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LEGAL NOTICE No. 2

**NAIROBI CITY COUNTY REGULATION OF UNAUTHORIZED
DEVELOPMENT ACT**

(No. 4 of 2025)

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NAIROBI CITY COUNTY REGULARIZATION OF UNAUTHORIZED DEVELOPMENT ACT

(No. 4 of 2025)

IN EXERCISE of the powers conferred by section 32 of the Nairobi City County Regularization of Unauthorized Act No. 4 of 2025, the County Executive Committee Member for Built Environment and Urban Planning makes the following Regulations —

THE NAIROBI CITY COUNTY REGULARIZATION OF UNAUTHORIZED DEVELOPMENT REGULATIONS, 2025

PART I—PRELIMINARY

Citation

1. These Regulations may be cited as the Nairobi City County Regularization of Unauthorized Developments Regulations, 2025 and shall come into operation upon publication in the *Kenya Gazette*.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Act” means the Nairobi City County Regularization of Unauthorized Developments Act, 2025;

“application” means an application for regularization made under section 8 of the Act;

“County Executive Committee Member” means the County Executive Committee Member responsible for Built Environment and/ Urban Planning;

“conditional approval” means an approval granted subject to the fulfillment of specified conditions within a stated timeframe;

“developer” means any person who has undertaken or is undertaking development whether authorized or unauthorized;

“development” has the meaning assigned to it in the Physical and Land Use Planning Act, 2019;

“enforcement notice” means a notice issued under the Physical and Land Use Planning Act, 2019 or the Act requiring cessation of unauthorized development or compliance with planning requirements;

“Liaison Committee” means the County Physical and Land Use Planning Liaison Committee established under section 78 of the Physical and Land Use Planning Act, 2019;

“occupier” means a person in actual occupation of land or a development, whether or not such person is the registered owner;

“owner” means the registered proprietor of land under the Land Registration Act, 2012;

“occupancy permit” means a permit issued under the Physical and Land Use Planning Act or any other applicable law allowing occupation of a building or structure;

“professional” means a person registered under any law regulating physical planners, architects, engineers, surveyors, quantity surveyors or plumbers and is in good standing with the relevant professional body;

“public participation” means the process of involving the public in decision-making in accordance with Article 10 and Article 196 of the Constitution;

“regularization” means the process of bringing unauthorized development into conformity with applicable laws and standards;

“structural integrity report” means a report prepared by a licensed structural engineer certifying the structural soundness and safety of a development;

“unauthorized development” has the meaning assigned to it under section 2 of the Act.

Object and Purpose

3. The Object and Purpose of this Regulation is to—
 - (a) provide a framework for the regularization of unauthorized developments in Nairobi City County;
 - (b) establish clear procedures and requirements for application of regularization;
 - (c) ensure public health, safety, and environmental standards are met;
 - (d) promote professional accountability in the regularization process;
 - (e) facilitate public participation in decision-making process;
 - (f) provide mechanisms for dispute resolution; and
 - (g) support the progressive upgrading of informal settlements.

PART II—PROCEDURAL AND ADMINISTRATIVE ISSUES

Notices to the General Public

4. (1) The County Executive Committee Member shall, from time to time, within the regularization period stated in the Act, publish public notices in at least two newspapers of national circulation and on the County website inviting applications for regularization.
 - (2) The notice under sub-regulation (1) above shall specify—
 - (a) the opening and closing dates for submission of applications;
 - (b) the prescribed application procedure;
 - (c) the required documentation;
 - (d) the applicable fees;
 - (e) the criteria for eligibility;
 - (f) contact information for inquiries;
 - (g) consequences of non – compliance; and
 - (h) guideline for submission of applications.

(3) The County Executive Committee Member may issue subsequent notices extending the application period or providing additional information as may be necessary.

(4) All notices issued under this Regulation shall be published in the official languages.

(5) An applicant shall respond to such notice within fourteen (14) days from the date of publication of the notice.

(6) Failure to respond to a notice under paragraph (3) shall warrant enforcement action in accordance with the Act and the Physical and Land Use Planning Act, 2019.

Application Procedure

5. (1) An application for regularization shall be made to the County Executive Committee Member through the prescribed form as set out in the Schedule to these Regulations.

(2) An application under sub-regulation (1) shall include the following—

(a) full particulars of the applicant including name, identification number, postal address, email address, and telephone contact;

(b) full particulars of the owner of the land or building where applicable;

(c) description and location of the development including the GPS coordinates;

(d) the nature and extent of the unauthorized development;

(e) the date when the development was commenced and completed;

(f) proposed remedial measures, if any; and

(g) consent of the landowner where the applicant is not the owner.

(3) Applications may be submitted electronically through a prescribed digital form or where not possible through physical forms, with a prior approval from the County Executive Committee Member.

(4) An application shall be accompanied by the prescribed fee.

(5) The County Executive Committee Member may require the applicant to provide additional information or documentation within the specified regularization period. Failure to provide requested information within the specified timeframe may result in rejection of the application.

(6) The County Executive Committee Member shall determine the application within sixty (60) days from the date of submission.

(7) Any application submitted outside the prescribed timelines in the Act shall be deemed ineligible for consideration.

Application for sub-division/amalgamation

6. (1) An application for regularization of subdivision/amalgamation may be accompanied by the following requisite documents—

(a) proof of ownership, including Title, Lease, Indenture, Allotment, or Share Certificate supported by affidavit;

(b) Documents confirming property boundaries; Survey Plan, Deed Plan, beacon certificate;

- (c) subdivision/amalgamation scheme signed by a registered physical planner and land owner;
 - (d) newspaper public notice;
 - (e) onsite public notice;
 - (f) planning brief by a registered physical planner;
 - (g) georeferenced location plan;
 - (h) topographical survey report;
 - (i) current Land Rates or Ground Rent Clearance Certificate or official receipt of payment;
 - (j) valid practicing certificates of the certifying professionals;
 - (k) consent letter from the registered land owner, where an occupier submits an application;
 - (l) a duly completed professional indemnity form indemnifying the County Government;
 - (m) GPS Co-ordinates; and
 - (n) clearance letter from relevant government agencies where applicable.
- (2) The County Executive Committee Member shall reject any application that does not meet the requirements under Regulation (1) (a) to (n) above.

Application for change of use/extension of use

7. An application for regularization of change of use/extension of use may be accompanied by the following requisite documents—

- (a) proof of ownership, including Title, Lease, Indenture, Allotment, or Share Certificate supported by affidavit;
- (b) documents confirming property boundaries; Survey Plan, Deed Plan, beacon certificate, approved subdivision or amalgamation plan;
- (c) newspaper public notice;
- (d) onsite public notice;
- (e) georeferenced location plan;
- (f) planning brief by a registered physical planner;
- (g) current Land Rates or Ground Rent Clearance Certificate or official receipt of payment;
- (h) valid practicing certificates of the certifying professionals;
- (i) consent letter from the registered land owner, where an occupier submits an application;
- (j) a duly completed professional indemnity form indemnifying the County Government;
- (k) clearance letter from relevant government agencies where applicable; and

(l) Letter of no objection where applicable.

(2) The County Executive Committee Member shall reject any application that does not meet the requirements under Regulation (1) (a) to (l) above.

Application or Building Plans

8. (1) An application for regularization of building plans may be accompanied by the following requisite documents —

- (a) proof of ownership, including Title, Lease, Indenture, Allotment, or Share Certificate supported by affidavit;
 - (b) documents confirming property boundaries; Survey Plan, Deed Plan, beacon certificate, approved subdivision or amalgamation plan;
 - (c) change of user approval where applicable;
 - (d) current Land Rates or Ground Rent Clearance Certificate or official receipt of payment;
 - (e) as-built architectural and structural drawings prepared and certified by registered professionals;
 - (f) comprehensive location plan with GPS coordinates;
 - (g) a structural integrity report certified by an architect and structural engineer;
 - (h) valid practicing certificates of the certifying professionals;
 - (i) consent letter from the registered land owner, where an occupier submits an application;
 - (j) a duly completed professional indemnity form indemnifying the County Government; and
 - (k) clearance letter from relevant government agencies.
- (3) The County Executive Committee Member shall reject any application that does not meet the requirements under regulation (1) (a) to (k) above.

Register of applications

1. (1) The County Executive Committee Member shall maintain a register of all applications received, decisions made, and conditions imposed.

(2) The register shall be digitized and made publicly accessible in accordance with the provisions of the Physical and Land Use Planning Act, Cap. 303.

(3) The register records shall contain —

- (a) the name and contact details of the applicant;
- (b) the nature of the development;
- (c) the location;
- (d) the date of submission of the application;
- (e) the status of the application;
- (f) the decision made (approval, conditional approval, refusal, or revocation);

- (g) date of the decision and any relevant conditions; and
 - (h) such other information as may be determined.
- (4) The County Executive Committee Member shall publish guidelines for public access to the register under sub-regulation (1).

(5) Any person may, upon payment of the prescribed fee as provided for in the Finance Act, obtain a copy of any entry in the register subject to the provisions of the Data Protection Act, Cap. 411C.

Communication

10. (1) All communication notices and decisions under these Regulations may be effected—

- (a) through the official online portal of the County Government;
 - (b) by physical service at the last known address of the applicant;
 - (c) by electronic mail to the address provided by the applicant; or
 - (d) by registered post to the last known address of the applicant.
- (2) Electronic service under 1) (a) and (c) shall be deemed effective upon transmission.

Public participation

11. (1) Where the County Executive Committee Member has found that the application has significant planning implications, the County Executive Committee Member shall for purposes of facilitating public participation cause a public notice to be published in a newspaper of national circulation and on the County Government website.

- (2) Public participation shall involve—
- (a) publication of a notice of the application on the County website;
 - (b) display of the notice at the County offices;
 - (c) notification to owners and occupiers of adjacent properties; and
 - (d) invitation for public comments within a specified period of not less than fourteen (14) days.
- (3) The notice under sub regulation (1) shall specify—
- (a) the nature and location of the proposed regularization;
 - (b) the name of the applicant;
 - (c) the nature of the application;
 - (d) the period within which comments may be submitted;
 - (e) the manner of submitting comments;
 - (f) where the application documents may be inspected; and
 - (g) where the objections shall be submitted.
- (4) The notice shall invite objections within fourteen (14) days.

(5) The County Executive Committee Member shall consider all objections received prior to making a determination.

Objections

12. (1) Any person aggrieved by an application for regularization may lodge an objection with the County Executive Committee Member within the period specified in the public notice.

- (2) An objection shall—
 - (a) be in writing and signed by the objector;
 - (b) state the name and contact details of the objector;
 - (c) state the grounds of objection with particularity; and
 - (d) be accompanied by any supporting documents where applicable.
- (3) The County Executive Committee Member shall within thirty (30) days consider all objections received and may—
 - (a) uphold the objection;
 - (b) dismiss the objection;
 - (c) approve the application
 - (d) request for additional information; or
 - (e) give such decision as may consider appropriate in the circumstances.

(4) The County Executive Committee Member may, before determining an objection, invite the objector and the applicant to a meeting for purposes of negotiation and alternative dispute resolution.

(5) The County Executive Committee Member shall communicate the decision on objections to both the applicant and objector within fourteen (14) days of making the decision.

(6) Where significant objections are raised, the County Executive Committee Member may convene a public hearing to allow affected parties to be heard.

PART III—CRITERIA FOR CONSIDERATION

Criteria for determination

13. (1) In determining an application for regularization, the County Executive Committee Member shall have regard to—

- (a) conformity with the Nairobi Integrated Urban Development Master Plan and any approved local physical or land use plan and Regulations under the Physical and Land Use Planning Act, Cap. 303;
- (b) compliance with structural and safety standards under the Building Code, 2024 and any other relevant law;
- (c) adequacy of access for fire safety, emergency response, and public utilities;
- (d) compliance with sanitation, drainage, and environmental standards;
- (e) provision of public amenities and open spaces, where applicable;

- (f) results of public participation;
- (g) development control guidelines issued by the County Government;
- (h) the impact of the development on neighboring properties and the general public;
- (i) availability of infrastructure and essential services;
- (j) compliance with zoning and density requirements;
- (k) economic and social impact of regularization or demolition; and
- (l) any other relevant considerations under the Act or any other written law.

Ineligible developments

14. (1) The following developments shall not be eligible for regularization—
- (a) developments located on road reserves, riparian reserves, sewer wayleaves, or public utility land, except where written consent has been obtained from the relevant authority;
 - (b) developments situated within environmentally sensitive areas, including wetlands, forests, water catchment areas, and areas declared as protected under any written law;
 - (c) developments situated within restricted or security installations declared under any written law;
 - (d) developments subject to existing court orders prohibiting their continuation;
 - (e) developments encroaching on public land without lawful authority;
 - (f) developments deemed unsafe or hazardous by the County Executive Committee Member following a technical inspection;
 - (g) developments involving land whose ownership is disputed or subject to litigation;
 - (h) developments that are incompatible with the approved land use for the area.
 - (i) developments on public open spaces and recreational grounds ;
 - (j) developments that have been the subject of a court order for demolition;
 - (k) developments undertaken after commencement of the Act and these Regulations;
 - (l) developments used for illegal activities ;
 - (m) developments that violate any other written law; and
 - (n) such other developments as the County Executive Committee Member may determine.

(2). Where an application is declared ineligible under sub-regulation (1), the County Executive Committee Member shall issue a written notice to the applicant stating the reasons for the decision.

(3) A development declared ineligible under this regulation shall be subject to enforcement action in accordance with the Act and the Physical and Land Use Planning Act, Cap. 303.

Conditional approvals

15. (1) The County Executive Committee Member may grant conditional approval where—

- (a) full compliance can be secured through remedial works or modifications;
 - (b) the applicant undertakes to provide additional infrastructure or mitigation measures; or
 - (c) additional documentation is required to complete the assessment.
- (2) A conditional approval under paragraph (1) shall specify—
- (a) the conditions imposed;
 - (b) the timeframe for compliance with each condition;
 - (c) the procedure for verification of compliance; and
 - (d) the consequences of non-compliance, including revocation of the approval.

(3) The applicant shall notify the County Executive Committee Member in writing upon fulfillment of the conditions imposed.

(4) The County Executive Committee Member shall, within thirty (30) days of notification under sub regulation (3), inspect the development and verify compliance.

(5) the County Executive Committee Member is satisfied that all conditions have been met, the County Executive Committee Member shall issue a certificate of compliance.

(6) an applicant fails to comply with the conditions within the specified timeframe, the conditional approval shall lapse and enforcement action may be taken.

Consequences of regularization

16. (1) Regularization of a development shall abate enforcement or prosecution proceedings relating to planning and development control under the Physical and Land Use Planning Act, Cap.303, once compliance with these Regulations is confirmed.

(2) Regularization does not—

- (a) extinguish or determine ownership disputes or issues relating to land title or boundary disputes, which shall remain subject to resolution under the relevant laws;
- (b) absolve registered professionals who certified or submitted documents from personal and professional accountability under their respective statutes and codes of conduct;
- (c) validate fraudulent, false, or misleading submissions;
- (d) exempt developers from compliance with subsequent laws, regulations, or county planning instruments;
- (e) validate any illegal transfer of land;

- (f) confer any rights over public land;
 - (g) prejudice the rights of third parties;
 - (h) exempt the developer from liability for any damage caused during the unauthorized development; or
 - (i) exempt the developer from payment of applicable fees and charges.
- (3) Where fraudulent, false, or misleading submissions are discovered after regularization, the County Executive Committee Member shall—
- (a) revoke the approval immediately;
 - (b) initiate legal action against the applicant and any complicit professionals; and
 - (c) refer the matter to the relevant professional regulatory bodies for disciplinary action.
- (4) A development that fails to achieve compliance within three (3) years from the date of enactment of the Act may be subject to demolition in accordance with the Act.

Integration into County plans

17. Regularized developments shall be incorporated into county planning instruments, including zoning maps, development plans, registers, and infrastructure plans.

PART IV — PROFESSIONAL ACCOUNTABILITY AND TECHNICAL STANDARDS

Certification by professionals

- (2) Every application for regularization shall be accompanied by certifications from registered/licensed professionals in the relevant disciplines.
- (3) All certifications under paragraph (1) shall be signed and sealed by—
- (a) a registered physical planner;
 - (b) a registered architect; and
 - (c) a registered structural engineer;
- (3) Certifications shall be accompanied by copies of valid practicing licenses issued by the relevant regulatory bodies.
- (4) The certification shall confirm—
- (a) that the professional has inspected the development;
 - (b) the as-built drawings accurately represent the development;
 - (c) the development complies or can be made to comply with applicable technical standards; and
 - (d) any recommended remedial works are adequate to ensure safety and compliance
- (5) A professional shall not certify an application that does not meet the required standards or that cannot be retrofitted.
- (6) False certification shall constitute professional misconduct and shall be reported to the relevant professional regulatory body.

Professional accountability

19. (1) Every application shall be accompanied by a duly completed professional indemnity form in Form C set out in the Third Schedule to these Regulations.
- (2) The professional indemnity form under sub-regulation (1) shall commit the certifying professionals to—
 - (a) the accuracy and truthfulness of all certifications and submissions;
 - (b) compliance with applicable laws, regulations, and professional codes of conduct; and
 - (c) indemnification of the County Government against any liability arising from false or negligent certifications.
- (3) A professional who makes a false declaration or misrepresentation in an application for regularization commits an offence under section 72 of the Physical and Land Use Planning Act, 2019.
- (4) The County Executive Committee Member shall refer any suspected professional misconduct to the relevant professional regulatory body for investigation and disciplinary action.
- (5) Regularization under these Regulations does not absolve professionals from civil or criminal liability arising from their certifications.
- (6) The County Executive Committee Member shall maintain a record of all professionals who have certified applications and may decline to accept certifications from professionals who have a history of false or inadequate certifications.

Structural and safety standards

20. (1) Every application for regularization shall be accompanied by a structural integrity report prepared by a licensed structural engineer.
- (2) The structural integrity report under paragraph (1) shall address—
 - (a) the structural soundness of the development;
 - (b) foundation adequacy and load-bearing capacity;
 - (c) compliance with Euro Code structural design standards or equivalent standards approved by the Kenya Bureau of Standards;
 - (d) identification of any structural deficiencies; and
 - (e) recommendations for remedial works, where necessary.
- (3) The County Executive Committee Member shall cause a statutory audit to be conducted by County technical officers to validate the findings of the structural integrity report.
- (4) Where structural deficiencies are identified, the applicant shall carry out structural strengthening or retrofitting works and obtain certification of completion before regularization is granted.
- (5) All structures shall demonstrate compliance with the Building Code, 2024 and other applicable building standards.

- following structural and safety standards—
- (a) structural stability as certified by a registered structural engineer;
 - (b) adequate foundation capable of supporting the structure;
 - (c) compliance with seismic design requirements;
 - (d) adequate means of escape in case of emergency;
 - (e) compliance with accessibility standards;
 - (f) adequate natural lighting and ventilation; and
 - (g) weather-proofing and water-tightness.
- (7) Where a development does not meet the standards under sub-section (1), the applicant shall undertake remedial works as specified by the relevant professional.
- (8) Remedial works shall be supervised by the certifying professional and shall be subject to inspection by the County technical officers from the Built Environment.

Building services and fire safety

21. (1) Every application for regularization shall meet the fire and safety requirements.
- (2) All developments shall provide—
 - (a) adequate and clearly marked escape routes;
 - (b) fire hydrants and extinguishers at strategic points;
 - (c) smoke detectors and alarm systems, where applicable; and
 - (d) such other fire safety measures as may be required under the Fire Safety Act or any other written law.
 - (3) Fire safety provisions shall include—
 - (a) adequate means of escape;
 - (b) fire detection and alarm systems;
 - (c) fire-fighting equipment appropriately located;
 - (d) emergency lighting and signage;
 - (e) fire-resistant construction where required;
 - (f) compartmentation of fire risks; and
 - (g) fire safety management plan.
 - (4) All electrical and mechanical installations shall comply with—
 - (a) requirements of the Kenya Power and the Energy and Petroleum Regulatory Authority;
 - (b) the Institution of Electrical Engineers Wiring Regulations;
 - (c) relevant standards issued by the Kenya Bureau of Standards; and
 - (d) the Building Code, 2024.

(5) A certificate of compliance for electrical installations shall be issued by a licensed electrical engineer and approved by the Kenya Power.

Public health and environmental requirements

22. (1) All developments shall comply with public health sanitation and housing/building requirements under the Public Health Act, Cap. 242 and regulations made thereunder.

(2) Every development shall comply with public health requirements including:

- (a) adequate sanitation facilities;
- (b) safe water supply;
- (c) proper waste disposal arrangements;
- (d) vector control measures;
- (e) prevention of pollution and nuisance; and
- (f) adequate ventilation and daylighting.

(3) Every development shall comply with the following Environmental health requirements—

- (a) a solid waste management plan in accordance with County guidelines;
- (b) a plumber's certification report confirming adequacy, proper supervision, and compliance of all plumbing works;
- (c) an environmental impact assessment or environmental audit report, where required under the Environmental Management and Coordination Act, Cap. 387;
- (d) compliance with environmental impact assessment requirements where applicable;
- (e) implementation of environmental management plans;
- (f) proper handling and disposal of hazardous materials;
- (g) protection of riparian areas and wetlands;
- (h) tree preservation and landscaping; and
- (i) energy efficiency measures where feasible.

Exclusions from regularization on technical grounds

23. (1) Notwithstanding any other provision of these Regulations, a development shall be declared ineligible for regularization where—

- (a) it poses an irreparable public safety hazard and is structurally unsound beyond remedy;
- (b) it encroaches on protected heritage sites, roads, utility wayleaves, riparian reserves, wetlands or environmentally sensitive areas;
- (c) it fails to meet minimum health, safety, and environmental standards, even after remedial interventions;
- (d) ownership is disputed or questionable; or

- (e) public land is required to be reserved for purposes of planning and provision of public amenities and utility services.

Provision for public amenities

24. (1) Where a development has compromised access to public amenities or utilities, the County Executive Committee Member may require the applicant to—
- (a) surrender a portion of land for creation of access roads, waste disposal facilities, or public spaces;
 - (b) observe mandatory setbacks from boundaries and public infrastructure; or
 - (c) undertake any other measures necessary to mitigate the impact of the development.
- (2) The requirements under sub-regulation (1) shall be specified in the conditional approval and shall be fulfilled before final regularization is granted.

PART V—FINANCIAL PROVISIONS

Prescribed fees

- 25 (1) Every application for regularization shall be accompanied by payment of the prescribed fees as set out in the Fourth Schedule of these Regulations.
- (2) The County Executive Committee Member Finance shall, in accordance with the Nairobi City County Finance Act, publish and revise the schedule of fees payable for regularization.
- (3) Regularization fees shall be calculated based on—
 - (a) the plinth area of the development;
 - (b) the construction value;
 - (c) the nature and extent of the unauthorized development; and
 - (d) such other factors as the County Executive Committee Member may determine.
 - (4) The formula for the calculation of regularization fees shall be—
 - (a) Building Plan: Regularization Fee = (Plinth Area × 45,000 × 0.5%)
 - (b) Change of User = Double Fees (81,000, 121,000 depending on zones)
 - (c) Other fees shall be doubled:Provided that the County Executive Committee Member may vary the formula to reflect changes in construction costs and economic conditions.
 - (5) In addition to regularization fees, an applicant shall pay all statutory fees, levies, and charges applicable to the development, including—
 - (a) land rates;
 - (b) ground rent;
 - (c) building plan approval fees;
 - (d) subdivision or amalgamation fees;

- (e) change of use/extension of use; and
 - (f) any other fees prescribed under any written law.
- (6) Payment shall be made through the official County Government revenue collection system. The schedule of fees may be reviewed annually by the County Executive Committee Member.

Waivers and reductions

26. The County Executive Committee Member may, on the recommendation of the County Executive Committee Member for Finance and Economic Planning and may, grant waivers or reductions of fees in cases involving—

- (a) low-income housing developments;
 - (b) informal settlement upgrading projects;
 - (c) developments of significant public interest;
 - (d) vulnerable groups including persons with disability;
 - (e) developments of social or public benefit; or
 - (f) such other cases as may be deemed deserving.
- (2) Any waiver or reduction granted under sub-regulation (1) shall be—
- (a) published in the *Kenya Gazette*; and
 - (b) subject to such conditions as the County Executive Committee Member may impose.
- (3) A waiver or reduction shall not exceed fifty percent of the prescribed fees unless the County Executive Committee Member approves a higher percentage.
- (4) An application for waiver or reduction shall be made in writing and accompanied by supporting documents demonstrating eligibility.
- (5) The County Executive Committee Member shall make a decision on the application within thirty (30) days of receipt.
- (6) The County Executive Committee Member shall maintain a record of all waivers and reductions granted.

PART VI—ENFORCEMENT AND COMPLIANCE

Enforcement procedures

27. (1) Where a person fails to comply with these Regulations or with conditions imposed in a conditional approval, the County Executive Committee Member may issue an enforcement notice requiring compliance within a specified period.
- (2) An enforcement notice under sub-regulation (1) shall—
- (a) be in Form D or such other prescribed form;
 - (b) specify the nature of the contravention;
 - (c) state the remedial action required;
 - (d) specify the period within which compliance is required, being not less than thirty (30) days; and

- (e) state the consequences of non-compliance.
- (3) Where a person fails to comply with an enforcement notice, the County Executive Committee Member may—
 - (a) revoke any approval granted;
 - (b) institute prosecution in accordance with the Act;
 - (c) issue a demolition order;
 - (d) issue a halt order ; or
 - (e) take such other action as may be appropriate.
- (4) A demolition order shall—
 - (a) be issued in writing;
 - (b) specify the development to be demolished;
 - (c) provide for evacuation protocols and safety measures;
 - (d) allow a minimum notice period of thirty days before demolition; and
 - (e) comply with the provisions of the Act and any other applicable law.
- (5) The County Executive Committee Member shall ensure that all enforcement actions are carried out in a manner that respects human rights and dignity.

Temporary occupation permits

- 28. (1) The County Executive Committee Member may issue a temporary occupation permit where—
 - (a) safety standards have been met;
 - (b) the development is structurally sound; and
 - (c) the applicant is in the process of complying with conditions imposed.
- (2) A temporary occupation permit shall—
 - (a) be valid for such period as the County Executive Committee Member may specify but not exceeding one year;
 - (b) be renewable upon application subject to fulfilling the conditions set out;
 - (c) specify conditions to be fulfilled during the validity period; and
 - (d) state that failure to comply with conditions may result in revocation.
- (3) A temporary occupation permit does not constitute final regularization and may be revoked at any time if conditions are not met.
 - (4) A temporary occupation permit may be revoked where—
 - (a) the developer fails to make satisfactory progress in fulfilling conditions;
 - (b) the developer violates any term of the permit; or
 - (c) new information reveals that the development is unsafe.
 - (5) Revocation of a temporary occupation permit shall require the developer to cease occupation immediately.

Professional sanctions

29. (1) Regularization under these Regulations does not absolve professionals from liability for negligent or fraudulent certification.
- (2) Where a professional is found to have made false, negligent, or fraudulent certifications, the County Executive Committee Member may—
 - (a) refer the matter to the relevant professional regulatory body for disciplinary action;
 - (b) report the matter to law enforcement agencies for investigation and prosecution.
 - (3) A professional found guilty of misconduct under this regulation shall be barred from submitting applications for regularization for a period determined by the County Executive Committee Member Built Environment and Urban Planning.

PART VII—DISPUTE RESOLUTION

Appeals

30. (1) A person who wishes to file an appeal against the decision of the County Executive Committee Member regarding the application for development permission may appeal to the County Physical and land use Planning Liaison Committee within fourteen (14) days of the decision.
- (2) A person who wishes to appeal against the decision of the County Physical and land use Planning Liaison Committee shall only do so after exhausting the internal process of the County.
- (3) Despite sub-regulation (1) the County Physical and land use Planning Liaison Committee may on the written request of a party allow a person to file an appeal out of time if the Committee determines that the circumstances warrant it.
- (4) An appeal under these regulations shall be in a prescribed Form as set out in the schedule and shall specify—
 - (a) name of the appellant;
 - (b) the decision being appealed from;
 - (c) the grounds of the appeal;
 - (d) the documents in support of the appeal;
 - (e) the prayers sought; and
 - (f) the contact details of the appellant.
- (5) An appeal may be filed by the appellant in person or through a representative.
- (6) The decision of the County Physical and Land Use Planning Liaison Committee shall be final unless appealed to the National Land Use Planning Appeals Tribunal within the prescribed time.

Declaration of personal interest

31. (1) A member of the County Physical and Land Use Planning Liaison Committee, who has an interest in a matter being considered by that committee, shall disclose that interest at the meeting in which that matter is being considered.

(2) A member of a Physical and Land Use Planning Liaison Committee who makes a disclosure under sub regulation (1) shall not take part in any proceedings related to that matter.

(3) A member of a physical and land use planning liaison committee who does not disclose an interest as required under this regulation commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two months or to both.

Hearings

32. (1) The County Physical and land use Planning Liaison Committee may before determining an appeal hold a hearing on an appeal.

(2) Where the Committee holds a hearing, it shall notify the parties to the appeal in writing of the date, time and venue of the hearing in a Form as set out in the Schedule.

(3) A person who has been summoned to appear before the Committee may do so in person or through a representative or through any form of communication that the Committee may permit.

(4) The Committee may require a person summoned under sub-regulation (2) above to produce or deliver any document in accordance with the direction of the Committee.

(5) Where, after being notified of the hearing under sub-regulation (2), a party fails to attend the hearing, the Committee may—

- (a) adjourn the hearing to another date, which date shall be notified to the parties; or
- (b) conduct the hearing in the absence of the party.
- (6) A person who contravenes the provisions of sub-regulation (3) and (4) above commits an offence and is liable on conviction to a fine not exceeding twenty-five thousand shillings.

Determination of appeals

33. (1) The County Physical and land use Planning Liaison Committee shall determine the appeal within thirty (30) days after filing of the appeal.

(2) Where the Committee fails to determine the appeal within the period specified in sub-regulation (1) above, it shall notify in writing the parties to the appeal of the reasons for the delay.

- (3) The Committee may determine the appeal in any of the following ways—
 - (a) uphold the decision being appealed against;
 - (b) set aside the decision being appealed against;
 - (c) vary the decision being appealed against; or
 - (d) give such directions or order as the Committee may consider appropriate in the circumstances.

Communication

34. The County Physical and land use Planning Liaison Committee shall communicate in writing its determination in respect to appeals within seven days after making the determination.

Enforcement of decisions of the Committee

35. A person aggrieved by the decision of the County Physical and land use Planning Liaison Committee may appeal against that decision to the Environment and Land Court.

Withdrawal of appeals and abandonment of appeals

36. (1) A person who has made an appeal may, by written notice to the County Physical and land use Planning Liaison Committee and at any time before the determination of an appeal, withdraw the appeal.

(2) The Committee shall, upon receipt of an application to withdraw, mark the appeal or application as withdrawn.

(3) The County Physical and Land Use Planning Liaison Committee shall within seven (7) days of receiving the written notice of the withdrawal, notify each relevant party that an appeal has been withdrawn.

Record of proceedings

37. (1) The County Physical and land use Planning Liaison Committee shall keep and maintain an accurate and complete record of the proceedings relating to an appeal.

(2) The Committee shall, on the written application of a party to an appeal and on sufficient notice, provide that party with a copy of the record of the proceedings relating to the appeal.

Alternative Dispute Resolution

38. (1) The County Physical and land use planning Committee may, on its own motion or on the application of a party, refer an appeal to mediation or arbitration.

(2) An appeal that has been referred to mediation or arbitration under sub-regulation (1) shall be concluded in sixty (60) days after the referral by the Committee.

(3) Where parties reach a settlement through alternative dispute resolution, the settlement shall be recorded and shall be binding on the parties.

(4) Where mediation or arbitration fails, the Committee shall hear and determine the appeal in accordance with these Regulations.

PART VIII — SPECIAL PROVISIONS ON INFORMAL DEVELOPMENTS

Informal settlements

39. (1) The County Executive Committee Member may adopt special procedures for regularization consistent with national policy on slum upgrading and informal settlement regularization.

(2) Special procedures under paragraph (1) may include —

- (a) public notice and engagement with affected communities;
- (b) mandatory community consultations published in national newspapers;

- (c) mapping, surveying, and vetting of occupiers by technical committees;
 - (d) verification of claims through transparent procedures;
 - (e) facilitation of applications for plan approval by occupiers at the point of regularization and transfer; and
 - (f) appointment of external law firms to oversee payment of subdivision and regularization fees, verify documents, and prepare registrable instruments.
- (3) The County Executive Committee Member shall establish technical committees to undertake mapping and surveying of informal settlements and to identify and vet occupiers.
 - (4) Occupiers in informal settlements may apply directly for regularization and plan approval simultaneously with the transfer of land.
 - (5) The County Executive Committee Member may engage external law firms

to—

- (a) oversee the payment of subdivision and regularization fees;
- (b) verify all documentation;
- (c) prepare registrable instruments; and
- (d) facilitate registration of title in the names of verified occupiers.
- (6) Subdivision costs and related fees may be borne by occupiers at the point of transfer rather than upfront, subject to undertakings from appointed lawyers to remit fees upon receipt.
- (7) The County Executive Committee Member shall ensure that regularization in informal settlements is carried out in a manner that—
 - (a) respects the rights and dignity of occupiers;
 - (b) promotes security of tenure;
 - (c) facilitates access to basic services; and
 - (d) integrates the settlements into formal planning frameworks.

Progressive upgrading of infrastructure

40. (1) Regularization in informal settlements shall be accompanied by progressive infrastructure upgrading.
 - (2) The County Executive Committee Member in implementing upgrading programs in informal settlements shall collaborate with—
 - (a) other County departments;
 - (b) National Government agencies;
 - (c) community-based organizations;
 - (d) non-governmental organizations; and
 - (e) development partners.

- (3) Progressive upgrading shall include provision of—
- (a) access roads and pathways;
 - (b) water and sanitation facilities;
 - (c) drainage systems;
 - (d) electricity;
 - (e) solid waste management facilities; and
 - (f) social amenities.
- (4) Progressive upgrading shall allow for phased compliance with technical standards taking into account the economic capacity of residents.
- (5) The County Executive Committee Member shall issue temporary permits to allow occupation during the upgrading process.
- (6) Nothing in this regulation shall prejudice the rights of residents of informal settlements under the Constitution and applicable laws.

PART IX—MISCELLANEOUS PROVISIONS

Forms and schedules

41. (1) The forms set out in the Schedules to these Regulations shall be used for the purposes specified therein.
- (2) The County Executive Committee Member may, by notice in the *Gazette*, prescribe additional forms or amend existing forms as may be necessary for the better carrying into effect of these Regulations.
- (3) Where a form is submitted electronically through the Nairobi Planning and Development Management System it shall have the same effect as a physical form, and an electronic signature shall be deemed sufficient for purposes of authentication.

Offences and penalties

42. (1) The following shall constitute offences under these Regulations—
- (a) making a false declaration or providing false information in an application;
 - (b) forging or falsifying any document submitted in support of an application;
 - (c) impersonating another person for purposes of making an application;
 - (d) bribing or attempting to bribe any officer involved in processing an application;
 - (e) obstructing an officer in the execution of duties under these Regulations; or
 - (f) contravening any provision of these Regulations.
- (2) Any person who commits any of the offences under sub-regulation (1) shall be liable, on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.
- (3) In addition to the penalty under paragraph (1), the court may order—
- (a) revocation of any approval obtained through fraudulent means;

- (b) demolition of the development;
- (c) payment of compensation to affected parties; and
- (d) such other orders as may be just and equitable.

Regulations to prevail

43. (1) In the event of any inconsistency between these Regulations and any other county regulations on planning and development, these Regulations shall prevail to the extent of the inconsistency.

(2) These Regulations shall be read together with the Physical and Land Use Planning Act, Cap. 303, and the Building Code, 2024.

Transitional provisions

44. (1) Any application for regularization pending at the commencement of these Regulations shall be determined in accordance with these Regulations.

(2) Where an application has remained pending for more than six (6) months without the applicant taking necessary steps to complete the application, the County Executive Committee Member may require the applicant to submit a fresh application in accordance with these Regulations.

(3) Where the County Executive Committee Member has not determined an application within the prescribed period through no fault of the applicant, the applicant may lodge a complaint with the Liaison Committee.

(4) All fees, charges, and requirements imposed under these Regulations shall apply to applications pending at the commencement of these Regulations.

(5) Any action taken or application made under any other previous regulations, orders or directives shall continue to be valid and shall be deemed to have been made under these Regulations.

Review of Regulations

45. (1) The County Executive Committee Member shall, in consultation with the Advisory Committee, review these Regulations within the regularization period to ensure their continued relevance and effectiveness.

(2) The County Executive Committee Member may, amend these Regulations as may be necessary to give effect to the Act or to address emerging issues in planning and development control.

SCHEDULES
FIRST SCHEDULE

(Regulation 4(1))

FORM A: APPLICATION FOR REGULARIZATION OF UNAUTHORIZED DEVELOPMENT

NAIROBI CITY COUNTY GOVERNMENT DEPARTMENT OF BUILT ENVIRONMENT AND URBAN PLANNING

Application No: _____ (Official Use Only)

Date of Receipt: _____ (Official Use Only)

SECTION A: APPLICANT INFORMATION

1. Full Name of Applicant: (Individual/Company/Organization) _____
2. Identification/Registration Number: ID/Passport/Company Registration No. _____
3. Postal Address: P.O. Box: _____ Code: _____ Town: _____
4. Physical Address: _____
5. Email Address: _____
6. Telephone Number(s): Mobile: _____ Alternative: _____
7. Status of Applicant: (Tick as appropriate) Owner Occupier Developer Agent
8. If Agent, provide authorization letter from the Owner _____

SECTION B: PROPERTY INFORMATION

1. Location of Property: County: Nairobi Sub-County: _____
Ward: _____ Estate/Area: _____
Street/Road: _____
2. Land Reference Number: LR No.: _____
3. Title Details: Title No.: _____ Type: _____
 Freehold Leasehold Lease Period (if applicable): From _____
To _____
4. Plot Size: _____ Hectares/Square Meters
5. GPS Co-ordinates: Latitude: _____ Longitude: _____
6. Current Zoning/Land Use: _____

SECTION C: DEVELOPMENT INFORMATION

1. Type of Unauthorized Development: (Tick as appropriate) Subdivision without approval Amalgamation without approval Extension of use without approval Change of use without approval Building plan not approved Structural plan not approved Occupation without permit Base Transceiver Station Other (specify): _____
2. Description of Development: Nature: _____
Use: Residential Commercial Industrial Mixed Use Other: _____
3. Building Details: Number of Floors: Total Plinth Area: Square Meters
Ground Coverage: _____ Square Meters
Number of Units: _____
4. Date of Completion/Commencement: _____
5. Estimated Construction Value: KSh. _____

SECTION D: PROFESSIONAL CERTIFICATIONS

All certifying professionals must be registered and hold valid practicing certificates

1. Physical Planner: Name: _____ Registration No.: _____
Practicing Certificate No.: _____ Valid until: _____
Signature: _____ Date: _____
2. Architect: Name: _____ Registration No.: _____
Practicing Certificate No.: _____ Valid until: _____
Signature: _____ Date: _____
3. Structural Engineer: Name: _____ Registration No.: _____
Practicing Certificate No.: _____ Valid until: _____
Signature: _____ Date: _____
4. Quantity Surveyor: (if applicable) Name: _____
Registration No.: _____ Practicing Certificate No.: _____
Valid until: _____ Signature: _____ Date: _____
5. Land Surveyor: Name: _____ Registration No.: _____
Practicing Certificate No.: _____ Valid until: _____
Signature: _____ Date: _____
6. Licensed Plumber: (if applicable) Name: _____
License No.: _____ Valid until: _____
Signature: _____ Date: _____

SECTION E: CHECKLIST OF ATTACHED DOCUMENTS

(Tick to confirm attachment and indicate number of copies)

- Proof of ownership (Title/Lease/Allotment Letter/Share Certificate).
- Supporting affidavit.
- Survey Plan/Deed Plan.
- Beacon Certificate.

- Change of User approval (if applicable).
- Land Rates/Ground Rent Clearance Certificate.
- As-built architectural drawings (signed and sealed).
- As-built structural drawings (signed and sealed).
- Structural Integrity Report.
- Valid practicing certificates of all professionals.
- Consent letter from registered owner (if applicant is occupier).
- Professional Indemnity Form (duly completed).
- Fire Safety Certificate.
- Plumber's Certification Report.
- Electrical Installation Certificate.
- No objection letters from KeNHA/KURA/KERRA (if applicable).
- No objection from relevant government agencies (if applicable).
- Planning Brief.
- Lease agreement/Consent from landowner.
- Environmental Impact Assessment/Audit (if applicable).
- Solid Waste Management Plan.
- Proof of payment of prescribed fees.
- Other: _____

SECTION F: DECLARATION

I, _____ (Full Name), being the applicant/authorized agent, do hereby declare that—

1. All information provided in this application is true, accurate, and complete to the best of my knowledge.
2. I understand that provision of false or misleading information is an offence under the law and may result in rejection of this application, prosecution, and other legal consequences.
3. I undertake to comply with all conditions that may be imposed by the County Executive Committee Member in granting regularization.
4. I acknowledge that regularization does not extinguish any ownership disputes, boundary disputes, or professional liability.
5. I undertake to indemnify the Nairobi City County Government against any claims, losses, or liabilities arising from this application.
6. I consent to public participation where the County Executive Committee Member deems it necessary.

Signature of Applicant/Agent: _____

Name: _____

Date: _____

Commissioner for Oaths/Notary Public:

Sworn/Affirmed before me this _____ day of _____ 20____

Signature: _____

Name: _____

Stamp: _____

FOR OFFICIAL USE ONLY

Application received by: _____

Date: _____ Time: _____

Submission Certificate No.: _____

Assigned to: _____

Recommendation: Approve Conditionally Approve Reject

Decision Date: _____

Approval No.: _____ (if applicable)

Authorized Officer: _____

Signature: _____ Date: _____

SECOND SCHEDULE

(Regulation 9(6))

FORM B: APPEAL TO THE COUNTY PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

NAIROBI CITY COUNTY PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

Appeal No.: _____ (Official Use Only)

Date of Receipt: _____ (Official Use Only)

SECTION A: APPELLANT INFORMATION

1. Full Name of Appellant: _____
2. Identification Number: ID/Passport/Company Registration No. _____
3. Postal Address: P.O. Box: _____ Code: _____ Town: _____
4. Physical Address: _____
5. Email Address: _____
6. Telephone Number(s): Mobile: _____ Alternative: _____
7. Capacity of Appellant: Applicant Interested Party Objector Other: _____

SECTION B: DECISION BEING APPEALED

1. Decision appealed against: Rejection of application Conditional approval Enforcement notice Demolition order Other: _____
2. Reference Number of original application/decision: _____
3. Date of decision: _____
4. Name and office of decision maker: _____

SECTION C: GROUNDS OF APPEAL

State clearly and concisely the grounds upon which this appeal is based:

1. _____
2. _____
3. _____
4. _____

(Continue on separate sheet if necessary)

SECTION D: RELIEF SOUGHT

State clearly what order or decision you are seeking from the Committee:

SECTION E: SUPPORTING DOCUMENTS

List all documents attached in support of this appeal:

1. Copy of decision being appealed _____
2. _____
3. _____
4. _____

SECTION F: DECLARATION

I, _____ (Full Name), do hereby declare that:

1. The information provided in this appeal is true and accurate to the best of my knowledge.
2. I have attached all relevant documents in support of this appeal.
3. I understand that the Committee may require additional information or documents.
4. I undertake to appear before the Committee or send a representative as may be required.

Signature of Appellant: _____

Date: _____

FOR OFFICIAL USE ONLY

Appeal received by: _____

Date: _____ Time: _____

Hearing Date: _____

Committee Members Present —

1. _____ (Chairperson)
1. _____
2. _____
3. _____
4. _____
5. _____

Decision: Appeal Allowed Appeal Dismissed Decision Varied Orders/Directions:

Date of Determination: _____

Chairperson's Signature: _____

THIRD SCHEDULE

(Regulation 16(1))

FORM C: PROFESSIONAL INDEMNITY FORM
NAIROBI CITY COUNTY GOVERNMENT PROFESSIONAL INDEMNITY AND
CERTIFICATION

Application Reference No.: _____

Property LR No.: _____

DECLARATION BY CERTIFYING PROFESSIONALS

We, the undersigned registered professionals, having inspected the development located at:

Property Location: _____

LR No.: _____ GPS Co-ordinates: _____

Do hereby certify and declare as follows:

1. PHYSICAL PLANNER'S CERTIFICATION

I, _____, Registration No. _____, hereby certify that:
Practicing Certificate No. _____, hereby certify that:

- (a) I have inspected the subject property and reviewed all relevant planning documents;
- (b) The development conforms to / can be brought into conformity with the Nairobi Integrated Urban Development Master Plan and applicable planning standards;
- (c) All information and drawings submitted are accurate and represent the actual development on site;
- (d) I shall indemnify the Nairobi City County Government against any claims, losses, or liabilities arising from inaccuracies in my certification.

Signature: _____ Date: _____

Stamp:

2. ARCHITECT'S CERTIFICATION

I, _____, Registration No. _____, hereby certify that:
Practicing Certificate No. _____, hereby certify that:

- (a) I have inspected the subject development and prepared/reviewed the as-built architectural drawings;

- (b) The development complies with / can be brought into compliance with the Building Code, 2024 and applicable architectural standards;
- (c) All architectural drawings and specifications submitted are accurate representations of the existing development;
- (d) I shall indemnify the Nairobi City County Government against any claims, losses, or liabilities arising from inaccuracies in my certification.

Signature: _____

Date: _____

Stamp: _____

3. STRUCTURAL ENGINEER'S CERTIFICATION

I, _____, Registration No. _____, hereby certify that:

- (a) I have conducted a structural integrity assessment of the subject development;
- (b) The development is structurally sound and complies with Euro Code structural design standards / equivalent KEBS-approved standards;
- (c) The structural drawings submitted accurately represent the load-bearing elements and structural systems;
- (d) No remedial works are required / Remedial works specified in the structural report are necessary and sufficient;
- (e) I shall indemnify the Nairobi City County Government against any claims, losses, or liabilities arising from inaccuracies in my certification or structural failure.

Signature: _____

Date: _____

Stamp: _____

4. LAND SURVEYOR'S CERTIFICATION

I, _____, Registration No. _____, hereby certify that:

- (a) I have surveyed the subject property and verified the boundaries;
- (b) The development is located within the boundaries of LR No. _____;
- (c) The survey plan and beacon certificate submitted are accurate;
- (d) I shall indemnify the Nairobi City County Government against any claims, losses, or liabilities arising from inaccuracies in my certification.

Signature: _____

Date: _____

Stamp: _____

5. QUANTITY SURVEYOR'S CERTIFICATION (If Applicable)

I, _____, Registration No. _____, hereby certify that:
Practicing Certificate No. _____,

- (a) I have assessed the construction value of the subject development;
- (b) The estimated construction value is KSh _____;
- (c) The valuation is accurate and based on current market rates and standards;
- (d) I shall indemnify the Nairobi City County Government against any claims, losses, or liabilities arising from inaccuracies in my certification.

Signature: _____ Date: _____
Stamp: _____

6. LICENSED PLUMBER'S CERTIFICATION (If Applicable)

I, _____, License No. _____, hereby certify that:

- (a) I have inspected all plumbing installations in the subject development;
- (b) The plumbing works comply with applicable standards and regulations;
- (c) Sewer connection is available and properly connected / Septic tank system is properly designed and installed;
- (d) I shall indemnify the Nairobi City County Government against any claims, losses, or liabilities arising from inaccuracies in my certification.

Signature: _____ Date: _____ Stamp: _____

7. JOINT UNDERTAKING

We, the undersigned professionals, jointly and severally undertake that:

- 1. We have exercised due professional care and diligence in our inspections and certifications;
- 2. We shall be personally and professionally accountable for the accuracy of our certifications under our respective professional codes of conduct;
- 3. We understand that false or negligent certification may result in:
 - (a) Criminal prosecution under section 72 of the Physical and Land Use Planning Act, 2019;
 - (b) Disciplinary action by our respective professional regulatory bodies;
 - (c) Civil liability for damages;
 - (d) Blacklisting from future county projects;
- 4. We consent to the disclosure of our certifications to regulatory bodies and courts of law as may be necessary;

-
5. Regularization of this development does not absolve us from professional liability.

Witnessed by: _____

Name: _____

Signature: _____

Date: _____

ID No.: _____

FOURTH SCHEDULE

(Regulation 22(1))

SCHEDULE OF REGULARIZATION FEES

PART A: RESIDENTIAL DEVELOPMENTS

Basis of Calculation:

Regularization Fee = (Plinth Area × KSh. 45,000 × 0.5%)

Worked Example:

- Plot size: 0.02 Ha (200 sq. meters)
- Ground coverage (75%): 150 sq. meters
- Number of floors: 4
- Total plinth area: $150 \times 4 = 600$ sq. meters

Calculation:

- Fee = $(600 \times 45,000 \times 0.5\%)$
- Fee = (600×225)
- Fee = 135,000
- Fee = KSh. 135,000

PART B: COMMERCIAL DEVELOPMENTS

Basis of Calculation:

Regularization Fee = (Plinth Area × KSh 45,000 × 0.5%)

Worked Example:

- Plot size: 0.02 Ha (200 sq. meters)
- Ground coverage (80%): 160 sq. meters
- Number of floors: 6
- Total plinth area: $160 \times 6 = 960$ sq. meters

Calculation:

- Fee = $(960 \times 45,000 \times 0.5\%)$
- Fee = (960×225)
- Fee = 216,000
- Fee = KSh 216,000

PART C: SUBDIVISIONS AND AMALGAMATIONS

<i>Transaction Type</i>	<i>Fee</i>
Unauthorized subdivision (per resultant parcel)	As per County Finance Act
Unauthorized amalgamation	As per County Finance Act
Survey fees	Actual cost
Registration fees	As per Land Registration Act

PART D: CHANGE OF USE AND EXTENSIONS

<i>Transaction Type</i>	<i>Fee</i>
Unauthorized change of use	Normal fee per Zone
Unauthorized extension of use	Normal fee per Zone
C	C

PART E: OTHER FEES

<i>Item</i>	<i>Fee (KSh.)</i>
Application processing fee	10,000
Inspection fee	20,000
Re-inspection fee (if applicable)	15,000
Certificate of compliance	5,000
Certified copy of documents	500 per page
Search/inspection of register	2,000
Appeal filing fee	25,000

PART F: WAIVERS AND CONCESSIONS

1. **Low-Income Housing:** Up to 50% reduction subject to verification and County Executive Committee Member approval.
2. **Informal Settlement Upgrading:** Special rates to be determined on a case-by-case basis
3. **Public Interest Developments:** Waiver or reduction subject to County Executive Committee Member approval.

NOTES:

1. The fees prescribed herein shall be subject to annual revision by the County Executive Committee Member.
2. The fees stipulated under these Regulations shall be exclusive of statutory obligations, including but not limited to land rates, ground rent and any other lawful levies.
3. All payments due shall be remitted exclusively through the designated County revenue collection systems.
4. The County Executive Committee Member may, on reasonable grounds and upon provision of satisfactory security, permit settlement of fees by instalments.
5. Where a development falls within more than one use category, the applicable fee shall be the higher of the respective categories.
6. The County Executive Committee Member may, with the approval of the County Executive Committee, vary the fees payable in exceptional or complex circumstances.

Made on the 26th November, 2025.

PATRICK MBOGO,
County Executive Committee Member, Built Environment and Urban Planning.

