



**REPUBLIC OF KENYA**

**NAIROBI CITY COUNTY ASSEMBLY**

**THIRD ASSEMBLY – (FOURTH SESSION)**

**ORDERS OF THE DAY**

**TUESDAY, JUNE 24, 2025 AT 2.30 P.M.**

**ORDER OF BUSINESS**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

**8. \*SPECIAL MOTION – HON. CHEGE MWAURA, MCA**

***Subject: To Discuss the Conduct and Censure of Ms. Lydia Mathia, Chief Officer, Housing and Urban Renewal, Nairobi City County.***

**WHEREAS**, Chapter Six (6) of the Constitution of Kenya (2010), the Leadership and Integrity Act, 2012 and the Public Officer Ethics Act, 2003 provide for, primarily, the conduct of State and Public Officers, and the accountable exercise of power and responsibility assigned to State and public officers;

**WHEREAS**, Article 10 of the Constitution as read together with Section 3 of the Leadership and Integrity Act, 2012 provides for respect for the rule of law, good governance, accountability and transparency of State and Public officers for decisions and actions as key guiding principles of leadership;

**FURTHER WHEREAS** Section 45 of the County Governments Act, 2012 provides that a County Chief Officer is appointed by the Governor with the approval of the County Assembly, and such an officer serves as the authorized officer in respect of delegated powers in a County Department; the said Ms. Lydia Mathia was initially appointed by the Governor as the County Chief Officer responsible for Public Participation, Citizen Engagement and Customer Service Sub-Sector upon being vetted and subsequently approved by the County Assembly;

..../8\*Cont.

**AND WHEREAS** the office of a County Chief Officer is an office in the County Public Service and is subject to the provisions of the Constitution of Kenya, the County Governments Act, 2012, the Leadership and Integrity Act, 2012 and the Public Officer Ethics Act, 2003 including adherence to the principles of public service, rule of law, and respect for human rights and dignity;

**ACKNOWLEDGING** that Section 59 of the County Governments Act vests the County Public Service Board with the authority to discipline and remove individuals holding or acting in public offices within the County Public Service;

**COGNIZANT** that **Ms. Lydia Mathia** is currently serving as the Chief Officer in charge of Housing and Urban Renewal in Nairobi City County;

**DEEPLY CONCERNED** that Ms. Lydia Mathia, in her capacity as Chief Officer, Housing and Urban Renewal, orchestrated and oversaw the eviction of residents from County-owned houses located in Old Ngara, New Ngara, Kariokor, Buru Buru, Kariobangi, Woodley and other County Estates on the basis of alleged rent arrears;

**FURTHER CONCERNED** that the said eviction process was conducted in a cruel, dehumanizing, and degrading manner, in violation of the residents' constitutional rights to human dignity, security, housing, and property, and put the lives and safety of the affected individuals and the wider estate community at risk;

**NOTING** that on **6<sup>th</sup> May 2025**, the County Government served Demand Notices to various residents within the said estates, demanding substantial sums of money in alleged rent arrears, without providing a breakdown of the specific months or years in which the arrears were accrued;

**RECOGNIZING** that the said Demand Notices were in complete violation of **Gazette Notice No. 2728** dated **19<sup>th</sup> March 2021**, in which the Nairobi City County Government had issued a permanent waiver of house rent arrears accrued up to 30<sup>th</sup> April 2019 and directed that tenants pay rent only from 1<sup>st</sup> May 2019 going forward;

**ALARMED** that despite the residents complying and initiating payment of post-waiver rent arrears, and notwithstanding the existence of a Conservatory Order issued by the Environment and Land Court in **Petition No. ELCLPET/E038/2025** on **30<sup>th</sup> May 2025**, staying any eviction pending hearing and determination of the petition, Ms. Mathia nonetheless proceeded to deploy unknown and unauthorized individuals ("goons") to enforce the evictions;

**NOTING WITH GRAVE CONCERN** that the said individuals, acting under Ms. Mathia's instructions, used force, looted, vandalized private and public property, and caused physical harm and psychological trauma to innocent residents;

**FURTHER NOTING** that these evictions violated Section 152G of the Land Act, which mandates that eviction processes must be carried out in a manner that respects the dignity, right to life, and security of those affected;

**DEEPLY DISTURBED** that, despite the existence of the Honourable Court's Conservatory Orders and the tenants' demonstrated good faith, evidenced by many having paid the **disputed rent amounts** as demanded in the unlawful notices out of sheer desperation, **all attempts by the tenants to regain access to their county houses have been deliberately obstructed at the direction of Ms. Lydia Mathia**, who continues to frustrate and block the resumption of their tenancy, thereby aggravating their suffering and compounding the violations of their rights;

**AWARE** that Ms. Mathia's acts and omissions constitute:

- i) **Gross misconduct;**
- ii) **Dereliction of duty;**
- iii) **Willful disobedience of a court order**, contrary to Article 10 (2)(a) and Article 73(1)(a) of the *Constitution of Kenya*;
- iv) **Abuse of office**, in breach of Section 11 of the *Leadership and Integrity Act, 2012* and Section 8 of the *Public Officer Ethics Act, 2003*;
- v) **Conduct unbecoming of a public officer**, and in clear violation of the principles of public service as outlined in Article 232 of the Constitution;

**FURTHER AWARE** that her conduct demonstrates a lack of respect for the rule of law, acts of impunity, and deliberate marginalization of vulnerable citizens under her public care and mandate;

**NOW THEREFORE, THIS ASSEMBLY RESOLVES TO:**

1. **CENSURE** Ms. Lydia Mathia for gross misconduct, abuse of office, violation of human rights, and violation of court orders;
2. **DECLARE** that Ms. Lydia Mathia is **unfit to hold public office** within the Nairobi City County Government or any other public service;
3. **DIRECT** that the Nairobi City County Assembly and its Committees shall not transact any business with Ms. Lydia Mathia in her current capacity or any other public capacity;
4. **RECOMMEND** that the Nairobi City County Public Service Board immediately commences disciplinary proceedings against Ms. Lydia Mathia with a view to her removal from office;
5. **URGE** the Governor of Nairobi City County, being the appointing authority and pursuant to Section 45(5) of the County Governments Act, 2012, to **immediately reassign** Ms. Lydia Mathia from the position of Chief Officer, Housing and Urban Renewal, pending the conclusion of the disciplinary process;

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6. **CONDEMN** in the strongest terms the unlawful eviction of residents from Old Ngara, New Ngara, Kariokor Buru Buru, Kariobangi, Woodley and other County Estates and calls for immediate investigations into the destruction and loss of property resulting from Ms. Mathia's directives; and
7. **RECOGNIZE** the rights of the affected residents to seek justice and support the enforcement of the court's conservatory orders to prevent further violation of their rights pending hearing and determination of the residents petition No. ELCLPET/E038/2025 by the court.

**9. \*MOTION – CHAIRPERSON, SELECT COMMITTEE ON PUBLIC ACCOUNTS**

**Subject: *Adoption of Committee Report***

**THAT**, this Assembly adopts **THE REPORT OF SELECT COMMITTEE ON PUBLIC ACCOUNTS ON CONSIDERATION OF THE REPORTS OF AUDITOR GENERAL ON FINANCIAL STATEMENTS OF THE NAIROBI CITY COUNTY EXECUTIVE FOR THE YEARS 2018/2019; 2019/2020; and 2020/2021**, laid on the Table of the Assembly on Wednesday, 30<sup>th</sup> April, 2025.

**10. \*MOTION – CHAIRPERSON, SELECT COMMITTEE ON PUBLIC ACCOUNTS**

**Subject: *Adoption of Committee Report***

**THAT**, this Assembly adopts **THE REPORT OF SELECT COMMITTEE ON PUBLIC ACCOUNTS ON CONSIDERATION OF THE REPORT OF AUDITOR GENERAL ON PENDING BILLS FOR COUNTY ASSEMBLY OF NAIROBI FOR THE FINANCIAL YEARS 2018/2019 – 2019/2020**, laid on the Table of the Assembly on Wednesday, 30<sup>th</sup> April, 2025.

# **NOTICES**

I. **The Assembly resolved on Wednesday, 12<sup>th</sup> February, 2025 as follows: -**

- a) **THAT**, each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:-A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.
- b) **THAT**, each speech in a debate on a **Report of a Committee**, a Sessional Paper or any other Report submitted to the Assembly, be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.