



GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

SECOND ASSEMBLY-FIFTH SESSION

NBI CA. PLC. 2021

23rd November, 2021

PAPER LAID

Pursuant to Standing Order 191, I beg to lay the following Paper on the Table of the Assembly, today Tuesday 23rd November, 2021.

THE REPORT OF THE SECTORAL COMMITTEE ON PLANNING AND HOUSING ON
THE CONSIDERATION OF THE NAIROBI CITY COUNTY EVICTIONS, RESETTLEMENT
AND DEMOLITIONS, 2020

(Chairperson, Sectoral Committee on Planning and Housing)


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

MEMO

FROM : Clerk Assistant
THRO' : Director Legislative Services
THRO' : Principal Clerk, Committees
TO : Ag. Clerk
DATE : 14th October 2021

RE: TABLING OF REPORT

Please find the Report on the Consideration of The Nairobi City County Evictions, Resettlement and Demolitions Bill 2020 for tabling.



JOSHUA MBILA

CA - Mutegwa
Please confirm
and let me know
the position.
Haji
PCA chd/1
18/11/21

P/C A Kap
Kindly advise whether
this report was tabled
and where we are on
the Bill.

Ag. Clerk
18/11/2021

NAIROBI CITY COUNTY



NAIROBI CITY COUNTY ASSEMBLY
SECOND ASSEMBLY – SECOND SESSION

THE REPORT OF THE SECTORAL COMMITTEE ON PLANNING AND HOUSING

ON

CONSIDERATION OF THE NAIROBI CITY COUNTY THE NAIROBI CITY COUNTY
EVICTIONS, RESETTLEMENT AND DEMOLITIONS BILL, 2020

Clerks Chambers
Nairobi City County Assembly
City Hall Buildings
Nairobi

SEPT. 2021

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Hon. Speaker,

The Sectoral Committee on Planning and Housing is established under Standing Order 203, and its mandate amongst others, as outlined under Standing Order 203 (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.*

1.1. Committee Membership

The Committee comprises the following Members: -

1. Hon. Benson Mwangi, MCA-Vice Chairperson/Ag. Chair
2. Hon. Anthony Karanja, MCA
3. Hon. Paul Kados, MCA
4. Hon. Abdi I. Hassan, MCA
5. Hon. Peter Imwatok, MCA
6. Hon. Jared Okode, MCA
7. Hon. Elias Okumu, MCA
8. Hon. Mark Ndung'u, MCA
9. Hon. Waithera Chege, MCA
10. Hon. Geoffrey Majiwa, MCA
11. Hon. Ruth Ndumi, MCA
12. Hon. Wanjiru Kariuki, MCA
13. Hon. Patricia Mutheu, MCA
14. Hon. Leah Supuko, MCA
15. Hon. Jacinta Wanjiru, MCA
16. Hon. Naftali Ogola, MCA
17. Hon. Alvin Palapala, MCA
18. Hon. Kennedy Obuya, MCA
19. Hon. Millicent Okatch, MCA
20. Hon. Hafsa Khalif, MCA
21. Hon. David Ayo, MCA
22. Hon. Osman Khalif, MCA
23. Hon. Wilfred Odalo, MCA
24. Hon. David Mberia, MCA
25. Hon. Sylvia Moseiya, MCA

The Committee exercises oversight role on the work and administration of the following sub sectors; -

- 
- (i) Lands;
 - (ii) Urban Planning; and
 - (iii) Urban Renewal and Housing.

In accordance with the third Schedule of the Standing Orders, the Committee is mandated to consider all matters relating to: - *“County Planning and Development, including statistics, land survey and mapping, boundaries and fencing ,housing and outdoor advertisement”*

Hon. Speaker,

The Nairobi City County Evictions, Resettlement and Demolitions Bill, 2020 is a Bill sponsored by Hon. Jayendra Malde, a Member of the First County Assembly. The Bill underwent the First reading on Thursday 17th September, 2020 and committed to the Sectoral Committee on Planning and Housing for consideration and adoption.

Hon. Speaker,

Upon Committal of the Evictions, Resettlement and Demolitions Bill, 2020, the Committee wrote to the CECM for Lands, Urban Planning & Urban Renewal and stakeholders requesting for submissions of memoranda to be forwarded adverts were further placed in the dailies for the attention of the public and seeking for their input towards the Bill.

Hon. Speaker,

The Committee observed that the Bill is a right step towards the control of evictions, demolitions and resettlement in the city since there are no regulations currently governing these processes.

On scrutinizing the Bill by Clause, the Committee declared that the Bill has major flaws that need to be addressed in order for it to be implementable and to serve its intended purpose.

Hon. Speaker,

Some of the flaws exhibited by the proposed law and which require attention include: -

- (i.) The Bill not being aligned to the Urban Areas and Cities Act and not providing for offences and penalties of officers who contravene guidelines surrounding approvals of constructions;
- (ii.) Lack of a fair and elaborate dispute resolution mechanism under the Bill; and
- (iii.) Emotive clauses that are to be deleted entirely.

Hon. Speaker,

On behalf of the Committee, I now have the honor and pleasure to present this report on the consideration of the Nairobi City County Evictions, Resettlement and Demolitions Control Bill 2020 for adoption.

Thank You.

SIGNED 

HON. BENSON MWANGI, MCA

(CHAIRPERSON)

DATE..... 13TH OCTOBER 2021 Page 4 of 21

2.0 COMMITTEE CONSIDERATION OF THE NAIROBI CITY COUNTY EVICTIONS, RESETTLEMENT AND DEMOLITIONS CONTROL BILL 2020

The principal objective of the Bill is to provide for procedures for evictions, demolitions and resettlement and matters incidental thereto.

— While examining the Bill, the Committee noted the following: -

(i) Part I

Part I of the Bill sets out the preliminary matters with regards to the Bill. It contains clause 1-6.

Clause 1 sets out the short title. Clause 2 provides for the interpretation of terms as used in the Bill.

Clause 4 sets the objects of the Act which is to set out appropriate procedures for eviction, demolitions and resettlement.

Clause 5 lays out the principles that shall guide the implementation of the Act, and they are;

- a) Protection from arbitrary evictions;
- b) Protection and enforcement of fundamental freedoms and rights; and
- c) The right to fair administrative action.

Clause 6 prohibits the occupancy of any premises except as permitted by law (general prohibition).

(ii) PART II- (CLAUSES 7-11) EVICTIONS

Part II of the Bill deals with the provisions relating to evictions. The clauses under this part are 7-11.

Clause 7 This clause stipulates that permits for eviction are done when; -

- a) The premises or land poses a danger to a person or members of the public such as railroad tracks, garbage dumps, riverbanks, shorelines, water ways and public places such as sidewalks, roads, parks, playgrounds;
- b) The land has been set aside for a public utility
- c) The government or county intends to undertake an infrastructure project; or
- d) There is a court order for eviction or demolition.

Clause 8 prohibits eviction from private land without a court order and three months prior notice.

Clause 9 allows for an application to court for temporary removal of an unauthorized occupant pending the hearing and determination of a case where; -

- a) There is imminent danger to any person or property;

- b) There is a likelihood of hardship to the owner; and
- c) There is no effective remedy available.

Clause 10 mandates the CECM to publish any decision relating to eviction from public land in the County and Kenya gazette and at least two newspapers at least three months prior to eviction. And further sets out that an eviction shall be conducted;

- a) During regular working hours;
- b) On Monday to Friday; and
- c) During good weather.

Clause 11 sets out the manner of disposal of any unclaimed property left behind by an evictee by an authorized officer or owner of the property.

(iii) PART III- (CLAUSES 12-15) DEMOLITION

Part III of the Bill deals with the provisions relating to demolitions. The clauses under this part are 12-15.

Clause 12 prohibits unauthorized erection of a building or movable and immovable structures or fixtures, while empowering authorized officers, in case of such unauthorized erection to;

- a) Serve the developer with a notice to show cause why the erection should not be demolished; and
- b) Through a court order, demolish such erection.

Clause 13 empowers the authorized officers to make an application to court through affidavit for demolition of unauthorized buildings while setting out the conditions to be met prior to such demolition and the consequences of such demolition.

Clause 14 permits an authorized officer to seal off any unauthorized construction.

Clause 15 sets the conditions to be met by the county government in demolition including;

- a) Providing proper identification of a person undertaking the demolition;
- b) Ensuring demolition takes place during working hours; and
- c) Ensuring heavy equipment is only used for permanent structures made of concrete.

(iv) PART IV- (CLAUSES 16-27) RESETTLEMENT

Part IV of the Bill deals with the provisions relating to resettlement. The clauses under this part are 16-27.

Clause 16 sets the application of the part to persons displaced due to eviction from public land and acts of God or war.

Clause 17 mandates the CEC member to cause to be undertaken a resettlement plan for persons mentioned in clause 16 and to ensure adequate consultation on the matter of settlement.

Clause 18 provides for instances when return of displaced persons is possible and mandates the CEC member to establish conditions and provide means for voluntary return and to facilitate reintegration of such persons.

Clause 19 mandates the CEC member to undertake environmental and social impact assessment prior to resettlement.

Clause 20 mandates the CEC member to prepare and publish a resettlement plan for affected persons in consultation with them, this plan shall among others contain;

- a) Particulars of resettlement entitlement of displaced persons;
- b) Details of public and infrastructural amenities to be provided in the resettlement area;
- c) Time limit for implementation;
- d) Names of affected persons; and
- e) Extent of land to be acquired.

Clause 21 empowers the CEC member by notice in the gazette to declare any area a resettlement area.

Clause 22 empowers the CEC member to constitute a committee (committee for resettlement) under the chairmanship of the County Land Board to oversee the resettlement.

Clause 23 mandates the CEC member to ensure timely, just and equitable resettlement.

Clause 24 entitles every affected family to a transport cost assistance of not less than fifty thousand shillings for transport of family, building materials, belongings and cattle.

Clause 25 empowers the CEC member in consultation with the committee to provide any other benefits to affected families.

Clause 26 allows affected persons to be given a lump sum of money in lieu of any other benefits.

Clause 27 empowers CEC member among others to;

- a) Where affected persons are unable to provide for themselves, take appropriate measures to ensure adequate alternative accommodation resettlement or access to productive land;
- b) Ensure rights of affected persons are guaranteed; and
- c) Ensure resettlement is only carried out in the best interest of the public.

(v) PART V- (CLAUSES 28-34) MISCELLANEOUS

Clause 28 mandates CEC member to ensure full disclosure and participation of affected persons.

Clause 29 guarantees affected persons right to information.

Clause 30 mandates the County Land Board in consultation with relevant stakeholders to monitor and analyse evictions and make such findings available to the public.

Clause 31 empowers the CEC member to make regulations for the better carrying out of the provisions of this Act.

Clause 32 sets out specific offences and penalties.

Clause 33 sets out the general penalty.

Clause 34 modifies and repeals existing laws relating to evictions and resettlement.

3.0 COMMITTEE OBSERVATIONS

- i. The Committee noted that the power to administer the proposed law on private land is provided for in National Legislation governing on land matters. The Bill should focus on County land.
- ii. The Committee took concern with the provisions of part IV which assigns the CEC Member with the power to make decisions solely on matters of resettlement. This powers, vested in an individual may end up being misused. In addition, Clauses keep on referring to “County Executive Committee Member”, this again centers too much power on the CECM. Committee therefore proposes substitution of the same with “a Committee or a board”.
- iii. In general, the Committee observed that the Bill was holistically impractical and contained fundamental ambiguities as demonstrated in the justifying matrix below

3.1 MATRIX OF STAKEHOLDER COMMENTS AND FINAL COMMITTEE PROPOSED AMENDMENTS TO THE NAIROBI CITY COUNTY EVICTIONS, RESETTLEMENT AND DEMOLITIONS CONTROL BILL 2020

CLAUSE/ SCHEDULE	STAKEHOLDER	PROPOSED AMENDMENTS BY STAKEHOLDERS	JUSTIFICATION	COMMENT ON PROPOSED AMENDMENT	FINAL PROPOSED COMMITTEE AMENDMENT
Short Title	PAMOJA TRUST	The title needs to be amended as follows- The Nairobi City County Evictions, Resettlement and Demolitions Procedures Bill, 2020.	The term “control in reference to evictions and demolitions legitimizes forced evictions.	The amendment is justified and further, it is in tandem with the Long title of the Bill.	Proposed amendment agreed to
Clause 2 Interpretation		“Affected person;” A person who has been displaced from land or premises	The term “from their land” excludes the people who live on land or premises that do not belong to them but access these spaces through other means or forms.	Unless we redefine or give a threshold on the level of permanency, the word “permanently” may cause some confusion.	Comment on Proposed amendment agreed to
2 (b)		(b) a member of such family may be working or living in the affected area as per the cutoff date of enumeration.	The terms “working and living” depicts that an affected person needs to be one who meets the two conditions, yet there are those who meet either or both of the conditions. The period of 5 years depicts a form of exclusion.	The key action that should form part of consideration is if the family or a member of the family has been occupying that particular area. I propose that the amendment instead to read “...but a member of such family should have been occupying the	Comment on Proposed amendment agreed to

				affected area for at least.....”	
2 (c)		<p>(c) Persons who draw their livelihood from the affected area for business; is dependent on forests, water bodies, formal and informal markets and includes vendors, hawkers, artisans</p>	<p>Livelihood aspects highlighted do not explicitly capture the urban context neither do the resources depended upon therein. Further, the jurisdiction of this legislation is within Nairobi City County.</p> <p>In addition, the term primary source is not enforceable.</p>	<p>The clause as it is doesn't refer to the situation in Nairobi. Are there fishermen, hunters and gatherers in Nairobi? I agree that the original sub clause is not a clear depiction of the activities in Nairobi. Most importantly however, I think we should be interpreting words like evictions and consider using terms like squatters, unlawful occupiers of lands e.t.c instead of calling them affected persons. Also agreed that the term, “primary source” is not enforceable as there is no threshold to determine what is</p>	<p>Clause 2 (c) r clear and therefore shc be deleted or redrafted</p>

				primary and what is not.	
		“Authorised Officer” means an officer responsible for matters relating to lands and planning.	In the current county structure there is no designation for an officer responsible for matters relating to lands and resettlement	The current implementers of this Bill would be NMS considering that the function of Lands, Housing and Urban renewal, urban planning and development lies with NMS. To consider a transitional clause even with the functions/ responsibilities of NMS.	The section be discussed between the Sector and I
		Displaced Person means persons or group of persons who have been forced or obliged to flee or leave their homes or places of habitual residence in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights, natural or human made disaster or development projects.	The definition leaves out key forces of displacement in the urban context other than armed conflicts, violence and disaster. It is also silent on the aspect of violations of human rights. Additionally, the statement is not gender sensitive as it uses the term “he”	Definition of the terms squatters or unlawful occupiers of land need to be defined and used in this context instead. On the issue of human rights, there is need to indicate in the Bill that evictions must be humane and respect the right to life and property.	Comment o Proposed amendment agreed to
		“Premises” means any land, building, hut, structure or part of a hut, building or structure.	The definition should include other forms of premises	It is better drafting to use the term land instead of premises and then to define land as “a portion of land and structurePage 11 of 21 affixed to it”	Comment o Proposed amendment agreed to

		<p>“Settlement” means provision of access to land to squatters, persons displaced by natural causes, development projects, conservation, internal conflicts or other such causes that may lead to movement and displacement.</p>	<p>To ensure the legislation is consistent with other existing laws, refer to the definition in the Land Act, 2012, Part 9, on settlement programs. It provides a more holistic definition.</p>	<p>The amendment is in order. It is important to align to National Legislation.</p>	<p>Comment on Proposed amendment agreed to</p>
		<p>“Unauthorized occupant” Delete this definition and replace it with the definition “occupant in good faith” means a person who has occupied land without the express or tacit consent of the owner or person in charge for a reasonable period of time without any right in law to occupy such land and that person does not have sufficient income to purchase or lease alternative land.</p>	<p>The definition exposes those living in the formal settlements or spaces as occupants in good faith to evictions because they are not authorized to access the mentioned spaces.</p>	<p>It would be prudent to define a squatter and an unlawful occupier/occupant since for the squatter, that’s where the issue of lack of sufficient income arises. Instead of using the term “unauthorized occupant.” Let us consider the terms unlawful occupier or occupant since the occupation of the land is either lawful or unlawful. Unauthorized will lack clarity.</p>	<p>Comment on Proposed amendment agreed to</p>
Section 5 (a) and (c)		<p>(a) protection from evictions (c) Public Participation (d) Right to information (e) Monitoring and reporting</p>	<p>The term arbitrary is relative and could create a loophole for evictions The aspect on participation in the entire process should be a principle in the document.</p>	<p>I suggest we use the terms unlawful evictions instead of “arbitrary” and to leave the rest as they are.</p>	<p>Comment on Proposed amendment agreed to</p>

Section 6		No person shall forcefully evict or resettle any individual in a manner whatsoever other than in accordance with this Act.	It discriminates the vulnerable groups that occupy spaces informally or illegitimately.	This clause prohibits illegal and unlawful occupation of land. It ought to remain. It should however be drafted to read, "A person shall not unlawfully occupy private, community or public land."	Comment c Proposed amendment agreed to
Part II Section 7		In conducting evictions the county government shall follow the guidelines as stipulated in the Land Amendment Act, 2016.	In line with adoption of a human rights based approach, this section should be preceded by a section on procedures for conducting evictions. Then the conditions for evictions shall follow thereafter. The Act should refer to the procedures for evictions as stipulated in the Land Laws Amendment Act 2016.	In agreement, the procedures ought to be aligned to the Land laws Amendment Act, 2016. A mandatory condition preceding any eviction or demolition should be a Court order.	Comment o Proposed amendment agreed to
Section 8 (1)		Evictions on private land shall follow procedures as stipulated in the Land Amendment Act 2016	The Section contradicts procedures provided by the National Land Act.	In agreement, the procedures ought to be aligned to the Land laws Amendment Act, 2016.	Comment o Proposed amendment agreed to
Section 9 (1)		The entire section should be deleted	This section creates room for legitimizing evictions and does not provide the opportunity for fair administrative action/ justice; it legitimizes evictions before	Agreed. The section leaves room for exploitation.	Comment o Proposed amendment agreed to

			the court gives a determination.		
Section 10 (1)		In the case of an eviction by the county, the county executive committee member in charge of land shall in writing to the National Land Commission before sanctioning such an eviction, ascertain whether the eviction meets the condition set out under the Land Amendment Act.	The Section gives un-over sighted role of ascertaining whether the evictions meet the set conditions of lawful evictions to the county executive committee member yet the Land Amendment Act 2016 Section 152 C gives this role to the National Land Commission. This then overlaps with the provisions in the National Law.	National Land Commission is the overall administrator of Public Land. For County Public Land it is important for the CEC Lands to ascertain to NLC. That the said eviction meets the legal requirements. It is also important to Align the provisions of eviction of private land and unregistered community land to the provisions of the Land Laws Amendment Act, 2016.	Comment on Proposed amendment agreed to
Section 11		The disposal procedure of unclaimed property shall follow the provisions on property rights in the Constitution of Kenya, 2010 and the protections of equity of redemption in the Land Act 2012. Delete Section 11 (2) and (3)	This Section does not give first priority to the occupant whose property is disposed. It does not give the occupant a time frame to collect his/her property. This Section denies an occupant their right to accessing property. The	I propose we align this provision to the provision in the Land Laws Amendment Act and redraft as follows; "The authorized officer County Government, or community owning registered	Comment on Proposed amendment agreed to

			Section needs to capture the aspect of equity of redemption.	community land or owner of private land shall at least seven days from the date of the eviction, remove or cause to be removed or disposed by public auction, any unclaimed property that was left behind after an eviction from private, community or public land"	
Section 12 (1)		A person shall not erect a dwelling structure in any place without a development permission granted by the respective county executive committee member in accordance with part 4 of the physical and land use planning Act of 2019 from the approval	The Section is an incomplete statement that ought to highlight.	In agreement. The section seems incomplete. To consider amending 12(1) as follows; "Any person who, without, express or implied, lawful authority or without any right or license, erects any building on any public land shall be taken to be in unlawful occupation of that land"	Comment c Proposed amendment agreed to
Part IV Section 16(1)		This Part should also apply to resettlement of persons displaced by natural causes, development projects, conservation, internal conflicts or other such causes that may lead to movement and displacement.	This Section excludes other vulnerable groups that may require to be settled as a result of certain prevailing conditions as envisaged by the Land Act, 2012, Part IX, Section 134(2)	The proposal is justified. Section 134 of the Land Act, 2012 provides that, 134. (1) The Commission shall, on behalf of the national and county governments,	Comment o Proposed amendment agreed to

				<p>implement settlement programmes to provide access to land for shelter and livelihood.</p> <p>(2) Settlement programmes shall, for the purposes of this Act, include, but not be limited to provision of access to land to squatters, persons displaced by natural causes, development projects, conservation, internal conflicts or other such causes that may lead to movement and displacement.</p> <p>(3) The Commission shall, assist the national and county governments in the administration of settlement programmes.</p>	
Section 17 (1)		<p>The Executive Committee member in consultation with the National Land Commission should cause to be undertaken resettlement planning to facilitate the resettlement of persons who have been displaced by natural causes, development</p>	<p>The section has excluded the role of the National Land Commission as envisioned in the Land Act in implementing settlement programmes to provide access to land for shelter and livelihood on behalf of the national and</p>	<p>The proposal is justified. Section 134 of the Land Act, 2012 provides that, 134. (1) The Commission shall, on behalf of the national and county governments, implement settlement</p>	<p>Comment on Proposed amendment agreed to</p>

		projects, conservation, internal conflicts or other such causes that may lead to movement and displacement.	country governments.	programmes to provide access to land for shelter and livelihood. (2) Settlement programmes shall, for the purposes of this Act, include, but not be limited to provision of access to land to squatters, persons displaced by natural causes, development projects, conservation, internal conflicts or other such causes that may lead to movement and displacement. (3) The Commission shall, assist the national and county governments in the administration of settlement programmes.	
Section 17 (2)		The County executive committee member shall ensure that adequate participation on the matter of settlement	The term consultation limits the extent of participation.	There is no harm in redrafting the subsection to read as follows; "The CEC shall ensure that there are adequate consultations in accordance with principles of participation of the people, good	Comments on Proposed amendment agreed to

				governance, transparency and accountability through the duly designated representatives of the families to be resettled and the affected communities in the area where they are to be relocated.	
Section 20 (2)		The resettlement plan shall include; (f) Socio-economic analysis of what the affected may have.	There is need to have data on the socio-economic status of the affected persons.	It does no harm to include the proposal. However, we can also include the aspect of physical planning. A resettlement plan should also include appropriate physical planning.	Comment on Proposed amendment agreed to
Section 22		The Executive Committee Member in consultation with the Board of trustees established under the Land Laws Amendment Act, Section 90 shall oversee the development and implementation of the resettlement plan as provided by the Land Act.	This Committee has been established under the Land Laws Amendment Act 2012, that is, the Board of Trustees.	The amendment is in order. The Land Laws Amendment Act seeks to amend section 135 of the Land Act, 2012 as follows: The Board of Trustees shall- (a) be responsible for the provision of access to land – (i) to squatters; (ii) to displaced persons;	Comment on Proposed amendment agreed to

				(iii) for development projects; (iv) for conservation; or (v) such other causes that may lead to movement and displacement of persons; (b) purchase private land for settlement programmes; (c) coordinate the provision of shelter and a livelihood to persons in need of settlement programmes; and (d) perform any other function that may enhance the development and promotion of settlement programmes	
Section 23		The Executive Committee Member in consultation with the Committee shall cause the affected people to be resettled in the area at the time as provided by the Land Act.	Appointed term is relative.	The time within which the resettlement should occur ought to be specified to avoid abuse.	Comment or Proposed amendment agreed to
Section 28, 29 and 30		Delete the Sections	These components should inform the objects and principles of the Act.	It does no harm to include them in the principles as proposed (section 28 and 29) but the aspect of monitoring and reporting needs to remain as a	Comment or Proposed amendment agreed to

				section on its own as its imposing an obligation.	
Section 32 (2)		Delete the word “and” appearing immediately after the words “commits an offence”	This Section needs to consider aspects of proportionality to offence.	Agreed. The “or” appearing before the words “commits an offence” should also be deleted.	Comment on Proposed amendment agreed to
Section 34		The Section should be deleted.	County legislations do not take precedence over national legislations.	Agreed.	Agreed to

4.0 RESOLUTION

Based on the above stake holder matrix justification, the Committee found the Nairobi City County Evictions, Resettlement and Demolitions Control Bill 2020 to be holistically impractical and containing fundamental ambiguities and omissions to warrant it's proceeding to the next stage. The Committee directed that the only way to reconsider a Bill on evictions, resettlement and demolitions is by introducing a totally different, comprehensive and practical Bill on the same. The County Executive should engage with Bill drafters so that a Bill that is holistic regarding matters demolitions and evictions is generated.

The Bill therefore stands withdrawn and should be considered for expert redrafting.

NAIROBI COUNTY ASSEMBLY

SECOND ASSEMBLY

FIFTH SESSION

MINUTES No.01/JUL/21 ON CONSIDERATION OF THE NAIROBI CITY
COUNTY EVICTIONS, RESETTLEMENT AND DEMOLITIONS BILL 2020.
COMMITTEE ON PLANNING AND HOUSING VIRTUAL MEETING HELD ON
MONDAY 26TH JULY 2021 AT 10.30 AM

MEMBERS PRESENT

1. **Hon. Benson Mwangi, MCA– Ag. Chairperson**
2. Hon. Millicent Okatch, MCA
3. Hon. Elias Okumu, MCA
4. Hon. Ruth Ndumi, MCA
5. Hon. Wilfred Odalo, MCA
6. Hon. Leah Supuko, MCA
7. Hon. Waithera Chege, MCA
8. Hon. Peter Imwatok, MCA
9. Hon. Jacinta Wanjiru, MCA
10. Hon. Silvia Museiya, MCA
11. Hon. Patricia Mutheu, MCA
12. Hon. Hafsa Khalif, MCA
13. Hon. Geoffrey Majiwa, MCA
14. Hon. Kennedy Obuya, MCA
15. Hon. David Ayoi, MCA

MEMBERS ABSENT

1. Hon. Mark Ndung'u, MCA
2. Hon. Alvin Palapala, MCA
3. Hon. Osman Khalif, MCA
4. Hon. Jared Okode, MCA
5. Hon. Naftali Ogola, MCA
6. Hon. Abdi I. Hassan, MCA
7. Hon. Wanjiru Kariuki, MCA
8. Hon. Paul Kados, MCA
9. Hon. David Mberia, MCA

AGENDA

- 1. Preliminaries (Prayers & adoption of the Agenda)***
- 2. Consideration Of The Nairobi City County Evictions, Resettlement And Demolitions Bill 2020***
- 3. A.O.B***
- 4. Adjournment***

MIN01/P&H/ERD-VIRT/JUL21 -PRELIMINARIES

Quorum was realized at 10.43am. The Chair opened the meeting with a word of prayer, welcomed Members to the meeting and proceeded to call for adoption of the agenda. The agenda was adopted with the proposer being Hon. Millicent Okatch and seconder Hon. Silvia Museiya.

MIN02/P&H/ERD-VIRT/JUL21 – CONSIDERATION OF THE NAIROBI CITY COUNTY EVICTIONS, RESETTLEMENT AND DEMOLITIONS BILL 2020

The Committee Clerk presented the report to the Committee, along with the matrix for the memoranda received from stakeholders.

After reviewing the stakeholder matrix, the Committee agreed that the Nairobi City County Evictions, Resettlement, and Demolitions Control Bill 2020 is holistically impractical and contains too many ambiguities and omissions to move forward to the next stage.

The Committee directed that the only way to reconsider a Bill on evictions, resettlement, and demolitions is to introduce a completely new, comprehensive, and practical Bill on the subject. The bill to be withdrawn for redrafting. The Bill sponsor to be notified of the decision.


The report was adopted with the Proposer being Hon. Millicent Okatch and Secunder Hon. Jacinta Wanjiru

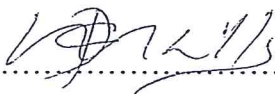
Committee was informed of an upcoming retreat organized by the County Executive to jointly consider the Report on The Draft New Valuation Roll 2019. The dates will be mentioned later.

MIN04/P&H/ERD-VIRT/MAR21 -ADJOURNMENT

There being no other business, The Chair adjourned the meeting at 11.51am. Date of next meeting will be on Monday 2nd August 2021 at 11.00am via zoom platform.

CONFIRMED AS TRUE RECORDS OF THE PROCEEDINGS

HON. BENSON MWANGI  DATE 28TH JULY 2021

JOSHUA MBILA  DATE 08/07/21

