



THIRD ASSEMBLY – (FOURTH SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JUNE 19, 2025 AT 2.30PM

1. The Assembly assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

QUORUM OF THE ASSEMBLY

The Hon. Speaker (Hon. Kennedy Ng'ondi) having confirmed that there was a Quorum at the commencement of the Sitting called the County Assembly to order.

3. NOTICE OF MOTION - THE CONDUCT AND CENSURE OF MS. LYDIA MATHIA, CHIEF OFFICER, HOUSING AND URBAN RENEWAL, NAIROBI CITY COUNTY.

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

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

FURTHER WHEREAS Section 45 of the County Governments Act, 2012 provides that a County Chief Officer is appointed by the Governor with the approval of the County Assembly, and such an officer serves as the authorized officer in respect of delegated powers in a County Department;

the said Ms. Lydia Mathia was initially appointed by the Governor as the County Chief Officer responsible for Public Participation, Citizen Engagement and Customer Service Sub-Sector upon being vetted and subsequently approved by the County Assembly;

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

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

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

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

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

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

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

ALARMED that despite the residents complying and initiating payment of post-waiver rent arrears, and notwithstanding the existence of a Conservatory Order issued by the Environment and Land Court in **Petition No. ELCLPET/E038/2025** on **30th May 2025**, staying any eviction pending hearing and determination of the petition, Ms. Mathia

nonetheless proceeded to deploy unknown and unauthorized individuals ("goons") to enforce the evictions;

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

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

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

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

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

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

NOW THEREFORE, THIS ASSEMBLY RESOLVES TO:

1. **CENSURE** Ms. Lydia Mathia for gross misconduct, abuse of office, violation of human rights, and violation of court orders;
2. **DECLARE** that Ms. Lydia Mathia is **unfit to hold public office** within the Nairobi City County Government or any other public service;

3. **DIRECT** that the Nairobi City County Assembly and its Committees shall not transact any business with Ms. Lydia Mathia in her current capacity or any other public capacity;
4. **RECOMMEND** that the Nairobi City County Public Service Board immediately commences disciplinary proceedings against Ms. Lydia Mathia with a view of her removal from office;
5. **URGE** the Governor of Nairobi City County, being the appointing authority and pursuant to Section 45(5) of the County Governments Act, 2012, to **immediately reassign** Ms. Lydia Mathia from the position of Chief Officer, Housing and Urban Renewal, pending the conclusion of the disciplinary process;
6. **CONDEMN** in the strongest terms the unlawful eviction of residents from Old Ngara, New Ngara, Kariokor, Buru Buru, Kariobangi, Woodley and other County Estates and calls for immediate investigations into the destruction and loss of property resulting from Ms. Mathia's directives; and
7. **RECOGNIZE** the rights of the affected residents to seek justice and support the enforcement of the court's conservatory orders to prevent further violation of their rights pending hearing and determination of the resident's Petition No. ELCLPET/E038/2025 by the court.

(Hon. Chege Mwaura, MCA)

4. STATEMENTS

Pursuant to Standing Order 47 (2) (c) the following Statements were requested:-

- a) Hon. Davidson DNG Ngibuini, MCA requested for a Statement from the Chairperson Sectoral Committee on Lands and Planning and Housing regarding alleged use of goons and non-County staff during evictions in Nairobi County and specifically in Woodley Estate.

(Response due in Ten days)

- b) Hon. Maurice Ochieng, MCA requested for a Statement from the chairperson of the Select Committee on County Finance, Budget and Appropriations regarding Revenue collection in Nairobi City County for the period 1st July 2023 to 31st March 2025 (FY 2023 – 24 and the first 9 months of current FY2024 – 25).

(Response due in Three weeks)

- c) Hon. Silas Matara, MCA requested for a Statement from the chairperson Sectoral Committee on Health Services regarding the non – payment of locum staff working in County Health facilities.

(Response due in Two weeks)

- d) Hon. Joseph Ndungu, MCA requested for a Statement from the chairperson Sectoral Committee on Roads, Transport and Public Works regarding the alleged disappearance on 8th August, 2024 of electric cables estimated to be 150,000 metres in length and worth Ksh. 10Million from the County Lighting Department which is adjacent to the Nairobi City County savings and credit Cooperative Society Limited (NACICO) Plaza on Landhies Road.

(Response due in Two weeks)

- e) Hon. Silas Matara, MCA requested for a Statement from the chairperson Sectoral Committee on Transport and Public Works regarding the identification, designation and verification of loading zones in the County.

(Response due in Two week.)

- f) Hon. Silas Matara, MCA requested for a Statement from the chairperson Sectoral Committee on Labour and Social Works regarding the concerns raised by retired County staff relating to delays in the disbursement of their pension and uniform allowances.

(Response due in Two weeks)

- g) Hon. Silas Matara, MCA requested for a Statement from the chairperson Sectoral Committee on Transport and Public Works regarding the approval, installation and regulation of outdoor advertising billboards in the County.

(Response due in Two weeks)

There being no other business and the time being thirty-five minutes Past Four O'clock the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

5. ASSEMBLY ROSE - at thirty-five minutes past four O'clock.

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MEMORANDUM

The Speaker will take the Chair on
Tuesday, June 24th, 2025 at 2.30 p.m

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