

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(SECOND SESSION)



NCCA/TJ/PL/2023(81)

18TH OCTOBER 2023

PAPER LAID

SUBJECT: REPORT OF COMMITTEE

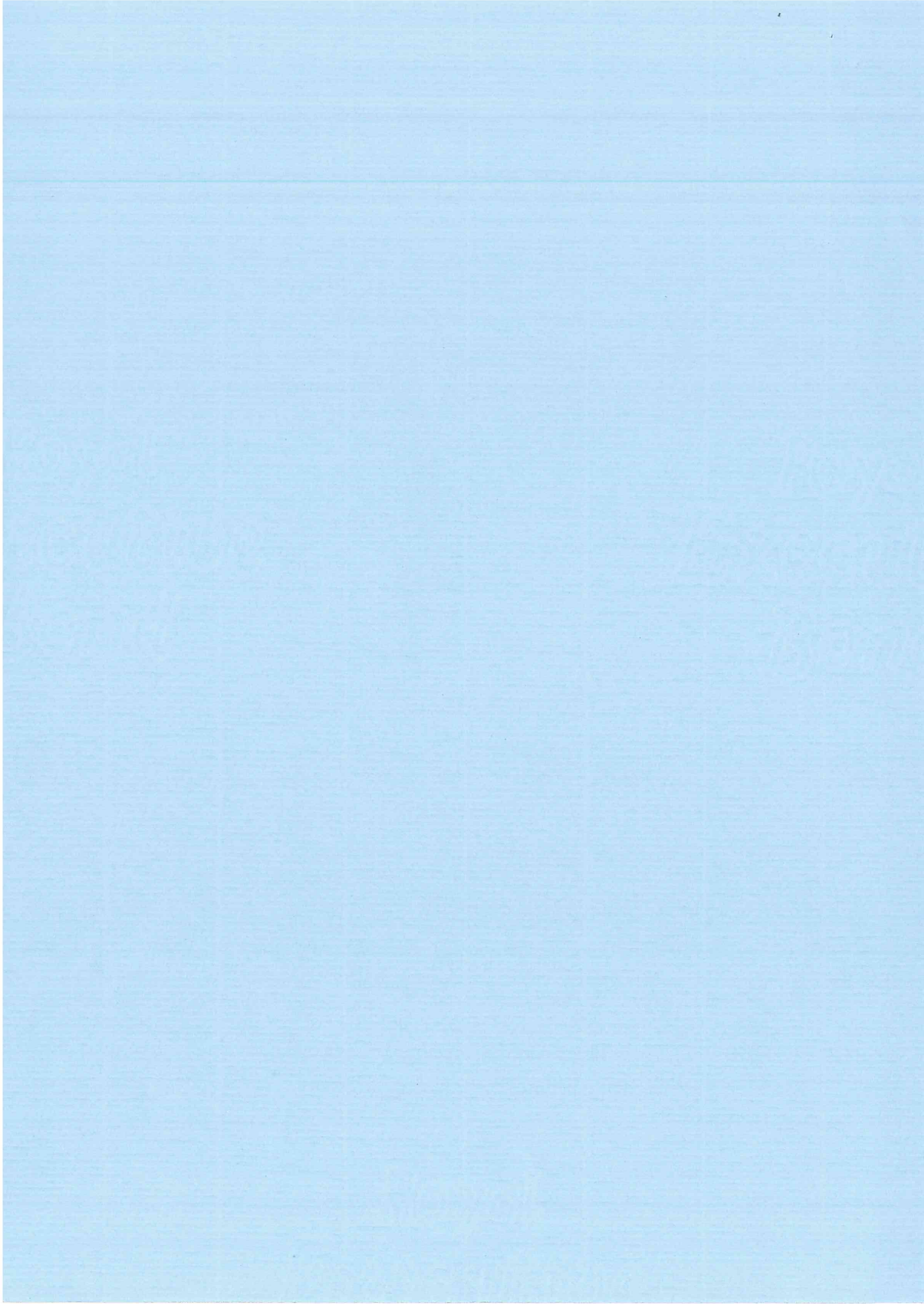
Pursuant to Standing Order 196, I beg to lay the following Paper on the Table of this Assembly, today Wednesday 18th October 2023:

- **REPORT OF THE SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING ON PETITION BY CALIFORNIA ESTATE RESIDENTS ON CONVERSION OF THE EXISTING NEW PUMWANI SOCIAL RENTAL TENANTS OF NAIROBI CITY COUNTY FROM RENTAL TO A TENANT PURCHASE SCHEME.**

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

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

*Paper laid by Hon. H. N. Pulepale
18th October 2023
H. N. Pulepale
18/10/2023*



NAIROBI CITY COUNTY



*Paper
for
on
hand
18th
by
Palapala
18th October 2023*

NAIROBI CITY COUNTY ASSEMBLY
THIRD ASSEMBLY - SECOND SESSION

REPORT OF THE SECTORAL
COMMITTEE ON PLANNING AND HOUSING
ON
THE PETITION BY CALIFORNIA ESTATE RESIDENTS ON CONVERSION OF
THE EXISTING NEW PUMWANI SOCIAL RENTAL TENANTS OF NAIROBI
CITY COUNTY FROM RENTAL TO A TENANT PURCHASE SCHEME

CLERKS' CHAMBERS
NAIROBI CITY COUNTY ASSEMBLY
CITY HALL BUILDINGS
NAIROBI

OCTOBER 2023

TABLE OF CONTENTS

<u>1.0 PREFACE</u>	3
<u>1.1. Establishment and Mandate of the Committee</u>	3
<u>2.0 INTRODUCTION</u>	7
<u>3.0 CONSIDERATION OF THE PETITION</u>	8
<u>4.0 COMMITTEE OBSERVATIONS</u>	10
<u>5.0 RECOMMENDATIONS</u>	10

ANNEX I: Committee Minutes

ANNEX II: Copy of the Petition

1.0 PREFACE

1.1. Establishment and Mandate of the Committee

01. The Sectoral Committee on Planning and Housing is established pursuant to 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.*

02. 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.*

1.2. Committee Membership

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

1.3. Presentation and Committal of the Petition

Hon. Speaker,

04. Pursuant to Standing Order No. 219, the Hon. Speaker on Thursday 22nd June 2023 presented to the House a Petition on behalf of California Estate residents (kamukunji Sub County) regarding the conversion of the existing New Pumwani Social Rental Tenants of Nairobi City County from rental to a tenant purchase

scheme. The California Estate residents made the following prayers that the Nairobi City County Assembly intervenes to ensure that:-

- (i) The current Resident Rental Tenants of New Pumwani Estate enjoy the benefit of the Nairobi City County affordable housing program i.e by converting the existing New Pumwani Social Rental Tenants scheme to Tenant Purchase Scheme; and
- (ii) The County Government takes any other measures to protect the right to accessible and adequate housing for the Resident Rental Tenants of New Pumwani Estate.

Hon. Speaker,

05. The Petitioners' prayers are based on the fact that Article 43 (b) of the Constitution guarantees every person the right to accessible and adequate housing.

06. Pursuant to Standing Order 221, the Petition was committed to the Sectoral Committee on Planning and Housing to inquire into the issues raised and report to the Assembly.

Hon. Speaker,

07. The Committee observed that this was a matter that touches on the rights to accessible and adequate housing stipulated in Article 43 (b) of the Constitution, and therefore resolved to consider the Petition on its own merit by comparing the facts as presented by the Petitioners against the relevant provisions of the law as regards the Urban Renewal program initiative to develop decent and affordable housing for citizens of Nairobi.

Hon. Speaker,

08. The Committee having reviewed the Petition, the facts presented therein and the law, resolved to have a meeting with Petitioners and the County Executive on Tuesday 18th July 2023 where the Petition was discussed and satisfactorily concluded in favour of the Petitioners.

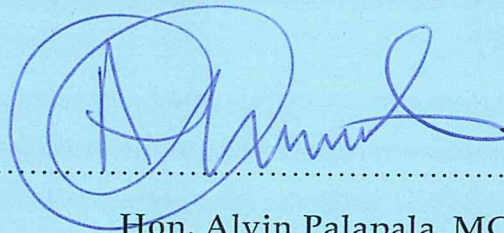
Hon. Speaker,

09. 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.

10. It is my honor and pleasure on behalf of the Committee to present this Petition by California Estate residents regarding the conversion of the existing New Pumwani Social Rental Tenants of Nairobi City County from rental to a tenant purchase scheme.

Thank You.

SIGNED



Hon. Alvin Palapala, MCA
(CHAIRPERSON)

DATE. 17/10/23

2.0 INTRODUCTION

11. Pursuant to Standing Order No. 219, the Hon. Speaker on Thursday 22nd June 2023 presented to the House a Petition on behalf of California Estate residents (kamukunji Sub County) regarding the conversion of the existing New Pumwani Social Rental Tenants of Nairobi City County from rental to a tenant purchase scheme.

12. Pursuant to Standing Order 221, the Petition was committed to the Sectoral Committee on Planning and Housing to inquire into the issues raised and report to the Assembly.

13. In the Petition, the Petitioners averred that:-

THAT WHEREAS, Article 62 of the Constitution of Kenya provides that public land shall vest in and be held by a County Government in trust for the people resident in the county and may be administered by the National Land Commission on behalf of the County Government;

THAT WHEREAS, Article 43 (b) of the Constitution further guarantees every person the right to accessible and adequate housing, and to reasonable standards of sanitation;

THAT WHEREAS, the County Government of Nairobi City in its pursuit to actualize the right to housing for the residents of the City initiated the urban renewal program aimed at developing decent and affordable housing units particularly in the County owned Estates;

THAT WHEREAS, a feasibility report on the implementation of urban renewal of Eastlands in Nairobi by Real Plan Consultants exempted Pumwani Estate from the urban renewal program since in the report the Houses in Pumwani Estate were found to be in good condition and could only be renovated as and when need arise;

THAT WHEREAS, in the above circumstances, the current Resident Rental Tenants of New Pumwani Estate are likely not to benefit from the urban renewal program since they are unable to purchase the units they are currently renting

unlike is the case in other Estates undertaking the affordable housing projects where the tenants would have the opportunity to own the houses;

THAT WHEREAS, the Resident Rental Tenants of New Pumwani Estate also aspire to own the houses under a similar arrangement as is the case with other tenants in Estates undertaking the urban renewal program; and

AND WHEREAS, all the matters in respect of which the petition is raised are not pending before any court of law or constitutional body and the petitioners' efforts to directly engage the County Executive on this matter have not been fruitful.

3.0 CONSIDERATION OF THE PETITION

14. The Committee held its meeting with the County Executive and the Petitioners on Tuesday 18th July 2023 where it received submissions from both the Petitioner's and County Executive.

3.1 Submissions from California Estate Residents

15. When given the opportunity to present their submissions, the Chairperson of California estate resident's Association informed the sitting that they have occupied the County houses for a long period of time and that they were disturbed that during a feasibility study, the County omitted their Estate from the Urban Renewal programme citing that the houses were in good condition.

16. They are aware that the County Urban Renewal programme is a scheme that will allow tenants to rent and own the houses after a period of time and they are asking that their estate also be considered for the same rent-to-own scheme.

3.2 Submissions from CECM Built Environment & Urban Planning and Chief Officer Housing

17. In their submissions regarding the subject matter of the Petition, the CECM Built Environment & Urban Planning and Chief Officer Housing responded as follows:-

- a) The New Pumwani/California Estate, neighbors Moi Airbase and occupies an area 10.4Ha. The major land use in the estate is housing shared between Nairobi County and Private developer's as highlighted in the Eastland's Urban Renewal program; and

- b) The proposed New Pumwani Housing project comprises of 224 units as follows;-

ESTATE	NO OF UNITS	TYOLOGIES	NO	RENT PER MONTH	TOTAL RENT PER MONTH	ANNUAL RENT
NEW PUMWANI	224	One bedroom	31	4,500	139,500	1,674,000
		One bedroom (corner)	193	5,000	965,000	11,580,000
		Total	224		1,104,500	13,254,000

18. Nairobi City County Government (NCCG) has earmarked all estates for redevelopment to provide additional housing for rental purposes and home ownership. This is in line with the Governments affordable housing agenda which has been necessitated by;-

- a) Increased levels of urbanization that have led to increased urban population; majority of who live in unsuitable human settlements;
- b) Limited supply of housing by both the National and Nairobi City County Government. The last development was in the 1980's despite increased levels of urbanization. Private sector housing supply in Nairobi has mainly targeted the high and higher middle income earners leaving the demand for low income earners and majority of the middle income earners unmet; and
- c) Underutilization of County land. Current housing development has not achieved optimal utilization of the land due to low densities and unmatched land values.

19. It is therefore against these backdrop that Nairobi City County Government has earmarked all its estates for redevelopment to facilitate redevelopment of more affordable homes for ownership and rental purpose. This is in line with the Urban Renewal and Regeneration Policy of 2018.

20. To guide development in Eastlands, Nairobi City County Government has also prepared the Eastland's Urban Renewal Plan with the support of World Bank through the State Department of Housing and Urban Development. However, the

implementation of this plan will be undertaken with consideration of other policies and guidelines.

21. It is important to note that all county tenants including those residing in New Pumwani/California will be given first priority to own homes in the redevelopment of the city through a Tenant Purchase Scheme that is more favorable.

4.0 COMMITTEE OBSERVATIONS

22. The Committee observed that the County Executive Committee Member for Built Environment & Urban Planning and the Chief Officer for Housing had no objections to the Petitioners' requests being granted.
23. It was also noted that the County Government, through its Urban Renewal programme, has considered the upgrade of majority of the city estates, particularly those in Eastlands region.

5.0 RECOMMENDATIONS

24. In view of the above findings, the Committee recommends that the County assembly resolves as follows:-
- i) ; -The County Executive to include the current Resident Rental Tenants of New Pumwani Estate in the ownership benefit of the Nairobi City County affordable housing program i.e by converting the existing New Pumwani Social Rental Tenants scheme to Tenant Purchase Scheme; and
 - ii) The County Government to protect the right to accessible and adequate housing for the Resident Rental Tenants of New Pumwani Estate and the City at large.

.....END.....

NAIROBI CITY COUNTY ASSEMBLY


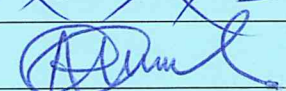


COMMITTEE ON PLANNING AND HOUSING

VENUE: ROOM 5

PARTICULARS: ADOPTION OF REPORT ON THE PETITION BY CALIFORNIA ESTATE RESIDENTS ON THE CONVERSION OF THE EXISTING NEW PUMWANI SOCIAL TENANTS FROM RENTAL TO A TENANT PURCHASE SCHEME.

DATE (dd/mm/yy): 17/10/2023

TIME:

S/NO	NAME	TIME IN	SIGN
1.	NASRA NANDA		
2.	Alvin Olando		
3.	FUAD HUSSEIN		FHM
4.	PETER Maina Mwangi		PM
5.	Kados Paul Kigunda		Pkados
6.	HANNAH WANJIRU		H.W.
7.	Jane Wanjiru		Jes
8.	NICHOLAS Juma		N. Juma
9.	Geophrey Mafuwa		
10.	Colins Ogenga		C.O.O
11.	PATRICK MWANGI MACHARIA		p.m.m
12.	Wanhera Okege		WC
13.	Francis Kimondo		FKK
14.	Paul Ngunjiri		P.N
15.	HASHIM Khamau		
16.			
17.			
18.			
19.			
20.			

21.			
22.			
23.			
24.			
25.			