



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

SUPPLEMENTARY ORDER PAPER

TUESDAY, MARCH 12, 2024 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)
8. **PROCEDURAL MOTION - ALTERATION OF THE HOURS OF MEETING FOR WEDNESDAY, 13TH AND THURSDAY, 14TH MARCH, 2024**
(The Senate Majority Leader)

THAT, notwithstanding the Resolutions of the Senate made on 15th February, 2024, pursuant to Standing Order 32 on the approval of the Senate Calendar (Regular Sessions) for the Third Session, 2024 and pursuant to Standing Order 34 (4) (b), the Senate resolves to alter its hours of meeting on Wednesday, 13th March, 2024 and Thursday, 14th March, 2024 as follows: -

- i. morning sittings at 9.00 am to 1.00 pm; and
- ii. afternoon sittings at 2.30 pm until conclusion of Business listed in the Order Paper of the day;

in order to investigate the proposed removal from office, by impeachment, of the Honourable (Dr.) Robert Monda, the Deputy Governor of Kisii County.

9. **MOTION – REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE 2024 MEDIUM TERM DEBT MANAGEMENT STRATEGY**
(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate, adopts the Report of the Standing Committee on Finance and Budget on the 2024 Medium Term Debt Management Strategy, laid on the Table of the Senate on Thursday, 7th March, 2024.

10. **COMMITTEE OF THE WHOLE**
*****THE AFFORDABLE HOUSING BILL (NATIONAL ASSEMBLY BILLS NO. 75 OF 2023)**
(The Senate Majority Leader)

11. ***THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)**
(Sen. Moses Kajwang', MP)

(Second Reading)
(Resumption of debate interrupted on Tuesday, 5th March, 2024)

12. ****THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)**
(The Chairperson, Standing Committee on Labour and Social Welfare)

(Second Reading)

13. ***THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)**
(Sen. James Murango, MP)

(Second Reading)

14. ***THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)**
(Sen. Beatrice Ogolla, MP)

(Second Reading)

15. ***THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)**
(Sen. Miraj Abdillahi Abdulrahman, MP)

(Second Reading)

16. ***THE RICE BILL (SENATE BILLS NO. 19 OF 2023)**
(Sen. James Kamau Murango, MP)

(Second Reading)

17. ***THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 25 OF 2023)**
(Sen. Samson Cherarkey, MP)

(Second Reading)

18. ***THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)**
(Sen. Mohamed Chute, MP)

(Second Reading)

...../Motion

19. **MOTION - DECLARATION OF CATTLE RUSTLING AND BANDITRY AS A NATIONAL DISASTER AND ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS**

(Sen. William Cheptumo, MP)

THAT AWARE THAT, cattle rustling/banditry is a major menace and security threat in the South and North Rift regions and some other regions of the country;

CONCERNED THAT, the menace has since left irreparable and negative socio-economic impact which include but are not limited to increased number of widows, widowers, orphaned children, poverty, displacement of people leading to Internally Displaced Persons (IDPS), disruption of educational health programs and other economic activities owing to the destruction and/or closure of educational, health and other institutions;

FURTHER CONCERNED THAT, the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution;

NOW THEREFORE, the Senate resolves that the National Government through the Ministry of Interior and National Administration and in collaboration with the Council of Governors:

1. Declares cattle rustling a National Disaster;
2. Establish a National Task force on cattle rustling/banditry to:
 - (i) Investigate the causes of the rampant cattle rustling and banditry in the said region and the Country at large;
 - (ii) Establishes the extent of suffering, loss and damage the cattle rustling/banditry has occasioned to the communities in all the affected Counties;
3. Create a Special Fund for mitigating the losses suffered by and in compensating all victims of cattle rustling/banditry and settle all internally displaced persons occasioned by the menace.

(Resumption of debate interrupted on Wednesday, 6th March, 2024 – Morning Sitting – Balance of time 56 minutes)

...../Motion

20. **MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF THE WATER SERVICE PROVIDERS FOR THE YEAR ENDED 30TH JUNE, 2019, 30TH JUNE, 2020 AND 30TH JUNE, 2021.**

(The Chairperson, Committee on County Public Investments and Special Funds)

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the year ended, 30th June, 2019, 30th June, 2020 and 30th June, 2021 of the following Water Service Providers-

- i.) Amatsi Water Services Company Limited - Vihiga County;
- ii.) Bomet Water Company Limited – Bomet County;
- iii.) Gusii Water and Sanitation Company Limited – Kisii/Nyamira Counties;
- iv.) Kisumu Water and Sanitation Company Limited –Kisumu County;
- v.) Kwale Water and Sewerage Company Limited – Kwale County; and
- vi.) Nyeri Water and Sanitation Company Limited – Nyeri County.

and the Audit Report of the Wajir Water and Sewerage Company Limited for the year ended 30th June, 2021, laid on the Table of the Senate on Thursday, 23rd November, 2023.

21. **MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF THARAKA NITHI, HOMA BAY, KAKAMEGA, KIRINYAGA, MAKUENI, MERU, BOMET, MURANG’A, NANDI, NYAMIRA, NYERI, SIAYA, VIHIGA, WAJIR AND SAMBURU COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2019/2020**

(The Chairperson, County Public Accounts Committee)

THAT, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Reports of the Auditor General on the Financial Statements of Tharaka Nithi, Homa Bay, Kakamega, Kirinyaga, Makueni, Meru, Bomet, Murang’a, Nandi, Nyamira, Nyeri, Siaya, Vihiga, Wajir and Samburu County Executives for the Financial Year 2019/2020 laid on the table of the Senate on Tuesday, 5th March, 2024.

NOTICE

The Senate resolved on 14th February, 2024 as follows:-

THAT, pursuant to Standing Order 111 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

KEY

******- Denotes a Majority /Minority Party Bill**

*****- Denotes a National Assembly Bill**

****- Denotes a Committee Bill**

***- Denotes any other Bill**

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...../Notice of Amendments

NOTICE OF AMENDMENTS

*****THE AFFORDABLE HOUSING BILL (NATIONAL ASSEMBLY BILLS NO. 75 OF 2023)**

(The Senate Majority Leader)

A. NOTICE is given that, the Chairperson Standing Committee on Roads, Transportation and Housing, intends to move the following amendments to the Affordable Housing Bill (National Assembly Bills No. 75 of 2023), at the Committee Stage—

TITLE

THAT the Bill be amended by deleting the Title and replacing therefore the following new title—

Rural and Urban Affordable Housing Act.

CLAUSE 1

THAT the Bill be amended by deleting the words “Affordable Housing Act ,2024” appearing immediately after the words “cited as the” and replacing therefor the following ne words “Rural and Urban Affordable Housing Act, 2024”

CLAUSE 5

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

CLAUSE 7

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

Default on payment of amount of Levy.	7. Where an amount of the Levy remains unpaid after the date when it becomes due and payable by a person liable to remit the amount, a penalty equal to three per centum of the unpaid amount shall be due and payable for each month or part thereof that the amount remains unpaid and shall be summarily recovered as a civil debt for the person liable to remit the amount.
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CLAUSE 9

THAT clause 9 of the Bill be amended –

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

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

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

CLAUSE 10

THAT clause 10 of the Bill be amended –

- (a) in subclause (1) by deleting the word “development” appearing immediately after the words “funds for the” and substituting therefor the words “design, development and maintenance”;
- (b) in subclause (2) –
 - (i) by deleting the word “development of affordable housing schemes” appearing in paragraph (d) immediately after the words “facilitate the” and substituting therefor the words “design, development and maintenance of affordable housing schemes in all counties”;
 - (ii) by inserting the following new paragraph immediately after paragraph (g)—
 - (h) facilitate the provision of services to the projects under the management of the Fund.

CLAUSE 11

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

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

CLAUSE 12

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

CLAUSE 13

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

CLAUSE 14

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

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

CLAUSE 15

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

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

CLAUSE 16

THAT clause 16 of the Bill be amended—

- (a) in sub-clause (1) –
 - (i) by deleting paragraph (b) and substituting therefor the following new paragraph—
 - (b) has ten years’ experience in a senior management position in the public service or private sector; and
 - (ii) by inserting the following new paragraph—
 - (c) meets the requirements of Chapter Six of the Constitution.
- (b) in sub-clause (2) by deleting the words “other than as an *ex-officio* member” appearing immediately after the word “Board”.

CLAUSE 17

THAT clause 17 of the Bill be amended—

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

CLAUSE 18

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

CLAUSE 19

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

CLAUSE 23

THAT clause 23 of the Bill be amended—

- (a) in sub-clause (2) by inserting the following new paragraph—
 - (c) meets the requirements of Chapter Six of the Constitution; and
- (c) by inserting the following new sub-clause—
 - (3) The Chief Executive Officer shall hold office for a term of three years and shall be eligible for reappointment for one further term of three years.

CLAUSE 33

THAT clause 33 of the Bill be amended –

- (a) in sub-clause (1) by deleting the word “Fund” appearing immediately after the word “The” and substituting therefor the word “Board”.
- (b) in sub-clause (2) by deleting the word “Fund” appearing immediately after the words “Act, 2012, the” and substituting therefor the word “Board”.

CLAUSE 34

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

CLAUSE 35

THAT clause 35 of the Bill be amended by deleting the word “Fund” and substituting therefor the word “Board”.

CLAUSE 36

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

CLAUSE 38

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

Eligibility criteria.	38. (1) A person is eligible for allocation of one affordable housing unit if the person meets the criteria prescribed in regulations.
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(2) In this section, a person means a natural person.

CLAUSE 39

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

CLAUSE 40

THAT clause 40 of the Bill be amended by—

- (a) renumbering the current paragraph as subclause (1); and
- (b) by inserting the following new sub-clause—

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

CLAUSE 41

THAT clause 41 of the Bill be amended by deleting the words “where applicable”.

CLAUSE 42

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

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

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

...../Notice of Amendments

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

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

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

CLAUSE 44

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

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

CLAUSE 45

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

CLAUSE 47

THAT clause 47 of the Bill be amended—

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

(i) immediately after paragraph (a)—

(ab) criteria for eligibility of allocation of an affordable housing unit under section 38 after paragraph (a);

(ii) immediately after paragraph (i);

(j) the typology and dimensions for affordable housing units relative to the incomes of the individual applicants;

(k) the procedural guidelines for the Board to off-take affordable housing units under an affordable housing scheme;

(m) the interest rate or administration fee for a loan issued under section 41; and

(n) criteria for eligibility of allocation of a low interest mortgage under section 42.

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

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

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

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

CLAUSE 48

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

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

CLAUSE 49

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

NEW CLAUSES

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

NEW CLAUSE 11A

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

NEW CLAUSE 11B

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

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

NEW CLAUSE 31A

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

Establishment of County Rural and Urban Affordable Housing Committees.

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

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

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

...../Notice of Amendments

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

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

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

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

NEW CLAUSE 31B

Qualifications for appointment.

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

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

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

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

NEW CLAUSE 31C

Tenure of office.

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

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

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

NEW CLAUSE 31D

Remuneration of the County Committee members.

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

NEW CLAUSE 31E

Conduct of affairs and business of the County Committee.

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

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

NEW CLAUSE 31F

Functions of
the County
Committee.

31F. (1) The County Committee shall—

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

Cap 303, Laws
of Kenya.

NEW CLAUSE 31G

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

FIRST SCHEDULE

THAT the First Schedule of the Bill be amended—

- (a) in paragraph 1 by deleting the words “at least half” appearing in sub-paragraph (4) and substituting therefor the word “majority”; and
- (b) in paragraph 2 by deleting the words “fifty plus one” and substituting therefor the words “majority”.

THIRD SCHEDULE

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

- 5A. National Construction Authority.
- 5B. State Department responsible for matters relating to Public Works.

CLAUSE 2

THAT clause 2 of the Bill be amended—

- (a) in sub - clause (1) by inserting the following new definition—
“County Committee” means the County Affordable Housing Committee established under Part IV of this Act;
- (b) by deleting sub-clause (2) and inserting the following new sub-clause —
For purposes of this Act, “affordable housing unit” refers to —
 - (a) a social housing unit means a house targeted to a person whose monthly income is below twenty thousand shillings;
 - (b) an affordable housing unit means a house targeted at a person whose monthly income is between twenty thousand and one hundred and forty-nine thousand shillings;
 - (c) affordable middle class housing unit means middle to high income housing targeted at persons whose monthly income is over one hundred and forty-nine thousand shillings; or
 - (d) rural affordable housing unit means a house under section 42 targeted at a person living in any area which is not an urban area.

B. NOTICE is given that Sen. Okong’o Omogeni SC, MP intends to move the following amendments to the Affordable Housing Bill, (National Assembly Bill No. 75 of 2023) at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended in sub-clause (1) —

- (a) by deleting the words “institutional housing” appearing immediately after the words “affordable housing” in paragraph (b); and
- (b) by deleting the words “institutional housing” appearing immediately after the words “affordable housing” in paragraph (c).

CLAUSE 4

THAT clause 4 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

- (2) The Levy shall be paid at the rate of one point five percent of
 - (a) the net salary of an employer; or
 - (b) the net salary of an employee

provided that the amount paid to the collector shall not exceed Ksh 2,500.

CLAUSE 6

THAT clause 6 of the Bill be amended—

- (a) by renumbering the current paragraph as sub-clause (1); and
- (b) by inserting the following new sub-clause—
 - (2) The Cabinet Secretary shall provide by notice in the *Gazette* that the following persons are exempt from section 4 to the extent specified in the notice—
 - (a) any person who enters into a subsisting mortgage that is not contemplated under this Act;
 - (b) any person residing in a rural area and is in possession of a certificate of title registered in their name;
 - (c) any person engaged in agricultural farming or business activities whose annual turnover is less than Ksh 288,000 per year;
 - (d) any person aged fifty years and over and is engaged in informal business activities;
 - (e) any person with less than five years remaining to statutory retirement at the time of the enactment of this Act; and

...../Notice of Amendments

- (f) any person diagnosed with a terminal illness by a certified medical professional;

CLAUSE 10

THAT clause 10 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “institutional housing” appearing immediately after the words “affordable housing”; and

- (b) by deleting sub-clause (2).

CLAUSE 11

THAT clause 11 be amended

- (a) in sub-clause (1) by deleting paragraph(b); and

- (b) by deleting sub-clause (3) and substituting therefor the following new sub-clause

- (3) The monies shall be allocated to county governments as a conditional grant in accordance with the Public Finance Management Act and on such conditions as may be prescribed by the Cabinet Secretary for the time being responsible for the National Treasury.

CLAUSE 13

THAT clause 13 of the Bill be amended—

- (a) in sub-clause (1)—

- (i) by deleting the words “the Board” and substituting therefor the words “Each county government”
- (ii) by deleting paragraph (b);

- (b) by deleting sub-clause (2) and substituting therefor the following new clause—

- (2) Each county government shall submit the annual investment programme referred to in subsection (1) to the county assembly for approval.

- (c) by deleting sub-clause (3) by deleting sub-clause (3) and substituting the following new sub-clause—

- (3) At the end of each financial year, each county government shall submit a report on the annual investment programme to the Senate.

CLAUSE 14

THAT clause 14 of the Bill be amended—

...../Notice of Amendments

(a) in sub-clause (3) by deleting paragraph (e) and substituting therefor the following new paragraph—

(e) three persons who shall be nominated from the following bodies and appointed by the Cabinet Secretary

- (i) the Law Society of Kenya;
- (ii) the Institute of Certified Public Accountants of Kenya; and
- (iii) the Board of Registered Architects and Quantity Surveyors.

CLAUSE 15

THAT clause 15 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “institutional housing” appearing immediately after the words “affordable housing”;

(b) in sub-clause (2)—

(i) by deleting the words “and institutional housing” appearing immediately after the words “affordable housing” in paragraph (a); and

(ii) by deleting the words “institutional housing” appearing immediately after the words “affordable housing projects” in paragraph(c);

CLAUSE 34

THAT clause 34 of the Bill be deleted.

THIRD SCHEDULE

THAT the Third Schedule of the Bill be amended by deleting paragraphs 2,3,4,5 and 6.

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting the definition of the word “institutional housing”

C. NOTICE is given that Sen. Abass Mohammed Sheikh, MP intends to move the following amendments to the Affordable Housing Bill (National Assembly Bills No. 75 of 2023), at the Committee Stage —

CLAUSE 32

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

Allocation of land. **32.** (1) The provisions of the Land Act shall, subject to subsection (2), apply to the allocation of public land for the implementation of the affordable housing scheme and development of institutional housing scheme.
No. 6 of 2012

(2) Land held by a county government shall not be allocated unless the Board has, in the prescribed manner –

(a) sought and obtained the approval of the respective county executive committee and county assembly; and

(b) carried out public participation and stakeholder engagement with the affected community within the county.

CLAUSE 35

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

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

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

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

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

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

CLAUSE 38

THAT the Bill be amended in clause 38 by deleting the words “or body corporate” immediately after the words “A person”.

CLAUSE 39

THAT clause 39 of the Bill be amended in subclause (2) by deleting paragraph (c).

NEW CLAUSE 37A

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

Priority of ownership for a slum residents.	37A. (1) The Board shall, where an affordable housing project is to be implemented on land on which exists a settlement, —
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- (a) issue a notice, in the prescribed form, to the residents in that settlement of the intended implementation of the project
- (b) put in place a mechanism for the resettlement of the residents; and
- (c) offer to the residents in that settlement, the first right of purchase of a unit in the project.

NEW CLAUSES

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

PART VA – OWNERSHIP OF AFFORDABLE HOUSING UNITS

Issuance of a certificate of ownership.

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

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

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

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

...../Notice of Amendments

Restrictions as to ownership.

42B. A person shall not acquire more than one affordable housing unit developed under this Act.

Restrictions to owners of affordable housing unit.

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

APPENDIX

1. MESSAGE

Message from the National Assembly on the rejection by the National Assembly at the Second Reading stage of the Employment (Amendment) Bill (Senate Bills No. 10 of 2022).

(The Speaker of the Senate)

2. PAPERS

- i.) Report of the Auditor General on Financial Statements of Makueni County Bursary Fund for the year ended 30th June, 2022.
- ii.) Report of the Auditor General on Financial Statements of Uasin Gishu County Cooperative Enterprise Development Fund for the year ended 30th June, 2023.
- iii.) Report of the Auditor General on Financial Statements of Machakos County Assembly Housing and Car Loan Scheme Fund for the year ended 30th June, 2023.
- iv.) Report of the Auditor General on Financial Statements of Kericho County Alcoholic Drinks Control Fund for the year ended 30th June, 2023.
- v.) Report of the Auditor General on Financial Statements of Kajiado County Youth and Women Enterprise Fund for the year ended 30th June, 2023.
- vi.) Report of the Auditor General on Financial Statements of the County Government of Marsabit Mortgage Scheme Fund for the year ended 30th June, 2023.
- vii.) Report of the Auditor General on Financial Statements of Municipality of Malindi for the year ended 30th June, 2023.
- viii.) Report of the Auditor General on Financial Statements of Ol Kalou Municipality for the year ended 30th June, 2023.
- ix.) Report of the Auditor General on Financial Statements of Baringo County Lake Bogoria Community Grant for the year ended 30th June, 2023.
- x.) Report of the Auditor General on Financial Statements of Baringo County Co-operative Development Fund for the year ended 30th June, 2023.

- xi.) Report of the Auditor General on Financial Statements of Narok County Assembly Car Loans, Grants and Mortgages Scheme Fund for the year ended 30th June, 2023.
- xii.) Report of the Auditor General on Financial Statements of the County Government of Narok – County Revenue Fund for the year ended 30th June, 2023.
- xiii.) Report of the Auditor General on Financial Statements of Maasai Mara Community Support Fund for the year ended 30th June, 2023.
- xiv.) Report of the Auditor General on Financial Statements of Makueni County Bursary Fund for the year ended 30th June, 2023.
- xv.) Report of the Auditor General on Financial Statements of Makueni County Emergency Fund for the year ended 30th June, 2023.
- xvi.) Report of the Auditor General on Financial Statements of Kakamega County Alcoholic Drinks Control Fund for the year ended 30th June, 2023.
- xvii.) Report of the Auditor General on Financial Statements of Kakamega County Small Scale Trade Development Fund for the year ended 30th June, 2023.
- xviii.) Report of the Auditor General on Financial Statements of Kakamega County Education Fund for the year ended 30th June, 2023.
- xix.) Report of the Auditor General on Financial Statements of Kakamega County Maternal Child Health and Family Planning Fund for the year ended 30th June, 2023.
- xx.) Report of the Auditor General on Financial Statements of Kakamega County Investment and Development Agency Limited for the year ended 30th June, 2023.
- xxi.) Report of the Auditor General on Financial Statements of the County Government of Kisumu – County Revenue Fund for the year ended 30th June, 2023.
- xxii.) Report of the Auditor General on Financial Statements of the County Assembly of Kisumu Car Loan and Mortgage Fund for the year ended 30th June, 2023.
- xxiii.) Report of the Auditor General on Financial Statements of the County Government of Kisumu – Receiver of Revenue for the year ended 30th June, 2023.

- xxiv.) Report of the Auditor General on Financial Statements of Kisumu County Covid-19 Emergency Response Fund for the year ended 30th June, 2023.
- xxv.) Report of the Auditor General on Financial Statements of the County Executive of Siaya for the year ended 30th June, 2023.
- xxvi.) Report of the Auditor General on Financial Statements of County Government of Siaya – County Revenue Fund for the year ended 30th June, 2023.
- xxvii.) Report of the Auditor General on Financial Statements of Siaya County Education Bursary Fund for the year ended 30th June, 2023.
- xxviii.) Report of the Auditor General on Financial Statements of Siaya County Emergency Fund for the year ended 30th June, 2023.
- xxix.) Report of the Auditor General on Financial Statements of the County Executive of Vihiga for the year ended 30th June, 2023.
- xxx.) Report of the Auditor General on Financial Statements of the County Assembly of Vihiga for the year ended 30th June, 2023.
- xxxi.) Report of the Auditor General on Financial Statements of the County Government of Vihiga – Receiver of Revenue for the year ended 30th June, 2023.
- xxxii.) Report of the Auditor General on Financial Statements of Vihiga County Sports Fund for the year ended 30th June, 2023.

(The Senate Majority Leader)

- xxxiii.) Report of the Standing Committee on Labour and Social Welfare on its consideration of the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bills No. 46 of 2022)

(The Chairperson, Standing Committee on Labour and Social Welfare)

3. NOTICE OF MOTION - ESTABLISHMENT OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES

(Sen. Crystal Asige, MP)

THAT, AWARE THAT Kenyans have a right to a clean and healthy environment pursuant to Article 42 of the Constitution;

NOTING THAT the National Climate Change Action Plan identifies transportation as the fourth largest contributor to greenhouse gas emissions, which if uncontrolled, will result to negative impact of climate change with adverse effect to millions of Kenyans ;

...../Appendix

CONCERNED THAT the number of private vehicles has significantly grown, leading to increased road accidents, carbon emission and vehicle congestion, costs of which are in excess of Kshs. 100 billion in GDP per year;

NOW THEREFORE the Senate urges the Ministry of Roads and Transport, Ministry of Environment, Climate Change and Forestry, in collaboration with the Council of Governors and the National Climate Change Council to

- i.) identify, publicize and execute suitable monthly car-free days and County car-free zones in urban areas across the country;
- ii.) Identify and develop County car-free zones, also known as “pedestrians’ precincts”, in urbanized areas, where its infrastructure and activities are restricted to pedestrians alone;
- iii.) provide affordable, safe and universally designed public transport access to and around these car-free zones, including, but not limited to, development of Bus Rapid Transport (BRT) in the urban areas;
- iv.) design inclusive mobility infrastructure that supports non – motorized transport facilities, such as pedestrian spaces, bicycle lanes and green spaces, within the Central Business District of every County; and
- v.) ensure inter-modal connectivity among the various transport modes.

4. QUESTIONS AND STATEMENTS

Request for Statements pursuant to Standing Order 53(1)

- i) Nominated Senator (Sen. Raphael Chimera, MP) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding boundary dispute between Kwale and Kilifi counties.
- ii) The Senator for Migori County (Sen. Eddy Oketch, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the use of unnecessary and excessive force by the police during the Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU) peaceful procession.
- iii) Nominated Senator (Sen. Veronica Maina, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the efficiency and competitiveness of the port of Mombasa.

...../Appendix

- iv) Nominated Senator (Sen. Veronica Maina, MP) to seek a Statement from the Standing Committee on Energy regarding the effects of the proposed energy (Electricity Market, Bulk Supply and open Access) regulations.
- v) The Senator for Bungoma County (Sen. David Wakoli, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the policies governing confirmation in appointment after the probation period in public service.
- vi) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) to seek a Statement from the Standing Committee on Roads, Transportation and Housing concerning the ownership of Kariokor Estate in Starehe Constituency.
- vii) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) to seek a Statement from the Standing Committee on Education regarding the exclusion of Alternative Provision of Basic Education and Training (APBET) institutions from the education framework.
- viii) The Senator for Kisumu City County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the security and well-being of police officers while on duty countrywide.
- ix) Nominated Senator (Sen. Esther Okenyuri, MP) to seek a Statement from the Standing Committee on Trade, Industrialization and Tourism regarding the disbursement and utilization of Uwezo Fund.
- x) The Senator for Embu County (Sen. Alexander Mundigi, MP) to seek a Statement from the Standing Committee on Education concerning the state of Early Childhood Development Education (ECDE) teachers training in the country.
- xi) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding the utilization of emergency relief funds in Isiolo County.
- xii) The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the state of markets in Vihiga County.

- xiii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the criteria used by Athletics Kenya to identify and select the team to the upcoming 13th African Games.

NOTICE PAPER I

Tentative Business for

Wednesday, March 13, 2024 (Morning Sitting)

(Published pursuant to Standing Order 43 (1))

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Wednesday, March 13, 2024 (Morning Sitting).

- A. READING OF THE CHARGES ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE (DR.) ROBERT MONDA, THE DEPUTY GOVERNOR OF KISII COUNTY

- B. HEARING AND DETERMINATION ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE (DR.) ROBERT MONDA, THE DEPUTY GOVERNOR OF KISII COUNTY

NOTICE PAPER II

Tentative Business for

Wednesday, March 13, 2024 (Afternoon Sitting)

(Published pursuant to Standing Order 43 (1))

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Wednesday, March 13, 2024 (Afternoon Sitting).

HEARING AND DETERMINATION ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE (DR.) ROBERT MONDA, THE DEPUTY GOVERNOR OF KISII COUNTY
