

PUBLIC PARTICIPATION REPORT ON THE AFFORDABLE HOUSING REGULATIONS, 2025

1. Introduction

Following the enactment of the Affordable Housing Act, 2024 (“the Act”), the Cabinet Secretary in charge of matters related to housing was given powers to enact Regulations on the same under Section 59(1) of the Act.

The Ministry of Lands, Public Works, Housing and Urban Development has identified areas in the Act which require unbundling through Regulations in order to ensure that the provisions outlined in the Act are fully operationalized.

The Ministry formed a taskforce to develop draft Regulations under the Act which underwent sufficient public participation from 16th to 29th April 2024.

Comments received from public participation and stakeholder engagements were collated and considered in making improvements on the draft Regulations.

2. Master Matrix

Enclosed is a Master Matrix of Public Comments highlighting the specific provisions of the Regulations and a corresponding comment from the public together with the resolutions made on the respective comments and the justification for the same.

MASTER SHEET FOR ALL COMMENTS RECEIVED FROM THE EMAIL							
S/NO	INSTITUTION	REGULATIONS NO.	PROVISIONS OF THE REGULATIONS	RATIONALE FOR AMENDMENT RECOMMENDATION	PROPOSED AMENDMENT	DECISION OF THE COMMITTEE	RATIONALE FOR THE DECISION
1	Kenya Bankers Association	2	Interpretation	Definition of Gross Salary and gross income has not been provided.	Need to provide the definition of Gross salary and gross income as it is the basis for the deduction.	Accepted. "Gross income" means total amounts received from any economic activity before deducting any expenses.	To provide clarity on the meaning assigned to gross income
2	Anthony Kiberi:- registered estate agent, number 2329	2	Interpretation	"administration fee" -this seems to adopt religious beliefs even though Kenya constitution says Kenya is a secular nation.		Not accepted	The definition is to provide for shariah compliant facilities
3	Mathare Light of Hope Away From Home	2	Interpretation - Deposit assistance	The definition of the deposit assistance should not include a low-interest loan since no reference to low interest loan is made in the section 10 (6) of the regulation.	<i>Amend the definition of "deposit assistance" to exclude "low-interest loan" as it is not referenced in Section 10(6) of the Act.</i>	Accepted. Under Section 2 definition of deposit assistance Delete the words "low-interest loan, administrative fee or"	To remove the aspects of loan interest
4	Kutoka Urban Slums Initiative - Kutoka Network	2	valuer	The definition of the deposit assistance should not include a low-interest loan since no reference to low interest loan is made in the section 10 (6) of the regulation.	Amend the definition of "deposit assistance" to exclude "low-interest loan" as it is not referenced in Section 10(6) of the Act.	Accepted. Under Section 2 definition of deposit assistance Delete the words "low-interest loan, administrative fee or"	To remove the aspects of loan interest
5	Kenya National Interface Team	2	Valuer	Section 12 implies that Home Equity is equal to the total amount paid by the purchaser - Section 12 (4) (b) and (c). This implies that the refund will include the interest rate or administration fee (as defined by section 51 of the Act and defined in the Regulations. This implication will have the effect of refunding the borrower the cost of rendering the service of administering the facility or loan. This would negate the stability of the fund and increase disputes.	Home equity means the difference between the original purchase price of an affordable housing unit as defined by the Affordable Housing Act 2024 and the outstanding principal balance of the mortgage or loan.	Not accepted.	There is no use of the term home equity in the Act and Regulations.
6	Law Society of Kenya	2	Interpretation - Tenant Purchase Schemes	The Regulations provide insufficient detail on tenant purchase schemes within affordable housing, requiring further clarity noting its significance in enabling home ownership.	The Regulations be amended to provide further guidance and clarity with respect to these tenant purchase schemes in the context of affordable housing to the extent that tenant purchase schemes are key enablers to home ownership.	Accepted.	This is included in the definition of Tenant Purchase Scheme
7	Housing Coalition	2	Interpretation - Deposit assistance	The definition of the deposit assistance should not include a low-interest loan since no reference to low interest loan is made in the section 10 (6) of the regulation.	Amend the definition of "deposit assistance" to exclude "low-interest loan" as it is not referenced in Section 10(6) of the Act.	Accepted. Under Section 2 definition of deposit assistance Delete the words "low-interest loan, administrative fee or"	To remove the aspects of loan interest
8	RSM (Easternern Africa) Consulting Limited	2	Interpretation	Section 4(2)(a) of the Act imposes the levy at 1.5% of the gross salary of an employee. There is ambiguity in the term gross salary hence a need to include its definition in the regulation.	Amend Regulation 2 to include the definition of "gross salary of an employee" in alphabetical order.	Accepted. Insert new definition under interpretation "Gross income" means total amounts received from any economic activity before deducting any expenses.	To provide clarity on the meaning assigned to gross income
9	RSM (Easternern Africa) Consulting Limited	2	Interpretation	The Act makes numerous references to the term "person" but does not define the same.	Amend Regulation 2 to include the definition of "person" in alphabetical order. "person" means a natural person who is deemed to be a resident in Kenya for income tax purposes.	Not accepted	The person is well defined under the Section 48(2) of the Act which means a natural person
10	Nakuru	3	Exemption of housing levy	PWD	Proposal to expressly exempt PWDs from housing levy	Not accepted.	Every Kenyan is entitled to an affordable housing unit, thus every person earning an income shall contribute. PWDs are currently only partially exempt from income tax, but paying all other taxes.
11	Narok	3	Eligibility for exemption	Once one has completed paying for the unit, are they exempted from the levy?	Exemption form the levy be extended to beneficiaries from the program.	Not accepted	The Affordable Housing Levy is a tax. Further, other Kenyans paid the Levy towards beneficiaries getting a unit. Thus, beneficiaries must continue paying the Levy.

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12	Makueni	3	Eligibility for exemption	Are PWDs exempted from the AHL?	The members of the public felt that it was important to mention and include PWDs in writing in the regulations	Not accepted	Every Kenyan is entitled to an affordable housing unit. Therefore, every person earning an income shall contribute. PWDs are currently only partially exempt from income tax, but paying all other taxes.
13	Uasin Gishu	3	Eligibility for exemption	why are PWDs not exempt yet they are exempt from other forms of taxes?	Proposal to expressly exempt PWD from paying the housing levy	Not accepted.	Every Kenyan is entitled to an affordable housing unit, thus every person earning an income shall contribute. PWDs are currently only partially exempt from income tax, but paying all other taxes.
14	Kajiado	3	Eligibility from exemption	Will the deductions affect the retirees who are receiving pension?	The regulations exempts taxation on pension	Accepted with modifications	Pension is expressly exempt from the Levy. Income other than pension will be subjected to the Levy
15	Meru	3	Eligibility for Exemption	How are the extremely less fortunate and disadvantaged members of society who can't afford the housing levy be accommodated? (e.g slum dwellers & disabled people)	People living in slums and those living with disabilities should be exempted from paying the levy	Accepted with modifications	Persons living in slums and PWDs and have no income shall not be expected to pay the Levy. However, persons living in slums and PWDs who have income shall pay the Levy.
16	Nyandarua	3	Eligibility for Exemption	Concerns that some salaried individuals are being exempted from paying the Levy--The Army was cited.	Members proposed to have everyone pay the Levy so as to benefit from the Affordable Housing Program.	Accepted	The Army is not exempted from the Levy. Everyone contributes to the Levy except those mentioned under Regulation 3 (1).
17	Elgeyo Marakwet	3	Eligibility for Exemption		Express exemptions for PWDs	Not accepted.	The Regulation does not exempt anyone who has an income from paying the Levy except persons provided for under Regulation 3 (1).
18	Elgeyo Marakwet	3	Eligibility for exemption	If i am 57 years, can be exempt from paying the levy?	Exempt income for those approaching retirement from the housing levy	Not accepted	The Regulation does not exempt anyone who has an income from paying the Levy except persons provided for under Regulation 3 (1).
19	Kakamega	3	Eligibility for exemption	We should make deductions only for the Kenyans interested in Houses		Not accepted	The Levy applies to all Kenyans earning an income
20	Kirinyaga	3	Eligibility for exemption	How are the extremely less fortunate and disadvantaged who don't have income benefit from this scheme because they also have housing need for example slum dwellers and PWDs		Accepted	Affordable Housing shall be accessible to all Kenyans and Kenyans across all social groups are considered under the program.
21				Provide clarity of whether those already owning units can be allocated affordable housing units and whether they will still be barred from selling this unit even after completing the repayments		Clarified. See rationale	People who already own houses will not be barred from owning affordable housing units. The allocation criteria for the affordable housing units is One ID, One Unit.
22	Nandi	3	Eligibility for exemption from the levy	PWDs should be automatically exempted as they are from other taxes	Amend 3 to automatically exempt PWDs from paying the levy	Not accepted	The Regulation does not exempt anyone who has an income from paying the Levy except persons provided for under Regulation 3 (1).
23	MARSABIT	3	Eligibility for Exemption	How are the extremely less fortunate and disadvantaged members of society who can't afford the units accommodated? (e.g disabled people)	People living with disabilities and other less fortunate should be exempted from paying the levy	Not accepted	The Regulation does not exempt anyone who has an income from paying the Levy except persons provided for under Regulation 3 (1).
24	Nyamira	3	Eligibility for exemption.	Is there an age limit for deduction of the levy. According to the participant, elderly people (Above 80) should be exempted from paying the levy as it drains the little income/ pension they get.	Have the elderly exempted from paying the levy.	Not accepted	The Regulation does not exempt anyone who has an income from paying the Levy except persons provided for under Regulation 3 (1).
25	Nairobi	3	Eligibility for exemption	The term "termination" on regulation no. 3 is too strong and should be replaced with an alternative eg cessation or parting of ways between employer and employee		Not accepted	Cessation or parting of ways between an employer and an employee has the same meaning as termination of a contract.

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26	Nairobi	3	Eligibility for exemption	The Tenant Purchase Scheme should allow an individual to exit from the program at a certain stage upon resale of the unit		Not accepted	Once a beneficiary under TPS sells the unit, they will still pay the levy if they have an income except for those exempted under Regulation 3(1).
27	MOKAMA CHARLES MURIMI	3	Eligibility for Exemption	Persons earning income (other than employment income) get it difficult to continue remitting the levy in case a natural calamity happens because their businesses are affected severely or destroyed completely.	These affected persons should be given a levy waiver for a specified period of time till they rebuild. The levy exemption should take into consideration for persons affected by natural calamities such as floods, earthquakes, volcanic eruptions, and droughts.	Accepted with modifications	Persons affected by these calamities and whose businesses are affected and have no income during the period will not pay the Levy
28	The Coast Land Non-State Actors (CLNSA) under Coast Civil Society Network for Human Rights.	3(1)	Eligibility for Exemption	To provide clarity and ensure effective implementation of the regulation.	Specify the category of persons that need to be exempted from paying the levy.	Clarified. See rationale	The categories are provided under Regulation 3
29	Bungoma	3 (1)	Exemption from the levy	PWDs don't pay other taxes, and this is automatic. They should also be exempted from the Levy just like the diplomats	Exempt the PWDs from paying the levy automatically	Not accepted	The Regulation does not exempt anyone who has an income from paying the Levy except persons provided for under Regulation 3 (1). PWDs are currently only partially exempt from income tax, but paying all other taxes.
30	Siaya	3 (1)	Eligibility for Exemption	The text of this sub-article is too general on who can be exempted from the levy	Proper guidelines should be in place on which categories of people are exempted from the levy	Clarified. See rationale	The categories are provided under Regulation 3
31	Vihiga	3 (1)	Eligibility for exemption	Avoid the situation of people purchasing houses by proxies. Ensure that standardized typologies are followed in the construction of houses		Accepted	The criteria for allocation have been provided for under Regulations 7 & 8. The Board shall ensure in the development the typologies are standardized but also customized to the local conditions
32	RSM (Easternern Africa) Consulting Limited	3(2)	Eligibility for Exemption	Non-residents are not eligible for an affordable housing unit. It is unfair to these persons to contribute towards the levy. The income of retirees from pension schemes and provident funds be exempted from levies.	Amend Regulation 3(2) to include the following paragraphs immediately after 3(2)(d): “(e) a salary or income of a non-resident person in Kenya; (f) a retirement benefit paid out of a person scheme or provident fund.”	Accepted	The Affordable Housing Levy is a tax under the Affordable Housing Act for the benefit of the Kenyan Citizens on the right under Article 43(1)(b) of the Constitution of Kenya. . The income from pensions is exempted from the Housing Levy tax.
33	Law Society of Kenya	3,4,5,6	Exemptions under Section 6 of the Act	The Regulations have unduly restricted the application of Section 6 of the Act on both the income that entitles one to be exempted and also the class of persons who need to be exempted.	Regulation 3 (1) has interpreted Section 6 (b) on person or category of person who may seek exemption to mean only one category of person that is “ A person or category of persons may be exempted from the payment of the Levy where that person is exempted from the imposition of taxes under an international agreement or a host country agreement to which Kenya is a Part of”. This is unduly restrictive, and the Regulations should allow for flexibility for the Cabinet Secretary to include other classes of persons. Regulation 3 (2) has provided a list of incomes or class of incomes that can be exempted. The list should not be exhaustive, and the language of the Regulations should provide for inclusion by qualifying the list as “including.” One category of income that should be excluded is inheritance or income arising from transmission.	Accepted with modifications	Regulation 4 provides that any Kenyan who wishes to be exempted from the levy may apply to the Cabinet Secretary in charge of affordable housing. Use of the word include will bring ambiguity. Any other person who wishes to be exempted is allowed to apply for the exemption under Regulation 4.
34	Kenya Bankers Association	4	Application for Exemption	Application for Exemption requires approval of both the Cabinet Secretary responsible for matters relating to affordable housing and further approval of the Cabinet Secretary responsible for the National Treasury, hence duplication of effort.	Criteria for eligibility for exemption already provided in regulation 3, thus approval to be done by one Cabinet Secretary (not two).	Accepted with modifications. Amend Regulation 4 (1) to read "may make an application to be exempted" Amend Regulation 4 (3) to read "The CS shall make a recommendation to the CS National Treasury...."	The CS incharge of affordable housing is only making a recommendation as the holder of policy. The CS NT is the one making the decision.

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35	Mathare Light of Hope Away From Home	4 (1)	Application for exemption	Use of the word 'may' – since the category of persons or class of income to exempt is clear there is no need to use may	Replace the word 'may' in the section with 'shall'	Not accepted	May gives the CS the leeway to make a decision.
36	RSM (Easternern Africa) Consulting Limited	4	Application for exemption	The exemption procedures do not provide for timelines for the Cabinet Secretary to provide administrative certainty to applicants.	Amend Regulation 4(5) by adding the following after the phrase "section 6 of the Act": "within seven days of approving the application" Amend Regulation 4(6) by adding the following after the phrase "section 6 of the Act": "within seven days of approving the application"	Not accepted	Providing for timelines under this may be prohibitive as the Cabinet secretary may require additional information from the applicant and this may take some time. By providing timelines the applicant may be disadvantaged should they not provide requisite information during the application. The open nature is to allow for a consultative process before a decision can be made by the CS.
37	Architectural Association of Kenya	4 (1)	Application for exemption	A typing error. A person or category of persons or any income or class of income not covered under Section 6 for the Act may be exempted from the imposition of the Levy.	A person or category of persons of any income or class of income not covered under Section 6 of the Act may be exempted from the imposition of the Levy.	Accepted. Delete Reg. 4(1) and replace with the following <i>"A person or category of persons of any income or class of income not covered under Section 6 of the Act may be exempted from the imposition of the Levy"</i>	Error amended.
38	Kutoka Urban Slums Initiative - Kutoka Network	4 (1)	Application for exemption	Use of the word 'may' – since the category of persons or class of income to exempt is clear there is no need to use may	Replace the word 'may' in the section with 'shall'	Not accepted	The word shall comes with obligations and therefore no need to replace the word may with shall. The word may gives the Cabinet secretary discretion in determining the exemption
39	Housing Coalition	4 (1)	Application for exemption	Use of the word 'may' – since the category of persons or class of income to exempt is clear there is no need to use may	Replace the word 'may' in the section with 'shall'	Not accepted	The word shall comes with obligations and therefore no need to replace the word may with shall. The word may gives the Cabinet secretary discretion in determining the exemption
40	Anthony Kiberi:- registered estate agent, number 2330	4(2)	Application for Exemption		There should be a committee to look at these exemptions and advise the CS whether to grant or not.	Not accepted	The CS has public officers under him to conduct due diligence in respect of the applications and advice appropriately. Therefore this matter shall be dealt with administratively.
41	The Coast Land Non-State Actors (CLNSA) under Coast Civil Society Network for Human Rights.	4(3)	Application for Exemption	The need to ensure a comprehensive and balanced assessment of the exemption requests.	The power to decide the people to be exempted to be made in consultation with the Affordable Housing Board and not just the Cabinet Secretary.	Accepted with modification. Change Regulation 4 (3) to state "the CS shall make a recommendation on the application and notify the applicant of the decision	This is provided for under Regulation 4 (4). It is envisaged that the CS may consult among others the Board and other relevant stakeholders.
42	Anthony Kiberi:- registered estate agent, number 2331	4(3)	Application for Exemption		Should read "within thirty days of receipt of recommendation from the housing levy committee under subregulation (1), the cabinet secretary shall make determination on the application and notify the applicant of the decision if the application is rejected.there should be a committee to look at these exemptions and advise the CS whether to grant or not."	Not accepted	The CS has public officers under him to conduct due diligence in respect of the applications and advice appropriately. Therefore this matter shall be dealt with administratively and the CS is the one to make the recommendation
43	The Coast Land Non-State Actors (CLNSA) under Coast Civil Society Network for Human Rights.	4(4)	Application for Exemption	underscore the importance and obligation of actively pursuing relevant information to facilitate a thorough consideration of the application.	To emphasize the mandatory nature of the action by stating that the Cabinet Secretary "shall" seek additional information from the relevant authorities when considering the application.	Accepted with modification	the CS may seek additional information only where necessary
44	The Coast Land Non-State Actors (CLNSA) under Coast Civil Society Network for Human Rights.	4(6)(b)	Application for Exemption	To ensure fairness, transparency, and accountability in the decision-making process.	Provide an appeal Mechanism for those rejected by the Cabinet Secretary.	Accepted with modification	The position of Plenary was that the application for review be made to CS in charge of affordable housing who shall review the application and make a recommendation to CS Treasury for review and a decision. The Office of the Attorney General took a position that any application for review by the CS Treasury has two decision points, one by CS Housing who makes a recommendation, and one by CS National Treasury.
45	Siaya	4	Application for exemption	Clarity on whether deductions already made will be refunded upon approval of exemption especially for PWDs	It was proposed that the regulations should be explicit on whether there is a refund or not	Clarified. See rationale	If a PWD is exempted from the Levy, the exemption shall take effect from the date of the exemption.

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46	Siaya	4	Application for exemption	Concerns that PWD are being deducted the levy whereas by other laws they should be exempted. Noted that the Government/KRA is in possession of the details and should have automatically exempted them from the levy and avoid subjecting them to tedious process of applying for exemption	Proposed that exemption for PWD should be automatic and should not be required to apply to be exempted	Not accepted	The Regulation does not exempt anyone who has an income from paying the Levy except persons provided for under Regulation 3 (1). PWDs are currently only partially exempt from income tax, but paying all other taxes. If a PWD applies for exemption and is granted, the exemption shall take effect from the date of it being granted.
47	Kilifi	4(3)	The CS is to process application for exemption within 30 days	The period provided is too long and should be reduced to 7 days upon application		Not Accepted	The CS will be required to undertake a due diligence in respect of the application before making any decision. The due diligence may also require consultation with other stakeholders, which time is factored in the 30 days.
48	Lamu	4(b)	Application for exemption	Requirement of tax compliance will lock many people with registered pin certificate but are inactive in filing taxes	Proposed amendment of the requirement of tax compliance for exception and application of housing. Unless a waiver is considered this will lock out hustlers and many needy families who may not be able to get the clearance	Not accepted	Applicants are highly encouraged to ensure they are of good tax standing. They can ensure this through filing returns with KRA. Hustlers are not exempt from taxation.
49	FEDERATION OF KENYA EMPLOYERS	3(1)	Eligibility for Exemption	Let us be clear that when a person or category of person is exempted by law or Kenya's obligation, we respect that. We should not create unnecessary bureaucracies and administrative burdens that need not to be there.	Change to read; (1) A person or category of persons are exempted from the payment of the Levy where that person is exempted from the imposition of taxes under an international agreement or a host country agreement to which Kenya is a Part of.	Accepted	Regulation 3(1) is amended accordingly.
50	FEDERATION OF KENYA EMPLOYERS	3(2)	Eligibility for Exemption	There is need to be clear on what is exempted to avoid administrative nightmares.	Change to read; The following income or a class of income are exempted from the levy where the income is-	Accepted	This will be provided for through a gazette notice by the Cabinet Secretary for National Treasury.
51	FEDERATION OF KENYA EMPLOYERS	4	Application for Exemption	It creates unnecessary administrative nightmare.	Delete whole of section 4	Not accepted	It is prudent to provide Kenyans with the process for application of exemptions.
52	FEDERATION OF KENYA EMPLOYERS	5	Validity of an exemption.	It creates unnecessary administrative nightmare.	Delete whole of section 5	Not accepted	An exemption can be made for a certain period of time to pursue certain government policy objectives. Once these objectives are achieved, these exemptions can be withdrawn.
53	FEDERATION OF KENYA EMPLOYERS	6	Revocation of exemption	It creates unnecessary administrative nightmare.	Delete whole of section 6	Not accepted	If a person provides inaccurate or fraudulent information, the CS shall revoke the exemption.
54	Kenya Bankers Association	6	Revocation of Exemption	Revocation of Exemption requires both the Cabinet Secretary responsible for matters relating to affordable housing and the Cabinet Secretary responsible for the National Treasury, hence duplication of effort.	Revocation criteria is clearly provided for in the regulations and approval can thus be done by one Cabinet Secretary.	Not accepted.	The CS National Treasury shall prior to making a revocation for exemption if he becomes aware of a material fact that the decision was made using fraudulent information inform the CS Housing.
55	RSM (Easternern Africa) Consulting Limited	6	Revocation of exemption	The revocation of an exemption, being an administrative process, needs to comply with the requirements of the Fair Administrative Action Act, 2015. However, the revocation provisions of the Regulations do not. Only persons who faithfully contributed to the fund should be allowed to benefit from the fund if they are not exempted from the levy contribution.	Amend Regulation 7 to include the following paragraphs immediately after clause (c): "(d) is not in default of their housing levy contributions if they are required to remit the levy under Section 4(2)(b) of the Act;"	Accepted	Regulation 7 amended to include: "(d) is not in default of their housing levy contributions if they are required to remit the levy under Section 4(2)(b) of the Act."

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56	Taxwise Africa Consulting LLP	6	Revocation of exemption	It is noted that the provision for application for exemption to the Cabinet Secretary is broad and creates an unlimited discretion for grant of exemption without clear guidelines on how decisions to exempt persons or income will be arrived at. This is contrary to Article 210 of the Constitution which requires that any exemption should be expressly provided for in law for the same to be validly granted.		Not understood	The Regulation quoted doesn't speak to the text.
57	RSM (Easternern Africa) Consulting Limited	6	Revocation of exemption	The revocation of an exemption, being an administrative process, needs to comply with the requirements of the Fair Administrative Action Act, 2015. However, the revocation provisions of the Regulations do not.	Amend Regulation 6 by inserting the following immediately after paragraph (c) “(d) Prior to making a recommendation for revocation under this Regulation, the Cabinet Secretary shall issue the subject person of the revocation with a written notice informing them of the proposed revocations with reasons and afford the person at least fourteen days to respond to the notice. (e) A person served with a revocation notice may (i) admit to the grounds for revocation in which case the recommendation for revocation may be made; or (ii) object to the grounds upon which the Cabinet Secretary intends on recommending the revocation (f) The Cabinet Secretary shall review an objection within thirty days and issue its decision either affirming its intention to recommend the revocation or setting aside its notice of intention to recommend revocation. (g) The Cabinet Secretary's failure to issue its decision within the timeline specified in Paragraph (f) herein shall be deemed to be a withdrawal of the notice of intention to recommend revocation (h) A person dissatisfied with a decision under Paragraph (f) herein may lodge a notice of appeal to the Magistrates Court within seven days of receiving	Not accepted.	This will be undertaken administratively.
58	Lamu	4 (2) (b)	Application for exemption	Requirement of tax compliance will lock many people with registered pin certificate but are inactive in filing taxes	Proposed amendment of the requirement of tax compliance for exception and application of housing. Unless a waiver is considered this will lock out hustlers and many needy families who may not be able to get the clearance	Not accepted	Applicants are highly encouraged to ensure they are of good tax standing. They can ensure this through filing returns with KRA. Hustlers are not exempt from taxation.
59	Institute Of Quantity Surveyors Of Kenya	7	Eligibility for allocation	Does it mean one can only be allocated one unit in a lifetime or there is a specific duration? Secondly, is it unit per each locality or in the entire country?	There is need to make it clear for ease of understanding.	Accepted with modifications. Amendment of the Regulation 7 (c) to remove "by the Board"	Each Kenyan is eligible for one affordable housing unit as provided for under section 48 (1) of the Act and Regulation 7 (c). The one unit is not per locality but rather in the entire country
60	Taxwise Africa Consulting LLP	7	Eligibility for allocation	Provides the criteria for eligibility, that is, a citizen of Kenya having attained the age of 18 years and not having been previously allocated a unit.	To mitigate the failures of previous public or government driven housing initiatives, it is proposed that the same is revised to provide for priority for indigent persons/households and the criteria for satisfying this condition.	Accepted with modifications	Indigents have an opportunity to own affordable housing units under social housing. Any indigent may get social housing unit under the First Schedule of the Act.
61	INTERFACE COMMUNITY HELP DESK (CBO)	7	Eligibility for allocation	We find this provision contradictory to the constitution of Kenya 2010, which recognizes that any person who has attained the age of 18 is entitled to all government opportunities.	We recommend changing the requirement to "anyone who has attained the age of 18 years"	Accepted. In 7 (b) delete the word "is Above" and replace with "has attained"	A person who has attained the age of 18 years is eligible to apply for a housing unit.
62	The Coast Land Non-State Actors (CLNSA) under Coast Civil Society Network for Human Rights.	7(a)(b)©	Eligibility for allocation	In the list of persons that should not be eligible for Affordable Housing Scheme, anyone who has benefited from any public related affordable housing should not be considered.	Add d. to say: anyone who has benefited from any public related affordable housing should not be considered.	Accepted with modifications. Amendment of the Regulation 7 (c) to remove "by the Board"	Each Kenyan is eligible to one affordable housing unit as provided for under section 48 (1) of the Act and Regulation 7 (c).

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63	Busia	7	Eligibility for allocation	How do we ensure free and fair allocation?	Insert a new Regulation 8(6) providing that the Board shall ensure a free and fair allocation while considering an application for an allocation of an affordable housing unit.	Accepted.	Regulation 8(6) will provide that the Board shall ensure a free and fair allocation while considering an application for an allocation of an affordable housing unit. An allocation criteria will be shared by the Board under Administrative Guidelines.
64	Busia	7	Eligibility for allocation	Should be tightened to give preference to the lower income earning Kenyans. The worry is that people who already have houses will get additional units	Eligibility criteria should be changed to ensure the lower income Kenyans without homes get fair treatment as proposed above. Regulation 7 (c) provides that a person shall be eligible to apply for an affordable housing unit if they have not been previously allocated an affordable housing unit by the Board.	Accepted with modifications. -	Each Kenyan is eligible to one affordable housing unit as provided for under section 48 (1) of the Act and Regulation 7 (c). The Act also categorises affordable housing units based on income and therefore covers even those with lower incomes.
65	THE BUILDING SURVEYORS REGISTRATION BOARD (BSRB)	7	Eligibility for allocation	Clarity on allocation for purchase/ Rental There's need to provide for rental option in AHP to cater for the majority of residents in urban area who prefer rental tenure in urban areas and perhaps home ownership in rural or different urban setup	A person shall be eligible to apply for lease of an affordable housing unit if that person—	Clarified. See rationale	The Board shall take into account a rental framework. Tenant Purchase Scheme is already a subsidised rental option until a person owns the unit
66	Tharaka Nithi	7	Eligibility for allocation		First priority of purchasing units should be given to those without houses	Not accepted.	All Kenyans are eligible for affordable housing units
67	Uasin Gishu	7	Eligibility for allocation	Additional criteria	Include someone who has not been declared bankrupt and someone who isn't under life sentence	Not accepted.	All Kenyans are eligible for affordable housing units
68	Mombasa	7	Eligibility for allocation- A person shall be eligible to apply for the allocation of an affordable housing unit if that person is above the age of eighteen years;	In the participant view ,18 years is way too young for one to afford an affordable housing unit since most are still in school or searching for some source of livelihood	Criteria of eligibility to provide for an age above 18 years	Not Accepted	The Constitution of Kenya provides that any citizen who has attained the age of 18 is an adult who can own property.
69	Elgeyo Marakwet	7		How will a husband with several spouses ensure that all his wives are housed?	Allow for joint ownership for the benefit of several spouses	Not accepted	Section 48 of the Act allows for the allocation of one affordable unit. In addition, the Registration of interest in land in the Land Registration Act and Regulations allows for the appropriate registration of interest in property.
70	Kiambu	7	Eligibility for allocation	Can an association own a house?		Not accepted	The Act Section 48 (2) stipulates that ownership is to a natural person. An association cannot own a home. The program is aimed at enabling Kenyans own homes. Eligibility criteria outlines the requirements for application
71	Isiolo	7	Eligibility for allocation	The people paying the levy feel that they are not being considered enough.	Those paying the levy to be given first priority in the allocation.	Not accepted	All Kenyans are eligible for affordable housing units. The Levy is payable by all Kenyans except those exempted
72	Isiolo	7	Eligibility for allocation	The tax payers in hardship areas who are already home owners lack motivation to continue with deductions	Priority of construction and allocation be given to those in hardship areas.	Not accepted	Each Kenyan is eligible to one affordable housing unit as provided for under section 48 (1) of the Act and Regulation 7 (c). For construction, this will be decided by the Board in the five year plan and the annual plan.
73	Nyeri	7	Eligibility for Allocation	A person is not eligible for allocation if the person was previously allocated a unit. What of a scenario whereby a unit owner wants to transfer their unit to a next of kin yet the kin already has an allocation from the Board.	Next of kin should be in a position to acquire a unit from their next of kin even if they were already allocated a unit by the board	Accepted. Amend Regulation 31 (1) to expand the scope to cover transfer of affordable housing units without consideration. (gifts)	Acquisition of a unit from a next of kin doesn't restrict allocation of the affordable housing unit. The restriction on gifting an affordable housing units is still subject on the time period as stipulated under Regulation 31.

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74	Nyeri	7	Eligibility for Allocation	informal workers who can't depend on inconsistent wages can't benefit	Regulations should incorporate how informal people with inconsistent wages can benefit from the program	Not accepted	All Kenyans including those in the lower income are eligible for an affordable housing unit. Each Kenyan is eligible to one affordable housing unit as provided for under section 48 (1) of the Act and Regulation 7 (c).
75	Vihiga	7	Eligibility for allocation	Focus more on social housing		Not accepted	All Kenyans including those in the lower income are eligible for an affordable housing unit. Each Kenyan is eligible to one affordable housing unit as provided for under section 48 (1) of the Act and Regulation 7 (c).
76	Wajir	7	Eligibility for allocation	What is the criteria for allocation of units?		Not accepted	Criteria already provided in Regulation 7
77	Wajir	7	Eligibility for allocation	What advantage do the civil servants have over other people?		Not accepted	All Kenyans including civil servants are eligible for an affordable housing unit. Each Kenyan is eligible to one affordable housing unit as provided for under section 48 (1) of the Act and Regulation 7 (c).
78		7	Eligibility for allocation	Is there special consideration for people with big families?		Not accepted	There is no special consideration for big families
79	Trans Nzoia	7	Eligibility for allocation	For those who live below the poverty line, especially vulnerable groups, and are unable to afford, how are they catered for?	Propose to have fully subsidized houses	Not accepted	Indigents have an opportunity to own affordable housing units under social housing. Any indigent may get social housing unit under the First Schedule of the Act.
80	Turkana	7	Eligibility for allocation	requested whether an orphan with with less than 18 years can access an Affordable housing with a birth certificate	Amend regulation 7 and add (d) that an orphan with with less than 18 years can access an Affordable housing with a birth certificate (child led household)	Not accepted	Section 49 (2) (a) of the Act requires one to have a National ID
81	Nairobi	7	Eligibility for allocation	How does the regulation deal with individuals who have benefited from affordable housing projects before they came into place		Accepted with modifications. Amendment of the Regulation 7 (c) to remove "by the Board"	Each Kenyan is eligible for one affordable housing unit as provided for under section 48 (1) of the Act and Regulation 7 (c) provided they have not been allocated an affordable housing unit from any affordable housing scheme.
82	EARB	7	Eligibility for allocation	Include provision of those who had been allocated units before the board came into existence		Accepted with modifications. Amendment of the Regulation 7 (c) to remove "by the Board"	Each Kenyan is eligible for one affordable housing unit as provided for under section 48 (1) of the Act and Regulation 7 (c) provided they have not been allocated an affordable housing unit from any affordable housing scheme.
83	EARB	7	Eligibility for allocation	Only persons who faithfully contributed to the fund should be allowed to benefit from the fund if they are not exempted from the levy contribution.	Amend Regulation 7 to include the following paragraphs immediately after clause (c): "(d) is not in default of their housing levy contributions if they are required to remit the levy under Section 4(2)(b) of the Act;"	Not Accepted	See above
84	RSM (Easternern Africa) Consulting Limited	7	Eligibility for allocation	Only persons who faithfully contributed to the fund should be allowed to benefit from the fund if they are not exempted from the levy contribution.	Amend Regulation 7 to include the following paragraphs immediately after clause (c): "(d) is not in default of their housing levy contributions if they are required to remit the levy under Section 4(2)(b) of the Act;"	Not Accepted	See above
85	Kajiado	7	Eligibility for allocation	How can those who are about to retire benefit from the units?	Those about to retire can still buy units as long as they can still make repayment for the units from alternative sources of income	Accepted	The retirees can apply for allocation of a house as long as they meets the allocation criteria and eligibility criteria set out in Regulation 7 and 8.
86	Muranga	7	Eligibility for allocation	Nyumba kumi members to given units for free as a form of reward towards their community input ,which is mostly pro-bono.	Regulation on allocation of free houses to Nyumba Kumi	Not accepted	The Act does not provide for this category. Inclusion would amount to amending the Act

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87	Muranga	7	Eligibility for allocation	Since it's the public contributing to the fund and the units are built on public land. Then the houses should be for free	Regulation on allocation of free houses	Not accepted	The Act does not provide for this category. Inclusion would amount to amending the Act
88	Kajiado	7&8	Eligibility for Application & Application for allocation	What measures are in place to ensure that every individual gets a house?	Any person of age 18 years and has an ID can buy a unit, as long as they meet the additional requirement in regulation no. 8	Not accepted	procedure for the allocation is already provided for in Regulation 8, so we don't need to repeat the words in 7
89	Homabay	7(b)	Eligibility for allocation	The text of the section if interpreted strictly, locks out people who are 18 years old from allocation of the unit. Proposed that it reads "any person who has attained the age of eighteen"		Accepted. Under Reg. 7(b) Delete the words "is above" and replace with the words "has attained"	To provide clarity
90	Baringo	7,8	Eligibility and application for allocation	Can a parent be allocated a unit jointly with their children?	Proposal to provide for joint ownership between parents and children	Not accepted	Eligibility criteria in Regulation 7 states that only persons who have attained the age of 18 years can be allocated. In addition, allocation is done to a natural person. Children can be added to the list of beneficiaries under Regulation 8 (2) (c).
91	Baringo	7,8	Eligibility and application for allocation	Criteria for allocation	Regulations to provide for a first come first served basis that cannot be manipulated externally. Those who have saved voluntarily to receive first priority	Not accepted	Priority in processing applications will be provided for in the operating procedures of the Board. Voluntary savings do not affect the processing of the application for allocation.
92	Uasin Gishu	7,8	Eligibility and application for allocation	Are spouses allowed to jointly own a unit?	Spouses to be allowed to jointly own a unit with further explanation on if they can own any other	Not accepted	See above
93	Laikipia	8	Application for allocation	what happens to a case of a polygamous man who is the sole income owner and wants to buy units for more than one spouse	A proof of marriage should allow a man to be able to acquire more than one unit for his wives, under their ID but using his income as a proof of income	Not accepted	Section 48 of the Act allows for the allocation of one affordable unit. In addition, the Registration of interest in land is provided for in the Land Registration Act and the Sectional Properties Act. Regulations allow for the appropriate registration of interest in property.
94	Institute Of Quantity Surveyors Of Kenya	8	Application for allocation		Allocation Process: The regulations should provide a structured process for the allocation of affordable housing units, including criteria for eligibility, application procedures, and notification of decisions ensuring fairness and accountability in the allocation process.	Accepted with modification. Amend Regulation 8. The application for a unit shall be done in writing and submitted digitally or physically.	To give the Board flexibility to respond to Kenyans' needs from time to time.
95	Embu	8	Eligibility for allocation	The regulation should put stringent measures on eligibility for example a person must have a police good conduct to avoid allocating units to criminals rather than the criteria given in the regulations	The regulation should put stringent measures on eligibility for example a person must have a police good conduct to avoid allocating units to criminals	Not accepted	Public goods should be provided to all Kenyans. Article 43 (1) (b) also states that "every Kenyan" housing....
96	Kenya Bankers Association	8	Application for allocation:- (2d) In accordance with section 49(2) of the Act, an application for allocation of an affordable housing unit shall be accompanied by— (d) proof of income and ability to repay for the loan.	It is not clear how the regulation requiring "proof of income and ability to pay" will be implemented for non-payslip individuals.	The Regulations should provide a model for collection of the levy from non-salaried individuals.	Accepted with modification.	The intention was to keep the Regulation broad to accommodate various applicants from different market segmentations/socio-economic ranks. <i>Note that the rationale of this proposal did not match the proposed amendment, however the issue was understood.</i>
97	Kennedy Matheka from the STATE DEPARTMENT FOR PUBLIC WORKS	8	Application for allocation.	Promotion of free and fair access to housing	Add sub-regulation 6) to read; (6) where there is redevelopment of old dilapidated/dangerous institutional housing, preference shall be given to the certified tenants of the old building who shall be re-accommodated in the redeveloped building	Not accepted	This will discriminate against Kenyans who have no access to these units.

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98	Law Society of Kenya	8	Application for allocation	There is inconsistency in the eligibility criteria for allocation of affordable housing units between natural persons and body corporates. According to section 48 of the Act, a person is eligible for allocation of one affordable housing unit if that person is a natural person. Despite this, section 49 of the Act sets out certain documents to accompany the application for allocation of an affordable housing unit, one of which is a copy of incorporation certificate in the case of a body corporate.	Section 49 of the Act be amended so that this requirement to produce a certificate of incorporation is removed as the affordable housing scheme is only intended for natural persons.	Accepted	The Ministry shall make a proposal to delete the requirement to produce a certificate of incorporation from Section 49 (2) (c)
99	Mathare Light of Hope Away From Home	8 (2)(a)	Application for allocation	An error with referencing a regulation. Reference has been made to regulation 10 yet the provision for deposit payable is in Regulation 9	Replace regulation 10 with regulation 9	Accepted	Error amended.
100	Architectural Association of Kenya	8 (2)(b)	Application for allocation.	The Kenyan National ID is the primary form of identification for Kenyan nationals it has not been included as proof of identification.	The National ID should be included.	Accepted	Already provided for in the Act, but repeated for purposes of good order
101	Mathare Light of Hope Away From Home	8 (2)(c)	Application for allocation	While the list of beneficiaries is important, the details to be included should be specified in the regulation to avoid double standards	The details of beneficiaries i.e. name, relationship should be included.	Accepted with modification. Amend Regulation 8 (2) (c) to state "next of kin"	To provide the next of kin. The list of beneficiaries will contradict the Law of Succession.
102	Kutoka Urban Slums Initiative - Kutoka Network	8 (2)(c)	Application for allocation	While the list of beneficiaries is important, the details to be included should be specified in the regulation to avoid double standards	The details of beneficiaries i.e. name, relationship should be included.	Accepted with modification. Amend Regulation 8 (2) (c) to state "next of kin"	To provide the next of kin. The list of beneficiaries will contradict the Law of Succession.
103	Real Estate Development and Finance Association Kenya,	8 (2)(d)	Application for allocation.	The requirement for proof of income poses a significant challenge, particularly in Kenya, where the primary proof of income is a pay slip. Individuals in the informal sector, often referred to as 'Hustlers,' lack pay slips. The government needs to relook at this provision since it can lock out the very people which the program intended to benefit.	The only partial solution to addressing it is the inclusion of electronic mobile transfers, utilizing avenues such as till numbers and pay bill numbers which will act as proof of income for people in the informal sectors such as mama mboga.	Accepted . Amend Reg. 8(2)(d) by deleting the word " loan" and replacing it with "Unit or credit facility"	Inclusion of the electronic mobile transfer may be one way of determining the proof income for an applicant.
104	Mathare Light of Hope Away From Home	9 (2)(d)	Application for allocation	The regulation should be re-aligned with the existing policies and regulatory framework including the slum upgrading policy and ongoing projects	The regulation ought to be clear on how they will ensure enumerations are done in all the informal settlements and ensure each and every informal settlement resident has a unique identification document	Not accepted	The enumeration will be done as per the resettlement action Plan for the project affected persons in accordance with section 47 of the Act
105	Kenya Bankers Association	8(2) & 9	Application for Allocation & Rate of Deposit	Proof of requisite deposit need not be evidenced only by actual deposit of funds to the Board	Recommend to also include Bank Guarantee from institutions licenced by the CBK in lieu of making the deposit at the application stage.	Accepted	Inclusion of the Bank guarantee as proof of deposit may be one way of determining the proof income for an applicant.

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106	The Coast Land Non-State Actors (CLNSA) under Coast Civil Society Network for Human Rights.	8(3)	Application for allocation	What would be the time frame for decision making, and how would applicants/ potential beneficiaries easily access up-to-date information on who is eligible for benefits under the program?	Clear timelines should be established and done in writing in a prescribed format. The list of beneficiary in all sub – counties to be updated in the website to help promote accountability and prevent misunderstandings or discrepancies regarding beneficiary lists.	Accepted with modifications.	Providing specific timelines for the Board to determine if an applicant can be allocated a unit will become an entry barrier, because an applicant may forget specific to attach specific requirement which the Board in a progressive manner will reach out to the applicant for resubmission of the missing document. Therefore providing timelines will be a disadvantage to the applicant. With regards to disclosure of the beneficiaries, this will be provided for under quarterly reports by the Board. An amendment has been made to communicate the decision of the Board thirty days after it has been made.
107	Nakuru	8	Application for allocation	How do we ensure that the affected persons in a redevelopment site are given first priority?	Issuance of special identification letters or cards to be included part of application documents.	Not accepted	The project affected persons will be engaged as part of stakeholder engagement. By giving preference of persons living in these sites being redeveloped will create discrimination on those who have not had an opportunity to rent these houses and therefore this regulations may be declared unconstitutional.
108	Machakos	8	Application for allocation	Succession of the housing units upon the death of the principle member	Application process requires one to provide a list of beneficiaries who will take over.	Accepted with modifications	A person allocated a unit may change the beneficiaries when they are still alive who may not be the persons envisaged under the succession law.
109	Bungoma	8	Application for allocation	Many of these affordable housing schemes could be bought up by people from other regions	The allocation of affordable housing units should be done in such a way to prioritize the local community Give local communities at least 50% of the affordable housing units in the schemes within	Not accepted	The Constitution gives every Kenyan a right to own property anywhere in Kenya. All Kenyans shall have a right to apply for units in any locality where the projects have been or are being developed and Kenyans will be notified appropriately where affordable housing schemes and when they can apply for consideration and allocation by the Board.
110	Meru	8	Application for allocation	The eligibility criteria for allocation is restricting.	Remove the requirement for a deposit. Anyone contributing the levy to automatically be eligible for allocation without paying a deposit	Not accepted	The levy is tax to facilitate Government develop affordable housing units whereas the deposit is geared towards conferring a benefit to an individual to own an affordable housing unit
111	Nyandarua	8	Allocation	A concern registered by individuals working in the Jua Kali Sector, that by being self-employed they are disadvantaged in allocation of the units	The proposal was to have in place a vetting committee that will vet those needy cases from the Jua Kali Sector.	Not accepted	The Board will be advised by the Fund secretariat based on set up criteria in these regulations and standard operating procedures. Setting up a committee means reducing the number of units available to Kenya because these committees may require allowances for operations.
112	Elgeyo Marakwet	8	Application for allocation	"CORRECTION"	Regulation 8 (2)(a) should reference regulation 9 instead of regulation 10	Accepted	The error is noted and corrected
113	Kiambu	8	Application for allocation	Deposit assisatance is allowed for those whose pay is less than 20 thousand shillings. Is this based on gross or net pay?	This will be based on gross pay since the levy is deducted from gross pay	Accepted. Amend Reg. 10(2)(a) by adding the word "gross" after the word "persons"	Regulation 10(2)(a) has been amended to provide for gross income. This is to provide clarity on the base income
114	Kiambu	8	Application for allocation	Concern on next of kin	The list of beneficiaries is a requirement when applying for the units	Accepted	The regulation has been amended to provide for next of kin
115	Garissa	8		3 board membership year tenure too long	Reduce the tenure period for board members	Not accepted	The current Government policy is for Board members to serve for 3 years renewable once. The regulations cannot be used to amend the principal act as this provision is already under the principal act.
116	Kirinyaga	8	Eligibility for allocation	The government should identify the poor within the community through registration. The government should then identify a few of this individuals and give them the units for free since they are not in a position to pay	Provide a regulation that provides that the Board may waive the deposit requirement for persons or category of persons stated here	Not accepted	The affordable housing Act envisages Kenyans will pay for the affordable housing units. However, Government may through other programs provide funding allocated by Parliament to develop houses to cater for the poor in the society.
117	Laikipia	8	Application for allocation	Refund of contribution towards house ownership incase a person fails to be allocated a unit	The board gives back the 10% deposit in case of application if one doesn't qualify for allocation	Accepted with modifications. Insert a new subregulation Reg. 9(2) <i>A person who has not been allocated an affordable housing unit may request for refund of their deposit by issuing sixty days' written notice to the Board and the deposit shall not earn interest</i>	To provide mechanisms and period for refund of deposits for those not allocated a unit

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118	Kwale	8	Application for allocation	The Regulations provides for allocation of units to individuals and thus no units are ring fenced for different income groups. It would be important to ensure marginalized and low income groups units are ring-fenced. This will encourage community organization and mobilization of groups and associations.	Have a provision to ring fence units for associations, organized groups or low income groups to ensure the units.	Not accepted	Allocation is to a natural person. It is also important to note that once you allocate a house to an association or group the fund has no control. If members of that group benefit for more than one unit. All persons will be given equal opportunities to purchase the units.
119	Nairobi	8	Application for allocation	The regulations needs to provide clarity on who can be enlisted as a beneficiary to avoid conflict on succession		Accepted with modifications	The regulation has been amended to provide for next of kin
120	Nairobi	8	Application for allocation	The regulations should give leeway to the Cabinet secretary to prescribe other categories on exemption from the levy. Provisions in the regulations are currently limited.		Accepted	Regulation 4 has given the Cabinet Secretary power to exempt other persons or category of incomes upon application
121	Kisii	8	Application for allocation	The homeless such as street families have not been considered in affordable housing programme	Consider onboarding the homeless even if it's in a form of temporary shelter	Not accepted	The Government may come up with a different policy interventions to address the issues of homeless. This policy will be funded by appropriated funds by parliament.
122	Vhiga	8 (1)	Application for a unit	Expressly state that a National ID is part of the documents required when applying for a unit	Expressly state that a National ID is part of the documents required when applying for a unit	Accepted	Regulation 8(2)(b) has been amended to capture the requirement for attaching copy of the ID card while applying for a unit
123	Nakuru	8 (2) (a) & (d)	Application for allocation	Street families and individual with zero income are left out	Provide special allocations for street families and individuals with "zero" families.	Not accepted	The Government may come up with a different policy interventions to address the issues of homeless. This policy will be funded by appropriated funds by parliament.
124	Nakuru	8 (2) (a) & (d)	Making determination on an application for an affordable housing unit	How to prioritize those who have been saving.	Provide for shortlisting based on the date the initial savings were deposited.	Accepted with modifications	The standard operating procedure will provide for a scoring criteria which will, take into account persons who have been saving into the Fund
125	Kisii	8(2)a	Application for allocation	Whereas article 8(2)a quotes regulation 10 to be talking about rate of deposit payable, actually regulation 10 does not talk of rate of deposit	Amend accordingly. Perhaps it should read 'the deposit payable at the rate specified in regulation 9'	Accepted	Regulation 8(2) (a) amended and corrected
126	Kisumu	8(2)c	Application for allocation	For small business people with unstable income, how will they be able to prove that they have the ability to pay for the unit applied for	Provide clarity on what happens in the event of death before full payment of the unit	Accepted with modifications.	The regulations have provided for a wide range of how people can can proof source of income and ability to repay e.g Mpesa statements, till number statement, payroll number statements among others. The regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner
127	Siaya	8(5)	Application for allocation	Period for deposit refund to unsuccessful applicant should not be open ended	Proposed that the regulations should provide for a period in which unsuccessful applicants should be refunded their deposits upon notification of rejected application by the board	Accepted with modifications. Insert new Subregulation 9(3) to read "A person who has not been allocated an affordable housing unit may request for refund of their deposit by issuing sixty days' written notice to the Board and the deposit shall not earn interest"	The regulations have been amended to include for refund under Regulations 9 (3)
128	Migori	8(5)	Application for allocation	It will be unfair and discriminatory for the board to reject an applicant's application for allocation based on ability to pay whereas eligibility for allocation under Reg.7 does not talk of being able to afford	As many people as possible should be allocated the units	Not accepted	The purpose of the affordable housing Act is to increase home ownership which shall be done progressively as units are being developed. The persons who are allocated the units are supposed to pay for the units so that the fund can be sustainable and intergenerational for the benefit of all Kenyans
129	FEDERATION OF KENYA EMPLOYERS	8 (2) (a)	Application for allocation	There may be instances where deposit may not be needed.	Change to read: 8 (2) (a) where applicable, the deposit payable at the rate specified	Accepted with modifications. Amend Reg. 9(1) and insert the words "or such other equivalent financial instrument" after 'price'	To provide for applicant with an opportunity to provide an acceptable equivalent financial instruments such as Bank guarantees

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130	FEDERATION OF KENYA EMPLOYERS	8(2)(b)	Application for allocation	The primary identification card is the National ID. The others are alternative	Change to read; 8(2)(b) copy of the National Identification Card or any of the following alternative documents as proof of identification--	Accepted with modifications. Delete the sub clause 8(2)(a) and replace it with " National Identification Card; or a valid passport; or a military identification document	The regulation has been amended to include the National Identification as one of the requirement for good order given it was provided in the main Act
131	FEDERATION OF KENYA EMPLOYERS	8 (2) (c)	Application for allocation	Why do we need the list of beneficiaries of the applicants? Your beneficiary may be one's spouse. Nothing stops the wife from purchasing her affordable housing unit and the husband too. What is the meaning of the beneficiaries of the applicant?	Delete 8 (2) (c)	Accepted with modifications	The regulations amended to provide for next of kin for purposes of contact and in regards to succession the succession law will take effect
132	FEDERATION OF KENYA EMPLOYERS	8 (2) (d)	Application for allocation	The affordable housing Levy is to help Kenyans to acquire homes/Housing units. These conditions will make it hard for the people to acquire these houses unless it targets only the employed or those with formal businesses.	Delete 8 (2) (d)	Not accepted	The regulations have provided for a wide range of how people can can proof source of income and ability to repay e.g Mpesa statements, till number statement, paybill number statements among others. The regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner
133	Wajir	8	Application for a unit	Registration process of people living with disability should be separate		Not accepted	The application for allocation procedure is the same across all Kenyans to avoid discrimination. Further, the application process makes provision for PWDs identification card where applicable
134	Laikipia	8	Application for allocation	Wants the regulation to factor in the criteria of age and physical ability in the allocation of units. The elderly and the disabled should be given low ground floors to ease their accessibility to the units	Regulation should factor in age and physical ability	Clarified. See rationale	This will be done administratively by the Board
135	Laikipia	8	Application for allocation	For those who don't have a proof a source of income for example the informal wage earner, they can use receipts of rent payment as proof of ability to pay for the units	previous rent receipts to be used as source of proof of ability to repay for the unit	Clarified. See rationale	The regulations have provided for a wide range of how people can can proof source of income and ability to repay e.g Mpesa statements, till number statement, paybill number statements among others.
136	Mathare Light of Hope Away From Home	9	Rate of deposit	The requirement for deposits to access affordable housing units is ambiguous, especially whether these are deductible from personal funds or the Housing Fund contributions.	We advocate for eliminating deposit requirements and leveraging existing revenue channels to fulfill housing provisions	Not accepted	The Housing Levy under the affordable housing Act is a tax and cannot net off the price of an affordable housing unit
137	Real Estate Development and Finance Association Kenya,	9	Rate of deposit.	There is a need for greater clarity regarding situations where a person wishes to make a deposit exceeding 10.0%.	It would be clearer if the regulation specified that the buyer must make a minimum deposit of 10.0%. However, if the buyer is capable, they can opt to deposit more than 10.0%.	Accepted with modifications. Amend Reg. 9 by adding subregulation 9(2) to read" Notwithstanding the provisions of sub regulation 1, an applicant may deposit a higher percentage towards the purchase of an affordable housing".	To provide for applicants who are able to deposit more than 10% of the sale price.
138	Kutoka Urban Slums Initiative - Kutoka Network	9	Rate of deposit	The requirement for deposits to access affordable housing units is ambiguous, especially whether these are deductible from personal funds or the Housing Fund contributions.	We advocate for eliminating deposit requirements and leveraging existing revenue channels to fulfill housing provisions	Not accepted	The Housing Levy under the affordable housing Act is a tax and cannot net off the price of an affordable housing unit
139	Housing Coalition	9	Rate of deposit	The requirement for deposits to access affordable housing units is ambiguous, especially whether these are deductible from personal funds or the Housing Fund contributions.	We advocate for eliminating deposit requirements and leveraging existing revenue channels to fulfill housing provisions	Not accepted	The Housing Levy under the affordable housing Act is a tax and cannot net off the price of an affordable housing unit

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140	Nakuru	9	Deposit	High deposit requirement	Lower rate to be considered	Not accepted	The regulations have provided for the rate of deposit of 10% for those who apply for units and in addition provided for deposit assistance for those who are unable to raise the deposit
141	Lamu	9	Rate of deposit	The rate of deposit is high for most of Lamu residents. Proposal to reduce it to 5% which is fair for consideration.	Consider having persons who cannot raise 10% deposit write to the board indicating the percentage of the deposit they can raise	Accepted with modifications. Amend the Regulation 10 (1) to add (a) to state that "a person who is unable to raise the full deposit stated under regulation 9." Add sub-reg 2 that an application made under sub-reg 1 shall be restricted to social housing units. Delete Sub-reg 10 (2). Add Sub-Reg 10 (5) "The Board shall make a determination on whether to provide deposit assistance or not and within 14 days of making a determination, notify the applicant." Amend 10 (6) to state "any money given as deposit assistance shall be included in the loan amount and shall be repaid at the same interest rate as of the loan and amortized over the loan period." Amend section 9 to read "The deposit payable by a person who is eligible for allocation of an affordable housing unit under regulation 8 shall be as follows: for social housing units: 5% for affordable housing units: 8% for affordable market housing units: 10%"	Consideration for partial deposit in 10 (1) is supported. The fund also provides an option for voluntary savings to be used for an applicant's deposit.
142	Tharaka Nithi	9	Rate of deposit	The deposit rate is too high for majority of the residents.	Deposit to be reduced to below 5%	Not accepted	A deposit of 10% is required to ensure the sustainability of the Fund. Regulation 10 provides for deposit assistance for persons who are unable to raise the deposit. The Act also provides for voluntary savings under section 52 towards raising the deposit.
143	Nyandarua	9	Rate of deposit, 10%, is too high	Rate of deposit, 10%, is too high		Not accepted	A deposit of 10% is required to ensure the sustainability of the Fund. Regulation 10 provides for deposit assistance for persons who are unable to raise the deposit. The Act also provides for voluntary savings under section 52 towards raising the deposit.
144	Nyandarua	9	Rate of deposit, 10%, is too high	Rate of deposit, 10%, is too high	Proposal to reduce deposit to 2%; there was another proposal for 2%-5%	Not accepted	A deposit of 10% is required to ensure the sustainability of the Fund. Regulation 10 provides for deposit assistance for persons who are unable to raise the deposit. The Act also provides for voluntary savings under section 52 towards raising the deposit.
145	Elgeyo Marakwet	9	Rate of deposits	Why have a fixed interest rate of 10% for all houses?	Have a prorata basis for house deposits depending on value of the house and a deposit rate of 2% for social housing	Not accepted	The 10% deposit is equitable to all home buyers and doesn't discriminate across the various income groups. For those who require support, there is deposit assistance. The deposit is based on the sale price of the unit approved by the Board and not market value.
146	Kilifi	9	Reduce the rate of deposit from 10% to 2.5%.	To ensure that low income persons are not locked out of the program		Not accepted	A deposit of 10% is required to ensure the sustainability of the Fund. Regulation 10 provides for deposit assistance for persons who are unable to raise the deposit. The Act also provides for voluntary savings under section 52 towards raising the deposit.
147	Kilifi	9	Remove on the rate of deposit for the purchase of units for low income earners	To allow those at low income levels to access the units		Not accepted	A deposit of 10% is required to ensure the sustainability of the Fund. Regulation 10 provides for deposit assistance for persons who are unable to raise the deposit. The Act also provides for voluntary savings under section 52 towards raising the deposit.
148	Tana River	9	Rate of deposit and deposit assistance	The 10% is high for the low income earners. It was proposed that the deposit be graduated with regard to the class of income, the rates proposed were 4%, 6%, 8% and 10% respectively		Not accepted	The 10% deposit is equitable to all home buyers and doesn't discriminate across the various income groups. For those who require support, there is deposit assistance. The deposit is based on the sale price of the unit approved by the Board and not market value.

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149	Nandi	9	Rate of deposit	It is a lot for people to pay for the monthly levy and also pay 10% deposit for allocation	Amend 9 to state that the rate of deposit shall be 5%	Not accepted	A deposit of 10% is required to ensure the sustainability of the Fund. Regulation 10 provides for deposit assistance for persons who are unable to raise the deposit. The Act also provides for voluntary savings under section 52 towards raising the deposit.
150	Kwale	9	Rate of Deposit	For those exempted from paying for the Levy, will they be eligible to acquire these units since they are not paying for the levy? Will they also be required to pay a deposit?	Provide clarity on whether those exempted will be allocated units and whether they will be required to pay for the deposit	Clarified. See rationale	All persons exempted from payment of the Levy and are eligible for allocation under Regulation 7 can apply for a housing unit; and will be required to pay the deposit as provided in regulation 9.
151	Nyamira	9	Rate of Deposit	A participant argued that instead of having a fixed deposit amount having a clustered deposit amount for different income groups will aid people start their homeowner journey.	People of low income pay low deposits.	Not accepted	The 10% deposit is equitable to all home buyers and doesn't discriminate across the various income groups. To assist in the home ownership journey, the Act has provided Deposit assistance for those unable to raise the deposit, as well as for voluntary savings to raise the deposit.
152	Migori	9	Rate of Deposit	The deposit at the rate of 10% of the selling price is high and many people may not be able to afford it	Consider revising the percentage of the deposit downwards	Not accepted	A deposit of 10% is required to ensure the sustainability of the Fund. Regulation 10 provides for deposit assistance for persons who are unable to raise the deposit. The Act also provides for voluntary savings under section 52 towards raising the deposit.
153	Muranga	9	The 10% deposit is not affordable to many and should be revised downwards to 5%	Many people are not able to raise the 10% deposit for the units		Not accepted	A deposit of 10% is required to ensure the sustainability of the Fund. Regulation 10 provides for deposit assistance for persons who are unable to raise the deposit. The Act also provides for voluntary savings under section 52 towards raising the deposit.
154	FEDERATION OF KENYA EMPLOYERS	9	Rate of deposit.	This allows the Board to determine the rate depending on the scheme and also how the Fund and market is moving. We just need to cap the upper limit. The board shall determine the rate applicable to different categories of affordable housing from time to time	Change to read; 9. The deposit payable by a person who is eligible for allocation of an affordable housing unit under regulation 8 shall be at the rate not exceeding ten percent of the sale price.	Not accepted	Section 49 (2) (a) requires the Cabinet Secretary and not the Board, to prescribe a requisite deposit to be made. Regulation 9 therefore prescribes the rate of deposit at 10% of the sale price
155	Institute Of Quantity Surveyors Of Kenya	10	Deposit assistance		Deposit Assistance: It is essential to ensure that the application process is streamlined, and assistance is provided efficiently to those in need.	Accepted Structure: a)Low-interest loan i.Regular payments for those with income between Kshs 20,000 – Kshs 50,000: The deposit assistance shall be added to the principal TPS amount and amortized over TPS term. ii.Deferred payment for those with income up to Kshs 19,999: The payment will be deferred for 3 years or deferred until the home is no longer the primary residence or is surrendered. The deposit assistance shall then be added to the outstanding principal TPS amount and amortized over the remaining TPS term. b)Typology: Limited to social housing and AHP units of up to two-bed units purchased through TPS c)Maximum purchase price of Kshs 2,000,000.00 Eligibility i.Meets basic eligibility as defined in Sec 48 of the Act ii.Applicant must be a first-time home buyer* iii.Income limit: Applicant should earn no more than Kshs 50,000.00 monthly. iv.Occupancy: the home must be the primary residence for the applicant for 5 years v.No previous assistance granted by the Board. vi.Provide proof of payment of the levy or exemption of the tax	The Deposit Assistance* Program assists in overcoming the deposit hurdle for low-income home buyers in purchasing their first house. Full repayment is only due upon default, sale, surrender, or transfer of the house. Definitions: *Deposit assistance refers to financial support provided to homebuyers to help them cover the initial deposit payment required when purchasing an affordable housing unit. *A first-time homebuyer is someone who has not previously owned a primary residence.

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156	Institute Of Quantity Surveyors Of Kenya	10	Deposit assistance eligibility	Does regulation for eligibility section 2 c tied to 2a? Or one is required to meet one of the requirements not all at once.		ACCEPTED WITH MODIFICATIONS: Structure: a)Low-interest loan i.Regular payments for those with income between Kshs 20,000 – Kshs 50,000: The deposit assistance shall be added to the principal TPS amount and amortized over TPS term. ii.Deferred payment for those with income up to Kshs 19,999: The payment will be deferred for 3 years or deferred until the home is no longer the primary residence or is surrendered. The deposit assistance shall then be added to the outstanding principal TPS amount and amortized over the remaining TPS term. b)Typology: Limited to social housing and AHP units of up to two-bed units purchased through TPS c)Maximum purchase price of Kshs 2,000,000.00 Eligibility i.Meets basic eligibility as defined in Sec 48 of the Act ii.Applicant must be a first-time home buyer* iii.Income limit: Applicant should earn no more than Kshs 50,000.00 monthly. iv.Occupancy: the home must be the primary residence for the applicant for 5 years v.No previous assistance granted by the Board. vi.Provide proof of payment of the levy or exemption of the levy	The Deposit Assistance* Program assists in overcoming the deposit hurdle for low-income home buyers in purchasing their first house. Full repayment is only due upon default, sale, surrender, or transfer of the house. Definitions: *Deposit assistance refers to financial support provided to homebuyers to help them cover the initial deposit payment required when purchasing an affordable housing unit. *A first-time homebuyer is someone who has not previously owned a primary residence.
157	Mathare Light of Hope Away From Home	10	Deposit assistance	Deposit assistance is eligible to those that demonstrate the AH unit being a primary residence yet it's not clear what primary residence is and is left to the interpretation of the people.	Define what primary residence is in the definition section to prevent varying interpretations.	Sub Regulation 10 (2) deleted entirely	Sub Regulation 10 (2) deleted entirely
158	Kutoka Urban Slums Initiative - Kutoka Network	10	Deposit assistance	Deposit assistance is eligible to those that demonstrate the AH unit being a primary residence yet it's not clear what primary residence is and is left to the interpretation of the people.	Define what primary residence is in the definition section to prevent varying interpretations.	Sub Regulation 10 (2) deleted entirely	Sub Regulation 10 (2) deleted entirely
159	Law Society of Kenya	10	Deposit assistance	"A person may be eligible for deposit assistance if the person meets the criteria set by the Board on the ability to pay the deposit". This provision is however counterproductive as the inability to pay the deposit is the entire purpose of applying for deposit assistance	10(3) of the Regulations be deleted.	Accepted	
160	The Coast Land Non-State Actors (CLNSA) under Coast Civil Society Network for Human Rights.	10(3)	Rate of Deposit and Deposit Assistance	Individual circumstances that may not be explicitly covered by the sub-regulations. How would the Board make consistent and equitable decisions then?	The Board should Develop criteria to be used despite the sub-regulations to be used by the board on assessing the ability to pay the deposit.	Accepted with modifications.	Addressed under Regulation 10 (4)
161	Lamu	10	Deposit and repayment assistance	There are needy families and especially families who have people living with disability and who are extremely needy and may not be able to cater for monthly repayments but they are in extreme need of shelter.	There be mechanisms to assist the poor living in remote areas apply for affordable houses and rural housing loans	Not accepted	Section 2 (2) of the Act provides for social housing targeted to persons whose monthly income is below KES 20,000. Regulation 11 also provides for access, inclusivity and diversity in allocating affordable housing units. The Government may come up with different policy interventions to address the issues of the homeless. This policy may be funded by appropriated funds by parliament.

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162	Nyandarua	10	Deposit financing	The threshold given of up to 20,000 is low	Proposal to increase those eligible for deposit financing to 50,000	ACCEPTED WITH MODIFICATIONS: Structure: a)Low-interest loan i.Regular payments for those with income between Kshs 20,000 – Kshs 50,000: The deposit assistance shall be added to the principal TPS amount and amortized over TPS term. ii.Deferred payment for those with income up to Kshs 19,999: The payment will be deferred for 3 years or deferred until the home is no longer the primary residence or is surrendered. The deposit assistance shall then be added to the outstanding principal TPS amount and amortized over the remaining TPS term. b)Typology: Limited to social housing and AHP units of up to two-bed units purchased through TPS c)Maximum purchase price of Kshs 2,000,000.00 Eligibility i.Meets basic eligibility as defined in Sec 48 of the Act ii.Applicant must be a first-time home buyer* iii.Income limit: Applicant should earn no more than Kshs 50,000.00 monthly. iv.Occupancy: the home must be the primary residence for the applicant for 5 years v.No previous assistance granted by the Board. vi.Provide proof of payment of the levy or exemption of	The Deposit Assistance* Program assists in overcoming the deposit hurdle for low-income home buyers in purchasing their first house. Full repayment is only due upon default, sale, surrender, or transfer of the house. Definitions: *Deposit assistance refers to financial support provided to homebuyers to help them cover the initial deposit payment required when purchasing an affordable housing unit. *A first-time homebuyer is someone who has not previously owned a primary residence.
163	Meru	10	Deposit assistance	Could the extremely vulnerable people in society be exempted from paying the deposit for the units?	consider giving deposit assistance to other income categories	ACCEPTED WITH MODIFICATIONS: Structure: a)Low-interest loan i.Regular payments for those with income between Kshs 20,000 – Kshs 50,000: The deposit assistance shall be added to the principal TPS amount and amortized over TPS term. ii.Deferred payment for those with income up to Kshs 19,999: The payment will be deferred for 3 years or deferred until the home is no longer the primary residence or is surrendered. The deposit assistance shall then be added to the outstanding principal TPS amount and amortized over the remaining TPS term. b)Typology: Limited to social housing and AHP units of up to two-bed units purchased through TPS c)Maximum purchase price of Kshs 2,000,000.00 Eligibility i.Meets basic eligibility as defined in Sec 48 of the Act ii.Applicant must be a first-time home buyer* iii.Income limit: Applicant should earn no more than Kshs 50,000.00 monthly. iv.Occupancy: the home must be the primary residence for the applicant for 5 years v.No previous assistance granted by the Board. vi.Provide proof of payment of the levy or exemption of	The Deposit Assistance* Program assists in overcoming the deposit hurdle for low-income home buyers in purchasing their first house. Full repayment is only due upon default, sale, surrender, or transfer of the house. Definitions: *Deposit assistance refers to financial support provided to homebuyers to help them cover the initial deposit payment required when purchasing an affordable housing unit. *A first-time homebuyer is someone who has not previously owned a primary residence.

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164	Nyandarua	10	Deposit financing	The threshold given of up to 20,000 is low	Proposal to increase those eligible for deposit financing to 50,000	ACCEPTED WITH MODIFICATIONS: Structure: a)Low-interest loan i.Regular payments for those with income between Kshs 20,000 – Kshs 50,000: The deposit assistance shall be added to the principal TPS amount and amortized over TPS term. ii.Deferred payment for those with income up to Kshs 19,999: The payment will be deferred for 3 years or deferred until the home is no longer the primary residence or is surrendered. The deposit assistance shall then be added to the outstanding principal TPS amount and amortized over the remaining TPS term. b)Typology: Limited to social housing and AHP units of up to two-bed units purchased through TPS c)Maximum purchase price of Kshs 2,000,000.00 Eligibility i.Meets basic eligibility as defined in Sec 48 of the Act ii.Applicant must be a first-time home buyer* iii.Income limit: Applicant should earn no more than Kshs 50,000.00 monthly. iv.Occupancy: the home must be the primary residence for the applicant for 5 years v.No previous assistance granted by the Board. vi.Provide proof of payment of the levy or exemption of the tax	The Deposit Assistance* Program assists in overcoming the deposit hurdle for low-income home buyers in purchasing their first house. Full repayment is only due upon default, sale, surrender, or transfer of the house. Definitions: *Deposit assistance refers to financial support provided to homebuyers to help them cover the initial deposit payment required when purchasing an affordable housing unit. *A first-time homebuyer is someone who has not previously owned a primary residence.
165	Kakamega	10	Deposit assistance.	Lack of clarity and comfort on homeowners taking on two loans; the deposit assistance and the home loan	Explicitly stating whether the deposit assistance is to be paid back, and what happens when a homeowner who received a deposit assistance defaults on their TPS	ACCEPTED WITH MODIFICATIONS: Structure: a)Low-interest loan i.Regular payments for those with income between Kshs 20,000 – Kshs 50,000: The deposit assistance shall be added to the principal TPS amount and amortized over TPS term. ii.Deferred payment for those with income up to Kshs 19,999: The payment will be deferred for 3 years or deferred until the home is no longer the primary residence or is surrendered. The deposit assistance shall then be added to the outstanding principal TPS amount and amortized over the remaining TPS term. b)Typology: Limited to social housing and AHP units of up to two-bed units purchased through TPS c)Maximum purchase price of Kshs 2,000,000.00 Eligibility i.Meets basic eligibility as defined in Sec 48 of the Act ii.Applicant must be a first-time home buyer* iii.Income limit: Applicant should earn no more than Kshs 50,000.00 monthly. iv.Occupancy: the home must be the primary residence for the applicant for 5 years v.No previous assistance granted by the Board. vi.Provide proof of payment of the levy or exemption of the tax	A deposit of 10% is required to ensure the sustainability of the Fund. Regulation 10 provides for deposit assistance for persons who are unable to raise the deposit. The Act also provides for voluntary savings under section 52 towards raising the deposit.
166	Kilifi	10	Provide a waiver on the deposit required for the elderly and those nearing retirement	To provide further caution to the vulnerable elderly persons within the society	Provide a regulation that provides that the Board may waive the deposit requirement for persons or category of persons stated here	Not accepted.	The Act in Section 49 (2) (a) requires a proof of requisite deposit as may be prescribed by the Cabinet Secretary.
167	Nyamira	10	Rate of deposit	The residents in the rural areas have very low income therefore raising the deposits may be challenging.	Have different percentage deposits for different income levels.	Not accepted	The 10% deposit is equitable to all home buyers and doesn't discriminate across the various income groups. To assist in the home ownership journey, the Act has provided Deposit assistance for those unable to raise the deposit, as well as for voluntary savings to raise the deposit.
168	Bomet	10	Deposit assistance	Are people who are in the social housing category being more advantaged because they are getting lower deposit rates and also deposit assistance	Look into the same	Not Accepted	All affordable housing categories require applicants to pay a 10% deposit and those in the social and affordable housing categories who cannot raise the full deposit may apply for deposit assistance.

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169	Turkana	10	Deposit Assistance	Proposed was that anyone who can not afford to pay the required 10% deposit to be eligible for deposit assistance regardless of their income	Add subregulation 10 (2) (d) that states anyone who wishes to be given a deposit assistance shall apply for one to the Board with evidence on their inability to get the deposit	Not accepted.	Structure: a)Low-interest loan i.Regular payments for those with income between Kshs 20,000 – Kshs 50,000: The deposit assistance shall be added to the principal TPS amount and amortized over TPS term. ii.Deferred payment for those with income up to Kshs 19,999: The payment will be deferred for 3 years or deferred until the home is no longer the primary residence or is surrendered. The deposit assistance shall then be added to the outstanding principal TPS amount and amortized over the remaining TPS term. b)Typology: Limited to social housing and AHP units of up to two-bed units purchased through TPS c)Maximum purchase price of Kshs 2,000,000.00
170	Isiolo	10 (2) (B)	Rate of Deposit and Deposit Assistance	Would people who already own homes and are paying the levy be allowed to rent off the houses for income?		Clarified. See rationale	During the period of tenant purchase scheme offered by the Board, the unit shall be owner occupied
171	Kilifi	10 (2) (B)	(b) the person demonstrates that the affordable housing unit to be purchased shall be their primary residence; and	The rationale is that most of unit's applicants may already living in a house whether owned or rented. The requirement that they need to indicate that this will be their primary home is a bit restrictive and assumes that they are homeless. However it is noted that this is for clause seeks to tighten application for deposit assistance.	Delete the entire clause	Accepted	Regulation 10 (2) deleted
172	Kilifi	10 (2)(b) & 31	The person applying for deposit assistance will have to prove that this is their primary home and they will further not be able to sell until 8 years have lapsed since acquisition of the unit	Provide clarity on what happens to those who already own their homes. Does this need to be taken into consideration while considering an application by a unit buyer?	Provide clarity of whether those already owning units can be allocated affordable housing units and whether they will still be barred from selling this unit even after completing the repayments	Not accepted.	Priority will be given to those who do not own homes. Sale of an affordable unit will be after 5 years.
173	THE BUILDING SURVEYORS REGISTRATION BOARD (BSRB)	10 (a)	Deposit assistance.	The 20,000 income limit is too low and in any cases, there's need to clarify if this refers to gross or net income	The person's gross monthly income is below Fifty thousand Kenya shillings;	ACCEPTED WITH MODIFICATIONS: Structure: a)Low-interest loan i.Regular payments for those with income between Kshs 20,000 – Kshs 50,000: The deposit assistance shall be added to the principal TPS amount and amortized over TPS term. ii.Deferred payment for those with income up to Kshs 19,999: The payment will be deferred for 3 years or deferred until the home is no longer the primary residence or is surrendered. The deposit assistance shall then be added to the outstanding principal TPS amount and amortized over the remaining TPS term. b)Typology: Limited to social housing and AHP units of up to two-bed units purchased through TPS c)Maximum purchase price of Kshs 2,000,000.00 Eligibility i.Meets basic eligibility as defined in Sec 48 of the Act ii.Applicant must be a first-time home buyer* iii.Income limit: Applicant should earn no more than Kshs 50,000.00 monthly. iv.Occupancy: the home must be the primary residence for the applicant for 5 years v.No previous assistance granted by the Board. vi.Provide proof of payment of the levy or exemption of the tax	The Deposit Assistance* Program assists in overcoming the deposit hurdle for low-income home buyers in purchasing their first house. Full repayment is only due upon default, sale, surrender, or transfer of the house. Definitions: *Deposit assistance refers to financial support provided to homebuyers to help them cover the initial deposit payment required when purchasing an affordable housing unit. *A first-time homebuyer is someone who has not previously owned a primary residence.

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174	Busia	10 (a)	Deposit assistance	The 20,000 cut off for deposit assistance is too restrictive, many kenyans in the mortgage gap also need assistance to own homes	The deposit assistance should be provided for kenyans earning up to 50,000 up from the recommended 20,000.	ACCEPTED WITH MODIFICATIONS: Structure: a)Low-interest loan i.Regular payments for those with income between Kshs 20,000 – Kshs 50,000: The deposit assistance shall be added to the principal TPS amount and amortized over TPS term. ii.Deferred payment for those with income up to Kshs 19,999: The payment will be deferred for 3 years or deferred until the home is no longer the primary residence or is surrendered. The deposit assistance shall then be added to the outstanding principal TPS amount and amortized over the remaining TPS term. b)Typology: Limited to social housing and AHP units of up to two-bed units purchased through TPS c)Maximum purchase price of Kshs 2,000,000.00 Eligibility i.Meets basic eligibility as defined in Sec 48 of the Act ii.Applicant must be a first-time home buyer* iii.Income limit: Applicant should earn no more than Kshs 50,000.00 monthly. iv.Occupancy: the home must be the primary residence for the applicant for 5 years v.No previous assistance granted by the Board. vi.Provide proof of payment of the levy or exemption of the tax	The Deposit Assistance* Program assists in overcoming the deposit hurdle for low-income home buyers in purchasing their first house. Full repayment is only due upon default, sale, surrender, or transfer of the house. Definitions: *Deposit assistance refers to financial support provided to homebuyers to help them cover the initial deposit payment required when purchasing an affordable housing unit. *A first-time homebuyer is someone who has not previously owned a primary residence.
175	Busia	10 (a)	Deposit assistance	This comment was made by a representative of a PWD Group in Busia. they noted that Pwds need more assistance in deposit assistance, 10% is too restrictive	Pwds should be assisted with the deposit assistance even if they earn more than 20,000 per month	Accepted with modifications	Eligible PWDs will get deposit assistance upon application if they need it.
176	FEDERATION OF KENYA EMPLOYERS	10(1)	Deposit assistance.		A person applying for the affordable housing unit to relocate whether he / she will pay the deposit upfront or it should be part of the housing unit costs to be paid in the instalments.	Not accepted.	The concern not understood
177	FEDERATION OF KENYA EMPLOYERS	10(2)	Deposit assistance.	Living wage is fifty thousand	Change to read; 10 (2) (a) the person's monthly income is below fifty thousand Kenya shillings;	Accepted with amendments	The Regulations have been amended to allow Deposit assistance to all eligible beneficiaries earning up to KSH 50,000 upon application
178	Kilifi	10	Youths	To ensure the youth are not locked out of the program given that a person aged 18 years may be unable to raise the requisite deposit for the units	The regulations to have a provision to protect the Youth on allocation of units.	Clarified. See rationale	1. Regulation 11 has been amended to provide for inclusivity and diversity within affordable housing schemes in respect to allocation of affordable housing units. 2. Regulation 10 provides for deposit assistance for persons who are unable to raise the deposit
179	Taita Taveta	10	Deposit	What happens to the vulnerable families who are unable to raise the deposit or repay for the units?	Provide for further caution to the extremely vulnerable families	Clarified. See rationale	A deposit of 10% is required to ensure the sustainability of the Fund. Regulation 10 provides for deposit assistance for persons who are unable to raise the deposit. The Act also provides for voluntary savings under section 52 towards raising the deposit.
180	Thika Sub County Fabricators And Carpenter'S Association	11	Inclusivity and Diversity within affordable housing schemes	Clear Regulations for Onboarding Juakalis /SMEs	The Board and Developers to allocate a minimum of (40%) of all contracts for affordable housing projects to local developers that is Jukali/ (SMEs). The Board to develop clear regulations for bidding and onboarding Jukali/ (SMEs) within the affordable housing sector, ensuring equitable access to contracts and fostering the growth of SMEs involved in technical services.	Accepted with amendments. Split Reg 11 (a) into two: a) Equitable access to persons in the allocation of affordable housing projects b): Equitable access to diverse groups and persons in the construction, management and maintenance of affordable housing projects in accordance with the PPADA Act.	1. The Regulation has been amended to provided for inclusivity and diversity within affordable housing schemes in respect to allocation of affordable housing units. 2. the regulation has also been amended to provided for inclusivity and diversity within affordable housing schemes with respect to economic opportunities in accordance with PPADA Act 2015, which includes the 40% local content.
181	Thika Sub County Fabricators And Carpenter'S Association	11	Inclusivity and Diversity within affordable housing schemes	Technical Support, Capacity Building, Mentorship and Training Programs	Developers and implementing agencies to allocate a portion of their project budget towards capacity building and training programs for local technicians, particularly those from SMEs, and TVETS to effectively participate in affordable housing projects.	Not accepted.	Section 46 of the Affordable Housing Act provides how contractors and implementing agencies shall support local communities where affordable housing projects/schemes are being developed.

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182	Thika Sub County Fabricators And Carpenter'S Association	11	Inclusivity and Diversity within affordable housing schemes	Access to Financing and Equipment	Financial institutions and the board to form special financing schemes tailored to the needs of SMEs and workers' cooperatives engaged in technical services to facilitate access to specialized equipment and machinery needed through leasing arrangements or subsidized loans.	Not accepted	There are government opportunities and interventions to ensure access to affordable financing such as Uwezo Fund, Women Enterprise Fund, Youth Fund etc where Kenyans can borrow to undertake such projects.
183	Thika Sub County Fabricators And Carpenter'S Association	11	Inclusivity and Diversity within affordable housing schemes	Bankable Guarantee Financing	The Board shall facilitate access to specific & affordable Bankable Guarantee Financing terms for SMEs engaged in technical services, providing financial security and credibility for their participation in affordable housing projects	Not accepted	There are government opportunities and interventions to ensure access to affordable financing such as MSME Credit Guarantee Scheme, Uwezo Fund, Women Enterprise Fund, Youth Fund etc where Kenyans can borrow to undertake such projects.
184	Thika Sub County Fabricators And Carpenter'S Association	11	Inclusivity and Diversity within affordable housing schemes	Incentives for Local Content and Participation	Projects demonstrating a high level of local content, SME participation, and employment generation to be given preference during the evaluation and selection process for affordable housing projects.	Accepted with modifications	The value chain for affordable housing projects long and wide with both forward and backward linkages. This is also supported by Section 46 of the Affordable Housing Act.
185	Nakuru	7	Eligibility for allocation	How do we ensure that the local community get first priority in allocation?	To provide special reservation for the locals.	Accepted	Section 46 of the Act provides that in the development of affordable housing units, the Board shall - (a) as far as possible ensure locally available materials are used; (b) ensure labour is sourced from the local communities.
186	Thika Sub County Fabricators And Carpenter'S Association	11	Inclusivity and Diversity within affordable housing schemes	Streamlined Procurement Processes	Simplified & transparent procurement procedures and documentation requirements to be implemented to ensure fairness in procurement processes & reduce barriers and administrative burdens for SMEs and workers' cooperatives participating in affordable housing projects.	Accepted	The procurement process shall be transparent, open, and accountable to facilitate inclusivity and diversity of economic opportunities.
187	Thika Sub County Fabricators And Carpenter'S Association	11	Inclusivity and Diversity within affordable housing schemes	Monitoring and Evaluation Mechanisms	The Board to establish a monitoring and evaluation framework to assess the participation of SMEs in affordable housing projects periodically, & inform policy adjustments and interventions.	Accepted	Sections 17 (2) (f) and 26 (2) (g) of the Affordable Housing Act provide a framework for monitoring and evaluation of the fund including the participation of SMEs in affordable housing projects.
188	Institute Of Quantity Surveyors Of Kenya	11	Inclusivity and Diversity within affordable housing schemes		Inclusivity and Diversity: Incorporating diverse perspectives in the construction, allocation, and management of housing projects can lead to more innovative and sustainable solutions.	Accepted	The Fund will embrace innovations.
189	Nema	11	Inclusivity and Diversity within affordable housing schemes	Access to people in management and maintenance of the affordable housing projects	Add an incentive for sustainable segregation and collection of waste from the planned housing settlement and neighborhood.	Not accepted	The Fund will not incentivize the segregation of waste. However, the Sustainable Waste Management Act 2022 obligates persons who generate waste in Kenya to segregate waste at source.
190	THE KENYA INSTITUTE OF PLANNERS	11	Inclusivity and Diversity within affordable housing schemes	Ensure all communities have access to the housing units based on the true percentage of their population.	Change from ... "equitable access to diverse groups" ... To ... "equitable access to diverse groups reflecting diversity of the country incase of national projects or the respective county for county based projects" ...	Accepted with modifications.	Regulation 11 (a) has been amended to provide for equitable access to diverse groups and persons in the allocation of affordable housing projects.
191	Kennedy Matheka	11	Inclusivity and diversity within affordable housing schemes.		Add sub-regulation d) to read; d) Built environment professionals from the implementing agencies are engaged in design, documentation, supervision, certification and maintenance of housing programs across Kenya	Not accepted	All affordable housing schemes are designed, supervised, documented and approved by built environment professionals. The regulations of the built environment professionals is provided for in various statutes. Section 10 (2) (c) of the Act provides as one of the objects the design, development and maintenance of affordable housing schemes in all counties which obligates the Board to carry out this mandate.
192	Mathare Light of Hope Away From Home	11	Inclusivity and diversity within affordable housing schemes	This is provision is blanket. How will the government, ensure this, since this is a regulation percentage/ or so should be included	Include percentages i.e. 5 percent of the management jobs to PWDs etc.	Not accepted	The amended Regulation 11 ensures equitable access to construction, management and maintenance of affordable housing projects. The Board shall ensure the inclusivity and diversity within affordable housing schemes is enforced administratively

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193	Architectural Association of Kenya	11	Inclusivity and diversity within affordable housing schemes.	Section 2(2) (a), (2) (b) and (2) (c) of the Act defines social housing, affordable housing and an affordable middle-class housing based on monthly income only. The title of this regulation is thus a bit misleading since it only provides for pricing criteria and leaves out other considerations for inclusivity and diversity	The scheme needs to be evaluated at other aspects of integration including social, environmental, spatial, etc.	Accepted. Amend Regulation 11 to add (d) the Board shall ensure that the affordable housing schemes are environmentally sustainable.	We need to provide for greening, playing grounds for children and climate smart designs
194	Kutoka Urban Slums Initiative - Kutoka Network	11	Inclusivity and diversity within affordable housing schemes	This is provision is blanket. How will the government, ensure this, since this is a regulation percentage/ or so should be included	Include percentages i.e. 5 percent of the management jobs to PWDs etc.	Not accepted	The amended Regulation 11 (a) ensures equitable access to construction, management and maintenance of affordable housing projects The Board shall ensure the inclusivity and diversity within affordable housing schemes is enforced administratively
195	Kenya National Interface Team	11	Inclusivity and diversity within the affordable housing scheme	Include a reporting obligation to the Inclusivity and Diversity provision	11. (d) The Board shall establish reporting requirements for developers to document and report on their efforts to achieve equitable access in these areas.	Accepted with modifications.	Sections 17 (2) (f) and 26 (2) (g) of the Affordable Housing Act provide a framework for monitoring and evaluation of the fund including the inclusivity and diversity of the affordable housing projects.
196	The Coast Land Non-State Actors (CLNSA) under Coast Civil Society Network for Human Rights.	11(a)	Inclusivity and Diversity within affordable housing schemes	the meaning of 'diverse groups' is not clearly defined.	Clearly define the diverse group meaning to prioritize their needs and ensure that they are not overlooked or disadvantaged in accessing housing opportunities.	Accepted with modifications	Committee to consider inclusion of the definition of diversity to mean persons from different socio- cultural and political backgrounds bearing differences in ethnicity, religion, race, gender, size, personalities, physical abilities and age.
197	Nakuru	11	Inclusivity	Special consideration for persons living with disability	Proposal to reserve units for the pwds.	Not accepted.	Regulation 11 (a) has been amended to take into account equitable access to diverse groups and persons in the allocation of affordable housing projects. This will be implemented administratively once applicants of affordable housing units are known.
198	Narok	11	Inclusivity and diversity within affordable housing program	How does the affordable housing program reach the people who live in remote areas?	Instead of having the 200 units per constituency concentrated in one site. Units should be staggered to cover all the regions in the county	Accepted with modifications.	Regulation 11 (b) provides for equitable distribution of housing programs across Kenya. This will be done progressively as resources become available.
199	Narok	11	Inclusivity and diversity within affordable housing program	If the units being built countrywide are 250,000, how many will be built in narok.	The member was explained to be the housing deficit. The number of units will be shared through the 5 yr investment. They suggested that the information on the number of units per county be published	Accepted	The Board shall be required to publish and publicise their quarterly reports. In addition it is expected the Board shall disclose all affordable housing schemes on its website.
200	Narok	11	Inclusivity and diversity within affordable housing program	How will fairness be exercised in the ahp as most residents are 'hustlers' and need assistance applying/ with their documentation or don't have the requisite money to start	There be mechanisms to assist the poor living in remote areas apply for affordable houses and rural housing loans	Accepted	The Board shall put a framework to support Kenyans who are not able to read and write to apply for the affordable housing units through, among others, stakeholder engagement. In addition, deposit assistance will be availed to those who request for it in writing.
201	Narok	11	Inclusivity and diversity within affordable housing program	The fund is discriminative as homeowners on communal land will be the only benefitors of communal land	Fund means of compensation for all the local residents/ communal land owners.	Accepted with modifications.	Under Section 41 (2) of the Affordable Housing Act, no land held by the county shall be allocated to affordable housing without public participation and stakeholder engagement of local communities. Section 22 and 23 of the The Community Land Act provides for procedures for the conversion of community land to public or private land.
202	Makueni	11	Inclusivity and diversity within affordable housing scheme	How is the implementation of AHP inclusive when it gives very few responsibilities to the county government even after the county government has provided land?	It was requested that environmental and social impact assessment be done by county governments in projects that are county based and all AHP projects be submitted to county government for approval , and should be clearly captured in the regulations	Accepted with modifications.	Part IV of the Affordable Housing Act provides engagement and involvement of County Governments in affordable housing. It is not true that county governments will not be involved. Any affordable housing project will be approved in accordance with existing statutory requirements.

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203	Makueni	11	Inclusivity and diversity within affordable housing scheme	What regulation has been put forward to ensure that County based projects have the available private contractors and/or developers are given first priority in the tendering process?	Contractors and/or developer for County based project should come from the County on which the AHP project is being implemented, and if not justification of why not should be clearly indicated	Not accepted	Regulation 11 has been amended to provided for inclusivity and diversity within affordable housing schemes with respect to economic opportunities in accordance with PPADA Act 2015.
204	Tharaka Nithi	11	Inclusivity and diversity within affordable housing schemes.	What criteria will be used to determine housing distribution across the country? (Location Wise)	Proper feasibility study to be done to establish demand for houses per county so that supply is equal to demand and also to avoid having dead stock	Not accepted	This will be done administratively. Further, Section 39 (a) of the Act provides that County Committees shall in consultation with the Board develop a framework for the attainment of affordable housing in the county.
205	Uasin Gishu	11	Inclusivity and diversity within Affordable housing schemes	Are there units reserved for local residents?	Have units for local residents reserved at 30% for the residents of the county	Not accepted	All Kenyans are eligible for an affordable housing unit in any part of the country. The Constitution Article 40 states that Kenyans can own property in any part of the country. In addition, each Kenyan is eligible to one affordable housing unit as provided for under section 48 (1) of the Act and Regulation 7 (c).
206	Mombasa	11	Inclusivity and diversity within affordable housing schemes-there is equitable access to diverse groups and persons in the construction, allocation, management and maintenance of the affordable housing projects	People Living with Disability in Informal Settlements and Are Not Formerly Employed May Not Be Able to Afford Affordable Houses. Needs Government Intervention	Regulations to provide for government interventions	Not accepted.	Section 2 (2) of the Act provides for social housing targeted to persons whose monthly income is below KES 20,000. Regulation 11 also provides for access, inclusivity and diversity in allocating affordable housing units. The Government may come up with different policy interventions to address the issues of the homeless. This policy may be funded by appropriated funds by parliament.
207	Mombasa	11	Inclusivity and diversity within affordable housing schemes-there is equitable access to diverse groups and persons in the construction, allocation, management and maintenance of the affordable housing projects	Considerations for allocation of Affordable housing to PWDs should not be provided in open ended manner or left in policies but should rather be legislated.	Legislation to provide for preferential allocation of AHP to PWDs	Not accepted	Regulation 11 (a) has been amended to take into account equitable access to diverse groups and persons in the allocation of affordable housing projects. This will be implemented administratively once applicants of affordable housing units are known.
208	Nyandarua	11	Inclusivity and Diversity	There was concern that the Regulations excludes those with zero incomes, and the poor in the community	i) There was a proposal to set aside a certain number of units to be issued to the very poor in a community. (ii) A vetting committee to be set up to vet the needy who can be accommodated under this program.	Not accepted	The affordable housing Act envisages Kenyans will pay for the affordable housing units. However, Government may through other programs provide funding allocated by Parliament to develop houses to cater for the poor in the society.
209	Nyandarua	11	Inclusivity and Diversity	There concerns that Vulnerable men (male) in the society have been left out and yet there are some men who are poor and needy.	There a proposal to have these vulnerable men identified and allowed to benefit under the special groups.	Not accepted	1. Regulation 11 has been amended to provide for inclusivity and diversity within affordable housing schemes in respect to allocation of affordable housing units. 2. the regulation has also been amended to provided for inclusivity and diversity within affordable housing schemes with respect to economic opportunities in accordance with PPADA Act 2015, which includes the 40% local content. 3. The affordable housing Act envisages Kenyans will pay for the affordable housing units. However, Government may through other programs provide funding allocated by Parliament to develop houses to cater for the poor in the society.
210	Siaya	11	Inclusivity and Diversity	Youth, Women and PWD lobby group pointed out that this article ought to be implemented strictly in deed and not just in text to benefit the marginalised groups		Accept	The Regulations will operationalize the inclusion and diversity provisions within the Act

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211	Siaya	11	Inclusivity and Diversity	There was concern that wealthy buyers and people not residing where a project is will outbuy local communities	Proposed that the regulations be amended to give priority to the community where the scheme on sale is domiciled	Not accepted.	All Kenyans are eligible for an affordable housing unit in any part of the country. The Constitution Article 40 states that Kenyans can own property in any part of the country. In addition, each Kenyan is eligible to one affordable housing unit as provided for under section 48 (1) of the Act and Regulation 7 (c).
212	Kiambu	11	Inclusivity and Diversity within affordable housing schemes	Regulations should define "diverse groups"	This was noted for consideration	Drafters will clarify.	
213	Garissa	11	Inclusivity and Diversity within affordable housing schemes	There is misrepresentation of youth, women and other marginalised groups, religious leaders from all faiths in the Board	The Board should develop a standard template with all the requirements needed for the various categories of works and services.	Not understood	The proposed amendment is not clear in relation to Regulation 11 which refers to inclusivity and diversity.
214	Homabay	11	Inclusivity and diversity	The land under which Affordable Housing is being developed was once community land held in trust by County Councils and now County Governments. There is danger that the parcels of land are being passed over to the hands of individuals. During sale, some percentage of the units in a scheme should be ring-fenced for the community in which the development is taking place		Accepted.	Regulation 26 (2) provides that the Board shall only conduct public participation or stakeholder consultations on county land that has been approved for allocation by the respective county assembly and the National Land Commission. Section 22 and 23 of the The Community Land Act provides for procedures for the conversion of community land to public or private land. All Kenyans are eligible for an affordable housing unit in any part of the country. The Constitution Article 40 states that Kenyans can own property in any part of the country.
215	Homabay	11	Inclusivity and diversity	Regulations should provide provisions for proper access to AHP scheme for PWD such as ramps without relying on lifts		Accepted with modifications.	The National Construction Authority Act mandates NCA to publish a code of conduct for the construction industry. This has been done through the National Building Code. The design and construction of affordable housing schemes will adhere to the provisions of the Code which provide for access ramps for PWDs.
216	Wajir	11	Inclusivity and diversity	What are the plans to ensure equitable distribution of the units throughout the county?		Accepted	This will be done administratively. Further, Section 39 (a) of the Act provides that County Committees shall in consultation with the Board develop a framework for the attainment of affordable housing in the county.
217	Tana River	11	Inclusivity and diversity within affordable housing schemes	Measures should be put in place to ensure that the County government entirely involves the jua kali and other 'informal' sector stakeholders as they are currently uninvolved in any County activity whatsoever		Accepted with amendments	1. The Regulation has been amended to provided for inclusivity and diversity within affordable housing schemes in respect to allocation of affordable housing units. 2. the regulation has also been amended to provided for inclusivity and diversity within affordable housing schemes with respect to economic opportunities in accordance with PPADA Act 2015, which includes the 40% local content.
218	Tana River	11	Inclusivity and diversity within affordable housing schemes	Ensure that projects in Tana River are in areas not prone to frequent floods. This can be done by fully involving the local professionals and community to understand the geography of the area		Accepted	Professionals will be involved in the planning, design and implementation , and community involvement and public participation will be incorporated in the project implementation.
219	Nandi	11	Inclusivity and diversity within affordable housing schemes	Communities providing land for affordable housing schemes need to have some of the units preserved for them	Amend 11 to add (d) which shall state that local communities shall have 60% of affordable housing units in their area reserved for them, in cases of public land	Not accepted.	Under Section 41 (2) of the Affordable Housing Act, no land held by the county shall be allocated to affordable housing without public participation and stakeholder engagement of local communities. Section 22 and 23 of the The Community Land Act provides for procedures for the conversion of community land to public or private land.

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220	Kwale	11	Inclusivity and diversity within affordable housing schemes	The regulations should ensure affirmative action especially for the low income earners and the youth	Provide a safeguard to ensure affirmative action for the most vulnerable in the society	Accepted with modifications	1. Regulation 11 has been amended to provide for inclusivity and diversity within affordable housing schemes in respect to allocation of affordable housing units. 2. the regulation has also been amended to provided for inclusivity and diversity within affordable housing schemes with respect to economic opportunities in accordance with PPADA Act 2015, which includes the 40% local content. 3. The affordable housing Act envisages Kenyans will pay for the affordable housing units. However, Government may through other programs provide funding allocated by Parliament to develop houses to cater for the poor in the society.
221	Kwale	11	Inclusivity and diversity within affordable housing schemes	The regulations provides that the Board shall ensure it takes into account equitable distributions of units across Kenya. The regulations to provide clarity on the criteria to be considered in determine the number of units per County or locality	Provide a criteria that the Board will use to determine the distribution of the projects across the various locations	Answered	This will be done administratively. Further, Section 39 (a) of the Act provides that County Committees shall in consultation with the Board develop a framework for the attainment of affordable housing in the county.
222	Kwale	11	Inclusivity and diversity within affordable housing schemes	What criteria is there to safeguard interests of low-income earners e.g., Jua Kali people in allocation of the Affordable Houses? Has the regulations set aside a percentage of the units for the low income families?	Firm up the regulation to ensure the low income earners are not disadvantaged and percentage is set aside for them.	Accepted with modifications.	Regulation 11 (a) has been amended to take into account equitable access to diverse groups and persons in the allocation of affordable housing projects. This will be implemented administratively once applicants of affordable housing units are known.
223	Kwale	11	Inclusivity and diversity within affordable housing schemes	Consider having some houses reserved for persons living with disabilities and the most vulnerable in the society. How will the vulnerable and the PLWD be categorized and determined? What criteria will be used?	Firm this provision to provide more clarity on how this will be done	Accepted with modifications.	Regulation 11 (a) has been amended to take into account equitable access to diverse groups and persons in the allocation of affordable housing projects. This will be implemented administratively once applicants of affordable housing units are known.
224	MARSABIT	11	Inclusivity and diversity within affordable housing schemes.	What criteria will be used to determine housing distribution across the country? (Location Wise)	Proper feasibility study to be done to establish demand for houses per county so that supply is equal to demand and also to avoid having dead stock	Not accepted	This will be done administratively. Further, Section 39 (a) of the Act provides that County Committees shall in consultation with the Board develop a framework for the attainment of affordable housing in the county.
225	Nyamira	11	Inclusivity and Diversity within affordable housing schemes	A participant, a civil servant argued that the levy is still discrimination especially if someone is not benefiting from the AHP.	Can one contribute directly from their salary instead of having the levy, i.e housing allowance can be used a contribution.	Not accepted.	The Levy is a statutory deduction. The Act also provides for voluntary contributions towards the deposit for the house one wishes to buy.
226	Bomet	11	Inclusivity and diversity within the affordable housing scheme	An ACC asked what is the role of the department of social protection in the affordable housing program? How are they able to determine the vulnerability status of some of the applicants?	Have a member of the department of social protection in the board or have them involved in the selection process	Not accepted.	Regulation 11 (a) has been amended to take into account equitable access to diverse groups and persons in the allocation of affordable housing projects. This will be implemented administratively once the applications are received. The Board composition particularly the membership from the public sector is provided in the Act.
227	Bomet	11	Inclusivity and diversity within the affordable housing scheme	Is there representation of the PWD in the board and will they be considered during allocation?	Have representation for PWD	Accepted with modifications.	In Section 16 (5) (c) of the Act the Cabinet Secretary is required to consider special and marginalized groups including youth, women, and PWDs in appointing members of the Board. Regulation 11 (a) has been amended to take into account equitable access to diverse groups and persons in the allocation of affordable housing projects. This will be implemented administratively once the applications are received.

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228	Kericho	11	Inclusivity and diversity within affordable housing schemes.	How can one apply for an affordable housing unit? The procedure has not been made public	Provide clarity on public participation especially for people around the neighborhood of the project.	Not understood	The proposed amendment is not clear in relation to Regulation 11 which refers to inclusivity and diversity. The application for allocation is provided for under Regulation 8. Regulation 26 provides for the conduct of public participation and stakeholder engagement.
229	Kericho	11	Inclusivity and diversity within affordable housing schemes.	Why are the AH unit designs the same yet building in the rural areas is relatively cheaper.	Have different pricing for regions or have different designs for each typology.	Not accepted.	The proposed amendment is not clear in relation to Regulation 11 which refers to inclusivity and diversity.
230	Kericho	11	Inclusivity and diversity within the affordable housing scheme	There is no representation of the youth and low income earners in the board	Include more youth and women.	Not accepted.	In Section 16 (5) (c) of the Act the Cabinet Secretary is required to consider special and marginalized groups including youth, women, and PWDs in appointing members of the Board.
231	Migori	11	Inclusivity and diversity within the affordable housing scheme	The Act provides that a certain percentage of affordable housing units be reserved for Jua Kali/MSME involved in construction of the AHP. The Regulations is silent on that.	A certain percentage of housing units available for sale be reserved for Jua Kali people and can only be available to others if they are not taken up by the Jua Kali people.	Not accepted.	The Act has not made specific provisions for allocation of units for Jua Kali/MSMEs.
232	Migori	11	Inclusivity and diversity within the affordable housing scheme	What is the criteria for ensuring equitable distribution of the Affordable Housing Projects across the Country?	A clear criteria should be captured in the regulations to ensure fair distribution across the country	Not accepted	This will be done administratively. Further, Section 39 (a) of the Act provides that County Committees shall in consultation with the Board develop a framework for the attainment of affordable housing in the county.
233	Turkana	11	Inclusivity and diversity within affordable housing schemes	The PWDs representative wanted to know if the design of the houses will meet the needs of the PWDs	Add a regulation 11 (d) that states All affordable housing units shall be provided with physical infrastructure i.e. Ramps for ease movement of PWDs	Not accepted.	The National Construction Authority Act mandates NCA to publish a code of construction for the construction industry. This has been done through the National Building Code. The design and construction of affordable housing schemes will adhere to the provisions of the Code which provide for access ramps for PWDs.
234	Mandera	11	Inclusivity and Diversity within affordable housing schemes	There is need to carry out public sensitization of locals on AHP as many of them still do not understand or know much about it as it will also help curb misinformation		Accepted.	The Board shall sensitize the public on affordable housing projects and publish quarterly reports.
235	Kisii	11	Inclusivity and diversity	Political favouritism will be used throughout the project implementation to the detriment of those not politically correct regions	The text of this article should be implemented indeed by the board to allow fair distribution of projects across the country	Accepted.	This will be done administratively. Further, Section 39 (a) of the Act provides that County Committees shall in consultation with the Board develop a framework for the attainment of affordable housing in the county.
236	Kisii	11	Inclusivity and diversity	This regulation is not specific on what percentage will be set aside for each group of people	at least 30% of the construction works should be given to local community where the scheme is being developed	Not accepted.	Section 46 (b) of the act states that the board shall ensure that labour is sourced from the local communities
237	Tharaka Nithi	11 (a)	Inclusivity and diversity within affordable housing schemes		At Least 70% of construction workers to be locals.	Not accepted.	Section 46 (b) of the act states that the board shall ensure that labour is sourced from the local communities
238	MARSABIT	11 (a)	Inclusivity and diversity within affordable housing schemes	What is the criteria used in suppliers and construction workers' selection?	The majority of the material suppliers and construction workers should be from Marsabit.	Not accepted.	Section 46 of the act states that in the development of affordable housing units, the board shall ensure that as far as possible ensure locally available materials are used, and labour is sourced from the local communities.
239	Samburu	11 (a) & 8	Allocation	There were concerns on the likelihood of salaried individuals ending up with most of the units. This is exacerbated by the likelihood of some well-to-do families dominating the list of the allottees. A similar concern was voiced by business people who don't have a regular salary.	The Board should develop a criteria ensuring that there is an equitable distribution of allocations across various families, clans, and social classes.	Accepted. Introduce Regulation 8 (6)	Regulation 8(6) will provide that the Board shall ensure a free and fair allocation while considering an application for an allocation of an affordable housing unit. An allocation criteria will be shared by the Board under Administrative Guidelines.

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240	Samburu	11 (a) & 8	Allocation	A concern whether the homeless (street families) and individuals with "zero income" will be considered.	The Board should set aside a number of units for these vulnerable groups and allocate them for free.	Not accepted.	The affordable housing Act envisages Kenyans will pay for the affordable housing units. However, Government may through other programs provide funding allocated by Parliament to develop houses to cater for the poor in the society.
241	Embu	11,a	inclusivity and diversity within affordable housing scheme	Diverse groups is ambiguous and should rather be referred to as special interest groups and this to be defined in the act	Change to special interest groups and have this defined in the regulations	Not accepted.	Diverse groups incorporate more than just special interest groups.
242	INTERFACE COMMUNITY HELP DESK (CBO)	11	Inclusivity and Diversity	The AH Act and the Regulations do not comply with the constitution of Kenya 2010 and the National Persons With Disability Act, which require all buildings to be disability friendly.	The regulations should provide provisions for ramps to enable persons with disabilities to access the buildings.	Clarified. See rationale	The National Building Code which makes provision for the incorporation of Universal Access and provisions for PWDs will be adhered to in all the construction and developments done under the Act and Regulations
243	Mandera	11	New	Put into consideration culture, geography, social, economic and other relevant factors of each area and should be reflected in the architectural designs of the houses		Clarified. See rationale	This is provided for under Regulation 11 (c).
244	MOKAMA CHARLES MURIMI	12	Change of affordable housing unit	Re-allocation due to migration of a person allocated an affordable housing unit.	The regulations should have a clause allowing persons migrating to other regions within the country to acquire a housing unit using the contributions they have done in their former places of residence.	Accepted.	The issue is covered in Regulation 12 (4)
245	Mathare Light of Hope Away From Home	12	Change of affordable housing unit.	Change of affordable housing can be interpreted as moving from one unit to another within the same locality or different localities....	Provide the explicit definition of 'change of an affordable housing unit' in the definition section to avoid ambiguity regardless of 12(3)(b)	Accepted with amendment. Amend Reg 12 (1) to read "A person who has been allocated a unit may apply for change of an affordable housing unit before or after taking possession of the affordable housing unit provided the said unit has not been registered in favor of the person" Amend 12 (5) and add the following words at the end of the sub regulation "that the decision shall be subject to availability of an affordable housing unit."	Amended 12 (1) to provide more clarity on change of affordable housing unit.
246	Kutoka Urban Slums Initiative - Kutoka Network	12	Change of affordable housing unit.	Change of affordable housing can be interpreted as moving from one unit to another within the same locality or different localities....	Provide the explicit definition of 'change of an affordable housing unit' in the definition section to avoid ambiguity regardless of 12(3)(b)	Accepted with amendment	Amended 12 (1) to provide more clarity on change of affordable housing unit.
247	Mathare Light of Hope Away From Home	12 (2)	Change of affordable housing unit.	If the reasons for change of units are not elaborate in law, then this leaves a lacuna, where any reason can be given; what will guide the board to determine what constitutes a valid reason?	The regulation should provide guidance on the reasons for the desired change	Not accepted.	Regulation 12 (5) and (7) provide clarity that the decision for the change of Unit shall be made and communicated by the Board and where the request is rejected, the reasons for rejection shall be given. The Board shall not unreasonably withhold requests for change of affordable housing units.
248	Kenya National Interface Team	12 (4) (b) and (c)	Change of affordable housing units	Redraft Section 12 (4) (b) to allow only the refunding of home equity.	12 (4) (b) transfer all the home equity made by the applicant to the account for the newly allocated affordable housing unit; (c) Where a person opts for the allocation of a cheaper unit, credit the person's account with their home equity and refund any excess principal payments made.	Not accepted.	Affordable housing units are already highly subsidized by Government and the prices already set. Section 54 of the Act provides restriction on affordable housing units and the Board shall not take back the unit at market value
249	Mathare Light of Hope Away From Home	12 (4)(c)	Change of affordable housing unit.	The regulation does not specify who and to whom the service charge will be payable, Since the Act provides for application of sectional property, will it be paid to the board or the management company of the affordable housing units.	The regulation should specify the collector of the service charge and list the services to be provided using this service charge. The role of the board and the affordable units management company should also be highlighted in the regulations	Clarified. See rationale	The Sectional Properties Act makes provision for management of properties as well as the services therein.

MASTER SHEET FOR ALL COMMENTS RECEIVED FROM THE EMAIL

S/NO	INSTITUTION	REGULATIONS NO.	PROVISIONS OF THE REGULATIONS	RATIONALE FOR AMENDMENT RECOMMENDATION	PROPOSED AMENDMENT	DECISION OF THE COMMITTEE	RATIONALE FOR THE DECISION
250	Mathare Light of Hope Away From Home	12 Section (4)(c)	Change of affordable housing unit.	When a person opts for a cheaper unit the duration for the refund of the excess payment is not specified.	The regulation should provide for the duration of the payment period.	Accepted with modifications. Insert the following words at the end of the sub clause 12 (3) "such a decision of the Board shall be subject to the availability of the affordable housing unit." Amend Regulation 12 (6) to change "shall" to "may". Amend Regulation 12 (6) (b) to state "transfer the payments made by the applicant to the account for the newly allocated affordable housing unit and enter into such terms and conditions for the new unit." Amend 12 (6) (c) to state "where a person opts for the allocation of a lower priced unit than the one allocated under subregulation 6 (a)..." Amend 12 (6) (c) to add at the end "refund any excess payment within 90 days." Add Regulation 6 (d) to state " where a person opts for the allocation of a higher priced unit than that allocated under subregulation 6 (a), the person shall, subject to subregulation 12 (4) (b), credit to the Board the requisite deposit amount payable as may be provided by the Board."	The regulations have been amended to provide timelines for the refund as well as providing further clarifications on the provisions of change of affordable housing unit.
251	Busia	12	Change of affordable unit	We should allow people who become PWDs during the course of paying for the unit to get more conducive units (e.g. ground floor)	Insert a new Regulation 12 (3)(c) providing that a person becomes a person with disability and obtains a person with disability identification card.	Accepted. Regulation 12 (3)(c) providing that a person becomes a person with disability and obtains a person with disability identification card.	Regulation 12 (5) and (7) provide clarity that the decision for the change of Unit shall be made and communicated by the Board and where the request is rejected, the reasons for rejection shall be given. The Board shall not unreasonably withhold requests for change of affordable housing units.
252	Nakuru	12	Change of housing unit	Can one change units across counties?	To provide for change of units across counties	Accepted.	The issue is covered in Regulation 12 (4)
253	Nakuru	12	Change of housing unit	Can one get a refund when a suitable unit is not available	To provide for refund of monies paid towards a Tenant Purchase Scheme (TPS) where a suitable alternative is unavailable.	Not accepted.	Regulation 12 (5) was amended to add "that the decision shall be subject to availability of an affordable housing unit." When the application for change of unit is rejected by the Board, no refunds of TPS shall be given to the applicant.
254	Baringo	12	Change of affordable housing units	What happens when one has bought a unit in one county and wants to relocate to another county?	Change of units to be allowed across counties	Accepted.	The issue is covered in Regulation 12 (4)
255	Tharaka Nithi	12	Change of affordable housing units	In the event that one buys a unit in one county, and requires to relocate afterwards, could they change ownership to a unit in another county?	Change of housing ownership across countries should be accommodated.	Accepted.	The issue is covered in Regulation 12 (4)
256	Uasin Gishu	12	Change of affordable housing units	How many times can one change a unit?	Provide a limit on how many times one can change a unit allocated to them	Not accepted.	There is no limit to number of times one can change a unit. Regulation 12 provides the requirements for a change of an affordable housing unit.
257		12	Change of affordable housing unit	The sub-paragraphs after(4)are labelled as (3),(4)and(5)instead of(5),(6)and (7).We propose to correct this error		Accepted.	Numbering corrected in the amended Regulations.
258	Isiolo	12	Change of affordable housing unit	If one buys a unit in an area, and wants to relocate to another, can they exchange the unit for another in the new area?	Allow for change of a unit in a different location e.g. if one has bought a unit in county X and wants to relocate to county Y, they can swap the units as long as they are of similar design and cost.	Accepted.	The issue is covered in Regulation 12 (4)
259	Kilifi	12	The regulation provides for change of unit when one has take possession and one has also taken possession	There are instances when one may change their locations or change of employment from one locality to another.		Accepted.	The issue is covered in Regulation 12 (4)

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260	MARSABIT	12	Change of affordable housing units	In the event that one buys a unit in one county, and requires to relocate afterwards, could they change ownership to a unit in another county?	Change of housing ownership across counties should be accommodated.	Accepted.	The issue is covered in Regulation 12 (4)
261	MARSABIT	12	Change of affordable housing unit	If one buys a unit in an area, and wants to relocate to another, can they exchange the unit for another in the new area?	Allow for change of a unit in a different location	Accepted.	The issue is covered in Regulation 12 (4)
262	FEDERATION OF KENYA EMPLOYERS	12 (2)	Change of affordable housing unit	Specify the reasons. Say, relocation due to change of job, increase in the number of family members, change in income status. Specify at least three acceptable reasons.	Change to read; 12 (2) An application for change of an affordable housing unit shall be made, in writing, to the Board indicating the reasons for the desired change.	Not accepted.	The reasons for changing a unit will be varied depending on circumstances and may not exhaustively be legislated. However, Regulation 12 (5) and (7) provide clarity that the decision for the change of Unit shall be made and communicated by the Board and where the request is rejected, the reasons for rejection shall be given. The Board shall not unreasonably withhold requests for change of affordable housing units.
263	EARB	12	Change of affordable housing unit.	Introduce a clause to define service charge deal.	12 (4) (c) introduces service charge for the first time. The obligation to pay for services should be an integral part of the laws. It should be a recoverable debt together with the principal and interest	Not accepted.	Service Charge will be levied in line with the Sectional Properties Act.
264	RSM (Easternern Africa) Consulting Limited	12	Change of affordable housing unit	The sub-paragraphs after(4)are labelled as (3),(4)and(5)instead of(5),(6)and (7).We propose to correct this error		Accepted.	Numbering corrected in the amended Regulations.
265	RSM (Eastern Africa) Consulting Limited	N/A	Dispute resolution	The Regulations do not provide a dispute resolution mechanism for persons to challenge any penalties or demands for unpaid or underpaid levy contributions. Our proposal seeks to provide such a mechanism.	Amend the Regulations by inserting the following immediately after Regulation 32 Introduce a new Regulation 33 "Demand for levy and penalty" 33 (1) The Collector may issue a demand to an employer under Section 4(2) (a) of the Act or to a person under Section 4 (2) (b) of the Act for levy amounts unpaid after the deadline set at Section 4 (3) provided that the collector shall not demand for any levy payable under Section 4 (2) (a) of the Act or penalties thereon from an employee. 33 (2) A person issued with a demand under sub section (1) herein may object to the same as if it were a tax decision under the Tax Procedures Act 2015 and Section 51, 52, 53, 54, 55, 56 and 57 shall apply mutatis mutandis.	Not accepted.	This shall be handled within existing tax provisions in Law.
266	Kenya Bankers Association	13	Reallocation due to default in payment	The section is silent on what happens when default is caused by either death or permanent disability.	The board should have insurance to cover the two eventualities to avoid disrupting the beneficiaries.	Accepted with modifications. Amend Reg 8(4) to provide for one allocated a unit to take requisite insurance. Add the following under Regulation 8(4) after the word "applicant" to read ..."and that applicant will be required to take the necessary insurance."	The regulations have been amended to provide that applicants will be required to take requisite insurance approved by the Board to cover the eventuality of death of a unit owner. Homeowners may elect to take additional insurance on disability, loss of income, serious illness or any other

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267	Mathare Light of Hope Away From Home	13	Reallocation due to default in payment.	The action of taking possession of the affordable housing unit is retrogressive and will deny the affected persons access to that housing.	Delete part (3)(a) or and if not possible amend the word 'shall' to 'may' to read as a) may take possession of the affordable housing unit;	Accepted with amendments Amend 13 (1) to state "Where a person allocated an affordable housing unit through a Tenant Purchase Scheme defaults..." Deletion of 13 (1) "and continues to be in default" Reword 13 (2) "where a person fails to remedy the default as required under (1) for three consecutive months from the date of default the Board shall issue a notice informing that person the consequences in 13 (3) 13 (3) where the person in default fails to remedy the board shall: take possession of the affordable housing unit may reallocate the affordable housing unit to another eligible person may change the persons affordable housing unit to a lower value unit may enter into a restructuring arrangement with the person in default Delete 13 (4)	Regulation 13 amended to provide a logical flow of events to take place when default of an affordable housing unit occurs.
268	Law Society of Kenya	13	Reallocation due to default in payment	Regulation 13 which deals with default does not provide as one of its remedies the right to refund upon resale of the property to a new purchaser.	The right of refund and indeed the right of assignment should be included as one of the remedies available to a defaulting purchaser who has reached a certain threshold in paying the agreed installments (such as in a tenant purchase scheme) or a mortgage arrangement	Accepted with modifications. The Board to determine upfront a fair, equitable, transparent and consistent formula for refunds if any which will be contained in the contracts between the person and the Fund.	In the interest of fairness, this amendment address concerns of Kenyans who will aspire to own homes and may genuinely be unable after many years of contributions and encourages the spirit of home ownership. The formula will also protect the Fund against abuse.
269	Law Society of Kenya	13 (3)	Reallocation due to default in payment	Minor amendments are recommended for correction of grammatical errors and references within the Draft Regulations.	13(3) of the Draft Regulations should be amended by deleting the word "shall" immediately after the word "Board",	Accepted	Regulation 13 (3) has been amended to correct the grammatical errors.
270	Anthony Kiberi:- registered estate agent, number 2333	13 (3) (a)	Reallocation due to default in payment		(a) shall (delete shall) take possession of the affordable housing unit;	Accepted	Regulation 13 (3) has been amended to correct the grammatical errors.
271	Anthony Kiberi:- registered estate agent, number 2334	13 (3) (b)	Reallocation due to default in payment		(b) may (delete may) reallocate the affordable housing unit to another eligible person in accordance with these Regulations;	Accepted	Regulation 13 (3) has been amended to correct the grammatical errors.
272	Anthony Kiberi:- registered estate agent, number 2335	13 (3) (c)	Reallocation due to default in payment		(c) may (delete may) change the person's affordable housing unit to a lower value unit in accordance with regulation ; or	Accepted	Regulation 13 (3) has been amended to correct the grammatical errors.
273	Anthony Kiberi:- registered estate agent, number 2336	13 (3) (d)	Reallocation due to default in payment		(d) may (delete may) enter into a restructuring arrangement with the person in default. (This should be number (a) and if this fails then the other remedial measures are taken)	Not accepted.	The homebuyer retains the right to enter into a restructuring agreement or not. Therefore the use of "shall" is not accepted.
274	Real Estate Development and Finance Association Kenya,	13(3)(a)	Reallocation due to default in payment.	There is a need for more clarity regarding the specific circumstances that can lead to the repossession of housing units.	The regulation could include instances such as when the person shows no intention to pay, fails to communicate reasons for default to the board, or other reasonable situations warranting repossession.	Not accepted.	Other reasons may be captured in the tenant purchase scheme agreement.
275	Law Society of Kenya	13(3)(c)	Reallocation due to default in payment	Minor amendments are recommended for correction of grammatical errors and references within the Draft Regulations.	13(3)(c) of the Draft Regulations should be amended by deleting reference to "regulation 13" which is on 'reallocation due to default in payment' and replaced with the proper reference, which is "regulation 14" on 'change of defaulter's unit to a lower value unit'.	Accepted.	Regulation 13 (3) has been amended to correct the grammatical errors.
276	Baringo	13	Reallocation due to default in payment	What happens when one defaults and they are not interested in a unit of lower value?	In the event of total default, part of their money to be refunded with some forfeited to the board	Accepted with modifications. The Board to determine upfront a fair, equitable, transparent and consistent formula for refunds if any which will be contained in the contracts between the person and the Fund.	In the interest of fairness, this amendment address concerns of Kenyans who will aspire to own homes and may genuinely be unable after many years of contributions and encourages the spirit of home ownership. The formula will also protect the Fund against abuse.

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277	Tharaka Nithi	13	Reallocation due to default in payment	The grace period for defaulters is too short	If one is unable to pay for the unit and default, the grace period to be increased to between 1 and 2 years	Not accepted.	The framework for default is based on best practice and in our Regulations we have provided more time to remedy the default, including loan restructuring and change to a lower priced unit.
278	Uasin Gishu	13	Reallocation due to default in payment	Why is there a rush to consider that one has defaulted if the intention is to facilitate home ownership?	to increase the period from 4 months to 1 year	Not accepted.	The framework for default is based on best practice and in our Regulations we have provided more time to remedy the default, including loan restructuring and change to a lower priced unit.
279	Meru	13	Reallocation due to default in payment	What happens when an owner has been paying the agreed installment diligently for a significantly long time, then gets to a point where they default and are unable to continue making payments?	If a person defaults in payment having paid for at least 10 years without fail, the Board should consider refunding the person an equivalent of the amount of paid in rent plus the deposit paid when they repossess the unit	Accepted with modifications. The Board to determine upfront an fair, equitable, transparent and consistent formula for refunds if any which will be contained in the contracts between the person and the Fund.	In the interest of fairness, this amendment address concerns of Kenyans who will aspire to own homes and may genuinely be unable after many years of contributions and encourages the spirit of home ownership. The formula will also protect the Fund against abuse.
280	Siaya	13	Reallocation due to default in payment	Beneficiaries who in the course of paying for their housing units loose their source of income and default on their payments should not be made to lose the unit especially those occupying the cheapest units and have no option of downgrading	Defaulters should be given more grace period to clear outstanding amounts	Not accepted.	The framework for default is based on best practice and in our Regulations we have provided more time to remedy the default, including loan restructuring.
281	Kakamega	13	Reallocation due to default in payment.	We should increase default period from four months to eight months, especially when a homeowner has paid for over 80% of their Unit		Not accepted.	The framework for default is based on best practice and in our Regulations we have provided more time to remedy the default, including loan restructuring and change to a lower priced unit.
282	Nyeri	13	Reallocation due to default in payment. After a grace period of 4 months,the unit is taken away.	4 month duration is short for a person to recover financially	Duration to be extended to 6 months in case of default	Not accepted.	The framework for default is based on best practice and in our Regulations we have provided more time to remedy the default, including loan restructuring and change to a lower priced unit.
283	Nyeri	13	Upon default in payment, the unit is reallocated	A person should not lose their deposit plus monthly contribution due to failure of payment	A certain proportion of the contribution should be refunded upon permanent default by the beneficiary	Accepted with modifications. The Board to determine upfront an fair, equitable, transparent and consistent formula for refunds if any which will be contained in the contracts between the person and the Fund.	In the interest of fairness, this amendment address concerns of Kenyans who will aspire to own homes and may genuinely be unable after many years of contributions and encourages the spirit of home ownership. The formula will also protect the Fund against abuse.
284	Kitui	13	Reallocation due to default payment	At what point does someone qualify for reallocation? There should be a clearly indicated period from when someone could be considered for reallocation when unable to continue paying for the unit		Accepted with modifications Amend 14 (1) to start with "Subject to availability, the Board may change a lower priced unit under regulation 13, where."	Regulation 14 has been amended to provide clarity by adding that Reallocation to a lower priced unit is subject to availability.
285	Trans Nzoia	13	Reallocation due to default payment	What will happen when one retires and is unable to continue paying for an allocated unit?	Propose to have insurance cover the balance.	Not accepted.	This is a matter between the homeowner and insurance provider.
286	Kericho	13	reallocation due to default in payment	If the primary contributor dies and is buried on the land. How will compensation be done? Will the government repossess the house?	Give clarity on default on rural affordable housing	Clarified. See rationale	The relevant provisions of the Land Act on default and charged land shall apply.
287	Kisumu	12(3)b,(4)b	Change of affordable housing unit	What happens when a beneficiary wants to change the unit and having surrendered or forfeited the one in hand and then the board rejects his/her application?		Accepted with amendments. Delete 4 (b) on surrender, and move it to become the new 7 which is the obligations of the person after allocation.	This address the concern as surrender will be undertaken after allocation of a new unit.
288	Isiolo	13 (3)	Reallocation due to default in payment	what happens when an owner is unable to continue payments after having been paying for significantly long?	The board should not repossess the units in case of default, and should instead allow the owner to sell the house and pay the balance to the board.	Not accepted.	The framework for default is based on best practice and in our Regulations we have provided more time to remedy the default, including loan restructuring and change to a lower priced unit. To clarify, the unit is still owned by the Board until all payments are made.

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289	Nandi	13 (3)	Reallocation due to default payment	It is unfair for someone to lose their deposit and their monthly payments in case of default for four months	Amend 13 (3) to state that homeowners shall be refunded of their deposits in case of default	Accepted with modifications. The Board to determine upfront an fair, equitable, transparent and consistent formula for refunds if any which will be contained in the contracts between the person and the Fund.	In the interest of fairness, this amendment address concerns of Kenyans who will aspire to own homes and may genuinely be unable after many years of contributions and encourages the spirit of home ownership. The formula will also protect the Fund against abuse.
290	Kericho	13(3)(D)	reallocation due to default in payment	If a person contributes for a lengthy period and defaults will their contribution be compensated if they vacate a unit	Have the fair compensation terms for defaulters.	Accepted with modifications. The Board to determine upfront an fair, equitable, transparent and consistent formula for refunds if any which will be contained in the contracts between the person and the Fund.	In the interest of fairness, this amendment address concerns of Kenyans who will aspire to own homes and may genuinely be unable after many years of contributions and encourages the spirit of home ownership. The formula will also protect the Fund against abuse.
291	Machakos	13,14	Reallocation due to default payment. & Change of defaulters unit to a lower value	Is there grace period when one defaults in the repayment of the units?	Regulations have made provision of 4 months on issuance of default notice. Board can also change a defaulter's unit to a lower unit	Clarified. See rationale	The Regulations provide for four months.
292	Embu	13,3	Reallocation due to default in payment	The board takes possession of the unit in case of default of payment after 4 months and doesn't indicate what happens to the owners' contribution	Inclusion of subsection d, indicate amount to be refunded in case repayment structure is not agreed	Accepted with modifications. The Board to determine upfront an fair, equitable, transparent and consistent formula for refunds if any which will be contained in the contracts between the person and the Fund.	In the interest of fairness, this amendment address concerns of Kenyans who will aspire to own homes and may genuinely be unable after many years of contributions and encourages the spirit of home ownership. The formula will also protect the Fund against abuse.
293	Kirinyaga	13,3	Reallocation of unit due to default in payment	what happens when an owner is unable to continue making payments due to loss of income or has been incapacitated. Will the person Receive the amount already contributed?	Regulations should allow the owner to pass or sell/rent the unit to enable payment of outstanding balance	Accepted with modifications. The Board to determine upfront an fair, equitable, transparent and consistent formula for refunds if any which will be contained in the contracts between the person and the Fund.	In the interest of fairness, this amendment address concerns of Kenyans who will aspire to own homes and may genuinely be unable after many years of contributions and encourages the spirit of home ownership. The formula will also protect the Fund against abuse. To clarify, the unit is still owned by the Board until all payments are made. The Board shall require homeowners to take insurance which may cover loss of income/incapacitation.
294	FEDERATION OF KENYA EMPLOYERS	13. (1)	Reallocation due to default in payment	One month is too short period to conclude the person allocated the housing unit is in default.	Change default period to 6 months.	Not accepted.	The purpose of the first notice is to notify the homeowner that they are in default.
295	FEDERATION OF KENYA EMPLOYERS	13 (3)	Reallocation due to default in payment	Four months is a short period.	Change to 6 months.	Not accepted.	The framework for default is based on best practice and in our Regulations we have provided more time to remedy the default, including loan restructuring and change to a lower priced unit.
296	Anthony Kiberi:- registered estate agent, number 2332	13(3)			rephrase the last part to read, 'the board will either'	Clarified. See rationale	Regulation 13 amended to provide a logical flow of events to take place when default of an affordable housing unit occurs.
297	Bungoma	13	Reallocation due to default in payment	Public felt that it is punitive to change the unit of a homeowner or evict them in case of default when they have paid 80% of the unit	Don't evict homeowners after they have paid upto 80% of the housing unit value Refund homeowners who default on units if they have contributed up to 80% of the units	Clarified. See rationale	The Board to determine upfront a fair, equitable, transparent and consistent formula for refunds if any which will be contained in the contracts between the person and the Fund. In the interest of fairness, this amendment address concerns of Kenyans who will aspire to own homes and may genuinely be unable after many years of contributions and encourages the spirit of home ownership. The formula will also protect the Fund against abuse.
298	Taxwise Africa Consulting LLP	14	Change of defaulters unit to a lower value unit	This provision is subject to abuse.	Requires further clarification on criteria to be satisfied for revaluation and the measures to be put in place to prevent abuse of this provision.	Accepted with modifications Amend 14 (1) to start with "Subject to availability, the Board may change a lower priced unit under regulation 13, where:-"	Regulation 14 (1) has been amended to provide clarity by adding that Reallocation to a lower priced unit is subject to availability. Under 14 (1) (a), the person must also meet the requirements for allocation of the lower priced unit.

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299	Law Society of Kenya	14	Change of defaulter's unit to a lower value unit	The Draft Regulations states that the Affordable Housing Board (the Board) may change an affordable housing unit to a lower value unit where: the defaulter meets the allocation criteria specified for the lower value unit; and where the payments made would cover the purchase price of the lower value unit; Provided that the defaulter has not entered into a loan restructuring arrangement in accordance with the Act. The Act does not however contain any provisions with respect to loan restructuring arrangements.	The Act or the Regulations be amended to provide for the framework to be used in governing these loan restructuring arrangements to be entered into between the Board and the defaulters.	Accepted. Delete the words "in accordance with the Act" in regulation 14	This Regulation amended to correct improper cross referencing.
300	Nakuru	14	Change of housing unit for defaulters	Instead of downgrading can the government refund the money paid?	To consider refund of money paid under TPS	Accepted with modifications. The Board to determine upfront an fair, equitable, transparent and consistent formula for refunds if any which will be contained in the contracts between the person and the Fund.	In the interest of fairness, this amendment address concerns of Kenyans who will aspire to own homes and may genuinely be unable after many years of contributions and encourages the spirit of home ownership. The formula will also protect the Fund against abuse.
301	Nakuru	14	Change of housing unit for defaulters	Can we consider waiver where one defaults.	To develop guidelines on issuance of waivers on defaults.	Not accepted.	The Regulations have provided options for remedy in the event of default.
302	Nyandarua	14	Change of Defaulter's unit to a Lower Value Unit	Members suggested other measures to assist the defaulters in recovery other than changing their unit.	Members proposed introduction of Waivers to aid those unable to pay.	Not accepted.	The Regulations have provided options for remedy in the event of default.
303	Nairobi	14	Change of defaulters unit to a lower value unit	Regulations should provide clarity on reallocation of units upon default. Can an individual owning a unit in the affordable units bracket be reallocated a unit that fall within the social unit bracket		Clarified. See rationale	This is allowed if the person meets the allocation criteria for the lower priced unit, and there is availability of the same.
304	Kakamega	14 (a) and (b)	Grammatical corrections			Accepted. Error amended. Added "and" to (a) and deleted "where" in (b)	Regulation amended to correct the error.
305	FEDERATION OF KENYA EMPLOYERS	14 (2)	Change of defaulters unit to a lower value unit	Four months is a short period.	Change to read; 14 (2) For purposes of this regulation, "defaulter" means a person who has not paid their monthly payments for their unit for six consecutive months.	Not accepted. Deleted 14 (2)	The definition of "defaulter" was deleted.
306	Kenya Bankers Association	15	Loan interest rate or administration fees	The section is silent on the default rate to be charge in case there is default.	The default rate should be declared from the onset for full disclosure to the off takers to avoid the appointed agencies from charging exorbitant rates.	Accepted with modifications. Amend 15 to become 15 (a) pursuant to section 51, the interest rate or administration fee for a loan issued under the Act shall be payable, where applicable, on a reducing balance at the rate a)Monthly income below twenty thousand shillings: 3% per annum or an administrative fee charged at the same rate. b)Monthly income between twenty thousand and one hundred and forty-nine thousand shillings: [6%] per annum or an administrative fee charged at the same rate. c)Monthly income over one hundred and forty nine thousand shillings: 9% per annum or an administrative fee charged at the same rate. add: (c) All sums due to the Fund shall be recoverable as a debt."	This shall be done administratively by the Board.

MASTER SHEET: TOTAL COMMENTS RECEIVED FROM THE EMAIL

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307	Architectural Association of Kenya	15	Loan interest rate or administration fee.	the interest rate or administration fee for a loan issued under the Act shall be payable, where applicable, on a reducing balance at the rate not exceeding nine percent of the issued amount. This does not specify whether the nine percent is per month or per annum.	Specify whether it is nine percent per month or per annum	Accepted with modifications. Amend 15 to become 15 (a) pursuant to section 51, the interest rate or administration fee for a loan issued under the Act shall be payable, where applicable, on a reducing balance at the rate not exceeding nine percent per annum of the issued amount."	Amended the Regulation 15 to provide clarity
308	Makueni	15	Loan interest rate or administration fee	The current loan interest rate is high for most people	Consider using the same percentage as the civil servants' mortgage	Clarified. See rationale	The Civil Servants Housing Scheme is an employer-assisted scheme that provides mortgages via the Civil Servants Housing Scheme Fund Regulations.
309	Tharaka Nithi	15	Loan interest rate or administration fee	The interest rate is too high.	Interest rate to be reduced to not exceeding 5%.	Accepted with modifications. Amend the definition of administration fee to read "a payment made at a rate determined in these Regulations towards financing a Sharia compliant facility for the purchase of an affordable housing unit." Amend 15 after at the rate to add: a)Monthly income below twenty thousand shillings: 3% per annum or an administration fee charged at the same rate. b)Monthly income between twenty thousand and one hundred and forty-nine thousand shillings: [6%] per annum or an administration fee charged at the same rate. c)Monthly income over one hundred and forty nine thousand shillings: 9% per annum or an administration fee charged at the same rate.	The proposed amendment responds to the various interest rates that will be applied based on income bands.
310	Uasin Gishu	15	Loan interest rate or administrative fees	isn't the 9% cap still high?	Have the rate fixed at 5% guided by the Civil Servants scheme	Clarified. See rationale	The Civil Servants Housing Scheme is an employer-assisted scheme that provides mortgages via the Civil Servants Housing Scheme Fund Regulations.
311	Mombasa	15	Loan interest rate or administration fee.	The flexibility accorded to the board to set the interest rate may be subject to abuse or discrimination tendencies between different applicants	Regulations to provide for a fixed rate	Accepted with modifications. Amend the definition of administration fee to read "a payment made at a rate determined in these Regulations towards financing a Sharia compliant facility for the purchase of an affordable housing unit." Amend 15 after at the rate to add: a)Monthly income below twenty thousand shillings: 3% per annum or an administration fee charged at the same rate. b)Monthly income between twenty thousand and one hundred and forty-nine thousand shillings: [6%] per annum or an administration fee charged at the same rate. c)Monthly income over one hundred and forty nine thousand shillings: 9% per annum or an administration fee charged at the same rate.	The proposed amendment responds to the various interest rates that will be applied based on income bands.
312	Mombasa	15	Loan interest rate or administration fee- Pursuant to section 51, the interest rate or administration fee for a loan issued under the Act shall be payable, where applicable, on a reducing balance at the rate not exceeding nine percent of the issued amount.	For the Muslim faith, there is a risk of commingling the administration fee with the interest rate charged which is against Sharia law	Regulations to provide for a clear segregation between the administration fee and interest rate	Accepted with modifications. Amend the definition of administration fee.	We have provided for the definition of an administration fee.

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313	Isiolo	15	Loan Interest rate or administration fee	The interest rate is too high, especially for people in hardship areas.	Those from hardship areas to be given loans at lower interest rates of less than 5%.	Accepted with modifications. Amend 15 after at the rate to add: a)Monthly income below twenty thousand shillings: 3% per annum or an administration fee charged at the same rate. b)Monthly income between twenty thousand and one hundred and forty-nine thousand shillings: [6%] per annum or an administration fee charged at the same rate. c)Monthly income over one hundred and forty nine thousand shillings: 9% per annum or an administration fee charged at the same rate.	The proposed amendment responds to the various interest rates that will be applied based on income bands.
314	Isiolo	15	Loan Interest rate or administration fee	The Muslims feel that the administration fee is not Sharia compliant.	The issue of administration fees for Sharia compliant loans to be re-looked into.	Accepted with modifications. Amend the definition of administration fee.	We have provided for the definition of an administration fee.
315	Garissa	15	Loan Interest rate or administration fee	Administration fee is not been clearly defined and how much it would be. The members felt it was just interest rate with a different name	There is need for very clear Sharia Compliant Component regarding administration fee	Accepted with modifications. Amend the definition of administration fee.	We have provided for the definition of an administration fee.
316	Kilifi	15	The regulations provides for interest rate on loans or Sharia Compliant facility	The issue of interest needs to be reconsidered for the Islamic brothers		Accepted with modifications. Amend the definition of administration fee.	We have provided for the definition of an administration fee.
317	Tana River	15	Loan interest rate or administration fee	A clear Sharia compliant component should be provided to ensure that the same is acceptable with accordance to the Islam community		Accepted with modifications. Amend the definition of administration fee.	We have provided for the definition of an administration fee.
318	Mandera	15	Loan interest rate or administration fee	The administration fee feels like interest rate with a different name. Framework be provided that shall ensure Sharia compliance component		Accepted with modifications. Amend the definition of administration fee.	We have provided for the definition of an administration fee.
319	Abdisalam Sheikh Mohamed Chairman Al Ihsan peace and Development Organization	15	Loan interest or administration fee	In Islam interest (Riba) is prohibited and Muslims cannot partake transactions that have elements of interest.	1. Consideration be made for Muslims to be offered houses through sharia compliant products. 2. Similarly, home loans and penalties be based on the same. 3. We request that the regulations should provide for a sharia advisory committee to be appointed by the CS to advise on sharia matters and products.	Accepted with modifications.	The definition of administration fee has been provided for. The administration fee shall be sharia compliant.
320	Wajir	15	Administrative fees	Administrative fee is viewed as a loan and is not acceptable to the in Sharia law		Accepted with modifications. Amend the definition of administration fee.	We have provided for the definition of an administration fee.

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321	Kennedy Matheka from STATE DEPARTMENT FOR PUBLIC WORKS	16	Eligibility to enter agreement to develop institutional housing.	On 2) ...Adoption green building practices into the affordable housing projects On 3) proper identification and allocation of safe land for development	under sub-regulation (1) shall be given to; (a) preservations, rehabilitation, refurbishments and improvement works to existing institutional housing units (b) improvement to public housing unit (c) decarbonisation of existing institutional housing units 3) the board may decline to enter into an agreement with a public institution to develop institutional housing where the sites identified for construction of the institutional housing units a) is insanitary, incapable of being well drained or it is dangerous to construct a building on it; b) It is established that the use of the site is for the purpose, which will be a source of annoyance to the health and comfort of the inhabitants of the neighbourhood (c) does not conform to the land use proposals in the development plans or zoning regulations d) is not developable by virtue of restrictions imposed under any law or guidelines of any Government department.	Accepted with modifications. Amend 16 to state: "a public institution is eligible to enter into an agreement with the Board to develop or redevelop institutional housing...." add (d) the fund has need to redevelop existing estates.	The proposal for redevelop assets is accepted because it allows the Board to optimize existing assets.
322	Uasin Gishu	16	Eligibility to enter agreement to develop institutional housing	why is the private sector being left out?	Create mechanism for private sector employers to benefit from institutional housing	Not accepted	The private Sector has been catered for under Section 44 of the Act.
323	Vihiga	16	Eligibility to enter agreement to develop institutional housing	State clearly that one of the agreements of institutional housing should be the Build Operate Transfer model. This should be included in the Regulations		Not accepted	The government has a different framework under Public Private Partnership.
324	Migori	16	Eligibility to enter in to agreement to develop institutional housing	How can stalled projects within the county be incorporated in the Affordable Housing Programme so that they can be completed?	Expand the regulations to bring onboard stalled projects from the past in to the current scheme	Accepted Add new clause under regulation 16" where the institution satisfies the board that there is an incomplete project provided there are no encumbrances"	The government should be given opportunity to complete the incomplete projects without encumbrances such as Court cases, loans, existing contractual obligations
325	Architectural Association of Kenya	17	Application for approval to develop institutional housing.		Should be mandated and not to be considered under any other relevant information.	Not accepted	Not understood
326	Architectural Association of Kenya	17 (5)	Application for approval to develop institutional housing.	There should be a response time stated to guard against exploitation of the open-ended nature of the feedback to unsuccessful bidders.	(5) Where an application under this regulation is rejected, the Board shall notify the applicant of its decision indicating the reasons for the rejection within thirty (30) calendar days.	Accept with modification Where an application under this regulation is rejected, the Board shall notify the applicant of its decision indicating the reasons for the rejection within fourteen days	To provide timely feedback
327	STATE DEPARTMENT FOR PUBLIC WORKS	17(1)	Application for approval to develop institutional housing.	Affordable Housing Programme fall under projects of National Strategic Importance as provided for under the Section 69 of the Physical and Land Use Planning Act, 2019 and the Physical and Land Use Planning (classification of strategic and inter-county projects) Regulations, 2019	Add sub-regulation 5) to read; (5) The Cabinet Secretary may declare a request by a public institution intending to develop institutional housing project, a project of strategic national importance pursuant to section 69 of the Physical and Land Use Planning Act, 2019	Not accepted	There exists a framework under the Physical and Land Use Planning Act.
328	Kiambu	17(5)		Timelines within which one expects to get feedback on rejected application	Provide timelines	Accepted with modifications.	Where an application under this regulation is rejected, the Board shall notify the applicant of its decision indicating the reasons for the rejection within fourteen days.

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329	THE KENYA INSTITUTE OF PLANNERS	18	Implementation of institutional housing through implementing agencies	The current clause is silent on 'planning' yet it is an important process prior to the actual commencement of building designs.	Change from ... "facilitate design, development and maintenance" ... to ... "facilitate planning, design, development and maintenance" ...	Not accepted add "under regulation 17(2) add "including strategic plan and approved physical and Land Use Plan" after public institution	Section 10 of the Act provides for the design, development and maintenance. The application should be accompanied by the relevant decision made by the institution including strategic plan and physical and Land Use Plan
330	Kennedy Matheka	18	Implementation of institutional housing through implementing agencies.	a) On Sub-paragraph 2) provide for Support in sustainable investment. b) On Sub-paragraph 3) provide for Closure and assured safety of affordable housing units. c) On Sub-paragraph 4) ensure continuous monitoring and evaluation as well as quality assurance on works being done. d) On sub-regulation 7 ensure quality assurance and	Add sub-regulation 2), 3), 4), 5), 6) and 7) to read: (2) To realize sustainable and green institutional housing, as a climate-focused investments a) The housing units shall have 25% of the units designed and developed in a particular block rated and certified green housing units b) Housing investments shall prioritize and incorporate the state's climate and decarbonization goals to the maximum extent feasible. (3) The implementing agency which has been supervising the construction of institutional housing shall apply for occupation certificate in the form provided under the physical planning Act, 2019. (4) The board shall have the power to carry out inspection of the work under the provisions of the Act, at various stages to ascertain whether the work is proceeding as per the provisions of the Act and these regulations (5) The engaged implementing agency shall give an undertaking that a recreational open space shall be developed for the common use of the residents or occupants of the institutional housing units. (6) An implementing agency may set up and agree to periodically maintain a wastewater treatment and recycling plant entirely through their own expenditure and	Not accepted	Where approvals are needed this will be done following necessary laws Where the supervision is require the Board is given the mandate of monitoring.
331	HF Bancassurance Intermediary Limited (HFBIL)	19	Agreements with approved institutions and mortgage schemes	Regulation speaks to financing agreements only	We propose inclusion of Insurance procurement to read as follows: (1) Pursuant to section 45(1) of the Act, the Board may enter into an agreement for financing and insurance intermediary services with approved institutions or mortgage schemes.	Not accepted	The proposal seeks to extend the scope of the agreement to provide financing as provided in Section 45 of the Act.
332	FEDERATION OF KENYA EMPLOYERS	19. (2) (2)	Agreements with approved institutions and mortgage schemes		Add: (f) learning institutions	Not accepted.	This Regulation seeks to provide end user financing.
333	Institute Of Quantity Surveyors Of Kenya	19	Agreements with approved institutions and mortgage schemes	Request for the addition of professional bodies who have credible saccos as eligible to provide financing.	Request for the addition of professional bodies who have credible saccos as eligible to provide financing.	Clarified. See rationale	Under Regulation 19 (2) (e) we have provided for saccos regulated by SASRA, and in Regulation 21 we have provided for the procedure for application in writing to the Board
334	Law Society of Kenya	19	Agreement with approved institutions and mortgage schemes	The Regulations lack clear guidelines for Mortgage Refinance Companies (MRCs), hindering their effective participation in affordable housing initiatives. Under the current law, MRCs do not offer financing to unit buyers or to developers.	The MRC Regulations will need to be amended to enable them to have the legal capacity to enter into such agreements. If the present Regulation is retained, then it should be on the basis that its application will only be after the relevant changes in the MRC Regulations.	Clarified. See rationale	This Regulation seeks to provide end user financing. The definition of Financing institutions also includes mortgage refinancing companies which facilitate the provision of end user financing
335	Mathare Light of Hope Away From Home	19 (2)	Agreements with approved institutions and mortgage schemes.	For inclusion, the board should consider having a financial agreement with housing cooperatives. Most low-income citizens living in informal settlements belong to housing cooperatives.	Add housing cooperatives to the list of institutions recognized under sub-regulation (1). Housing cooperatives licensed by the Ministry of Cooperatives as part (f)	Clarified. See rationale	The proposal to work with institutions licensed by SASRA doesn't preclude those licenced by Ministry of Cooperatives as some are licenced by SASRA. In addition those licenced by SASRA have products that safeguard end buyers

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336	Kutoka Urban Slums Initiative - Kutoka Network	19 (2)	Agreements with approved institutions and mortgage schemes.	For inclusion, the board should consider having a financial agreement with housing cooperatives. Most low-income citizens living in informal settlements belong to housing cooperatives.	Add housing cooperatives to the list of institutions recognized under sub-regulation (1). Housing cooperatives licensed by the Ministry of Cooperatives as part (f)	Clarified. See rationale	The proposal to work with institutions licensed by SASRA doesn't preclude those licenced by Ministry of Cooperatives as some are licenced by SASRA. In addition those licenced by SASRA have products that safeguard end buyers
337	Housing Coalition	19 (2)	Agreements with approved institutions and mortgage schemes.	For inclusion, the board should consider having a financial agreement with housing cooperatives. Most low-income citizens living in informal settlements belong to housing cooperatives.	Add housing cooperatives to the list of institutions recognized under sub-regulation (1). Housing cooperatives licensed by the Ministry of Cooperatives as part (f)	Clarified. See rationale	The proposal to work with institutions licensed by SASRA doesn't preclude those licenced by Ministry of Cooperatives as some are licenced by SASRA. In addition those licenced by SASRA have products that safeguard end buyers
338	Narok	11	Agreements with approved institutions and mortgage schemes	How can the AHP benefit workers who work in remote institutions.	Can they be considered for rental agreements with the government.	Clarified. See rationale	This Regulation seeks to provide end user financing. The definition of Financing institutions also includes mortgage refinancing companies which facilitate the provision of end user financing
339	Embu	19	Agreements with approved institutions and mortgage schemes	These institutions include: national and cog, financing institutions licensed by cbk, cma and rba and also saccos. Other financial institutions have been left out in the regulation such as Housing Co-operatives	To explicitly also include housing co-operatives in the regulations	Clarified. See rationale	The proposal to work with institutions licensed by SASRA doesn't preclude those licenced by Ministry of Cooperatives as some are licenced by SASRA. In addition those licenced by SASRA have products that safeguard end buyers
340	Kilifi	27	Agreement with approved institutions and mortgage schemes	The regulations gives the Board powers to enter into an agreement with private institutions	Provide for mechanisms of monitoring the private institutions projects to ensure the projects developed by such institutions meets the required quality and specifications	Clarified. See rationale	Where the Board has an agreement with private institutions, the monitoring of projects shall be undertaken contractually by the Board.
341	Nairobi	19	Agreement with approved institutions and mortgage schemes	Regulations should provide clarity on how Kenya Mortgage Refinance Company fits in the program since it they do primary lending.		Clarified. See rationale	This Regulation seeks to provide end user financing. The definition of Financing institutions also includes mortgage refinancing companies which facilitate the provision of end user financing
342	Vihiga	19 (1)	Agreements with approved institutions and mortgage schemes	Accommodate smaller SACCOs which are not necessarily licenced by SASRA		Clarified. See rationale	The proposal to work with institutions licensed by SASRA doesn't preclude those licenced by Ministry of Cooperatives as some are licenced by SASRA. In addition those licenced by SASRA have products that safeguard end buyers
343	Nakuru	19 (2)	Agreements with approved institutions and mortgage schemes	Inclusion of community based organizations (CBOs), merry-go-rounds and chamas	To provide for accomodation of additional registered groups (CBOs), some chamas) and unregistered groups (merry-go-rounds, chamas)	Clarified. See rationale	The Regulation seeks to work with institutions under 19 (2) as these have a regulatory framework and have products that safeguard end buyers.
344	Nyandarua	19 (2)	Mortgage Institutions approved to offer Affordable Housing	There was concern from religious leaders that the Draft Regulations excludes religious institutions	Members proposed inclusion of Churches and Church based institutions	Clarified. See rationale	The Regulation seeks to work with institutions under 19 (2) as these have a regulatory framework and have products that safeguard end buyers.
345	Nyamira	19 (2)	Agreements with approved institutions and mortgage schemes	The participant appreciates the program but argues that there are very few institutional houses in institution of higher learning therefore about 50% should be allocated to the institutions to build rental units fit for students.		Clarified. See rationale	The Board shall handle this administratively.
346	Institute Of Quantity Surveyors Of Kenya	20	Eligibility to enter into an offtake agreement for financing		offtake Agreements: The regulations regarding offtake agreements for financing institutional housing projects are crucial for attracting investment and ensuring the sustainability of affordable housing schemes. Quantity Surveyors play a vital role in cost estimation and financial management, making them key stakeholders to be included in negotiating these agreements.	Noted.	The use of registered professionals is a requirement. This shall be done administratively by the Board.

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347	Institute Of Quantity Surveyors Of Kenya	20	Eligibility to enter into an offtake agreement for financing		Compliance and Taxation: The requirement for institutions to be creditworthy and tax compliant for offtake approval are essential for ensuring the financial stability and legality of affordable housing developments. Quantity surveyors can assist in financial assessments and compliance checks to support this process.	Noted.	The use of registered professionals is a requirement. This shall be done administratively by the Board.
348	Kenya Property Developers Association	22(1)	Interest rate or administration fee on agreement for financing.	Regulation 15 which also speaks to the amount of interest chargeable, provides that "Pursuant to section 51, the interest rate or administration fee for a loan issued under the Act shall be payable, where applicable, on a reducing balance at the rate not exceeding nine percent of the issued amount." Regulations 15 and 22(1) need to be harmonized by the deletion of the words "per annum" at Regulation 22(1).	Amend to read: "The interest rate or administration fee that may be charged by an approved institution or mortgage scheme under an agreement for financing shall not exceed nine percent of the unit."	Accepted with modifications Amend 22 to delete the words " shall not exceed 9 percent and add the following ": a) Monthly income below twenty thousand shillings: 3% per annum or an administration fee charged at the same rate. b) Monthly income between twenty thousand and one hundred and forty-nine thousand shillings: [6%] per annum or an administration fee charged at the same rate. c) Monthly income over one hundred and forty nine thousand shillings: 9% per annum or an administration fee charged at the same rate.	The proposed amendment responds to the various interest rates that will be applied based on income bands.
349	Kenya Bankers Association	22	Interest rate or administration fee on agreement for financing	Interest rate capped at nine percent per unit per annum, and the interest rate or administration fee for a loan issued under the Act shall be payable on a reducing balance basis.	Recommend the removal of the interest rate capping on financing for units by approved institutions or mortgage schemes, hence allowing interest rates to be charged by an approved institution to be market dependent.	Not accepted.	The scheme is geared to provide affordable housing and market rates would work against this.
350	The Coast Land Non-State Actors (CLNSA) under Coast Civil Society Network for Human Rights.	22 (1)	Interest rate or administration fee on agreement for financing	Considering that public resources will be used in the developments herein, financing for individuals should be more affordable and accessible.	The interest rate we propose to be less than 5%.	Accepted with modifications Amend 22 to delete the words " shall not exceed 9 percent and add the following ": a) Monthly income below twenty thousand shillings: 3% per annum or an administration fee charged at the same rate. b) Monthly income between twenty thousand and one hundred and forty-nine thousand shillings: [6%] per annum or an administration fee charged at the same rate. c) Monthly income over one hundred and forty nine thousand shillings: 9% per annum or an administration fee charged at the same rate.	The proposed amendment responds to the various interest rates that will be applied based on income bands.
351	Mombasa	22	Interest rate or administration fee on agreement for financing- The interest rate or administration fee that may be charged by an approved institution or mortgage scheme under an agreement for financing shall not exceed nine percent of the unit per annum	For muslim faith, there is a risk of commingling the administration fee with the interest rate charged which against sharia law	Regulations to provide for a clear segregation between the administration fee and interest rate	Accepted with modifications. Amend the definition of administration fee to read "a payment made at a rate determined in these Regulations towards financing a Sharia compliant facility for the purchase of an affordable housing unit."	We have provided for the definition of an administration fee.
352	Mathare Light of Hope Away From Home	23 (2)	Eligibility for offtake	There seems to be a confusion on what public affordable housing scheme and private affordable housing scheme is.	The definition of terms should include public affordable housing scheme and private affordable housing scheme to abate the ambiguity.	Accepted with modifications. Delete Sub-Regulation 23 (2)	Deleted to provide clarity as Section 50 of the Act is clear that the offtake has got to have been approved by the Board and met policy and statutory requirements
353	Kutoka Urban Slums Initiative - Kutoka Network	23 (2)	Eligibility for offtake	There seems to be a confusion on what public affordable housing scheme and private affordable housing scheme is.	The definition of terms should include public affordable housing scheme and private affordable housing scheme to abate the ambiguity.	Accepted with modifications. Delete Sub-Regulation 23 (2)	Deleted to provide clarity as Section 50 of the Act is clear that the offtake has got to have been approved by the Board and met policy and statutory requirements
354	Housing Coalition	23 (2)	Eligibility for offtake	There seems to be a confusion on what public affordable housing scheme and private affordable housing scheme is.	The definition of terms should include public affordable housing scheme and private affordable housing scheme to abate the ambiguity.	Accepted with modifications. Delete Sub-Regulation 23 (2)	Deleted to provide clarity as Section 50 of the Act is clear that the offtake has got to have been approved by the Board and met policy and statutory requirements
355	Kenya Bankers Association	23(1)	Eligibility and application for approval for offtake	The Board should ensure that there is no encumbrance on the affordable housing project in order to safeguard the interests of lenders.	The regulation should be amended to include proof that there exists no lien, claim, charge, pledge or security interest over the affordable housing schemes.	Clarified. See rationale	Due diligence will be undertaken by the Board. This will be dealt with administratively in line with 23 (1) (a)

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356	Taita Taveta	23, 24 & 27	Protection of buyers from the public-private partnership.	How will the government protect the buyers after they have purchased the units on projects being off-taken from private developers? An example is that where a developer takes a loan using the Mother title and although the purchasers pays for the units the Land is still charged and they end up losing their properties	The regulations to provide a provision of the criteria to be met for projects, units or schemes they intend to off take from private developers.	Clarified. See rationale	Due diligence will be undertaken by the Board. This will be dealt with administratively in line with 23 (1) (a)
357	EARB	24	Application for approval for offtake		(f) Approved developing plan by relevant authorities	Clarified. See rationale	This is covered under the National Building Code
358	Nema	25	Associated social and physical infrastructure	Domestic waste has not been covered in the development of physical infrastructure and social amenities	Add (2) XII Add domestic Waste management infrastructure	Clarified. See rationale	This is covered under the National Building Code
359	STATE DEPARTMENT FOR PUBLIC WORKS Kennedy Matheka	25	Associated social and physical infrastructure	Allow provision for fire safety and lift installations and maintenance in high-rise affordable housing units	Add sub-regulation 2), a),xi and xii before the last part to read; (xi) Lift Installations; (xii) Fire Hydrants Reticulation services; (xii) Any other related infrastructure; and	Clarified. See rationale	This is covered under the National Building Code
360	THE BUILDING SURVEYORS REGISTRATION BOARD (BSRB)	25	Associated social and physical infrastructure	None is provided and it is advisable that these be included. Without Maintenance there can never be Sustainability, they go hand in hand.	i.Rainwater harvesting infrastructure to address perennial problems experienced in every housing schemes ii.Operating Manual- How regularly it should be inspected and audited for "fitness for purpose" for all equipment installed, like lifts, escalators, generators, fire-fighting equipment. iii.The analogy of a car, all automobiles have manuals; iv.The other analogy are the Aircraft – Boeing, Airbus and Bombardier aircraft manufacturers address the Maintenance aspects going into years and years of anticipated use and safety v.As-Built Drawings vi.Provision for solar power connectivity to address perennial problems experienced in all housing schemes vii.Provision of Ancillary facilities for maintenance and sustainability of the projects Include viii.Contingency Management – Disaster Risk Management Practice, to include Regular Emergency Drills, Fire Assembly Points; Fire Fighting Equipment	Clarified. See rationale	Some of the provisions requested are covered under the Building Code, the Management Corporation Agreement, the Construction Contract, and other existing legislation.
361	Kenya National Interface Team	25	Associated social and physical infrastructure	Associated social and physical infrastructure expenditure isolation and reporting.	(3) Reporting and Publishing: (a) The Board shall establish a standardized reporting format for developers to document the costs associated with developing physical infrastructure and social amenities for each project. (b) The Board shall publish a quarterly report on its website summarizing the total expenditure on physical infrastructure and social amenities across all projects. This report shall include a breakdown by project location, infrastructure/amenity type, and total cost (c) Additionally, the Board shall make publicly available detailed cost breakdowns for individual projects, allowing for public scrutiny of infrastructure and amenity spending.	Clarified. See rationale	For (a), this will be covered in contractual documents. For (b) and (c), the Board is a public agency and shall report in line with Government reporting guidelines under State Corporations Act. In addition, Section 55 of the Act prescribes on the accounts and audit of the Fund

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362	Physical Planners' Registration Board	25	Associated Social and Physical Infrastructure	25. (1) In the performance of its function to develop associated social and physical infrastructure, the Board shall develop physical infrastructure and social amenities for purposes of the Act (2) For purposes of sub- regulation (1) – 2(b) social amenities include– (i) a health facility; (ii) an education or training institution; (iii) a fire station; (iv) a police post; (v) a social hall; (vi) a market; (vii) any other related amenities	These shall be considered as per the already existing approved Physical and Land Use Development Plans of the area to avoid duplications and haphazard provision of additional social amenities	Clarified. See rationale	The provision of physical infrastructure and social amenities shall be in line with the Land Use Development Plans of that area.
363	Architectural Association of Kenya	25 (1)	Associated social and physical infrastructure	How does the infrastructure coordinate with existing infrastructure outside the boundaries of the affordable housing schemes? Where is the relevant coordination mechanism among relevant public institutions?	County governments and urban institutions, including city, municipality, and town boards should support and coordinate the development of such infrastructure and amenities in close coordination with the Board and especially in the implementation of relevant plans, especially local physical and land use plans	Clarified. See rationale	This is already provided for in Section 39 (a) and (d) of the Affordable Housing Act. In addition, Section 11 (1) (c) will cater for the allocation of funding for social and physical infrastructure which will go into and a five year and annual plan. The Section 11 (3) of the Act prescribes on the allocation of funding to the Counties as conditional grants in accordance with the PFMA
364	Architectural Association of Kenya	25 (2)(a)	Associated social and physical infrastructure	All the required infrastructure should be listed. Otherwise, it is highly likely that those not listed will be left out during planning, design, and implementation.	Should be listed and not to be considered under any other related infrastructure.	Clarified. See rationale	This Provision allows the Board to cover any other physical infrastructure not listed.
365	Architectural Association of Kenya	25 (2)(b)	Associated social and physical infrastructure	To guarantee that affordable housing neighborhoods provide open public spaces for interactions as well as greening which helps mitigate against negative effects of climate change as a result of urbanization and increased hard surface.	Include open spaces to the list of social amenities.	Accepted. Amend 25 (2) (b) to include (vii) open Spaces	Accepted. Open spaces covers the requests proposed.
366	THE KENYA INSTITUTE OF PLANNERS	25 (b)	Associated social and physical infrastructure	Mainstream recreational and environmental issues in the planning and design of the housing schemes.	Schedule of social amenities to be amended to include; 1. Playgrounds 2. Parks 3. Green Spaces 4. Any other related amenities.	Accepted. Amend 25 (2) (b) to include (vii) open Spaces	Open spaces covers the requests proposed.
367	Kenya Bankers Association	25(2) (a) & (b)	Associated social and physical infrastructure.	The housing schemes should provide infrastructure relating to disposal, reduction and where possible recycling of waste, as well as green outdoor spaces and play areas.	It should be mandatory for the housing projects to include waste management systems under the physical amenities and green outdoor spaces and play areas under the social amenities	On the waste managements, Clarified. See rationale On the open spaces, Accepted. Amend 25 (2) (b) to include (vii) open Spaces	For waste management, This is covered under the National Building Code Open spaces covers the requests proposed.
368	Anthony Kiberi:- registered estate agent, number 2337	25.2 (b)	Associated social and physical infrastructure		add a playing field as a required social amenity	Accepted. Amend 25 (2) (b) to include (vii) open Spaces	Open spaces covers the requests proposed.
369	Lamu	25	Associated physical and social infrastructure	Is there a clear procedure for determining the required social and physical infrastructure. What is the role of those affected e.G. Drainage which affects neighbourhood.	Provide clarity on public participation especially for infrastructure projects that may affect people within the neighborhood of the project	Clarified. See rationale	The Environmental Management and Coordination Act and PLUPA provides clear guidelines on conduct of public participation Further The Regulation (26) (3) provides for conduct of public participation
370	Kisumu	25	Associated social and physical infrastructure	There was concern that the affordable housing units will not come with necessary infrastructure such as lifts, green spaces, schools and playgrounds	The members were taken through section 25 of the regulations and were satisfied	Noted	
371	Uasin Gishu	25	Associated social and physical infrastructure	Why are churches and mosques not included?	Include places of worship as the social and physical infrastructure to be provided	Not accepted.	The list of social amenities listed in 25 (2) are what the Board may develop. Religious facilities as a land use will be provided in the Land Use Development Plans by the County in accordance with PLUPA.

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372	Wajir	25	Associated social and physical infrastructure	What are the physical and social infrastructure that the fund support?		Clarified. See rationale	See Regulation 25.
373	Nandi	25	Associated social and physical infrastructure	Cemeteries should be included in social amenities for those homeowners who don't have land	Amend 25 to include cemetery as part of social amenities that may be constructed as part of affordable housing schemes	Not accepted.	The list of social amenities listed in 25 (2) are what the Board may develop. Cemeteries as a land use will be provided in the Land Use Development Plans by the County in accordance with PLUPA.
374	Kericho	25	Associated social and physical infrastructure	A participant asked if there was a provision to have social amenities to compliment the affordable housing projects	Have a provision for a percentage of the fund to go fund round infrastructure.	Clarified. See rationale	This is covered under Section 11 (1) (c) and 11 (2) on allocations out of the Fund.
375	Nairobi	25	Associated social and physical infrastructure	An evacuation centre should be provided as part of the social amenities to help deal with emergency situations		Clarified. See rationale	This may be covered under Regulation 25 (2) (b), any other... In addition, the Government may come up with a different policy intervention to address the issues of evacuation centers. This policy will be funded by appropriated funds by Parliament
376	Kisii	25	Associated social and physical infrastructure	The physical and social infrastructure that will come with affordable housing listed is too ambitious to be true.	consider capturing only what is realistic and achievable rather than giving the beneficiaries false hope	Noted and clarified	The list of social amenities listed in 25 (2) are what the Board may develop.
377	Vihiga	25 (2)	Associated social and physical infrastructure	The Regulations should construct places of worship in the affordable housing schemes as part of the social amenities. This can be used by different denominations as happens in Universities	Add places of worship in the list of social amenities to be constructed in affordable housing schemes	Not accepted.	The list of social amenities listed in 25 (2) are what the Board can develop. Religious facilities as a land use will be provided in the Land Use Development Plans by the County in accordance with PLUPA.
378	Vihiga	25 (2)	Associated social and physical infrastructure	Clearly state who owns the social amenities including markets, health centers and social halls in the affordable housing schemes. Also state how they shall be managed and maintained.	Amend the regulation 25 (2) to state who owns the social amenities in affordable housing schemes, and who shall pay for their management and maintenance	Clarified. See rationale	The facilities will be owned and managed by the Board, or the relevant National or County Government entities or the management Corporation in accordance with SPA depending on where the function lies
379	Baringo	25	Associated social and physical infrastructure	Are we thinking futuristic in the future integrating of social amenities such as hospital and schools to the already existing social infrastructure?		Clarified. See rationale	Regulation 25 provides for affordable housing schemes with physical and social infrastructure. These shall be considered as per the already existing approved Physical and Land Use Development Plans of the area
380	Mathare Light of Hope Away From Home	26	Conduct of public participation.	The regulation is limited in scope regarding public participation and does not adequately address transparency in the affordable housing scheme implementation.	We suggest the regulations should explicitly state how information regarding operations of the Board will be made available to the public to deter misappropriation of contributors' money.	Clarified. See rationale	Regulation 26 of the Affordable Housing Act deals with public participation regarding the development of housing schemes on country land. However, Section 56 deals with misappropriation of funds of the Board. Section 14 and 15 of the Affordable Housing Act provide further detail on annual and a five year programs that will be public documents and guide the operations of the Board. The operations of the Board will also be audited, and will adhere to the PFMA and State Corporations Act, the Office of the Auditor General's annual report and the Audit Act.
381	Kenya National Interface Team	26	Conduct of public participation	Improvement of the Public Participation provisions and enhancing local content provisions. Project Briefs provide essential information to the public while highlighting opportunities for locals. This provision promotes transparency for large-scale Affordable Housing Projects (over 100 units).	(4) For Affordable Housing Projects exceeding 100 units in a single location, the Board shall require the developer to prepare a concise and informative Project Brief that shall highlight the project location, number of housing units planned, and key milestones for project completion in addition to opportunities for locally produced goods and services as stipulated by the Public Procurement and Asset Disposal Act, 2015.	Clarified. See rationale	The public participation sessions will meet the thresholds set by Case Law, namely inclusivity of all stakeholders, sufficient notice (minimum 14 days as per the regulation 26) and the sessions will be real, meaningful and effective.

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382	Kenya National Interface Team	N/A		Enhanced Public Participation through Off take Commitment Transparency • Continuous Public Engagement: Regular disclosure of Off take Commitment data fosters ongoing public engagement with the Affordable Housing Program (AHP). • Scrutiny of Non-Guaranteed Debt: Public awareness encourages responsible management of Non-Guaranteed Debt, minimizing potential risks for taxpayers. • Signaling Effect for Private Sector Investment: Regular reporting on Off take Commitments sends a clear signal to the private sector.	(5)(a) The Board shall establish a publicly disclosed Off take Framework that guides agency negotiations, sets limits on total off take commitment values within defined periods, and promotes financial sustainability, mandatory risk assessment, transparency, and off take instrument bankability. (b) An agency as defined by the Affordable Housing Act 2024, shall regularly monitor its existing off take commitments and report on their status to the Board. This report should include potential shortfalls or adjustments needed to stay within established limits. (c) Non-Compliance Measures: Failure to comply with the established off take commitment limits or reporting requirements may result in consequences for the agency, as determined by the Board. These consequences may include financial penalties, limitations on future off take commitments, or reporting restrictions.	Clarified. See rationale	The operations of the Board will also be audited, and will adhere to the PFMA and State Corporations Act, the Office of the Auditor General's annual report and the Audit Act. Furthermore, Regulation 23 prescribes the eligibility and criteria for offtake that shall guide the Board. Furthermore, in terms of reporting back to the public, Section 55 of the Act on Financial Provisions stipulates how the Board shall keep proper books, and submit to the Auditor General the accounts of the fund yearly. Sections 14 and 15 of the Act stipulates how The approved five year and annual investment plans shall guide the commitments of the Board.
383	Housing Coalition	26	Conduct of public participation.	The regulation is limited in scope regarding public participation and does not adequately address transparency in the affordable housing scheme implementation.	We suggest the regulations should explicitly state how information regarding operations of the Board will be made available to the public to deter misappropriation of contributors' money.	Clarified. See rationale	Regulation 26 of the Affordable Housing Act deals with public participation regarding the development of housing schemes on country land. However, Section 56 deals with misappropriation of funds of the Board. Section 14 and 15 of the Affordable Housing Act provide further detail on annual and a five year programs that will be public documents and guide the operations of the Board. The operations of the Board will also be audited, and will adhere to the PFMA and State Corporations Act, the Office of the Auditor General's annual report and the Audit Act.
384	THE KENYA INSTITUTE OF PLANNERS	26 & 28	Conduct of public participation and Notice of affordable housing project on settlements	Arising from clause 26(2), Regulation 26 focuses on public land held by the National Government or the County Government, while Regulation 28 appears to focus on same land although settled.	The more elaborate public consultation and expectations in Regulation 26 should also be reflected under Regulation 28 as well.	Clarified. See rationale	Regulation 28 is a Notice of affordable housing project on a settlement, which need not necessarily be on county land under 42 (1), hence the distinction.
385	The Coast Land Non-State Actors (CLNSA) under Coast Civil Society Network for Human Rights.	26 (1)	Conduct of public participation	Better understanding and preparation among interested parties, for more engagement and participation in the process, & broadening the reach of announcements to a wider audience to be able to disseminate information effectively, reaching individuals who may not be reached through traditional means.	We propose issuance of 14 days' notice and guiding documents, (In the current regulations, there is no guiding document). The advert to be included in the social media and website. (Three County Radio stations.)	Accepted with modifications. Amend 26 (1) (c) to state "... paragraph (a) in two radio stations, one of national coverage, the other that has wide coverage within the County." Add 26 (1) (d) to read "the notice issued under (1) (a) may include television stations, information communication technology centers, websites, community radio stations, public meetings, and traditional media."	The guiding principles include Article 10 of the Constitution, Section 87 of the County Government Act and Supreme Court judgement that established principles on public participation. Incorporated concerns on social media in the amendments.
386	The Coast Land Non-State Actors (CLNSA) under Coast Civil Society Network for Human Rights.	26 (2)	Conduct of public participation	The Executive is mandated to carry out government functions at the county level.	County Executive to be included in the process as everything in the county falls under it. The Counties to have some shares in the process as housing is a devolved function to be able to raise Own Source Revenue.	Clarified. See rationale	Regulation 26 (2) provides that the Board shall only conduct public participation or stakeholder consultations on county land that has been approved for allocation by the respective County Assembly and the National Land Commission. This section deals with public participation on county land. Therefore this query is adequately addressed in the Act and the Regulations.

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387	Physical Planners' Registration Board	26 (2)	Conduct of Public Participation	26 (2) The Board shall not conduct public participation or stakeholder consultations on County Land that has not been approved for allocation by the respective County Assembly and the National Land Commission	The Board shall not only consider approval of allocation by the County Assembly and National Land Commission but by adherence to the complete process of allocation of public land that requires preparation and approval of Part Development Plans	Noted	The County Assembly is approving the development plans for allocation of land. This is covered in the Act and the Regulations.
388	Mathare Light of Hope Away From Home	26 (2)&(3)	Conduct of public participation.	The regulations should include provisions as to how the Affordable Housing project that started before the enactment of the Act will be harmonized to achieve the objective of regulation 26 (2) & (3)		Clarified. See rationale	The Transitional provisions of the Act in Section 60 (4) address the concerns.
389	Architectural Association of Kenya	26. (1)	Conduct of public participation.	The regulations should embrace emerging technology like e-citizen as well as social media platform to call out for public participation.. It is equally important to include the placement of a written public notice on the specific project site to ensure that the local community is informed about the intended public participation exercise.	(d) publish the notice referred to in paragraph (a) on the e-citizen platform and the Ministry's social media pages. (b) Placement of a written public notice on the specific project site	Accepted with modifications. Amend 26 (1) (c) to state "... paragraph (a) in two radio stations, one of national coverage, the other that has wide coverage within the County." Add 26 (1) (d) to read "the notice issued under (1) (a) may include television stations, information communication technology centers, websites, community radio stations, public meetings, and traditional media."	Incorporated concerns on social media in the amendments.
390	Anthony Kiberi:- registered estate agent, number 2338	26. (1)	Conduct of public participation		Add social media as part (d)	Accepted with modifications. Amend 26 (1) (c) to state "... paragraph (a) in two radio stations, one of national coverage, the other that has wide coverage within the County." Add 26 (1) (d) to read "the notice issued under (1) (a) may include television stations, information communication technology centers, websites, community radio stations, public meetings, and traditional media."	Incorporated concerns on social media in the amendments.
391	Makueni	26	Conduct of public participation	Why was the notice for the public participation was a day before the actual event?	The members of the public felt that the process of public participation for the AH regulations was rushed and mostly leans more to ticking the box than doing the actual engagement for the same.	Clarified. See rationale	Public notices for the public participation on the Regulations were issued in the dailies 14 days prior.
392	Bungoma	26	Public Participation	The Current AHP Projects are being constructed despite lack of adequate public participation, and lack of a functioning Board up to now	Adequate public participation be done in all regions before Contracting and construction of Affordable housing schemes begins	Clarified. See rationale	Public participation for ongoing projects was undertaken in accordance with existing policy and law. The Transitional provisions of the Act in Section 60 (4) address the past affordable housing projects.
393	Elgeyo Marakwet	26	Conduct of public participation	If the land being used is County land, what is the benefit to the county?	Expressly provide a way in which the counties will be compensated	Clarified. See rationale	This Regulation is dealing with the conduct of public participation. The Board and respective County Committees shall develop a framework that can address the benefits for the Counties as per Section 39 (a) of the Act. In addition, the Counties will be able to access allocations out of the Board under Section 11 and Schedule 1 of the Act to construct projects on County Land and the framework with the Board will determine the benefits to the County.
394	Kakamega	26	Conduct of Public participation	Many Affordable housing schemes have been constructed before public participation was done	A new Regulation stating that where no public participation has been done, there should be no projects implementation that should happen	Clarified. See rationale	Public participation for ongoing projects was undertaken in accordance with existing policy and law. The Transitional provisions of the Act in Section 60 (4) address the past affordable housing projects.

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395	Homabay	26	Conduct of public participation	It was pointed out that AHP projects including those in Homabay County that are currently ongoing did not take this article into consideration. Will such projects be re-subjected to public participation when the regulations are enacted?		Clarified. See rationale	Public participation for ongoing projects was undertaken in accordance with existing policy and law. The Transitional provisions of the Act in Section 60 (4) address the past affordable housing projects.
396	Kitui	26	Conduct of public participation	Give enough notice before public participation		Clarified. See rationale	Public notices for the public participation on the Regulations were issued in the dailies 14 days prior.
397	Nyamira	26	Conduct of Public participation	An elder highlighted there is some ancestral land which had been marked as government land. If the land is still in dispute will it still be used for Affordable houses? Will the board listen to grievances on disputed land?	The board should listen to land dispute cases even at the national level given that some of the national land may be disputed.	Not accepted.	The Board has no mandate to handle land disputes. Due diligence is conducted before affordable housing schemes are implemented on any land.
398	Nyamira	26	Conduct of public participation	How are the many skill sets being notified of the opportunities around them through the program? Has enough public awareness been done.	They suggest having jobs created through AHP be advertised locally through notice boards in county offices and local media.	Clarified. See rationale	This is addressed in Section 46 of the Act on community support.
399	Bomet	26	Conduct of public participation.	A participant ask at what level the information is being disseminated because most of the residents did not know about the AHP. Can the information be sent in different dialects through radio and television to ensure residents are aware of the opportunities in their area	Provide clarity on public participation especially for infrastructure projects that may affect people within the neighborhood of the project	Accepted with modifications. Amend 26 (1) (c) to state "... paragraph (a) in two radio stations, one of national coverage, the other that has wide coverage within the County." Add 26 (1) (d) to read "the notice issued under (1) (a) may include television stations, information communication technology centers, websites, community radio stations, public meetings, and traditional media."	Incorporated concerns on local media in the amendments.
400	West Pokot	26	Conduct of public participation	How will counties benefit after giving out county land?	50% of houses to be under the preserve of the county government	Clarified. See rationale	The Board and respective County Committees shall develop a framework that can address the benefits for the Counties as per Section 39 (a) of the Act.
401	Kericho	26	Public participation	What are the channels being used for public participation. Can the counties be more involved?	Clarify on the public participation procedure and have the county as an enabler	Clarified. See rationale	Regulation 26 provides for conduct of public participation and County involvement
402	Kenya Property Developers Association	27(3)	Agreement with private institutions.	The Kenya Affordable Housing Programme Development Framework Guidelines have been very instrumental in the implementation of the affordable housing program yet there is no reference to it.	Amend to read: (3)An agreement under this regulation shall be implemented in accordance with the Act, other relevant laws, and the specific provisions outlined in the Kenya Affordable Housing Programme Development Framework Guidelines.	Clarified. See rationale	The Guidelines are an internal framework document developed for stakeholders in the affordable housing.
403	Kenya Property Developers Association	27	Agreement with private institutions.	To ensure clarity, we propose expanding these regulations to provide contributions that may be provided by either parties involved pursuant to the agreement between the fund and the private institutions.	Amended to insert a sub regulation before 3: - "The Agreement entered with the private institution shall provide for contributions by the Private Institutions, which may include but not limited to technical expertise, undertaking financial and construction risks, and ownership or possession of land assets deemed necessary for project implementation. The fund, in turn, may contribute cash or equivalents, transfer or allocation of land assets owned by the fund as per the agreement terms, grant taxation relief or waiver as prescribed by Kenyan laws and regulations, or allocation of a share in the project's equity over a fixed period, as may be specified in the agreement."	Clarified. See rationale.	The notice provides a simplified form for the notice to enter into an agreement with a private institution and how they can access the tender documents.

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404	Architectural Association of Kenya	27	Agreement with private institutions.	All the required specifications should be listed, otherwise they may be left out	Should be mandated and not to be considered under any other relevant information.	Accepted with modifications. Amend 27 (1) shall be in Form 2 set out in the schedule: Delete paragraph (a) to (g)	
405	EARB	27	Agreement with private institutions.	The section should also mention that the tender should follow laid down tendering requirements all for the Public procurement Act	You cannot list all the conditions for tenders because there is a law that deal with Public Procurement.	Clarified. See rationale	Covered under other relevant laws
406	The Coast Land Non-State Actors (CLNSA) under Coast Civil Society Network for Human Rights.	27 (2)	Agreement with private institutions		Remove the clause and refer to public procurement and disposal act and regulations.	Not accepted.	Section 44 of the Act requires the prescription of the notices.
407	EARB	27	Agreement with private institutions	We can have additional section on private institutions qualified under EARB managing the units and also dealing with persons qualified to own the units. Section 2 (1) of Estates Agents Act Cap 533 "Practice as an estate agent" means the doing, in connection with the selling, mortgaging, charging, letting, or management of immovable property or of any house, shop or other building forming part thereof, of any of the following acts:- (a) Bringing together, or taking steps to bring together, a prospective vendor, lessor or lender and a prospective purchaser, lessee or borrower; or (b) Negotiating the terms of sale, mortgage, charge or letting as an intermediary between or on behalf of either of the principals.	If Affordable Housing Board can engage private institutions in construction then, it can also engage private persons/entities/institutions for purposes defined by section 2 (1) of Estates Agents Act cap 533. These agents must be the said agents qualified to carry out such duties as licensed by EARB for the time being. Affordable housing Board will therefore have to work with EARB for qualifications and such agents must be cleared by EARB to participate as such in the link between the AHB and the purchasers, vendors, mortgagors, lessors and or lessees of the affordable housing units with the regulations set out under Cap 533.	Clarified. See rationale	This will be handled administratively by the Board.
408	Mathare Light of Hope Away From Home	27 (2)(h)	Agreement with private institutions.	While this provision highlights that the tender shall be open to those who meet the eligibility criteria, the regulation does not highlight what ought to be the eligibility criteria. The Public Procurement and Asset Disposal Act, 2015 Set out the eligibility criteria for public tendering processes.	The regulations should therefore give reference to the Public Procurement and Asset Disposal Act, 2015.	Clarified. See rationale	The Regulations have been amended and the reference made

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409	Kutoka Urban Slums Initiative - Kutoka Network	27 (2)(h)	Agreement with private institutions.	While this provision highlights that the tender shall be open to those who meet the eligibility criteria, the regulation does not highlight what ought to be the eligibility criteria. The Public Procurement and Asset Disposal Act, 2015 Set out the eligibility criteria for public tendering processes.	The regulations should therefore give reference to the Public Procurement and Asset Disposal Act, 2015.	Clarified. See rationale	The Regulations have been amended and the reference made
410	Housing Coalition	27 (2)(h)	Agreement with private institutions.	While this provision highlights that the tender shall be open to those who meet the eligibility criteria, the regulation does not highlight what ought to be the eligibility criteria. The Public Procurement and Asset Disposal Act, 2015 Set out the eligibility criteria for public tendering processes.	The regulations should therefore give reference to the Public Procurement and Asset Disposal Act, 2015.	Clarified. See rationale	The Regulations have been amended and the reference made
411	Architectural Association of Kenya	27. (1)	Agreement with private institutions.	To prevent collusion and prevent corruption.	(h) a declaration that the tender is only open to those who meet the requirements for eligibility and that directors of such private institutions do not have a conflict of interest in the project.	Clarified. See rationale	This will be handled administratively by the Board.
412	Elgeyo Marakwet	27	Agreement with private institutions	Why will the contracts not be done with locals?	The open tender process to work in a way that it ring fences projects for the benefit of local contractors	Clarified. See rationale	This is covered under Section 46 of the Affordable Housing Act, Community support. Materials, labor and involvement of local universities and vocational institutions
413	Trans Nzoia	27	Agreement with Private institutions	How do we ensure local contractors get the jobs?	Ring Fence projects for local contractors	Clarified. See rationale	This is covered under Section 46 of the Affordable Housing Act, Community support. Materials, labor and involvement of local universities and vocational institutions
414	Trans Nzoia	27	Agreement with Private institutions	Can the jua kali subcontracted aspect be documented in the regulations?	Proposal to have the aspect of contracting Juakali in the regulations	Clarified. See rationale	This is covered under Section 46 of the Affordable Housing Act, Community support. Materials, labor and involvement of local universities and vocational institutions
415	The Coast Land Non-State Actors (CLNSA) under Coast Civil Society Network for Human Rights.	27	Agreement with private institutions	The people are not fully protected from exploitation by private financial institutions when it comes to funding.	Given that the state shall use state resources, it is our position that the provision on signing agreement to facilitate support to private players like SACCOs should be avoided. The state should remain true to the course of providing Affordable Housing to the people through public institutions.	Clarified. See rationale	The Agreement will be through a public procurement process to facilitate provision of more affordable housing
416	Nandi	27	Agreement with Private Institutions	Churches have a lot of land, and are also institutions that require housing for their members. they should be part of the institutions who can have houses constructed by the Board	To have churches as institutions that construct houses	Clarified. See rationale	This is provided in Section 44 of the Act and Regulation 27- Agreement with private institutions
417	Kwale	27	Private Land development.	Can the Affordable Housing Program Build Houses for a Self- Help Group/Association owned land?	Proposal is to have the Fund also partner with associations and groups who may seek support to develop their acquired plots.	Clarified. See rationale	These groups and associations can be part of the private institutions under the First Schedule. The individual members of the groups are entitled to one unit per ID individually
418	MARSABIT	27		Could the affordable housing be done on a person's private land?	consider doing affordable housing even on private land not only public land	Clarified. See rationale	This is provided under Regulation 27

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419	Muranga	27	Eligibility for Allocation	The regulation should consider eligibility for Allocation of the housing units to individuals through groups such as women groups,youth groups. These groups usually pull resources together towards their empowerment. As such, the regulation should eligibility for allocation of units through such groups	regulation should consider eligibility for Allocation of the housing units to individuals through groups	Not accepted	The Act provides for Allocation of units to a natural person as per section 48(2)
420	Nema	28	Notice of affordable housing project on settlements		Add (b) A notice of implementation of Affordable housing project to be in a location approved as per EMCA 1999 law and its regulations and climate change adaptation duties under Climate Change Act, 2016.	Clarified. See rationale	All Affordable housing projects shall comply with the existing Statutory requirements and standards.
421	Housing Coalition	28 (2)	Notice of affordable housing project on settlement.	The period of the notice need to be specific. The regulations also need to expound on the details of what a resettlement plan ought to entail and how persons will be engaged on it. This is because currently Kenya doesn't have a homegrown resettlement policy more so for people living in informal settlements.	A 90 days' notice to be included. And Further Details of the resettlement plan be incorporated in the regulations	Accepted with modifications. On the resettlement plan proposal: Add to 28 (2) after relevant laws: "and policies." On the notice: Amend the Schedule Notice of intention to implement affordable housing project to read: "The Affordable Housing Fund Board hereby gives a 21 day notice to the residents..."	The Board will apply the National Slum Upgrading and Prevention Policy (2016) or any other laws and policies that may be set by the Board or the National Government from time to time. The implementation of the resettlement action plan will include a notice to vacate. This notice will be issued after adequate public participation with the affected persons.
422	Taita Taveta	N/A	Demolitions of existing Government estates	What happens to the people who are currently staying in areas where demolitions have to happen to pave way for the AHP?	The issue of adequate notice to be provided for under the regulations where demolitions are involved	Clarified. See rationale	Persons affected by AHP shall be accorded adequate time, as provided in the notice, to relocate before demolitions can be undertaken.
423	Kenya Bankers Association	28(1)	states that a notice of intention to implement a housing project shall be issued by the Board to a resident of a settlement and the notice shall be in the prescribed format (Form 1)	It is unconscionable to issue notices to residents without ensuring that there are adequate arrangements in place for relocation and compensation for the owners.	The Board should ensure that alternative areas are identified for relocation of displaced residents or adequate compensation provided. In addition, the Board should give priority to the residents when allocating the units provided that they meet the eligibility requirements	Clarified. See rationale	For the concern on resettlement, The Board will apply the National Slum Upgrading and Prevention Policy (2016) or any other laws and policies that may be set by the Board or the National Government from time to time. For the concern of allocation, Section 47 (c) of the Affordable Housing Act mandates the Board to offer to the residents in that settlement, the first right of purchase of a unit in the project.
424	Kenya Bankers Association	28(1)		The Notice set out in Form 1 does not include the duration of the notice period.	The period should be sufficient to allow residents to make adequate arrangements to relocate.	Accepted. On the notice: Amend the Schedule Notice of intention to implement affordable housing project to read: "The Affordable Housing Fund Board hereby gives a 21 day notice to the residents..."	The implementation of the resettlement action plan will include a notice to vacate. This notice will be issued after adequate public participation with the affected persons.
425	Lamu	28	Notice of affordable housing project in settlement	Citizens needs to be consulted on all projects being undertaken on public land. Some of these projects may have disadvantaged the persons who owned some of the parcels being considered as public land	Provide a clear process on public participation for projects being undertaken on public land. Provide clarity on the land allocation process for public land and how the ownership moves from public to private land and the envisaged mode of ownership	Accepted.	Public participation will be conducted before implementation of affordable housing projects in accordance with Regulation 26 while due diligence is conducted before affordable housing schemes are implemented on any land.
426	Mombasa	28	Notice of affordable housing project on settlement- Pursuant to section 47 of the Act, a notice of intention to implement an affordable housing project that is issued by the Board to a resident of a settlement on which is to be developed shall be in Form 1 set out in the Schedule.	There is a risk of those displaced by AHP projects not receiving preferential allocation once the project is complete	Regulations to provide for preferential allocation to PaPs	Accepted.	For the concern of allocation, Section 47 (c) of the Affordable Housing Act mandates the Board to offer to the residents in that settlement, the first right of purchase of a unit in the project.

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427	Samburu	28	AHP on Existing Settlement	Whether all the displaced individuals will be allocated a unit. There was concern that AHP on settlements may leave out some of the displaced individuals. They fear that the number of units allocated to each constituency are too few to accommodate residents of some of these settlements.	The Units being developed in slums and areas that have settlements should accommodate all the displaced individuals. Alternatively the Board should consider using decanting sites.	Clarified. See rationale	For the concern of allocation, Section 47 (c) of the Affordable Housing Act mandates the Board to offer to the residents in that settlement, the first right of purchase of a unit in the project.
428	Kilifi	28	Enhance regulation 28 to provide for compensation of the project affected persons whether at such settlements	The regulations should protect those who may be affected by the projects being undertaken by Government		Clarified. See rationale	The Regulations have provided for a wide range of how people can can proof source of income and ability to repay e.g Mpesa statements, till number statement, paybill number statements among others. The Regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner
429	Kwale	28	Notice of affordable housing project on settlements	The occupants of Government Land for Affordable Housing Redevelopment be given a notice of say at least 90 days to vacate.	The regulation to provide 90 days' vacation notice for redevelopment projects	Accepted with modifications. Amend the Schedule Notice of intention to implement affordable housing project to read: "The Affordable Housing Fund Board hereby gives a 21 day notice to the residents..."	The implementation of the resettlement action plan will include a notice to vacate. This notice will be issued after adequate public participation with the affected persons.
430	Nairobi	28	Notice of affordable housing project on settlements	The regulations needs to give clarity on the process of resettling individuals who are currently occupying the national Government land earmarked for development.		Clarified. See rationale	The Board will prepare a resettlement action plan with specific actions/plans for the affected persons and offer them the first right of purchase of a unit in the project in accordance with Section 47 of the Affordable Housing Act
431	Nairobi	28	Notice of affordable housing project on settlements	On Issuance of the Notice of Intention to develop a particular parcel of land, proper guidance should be issued to the people affected by the project on what is expected of them.		Accepted and clarified.	The Board will carry out adequate public participation and will prepare resettlement action plans in accordance with Regulations 26 and 28 respectively.
432	Taxwise Africa Consulting LLP	28	Notice of Affordable Housing Project on Settlement	There are concerns in light of the failures of the 2006 Slum Upgrading Initiatives pilot project in Soweto East Kibera.	It is crucial that the Regulations provide more clarity on the slum upgrade and assistance to be specifically provided to households settled within slums. This is necessary to ensure that the benefits of upgrading slums are enjoyed by its residents.	Noted.	The Board will apply the National Slum Upgrading and Prevention Policy (2016) or any other laws and policies that may be set by the Board or the National Government from time to time. Section 47 (c) of the Affordable Housing Act also mandates the Board to offer to the residents in that settlement, the first right of purchase of a unit in the project.
433	Muranga	29	Withdrawal of voluntary savings.	For the period of 90 days stipulated for refund of contribution. That's duration is long and should be reduced to 30 days		Not accepted.	The provision is provided by the Act and cannot be amended through the Regulations.
434	Mathare Light of Hope Away From Home	29	Withdrawal of voluntary savings.	While it is good that persons can withdraw their savings including any accrued savings, it's imperative for the regulations to give an indication of how the interest will be calculated. This is to enhance transparency where both the board and persons seeking withdrawals understand beforehand-how interest will be calculated.	State explicitly the interest rate for the calculation of accrued interest on voluntary savings withdrawals to enhance transparency.	Accepted with modifications. Add 29 (2) The Board shall on an annual basis determine the applicable interest rate earned on members' voluntary savings into the Fund.	Interest shall be determined based on the performance of the investments related to voluntary savings and published to the public by the Board for each Financial Year.

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435	Kutoka Urban Slums Initiative - Kutoka Network	29	Withdrawal of voluntary savings.	While it is good that persons can withdraw their savings including any accrued savings, it's imperative for the regulations to give an indication of how the interest will be calculated. This is to enhance transparency where both the board and persons seeking withdrawals understand beforehand-how interest will be calculated.	State explicitly the interest rate for the calculation of accrued interest on voluntary savings withdrawals to enhance transparency.	Accepted with modifications. Add 29 (2) The Board shall on an annual basis determine the applicable interest rate earned on members' voluntary savings into the Fund.	Interest shall be determined based on the performance of the investments related to voluntary savings and published to the public by the Board for each Financial Year.
436	Housing Coalition	29	Withdrawal of voluntary savings.	While it is good that persons can withdraw their savings including any accrued savings, it's imperative for the regulations to give an indication of how the interest will be calculated. This is to enhance transparency where both the board and persons seeking withdrawals understand beforehand-how interest will be calculated.	State explicitly the interest rate for the calculation of accrued interest on voluntary savings withdrawals to enhance transparency.	Accepted with modifications. Add 29 (2) The Board shall on an annual basis determine the applicable interest rate earned on members' voluntary savings into the Fund.	Interest shall be determined based on the performance of the investments related to voluntary savings and published to the public by the Board for each Financial Year.
437	Taita Taveta	29	Interest on the voluntary contributions	What is the interest rate for the voluntary contribution?	Provide clarity on the interest rate –Is it CBK rate or commercial rates?	Accepted with modifications. Add 29 (2) The Board shall on an annual basis determine the applicable interest rate earned on members' voluntary savings into the Fund.	Interest shall be determined based on the performance of the investments related to voluntary savings and published to the public by the Board for each Financial Year.
438	THE BUILDING SURVEYORS REGISTRATION BOARD (BSRB)	30 (a-d)	Rural affordable housing unit	The requirements are burdensome and country to affordable housing doctrines	Omit requirement of plans approval by county government. Omit requirement of valuation report for land	Not accepted.	County approvals are a requirement by Law, and the valuation required to establish the value of the collateral and protect the Fund from the risk of loss in the event of default.
439	Kenya Bankers Association	30	Rural affordable housing unit	Ensure valuations are only done by independent valuers with practicing licenses and who have the statutory professional indemnity as required by the Valuers Act. The Chief Government Valuer is not independent, neither does it have the statutory professional indemnity.	Proposal to amend 30(1)(b) by deleting “the chief government valuer or...” and should now read as follows; a valuation report of the land issued by a valuer registered under the Valuers Act	Accepted.	Chief government valuers cannot value land owned owned by private individuals.
440	Anthony Kiberi:- registered estate agent, number 2339	30.1 (b)	Rural affordable housing unit		Should read "a valuation report of the land issued by a registered and licensed Valuer under the Valuers Act. "	Accepted.	Chief government valuers cannot value land owned owned by private individuals.
441	Anthony Kiberi:- registered estate agent, number 2340	30	Application for consent to sell an affordable housing unit		Add (c) the sale should be done directly by the owner or where he uses the service of an agent, the agent should be registered and licensed under the Estate Agents Act.	Not accepted	This Regulation concerns application for consent to sell an affordable housing unit and not the sale process.
442	EARB	30	Rural affordable housing unit	Include a provision requiring that Rural Affordable housing project be subject to market and feasibility studies by a registered valuer or estate		Not accepted.	The application for a rural mortgage is undertaken after not being allocated an affordable housing unit. Therefore, for the applicant, this option is demand-driven and demonstrates the specific need for a rural home. In addition, the contents of the valuation report and the applicant's ability to pay addresses the concerns.
443	Kenya Bankers Association	30	Rural affordable housing unit	There is rapid urbanization which impact values/prices of rural properties, and there is need to increase the maximum amount applied for in rural areas .	Proposal to amend 30(2)(c) by deleting “four million” and substituting with “six million”.	Not accepted.	The requirement to have the loan limit at KES 4 million is based on the current housing prices for the Affordable Housing units, It is also intended to protect the Fund in case of default since disposing rural houses is a hurdle compared to urban houses. Based on a KES 4 million maximum loan, based on average construction costs of rural houses, this would provide a reasonably sized home and larger than the affordable housing units.

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444	Busia	30	Rural affordable housing unit	What happens to Kenyans who default on their units? Especially when the house has been built on family/ancestral land	Provide more clarity to default cases in rural affordable housing unit mortgages	Clarified. See rationale. Amend 30 (1) to add after land "in their own name."	The Board will exercise its powers under the Land Act upon default of the borrower.
445	Machakos	30	Rural affordable housing unit	When can one access the rural affordable housing fund to benefit those in the rural areas?		Clarified. See rationale	One may apply for rural affordable housing mortgage in line with Section 52 (4) of the Act
446	Tharaka Nithi	30	Rural affordable housing unit	Could individuals get financing to build their own houses in urban areas?	Allocate loans for people to put up their own houses in urban areas also	Clarified. See rationale	The provision of an affordable mortgages to develop an affordable housing unit is confined to rural affordable housing units as defined by Section 52 (4) (b).
447	Tharaka Nithi	30	Rural affordable housing unit	Could voluntary savers be provided with the option to be financed and allowed to construct their own houses in urban areas too?	Voluntary savers to be financed to construct houses in urban areas also	Clarified. See rationale	The provision of an affordable mortgages to develop an affordable housing unit is confined to rural affordable housing units as defined by Section 52 (4) (b).
448	Nyandarua	30	Rural Affordable Housing	A concern on the requirement to provide a copy of Title Deed and Title Search. There are many parcels in the rural areas where families are yet to obtain titles due to various reasons (Succession, adjudication etc)	There was a proposal to consider admitting other documents that can support ownership eg Letter from the chief and other documents that can provide Proof of Ownership.	Clarified. See rationale.	Section 52 (6) of the Act requires a charge is registered on the title in favor of the Board and therefore it is a requirement under the Act.
449	Siaya	30	Rural affordable Housing unit	It was noted this article touch on change in land use and that it was bringing urbanisation right in to the rural areas. Members of the public wanted clarity on what happens if the beneficiary defaults in the payment of the loan	Expand the regulations address the question of default of loan repayment	Clarified. See rationale. Amend 30 (1) (d) to add after title to the land "in their own name"	The Board will exercise its powers under the Land Act upon default of the borrower.
450	Kiambu	30	Rural affordable Housing unit	What defines regions that qualify to be under rural affordable housing		Clarified. See rationale.	The Urban Areas and Cities Act defines an urban area. Any area not defined urban is a rural area.
451	Kilifi	30	Rural affordable housing unit	On rural housing it is critical to provide for the interest rates and how the Board will monitor these loans under the rural housing program.	The regulations does not provide for the interest rate for rural housing and this needs to be lower to encourage rural housing. What monitoring strategies will put in place to avoid loss of the Funds monies?	Accepted with modifications. a)Below twenty thousand shillings: 3% b)between twenty thousand and one hundred and forty-nine thousand shillings: [6%] c)over one hundred and forty nine thousand shillings: 9%	The proposed amendment responds to the various interest rates that will be applied based on income bands.
452	Wajir	30	Rural affordable housing scheme	Can a person build affordable housing on private land?		Clarified. See rationale	Yes. The Act presumes that the land will be owned by the applicant.
453	Kakamega	30 (1)	Rural affordable housing unit	Plenary felt that the conditions to receive a home loan were too strict, and that the default would lead to them losing their ancestral or family plots of land	Remove some of the conditionalities to receiving a rural affordable housing unit loan	Clarified. See rationale	Section 52 (6) of the Act requires the applicant to provide a title which will be charged. This process is one of the safeguards for the Fund when approving rural housing mortgages.
454	Architectural Association of Kenya	30 (1)	Rural Affordable housing unit	For quality assurance and safety of the built environment, the approval need to be done qualified professions in the industry.	(a) building plans prepared by an architect registered by the Board of Registration of Architects and Quantity Surveyors (BORAQS) and a member of the Architectural Association of Kenya (AAK) and approved by the respective county government;	Clarified. See rationale	The building plans approved by county governments are prepared and submitted by registered professionals.
455	Architectural Association of Kenya	30 (5)	Rural Affordable housing unit	The regulation is open-ended to guard against exploitation of it's open-ended nature of the feedback to unsuccessful bidders the Board needs to indicate a clear time frame.	(5) Where an application under this regulation is rejected, the Board shall notify the applicant of its decision, indicating the reasons for the rejection within 14 calendar days.	Accepted with modifications. Amend 30 (5) to read: Where an application under this regulation is rejected, the Board shall notify the applicant of its decision indicating the reasons for the rejection within fourteen days	Incorporated.
456	FEDERATION OF KENYA EMPLOYERS	30 (d)	Rural affordable housing unit	Will this not discriminate the women who traditionally do not hold title deeds in the rural places? What about ancestral lands which may be held collectively in family?	30 (d) a copy of the title to the land and official search of the land.	Clarified. See rationale. Amend 30 (1) (d) to add after title to the land "in their own name."	On the concern of discrimination against women, The Constitution allows women to inherit ancestral land. On the concern of ancestral land, as a result of this amendment, the Fund is protected on titles that it accepts and charges.

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457	Meru	30	Rural Affordable Housing Unit	Could individuals be provided with the option to be financed and allowed to construct their own houses in urban areas too?	Consider giving affordable mortgages to construct houses even in urban areas	Not accepted	Section 52 of the act only provides for Rural mortgages. The provision of an affordable mortgages to develop an affordable housing unit is confined to rural affordable housing units as defined by Section 52 (4) (b).
458	ELGEYO MARAKWET RESIDENT (Ambrose Kiptoo)	30(1)-(5)		The Affordable Housing Act, 2024 is biased towards the urban affordable unit's construction than the rural affordable units, therefore, discriminatory.	Sec. 52 (4) of The Affordable Housing Act, 2024 be amended to give applicants the option to choose to be allocated either urban units or apply to the board for approval of issuance of an affordable mortgage to construct own rural housing. This will give credence to Sec 30 (1)-(5) of the Draft Affordable Housing Regulations, 2024.	Not accepted	Section 54 of the Act provides that any person who has made voluntary savings and has not been allocated an affordable housing units may withdraw their savings or apply to the Board for approval of issuance of an affordable mortgage to develop a rural affordable housing unit.
459	Law Society of Kenya	31	Restriction on disposal of affordable housing units	The prohibition on selling affordable housing units for eight years after payment completion (and transfer of ownership) is unduly restrictive and may conflict with constitutional and legislative provisions on property ownership.	Their recommendation is to remove the eight-year limitation period for disposition of the affordable housing unit.	Accepted with modifications. Amend 31 (1) to remove " eight years " to until five years after completion..."	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
460	Baringo	31	Restriction on disposal of affordable housing units	Reduce the period of 8 years	To reduce the period to 1 year after transfer of units	Accepted with modifications. Amend 31 (1) to remove " eight years " to until five years after completion..."	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
461	Narok	31	Restriction on disposal of affordable housing unit	What happens in the event of loss of income due to retirement. Can the unit be transferred before the 8 years?	The program have a flexible payment schedule for those nearing retirement and also be allowed to transfer the unit to a next of kin before 8 years of ownership	Accepted with modifications	On the first concern, there are robust mechanisms to deal with loss of income and retirement which include change of unit to a lower priced unit and restructuring of the payments to match the new income status. On the second concern, the period of restriction has been reduced to five years
462	Makueni	31	Restriction on disposal of affordable housing unit	Why does the Fund have to determine when I can sell my house after completion of payment and receiving the ownership document?	There should be no limitation of 8 years for selling of the houses taking after full ownership has been granted to the homeowner	Accepted with modifications	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.

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463	Tharaka Nithi	31	Restriction on disposal of affordable housing unit	The restriction period is too limiting	Restriction period should be removed	Accepted with modifications	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
464	Mombasa	31	Restriction on disposal of affordable housing unit.	Eight years upon completion of payment for one to sell an AHP house is too long given that one maybe indisposed, lose source of livelihood or relocate to another location	Regulations to reduce the restriction period	Accepted with modifications.	On the first concern, there are robust mechanisms to deal with loss of income and retirement which include change of unit to a lower priced unit and restructure of the payments to match the new income status. On the second concern, a homeowner may apply for change of unit after moving to a new location. The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
465	Kajiado	31	Restriction on disposal of affordable housing unit	The 8 years restriction on sale the unit is not favourable.		Accepted with modifications.	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.

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466	Meru	31	Restriction on disposal of affordable housing unit	The restriction period is too long, and may tie down the owner, and become inconvenient.	Remove the 8 years restriction or reduce it significantly	Accepted with modifications.	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
467	Nyandarua	31	Restriction on Disposal of AH Unit	The time embargo on transfer on an acquisition of an affordable housing unit is too short	There was a proposal to increase that to 12 years	Not accepted.	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
468	Elgeyo Marakwet	31	Restriction on disposal of affordable housing units	If I have the title, why restrict selling for a period of 8 years?	Restrict selling for a period of 3 years	Accepted with modifications.	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
469	Garissa	31	Restriction on disposal of affordable housing unit	Why do I need permission from the Board to sell a house I legally own?	Let owners decide when they can sell	Not accepted.	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.

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470	Kilifi	31	Restriction on disposal of affordable housing unit	The regulations provides for 8 years period which may be restrictive to the unit buyers	Reduce the period to allow persons transact on their properties	Accepted with modifications.	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
471	Vihiga	31	Restriction on disposal of affordable housing unit	Unfair to insist that a Kenyan has to wait for 8 years before the sale of their unit having completed all debts and loans and received their title	Amend the regulation 31 to reduce the time restriction on disposal of affordable housing unit from eight to three years	Accepted with modifications.	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
472	Kitui	12	Restriction on disposal of affordable housing unit	The restriction needs to take into consideration transfers in jobs and have clear guidelines on the same		Clarified. See rationale	There is a robust mechanism to deal with transfers of jobs/relocation including change of unit.
473	Kitui	31	Restriction on disposal of affordable housing unit	Why do I need permission to sell my own house if I have all the legal ownership documents? A clear rationale be provided with exceptional circumstances		Clarified. See rationale.	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
474	Nyamira	31	Restriction on disposal of affordable housing	A participant argued why should they go through the board first before selling their unit. They own the unit therefore they need no consultation to sell it.	Remove the restriction of having to go through the board when selling a unit	Accepted with modifications.	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.

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475	Bomet	31	Restriction of disposal of affordable housing unit	Why come to the fund to sell a house you already own?	Reduce period for selling of a unit from 8 years	Accepted with modifications.	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
476	Kericho	31	Restriction of disposal of affordable housing unit	A person may choose to take a loan through a sacco and buy a house and they cannot sell the unit until the 8 Years lapse.	The period for sale of a unit be reduced to 2 years	Accepted with modifications.	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
477	Taita Taveta	31	Resale of the Unit	If the board is to be considered first during the disposal the 8yrs time frame should be reduced. Proposal is to reduce 8 years period since the Board will still be consulted and have the first right to purchase the unit	Remove the 8 years restriction period.	Not accepted.	Section 54 of the Act has provided restrictions on sale of an affordable housing unit. The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
478	Turkana	31	Restriction on disposal of affordable housing unit.	The 8 years window that restricts the disposable of the housing unit is punitive	Amend regulation 31 (1) and reduce the time period before a purchaser can sell their unit to four years	Accepted with modifications.	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.

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479	West Pokot	31	Restriction on disposal	Why should i wait for 8 years if the property is mine?	Have the waiting period be 3 years	Accepted with modifications.	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
480	Kisii	31	Restriction on disposal	The 8 year period is too long to wait to dispose the unit	consider reducing the waiting time to 2 years	Accepted with modifications.	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
481	Taita Taveta	31 & 32	Sale of units after 8yrs	Sale of the unit after 8yrs? If the Levy is not being refunded why restrict the person from selling the unit upon completion of repayment? The 8 years period should be amended or removed.	Remove 8 years required period for sale of the unit	Not accepted.	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
482	THE BUILDING SURVEYORS REGISTRATION BOARD (BSRB)	31	Restriction on disposal of affordable housing unit	A beneficiary may face economic circumstances that warrant the disposal. In any case, what is the magic behind 8? Why not 2 years? 10 yrs?	Scrap, because this is curtailing the natural flow of business	Not accepted.	On the first concern on transfer or relocation, Section 54 of the Act prescribes that the Board must give a written consent for the sale of the unit. The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.

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483	Nyandarua	31 (3)	Requirement to have a consent before disposal	The requirement to have a consent from the Board for disposal of a unit after 8 years was viewed as onerous and a route for corruption	A proposal to do away with the requirement to seek consent from the Board after 8 years	Not accepted.	On the first concern on transfer or relocation, Section 54 of the Act prescribes that the Board must give a written consent for the sale of the unit. The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
484	Kenya Bankers Association	32	Application for consent to sell an affordable housing unit.	The determination of prevailing market prices is best done by professionals with legal mandate to determine property values. This is preserved for registered valuers.	Proposal to amend the section to: (b) the price at which the affordable housing unit is being offered for sale is within the prevailing market price as determined through a valuation procured by the owner from a valuer registered and licensed under the Valuers Act.	Accepted. Amend 32 (3) (b) to read: the price at which the affordable housing unit is being offered for sale is within the prevailing market price as determined through a valuation procured by the owner from a valuer registered and licensed under the Valuers Act.	Incorporated.
485	Isiolo	32 (3) (A)	Application for consent to sell an affordable housing unit	Why can't one freely sell their house after completion of payments, without involving the board, yet they own the house?	Remove the 8 year sale restriction	Not accepted.	On the first concern on transfer or relocation, Section 54 of the Act prescribes that the Board must give a written consent for the sale of the unit. The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
486	Narok	32 3(a)	Reselling of the unit by the owner after after 8 years of ownership	Why would a civil servant who has paid for a unit and is transferred to another area sell their unit to the board before benefiting from another project.	The 8 year resale/ change of ownership should be reduced to ensure flexibility.	Accepted with modifications.	On the first concern on transfer or relocation, Section 54 of the Act prescribes that the Board must give a written consent for the sale of the unit. The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.

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487	Embu	32 3(a)	Reselling of the unit by the owner after after 8 years of ownership	A person may have the ability to pay the house in less than two years and decide to resell it. Once a person has fully paid for the units, it ceases being a government property. A buyer may also decide to purchase the unit on behalf of a child and upon completion of payment in less than 8 years pass to on to the child	A person should be allowed to resell the unit as long as the unit has fully been paid for. It should not be restricted to time. Once the unit has fully been paid for, it doesn't belong to the government	Not accepted.	On the first concern, Section 54 of the Act has provided restrictions on sale of an affordable housing unit. On the second concern, transfer of a unit to a beneficiary does not restrict allocation of an affordable housing unit to the beneficiary. The restriction on gifting an affordable housing units is however still subject to the time period as stipulated under Regulation 31.
488	Bomet	32	Restriction of disposal of affordable housing unit	What happens in the case of death of the primary provider in a household. Will they be removed from the unit?	Have the board cater for such instances.	Accepted with modifications. Amend Reg 8(4) to provide for one allocated a unit to take requisite insurance. Add the following under Regulation 8(4) after the word "applicant" to read "...and that applicant will be required to take the necessary insurance."	The Regulations have been amended to provide that applicants will be required to take requisite insurance approved by the Board to cover the eventuality of death of a unit owner.
489	The Coast Land Non-State Actors (CLNSA) under Coast Civil Society Network for Human Rights.	31 (3)	Restriction on disposal of affordable housing unit	The clause limits the right to protection of property which contravenes article 40(2)(a)(b) of the CoK.	Give the owners of the property the total right over their properties pursuant to the constitution.	Accepted with modifications.	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
490	Real Estate Development and Finance Association Kenya,	31(1)	Restriction on disposal of affordable housing unit.	It seems overly stringent to restrict a buyer from selling their unit for eight years.	We suggested that this period be reconsidered and reviewed downwards, preferably reduced to 5 years. Kenya could take inspiration from other advanced economies like Singapore, where similar programs have been successfully implemented with a resale window of 5 years.	Accepted.	Five years incorporated in the amendments.
491	Mathare Light of Hope Away From Home	32 (1)	Application for consent to sell an affordable housing unit.	While section 53 (4) of the Act provides that the sectional Property will apply and further while the Act creates at section 34 establishes County Rural and Urban Affordable Housing Committees, it's confusing what their role is in the selling of ban affordable housing units since application for consent is made to the board,	Acknowledge the role of County Rural and Urban Affordable Housing Committees in the consent process for the sale of affordable housing units.	Not accepted.	The Act has no role for the County Committee in the consent to sell an affordable housing unit.
492	Kutoka Urban Slums Initiative - Kutoka Network	32 (1)	Application for consent to sell an affordable housing unit.	While section 53 (4) of the Act provides that the sectional Property will apply and further while the Act creates at section 34 establishes County Rural and Urban Affordable Housing Committees, it's confusing what their role is in the selling of ban affordable housing units since application for consent is made to the board,	Acknowledge the role of County Rural and Urban Affordable Housing Committees in the consent process for the sale of affordable housing units.	Not accepted.	The Act has no role for the County Committee in the consent to sell an affordable housing unit.

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493	Housing Coalition	32 (1)	Application for consent to sell an affordable housing unit.	While section 53 (4) of the Act provides that the sectional Property will apply and further while the Act creates at section 34 establishes County Rural and Urban Affordable Housing Committees, it's confusing what their role is in the selling of ban affordable housing units since application for consent is made to the board,	Acknowledge the role of County Rural and Urban Affordable Housing Committees in the consent process for the sale of affordable housing units.	Not accepted.	The Act has no role for the County Committee in the consent to sell an affordable housing unit.
494	Mathare Light of Hope Away From Home	32 (4)(b)	Application for consent to sell an affordable housing unit.	It's confusing why the board is given priority to purchase a unit during resell yet the delivery of housing is to benefit the people of Kenya	Delete the regulation. No priority should be given. Since the board will have the knowledge of the housing unit vacancy it should be open to eligible person making applications.	Not accepted.	The Board's first right of refusal will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure.
495	Housing Coalition	32 (4)(b)	Application for consent to sell an affordable housing unit.	It's confusing why the board is given priority to purchase a unit during resell yet the delivery of housing is to benefit the people of Kenya	Delete the regulation. No priority should be given. Since the board will have the knowledge of the housing unit vacancy it should be open to eligible person making applications.	Not accepted	The Board's priority of purchase will address a number of concerns raised, including to deter commercialization of affordable housing units and abuse of Government subsidy. In addition, the rationale to the priority of purchase is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure.
496	Taxwise Africa Consulting LLP	32(3)(b)	Application for consent to sell an affordable housing unit	This is subject to abusive pricing by proprietors.	While this is a necessary provision, we note the importance of further regulation of pricing of affordable housing units in subsequent sales to be restricted to gazetted amounts to ensure that the valuation of such units is subject to market value as well as regulated pricing	Not accepted.	The period created for lockdown on sale of affordable housing units is sufficient to prevent abuse of the affordable housing scheme.
497	Real Estate Development and Finance Association Kenya,	32(4)(b)	Restriction on disposal of affordable housing unit.	There is a need for clearer guidelines on when the Board's priority of purchasing a housing unit will take precedence.	The Board might exercise this priority under specific circumstances, such as ensuring continued affordability or addressing housing supply concerns.	Not accepted	The Board's decision on right to purchase shall be catered for administratively.
498	HF Bancassurance Intermediary Limited (HFBIL)	Act	Insurance of the Fund	Limitation to an allottee	We propose regulations be extended to cover the insurance aspect of the fund collection, and fund disbursement to agencies/developers.	Not accepted	This will be considered by the Board administratively
499	Kenya Bankers Association	N/A	Section 4(2) of the Act - How non salaried persons will contribute to the Fund	The Regulations do not provide guidance on how the non-salaried persons will contribute the affordable housing levy which subverts the finding of the Court of Appeal with respect to discrimination of employed persons.	Additional provisions should be provided on the implementation of section 4 (2)(b) of the Affordable Housing Act.	Clarified .See rationale	Kenya Revenue Authority as the collector of the Levy will give guidelines on how it will collect the Affordable Housing Levy from non-salaried Kenyans
500	The Coast Land Non-State Actors (CLNSA) under Coast Civil Society Network for Human Rights.	N/A	How will the Regulations protect the marginalized and economically disadvantaged?	How are the economically disadvantaged and marginalized populations protected under the program?	The regulations should prioritize protecting the interests of those who are economically disadvantaged and marginalized populations. This should include a plan of improving slums in Kenya.	Clarified. See rationale	The Board shall ensure there is equitable access to diverse groups and persons in the construction, allocation, management and maintenance of the affordable housing projects Indigents have an opportunity to own affordable housing units under social housing. Any indigent may get social housing unit under the First Schedule of the Act.
501	Kenya Property Developers Association	8(5), 12(5), 17(5), 21(5), 24(5), 30(5) and 32(5)	"Where an application under this regulation is rejected, the Board shall notify the applicant of its decision indicating the reasons for the rejection."	No recourse has been provided to a person who is dissatisfied with a decision of the Board, to challenge such a decision.	Insert a new Regulation: A person aggrieved by a decision of the Board made under these Regulations may, within twenty-one days of the decision, appeal to the High Court, and a decision of a judge of the High Court shall not be the subject of appeal.	Not accepted	The Agreement will be through a public procurement process to facilitate provision of more affordable housing

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502	Kenya Property Developers Association	New Regulation		To allow private developers who are willing and able to invest huge amounts of capital to support the government agenda to participate in the affordable housing program. As currently drafted the regulations and by extension the Act seem to lock such private developers.	Amend definition of institutional housing to include private developers who meet a certain criterion (e.g investment of over KES 1 billion in each scheme and development of at least 500 units.	Clarified. See rationale	The definition of institutional housing does not include the private sector. In the First Schedule of the Act the Private Sector Agencies can do affordable and institutional housing.
503	Kenya Property Developers Association	New Regulation		Inclusion of consideration that an affordable housing scheme may encompass affordable housing for rental. As currently drafted the regulations do not provide for private developers who invest in rental housing.	Amend definition of implementing agency to include private developers for rental housing.	Clarified. See rationale	The Board may take into account a rental framework.
504	The Coast Land Non-State Actors (CLNSA) under Coast Civil Society Network for Human Rights.	N/A		What criteria is to be used to establish and maintain standards for the development of the houses?	The regulations should outline standards for the development of houses to ensure quality and compliance with established laws.	Clarified. See rationale	This will be undertaken administratively and will be captured in the agreement between the Board and the agency implementing the Affordable Housing Project. The construction will also follow the necessary guidelines e.g. The National Building Code
505	Siaya	N/A	Service Charge and Maintenance	How are the people protected from abuse in the form of maintenance fees?	The regulations should regulate the estate management fees to avoid any form of abuse.	Clarified. See rationale	Service Charge will be levied in line with the Sectional Properties Act (Section 22 of the Act)
506	Taxwise Africa Consulting LLP	N/A	Section 2 on interpretation and Section 4 (2)(a) of the Affordable Housing Act (AHA)	The clarifications required by the public on the charging provision of the Act are still not addressed in the Regulations. (interpretation of "gross salary" which is subject to affordable housing levy).	It is crucial for the Regulations to provide for its inclusions and exclusions to determine which amount is leviable.	Clarified. See rationale	"Gross income" means total amounts received from any economic activity before deducting any expenses. Regulation 3(2) captures all inclusions
507	Taxwise Africa Consulting LLP	N/A	Section 4 (2) (b) of the Act	It is not clear from the wording of this provision whether the rest of the income of the employee under subsection (a) e.g. rental income etc. is also subject to tax or whether this includes other income of any person generally including non-salaried persons.		Clarified. See rationale	Regulation 3(2) captures all inclusions
508	HF Bancassurance Intermediary Limited (HFBIL)	N/A	Life insurance in cases of death	What happens in the event the person allocated/occupying the unit passes away or becomes permanently disabled? Will the unit revert back to the fund? What happens to the beneficiaries of the allocatee whose quality of life had been improved through this noble Act?	through insurance we can ensure the outstanding repayment balance is settled to the fund and the unit is retained by the beneficiaries as their home enabling you achieve the objective of truly providing affordable housing to our deserving populace.	Accepted with modifications. Amend Reg 8(4) to provide for one allocated a unit to take requisite insurance. Add the following under Regulation 8(4) after the word "applicant" to read ..."and that applicant will be required to take the necessary insurance."	The Regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner
509	HF Bancassurance Intermediary Limited (HFBIL)	N/A	Insurance against fire or floods	what is the remedy should if the Affordable Housing units are damaged by Fire or Floods? What happens if the occupier is retrenched?	We would also be able to cover the property against fire & floods, and the loanee against loss of income due to retrenchment as they look for alternative source of income.	Accepted with modifications. Amend Reg 8(4) to provide for one allocated a unit to take requisite insurance. Add the following under Regulation 8(4) after the word "applicant" to read ..."and that applicant will be required to take the necessary insurance."	The Regulations have been amended to provide that applicants will be required to take requisite insurance approved by the Board to cover the eventuality of death or incapacitation of the unit owner. While units are under the ownership of the Corporation (the Management Company) will also take necessary insurances to protect the property, as provided by the Sectional Properties Act
510	HF Bancassurance Intermediary Limited (HFBIL)	N/A	Insurance against losses	Since the Board will be allocating these units on credit/as a loan, and the allocatee will be required to repay the amount over a period of time, there's need to have the fund protected against losses from insurable risks.	Accepted with modifications. Amend Reg 8(4) to provide for one allocated a unit to take requisite insurance. Add the following under Regulation 8(4) after the word "applicant" to read ..."and that applicant will be required to take the necessary insurance."	Accepted with modification:	The Regulations have been amended to provide that applicants will be required to take requisite insurance approved by the Board to cover the eventuality of death or incapacitation of the unit owner. While units are under the ownership of the Corporation (the Management Company) will also take necessary insurances to protect the property, as provided by the Sectional Properties Act
511	HF Bancassurance Intermediary Limited (HFBIL)	N/A	Standardization of fees	There is no provision for closing costs	We propose standardization of closing costs e.g. legal and insurance costs	Clarified. See rationale	This will be handled by the relevant administrative

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512	HF Bancassurance Intermediary Limited (HFBIL)	N/A	Insurance in case of death, disability or loss of income	Recovery process in case of Death, Disability and loss of income.	We propose apart from a penalty of 3% per month and or recovery through civil recovery, that insurance cover to repay the loan be introduced, and be captured under implementation regulations.	Not Accepted. Not understood.	The Regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death or permanent disability of a unit owner
513	HF Bancassurance Intermediary Limited (HFBIL)	N/A	Section 31(3) of the Act - provision of group underwriting for vulnerable groups	The ACT Part VI Clause 31(3) recognizes the need to consider vulnerable groups, marginalized persons, youth and women, and persons with disabilities	The regulations should provide for group underwriting either at the fund level or mandatory at the group purchases level. Beneficiaries of allottees from this segment may not be able to repay the loan in the absence of the breadwinner, further underpinning the need for life insurance.	"Accepted with modifications. Amend Reg 8(4) to provide for one allocated a unit to take requisite insurance. Add the following under Regulation 8(4) after the word ""applicant"" to read ...""and that applicant will be required to take the necessary insurance."	The Regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner
514	HF Bancassurance Intermediary Limited (HFBIL)	N/A	Allocation of Funds by the Board to the Insurance Sector	Capital allocation to the financial services sector	We propose consideration to allocate funds to the insurance sector to spur insurance market deepening and leverage on existing infrastructure for ease of securing the affordable housing investment.	Not Accepted	The proposal would require an amendment to the Act under section 11. The Board will allocate funds for delivery of Affordable Housing through implementing Agencies as provided in the First Schedule.
515	Kutoka Urban Slums Initiative - Kutoka Network	N/A	Clarity on Repeal of Housing Act Cap 117	It remains unclear if the Affordable Housing Act 2024 supersedes the Housing Act Cap 117 of 2012 or how it avoids conflicts with existing laws.	Clarification on whether the Affordable Housing Act,2024 and the attendant regulations repeals the Act or how conflict between the two laws will be avoided.	Clarified. See rationale	The Affordable Housing Act 2024 does not repeal Housing Act Cap 117. However, the 2018 Regulations operationalized under Section 7 of the Housing Act are repealed by the Affordable Housing Act 2024.
516	Law Society of Kenya	N/A	Section 54 of the Act on registration of units under SPA	The Regulations are silent as regards the manner of processing the affordable titles. The mandatory requirement for registration under the Sectional Properties Act (Number 21 of 2020 of the Laws of Kenya) (the SPA) is unnecessary, unduly restrictive and may pose challenges, especially for phased developments as well as rural affordable housing units under section 42 targeted at a person living in any area which is not an urban area.	They recommend that section 53(4) of the Sectional Properties Act be amended to provide that registration be undertaken pursuant to the Land Registration Act.	Not accepted	The proposal seeks to amend the Act.
517	Housing Coalition	N/A	Clarity on Repeal of Housing Act Cap 117	It remains unclear if the Affordable Housing Act 2024 supersedes the Housing Act Cap 117 of 2012 or how it avoids conflicts with existing laws.	Clarification on whether the Affordable Housing Act,2024 and the attendant regulations repeals the Act or how conflict between the two laws will be avoided.	Clarified. See rationale	The Affordable Housing Act 2024 does not repeal Housing Act Cap 117. However, the 2018 Regulations operationalized under Section 7 of the Housing Act are repealed by the Affordable Housing Act 2024.
518	Physical Planners' Registration Board	N/A	Establishment of the Board (Section 30 of the Act)	3(e) three persons, not being public officers, appointed, through a competitive process, by the Cabinet Secretary and who shall possess qualifications in built environment, finance or law	There is need to provide a regulation on this that requires that the Physical Planners appointed by the Cabinet Secretary shall be registered with the Physical Planners Registration Board (PPRB) and not just any Planner	Clarified. See rationale	The proposal would seek to amend the Act which has criteria for Board membership. Kenyans who meet the requirements set in the Act and are able to meet the competitive process will be eligible for appointment to the Board by the Cabinet Secretary
519	INTERFACE COMMUNITY HELP DESK (CBO)	N/A	Section 39 of the Act on functions of the county committees	The regulations do not adequately address the role of county government in Affordable Housing as outlined in section 34 of the Act. Specifically, there is no provision for the role of County Rural and Urban Affordable Housing Committee	Clarity on the County's role to be provided	Clarified. See rationale	Section 34 of The Affordable Housing Act, 2024 addresses the role of Counties and specifically section 39 guides that the County Committee and the Board shall develop a framework for working in addition to other functions that should be undertaken by the Committee. The Committee will have a charter that will guide the working modalities of the Committee and will be handled administratively.
520	Mathare Light of Hope Away From Home	N/A	Clarity on Repeal of Housing Act Cap 117	It remains unclear if the Affordable Housing Act 2024 supersedes the Housing Act Cap 117 of 2012 or how it avoids conflicts with existing laws.	Clarification on whether the Affordable Housing Act,2024 and the attendant regulations repeals the Act or how conflict between the two laws will be avoided.	Clarified. See rationale	The Affordable Housing Act 2024 does not repeal Housing Act Cap 117. However, the 2018 Regulations operationalized under Section 7 of the Housing Act are repealed by the Affordable Housing Act 2024.

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521	INTERFACE COMMUNITY HELP DESK (CBO)	New	County benefits from affordable housing.	The regulations do not specify how the counties will benefit from the projects.	Provide clarification on; 1. Which government entity (National or County) is expected to provide services such as water supply and sewerage systems? 2. What is the role of the National Housing Financing? 3. How will public land be sold to individuals? 4. Who will manage the interest accrued from the AHP? 5. Where will the funds generated from selling the units be allocated, and which body will collect these funds?	Clarified. See rationale	Section 42 of the Affordable Housing Act provides that the Board may appoint a national government agency to develop affordable housing units and the associated social and physical infrastructure. The bulk connectivity of the infrastructure services to the sites will be undertaken by National or County Government Agencies. Public land will not be sold to individuals. Registration of Affordable Housing units will be in line with the Sectional Properties Act. The Board is mandated under section 12 to make investments and will handle administratively issues of interest accrued from investments Funds generated from rental or sale of properties will be sources of income for the Fund
522	THE KENYA INSTITUTE OF PLANNERS	New	Notice of completion of affordable housing scheme	Share information to the public once construction of the project is completed	The Board should issue a notice of completion of the development of the housing scheme in the Kenya Gazette and in the print media in the normal manner.	Clarified. See rationale	This will be handled administratively by the Board.
523	THE KENYA INSTITUTE OF PLANNERS	New	Notice of application for allocation	Give all members opportunity to apply for consideration	The Board to issue notice for members of the public to be given an opportunity to apply for allocation giving submission deadline and other necessary information.	Clarified. See rationale	This will be handled administratively by the Board.
524	THE KENYA INSTITUTE OF PLANNERS	New	Publish Beneficiary/Allottee List	Enhance transparency and trust among the citizens and to avoid corruption practices.	The board should publish in the local print media and or Kenya Gazette the full list of allottees per scheme.	Clarified. See rationale	This will be handled administratively by the Board
525	Taita Taveta	Section 4 of the Act	Imposition of the Levy	What happens to the persons working on contract? Can they be refunded the deduction once their contract is terminated?	.Provide clarity on payment of the Levy by contract employees	Clarified. See rationale	The Affordable Housing levy is a tax under the Affordable Housing Act for the benefit of the Kenyan Citizens on the right under Article 43(1)(b) of the Constitution of Kenya. All Kenyans earning an income and not exempted under the Act shall pay the levy.
526	Busia	Section 16 of the Act	Composition of the board	Seeking assurances that the board will be well run and inclusive of different ethnicities/social backgrounds		Noted	Section 16 (5) of the Act requires the Cabinet Secretary to take into account regional balancing while appointing members of the Board
527	Busia	N/A	Comment on the public participation	A representative from the area MP Teso South, Hon Mary Emase, noted that the Affordable Housing program would lead to job opportunities in the region. In addition, he commended the team for carrying out the public participation on the Regulations. He conveyed the Teso South MPs' full support for affordable housing projects in Teso South and Busia County at large		Noted	
528	Nakuru	N/A	New	Demolitions of existing houses without providing alternative accommodation	Developing decanting sites first to accommodate residents before demolition.	Clarified. See rationale	The Board will develop administrative procedures on dealing with project affected persons. The Resettlement Action Plan requires detailed engagement of residents of settlements and may include alternative accommodation.
529	Nakuru	N/A	Use of civil servants in construction	High prices of ahp units	A suggestions to use civil servants in carrying out construction works.	Not accepted	Each developer or contractor will be appointed in line with the Public Procurement Assets and Disposals Act and will be at liberty to undertake the works as per the procurement procedures.
530	Baringo	N/A	Death of homeowner	What happens in the event of death before transfer of title to an applicant?	Beneficiaries to be identified and recognized. Provision for insurance for for the benefit of beneficiaries	Accepted with modifications	The Regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner

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531	Baringo	N/A	Insurance	If mother nature decides to attack and flood the development, who caters for the unit owners and will they be compensated?	The board to take care of unit owners in the event of calamities due to mother nature	Clarified. See rationale	Units under the ownership of the Corporation (the Management Company) or the Board as the case maybe will take necessary insurances to protect the property, as provided by the Sectional Properties Act.
532	Baringo	Section 44 of the Act	Agreement with community land owners to construct units for their members	Can a community that owns land approach the board for facilitation to construct affordable units?	Procedure to be provided for community to approach the board for facilitation to construct homes for their members	Clarified. See rationale	Under Section 41 (2) of the Affordable Housing Act, no land held by the county shall be allocated to affordable housing without public participation and stakeholder engagement of local communities. Section 22 and 23 of the The Community Land Act provides for procedures for the conversion of community land to public or private land. Engagements may be held subject to Community Land Act and the Affordable Housing Act
533	Baringo	N/A	Estate Management	Who manages the affordable housing units upon completion?	Board to undertake management for the first 2 years before handing over the well structured system to owners. Proposal to also include local authorities in the management	Clarified. See rationale	To be undertaken in accordance with the Sectional Properties Act (SPA)
534	Machakos	Part VII of the Act	Maintenance of completed units	Who maintains the housing units post construction?	The monthly repayments is inclusive of service charge and will be utilized for this purpose	Not accepted. See rationale	Service Charge will be charged based on the cost of services and maintenance requirements of the common property as provided under the Sectional Properties Act
535	Machakos	N/A	Insurance	What happens in case of death of a home buyer and will my beneficiaries be burdened to pay?		Clarified. See rationale	The Regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner
536	Machakos	Section 16 of the Act and Regulation 11	Inclusivity and Diversity	People living with disability should be represented in the board, involved in the procurement and construction process as well as post construction.	There are 3 Slots remaining on the board and being a competitive process they will be advertised for interested parties to apply	Clarified. See rationale	Section 16 (5) of the Act requires the Cabinet Secretary to consider special and marginalized groups including youth, women and persons with disability while appointing members of the Board.
537	Machakos	Section 16 of the Act	New	Representation of people living with disability in the board should be independent from youth, women and marginalised groups.	This will be taken into consideration	Clarified. See rationale	Section 16 (5) of the Act requires the Cabinet Secretary to consider special and marginalized groups including youth, women and persons with disability while appointing members of the Board
538	Machakos	Part IV of the Act	New	Will the board have representation at the county?		Clarified. See rationale	The Board will establish the relevant operational structures
539	Machakos	Section 48 of the Act	New	What measure have been put in place to ensure that individuals can only purchase one unit		Clarified. See rationale	Section 48 of Affordable Housing Act provides for one allocation per person. Section 56 provides for Penalties for any offences
540	Narok	N/A	Sustainability of the Fund	How will the fund be sustainable. Will a new regime restructure or end the AH program?	Are there legal framework that protect the fund and beneficiaries in the event of regime change.	Clarified. See rationale	The Affordable Housing Act provides a legal framework that creates institutional structure that ringfences the Fund
541	Lamu	N/A	Provision of information to applicants	How will one get to know how their repayments are being received? Will the board consider issuing statement or notifications to the unit buyers	Proposed for a specific regulation that guides on timely notifications of repayment	Clarified. See rationale	This will be dealt with administratively
542	Lamu	N/A	Insurance in case of death,	There is no clarity from the regulations of what happens incase one dies and the beneficiaries are unable to continue with repayments. Does it mean the family loses the house even if the remaining beneficiaries are unable to proceed with such repayments. The regulation should be clear on this provision of the steps the board shall undertake and how the family will be protected from loss of their unit	Provide clear procedure under the regulations to provide clarity incase of death of a member who was repaying. The board should not kick out the beneficiaries but rather think of what they need to put in place to protect them.	Accepted with modifications.	The Regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner

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543	Lamu	N/A	Sustainability of the program	How are the citizens sure that the affordable housing projects and program may not be phased out by the new governments? Could the affordable housing schemes be demolished in the future governments ?	Consider anchoring the program and projects in a forward looking development that ensures sustainability. Provide for provision that shows how where a scheme is to demolished or redeveloped shall be handled.	Clarified. See rationale	The Affordable Housing Act provides a legal framework that creates institutional structure that ringfences the Fund
544	Tharaka Nithi	N/A	Establishment of the Board at the county level	Do the residents have to go all the way to Nairobi to receive services from the board?	The board should establish offices throughout the country, atleast in every county	Clarified. See rationale	The Board will establish the relevant operational structures
545	Tharaka Nithi	N/A	Alterations/ extensions	Are buyers of the houses allowed to make any extensions or alterations to the units to better suit them?	Buyers of the units should be allowed to make alterations of the houses to their desire	Clarified. See rationale	Alterations will be in line the Management Agreement under the Sectional Properties Act
546	Tharaka Nithi	N/A	Awareness of the Act by coming up with popular versions in local languages	A significant number of residents would understand the act better if it was simplified and possibly circulated in a different language, preferably the local language.	The act should be circulated in a simplified version and if possible in a local language.	Clarified. See rationale	This proposal will be progressively achieved as structures are put in place
547	Tharaka Nithi	Act	Section 53 (4) of the Act	Given that the units will be constructed on public land, is there a risk of future loss of property/ displacement of the buyers by future governments?		Clarified. See rationale	Section 53 (4) of the Act requires that the units will be registered in accordance with the Sectional Properties Act whereby each owner of an affordable housing unit will be granted a Sectional Title thus protecting them from loss of property. Section 41 of the Act addresses how public land will be allocated for affordable housing projects
548	Tharaka Nithi	8(4)	Ownership of the unit incase of death	What exactly happens if the principal owner dies before completion of the payments into ownership of the unit?	Provide clarity as to the procedure after death of the principle owner.	Accepted with modifications. Amend Reg 8(4) to provide for one allocated a unit to take requisite insurance. Add the following under Regulation 8(4) after the word "applicant" to read ..."and that applicant will be required to take the necessary insurance."	The Regulations have been amended to provide that applicants will be required to take requisite insurance approved by the Board to cover the eventuality of death of a unit owner.
549	Kisumu	8(4)	Ownership of the unit incase of death	In the event of death of beneficiary before he/she completes paying the unit, will he lose the unit?	The text should be clear on whether the beneficiary forfeit/surrenders after the board has accepted his/her application to the change the unit	Accepted with modifications. Amend Reg 8(4) to provide for one allocated a unit to take requisite insurance. Add the following under Regulation 8(4) after the word "applicant" to read ..."and that applicant will be required to take the necessary insurance."	The Regulations have been amended to provide that applicants will be required to take requisite insurance approved by the Board to cover the eventuality of death of a unit owner.
550	Kisumu	N/A	Fate of beneficiaries in case the Act is repealed	In future, if the act is repealed what will be the fate of the beneficiaries?		Clarified. See rationale	The Affordable Housing Act and its Regulations provides a legal framework that creates institutional structure for the implementation of the programme
551	Kisumu	N/A	Maintenance of Estates	Who will be responsible for maintenance of the units and how will the estates be kept in good state of repair	There is need for clarity on the extent in which the beneficiary is responsible for maintenance of his unit and that of general maintenance of the specific estate/scheme	Clarified. See rationale	The provisions of Sectional Properties Act will apply
552	Uasin Gishu	N/A	Use of pension as deposit for a house	What happened to access to 40% pension to help with the deposit?	Revive the access of 40% of ones pension which will be strictly tied to the affordable housing	Clarified. See rationale	The access of the pension funds towards purchase of a unit will be accessible under The Retirement Benefits (Mortgages loans) Regulations
553	National Construction Authority	First Schedule	Implementing agencies	According to the First Schedule of the Act, the National Construction Authority is listed as one of the agencies for implementing the Affordable Housing Programmes and projects. However, the Affordable Housing Regulations 2024 have not prescribed the scope of the Authority's role as an implementing agency.	The Regulations to provide the role of implementing agencies including the National Construction Authority in implementation of the Affordable Housing Programmes and Projects	Clarified. See rationale	The role of implementing agencies shall be as outlined in Sections 11, 15 and 16 of the Act
554	Mombasa	Act	Section 46 of the Act on community support		70% provision of labour by locals to be anchored in the regulations.	Clarified. See rationale	Section 46 (b) of the Act provides that in the development of affordable housing units, the Board shall ensure labour is sourced from the local communities.

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555	Mombasa	N/A	Subletting units for employees who are transferred or already own another housing units	A person who qualify for allocation of AHP and already owns another house or is an Employee who is transferred to another station maybe allowed to sublet the AHP house allocated	Regulations to allow for subletting	Not Accepted	The purpose of the Affordable Housing Act is to enhance home ownership and allowing for this will be counterproductive and thus not achieving the intended purpose of the programme
556	Mombasa	N/A	Decentralization of the Board services	Need to bring services of the board closer to the people for easy of accessibility and cost minimization to the public	Regulations to provide for decentralization of board services	Clarified. See rationale	The Board will establish the relevant operational structures
557	Mombasa	Act	Section 53 of the Act on ownership of units	Need for clarity on AHP houses ownership documents- whether the owner will be entitled to the ownership of Land	Regulations to provide for clarity on ownership	Clarified. See rationale	Section 53 (4) of the Act requires that the units will be registered in accordance with the Sectional Properties Act whereby each owner of an affordable housing unit will be granted a Sectional Title thus protecting them from loss of property.
558	Mombasa	8(4)	New proposal on succession management	In Case of terminal illness or death, there is need of transferring the unit to a designated beneficiary, however the AHP Act and regulations provides for consent of the board thus there is no flexibility in such circumstances	The regulation to provide for succession management	Accepted with modifications. Amend Reg 8(4) to provide for one allocated a unit to take requisite insurance. Add the following under Regulation 8(4) after the word "applicant" to read ..."and that applicant will be required to take the necessary insurance."	The Regulations have been amended to provide that applicants will be required to take the requisite insurance to cover the eventuality of death of a unit owner. The Law of Succession shall then apply.
559	Bungoma	Act	Section 53 of the Act on SPA	Board members might be overstretched, and management companies might neglect some of the schemes. Members feel that tenant associations be empowered to participate in the AHP Projects Regulations are silent on who is managing the Affordable houses	Tenant associations to be created and empowered to participate in the management and securing the rights and interests of homeowners Elaborate on the managing affordable houses, whether it is the Board or the private sector	Clarified. See rationale	Section 53 (4) of the Act requires that the units will be registered in accordance with the Sectional Properties Act whereby a corporation will be formed to manage units for owners
560	Bungoma	N/A	Guaranteeing local contractors jobs in the schemes	Members felt that local contractors are losing out to the affordable housing schemes to big well heeled contractors from Nairobi	Local contractors must be involved in the construction of affordable housing schemes either as the main contractor or as sub contractors supplying various goods and services	Clarified. See rationale	Section 46 of the Act lays emphasis on the community support. The Board will also pay regard to Public Procurement and Disposal Regulations as envisaged in section 17(2) of the Act
561	Bungoma	Act	Section 34 and 39 of the Act: Composition of the County Rural and Affordable Housing Committee	Members flagged that the composition of committee membership is not clear, whether it is for 2 (c) or 2 (d)		Noted	Noted. The proposal seems to amend the Act. The Act provides for vetting under 34 (3)
562	Bungoma	N/A	Role of CDH	the CDH does a lot representing the national govt housing interests; this should be captured in the County Boards for Housing	Capture the role of the CDH in the County Boards such as make them members of the County Boards	Not accepted	The proposal would seek to amend the Act which has already set the membership of the County Boards.
563	Bungoma	Regulation 3	Exemption	Hustlers suffering from the high cost of living, and hence should be exempt from the levy	Exempt the hustlers from the housing levy	Clarified. See rationale	Regulation 4 provides that any Kenyan who wishes to be exempted from the levy should apply to the CS Housing.
564	Bungoma	Act	Section 16 of the Act on Board Composition	The Board does not have adequate representation from the small scale traders, community based organizations and businesspeople for whom these units are being constructed	Amend the Composition of the Board to allow community based organizations, small scale farmers/traders and businesspeople to be nominated therein Ensure only people of the highest integrity are in the Board	Clarified. See rationale	The proposal would seek to amend the Act which has criteria for Board membership. Kenyans who meet the requirements set in the Act and are able to meet the competitive process will be eligible for membership to the Board.
565	Bungoma	N/A	Renting out affordable housing units	Public should be allowed to rent the affordable housing units	Renting out affordable housing units to be allowed when there is space to do so	Clarified. See rationale	The purpose of the Affordable Housing Act is to enhance home ownership and allowing for this will be counterproductive and thus not achieving the intended purpose of the programme
566	Kajiado	Act and Regulation 28	Beneficiaries in slum settlements	The regulations should ensure that even those living in the slums benefit from the program		Clarified. See rationale	The Act stipulates three categories of housing units ie Social Units, Affordable Units and Market Units. Those in the low income bracket have been considered under the social housing units.

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567	Kajiado	Act	Section 56 of the Act	A concern was raised on the misappropriation of the funds.		Clarified. See rationale	Sections 56 and 57 of the Act specify the penalties for misappropriation of the funds and other offences.
568	Kajiado	Act	Section 46 of the Act on community support	Utilisation of the fund should be structured in a manner that the people on the grassroots can feel its effect.		Clarified. See rationale	Section 46 of the Act specifies the need for community support. Implementation of the program is such that job opportunities are prioritized for the locals in the county to enhance their skills. Construction materials are also to be sourced locally and in areas where there are TVETS, the students will benefit from internships.
569	Meru	N/A	Decentralization of the Board services	The Board should have offices at the counties	Devolution of the existing board to the county level to provide closer monitoring of the funds and the projects.	Clarified, see rationale	The Board will establish the relevant operational structures
570	Meru	Act	Section 53 of the Act on issuance of certificate of ownership	Given that the units will be constructed on public land, is there a risk of future loss of property/ displacement of the owners by future governments?	Ownership documents to be provided as proof of ownership of the unit even with subsequent governments.	Clarified, see rationale	Section 53 (4) of the Act requires that the units will be registered in accordance with the Sectional Properties Act whereby each owner of an affordable housing unit will be granted a Sectional Title thus protecting them from loss of property. The Affordable Housing Act provides a legal framework that creates an institutional structure that ringfences the Fund
571	Meru	8	Beneficiaries rights in succession	What exactly happens if the principal owner dies before completion of the payments into ownership of the unit?	Include regulation on how to transfer ownership of an affordable housing unit to a next of kin	Accepted with modifications	A person allocated a unit may change the beneficiaries when they are still alive who may not be the persons envisaged under the succession law. Regulation 8(4) is amended to include provision of insurance.
572	Meru	N/A		Some individuals have land, and would prefer to have the units built there, then the government can take over management of part of the units, and leave the rest for the individual to manage and collect rent from.	Amend the Act to allow the Board to finance developers who want to do affordable rental units to let.	Clarified. See rationale	The Act provides for the implementing agencies to be engaged by the Board in affordable housing. The private land owners may enter into agreements with implementing agencies as provided for in the Act.
573	Meru	N/A	Use of private land for development of affordable housing units	Could the affordable housing be done on a person's private land ?	consider doing affordable housing even on private land not only public land	Clarified. See rationale	Section 44 stipulates that the Board can enter into agreement with private institutions to undertake affordable Housing
574	Meru	N/A	New	Some people raised the issue of having a lot of ancestral land where they could construct private homes instead of taking on the affordable housing. Their only problem is they can't afford the cost of construction materials.	Subsidize building materials to make construction cheaper for all/ more affordable.	Clarified, see rationale	The issue of subsidies on materials can only be accessed through other Government interventions.
575	Nyandarua	N/A	New	The Regulations are silent on the treatment of the units and any remaining payments after the death of the buyer. They felt that a death exposes the deceased's family to imminent loss of the unit	There was a proposal to insure the TPS payments against death of a buyer. This would ensure that the insurer settles the loan repayments upon death of a buyer.	Accepted with modifications. Amend Reg 8(4) to provide for one allocated a unit to take requisite insurance. Add the following under Regulation 8(4) after the word "applicant" to read "...and that applicant will be required to take the necessary insurance."	The Regulations have provided for a wide range of how people can proof source of income and ability to repay e.g Mpesa statements, till number statement, paybill number statements among others. The regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner
576	Nyandarua	N/A	New	Some members expressed concern with likely abuse of the program by individuals buying to rent out the unit as this would defeat the objective of the AHP.	The proposal was to put an embargo on renting of the units thus the units should only be utilised for Owner Occupation.	Clarified. See rationale	The primary objective of the Act is towards promotion of homeownership
577	Nyandarua	N/A	New	Concerns about the need to modify the units upon buying. Is it allowed?	The proposal was to have an express provision allowing buyers to carry out modification of the units once acquired	Clarified. See rationale	Alterations will be in line the Management Agreement under the Sectional Properties Act

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578	Siaya	N/A	New	It was pointed out that upon death of the beneficiary before he/she completes payment of the unit, the regulations does not pronounce itself on the fate of the unit or the principal already paid	This scenario should be incorporated in to the regulations	Accepted with modifications. Amend Reg 8(4) to provide for one allocated a unit to take requisite insurance. Add the following under Regulation 8(4) after the word "applicant" to read ..."and that applicant will be required to take the necessary insurance."	The Regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner
579	Siaya	N/A	New	Pricing of the units under AHP should be commensurate with locality i.e. selling price for units in Nairobi should not be the same as those in Siaya based on value of land and cost of materials	we should vary the cost of the projects	Clarified. See rationale	The Act and the Regulations do not refer to pricing of affordable housing units. Pricing shall be dealt with the Board administratively.
580	Siaya	N/A		In case of natural perils like fire, flooding and earthquakes what is the recourse for the beneficiary	It should be clear whether the housing schemes will be insured against natural perils or not	Clarified. See rationale	The units will be insured as stipulated under the Sectional Properties Act
581	Elgeyo Marakwet	N/A	N/A	Who is going to take care of these houses to avoid negligence?	To appoint a management agent and avoid handing over management to owners	Clarified. See rationale	The management of the units will be done as envisaged under the Sectional Properties Act
582	Elgeyo Marakwet	N/A	Eligibility for exemption	What happens to those who cannot afford houses?	Provision for free housing to the poor.	Clarified. See rationale	The Affordable Housing Act envisages Kenyans will pay for the affordable housing units. However, Government may through other programs provide funding allocated by Parliament to develop houses to cater for the poor in the society.
583	Kakamega	N/A	Limit the number of cash buyers buying affordable housing units	Cash buyers are richer and might reduce the number of affordable houses available for the TPS and mortgage buyers	Limit the number of cash buyers buying affordable housing units	Clarified. See rationale	This will be done administratively by the Board during the allocation
584	Kakamega	N/A	Help Jua Kali and fundis purchase the necessary safety gear and equipment needed to work in affordable housing schemes	Many fundis and jua kali cannot afford to purchase the safety gear needed		Clarified. See rationale	Occupational Health and Safety Act (OSHA) prescribes that the occupier shall ensure compliance with the safety requirements of the OSHA.
585	Kakamega	N/A	Establish a dispute resolution clause	How shall disputes in the affordable housing schemes among tenants and homeowners be handled?	Add a regulation establishing dispute resolution committees in the affordable housing schemes	Clarified. See rationale	The Management agreement under Sectional Properties Act (SPA) will provide for dispute resolution amongst neighbors in the affordable housing schemes.
586	Kakamega	N/A	New	Ensure that feasibility studies, proper siting, and economic surveys are done before project implementation	provide that feasibility studies, proper siting, and economic surveys are done before project implementation	Clarified. See rationale	This will be undertaken administratively.
587	Kakamega	N/A	N/A	How secure are these investments given that the Government has demolished houses built on government public land and where homeowners have leases and titles provided by the same Government agencies?		Clarified, see rationale	The law doesn't protect illegally acquired property. The right legal conversion process will be followed where public land is to be used to construct affordable housing schemes
588	Kiambu	N/A	New	Written Juakali Memoranda: highlighting issues to be addressed in the regulations including: i) allocating 40% of contracts to Juakali and MSMEs ii) Incorporating Capacity building, training programs and mentorship into the program. iii).Introduction of financing schemes in liaison with financial institutions to meet needs of MSMEs iv)Streamlined Procurement process	The proposal to be considered for adoption into the regulations	Clarified, see rationale	Section 46 of the Act and Regulation 11 deal with community support and inclusivity respectively. The procurement process shall be transparent, open, and accountable to facilitate inclusivity and diversity of economic opportunities in line with Public Procurement Assets and Disposal Act (PPADA, 2015)
589	Kiambu	N/A		What are the ownership documents expected at the end of payment		Clarified. See rationale	The owners of the units will be given sectional titles in line with Sectional Properties Act

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590	Kiambu	N/A		Clarification on engagement with the county to avoid conflict		Clarified. See rationale	The County Committee under section 39 of the Act will develop a framework for attainment of affordable housing .This is done in consultation with the Board
591	Kiambu	N/A		How can a private investor apply to be part of the implementing agency		Clarified. See rationale	Regulation 24 provides for application for offtake which includes all the implementing agencies listed under Schedule 1 of the Act
592	Kiambu	N/A		How can uncertified labours working on the projects get certified		Clarified. See rationale	The Government is working closely with NITA, NCA and TVETS to ensure that those who require certification are able to obtain after obtaining relevant qualification.
593	Kiambu	N/A		Is there compensation for Individuals who have been paying the levy for long duration and do not qualify for a unit	provide for compensation	Clarified. See rationale	The levy is a tax and there will be no compensation
594	Isiolo	N/A	Beneficiaries rights in succession	What happens in case of death of the house buyer?		Accepted with modifications. Amend Reg 8(4) to provide for one allocated a unit to take requisite insurance. Add the following under Regulation 8(4) after the word "applicant" to read ..."and that applicant will be required to take the necessary insurance."	A person allocated a unit may change the beneficiaries when they are still alive who may not be the persons envisaged under the succession law. Regulation 8(4) is amended to include provision of insurance.
595	Isiolo	N/A		What criteria will be used to determine housing distribution across the country?	Proper feasibility study to be done to establish demand for houses per county so that supply is equal to demand and also to avoid having dead stock	Clarified. See rationale	Section 14 and 15 of the Act prescribe for five year and annual affordable housing investment programs. This shall also take into account equitable distribution of housing programs across Kenya.
596	Samburu	N/A	New	There was concern on the impact of the large scale developments on the environment and whether IEIA reports are prepared before the construction is done. The development should be environmentally friendly.	(i) Provide for mandatory IEIA reports detailing the impact of the developments on the environment and the requisite mitigation measures. (ii) Provide for Involvement of the NEMA officials and Environmental experts with local knowledge to ensures that IEIA are effectively carried out.	Clarified, see rationale	All projects will follow statutory approvals as provided for under Environmental Management and Coordination Act and other relevant laws
597	Garissa	N/A	New	What happens when someone dies and family is unable to continue paying for the house, or retires before finishing paying or is involved in unforeseen circumstance like accidents and are unable to continue paying	There should be clear guidelines to inform what happens when someone dies and family is unable to continue paying for the house, or retires before finishing paying or is involved in unforeseen circumstance like accidents and are unable to continue paying	Accepted with modifications. Amend Reg 8(4) to provide for one allocated a unit to take requisite insurance. Add the following under Regulation 8(4) after the word "applicant" to read ..."and that applicant will be required to take the necessary insurance."	The Regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner. Homeowners may elect to take additional insurance on disability, loss of income, serious illness or any other
598	Garissa	N/A	New	Won't households where both partners have employment/mortgage benefit more than those who have not		Clarified, see rationale	Eligibility for allocation is pegged on "One ID, one Unit"
599	Garissa	N/A	New	Will there be refunds for funds deducted before the ascension of the Housing Act?		Not accepted.	Monies collected before the enactment of the Affordable Housing Act 2024 were collected under a previous effective statute.
600	Garissa	N/A	New	Most of the old estate, which are mainly bungalows and maisonettes are occupied by civil servants such as County commissioners, DCC, Regional and Directors deployed to regions by the National government. The recommendation is that since some of this estates are being demolished, these cadre of civil servants should have a share in the Affordable units beings constructed on rental arrangements as is was before	Most of the old estate, which are mainly bungalows and maisonettes are occupied by civil servants such as County commissioners, DCC, Regional and Directors deployed to regions by the National government. The recommendation is that since some of this estates are being demolished, these cadre of civil servants should have a share in the Affordable units beings constructed on rental arrangements as is was before	Accepted	All Kenyans including civil servants are eligible for an affordable housing unit. Each Kenyan is eligible to one affordable housing unit as provided for under section 48 (1) of the Act and Regulation 7 (c).
601	Garissa	N/A	New (Policy Change Proposal)	The current number of board members is low	The numbers of members of the board need to be increased to ensure that all groups are represented	Not accepted	The current Government policy is to have a maximum of 9 board members. The Regulations cannot be used to amend the principal Act as this provision is already under the principal Act.

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602	Nyeri	N/A		Since the County Governments are the full custodians of public land. The process of land annexure should be followed to the letter to avoid future legal hurdles	Total adherence to land annexure process	Clarified, see rationale	Section 41 of the Act provides that the provisions of the Land Act shall apply in allocation of public land for the implementation of affordable housing. Regulation 26 (2) provides that the Board shall only conduct public participation or stakeholder consultations on county land that has been approved for allocation by the respective county assembly and the National Land Commission.
603	Nyeri	N/A		The CEC lands talking on behalf of CoG suggested that every project should have a specific agreement on the number of units set aside for counties as a source of revenue generation. Therefore before commencement of any project, agreement should be signed between the Board and the county governments		Clarified. See Rationale	The Board and respective County Committees shall develop a framework that can address the benefits for the Counties as per Section 39 (a) of the Act.
604	Kirinyaga	N/A	Provision of social amenities is captured in the Act	The regulation should incorporate elements such as playgrounds, religious facilities such as churches and mosques as part of social infrastructure		Accepted for playgrounds Amend 25 (2) (b) to include (vii) open Spaces Not accepted for churches and mosques	Open spaces cover the requests proposed for playgrounds. However, for churches and mosques, the list of social amenities listed in 25 (2) are what the Board can develop. Religious facilities as a land use will be provided in the Land Use Development Plans by the County in accordance with Physical and Land Use Planning Act
605	Kilifi	N/A	The regulations have not provided for mechanisms on which the informal sector income groups will be classified for the purpose of contributing the Levy under Section 4 and 5 of the Act	The Levy seems to rely heavily on the salaried persons and regulations have not provided mechanisms on how those in the informal employment will be deducted. This may lead to targeting informal sector workers without clear criteria on determining their earnings. How will the non-salaried persons be contributing and get involved in the contribution of the levy? What are the enforcement mechanisms for the non-salaried persons	Provide clarity on the payment of the levy for informal sector persons will be levied like Jua Kali and other groups	Clarified. See rationale	Kenya Revenue Authority as the collector of the Levy will give guidelines on how it will collect the Affordable Housing Levy from non-salaried Kenyans
606	Kilifi	N/A	The regulations are not explicit on what happens in case of death of a unit purchaser/Buyer	The idea is to cure the issue that might arise leading to default of a unit buyer or those who have made application for allocation of a unit	Provide a regulation to provide clarity on the same	Accepted with modifications. Amend Reg 8(4) to provide for one allocated a unit to take requisite insurance. Add the following under Regulation 8(4) after the word "applicant" to read "...and that applicant will be required to take the necessary insurance."	The Regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner
607	Kilifi	N/A	Refund of deposit if one had not been allocated a unit and they die before then	The recommendation is to have explicit provisions of refunds under the regulations upon death of an applicant and the mode of application to be made	Provide a provision to address the issue of refunds on deposits for those who have passed on	Clarified. See rationale	The Regulations amended to provide for next of kin for purposes of contact and in regards to succession the succession law will take effect
608	Kilifi	N/A	Composition of the Board	Ensure there is diversity with at least a board member with knowledge Muslim faith and understands the sharia compliant facilities		Clarified. See rationale	Composition of the Board is provided for under Section 16 of the Act
609	Kilifi	N/A	High prices of units	Prices for the units to be considered since the units prices may still be out of reach to a majority of citizens	The proposal is noted that even with the current pricing of social housing, the price is still prohibitive for many people with low or no income. The proposal is to consider further subsidies for low income category of persons	Clarified. See rationale	Affordable housing units are already highly subsidized by Government and the prices already set.

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610	Kilifi	N/A	Land	The rationale is to ensure that a county or locality will not miss out on having affordable housing units because they have no land set aside. The regulations to provide and allow the Board to purchase land in areas where Public land is not available or within close proximity to the proposed locations	The proposal is to have the Board seek alternative land within areas where the County or National Government may be having no land.	Clarified. See rationale	Section 16 (2) (b) of the Act allows the Board to purchase or acquire movable and immovable property which includes land
611	Kilifi	N/A		The Regulations have not provided on how the Fund will be protected as Government changes from one regime to another	The transition of Government will always happen. The proposal is to ensure that the projects and programs are not affected but such transitions and therefore ring-fencing of the Fund is required	Clarified. See rationale	The Affordable Housing Act provides a legal framework that creates institutional structure that ringfences the Fund
612	Homabay	N/A	Ring Fencing the fund	AHP promotes Gated Community Concept away from traditional way of life and interactions. Housing schemes under AHP should incorporate local way of interactions in each design		Question not understood	The programme has design principles and Regulations provide for inclusivity and diversity
613	Homabay	N/A	Death of a home buyer	In the event of death of beneficiary before he/she clears payment the unit, what is the fate of the unit and principal already paid?	Accepted with modifications.	Amend Reg 8(4) to provide for one allocated a unit to take requisite insurance. Add the following under Regulation 8(4) after the word "applicant" to read ..."and that applicant will be required to take the necessary insurance."	The Regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner
614	Homabay	N/A	Devolving the Board	The Board should be cascaded to the county level to take care of the local needs		Clarified. See rationale	The Board will establish the relevant operational structures
615	Homabay	N/A	Qualification of Committee members	Only qualifications of the chairperson of County Rural and Urban Affordable Housing Committees has been clearly spelt out. However, for the members it is not clear. Their qualification be pegged on secondary school qualifications		Clarified. See rationale	Section 35 (3) of the Act provides for qualification of members of the County Committee
616	Homabay	N/A	Maintenance	The life cycle of the schemes should be brought into the regulations so that it's clear that after a period of time, the scheme will need to be redeveloped. Intervals of maintenance should also be made clear		Clarified. See rationale	Section 10 (1) of the Affordable Housing Act, 2024 has provided for the purpose of the Fund being to provide funds for the design, development and maintenance of affordable housing, institutional housing and associated social and physical infrastructure. The maintenance intervals of the units shall be determined administratively
617	Vihiga	N/A	Conflict resolution	Conflict resolution mechanisms should be part of the regulations		Question not understood	It is not clear where the conflict will arise from
618	Vihiga	N/A	Role of MSMEs	The role of Micro and Small Enterprises Authority and jua kali associations in the affordable housing projects should be clearly defined in the regulations		Clarified. See rationale	Regulation 11 has also been amended to provided for inclusivity and diversity within affordable housing schemes with respect to economic opportunities in accordance with PPADA Act 2015, which includes the 40% local content.

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619	Vihiga	N/A	New	Small scale traders should be encouraged in the Regulations to pay for business stalls and shops in the projects in case they cannot afford the houses. In addition, they should be allowed to pay for their TPS in tranches rather than the monthly payments which might be seen as defaulting (lumpy cash flows)		Not accepted	As for business stalls, the Board will develop a framework on how this will be done. For applicants who will be required to pay under TPS, the Board may develop a framework for them to pay in small tranches
620	Vihiga	N/A	Renting units	The regulations should allow the public servants to acquire houses in their work stations to rent out these houses in case of transfer to another county.		Not accepted	There is no restriction in the Act
621	Vihiga	N/A	Act - Constitution of the Board	The Board should be reconstituted to have members from county affordable housing committees as part of the membership, over and above the COG representative. The Board should have representation from the MSMEs and small scale and jua kali artisans		Not accepted	The Act already establishes the Board and its membership under Section 16. These Regulations can therefore not amend the provisions of the Act
622	Vihiga	N/A	Pre qualified suppliers and listed prices of goods and services	List the goods and services to be provided by MSMEs as well as their prices to avoid exploitation of small scale suppliers and tradespeople	Publish the list of goods and services ringfenced for MSMEs and jua kali in the regulations, as well as recommended prices	Not accepted	The ring fenced goods and services may be listed by the Board from time to time
623	Vihiga	N/A	Disaster and waste management in the affordable housing schemes to be well defined in the regulations	It is important for these important aspects of management to be well managed to avoid environmental and health issues		Clarified. See rationale	The Sustainable Waste Management Act 2022 covers issues of waste management.
624	Wajir	N/A	Service charge and maintenance	Is the payment inclusive of service and maintenance charge?		Clarified. See rationale	This will be dealt with administratively and in line with the sale agreement and provisions of the Sectional Properties Act.
625	Kitui	N/A	Natural calamities	What happens to homeowners if their units are affected by natural calamities such as floods, earthquakes etc? Guidelines on the same should be provided		Not accepted	The beneficiary may consider taking insurance for themselves for unexpected circumstances in future
626	Tana River	N/A	Public sensitization	Some members of the public still don't understand the whole concept of AHP. Ensure there are clear communication channels to ensure that all relevant information trickles all the way down to all the citizens		Clarified. See rationale	The Board and the implementing agencies shall continually endeavour to sensitize citizens on AHP and related processes including applications and allocation
627	Tana River	N/A	Composition of County committees	National government and County Commissioners office should be involved in the County Committee appointments as some Governors may be biased and insist on making political appointments instead of what is stipulated		Not accepted	The proposed amendment seeks to amend the Act.

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628	Tana River	N/A	Death of a home buyer	Guidelines need to be provided on what happens in an unfortunate event where a parent a single parent dies before finishing paying for the unit and leaves behind either underage children or children who are unable to continue paying for the house and yet its their primary residence	Regulation on what happens if a parent dies before paying and have underage children	Accepted with Modifications	The Regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner. The law of Succession shall then apply
629	Trans Nzola	N/A	Rental units	Can government offer subsidized rental units?	Proposal to have rental units at sub-market rates.	Clarified. See rationale	Tenant Purchase Scheme is already a subsidised rental option until a person owns the unit
630	Trans Nzola	N/A	Devolving the Board	Can the board have county representation at county levels instead of seeking consent in Nairobi?	Proposal to have the board have county offices	clarified. See rationale	The Board will establish the relevant operational structures
631	Trans Nzola	N/A		Can government regulate the amount of rent chargeable just as it is trying to control the selling price?	Proposal to have government regulate rent charges to be lower than market rate	clarified. See rationale	The question is not understood in the context of the Regulations
632	Nandi	N/A	Representation in the Board	KUPPET representative submitted that the CDH and teachers should be represented in the county rural and affordable housing committee	Amend the composition of the Committee to include teachers and CDHs	Clarified. see rationale	The composition of the committee is expressly provided for under section 34 of the Act
633	Lakiplia	N/A	Representation in the Board	Civil servants are among the largest and consistent contributors to the housing levy	The civil servants union should have a representative in the Board	Clarified. see rationale	The composition of the Board is expressly provided for under section 16 of the Act
634	Narok	N/A	Ownership documents	How will one prove the ownership of a unit/ proof ownership especially if it is built on government/ communal land	Need to clarify on ownership of the units	Clarified. See rationale	The participant will have a sectional title as per the Sectional Properties Act.
635	Kwale	N/A	Maintenance of units and social and associated infrastructure	The regulations have provided for development of affordable housing units but the aspects of maintenance needs to be firmed up.	Provide clarity on maintenance aspects	Clarified. See rationale	Section 10 (1) of the Affordable Housing Act, 2024 has provided for the purpose of the Fund being to provide funds for the design, development and maintenance of affordable housing, institutional housing and associated social and physical infrastructure. Thus the Board is expected to implement the units maintenance bit.
636	Kwale	N/A	Payment of Housing Levy.	What advantages is there for those paying the Levy against those who are not paying? Will this be a consideration during allocation or can this be considered as a determinant for unit allocation?	Provide a requirement that payment of the Levy be considered while allocating a unit	Not accepted	All Kenyans are eligible for affordable housing units. The Levy is payable by all Kenyans except those exempted under the Act
637	Kwale	N/A	Imposition of the Levy	Provide clarity on the payment of the Levy on gross income category of persons under section 4 (b) of the Act	Provide clarity on the payment of the levy especially on gross income category of persons which is not clear	Clarified. See rationale	"Gross income" means total amounts received from any economic activity before deducting any expenses.
638	Kwale	N/A	Death of a unit buyer.	What happens if one passes away and is the breadwinner and no other in the family earns what will the government do to make sure that the family does not get evicted for not being able to pay for the house?	Provide a regulation to provide clarity in case of death of a the unit owner and the beneficiaries are still minors	Clarified. See rationale	The Regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner
639	MARSABIT	N/A		Given that the units will be constructed on public land, is there a risk of future loss of property/ displacement of the buyers by future governments?	The Affordable Housing Act and its Regulations provides a legal framework that creates institutional structure for the implementation of the program.	Clarified. See rationale	The conversion of public land to private land will be as stipulated under the land Act and other relevant laws

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640	MARSABIT	N/A	Beneficiaries' rights in succession	What exactly happens if the principal owner dies before completion of the payments into ownership of the unit?	Provide clarity as to the procedure after death of the principle owner.	Clarified. See rationale	The Regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner
641	MARSABIT	N/A	Design of affordable houses	Are all houses to be built in a similar design across the country?	The government should consider the people's way of life and culture, and build them houses that align with that. The people of Marsabit may be apprehensive towards high rise buildings, and would prefer single structures for every owner.	Clarified. See rationale	This is incorporated in the design principles and will be managed administratively to ensure units in an area are attractive to the buyers
642	Marsabit	N/A	Misuse of the Fund	What is to stop the people involved in the construction process from misusing the funds?	The Act should cover in detail the repercussions/punishment for anyone found to be engaging in dubious activity involving the fund.	Clarified. See rationale	Section 56 and 57 of the Act provides for penalties
643	Nyamira	N/A	Death of a home buyer	What happens when one dies before finishing their contribution. Who will take up the contributions?	Have a clear succession resolution in the act.	Clarified. See rationale	The Regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner
644	Nyamira	N/A	Emergency housing	A participant acknowledged that the ongoing floods have rendered most people homeless (Mathare).	The participant suggested that a kitty be set aside for emergency housing (collaborate with emergency response teams) in the case of such disasters.	Clarified. See rationale	The Government may come up with different policy interventions to address the issues of the emergency housing. This policy may be funded by appropriated funds by Parliament.
645	Nyamira	N/A		A leader of the professional groups in the county highlighted that most youth are unaware of the opportunities in affordable housing.	They suggest that the opportunities be placed in public notice boards and have proper communication channels in counties so that they can benefit from the AHP	Clarified. See rationale	The Board and the implementing agencies shall continually endeavour to sensitize citizens on AHP and related processes including applications and allocation
646	Nyamira	N/A	Environmental and social Impact assessment for all projects	Environmental and social Impact assessment for all projects	Have an comprehensive environmental impact study on the projects	Clarified. See rationale	All projects will follow statutory approvals as provided for under Environmental Management and Coordination Act and other relevant laws
647	Nyamira	N/A		A participant suggested that because this is national government land and it contributes largely to the cost, why pay the levy yet they can structure a program which will build houses and sell without taxing poor kenyans. The bill is therefore discriminative.	Have the levy removed and use the national budget to carry out the AHP.	Clarified. See rationale	The Regulations are to operationalise the Act. This proposal seeks to amend the Act
648	Nyamira	N/A	Devolution of the Board	There are no physical office which one can visit and inquire more about the AHP. The offices are important especially when disseminating information to the public on how to get the houses.	Have regional offices	Clarified. See rationale	The Board will establish the relevant operational structures.
649	Nyamira	N/A	Composition of the county committees	How is the committee selection done, is there representation from the residents and local jua kalis?	Have the committee selection in each county to be transparent and inclusive	Clarified. See rationale	Section 34 of the Act provides for the establishment County Rural and Urban Affordable Housing Committee and the qualifications.
650	Bomet	N/A		Is there a regulator of the board?	Can the public be the regulator?	Clarified. See rationale	Section 3(2) of the Act provides for the guiding principles and section 56 and 57 provides for penalties. Constitution of Kenya 2010 also provides the values and principles
651	Bomet	N/A		What will happen to the contributions done on Boma Yangu. Will the new payment framework affect the contributions?		Clarified. See rationale	Section 61(2) provides all moneys made prior to commencement of this act shall be vested into the Fund and deposited there.
652	Bomet	N/A	0	Why are the deposit amounts the same?	Have the deposits vary in regions according to affordability.	Clarified. See rationale	A deposit of 10% is required to ensure the sustainability of the Fund. Regulation 10 provides for deposit assistance for persons who are unable to raise the deposit. The Act also provides for voluntary savings under section 52 towards raising the deposit.
653	Bomet	N/A		Who is in charge of renovation of the units	Set up regulations for a good management system for tenants.	Clarified. See rationale	This maintenance is to be undertaken by the Board as provided under section 10(2)(c)(f)

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654	Bomet	N/A		A participant suggested that the house blocks should be mixed typologies to so that there is no class difference.		Clarified. See rationale	This is incorporated in the design principles.
655	Kericho	N/A		What is the contribution of the Ministry of interior in affordable housing program?	The ministry of interior/ government administration should be more involved in the program	Clarified. See rationale	Noted. They will be involved in institutional housing
656	Kericho	N/A		Does the affordable housing program use green building techniques. Is there a regulation in the act that will ensure that contractors comply with green building standards?	Have green building provisions	Clarified. See rationale	The construction of the buildings shall be governed by the National Building Code. The code gives provisions to ensure the delivery of Green building
657	Kericho	N/A		A resident highlighted that most of the residents did not know about the AHP. Can the information be disseminated through the County, NGAO and also the media.	Provide clarity on affordable housing especially for infrastructure projects that may affect people within the neighborhood of the project	Clarified. See rationale	Regulations make provision for Public Participation for projects as well as the Environmental Management and Coordination Act, which prescribes the process of public participation for communities within the neighbourhood of the project
658	Kericho	N/A		There are parcels of public land . How are such issues being handled by the county and national government.	Have a member of the residents in the county board or have grass root representation for residents.	Clarified. See rationale	Section 34 of the Act provides for establishment and composition of the County Rural and Urban Affordable Housing Committees
659	Kericho	N/A		Some contractors are using the fell trees of residents. How is the government protecting against such cases? How is the affected resident compensated?	Have strict regulations for contractors and also have a kitty for compensation in such cases where a resident is directly affected by the project?	Clarified. See rationale	The project affected persons will be engaged as part of stakeholder engagement. Regulations make provision for Public Participation for projects as well as the Environmental Management and Coordination Act, which prescribes the process of public participation for communities within the neighbourhood of the project
660	Kericho	N/A		How will the compensation for displaced persons be conducted?	Give clarity on the compensation plan for displaced persons.	Clarified. See rationale	The project affected persons will be engaged as part of stakeholder engagement. By giving preference of persons living in these sites being redeveloped will create discrimination on those who have not had an opportunity to rent these houses and therefore this regulations may be declared unconstitutional.
661	Kericho	8	Application for allocation	What is the criteria of determining one's income for eligibility of houses if they are from the informal sector. Mama mboga, pikipiki where cash transactions are not logged.	Give clarity on the same.	Clarified. See rationale	The Regulations have provided for a wide range of how people can proof source of income and ability to repay e.g Mpesa statements, till number statement, paybill number statements among others.
662	Kericho	N/A	Succession	How will widows repossess the unit of the primary contributor	Provide clarity on the succession procedure for deceased relatives	Clarified. See rationale	A person allocated a unit may change the beneficiaries when they are still alive who may not be the persons envisaged under the succession law. Regulation 8(4) is amended to include provision of insurance
663	Migori	N/A	Unaffordability of affordable Housing units	The selling prices of the available housing units in boma yangu portal is not affordable to a greater percentage of the population		Clarified. See rationale	Affordable housing units are already highly subsidized by Government and the prices already set.
664	Taita Taveta	N/A	Role of the Board in developing regulations	Section 59 of the Act indicates that the Board is supposed to be consulted on these regulations. Is the board in existence?	Be clear on role of the Board on regulations making process	Clarified. See rationale	The Board is established through the Section 16 and role of the Board clearly spelt out in the Act. Section 59 assigns power to the Cabinet Secretary responsible for affordable housing to make regulations, in consultation with the Board. The Board has so far been consulted by the Cabinet Secretary in coming up with these regulations.

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665	Taita Taveta	N/A	Article 6 of constitution.	As per the constitution housing is a devolved function. What is the connection between article 6 that has defined Housing under devolved function and what's the role of National Government on the same?	Provide clarification on the roles of National and County Governments as per the Constitution.	Clarified. See rationale	Housing in a shared function under the Fourth Schedule of the Constitution. Gazette Notice No. 2238 of 2016 also provided a differentiation of the functions between the National and County Governments. Article 6 of the Constitution provides for establishment of two levels of Government (national and county) that are distinct and interdependent. Article 189 of the Constitution also provides for cooperation between governments, and this may include the affordable housing project. The Affordable Housing Act, 2024 has provided for institutions at both levels of government including counties, as implementing agencies of the AHP.
666	Taita Taveta	N/A	The youth engagement in the project.	How many youths are going to benefitting from the program?	The regulations to be clear on the involvement of the Youth	Clarified. See rationale	Section 49 (3) of the Affordable Housing Act, 2024 compels the Board to give preference, in allocation of affordable housing units, to marginalised persons, vulnerable groups, youth, women and persons with disabilities. The Government Procurement policy on preferential treatment to youth, women and PWDs in according them Government Procurement Opportunities shall apply in the implementation of AHP. This will provide a safeguard to the youths in accessing procurement opportunities during project implementation. Secondly, on the policy of sourcing of 70% labour from the local communities, the youth will be accorded an opportunity including sensitization of financial education to ensure the earning youth draw from the projects, is saved and invested wisely for sustainability of their livelihoods.
667	Taita Taveta	N/A	Issues on public land	Conversion of public land to private land? Will the NLC be involved in the process?	No proposed change but clarification. However, provide clarity on dealings on Public Land and the conversion of public land to private Land under affordable housing program	Clarified. See rationale	The National Land Commission shall be involved during acquisition and conversion of public land.
668	Taita Taveta	N/A	Deduction of the Levy	For those who are paying for the Levy, is there a benefit on unit allocation in comparison to those who are not being deducted?		Clarified. See rationale	All Kenyans are eligible for affordable housing units. The Levy is payable by all Kenyans except those exempted under the Act
669	Taita Taveta	N/A	Sustainability of the Levy	How will the deduction work? Will it ever be stopped? How do we ensure sustainability of the Fund?	Provide a provision that ensures sustainability of the Fund which is not clear	Clarified. See rationale	Sustainability plans including proceeds from interest/administration fee, proceeds of rental on tenant purchase scheme will provide long term source of income. Also voluntary saving/ funds investments will provide sustainability of the Fund. Also resource mobilization strategies by the Fund will accord it the much needed sustainability.
670	Taita Taveta	N/A	Maintenance of the units?	How will the maintenance of these units be done?	The regulations to have a provision on maintenance of these affordable housing units or schemes.	Clarified. See rationale	Section 10 (1) of the Affordable Housing Act, 2024 has provided for the purpose of the Fund being to provide funds for the design, development and maintenance of affordable housing, institutional housing and associated social and physical infrastructure. Thus the Board is expected to implement the units maintenance bit.
671	Taita Taveta	N/A	Allocation to Counties	Could the grants referred to under the Act be channeled through the Financial institutions instead of the County Government for them to be useful?	Proposal is for the grants to be channeled through financial institutions for purchase/development of units	Not Accepted.	There is existing provisions as to how conditional grants will be allocated to counties in line with the PFM Act, County Governments Additional Allocations Act 2024 as well as Treasury Circular No. 8 of 2017
672	Taita Taveta	N/A	Community land	How will the board deal with community land to those who will not get a chance to buy the units?	Provide on whether the development for affordable housing could be extended to community Land where the community offers land to the Board for development.	Clarified. See rationale	Under Section 41 (2) of the Affordable Housing Act, no land held by the County shall be allocated to affordable housing without public participation and stakeholder engagement of local communities. Section 22 and 23 of the The Community Land Act provides for procedures for the conversion of community land to public or private land.

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673	Turkana	N/A	Amendment to the Act (Composition of the Board) Section 16 (3)	He requested that People Living Disabilities to be represented in the board responsible for Affordable Housing Programme		Not accepted	Section 16 of the Act provides for composition of the Board. Section 34 provides for composition of County Rural and Urban Affordable Housing Committees . Section 34 (4) (c) provides that the County Governor shall consider marginalised groups including PWDs when making nominations to the committee
674	Turkana	N/A	Amend the act and reduce the levy rate from 1.5% to 1%		Amend the act and reduce the levy rate from 1.5% to 1%	Not accepted	This is not in line with the Regulations and amounts to amending the Act
675	Mandera	N/A	New	Allocation of monies	Develop a framework to guide how much and how the funds will be allocated to counties for the purpose of AHP	Clarified. See rationale	The Act under section 11 provides on the allocation of the funds
676	Mandera	8(4)	9	A clear and humane framework be provided indicating what happens in the event where the breadwinner of a family dies and the family left behind is unable to continue paying		"Accepted with modifications. Amend Reg 8(4) to provide for one allocated a unit to take requisite insurance. Add the following under Regulation 8(4) after the word "applicant" to read ..."and that applicant will be required to take the necessary insurance."	The Regulations have been amended to provide that applicants will be required to take an insurance to cover the eventuality of death of a unit owner
677	Mandera	N/A	New	How will issues of land in the County be resolved to bolster AHP as currently most land is community owned	Include a regulation of community land in development of affordable Housing	Clarified. See rationale	Under Section 41 (2) of the Affordable Housing Act, no land held by the county shall be allocated to affordable housing without public participation and stakeholder engagement of local communities. Section 22 and 23 of the The Community Land Act provides for procedures for the conversion of community land to public or private land.
678	Mandera	N/A	New	The entire AHP requires an Environmental and Social Impacts Assessment to determine the effects of the projects all across the country	Include a regulation that Environmental and social impact assessment be done for all projects	Accepted with modifications.	All projects will follow statutory approvals as provided for under Environmental Management and Coordination Act and other relevant laws
679	Mandera	N/A	New	Consider starting with institutional housing (especially for security forces) before any other projects as they are currently living under very difficult conditions		Clarified. See rational	The Regulations provides for all categories of housing. Regulation 17 provides for institutional housing.The prioritization will be done under the five year and annual investment plans
680	Nairobi	N/A	New	Regulation need to define the term " approved institutions		Clarified. See rationale	The approved institutions are provided for in Regulation 19 pursuant to Section 45(1) of the Act. They are also listed therein
681	Nairobi	N/A	New	This is because the sectional property Act requires cancellation of the Mother title. The sectional Property Act will be a challenge in the case of phased development.	Regulations to reconsider applying Land Registration act instead of the sectional property act in implementation of the rural affordable housing program	Clarified. See rationale	The Sectional Properties Act will not apply to rural housing units under the rural affordable housing mortgage scheme.
682	West Pokot	N/A		Can we have the board at county level?	Have regional boards instead of Nairobi alone	Not accepted	The Board will establish the relevant operational structures
683	Kisii	N/A	Constitution of the Board and County Committees	In the constitution of the board and committees at the county level, PWD should be considered	To have PWD considered in the board and County Committee	Clarified. See rationale	Section 16 of the Act provides for composition of the Board. Section 34 provides for composition of County Rural and Urban Affordable Housing Committees . Section 34 (4) (c) provides that the County Governor shall consider marginalised groups including PWDs when making nominations to the committee
684	Kisii	N/A		As a mitigation to risk, especially from natural calamities, disasters and man made destruction are the units insured?	Let the issue of insurance come out clearly and who is responsible for the insurance	Clarified. See rationale	Insurance of the units is provided for under the Sectional Properties Act
685	Kisii	N/A		Despite court order barring deduction of the levy at the beginning of the year before the current act came to effect, levy was still deducted from those in employment. what happens to the amount deducted?	This amount should be refunded or it forms part of the deposit for the applicants	Not accepted	This is not provided for in the Act and therefore would amount to amending the Act

MASTER SHEET FOR ALL COMMENTS RECEIVED FROM THE EMAIL

S/NO	INSTITUTION	REGULATIONS NO.	PROVISIONS OF THE REGULATIONS	RATIONALE FOR AMENDMENT RECOMMENDATION	PROPOSED AMENDMENT	DECISION OF THE COMMITTEE	RATIONALE FOR THE DECISION
686	BSRB	New	New	The Regulations do not provide a dispute resolution mechanism for persons to challenge any penalties or demands for unpaid or underpaid levy contributions. Our proposal seeks to provide such a mechanism.	Amend the Regulations by adding 33 immediately after Regulation 32	Not accepted.	The levy is administered by Kenya Revenue Authority. This will be addressed through the means provided by the Income Tax Act
687	THE BUILDING SURVEYORS REGISTRATION BOARD (BSRB)	S 53 (3) of the Act		Need for certainty on nature and form of certification by the board	Provide the certificate template as an appendix to regulations	Not accepted	This shall be done by the Board administratively
688	THE BUILDING SURVEYORS REGISTRATION BOARD (BSRB)	11 (b) Section 43 of the Act	Allocation of fund Development of institutional housing	Clarity on the tenure of institutional houses . Clarity on the procedure for application for allocation of institutional houses (as s.8(1) of regulations is not applicable for rental units / service tenancies. The institution may also allocate the units without due regard to the objects of the fund.	A regulation to provide or clarify that institutional houses are affordable rental housing units which shall be allocated by the Institution to Employees of that institution on Service tenancy terms	Clarified. See rationale	The terms of service tenancy and allocation shall be done administratively by the institutions
689	Kenya Property Developers Association	New Regulation		It is currently not clear how the public and private affordable housing schemes will access this provision Section 11 of the Act. We recommend an insertion of regulations to guide implementing agencies on the process to submit into the 5 year and annual investment program which will form the basis of allocation from the Fund.	Implementing Agencies under Section 11(2) and listed in Schedule 1 of the Act shall identify projects and submit to the Board for inclusion in the annual investment program. The Implementing Agencies shall utilise the following delivery models in the development of Affordable Housing Units; 1. Construct and Finance: Where the Implementing Agency shall pay milestones payment as specified in Schedule 2 of the regulations 2. Developer or Investor Model: Where the Implementing Agency shall pay milestone payments as specified in Schedule 3 of the regulations The implementing agencies shall at all times set out in their respective agreements the units that are to be transferred to the fund in lieu of the monies allocated from the Fund as well as any units stipulated in an offtake agreement.	Clarified. See rationale	This shall be undertaken administratively and through contractual agreements.
690	Nyamira	New	Commercial spaces	Are there commercial spaces that will be in the AH projects? How will one win them and who will manage them.	Locals be given priority in owning the commercial spaces and also be assisted in getting the commercial spaces.	Clarified. See rationale	This will be undertaken through Public procurement guidelines
691	Kyallo Ndomboi	New	Commercial spaces	How does one own a business space within affordable housing schemes?		Clarified. See rationale	This will be undertaken through Public procurement guidelines

S/N O	INSTITUTION	REGULATIONS NO.	PROVISIONS OF THE REGULATIONS	RATIONALE FOR AMENDMENT RECOMMENDATION	DECISION OF THE COMMITTEE	RATIONALE FOR THE DECISION
1	SENATE	11	Allocation to Counties	Reg. 11- The role of Counties in Affordable Housing	Clarified. See rationale	Section 34 to Section 39 of the Affordable Housing Act 2024 specifies the role of Counties in affordable housing. In addition, the county governments are implementing agencies in affordable housing according to the First Schedule of the Act.
2	SENATE	8	Application for allocation	Application for allocation of a house Provide an application form for application for allocation of a unit	Accepted.	The application form provided.
3	SENATE	8	Application for allocation	The role of Counties in the allocation process	Clarified. See rationale	The Board will be centrally responsible for allocation of units as provided for in Section 49 (3) of the Affordable Housing Act.
4	SENATE	8	Application for allocation	Provide timelines for acceptance or rejection of an application for allocation of a unit.	Accepted with modifications. Regulation 8 (4 and 5) to be amended to include 30 days from the Board's decision.	The Board shall notify within thirty days of a decision being made to applicants. Providing specific timelines for the Board to determine if an applicant can be allocated a unit will become an entry barrier, because an applicant may forget specific to attach specific requirement which the Board in a progressive manner will reach out to the applicant for resubmission of the missing document. Therefore providing timelines will be a disadvantage to the applicant
5	SENATE	8	Application for allocation	Resourcing and staffing to handle applications by the Board.	Clarified, see rationale	The Board shall ensure that the applications it receives are processed and applicants notified. The digitization of the application process will ensure efficiency and timely processing of applications.
6	SENATE	8	Application for allocation	Where can complaints arising from the application for allocation be directed?	Clarified, see rationale	Currently, this is not provided for in the Act. Therefore, an introduction of this proposed progressive appeals mechanism would require an amendment of the Act. Meanwhile the Constitution provides various avenues including dispute resolution, Commission of Administrative Justice and the courts.
7	SENATE	8	Application for allocation	Provide a Flow chart starting from application to and post home ownership	Clarified. See rationale	This shall be prepared and shared administratively
8	SENATE	Section 11 of Act	Conditional grants to counties	How monies will be allocated to counties and other implementing agencies	Clarified. See rationale	The First Schedule of the Act sets out County Governments as implementing Agencies. Section 11 (3) addresses allocations out of the Fund to County Governments. Section 11 (5) of the Act provides that monies shall be appropriated to County committees as a conditional grant to county governments for administration of the county committees as may be approved by the Cabinet Secretary for the time being responsible for the National Treasury. The mode of channeling the conditional grants will be dispensed through the existing frameworks outlined in the Public Finance Management Act, attendant Regulations as well as Treasury Circular No. 8 of 2017. Section 15 of the Act requires the Board to draw up an annual investment program from the implementing agencies, in which the county governments are included. Section 39 (a) requires that the County Committees shall develop a framework in consultation with the Board. Section 39 (c) requires County Committees to develop a five year investment program and an annual investment program.
9	SENATE	Section 11 of Act	Conditional grants to counties	What measures are put in place to ensure implementing agencies use the funds for intended purpose, are the funds allocated grants or loans, do they attract any interest?(monitoring)	Clarified. See rationale	Section 11 (5) provides that monies shall be appropriated to County committees as a conditional grant to county governments for administration of the county committees as may be approved by the Cabinet Secretary for the time being responsible for the National Treasury. The mode of channeling the conditional grants will be dispensed through the existing frameworks outlined in the Public Finance Management Act, attendant Regulations as well as Guidelines set by CS, Treasury from time to time. Further, the Board shall enter into Agreements with implementing agencies to ensure that funds are applied for the intended purposes.
10	SENATE	Section 11 of Act	Conditional grants to counties	Other than conditional grants referred to in the Act as well as the 0.5% for administrative purposes of county rural and urban housing committees) what other funds will be allocated to counties and how? Are they repayable?	Clarified. See rationale	No additional funds shall be allocated to Counties save for funds allocated in line with sections 11 (3) and 11(4)(c) of the Affordable Housing Act. However, as implementing agencies under Schedule 1, County Governments can access funds under Section 11, 15 and 16 of the Act
11	SENATE	9	Deposit	Protection of deposits- how safe are the deposits?	Clarified. See rationale	Deposits are to be held in a custodial bank account opened with the approval of the National Treasury in line with the provisions of the Act. The deposits will only be accessed for the intended purpose. Furthermore, the deposits are not co-mingled with any other funds.
12	SENATE	New	Dispute resolution	Whether there is an appeal channel/ dispute resolution mechanism in the Regs	Clarified, see rationale	Currently, this is not provided for in the Act. Therefore, an introduction of this proposed progressive appeals mechanism would require an amendment of the Act. Meanwhile the Constitution provides various avenues including dispute resolution, Commission of Administrative Justice and the courts.
13	SENATE	3	Exemptions	Whether foreigners who are not exempted from paying the levy can apply for units	Clarified, see rationale	Regulation 7 stipulates that an applicant for a unit must be a Kenyan.
14	SENATE	New	Functions of the Board	Structures should be decentralised to County level for ease of service delivery	Clarified, see rationale	The Board shall have operational structures to address the needs. Section 39 (a) of the Act stipulates that the Board and the County Committees shall have a framework for the attainment of the program.

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15	SENATE	31	Restriction on Disposal of AH Unit	Reg 31 provides for a restriction to dispose a unit. This infringes on the right to own property granted under Article 40 of the Constitution	Justification to be provided by the Committee to Senate.	The restriction has been reduced to five years based on the benchmarking of other jurisdictions and by this reduction will address a number of concerns raised, including to deter commercialization of affordable housing units. In addition, the rationale to the restriction of sale is based on the numerous incentives provided by the Government including subsidized land, fiscal incentives and infrastructure. There are jurisdictions where this lock-in restriction has been applicable. However, they have been relaxed as supply meets demand over time. Therefore, we strongly believe that this restriction will serve its intended purpose on deterring commercialization of subsidized affordable housing units.
16	SENATE	N/A	Benefits of Paying the Levy	Are there any direct benefits of paying the levy towards home ownership?	Clarified, see rationale	Housing levy is a tax and not a contribution. All Kenyans are eligible for allocation of affordable housing units.
17	SENATE	31	Restriction on Disposal of AH Unit	The proposed Finance Bill, 2024 proposes the deletion of section 54 of the Affordable Housing Act. How does the State Department plan to operationalize regulation 31 which restricts the sale of the affordable housing unit until the Lapse of eight years after the completion of the payment of the unit?	Clarified see rationale	The proposed was amendment was dropped.
18	SENATE	Section 6 & 9 of Regulatory Impact Assessment	Regulatory Impact Assessment	Section 6 of the Statutory Instruments Act, Cap 2A Laws of Kenya, provides that if a proposed statutory instrument is likely to impose significant costs on the community or a part of the community, the regulation making authority shall, prior to making the statutory instrument, prepare a regulatory impact statement about the instrument. Has the State Department prepared a Regulatory impact assessment? If not, will one be prepared? And if section 9 of the Act applies, could a satisfactory explanation be provided to the Committee?	Clarified, see rationale	The committee prepared a regulatory impact assessment on the regulations and this was published on The regulations have not included any additional costs from the Fund under the Act.
19	SENATE	8	Application for allocation	The draft Regulations refer to the submission of various written applications to the Board for approval. However, the Regulations do not contain any standard application form. What measures has the State Department taken to address this?	Accepted	The regulations have been amended and an application form provided
20	SENATE	8	Application for allocation	The Regulations do not appear to properly address the role of the county governments in affordable housing. Given that housing is a function of county governments as per paragraph 8 of Part II of the Fourth Schedule of the Constitution, what amendments can be made to the Regulations to address this?	Clarified, see rationale	Section 34 of The Affordable Housing Act, 2024 addresses the role of Counties and specifically Section 39 guides that the County Committee and the Board shall develop a framework for working in addition to other functions that should be undertaken by the Committee.
21	SENATE	New	Dispute resolution	According to Article 47(1) of the Constitution, every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair. In majority of the regulations, there is no specific guideline on the time to be taken by the Board to consider its decisions. What measures has the State Department undertaken to ensure compliance with Article 47(1) of the Constitution?	Clarified, see rationale	Timelines on various decisions by the Board have been included in the Draft Regulations. The Regulations have been amended to provide for an internal review mechanism of decisions on applications made to the Board. Dispute resolution is not provided for in the Act. Therefore, an introduction of an ideal progressive appeals mechanism would require an amendment of the Act. The Constitution however provides various avenues including dispute resolution, Commission of Administrative Justice and the courts.
22	SENATE	New	Dispute resolution	The Regulations are silent on the procedure to be undertaken when a person is dissatisfied with a decision made by the Board. What measures shall be undertaken by the State Department to remedy this and avoid potentially lengthy litigation?	Clarified, see rationale	The Regulations have been amended to provide for an internal review mechanism of decisions on applications made to the Board. Dispute resolution is not provided for in the Act. Therefore, an introduction of an ideal progressive appeals mechanism would require an amendment of the Act. The Constitution however provides various avenues including dispute resolution, Commission of Administrative Justice and the courts.
23	SENATE	7	Eligibility for allocation	It is proposed that regulation 7 be amended by deleting sub-regulation(b) as the provisions contained therein are adequately addressed in regulation 7(a)	Clarified, see rationale	A Kenyan citizen can be below eighteen years but the eligibility criteria considers a Kenyan who has attained the age of eighteen years.
24	SENATE	11	Inclusivity and diversity within affordable housing schemes.	Regulation 11 on inclusivity and diversity does not include specific figures on quotas. This potentially leaves it open to misinterpretation and tokenism. What measures has the State Department undertaken to rectify this?	Clarified, see rationale	The above provision has been left the consideration will be based on the applicants on the given quotas. By fixing a figure, this may disadvantage applicants if one quota exceeds their limit and the units are still available. The Board shall provide equal opportunities at all times and ensure the development and allocation integrates the various groups.

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25	SENATE	12	Change of affordable housing unit.	Regulation 12 does not specify to which party the service charge of the affordable housing unit shall be paid and what amount qualifies as the service Charge. How has the State Department planned for this issue?	Clarified, see rationale	The service charge will be payable to the Corporation established under the Sectional Properties Act for cash or to the Board in case of TPS buyers. The Board shall also designate the account where the service charge is payable in the sale agreement for the purpose of ensuring the units are in the right condition. The amount of service charge will differ from project to project based on the location. Once all the units are sold off the issue of service charge will be handled by the corporation made up of unit owners and as such they will identify the services of a property manager for collection and maintenance of the units.
26	SENATE	16	Eligibility to enter agreement to develop institutional housing.	On the matter of institutional housing, the Board and the Regulations contemplate public institutions entering into affordable housing schemes. Regulation 16 sets out the criteria for the eligibility of a public institution to enter into affordable housing. Given the strict legal requirements surrounding public financial expenditure, how can the Board amend the regulations to ensure that there is prudent use of public funds in institutional housing?	Clarified, see rationale	The Board will be guided by existing laws including PPADA, PFM Act, State Corporations Act, among others and therefore will utilize the funds prudently on institutional and all other housing projects.
27	SENATE	25	Associated social and physical infrastructure.	Regulation 25 raises serious questions on interference of functions of the county government. Certain aspects of the physical and social infrastructure mentioned in the regulations are functions of the county governments. How will the State Department amend the regulations to ensure that there is no conflict between both levels of government?	Clarified, see rationale	The Regulation 25 seeks to provide clarity on the various associated social and physical infrastructure that the Board may fund in an affordable housing scheme. This will be undertaken taking into consideration the various collaborative efforts with the County Governments.
28	SENATE	N/A	Deposit.	What legal protections does a person who has made a deposit for an affordable housing unit have? Have the regulations accounted for such a person to ensure that they do not suffer a loss? If not, could the State Department explain why? Can such a person recover any deposit that they have made for an affordable housing unit?	Clarified, see rationale	As prescribed in the Affordable Housing Act (2024) Section 52(1) voluntary savings for purposes of raising a deposit shall have a separate bank account in line with Section 52 (2). Opening of bank accounts will be undertaken in line with National Treasury procedures. Section 52 (4) (a) also provides that voluntary savings towards the deposits may be withdrawn by issuing a ninety days' written notice if the person has not been allocated an affordable housing unit.
29	SENATE	24	Application for approval to offer for off-take.	Both the Act and the draft Regulations contemplate the Board entering into offtake Agreements with private institutions. The draft Regulations however do not contain a draft sample agreement of the same. Why is this the case? What actions has the State Department taken to resolve this?	Clarified, see rationale	The nature of developments and engagements will vary from project to project and therefore will be problematic to provide a standard sample agreement. The Regulations capture a framework on the requirements to enter into an offtake agreement which will be detailed contractually between the Board and the private institution.
30	SENATE	27	Agreement with private institutions.	The parent Act and the Regulations envision the involvement of private parties in the construction and sale of the affordable housing schemes. Given that section 5 of the Public Private Partnerships Act, Cap 430 Laws of Kenya states that where there is a conflict between the provisions of the Act and the provisions of any other written law, the provisions of the Act shall prevail, how will the State Department ensure that there is minimal conflict between this Act and the Affordable Housing Act and its proposed regulations?	Clarified, see rationale	The Board shall utilize the Public Procurement and Disposal Act 2015. Where the developments are undertaken through Public Private Partnership arrangements, the PPP Act shall be utilized for that purpose.

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1	Tabling of the Regulations in Parliament	National Assembly	N/A		The Act was gazetted on 19th March 2024. The Act stipulates that Regulations must be tabled before Parliament by the Cabinet Secretary within 30 days after passing the Act. Were the Regulations tabled in Parliament within 30 days?	SDHUD to provide a copy of the letter tabling the regulations before parliament	Clarified	It was clarified that the draft regulations were tabled to parliament before expiry of the given period of 30 days. The letter submitting the regulations to shall be availed to the committee
2	Discussion of draft Regulations by National Assembly	National Assembly			Parliament cannot discuss the Regulations if they are still in draft form	In this regard, this session can only be considered as a public participation session.	Noted	The session was considered as a public participation session and the comments given shall be taken into consideration in the drafting of the final Regulations
3	Arrangement of Regulation	National Assembly	N/A		The Regulations need to be arranged in parts for ease of referencing as a general rule		Accepted	There shall be consultation with the drafting team from Office of the Attorney General on this matter
4	Sub-delegation of powers	National Assembly	N/A	There seems sub-delegation of powers through the Regulations.	Sub-delegation of powers- Section 13 of the Statutory Instruments Act stipulates that Regulations cannot be passed if they have provisions that provide some level of sub-delegation of powers which are not clear under the regulations. These Regulations seem to sub-delegate powers to the Board e.g Reg. 8- "shall be done in a manner prescribed by the Board". Reg. 10 (4)(c) – "Provide any other relevant information" Reg 12 (2)(c), Reg 20 (c) and 21 (2)(d)	Include the manner in the Regulations. Disclose the relevant information in the Regulations. Include all the relevant information in the Regulations Avoid sub-delegation of powers through the Regulations.	Accepted	Provisions of the Regulations noted to amended to be as specific as possible without leaving room to unknown parameters which is to be determined by the Board
5	Eligibility for exemption	National Assembly	Reg (3)(1)	Eligibility for exemption	Are the exemptions included in the Act? Can the regulations purport to create exemptions that were not in the Act?	Provide clarity on whether the exemptions provided under the regulations are covered by the Act and whether regulations can extend what is not provided for in the main Act.	Clarified. See rationale. Delete Regulation 3(1) and Amend Reg. 3(2) to include by inserting the words "eligible for exemption " and delete the word "exempted"	Regulations cannot provide for anything not provided for in the Act. However, the Act does not specify the persons, incomes or class of incomes that can be exempted. Therefore, the Regulations are only giving the specifics of what is provided for in the Act
6	Validity of an exemption	National Assembly	Reg. 5		There is a lot of vagueness in the Regulation	Include the timelines and be specific to avoid ambiguity.	Accepted. Delete Regulation 5	The validity for exemption will be captured in the notice for exemption as covered by Section 6
7	Application for allocation	National Assembly	8 (d)	Application for allocation	How will the Board determine an individual's ability to repay?	The regulations to be clear and specific on parameters to be used in making this determination.	Clarified. See rationale	The proof of income and ability to repay may vary from time to time and as such there might be different instruments that may be considered under this regulations
8	Application for exemption from levy	National Assembly	Reg. 4 (2)	Application for exemption from levy	Request for exemption from paying the levy should be made to CS, Treasury	Why create an unnecessary conflict between the 2 Cabinet Secretaries? This is the purview of CS, Treasury.	Clarified. See rationale	The Act provides that the CS in charge of affordable housing shall make recommendations to CS Treasury for granting of exemptions.
9	Reallocation due to non-payment	National Assembly	Reg 13(1)	Reallocation due to non-payment	One month is too short to give a notice.	The regulations should take into consideration that sometimes delays can be occasioned by delayed salary payments and thus consider revising the timelines. Consider this notice being issued by the management or administration and not the Board. The Board should deal with serious matters and not the first default.	Accepted. Amend the regulations to include "Administrator of the Fund" to issue the Notice instead of the Board. See redrafter Regulation 13	The regulations have been amended to provide clarity on the period and the actions to be undertaken under the new redrafted Regulation 13
10	Repossession of a unit	National Assembly	Reg 13(3)	Repossession of a unit	Before repossession, consider the payments paid by an individual	It is logical to consider the amounts and repayments done by the person in default. Provide a threshold if possible for such decisions.	Clarified. See rationale.	The regulations have provided for various options in case of one's inability to continue repaying for the allocated unit such as apply for loan restructuring, change to a lower value unit. This is to provide relief to those who might default for various reasons.
11	Interpretation	National Assembly		Interpretation	The name Board has been referred to severally in the regulations.	Provide definition of the Board by cross referencing with meaning in the Act.	Accepted. Insert the definition of the Board in the regulations	Cross referencing to be done
12	Allocation criteria	National Assembly		Allocation criteria	Include the allocation criteria in the Regulations	To provide clarity on what the unit buyers will be subjected to.	Accepted. Amend the regulations to provide clear allocation criteria	To provide clarity on the criteria that will be used.

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13	Appeal mechanism	National Assembly	N/A	Appeal mechanism	Is there an appeal mechanism where one can appeal a decision of the Board?	There is a need to address the appeal issue to avoid litigation cases against the Board's decisions which can derail the operations of the Board.	Clarified. See rationale	Currently, this is not provided for in the Act. Therefore, an introduction of this proposed progressive appeals mechanism would require an amendment of the Act. Meanwhile the Constitution provides various avenues including dispute resolution, Commission of Administrative Justice and the courts.
14	Application for review of a decision of the Board	National Assembly		Application for review of a decision of the Board	How can one apply for a review of a decision of the Board if they are dissatisfied with the decision?	Provide for a review mechanism in which those aggrieved by the decision can seek a review of the decision.	Accepted. Provide a regulation that allows for review of decision if an applicant is dissatisfied.	To provide the applicants or a window for an review mechanism of decisions that persons affected fails to agree with. This will help to bridge the gap and seek internal reviews of decisions made
15	Bequeathing a unit	National Assembly		Bequeathing a unit	What is the process or procedure for a person who wants to bequeath someone a unit? What is the succession plan?	Provide how does one can transfer the unit.	Clarified. See rationale	A person allocated a unit may change the beneficiaries when they are still alive who may not be the persons envisaged under the succession law.
16	Rural affordable housing unit	National Assembly		Meaning of rural affordable housing unit	Cross Reference the meaning of rural affordable housing unit to the meaning assigned to a rural area under the Urban Areas and Cities Act	Cross Reference the meaning of rural affordable housing unit to the meaning assigned to a rural area under the Urban Areas and Cities Act	Accepted. Rural Housing definition to be amended by cross referencing of the units	To provide clarity on the meaning of rural housing in the regulations
17	Exemptions from paying the levy	National Assembly	3	Exemptions from paying the levy	What is the general rule of exemptions from paying the levy? Who pays the levy?		Clarified. See rationale	The levy is payable by all Kenyans, salaried and non- salaried. Exemptions are provided for in Regulation 3
18		National Assembly	32(3)(b)		The Regulation is vague and with ambiguity	Should be clear to avoid abuse. Provide what the prevailing market prices are	Accepted. Amend 32 (3) (b) to read: the price at which the affordable housing unit is being offered for sale is within the prevailing market price as determined through a valuation procured by the owner from a valuer registered and licensed under the Valuers Act". This is to provides clarity on the how the selling price will be determined in a transparent manner.	An amendment has been made to Reg. 32(3)(b) changing "the prevailing market price" to "the price at which the affordable housing unit is being offered for sale is within the prevailing market price as determined through a valuation procured by the owner from a valuer registered and licensed under the Valuers Act". This is to provides clarity on the how the selling price will be determined in a transparent manner.
19	Project affected persons	National Assembly			Is there priority in allocating units to persons residing in Urban redevelopment sites?	The affected persons during the redevelopment should be considered and given the first priority in the allocation of affordable housing units developed in their locality	Clarified. See rationale	The affected persons residing in urban redevelopment sites will be eligible for allocation of developed units and will be engaged as part of stakeholders engagement.
20	Acceptance or rejection of any application	National Assembly		Acceptance or rejection of applications	Some applications and rejection of applications do not have timelines	Include timelines for acceptance or rejection of any application within the Regulations	Accepted	Timelines for rejection or acceptance provided under Reg. 8(4) and 8(5)
21		National Assembly			Is a levy payer the only person eligible for allocation or even those not paying? What advantage does a levy payer have over non-payers?		Clarified. See rationale	The Affordable Housing levy is a tax under the Affordable Housing Act for the benefit of the Kenyan Citizens on the right under Article 43(1)(b) of the Constitution of Kenya. All Kenyans earning an income and not exempted under the Act shall pay the levy. In addition, all eligible persons will have to demonstrate they are tax compliant by submitting tax compliance certificate
23	Eligibility for allocation	National Assembly		Eligibility for allocation	How does the Board proof that the unit shall be the primary residence of the applicant?	Include how the Board will ascertain that the unit will be the primary residence of the applicant. If not, delete it from the Regulations Alternative to what? List all the requisite identification documents in the Regulations.	Clarified. See rationale	The Board shall utilize various measures including conducting annual or biennial checks to confirm residency, submit utility bills or annual affidavits or such other measures as may be determined by the Board
24	Deposit assistance	National Assembly	10 (2) (b)	Deposit assistance	The Regulations make reference to "alternative identification documents"	Amend the regulations to remove the word "alternative documents" Delete the sub clause 8(2)(a) and replace it with " National Identification Card; or a valid passport; or a military identification document	Accepted with modification. Amend the regulations to remove the word "alternative documents" Delete the sub clause 8(2)(a) and replace it with " National Identification Card; or a valid passport; or a military identification document	The regulations have been amended to remove alternative documents to provide the specific identification documents required.
25	Deposit assistance	National Assembly	10(3)	Deposit assistance	Criteria for consideration on applications for deposit assistance	Include the criteria to be considered while assessing the applications for consideration for deposit assistance	Accepted. Amend regulations; and provide criteria for considering deposit assistance	To provide clarity on the evaluation of deposit assistance

S/NO	THEME	INSTITUTION	REGULATIONS NO.	PROVISIONS OF THE REGULATIONS	RATIONALE FOR AMENDMENT RECOMMENDATION	PROPOSED AMENDMENT	DECISION OF THE COMMITTEE	RATIONALE FOR THE DECISION
26	Interpretation	National Assembly	14(2)	Defaulter		To move to the interpretations	Accepted	To be moved to Reg.2 on Interpretation
27	Finality of Regulations	National Assembly			The regulations seem to be open ended and sub-delegating powers to the Board	The Regulations to be prepared with finality and not giving the Board open cheques. As a general rule do not sub-delegate to the Board. All issues that require to be determined and the decisions to be made to included in the Regulations.	Noted	The regulations amended provide finality.
28	Preparation of Regulations	National Assembly		Under the preamble, the Regulations are prepared in consultation with the Board	Was this done?		Clarified. See rationale	Yes, this was done
29	Requirements and interest rates	National Assembly				Separate the interest rates for the different housing categories e.g social, affordable and market	"Accepted with modifications Amend 22 to delete the words ""shall not exceed 9 percent and add the following"": a)Monthly income below twenty thousand shillings: 3% per annum or an administration fee charged at the same rate. b)Monthly income between twenty thousand and one hundred and forty-nine thousand shillings: [6%] per annum or an administration fee charged at the same rate. c)Monthly income over one hundred and forty-nine thousand shillings: 9% per annum or an administration fee charged at the same rate. d)Monthly income over one hundred and forty nine thousand shillings: 9% per annum or an administration fee charged at the same rate."	The interest rates have been differentiated as follows: a)Monthly income below twenty thousand shillings: 3% per annum or an administration fee charged at the same rate. This is for social housing unit targeted to persons earning below twenty thousand shillings. b)Monthly income between twenty thousand and one hundred and forty-nine thousand shillings: [6%] per annum or an administration fee charged at the same rate. This is for affordable housing targeted to persons earning between twenty thousand and forty-nine thousand c)Monthly income over one hundred and forty-nine thousand shillings: 9% per annum or an administration fee charged at the same rate."This is for affordable middle-class housing unit targeted to persons earning over one hundred and forty-nine thousand shillings.
30	Conduct of public participation	National Assembly	Reg 26	The process of conducting public participation		Include social media as part of the medium of notifying the public	Accepted Add 26 (1) (d) to read "the notice issued under (1) (a) may include television stations, information communication technology centers, websites, community radio stations, public meetings, and traditional media."	The guiding principles include Article 10 of the Constitution, Section 87 of the County Government Act and Supreme Court judgement that established principles on public participation. Incorporated concerns on social media in the amendments.
31	Conduct of public participation	National Assembly	Reg 26			Include that the notice for public participation should be done in at least 3 media stations without specifying which ones.	Accepted. Amend the regulations 26 to include the advertisement to be done i atleast 3 media statons Amend 26 (1) (c) to state "... paragraph (a) in two radio stations, one of national coverage, the other that has wide coverage within the County."	To avoid being too specific on the local stations The guiding principles include Article 10 of the Constitution, Section 87 of the County Government Act and Supreme Court judgement that established principles on public participation.
32	Conduct of public participation	National Assembly	Reg 26	The process of conducting public participation	Why limit the Board to conducting public participation only if the County land has an approval from the County Assembly?	Rethink about the process to avoid bottlenecks to the Board.	Clarified, see rationale.	The proposed process that requires County to approve land for affordable housing safeguards the Counties and the Affordable Housing Board from a governance perspective on County land matters.
33		National Assembly	31	Consent to sell an affordable housing unit	What is the logic behind someone seeking consent from the Board to sell their unit and that they can only sell to a person eligible for allocation for that type of unit (yet the person has made the payments in full and has absolute ownership)?	The proposal to reduce the lockdown period to 5 years is a good move. However, after the lapse of 5 years the Board should not restrict one from selling their unit	Clarified. See rationale	This is in furtherance to the objectives of the Act in providing affordable housing and providing a process that, prior to any sale, involves the Board in ensuring the numerous subsidies provided by the Government are not abused.

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34	Finalization of the Regulations	National Assembly			The comments raised by the National Assembly should be incorporated before publication	Engage the members of the committee on Delegated Legislation for a pre-publication scrutiny before the final draft of the Regulations is published.	Accepted	The committee shall be engaged in a session before publication of the final draft of the Regulations are finalised

Explanatory Memorandum



EXPLANATORY MEMORANDUM FOR THE AFFORDABLE HOUSING REGULATIONS, 2025

I. Purpose of the Affordable Home Housing Regulations, 2025.

1. The objects and purpose of these Regulations shall be to operationalize the Affordable Housing Act, 2024 ("the Act") and provide clarity on its implementation.
2. Particularly the Affordable Housing Regulations, 2025 seek to make provisions for:-
 - (a) provide the criteria for application for allocation of an affordable housing unit under Section 48 of the Act;
 - (b) prescribe the requisite deposit for affordable housing unit under section 49(2)(a) of the Act; and provide for Deposit Assistance;
 - (c) provide the procedure to be followed in cases of default in the repayment for an allocated housing unit;
 - (d) Provide for the criteria for change of affordable housing unit under Section 59(2) of the Act;
 - (e) Provide for application for a loan for the development of a rural affordable housing unit;
 - (f) Provide for the eligibility criteria to enter into an agreement to develop institutional housing;
 - (g) Provide for eligibility to enter into agreement to finance off-take;
 - (h) Provide for application for approval to offer off take;
 - (i) Provide for loan interest rate or administration fee under section 51 of the Act;
 - (j) Provide for procedure for transfer of an affordable housing unit;
 - (k) Provide for review and appeal against decisions of the Board;
 - (l) Provide for establishment of an electronic system for application and allocation of affordable housing units;
 - (m) Provide clarity on development of associated physical and social infrastructure;
 - (n) Provide for conduct of public participation and stakeholder engagement under Section 41(2) of the Act;
 - (o) Provide for notice of intention to develop an affordable housing scheme on a settlement under Section 47 of the Act; and
 - (p) Provide for withdrawal of voluntary savings under Section 52 of the Act.

II. The Legislative Context:

1. Article 43(1) (b) of the Constitution provides that every person has the right to accessible and adequate housing, and to reasonable standards of sanitation. Further, Article 21 provides that “the State shall take legislative, policy and other measures, including the setting of standards, to achieve the progressive realization of the rights guaranteed under Article 43”.
2. Accordingly, Parliament enacted the Affordable Housing Act, 2024 which gives effect to Article 43(1)(b) of the Constitution by providing a framework for development and access to affordable housing and institutional housing; and for connected purposes.
3. Specifically, Section 4 of the Affordable Housing Act, 2024 imposes a housing levy at the rate of 1.5% of the gross salary of an employee or the gross income of a person received or accrued which is not subject to the levy as gross salary. Section 5 of the Act obligates an employer to deduct from the employee’s monthly gross salary the Levy with an equivalent match and remit the employer’s and employee’s contribution, not later than 9 working days after the end of the month through the appointed collector. The Levy is intended to provide funds for development of affordable housing and associated social infrastructure as well as affordable home financing to Kenyans.
4. Section 59 of the Act assigns powers to the Cabinet Secretary for Housing to, in consultation with the Board, make Regulations for better carrying into effect the provisions of the Act.
5. The Ministry of Lands, Public Works, Housing and Urban Development, in compliance with the provisions of the Statutory Instruments Act, 2013 undertook public consultations while preparing these Regulations and the accompanying statutory documents.

III. Policy Context

1. In order to give effect to the constitutional provisions on Affordable Housing in Kenya, the National and County Governments should provide practical and concrete interventions which include putting in place enabling policies and legislative measures geared towards delivery of adequate and affordable housing especially to the low income earning households.
2. Accordingly, the Government formulated the National Housing Policy for Kenya, Sessional Paper No. 3 of 2016 which proposed the establishment of a funding framework for housing development.

3. The roll out of the Affordable Housing Programme incorporates social housing to ensure integrated neighborhoods and mitigate mushrooming of slums and informal settlements in the country. In addition, the rollout of the programme provides for institutional housing.
4. The Ministry of Lands, Public Works, Housing and Urban Development is mandated to provide policy guidance in the development of these Regulations.

IV. Public Consultations

(A) Development and Consultation Process

1. The development of the Regulations involved stakeholder consultation to inform the policy and legislative options for development of a law which culminated into the enactment of the Affordable Housing Act, 2024 providing a framework for development and access to affordable housing and institutional housing; and for connected purposes; and
2. Consultation process involved key stakeholders, including the members of Parliament, Civil society organizations, Public Sector, County Governments, Technical Institutions, Employers organizations, Private Sector, Employee organizations, Professionals and Professional Associations, pension funds, and Internal Stakeholders.

(B) Legislative requirements relating to consultations and public participation

The process of stakeholder consultations in preparation of the draft Regulations was undertaken in compliance with Articles 1 (2), 10 (2), 69, of the Constitution of Kenya and Section 5 of the Statutory Instruments Act, 2013

(C) Consultations and public participation on Regulations

1. Extensive consultations were held during the preparation of the Affordable Housing Regulations, 2025. The nationwide public consultations on the draft Regulations were organized with all the key stakeholders and their input taken into account as far as possible before finalization of these Regulations.
2. The key stakeholders that were consulted include the Senate and the National Assembly, County Governments, Ministries, Departments and Agencies (MDAs), academia, informal employers' organizations, banking and insurance associations, cooperative societies, pensions schemes, housing developers, contractors, regulators, employee organizations, professional associations, business membership associations, community-based organizations, civil society, and faith-based organizations, sector associations, and the general public. All the key stakeholders were consulted

through physical meetings, public notices in the media, websites and virtual meetings, emails, letters and gazette notices.

V. Policy Guidance

The State Department for Housing and Urban Development sensitized key stakeholders including Parliament and the general public, on the provisions of the Affordable Housing Regulations, 2025.

VI. Regulatory Impact Assessment

1. The proposed Regulations provide a structure for the development of affordable housing, Institutional housing and associated social and physical infrastructure.
2. The enactment of the Affordable Housing Regulations, 2025 will facilitate the implementation of the Affordable Housing Act, 2024. Specifically, the Regulations will: -
 - i) Facilitate the administration of the Affordable Housing Fund established under the Act, by seeking to: -
 - a. Reduce housing deficits through financing and off take of housing units;
 - b. Provide affordable home financing solutions to Kenyans through low interest loans for home ownership.
 - c. Create job opportunities along the value chain of construction industry thus easing unemployment rate in the country.
 - d. Reverse urban sprawl that will consequently minimize land subdivision thus conserving the land available for agriculture and forestation.
 - e. Promote slum upgrading and urban redevelopment, reduce unplanned urbanization, prevent proliferation of informal settlements and promote integrated community neighborhoods; and
 - f. Promote Micro and Small Industries and *Jua-Kali* transformation through local supply of manufactured inputs into the housing industry.
 - ii) Ensure proper governance of the Affordable Housing Fund;
 - iii) Enforce the institutional synergies envisaged in the Act and ensure seamless implementation of the Affordable Housing Programme;
 - iv) Complement the Affordable Housing Act, 2024 in ensuring there is robust legislative framework that guarantees the right to accessible and adequate housing, and to reasonable standards of sanitation.

A Regulatory Impact Assessment is attached to this memorandum. The Regulations will have an impact on the public sector, as the national authorities will have to administer the Regulations through certification and enforcement.

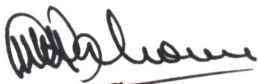
The implementation provides a framework for the delivery of Affordable Housing and Institutional Housing. The various cost implications provided for in the Regulations are insignificant in comparison to the expected benefits to be accrued. The Regulations seek to support the implementation of the Affordable Housing Act, 2024.

VII. Performance Monitoring and Evaluation

1. The Ministry of Land, Public Works, Housing and Urban Development shall monitor the application, adherence and enforcement of the Affordable Housing Regulations.
2. This will be done through periodic reviews to establish, among others, compliance with the prescribed standards, provision of affordable housing units, reports on implementation among others.

VIII. Contact Persons

The contact person at the Ministry of Land, Public Works, Housing and Urban Development, shall be the Cabinet Secretary.



HON. ALICE WAHOME, EGH
CABINET SECRETARY TO THE MINISTRY OF LAND, PUBLIC WORKS, HOUSING
AND URBAN DEVELOPMENT

Date..... 11th July, 2025