**
 - **1 Bedroom:** 128 units (all County share), fully completed and sold.
 - **2 Bedroom:** 248 units (2 County share, 246 Developer's share), 32 completed, all sold.
 - **3 Bedroom:** 576 units (203 County share, 373 Developer's share), all sold.
- **Market Housing Duplex:**
 - 610 units (all Developer's share), with 443 units sold and 167 remaining.

County Share of Housing Units in Pangani Estate

- **Total County Share:** 205 units
 - **Reserved for Former Tenants:** 48 units
 - **Reserved for Rental:** 100 units
 - **Remaining Units:** Allocated for sale to Nairobi City County Executive, Nairobi City County Public Service Board, and Nairobi City County Assembly staff.

- c) With regards to current status of the projects and the expected dates of completion as per the contracts, the Committee was informed that Jevanjee Estate project is currently at 46% completion and it is expected that the project is completed by September 2026. Specifically, the affordable housing units are expected to be completed by December 2025 while and market units by September 2026. On the other hand, it was reported that Pangani project is scheduled to be completed **in February 2025**.
- d) With regards to the status of ownership of the title deed of the estate and in whose name is the title deed, attach proof, it was reported that the title deed for parcel of land LR. No. 209/5458 is in the Name of Nairobi Bachelors Jevanjee Estate Limited, which the Special Purpose Vehicle (SPV) that was established to implement the project. The title was transferred to the SPV through a lease. However, the County Executive reported that the whereabouts of the custody of Pangani title deed was unknown as at the time of the meeting;
- e) On reasons why the completion of projects has delayed, the Committee was informed that a combination of factors have affected the delivery of the projects including the following:
- i) The fluctuation in exchange rate and value of the Kenyan Shilling against the international currency over the intervening period since 2016 affected the cost of materials and made it not viable. The quoted prices were based on the then prevailing prices of Ksh. 100 (average) per US Dollar. Further, due to fluctuations in global markets in the intervening period since the contract was awarded, there has been a sharp increase in prices of materials;
 - ii) Time lost accessioned by the various COVID 19 containment measures instituted by the Government of Kenya to mitigate the spread of the virus. These measures resulted in disruption of supply of material and shortage of

labour and working hours were greatly reduced. This to a great extent affected the programme for delivery of the project since targets could not be achieve as per plan;

- iii) Due to the location of the project, the interference occasioned by the events of the 2022 elections and the ensuing protests, especially between March and to July 2023 slowed down the project programme to a large extent, for about 10 months;
- iv) The project was also affected by the heavy rainfall in 2024 from May that led to heavy flooding and disruption of site activities. This delayed the project for about 4 months; and
- v) The Russia/Ukraine war that started early 2022 occasioned disruption in production of materials that are crucial to the implementation of the project.
- f) With regards to measures the County Executive has put in place to ensure the affordable housing projects within the City are realized within stipulated timeline contained in the signed contracts, it was reported that Jabavu Village Limited is working closely with the County Executive to ensure that the project is delivered in the quality and quantity agreed upon. To guarantee this, the County has put in place a team of officers (Project Implementation Team) that is responsible for constantly liaising with us on the progress of project implementation. On their part, the developer stated that they have enhanced our administrative capabilities and put in place accountability measures to ensure transparency and access to information and site by PITC. Further, they stated that they are also available for scrutiny by oversight institutions including the County Assembly.

4.0 OBSERVATIONS OF THE COMMITTEE

Mr. Speaker sir,

Based on the deliberations of the Committee with the County Executive, the Developer and the National Bank of Kenya, the Committee made the following observations:

- i) That the County Executive officers led by the County Executive Committee Member for Built Environment and Urban Planning attended the Committee's meeting and availed their response and the accompanying documentation;
- ii) That despite the representatives of Jabavu Village Limited honoring the invitation of the Committee and providing written response, they failed to provide adequate documentation related to the investigations as requested by the Committee on development, financing and administration of Jevanjee Affordable Housing project;
- iii) That Technofin Limited failed to honor the invitation of the Committee to attend its meeting on 14th November 2024. Further, the company did not submit any documents as was requested by the Committee in its invitation letter. Therefore, the Committee did not have access to full information on the execution of the project;
- iv) That the County Executive is unaware of the current custodian of the title deed for the parcel of land on which Pangani Estate is being constructed;
- v) That Nairobi City County awarded Jabavu Village Limited a contract for re-development of its Estate at Jevanjee which would be executed through a joint venture;
- vi) That Nairobi City County awarded contracts for re-development of Pangani and Jevanjee Estates to the developers, i.e Jabavu Village Limited and the

Consortium led by Sovereign Group on 29th February 2016 and Joint Venture agreements were signed thereafter;

- vii) That the Joint Venture Agreement for Jevanjee project was later amended vide two addendums signed on 3rd December 2018 and another signed on 12th March 2019;
- viii) That the addendum to the Principal JV for Jevanjee project was not properly executed since the agreement was not registered with Registrar of Documents and that it lacked the endorsement of an advocate despite there being a provision of the same. In this regard, the Committee observed that the same can be done at a later stage upon formalizing the JVs;
- ix) That Jevanjee project was to be executed by a Special Purpose Vehicle called Nairobi Bachelors Jevanjee Limited, which is a company limited by shares in which the County owns 200 shares and Jabavu Village Limited owns 800 shares;
- x) That the County land on which the project (Jevanjee project) is being implemented (LR. No. 209/5458) was transferred through a lease to the Special Purpose vehicle;
- xi) That the addendum to the principal joint venture agreement for Jevanjee project permitted to use sub-leases on the said land as security to access financing from a financial institution, however, the SPV used the lease to access funding of Ksh. 1.9 billion from the National Bank of Kenya;
- xii) That the National Bank of Kenya has already disbursed Ksh. 505, 104,495.20 of Ksh. 1,900,0000,0000 to Nairobi Bachelors Jevanjee Limited SPV;
- xiii) That former officers of the County Government of Nairobi City County (Pauline Kahiga and Jirus Musumba) are still listed as directors of the Jevanjee Special Purpose Vehicle representing the County, thus, the

Committee wondered whether the interests of the County are adequately catered for whenever the SPV directors sit to make decisions;

- xiv) The Committee was informed that work was ongoing at both sites. However, the Committee could not ascertain the report since the visit coincided with lunch break. However, the Committee observed that the Chinese contractor at Jevanjee project was using the site for purposes outside the JV agreement, i.e batching plant; and
- xv) That there are proposed alterations to the original designs of the Jevanjee project which are yet to be approved by the County.

4.0 RECOMMENDATIONS

Now therefore, **Hon. Speaker**, having met the relevant stakeholders, review the submitted documents and conducted a site inspection visit, the Committee makes the following recommendations:

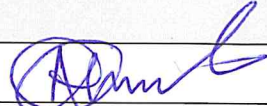

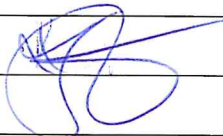




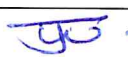
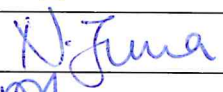

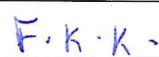
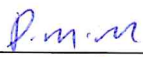
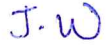

That in order to protect the investors and to safeguard the interests of the County:

1. That Nairobi City County to update the directors representing the County in the Special Purpose Vehicle (SPV), i.e Nairobi Bachelors Jevanjee Limited;
2. That the Development Partners to resume work with immediate effect and deliver the projects as agreed with the County Project Implementation Technical Committee (PICT);
3. That the Development partners to submit the approved building plans and designs to the County that correspond with the area zoning policy guidelines;
4. The building plans for the affordable housing projects under consideration be adjusted to accommodate the Zoning Policy capping of a maximum of sixteen (16) floors;

5. That the development partners to propose new delivery deadlines which will be considered for approval by the County;
6. The moratorium issued to the National Bank of Kenya by the Committee vide a letter Ref. NCCA/LPH/2024/040 dated 30th October 2024 stopping any further transactions on the title deed related to the project land be and is hereby set aside with immediate effect;
7. That in implementing the project, developers are hereby required to execute the contract as per the provisions of the Joint Venture Agreement with the County with respect including sharing of the units and use of the site;
8. The development partners are hereby required to fully cooperate with the County PITC as they conduct monitoring of the progress and compliance of the project with the approved standards and quality;
9. Nairobi City County is hereby required to implement subsequent phase of affordable housing in full compliance with the Constitution; Statutes and relevant National and County Policies and to strengthen and facilitate the PITC which is responsible for ensuring that implementation of projects is compliant with agreements and the law;
10. That the building plans for affordable housing projects under consideration be adjusted to provide for mitigation against the fluctuations forex exchange rates;
11. The addendums to the Joint Ventures be properly executed and duly registered with immediate effect;
12. The Sectoral Committee on Lands, Planning and Housing to commence a further comprehensive investigation into the contracting, financing and administration of the re-development of Pangani affordable housing project.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

We Members of the Sectoral Committee on Lands, Planning and Housing do hereby affix our signatures to this report to affirm the correctness of the contents and support for the report: -

No.	Honourable Member	Signature
1.	Hon. Alvin Olando Palapala, MCA	
2.	Hon. Collins Omondi Ogenga, MCA	
3.	Hon. Peter Anyule Imwatok, MCA	
4.	Hon. Antony Kiragu, MCA	
5.	Hon. Paul Kiguathi Kados, MCA	
6.	Hon. Esther Waithera Chege, MCA	
7.	Hon. Geoffrey Odhiambo Majiwa, MCA	
8.	Hon. Fuad Hussein Mohammed, MCA	
9.	Hon. Athman Hashim Kamau, MCA	
10.	Hon. Paul Irungu Ndung'u, MCA	
11.	Hon. Nasra Shehan Nanda, MCA	
12.	Hon. Hannah Wanjiru Muriuki, MCA	
13.	Hon. Ricardo Nyantika Billy, MCA	
14.	Hon. Lily Akoth Kidenda, MCA	
15.	Hon. Jane Wanjiru, MCA	
16.	Hon. Nicholas Juma Okwacho, MCA	
17.	Hon. Peter Maina Mwangi, MCA	
18.	Hon. Clement Ng'anga Kamaru, MCA	
19.	Hon. Francis Kimondo, MCA	
20.	Hon. Patrick Mwangi Macharia, MCA	
21.	Hon. Tricer Jeptoo Ayabei, MCA	
22.	Hon. Martin Wairobi Waithaka, MCA	
23.	Hon. Thuo Kamau Fiunifiu, MCA	

MINUTES OF THE SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING HELD ON TUESDAY, 3RD DECEMBER, 2024 AT 11:00 A.M. IN COMMITTEE ROOM FIVE (5), CITY HALL BUILDING.

PRESENT:

1. Hon. Alvin Olando Palapala, MCA - Chairperson
2. Hon. Collins Omondi Ogenga, MCA - Vice-Chairperson
3. Hon. Peter Anyule Imwatok, MCA
4. Hon. Antony Karanja Kiragu, MCA
5. Hon. Geoffrey Odhiambo Majiwa, MCA
6. Hon. Athman Hashim Kamau, MCA
7. Hon. Hannah Wanjiru Muriuki, MCA
8. Hon. Jane Wanjiru, MCA
9. Hon. Francis Kimondo Kiragu, MCA
10. Hon. Martin Wairobi Waithaka, MCA
11. Hon. Tricer Jeptoo Ayabei, MCA
12. Hon. Peter Maina Mwangi, MCA
13. Hon. Kamau Thuo Fiunifiu, MCA
14. Hon. Patrick Mwangi Macharia, MCA
15. Hon. Nicholas Juma Okwacho, MCA

ABSENT

1. Hon. Fuad Hussein Mohammed, MCA
2. Hon. Paul Ndung'u Irungu, MCA
3. Hon. Ricardo Nyantika Billy, MCA
4. Hon. Clement Kamaru Ng'ang'a, MCA
5. Hon. Nasra Shehan Nanda, MCA
6. Hon. Paul Kiguathi Kados, MCA
7. Hon. Esther Waithera Chege, MCA
8. Hon. Lily Akoth Kidenda, MCA

SECRETARIAT

1. Mr. Austin Inyundele - Senior Clerk Assistant
2. Mr. Benedict Ochieng' - Clerk Assistant
3. Ms. Rebecca Adhiambo - Clerk Assistant
4. Mr. Titus Kitetu - Researcher

AGENDA

1. Preliminaries (prayers & adoption of the Agenda)
2. Confirmation of previous minutes
3. Matters arising
4. Consideration and adoption of the Committee's report on workshop that was held from 14th to 17th November 2024

5. Consideration and adoption of the Committee's report on investigation into affordable housing in the County (Pangani and Jevanje)

6. Any other business

7. Adjournment

MIN.001/LPH /DEC/2024– Preliminaries

The Chairperson called the meeting to order at 11.00 a.m. and opened the meeting with a word of prayer. The Chairperson read the agenda of the meeting and was proposed by Hon. Antony Karanja Kiragu, MCA and seconded by Hon. Athman Hashim Kamau, MCA.

MIN.002/LPH/DEC/2024: CONFIRMATION OF PREVIOUS MINUTES

The minutes of the Committee Sitting that was held on 1st August 2024 were read by the Chairperson and confirmed as the true record of the proceedings having been proposed by Hon. Geophrey Odhiambo Majiwa and seconded by Hon. Francis Kimondo Kiragu, MCA

MIN.003/LPH/DEC/2024: MATTERS ARISING

There were no matters arising from the previous minutes

MIN.004/LPH/DEC/2024: CONSIDERATION AND ADOPTION OF THE COMMITTEE'S REPORT ON WORKSHOP THAT WAS HELD FROM 14TH TO 21ST NOVEMBER 2024

The Committee was informed that following the successful conduct of its workshop for the 2nd Quarter FY 2024/2025, the Committee was expected to prepare and Table a report on the items of discussion on the programme. Accordingly, the Chairperson stated that the Secretariat had prepared a draft report to be considered for adoption by the Committee. As such, the Clerk of the committee was invited to take the Committee through the draft report.

The Committee was informed that pursuant to the programme, the following agendas were deliberated on at the workshop:

1. The Nairobi City County Development Control Outdoor Advertisement and Signage Control and Regulation Act, 2018;
2. The Nairobi City County Development Control Outdoor Advertisement and Signage Policy; and
3. The Nairobi City County Urban Renewal and Regeneration Policy.

At the workshop, the Assembly Legal Counsel informed the Committee that the Development Control Policy was passed by the Assembly in 2018 and its main objective was to review and match outdoor advertising and signage fees with current rates. It will further help reduce scattering of billboards, safeguard the environment from destruction by advertisers and curb cases of defaulting.

On the Nairobi City County Development Control Outdoor Advertisement and Signages Policy, the Committee was informed as follows on the scope and objective of the Policy:

Scope of the Policy

That the policy will be applicable to all the areas under the jurisdiction of Nairobi City County. Any government or private owned entity or person, who displays or wants to erect any advertising sign or form of outdoor advertising within Nairobi City County area should adhere to the requirements set out in this policy. In applying these guidelines, the City and the advertising industry alike should strive to strike a balance which would allow for advertising opportunities and economic development, on the one hand, and traffic safety and the conservation of environmental and heritage resources, on the other hand. Approval process will be two fold; involving approval of the advertisement structure in one hand, and approval of display on the other.

Instead of being detrimental to the visual environment outdoor advertising should be used in a manner that will be conducive to urban streetscapes. The outdoor advertising industry has an opportunity to contribute to the creation of vibrant and pleasant living environments and generate reasonable revenue for both the operators and the county government.

Objectives of the Policy

1. Improve and protect public safety, environmental and physical health;
2. To create an operational framework for outdoor advertising and signage based on social, environmental and economic sustainability;
3. To set new standards pertaining to distances between advertisements, sizes, locations and siting/physical orientation;
4. Dissemination of all the approval standards and procedures to the public;
5. Providing investment opportunities through policies that are investment friendly;
6. Introduction of an efficient and reliable data management system

On Nairobi City County Urban Renewal and Regeneration Policy, the Committee was informed as follows regarding its objectives:

That the main objective of this document is to provide a coherent long-term policy framework for the sustainable and continuous resolution of the myriad social, habitational, structural, physical planning and land use problems facing the old estates. This will be achieved through continuous rehabilitation, overhaul, renewal, redesign and redevelopment of the old estates to accommodate the changing needs of the city's population.

The specific objectives of this Policy Document are to:

- i. promote sustainable urban land use in the old estates;
- ii. encourage private investment in the provision of decent and affordable housing in the city;
- iii. increase housing stock in the old estates, by shifting from low-rise to high-rise building designs;

- iv. rehabilitate or refurbish dilapidated housing units in the old estates;
- v. encourage the preservation of sites and structures of significant historical or cultural value;
- vi. provide appropriate housing and infrastructure for disadvantaged groups or groups with special needs, such as the elderly and persons living with disabilities;
- vii. establish mechanisms for guaranteeing the long-term structural integrity of buildings within the old estates;
- viii. increase the variety in sizes and types of housing units;
- ix. secure reasonable access to health facilities and services within the old estates;
- x. secure reasonable access to water, sewerage and sanitation services within the old estates;
- xi. secure reasonable access to basic education facilities and services within the old estates;
- xii. secure reasonable access to recreational facilities within the old estates;
- xiii. ensure the availability of adequate public transport facilities and services within the old estates;
- xiv. secure the provision of adequate garbage collection and solid waste management services within the old estates;
- xv. improve the physical environment and enhance the aesthetic appeal of the old estates;
- xvi. improve the living conditions of persons residing in the old estates;
- xvii. improve the personal security and safety of the residents of the old estates; and
- xviii. diversify the land use of the old estates by adopting a mixed-use development approach to renewal.

At the end of the workshop, the Committee agreed on the following as the way forward:

- i. The Committee, through the Chairperson to come up with a legislative proposal on Urban Housing and Renewal which will form a Bill (Nairobi City County Housing and Renewal Bill) for consideration; and
- ii. The Committee to propose amendments to the Nairobi City County Outdoor Advertisement and Signage Control and Regulation Act, 2018 on the strength of emerging issues deliberated upon by at the workshop.

The Committee adopted the report having been proposed by Hon. Peter Maina Mwangi, MCA and seconded by Hon. Martin Wairobi Waithaka, MCA. The report to be processed for Tabling in the Assembly.

MIN.005/LPH/DEC/2024: CONSIDERATION AND ADOPTION OF THE COMMITTEE'S REPORT ON INVESTIGATION INTO AFFORDABLE HOUSING IN THE COUNTY (PANGANI AND JEVAJEE)

The Committee was informed that following the meetings held with the relevant entities, and having reviewed the submissions made by the said entities and having conducted a site inspection visit to the projects, the Committee was expected to file a report providing responses to the issues raised by Hon. Chege Mwaura, MCA in his Statement. In this regard,

the Committee was informed that the Secretariat had prepared a draft report for consideration by the Committee. Accordingly, the Chairman took the Committee through the draft report that provided as follows:

That Hon. Chege Mwaura, MCA on Thursday 19th September 2024 requested a Statement from the Sectoral Committee on Lands, Planning and Housing regarding the ongoing Pangani and Jevanjee affordable housing project. The Committee deliberated on the questions raised in the Statement and resolved to expand the investigation into an inquiry. In this regard, the County Executive Committee Member responsible for Built Environment and Urban Planning and other relevant officers from the County Executive be invited to its meeting held on 6th November 2024. Further, the Committee resolved that the representative of the Development partners and the Managing Director for National Bank of Kenya be requested to appear before the Committee on 14th November 2024.

Further, in order to get more insight into the construction of the housing projects and ascertain the information provided at the foregoing meeting, the Committee conducted a site inspection visit to Pangani and Jevanjee projects on 19th November 2024.

Accordingly, arising from the deliberations, review of the submissions and documents and the outcome of the site inspection visit, the Committee made the following observations:

- i. That the County Executive officers led by the County Executive Committee Member for Built Environment and Urban Planning attended the Committee's meeting and availed their response and the accompanying documentation;
- ii. That despite the representatives of Jabavu Village Limited honoring the invitation of the Committee and providing written response, they failed to provide adequate documentation related to the investigations as requested by the Committee on development, financing and administration of Jevanjee Affordable Housing project;
- iii. That Technofin Limited failed to honor the invitation of the Committee to attend its meeting on 14th November 2024. Further, the company did not submit any documents as was requested by the Committee in its invitation letter. Therefore, the Committee did not have access to full information on the execution of the project;
- iv. That the County Executive is unaware of the current custodian of the title deed for the parcel of land on which Pangani Estate is being constructed;
- v. That Nairobi City County awarded Jabavu Village Limited a contract for re-development of its Estate at Jevanjee which would be executed through a joint venture;
- vi. That Nairobi City County awarded contracts for re-development of Pangani and Jevanjee Estates to the developers, i.e Jabavu Village Limited and the Consortium led by Sovereign Group on 29th February 2016 and Joint Venture agreements were signed thereafter;
- vii. That the Joint Venture Agreement for Jevanjee project was later amended vide two addendums signed on 3rd December 2018 and another signed on 12th March 2019;

- viii. That the addendum to the Principal JV for Jevanjee project was not properly executed since the agreement was not registered with Registrar of Documents and that it lacked the endorsement of an advocate despite there being a provision of the same. In this regard, the Committee observed that the same can be done at a later stage upon formalizing the JVs;
- ix. That Jevanjee project was to be executed by a Special Purpose Vehicle called Nairobi Bachelors Jevanjee Limited, which is a company limited by shares in which the County owns 200 shares and Jabavu Village Limited owns 800 shares;
- x. That the County land on which the project (Jevanjee project) is being implemented (LR. No. 209/5458) was transferred through a lease to the Special Purpose vehicle;
- xi. That the addendum to the principal joint venture agreement for Jevanjee project permitted to use sub-leases on the said land as security to access financing from a financial institution, however, the SPV used the lease to access funding of Ksh. 1.9 billion from the National Bank of Kenya;
- xii. That the National Bank of Kenya has already disbursed Ksh. 505, 104,495.20 of Ksh. 1,900,0000,0000 to Nairobi Bachelors Jevanjee Limited SPV;
- xiii. That former officers of the County Government of Nairobi City County (Pauline Kahiga and Jirus Musumba) are still listed as directors of the Jevanjee Special Purpose Vehicle representing the County, thus, the Committee wondered whether the interests of the County are adequately catered for whenever the SPV directors sit to make decisions;
- xiv. The Committee was informed that work was ongoing at both sites. However, the Committee could not ascertain the report since the visit coincided with lunch break. However, the Committee observed that the Chinese contractor at Jevanjee project was using the site for purposes outside the JV agreement, i.e batching plant; and
- xv. That there are proposed alterations to the original designs of the Jevanjee project which are yet to be approved by the County.

Therefore, having met the relevant stakeholders, review the submitted documents and conducted a site inspection visit, the Committee makes the following recommendations:

That in order to protect the investors and to safeguard the interests of the County:

1. That Nairobi City County to update the directors representing the County in the Special Purpose Vehicle (SPV), i.e Nairobi Bachelors Jevanjee Limited;
2. That the Development Partners to resume work with immediate effect and deliver the projects as agreed with the County Project Implementation Technical Committee (PICT);
3. That the Development partners to submit the approved building plans and designs to the County that correspond with the area zoning policy guidelines;

4. The building plans for the affordable housing projects under consideration be adjusted to accommodate the Zoning Policy capping of a maximum of sixteen (16) floors;
5. That the development partners to propose new delivery deadlines which will be considered for approval by the County;
6. The moratorium issued to the National Bank of Kenya by the Committee vide a letter Ref. NCCA/LPH/2024/040 dated 30th October 2024 stopping any further transactions on the title deed related to the project land be and is hereby set aside with immediate effect;
7. That in implementing the project, developers are hereby required to execute the contract as per the provisions of the Joint Venture Agreement with the County with respect including sharing of the units and use of the site;
8. The development partners are hereby required to fully cooperate with the County PITC as they conduct monitoring of the progress and compliance of the project with the approved standards and quality;
9. Nairobi City County is hereby required to implement subsequent phase of affordable housing in full compliance with the Constitution; Statutes and relevant National and County Policies and to strengthen and facilitate the PITC which is responsible for ensuring that implementation of projects is compliant with agreements and the law;
10. That the building plans for affordable housing projects under consideration be adjusted to provide for mitigation against the fluctuations forex exchange rates;
11. The addendums to the Joint Ventures be properly executed and duly registered with immediate effect;
12. The Sectoral Committee on Lands, Planning and Housing to commence a further comprehensive investigation into the contracting, financing and administration of the re-development of Pangani affordable housing project.

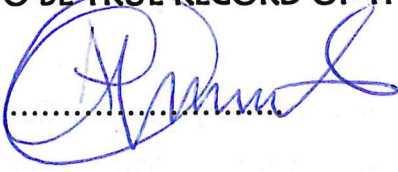
The Committee adopted that the report having been proposed by Hon. Athman Hashim Kamau, MCA and seconded by Hon. Francis Kimondo Kiragu, MCA. The report to be processed for Tabling in the Assembly.

MIN.006/LPH/DEC/2024: ADJOURNMENT

There being no other business to consider, the Chairperson adjourned the meeting at 12.40 a.m. The next meeting to be held on Wednesday 4th December 2024 at 11.00 a.m.

CONFIRMED TO BE TRUE RECORD OF THE PROCEEDINGS

CHAIRPERSON.....



4th/12/2024