



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – THIRD SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, MARCH 14, 2024 AT 2.30 P.M. (AFTERNOON SITTING)**

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **Presiding** – the Honourable Deputy Speaker.

4. **COMMUNICATION FROM THE CHAIR**

The Speaker made the following Communication on *Recognition of a delegation from the Republic of Finland*—

**“Honourable Members**, I wish to introduce to you a delegation from the Republic of Finland who are seated in the Speaker’s Gallery. The delegation comprises of alumni of the Democracy Academy, an institution for young political aspirants in the Republic of Finland. The Democracy Academy is run by Demo-Finland, an organization that supports democracy by parties for parties.

**Honourable Members**, the delegation, is in our Parliament to engage with the Kenya Disability Association (KEDIPA) and the Kenya Young Parliamentarians Association (KYPA) on amongst other things, supporting political parties in addressing the needs of persons with disabilities (PWDs) and youth within their internal party structures, political commitments, and policies.

The delegation brings with them valuable insights and experiences from Finland, a country known for its progressive approach to rights of persons with disability and inclusion. Their presence underscores the importance of international cooperation and the exchange of ideas in advancing the rights and empowerment of PWDs and youth.

**Honourable Members**, on my behalf and that of the National Assembly, I welcome them to Parliament and wish them fruitful engagements. **I thank you.”**

5. **PAPERS LAID**

The following Papers were laid on the Table of the House-

- (a) Sessional Paper No. 3 of 2024 on the Power of Mercy Policy from the Office of the Attorney-General;
- (b) Addendum to the Report of the Multi-Sectoral Working Group on the realization of the Two-Thirds Gender Principle from Ministry of Gender, Culture, the Arts and Heritage;
- (c) Reports of the Auditor-General and Financial Statements for the year ended 30th June, 2023 and the certificates therein in respect of—
  - (i) Kenya Development Response to Displacement Impacts Project (KDRDIP) I: IDA Credit No. 6021-KE and Grant No. TFOA 7762-KE – Ministry of East African Community (EAC), ASALS and Regional Development;

- (ii) Kenya Towns Sustainable Water Supply and Sanitation Program – Credit No. P-KE-E00-011 (AfDB Loan No.200200000501) – Athi Water Works Development Agency;
- (iii) Nairobi Intelligent Transportation System Establishment and Junctions Improvement Project Phase I (EDCF Loan Agreement No. KEN-6) – Kenya Urban Roads Authority;
- (iv) The Establishment of Bus Rapid Transit Line 5 Project (EDCF
- (v) Regional Centre on Groundwater Resource Education, Training and Research in East Africa (RCGWRET & REA);
- (vi) Integrated Health and Environment Observatories and Legal and Institutional Strengthening for the Sound Management of Chemicals in Africa (No.AFR/CHEMOBS Project/C/07-2017) – State Environment and Climate Change;
- (vii) Regional Mombasa Port Access Road Project (Loan No. (KFW): 27459, Grant No. (KFW): 202061919) and Credit No. (KFW): 84010 – Kenya National Highways Authority;
- (viii) Programme for Legal Empowerment and Aid Delivery (Project Credit Number KE/FED/2018/397-591) – Office of the Attorney General and Department of Justice;
- (ix) Support to Enhancement of Quality and Relevance in Higher Education, Science and Technology Project Credit No. 2100150027993 – State Department for Higher Education and Research;
- (x) Kenya Gold Mercury Free ASGM Project Number GEF/UNDP/GOK-00108253 - Ministry of Environment, Climate Change and Forestry;
- (xi) Sound Chemicals Management Mainstreaming and UPOPS reduction in Kenya Project No. P00099820 - Ministry of Environment, Climate Change and Forestry;
- (xii) Nairobi Rivers Basin Rehabilitation and Restoration Program: Sewerage Improvement Project Phase II (AfDB Loan No. 2000200003407 and ADF Loan No. 2100150040550) – Athi Works Development Agency;
- (xiii) Combating poaching and illegal wildlife trafficking in Kenya through an integrated approach (Grant No. 00108406) – State Department for Wildlife;
- (xiv) Rwabura Irrigation Development Project – National Irrigation Authority;
- (xv) Northern Collector Phase I – Additional Rehabilitation and Development of the Network Project (Credit Number CKE-1074) - Athi Works Development Agency;
- (xvi) Kenya Off-Grid Solar Access Project (KOSAP) Credit Number 6135-KE – State Department for Energy; and
- (xvii) Kenya Copyright Board.

*(Deputy Majority Whip)*

- (d) Report of the Departmental Committee on Environment, Forestry and Mining on the Budget Implementation Monitoring for the Financial Year 2022/2023 for -
  - (i) Vote 1332 – State Department for Forestry; and
  - (ii) Vote 1192 – State Department for Mining.

*(Vice Chairperson, Departmental Committee on Environment, Forestry & Mining)*

- (e) Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its consideration of the ratification of the African Union Convention on Cross Border Cooperation (Niamey Convention).

*(Vice-Chairperson, Departmental Committee on Defence, Intelligence & Foreign Relations)*

- (f) Report of the Select Committee on Delegated Legislation on its consideration of the Statutory Instruments (Amendment) Bill (National Assembly Bill No. 3 of 2024).

*(Chairperson, Select Committee on Delegated Legislation)*

- (g) Report of the Joint Departmental Committees on Finance and National Planning & Housing, Urban Planning and Public Works on their consideration of the Senate Amendments to the Affordable Housing Bill (National Assembly Bill No. 75 of 2023).

*(Chairperson, Departmental Committee on Finance & National Planning)*

## **6. NOTICES OF MOTION**

The following Notices of Motion were given—

- (i) THAT**, this House **adopts** the Report of the Departmental Committee on Environment, Forestry and Mining on its examination of the Budget Implementation Monitoring for FY 2022/2023 for Vote 1332 (State Department for Forestry) and Vote 1192 (State Department for Mining), *laid on the Table of the House on Thursday, 14<sup>th</sup> March 2024.*

*(Vice Chairperson, Departmental Committee on Environment, Forestry & Mining)*

- (ii) THAT**, this House **adopts** the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its consideration of the African Union Convention on Cross-Border Cooperation (Niamey Convention), *laid on the Table of the House on Thursday, 14<sup>th</sup> March 2024* and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of the African Union Convention on Cross-Border Cooperation (Niamey Convention).*

*(Vice-Chairperson, Departmental Committee on Defence, Intelligence & Foreign Relations)*

- (iii) THAT**, this House **adopts** the Report of the Select Committee on Implementation on its consideration of the First Report on Implementation Status of Reports on Petitions and Resolutions passed by the House, *laid on the Table of the House on Thursday, 26<sup>th</sup> October 2023.*

*(Chairperson, Select Committee on Implementation)*

- (iv) THAT**, this House **adopts** the Report of the Select Committee on Implementation on its consideration of the Second Report on Implementation Status of Reports on Petitions and Resolutions passed by the House, *laid on the Table of the House on Thursday, 26<sup>th</sup> October 2023.*

*(Chairperson, Select Committee on Implementation)*

## **7. STATEMENTS RESPONDED TO PURSUANT TO STANDING ORDER 44(2)(c)**

Pursuant to the provisions of Standing Order 44(2)(c), the Chairperson of the Departmental Committee on Administration & Internal Security issued responses to—

- (i) Statement requested by the Member for Soy (Hon. David Kiplagat) regarding the killing of Ms. Racheal Nyambura in Matunda Town; and  
(ii) Statement requested by the Member for Fafi (Hon. Farah Yakub) regarding Insecurity in Fafi Constituency.

**8. STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)**

Pursuant to the provisions of Standing Order 44(2)(a), the Leader of Majority Party issued a Statement regarding the business of the House for the week commencing Tuesday, 19<sup>th</sup> March 2024.

**9. THE REGIONAL DEVELOPMENT AUTHORITIES BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2023)**

Order for Second Reading read;  
Motion made and Question proposed—

**THAT**, the Regional Development Authorities Bill (National Assembly Bill No. 7 of 2023) be now read a Second Time.

*(Chairperson, Departmental Committee on Regional Development – 07.03.2024)*

Debate on the Motion having been concluded on Wednesday, March 13, 2024 (Afternoon);

Question put and agreed to.

Bill read a Second time and committed to Committee of the whole House tomorrow.

**10. MOTION – COMPLIANCE TO ARTICLE 54(2) OF THE CONSTITUTION REGARDING EMPLOYMENT OF PERSONS WITH DISABILITIES IN PUBLIC INSTITUTIONS**

Motion made and Question proposed—

**THAT**, this House adopts the Report of the Committee on National Cohesion and Equal Opportunity on the Compliance to Article 54(2) of the Constitution regarding Employment of Persons with Disabilities in Public Institutions, *laid on the Table of the House on Wednesday, 21<sup>st</sup> February 2024*.

*(Chairperson, Committee on National Cohesion & Equal Opportunity – 13.03.2024)*

Debate on the Motion having been concluded on Wednesday, March 13, 2024 (Afternoon);

Question put and agreed to.

**11. GUIDE ON CONSIDERATION OF SENATE AMENDMENTS TO A BILL ORIGINATING IN THE NATIONAL ASSEMBLY**

**Honourable Members**, Before we proceed to **Order Numbers 10** and **11** which relates to the consideration of Senate amendments to the Affordable Housing Bill (National Assembly Bill No. 75 of 2023), I wish to guide the House on the procedure to be followed.

You will recall on Wednesday, 21<sup>st</sup> February 2024, the National Assembly passed the **Affordable Housing Bill (National Assembly Bill No. 75 of 2023)** which is a Bill that seeks to, *inter alia*, give effect to Article 43(1)(b) of the Constitution, and to provide a framework for development and access to affordable housing and institutional housing. Following its passage by the House, the Bill was forwarded to the Senate for consideration pursuant to the provisions of Article 110(4) of the Constitution.

**Honourable Members**, the Senate made various amendments to the Bill as conveyed to the House on Wednesday, 13<sup>th</sup> March 2024. The Senate amendments were committed to the Departmental Committee on Finance & National Planning and the Departmental Committee on Housing, Urban Planning and Public Works for joint consideration and reporting to the House.

**Honourable Members**, the manner of disposing Senate amendments to National Assembly Bills is provided for under Standing Orders 145 to 148. In summary, the House will generally debate the Senate amendments for **not more than one and half hours** under the Motion, **“THAT, the Senate Amendments be now considered.”** Thereafter, should the House resolve to consider the amendments, the House will dissolve into Committee of the Whole House to dispose of the amendments, sequentially. On the other hand, should the Motion be negated, the provisions of Article 112 of the Constitution relating to a mediation process will apply.

Similarly, should the Committee of the Whole House amend or reject any of the Senate amendments, the Mediation process will apply. Instructively, the Senate amendments to the Bill will be moved by the Chairperson of the Departmental Committee on Finance and National Planning should the Motion be approved.

In conclusion, **Honourable Members**, should the House pass the Senate Amendments as proposed, the Speaker will then proceed to forward the Bill to the President for assent in accordance with the provisions of Article 112 of the Constitution. The House is accordingly guided. I thank you!

**12. MOTION – CONSIDERATION OF SENATE AMENDMENTS TO AFFORDABLE HOUSING BILL (NATIONAL ASSEMBLY BILL NO. 75 OF 2023)**

Motion made and Question proposed;

**THAT**, the **Senate amendments** to the Affordable Housing Bill (National Assembly Bill No. 75 of 2023) be now considered.

*(Leader of the Majority Party)*

Debate arising;

Rising in his place pursuant to Standing Order 95, the Member for Baringo North (Hon. Joseph Makilap) claimed to move, *“That the Mover be now called upon to reply”*;

And the Chair acceding to the request; Question *“That the Mover be called upon to reply,”* put and agreed to;

Mover having waived the right to reply;

Question on the Motion put and agreed to.

**13. COMMITTEE OF WHOLE HOUSE**

**IN THE COMMITTEE**

Second Chairperson of Committees in the Chair

**Senate amendments to the Affordable Housing Bill (National Assembly Bill No. 75 of 2023)**

Clause 2

Senate amendment proposed-

**THAT** clause 2 of the Bill be amended—

- (a) in sub – clause (1) by inserting the following new definition—  
“County Committee” means the County Affordable Housing Committee established under Part IV of this Act;
- (b) by deleting sub-clause (2) and inserting the following new sub-clause —

(2) For purposes of this Act, “affordable housing unit” refers to —

- (a) a social housing unit means a house targeted to a person whose monthly income is below twenty thousand shillings;
- (b) an affordable housing unit means a house targeted at a person whose monthly income is between twenty thousand and one hundred and forty-nine thousand shillings;
- (c) affordable middle-class housing unit means middle to high income housing targeted at persons whose monthly income is over one hundred and forty-nine thousand shillings; or
- (d) rural affordable housing unit means a house under section 42 targeted at a person living in any area which is not an urban area.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 2 - approved.

Clause 5

Senate amendment proposed-

**THAT** clause 5 of the Bill be amended in subsection (2) by deleting the words “business or company which” and substituting therefor the words “person who”.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 5 - approved.

Clause 7

Senate amendment proposed-

**THAT** clause 7 of the Bill be deleted and substituted with the following new clause—

Default on payment of amount of Levy.

**7.** Where an amount of the Levy remains unpaid after the date when it becomes due and payable by a person liable to remit the amount, a penalty equal to three per centum of the unpaid amount shall be due and payable for each month or part thereof that the amount remains unpaid and shall be summarily recovered as a civil debt for the person liable to remit the amount.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 7 - approved.

Clause 9

Senate amendment proposed-

**THAT** clause 9 of the Bill be amended –

(a) in paragraph (d) by deleting the words “section 38” and substituting therefor the words “section 42”; and

(b) by inserting the following new paragraph immediately after paragraph (e)—

(ea) loans approved by the Cabinet Secretary for the time being in charge of the National Treasury;

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 9 - approved.

Clause 10

Senate amendment proposed-

**THAT** clause 10 of the Bill be amended –

(a) in subclause (1) by deleting the word “development” appearing immediately after the words “funds for the” and substituting therefor the words “design, development and maintenance”;

(b) in subclause (2) –

(i) by deleting the word “development of affordable housing schemes” appearing in paragraph (d) immediately after the words “facilitate the” and substituting therefor the words “design, development and maintenance of affordable housing schemes in all counties”;

(ii) by inserting the following new paragraph immediately after paragraph (g)—

(h) facilitate the provision of services to the projects under the management of the Fund.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 10 - approved.

Clause 11

Senate amendment proposed-

**THAT**, clause 11 (4) of the Bill be amended—

- (a) in paragraph (a) by deleting the word “two” and substituting therefor the word “point five (0.5%)”;
- (b) by inserting the following new paragraph immediately after paragraph (b)—
  - (c) not less than point five percent (0.5%) of the monies to the county committees for the administration of the County Committees as may be approved by the Cabinet Secretary for the time being responsible for the National Treasury.
- (c) by inserting the following new subsection immediately after subsection 4 –
  - (4A) The monies under subclause (4)(c) shall be appropriated as a conditional grant to county governments.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 11 - approved.

Clause 12

Senate amendment proposed-

**THAT** clause 12 of the Bill be amended in sub-clause (3) by deleting the words “National Assembly” and substituting therefor the word “Parliament”.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 12 - approved.

Clause 13

Senate amendment proposed-

**THAT** clause 13 of the Bill be amended in sub-clause (3) by deleting the words “the National Assembly for approval before disbursing funds out of the Fund” and substituting therefor the word “Parliament”.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 13 - approved.

Clause 14

Senate amendment proposed-

**THAT** clause 14 of the Bill be amended in sub-clause (3)—

- (a) by deleting the word “his” appearing in paragraph (b) and substituting therefor the word “their”;

- (b) by deleting the word “his” appearing in paragraph (c) and substituting therefor the word “their”;

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 14 - approved.

Clause 15

Senate amendment proposed-

**THAT** clause 15 of the Bill be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (d)—

- (da) inspect and enforce compliance to this Act, guidelines and regulations set under the Act.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 15 - approved.

Clause 16

Senate amendment proposed-

**THAT** clause 16 of the Bill be amended—

- (a) in sub-clause (1) –

- (i) by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) has ten years’ experience in a senior management position in the public service or private sector; and

- (ii) by inserting the following new paragraph—

(c) meets the requirements of Chapter Six of the Constitution.

- (b) in sub-clause (2) by deleting the words “other than as an *ex-officio* member” appearing immediately after the word “Board”.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 16 - approved.

Clause 17

Senate amendment proposed-

**THAT** clause 17 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “other than the *ex-officio* members” appearing immediately after the word “Board”;
- (b) in sub-clause (2)–
  - (i) by deleting the words “other than an *ex-officio* member” appearing immediately after the word “Board” in the introductory sentence;
  - (ii) by deleting the words “his or her” appearing in paragraph (d) and substituting therefor the word “their”; and
- (c) in sub-clause (3) by deleting the words “other than an *ex-officio* member” appearing immediately after the word “Board”.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 17 - approved.

Clause 18

Senate amendment proposed-

**THAT** clause 18 of the Bill be amended by deleting the words “other than an *ex-officio* member” appearing immediately after the word “member”.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 18 - approved.

Clause 19

Senate amendment proposed-

**THAT** clause 19 of the Bill be amended in sub-clause (1) by inserting the word “First” immediately after the words “accordance with the”

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 19 - approved.

Clause 23

Senate amendment proposed-

**THAT** clause 23 of the Bill be amended—

- (a) in sub-clause (2) by inserting the following new paragraph—
  - (c) meets the requirements of Chapter Six of the Constitution; and
- (b) by inserting the following new sub-clause—

(3) The Chief Executive Officer shall hold office for a term of three years and shall be eligible for reappointment for one further term of three years.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 23 - approved.

Clause 32

Senate amendment proposed-

**THAT** the Bill be amended by deleting clause 32 and substituting therefor the following new section –

Allocation of land.                   **32.** (1) The provisions of the Land Act shall, subject to subsection (2), apply to the allocation of public land for the implementation of the affordable housing scheme and development of institutional housing scheme.

No. 6 of 2012                               (2) Land held by a county government shall not be allocated unless the Board has, in the prescribed manner carried out public participation and stakeholder engagement with the affected community within the county.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 32 - approved.

Clause 33

Senate amendment proposed-

**THAT** clause 33 of the Bill be amended –

(a) in sub-clause (1) by deleting the word “Fund” appearing immediately after the word “The” and substituting therefor the word “Board”.

(b) in sub-clause (2) by deleting the word “Fund” appearing immediately after the words “Act, 2012, the” and substituting therefor the word “Board”.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 33 - approved.

Clause 34

Senate amendment proposed-

**THAT** clause 34 of the Bill be amended by deleting the word “Fund” and substituting therefor the word “Board”.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 34 - approved.

Clause 35

Senate amendment proposed-

**THAT** the Bill be amended by deleting clause 35 and substituting therefor the following new clause —

Agreement with private institutions and persons.

**35.** (1) The Board may enter into an agreement with a private institution –

(a) to develop and construct affordable housing units and associated social and physical infrastructure; and

(b) for the supply of goods and materials in connection with the construction of affordable housing units.

(2) The Board shall, before entering into an agreement under subsection (1), publish in at least two newspapers of nationwide circulation and on electronic media, a notice of intention to enter into an agreement and invitation of tenders from the public in the prescribed form.

(3) The Cabinet Secretary may, in consultation with the Board, prescribe guidelines for the publication of a notice under subsection (2) and invitations to tender.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 35 - approved.

Clause 36

Senate amendment proposed-

**THAT** clause 36 of the Bill be amended in sub-clause (1) by deleting the word “Fund” and substituting therefor the word “Board”.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 36 - approved.

Clause 38

Senate amendment proposed-

**THAT** clause 38 of the Bill be deleted and substituted with the following new clause—

Eligibility criteria. **38.** (1) A person is eligible for allocation of one affordable housing unit if the person meets the criteria prescribed in regulations.

(2) In this section, a person means a natural person.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 38 - approved.

Clause 39

Senate amendment proposed-

**THAT** clause 39 of the Bill be amended in subclause (1) by deleting the words “section 30” and substituting therefor the words “section 38”.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 39 - approved.

Clause 40

Senate amendment proposed-

**THAT** clause 40 of the Bill be amended by—

(a) renumbering the current paragraph as subclause (1); and

(b) by inserting the following new sub-clause—

(2) The Cabinet Secretary may in consultation with the Board issue regulations for the better carrying out of subsection (1).

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 40 - approved.

Clause 42

Senate amendment proposed-

**THAT** clause 42 of the Bill be amended by deleting sub-clause (4) and substituting therefor the following new sub-clauses—

(4) A person who has made a voluntary saving and has not been allocated an affordable housing unit—

(a) may withdraw their savings by issuing ninety days’ written notice to the agency for refund with any accrued interest; or

(b) may apply to the Board for approval of issuance of an affordable mortgage to develop a rural affordable housing unit;

(5) An application in sub-section (4) (b) will be accompanied by an agreement that the applicant agrees to have their saved deposits and the land upon which the unit is to be built to be used as collateral.

(6) Upon approval by the Board, the applicant shall cause a charge on the title in subsection (5) to be executed in favour of the Board.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 42 - approved.

Clause 44

Senate amendment proposed-

**THAT** clause 44 (2) of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph-

(a) to a fine not exceeding twenty million shillings or imprisonment of a term not exceeding ten years, or both; and.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 44 - approved.

Clause 45

Senate amendment proposed-

**THAT** clause 45 of the Bill be amended in sub-clause (1) by deleting the words “he is” appearing in paragraph (b)(i) and substituting therefor the word “they are”.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 45 - approved.

Clause 47

Senate amendment proposed-

**THAT** clause 47 of the Bill be amended—

(a) in sub-clause (2) by inserting the following new paragraphs—

(i) immediately after paragraph (a)—

- (ab) criteria for eligibility of allocation of an affordable housing unit under section 38 after paragraph (a);
- (ii) immediately after paragraph (i);
  - (j) the typology and dimensions for affordable housing units relative to the incomes of the individual applicants;
  - (k) the procedural guidelines for the Board to off-take affordable housing units under an affordable housing scheme;
  - (l) the interest rate or administration fee for a loan issued under section 41; and
  - (m) criteria for eligibility of allocation of a low interest mortgage under section 42.
- (b) by inserting the following new sub-clauses—

(3) The Cabinet Secretary shall table before Parliament, the regulations made under this section within thirty days of commencement of this Act.

(4) Regulations made under this section shall not take effect unless approved by a resolution passed by Parliament.

(5) If a House of Parliament does not make a resolution either approving or rejecting any regulations within fifteen sitting days after submission to it for approval, the House shall be deemed to have approved those regulations.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 47 - approved.

Clause 48

Senate amendment proposed-

**THAT** clause 48 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3) –

(4) Any ongoing project or programme on affordable housing implemented pursuant to a commitment or obligation under subsection (3) shall be deemed to be a project or programme commenced under this Act.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 48 - approved.

Clause 49

Senate amendment proposed-

**THAT**, clause 49 of the Bill be amended in sub-clause (1) by inserting the word “before” after the word “immediately”.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 49 - approved.

**NEW CLAUSES**

New Clause 11A proposed-

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 11—

Investments by the Board. **11A.** The Board may, with the approval of the Cabinet Secretary in charge of Treasury, invest any income that is not immediately required.

*(Leader of the Majority Party)*

Motion made and Question proposed -

**THAT**, the New Clause 11A be read a Second Time;

Debate arising;

Question put and agreed to.

Motion made and question proposed –

**THAT**, New Clause 11A be part of the Bill.

Debate arising;

Question put and agreed to;

New Clause 11A - approved.

New Clause 11B proposed-

**THAT** the Bill be amended by inserting the following new clause immediately after new clause 11A—

Borrowing by the Board. **11B.** The Board may, with the approval of the Cabinet Secretary in charge of Treasury, borrow funds for the advancement of the objectives of the Act.

*(Leader of the Majority Party)*

Motion made and Question proposed -

**THAT**, the New Clause 11B be read a Second Time;

Debate arising;

Question put and agreed to.

Motion made and question proposed –

**THAT**, New Clause 11A be part of the Bill.

Debate arising;

Question put and agreed to;

New Clause 11B - approved.

New Clause 31A proposed-

**THAT** the Bill be amended by inserting the following new clauses immediately after clause 31—

**PART III (A)— ROLE OF THE COUNTY GOVERNMENTS IN AFFORDABLE HOUSING**

Establishment of County Rural and Urban Affordable Housing Committees.

**31A.** (1) There is established in every county, a County Rural and Urban Affordable Housing Committee.

(2) The County Committee shall consist of the following—

- (a) a non-executive chairperson who shall be nominated by the county governor;
- (b) the County Executive Committee member responsible for matters relating to housing or their representative designated in writing;
- (c) three other persons who shall be nominated by the county governor, of whom—
  - (i) one shall be a representative of a registered association of traders operating in the county;
  - (ii) one shall be a representative of a registered residential association; in the county;
  - (iii) one shall be a member of the public residing within the county; and
- (d) the chief officer for the time being in charge of housing, who shall be an *ex-officio* member and the secretary to the County Committee.

(3) A person nominated under subsection (2) (a) and subsection (2)(d), shall be vetted and approved by the county assembly.

(4) In nominating a person as a member under subsection (2) (a) and subsection (2) (d), the county governor shall—

- (a) ensure that not more than two-thirds of the members are of the same gender;
- (b) ensure that ethnic minorities within the county are adequately represented; and
- (c) consider marginalized groups including youth and persons with disability.

(5) The members of the Committee shall be appointed within thirty days of the commencement of this Act.

*(Leader of the Majority Party)*

Motion made and Question proposed -

**THAT**, the New Clause 31A be read a Second Time;

Debate arising;

Question put and agreed to.

Motion made and question proposed -

**THAT**, New Clause 31A be part of the Bill.

Debate arising;

Question put and agreed to;

New Clause 31A - approved.

New Clause 31B proposed-

**THAT** the Bill be amended by inserting the following new clauses immediately after new clause 31A—

Qualifications for appointment. **31B.** (1) A person qualifies to be appointed as the Chairperson of the County Committee if that person—

- (a) holds a degree from a university recognized in Kenya;
- (b) has at least five years’ experience in matters relating to housing, built environment, banking, or finance;
- (c) has resided in the county for a period of not less than five years.; and
- (d) meets the requirements of Chapter Six of the Constitution

(2) A person qualifies to be appointed as a member of the County Committee, if the person—

- (a) meets the requirements of Chapter Six of the Constitution;
- (b) has not been convicted of a criminal offence which attracts imprisonment for a term not exceeding six months;
- (c) has not been adjudged bankrupt or entered into a composition or arrangement with the creditors of the person; and
- (d) is not disqualified under any other written law from appointment as such.

*(Leader of the Majority Party)*

Motion made and Question proposed -

**THAT**, the New Clause 31B be read a Second Time;

Debate arising;

Question put and agreed to.

Motion made and question proposed -

**THAT**, New Clause 31B be part of the Bill.

Debate arising;

Question put and agreed to;

New Clause 31B - approved.

New Clause 31C proposed-

**THAT** the Bill be amended by inserting the following new clauses immediately after new clause 31B—

Tenure of office.

**31C.** (1) The Chairperson and members of the County Committee, shall hold office for a term of three years and may be eligible for re-appointment for an additional final term of three years.

(2) Notwithstanding the provisions of subsection (1), a member of the County Committee may be removed from office if that person—

- (a) has been absent from three consecutive meetings of the Committee without justifiable cause or the written permission of the Chairperson;
- (b) is adjudged bankrupt or enters into a composition or arrangement with the creditors of the person;
- (c) is convicted of an offence involving anti-economic crimes or corruption;
- (d) becomes incapable of carrying out the functions of their office due to an infirmity of mind or body;
- (e) violates Chapter Six of the Constitution; or
- (f) fails to disclose any interest in a matter under consideration by the Committee as provided for under this Act.

*(Leader of the Majority Party)*

Motion made and Question proposed -

**THAT**, the New Clause 31C be read a Second Time;

Debate arising;

Question put and agreed to.

Motion made and question proposed -

**THAT**, New Clause 31C be part of the Bill.

Debate arising;

Question put and agreed to;

New Clause 31C - approved.

New Clause 31D proposed-

**THAT** the Bill be amended by inserting the following new clauses immediately after new clause 31C—

Remuneration of the County Committee members. **31D.** The Chairperson and the members of the County Committee shall be paid such sitting allowances or other remuneration for expenses as recommended by the Salaries and Remuneration Commission.

*(Leader of the Majority Party)*

Motion made and Question proposed -

**THAT**, the New Clause 31D be read a Second Time;

Debate arising;

Question put and agreed to.

Motion made and question proposed –

**THAT**, New Clause 31D be part of the Bill.

Debate arising;

Question put and agreed to;

New Clause 31D - approved.

New Clause 31E proposed-

**THAT** the Bill be amended by inserting the following new clauses immediately after new clause 31D—

Conduct of **31E.** (1) The conduct of affairs and business of the County  
affairs and Committee shall be in accordance with the First Schedule of this  
business of the Act.

County (2) Subject to subsection (1), the Committee may amend its  
Committee. own procedures for the better carrying out of its functions.

*(Leader of the Majority Party)*

Motion made and Question proposed -

**THAT**, the New Clause 31E be read a Second Time;

Debate arising;

Question put and agreed to.

Motion made and question proposed –

**THAT**, New Clause 31E be part of the Bill.

Debate arising;

Question put and agreed to;

New Clause 31E - approved.

New Clause 31F proposed-

**THAT** the Bill be amended by inserting the following new clauses immediately after new clause 31E—

Functions of the County Committee.

**31F.** The County Committee shall—

- (a) in consultation with the Board, develop a framework for the attainment of affordable housing in the county;
- (b) advise the governor on affordable housing programmes within the county;
- (c) develop a five-year affordable housing investment programme for the county and annual housing investment programme for the county;
- (d) collaborate with the boards of cities and municipalities in developing plans for social and physical infrastructure related to affordable housing pursuant to section 21 of the Urban Areas and Cities Act;
- (e) make periodical written reports on the five-year affordable housing investment programme for the county and annual housing investment programme for the county to the Board;
- (f) to make annual reports to the county assembly on the implementation of affordable housing in the county; and
- (g) to perform such other duties as may be assigned by the county governor in writing.

Cap 303, Laws of Kenya.

*(Leader of the Majority Party)*

Motion made and Question proposed -

**THAT**, the New Clause 31F be read a Second Time;

Debate arising;

Question put and agreed to.

Motion made and question proposed -

**THAT**, New Clause 31F be part of the Bill.

Debate arising;

Question put and agreed to;

New Clause 31F - approved.

New Clause 31G proposed-

**THAT** the Bill be amended by inserting the following new clauses immediately after new clause 31F—

County legislation.

**31G.** Nothing in this Act shall preclude county governments from enacting legislation related to affordable housing in the counties.

*(Leader of the Majority Party)*

Motion made and Question proposed -

**THAT**, the New Clause 31G be read a Second Time;

Debate arising;

Question put and agreed to.

Motion made and question proposed -

**THAT**, New Clause 31G be part of the Bill.

Debate arising;

Question put and agreed to;

New Clause 31G - approved.

New Clause 37A proposed-

**THAT** the Bill be amended by inserting the following new section immediately after clause 37 —

Priority of ownership for slum residents.

**37A.** The Board shall, where an affordable housing project is to be implemented on land on which exists a settlement, —

- (a) issue a notice, in the prescribed form, to the residents in that settlement of the intended implementation of the project
- (b) put in place a mechanism for the resettlement of the residents; and
- (c) offer to the residents in that settlement, the first right of purchase of a unit in the project.

*(Leader of the Majority Party)*

Motion made and Question proposed -

**THAT**, the New Clause 37A be read a Second Time;

Debate arising;

Question put and agreed to.

Motion made and question proposed -

**THAT**, New Clause 37A be part of the Bill.

Debate arising;

Question put and agreed to;

New Clause 37A - approved.

New Clause 42A proposed-

**THAT** the Bill be amended by inserting the following new sections immediately after section 42 -

**PART VA – OWNERSHIP OF AFFORDABLE HOUSING UNITS**

Issuance of a certificate of ownership.

**42A.** (1) The Board shall, with the approval of the Cabinet Secretary, transfer the ownership of an affordable housing unit to a qualified applicant upon completion of payment of the agreed price.

(2) The Registrar shall not, without the written consent of the Board, register a transfer of any housing unit under this Act.

(3) The certificate of the Board that any affordable housing unit has been sold to an individual under the provisions of this Act shall be conclusive evidence of consent under subsection (2).

(4) The registration of an owner of affordable housing units shall be undertaken in accordance with the Sectional Properties Act.

*(Leader of the Majority Party)*

Motion made and Question proposed -

**THAT**, the New Clause 42A be read a Second Time;

Debate arising;

Question put and agreed to.

Motion made and question proposed -

**THAT**, New Clause 42A be part of the Bill.

Debate arising;

Question put and agreed to;

New Clause 42A - approved.

New Clause 42B proposed-

**THAT** the Bill be amended by inserting the following new sections immediately after new clause 42A -

Restrictions to owners of affordable housing unit.

**42B.** Except with the prior written consent of the Board, a purchaser of an affordable housing unit under this Act shall not by contract, agreement or otherwise, sell or agree to sell his or her unit or any interest therein to any other person.

*(Leader of the Majority Party)*

Motion made and Question proposed -

**THAT**, the New Clause 42B be read a Second Time;

Debate arising;

Question put and agreed to.

Motion made and question proposed -

**THAT**, New Clause 42B be part of the Bill.

Debate arising;

Question put and agreed to;

New Clause 42B - approved.

**FIRST SCHEDULE**

Senate amendment proposed-

**THAT** the First Schedule of the Bill be amended—

(a) in paragraph 1 by deleting the words “at least half” appearing in sub-paragraph (4) and substituting therefor the word “majority”; and

(b) in paragraph 2 by deleting the words “fifty plus one” and substituting therefor the words “majority”.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to First Schedule - approved.

**THIRD SCHEDULE**

Senate amendment proposed-

**THAT** the Third Schedule of the Bill be amended by inserting the following new paragraphs immediately in paragraph 5—

5A. National Construction Authority.

5B. State Department responsible for matters relating to Public Works.

*(Leader of the Majority Party)*

Question of the Senate amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Third Schedule - approved.

Bill to be reported without amendments.

**14. HOUSE RESUMED** - the Deputy Speaker in the Chair

**Senate Amendments to the Affordable Housing Bill (National Assembly Bill No. 75 of 2023)**

Bill reported without amendments;

[  
Motion made and Question proposed –

**THAT**, the House do agree with the Committee in the said report.

*(Leader of the Majority Party)*

Question put and agreed to.

**15. MOTION – REPORT OF THE AUDITOR-GENERAL ON FINANCIAL STATEMENTS OF SELECTED STATE CORPORATIONS**

Order deferred.

**16. THE NATIONAL GOVERNMENT ADMINISTRATION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 73 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed-

**THAT**, the National Government Administration Laws (Amendment) Bill (National Assembly Bill No. 73 of 2023) be now read a Second Time.

*(Leader of the Majority Party)*

*(Change of chair from Deputy Speaker to Sixth Chairperson of Committees)*

Debate arising;

*(Change of Chair from the Sixth Chairperson to the Fifth Chairperson)*

And the time being Seven O'clock, the Sixth Chairperson adjourned the House without Question put pursuant to the Standing Orders.

**17. HOUSE ROSE** - at Seven O'clock

**MEMORANDUM**

The Speaker will take the Chair on,  
Tuesday, March 19, 2024 at 02.30 p.m.

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