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LT. Hon. Speaker
Pro Tempore for
Tabung
12/8/25




REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT | FOURTH SESSION (2025)

REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON ITS
CONSIDERATION OF THE AFFORDABLE HOUSING REGULATIONS, 2025 (L.N.
NO. 114 OF 2025)

AUGUST, 2025

	
THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 12 AUG 2025	DAY: Tue
TABLED BY:	Hon Samuel Chepkongs chair, Delegated leg
CLERK AT THE TABLE:	P MUIGA

The Directorate of Audit, Appropriations and General-Purpose Committees

The National Assembly

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ABBREVIATIONS AND ACCRONYMS

AHA	Affordable Housing Act
AHP	Affordable Housing Programme
Cap.	Chapter (of the Laws of Kenya)
CBS	Chief of the Order of the Burning Spear
CS	Cabinet Secretary
DLS	Directorate of Legislative and Procedural Services
EGH	Elder of the Order of the Golden Heart
EBS	Elder of the Order of the Burning Spear
LN	Legal Notice
MP	Member of Parliament
ODM	Orange Democratic Movement
RIA	Regulatory Impact Assessment
UDA	United Democratic Alliance
UDM	United Democratic Movement
UPA	United Progressive Alliance
UPIA	United Progressive Independent Alliance
WDM–Kenya	Wiper Democratic Movement – Kenya

CHAIRPERSON'S FOREWORD

The Affordable Housing Regulations, 2025 (Legal Notice No. 114 of 2025) were made pursuant to powers conferred on the Cabinet Secretary for Lands, Public Works, Housing and Urban Development under section 59 of the Affordable Housing Act, No. 2 of 2024 and therefore constitute a statutory instrument within the meaning of section 2 of the Statutory Instruments Act (Cap. 2A).

The Regulations were published in the Kenya Gazette as Legal Notice No. 114 of 2025 on 9th July 2025, transmitted to the Clerk of the National Assembly on 11th July 2025, and laid before the House on 22nd July 2025. Subsequently, the Regulations were referred to the Committee on Delegated Legislation for consideration in line with the provisions of the Statutory Instruments Act and the Standing Orders of the National Assembly.

The principal objective of the Affordable Housing Regulations, 2025 is to give full effect to the Affordable Housing Act, 2024 by providing a regulatory framework for the implementation of the affordable housing programme, including the eligibility criteria for allocation of housing units, the procedural guidelines for offtake and financing, voluntary savings, institutional housing, interest rates applicable for loans, and other administrative procedures to support the realization of the right to accessible and adequate housing under Article 43(1)(b) of the Constitution.

Pursuant to section 16 of the Statutory Instruments Act (Cap 2A), which obligates the Committee to confer with the regulation-making authority before arriving at its decision, the Committee held a consultative meeting with the Ministry of Lands, Public Works, Housing and Urban Development on Thursday, 7th August 2025 to deliberate on the Affordable Housing Regulations, 2025 and consider the underlying policy rationale.

Having examined the Affordable Housing Regulations, 2025 (Legal Notice No. 114 of 2025) against the Constitution, the Interpretation and General Provisions Act (Cap. 2), the Affordable Housing Act, 2024, and the Statutory Instruments Act (Cap. 2A), the Committee is satisfied that the Regulations comply with the Constitution and the relevant enabling legislation. Further, the Committee confirms that the Regulations were submitted to Parliament within the statutory timelines, were accompanied by an explanatory memorandum and a regulatory impact assessment, and were subjected to adequate public participation. Accordingly, *the Committee recommends that the House APPROVES IN ENTIRETY the Affordable Housing Regulations, 2025 (LN No. 114 of 2025).*

I wish to most sincerely thank the Speaker and the Office of the Clerk of the National Assembly for the invaluable support accorded to the Committee in the discharge of its mandate. I also wish to thank the Committee Membership for their diligence and commitment during the consideration of the Regulations.

On behalf of the Members of the Select Committee on Delegated Legislation, and pursuant to Standing Order 199, it is my pleasure and duty to present to the House, *the Committee's Report on the Affordable Housing Regulations, 2025 (L.N. No. 114 of 2025)*.



HON. CHEPKONG'A KIPRONO SAMUEL, CBS, MP.
CHAIRPERSON, SELECT COMMITTEE ON DELEGATED LEGISLATION

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Select Committee on Delegated Legislation is established under *Standing Order No. 210* of the National Assembly Standing Orders and is mandated to consider statutory instruments submitted to Parliament for consideration. The Committee is expected to consider in respect of any statutory instrument, whether it is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws.
2. The Committee is mandated to consider in respect of any statutory instrument, whether it:
 - a) is in accordance with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws;
 - b) infringes on fundamental rights and freedoms of the public;
 - c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
 - d) contains imposition of taxation;
 - e) directly or indirectly bars the jurisdiction of the Courts;
 - f) gives retrospective effect to any of the provisions in respect to which the Constitution or the Act does not expressly give any such power;
 - g) involves expenditure from the Consolidated Fund or other public revenues;
 - h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;
 - i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
 - j) appears to have had unjustifiable delay in its publication or laying before Parliament;
 - k) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
 - l) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
 - m) inappropriately delegates legislative powers;
 - n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
 - o) appears for any reason to infringe on the rule of law;
 - p) inadequately subjects the exercise of legislative power to Parliamentary scrutiny; and
 - q) accords to any other reason that the Committee considers fit to examine.

1.2 Committee Membership

3. The Committee membership comprises –

Chairperson

Hon. Chepkong'a Kiprono Samuel, CBS, M.P.

Ainabkoi Constituency

UDA

Vice-Chairperson

Hon. Githinji Robert Gichimu, M.P.

Gichugu Constituency

UDA

Committee Members

Hon. Mbui Robert, CBS, M.P.

Kathiani Constituency

WDM-Kenya

**Hon. (Maj) (Rtd) Dekow Barrow Mohamed,
M.P.**

Garissa Township Constituency

UDA

**Hon. Julius Lekakeny Ole Sunkuli, EGH,
EBS, M.P.**

Kilgoris Constituency

KANU

Hon. Kamene Joyce, M.P.

Machakos County

WDM-Kenya

**Hon. Dr. Onchoke, Mamwacha Charles,
M.P.**

Bonchari Constituency

UPA

Hon. Dr. Kimaiyo, Gideon Kipkoech, M.P.

Keiyo South Constituency

UDA

Hon. Waithaka, John Machua, M.P.

Kiambu Constituency

UDA

Hon. Chebor, Paul Kibet, M.P.

Rongai Constituency

UDA

Hon. Yakub Adow Kuno, M.P.

Bura Constituency

UPIA

**Hon. (Maj) (Rtd) Abdullahi, Bashir Sheikh,
M.P.**

Mandera North Constituency

UDM

Hon. Mwirigi John Paul, M.P.
Igembe South Constituency
UDA

Hon. Odoyo, Jared Okello, M.P.
Nyando Constituency
ODM

Hon. Chepkorir Linet, M.P.
Bomet County
UDA

Hon. Munyoro Joseph Kamau, M.P
Kigumo Constituency
UDA

Hon. Oluoch, Anthony Tom, M.P.
Mathare Constituency
ODM

Hon. Lenguris Pauline, M.P.
Samburu County
UDA

Hon. Mwale, Nicholas S. Tindi M.P.
Butere Constituency
ODM

Hon Mnyazi Amina Laura, M.P.
Malindi Constituency
ODM

Hon. Mugabe Innocent Maino, M.P.
Lukuyani Constituency
ODM

1.3 Committee Secretariat

4. The secretariat facilitating the Committee comprises –

Ms. Esther Nginyo
Senior Clerk Assistant (Team Leader)

Mr. Dima Dima W.
Deputy Director-DLS

Mr. Brian Langwech
Clerk Assistant III

Ms. Isabella Mwembi
Clerk Assistant III

Mr. Silvanus Makau
Clerk Assistant III

Ms. Angela Musau
Legal Counsel II

Mr. Peter Barasa
Legal Counsel II

Mr. Daniel Ominde
Research Officer III

Mr. Noah Chemweno
Serjeant at Arms

Mr. Valerian Pascal
Hansard Reporter III

Ms. Rahab Chepkilim
Audio Officer

2.0 CONSIDERATION OF THE AFFORDABLE HOUSING REGULATIONS, 2025 (L.N. NO. 114 OF 2025)

2.1 Introduction

5. The Affordable Housing Regulations, 2025 (L.N. No. 114 of 2025) were made pursuant to the provisions of section 59 of the Affordable Housing Act No. 2 of 2024 (hereinafter referred to as the “Act”). This provision empowers the Cabinet Secretary responsible for matters housing, in consultation with the Affordable Housing Board, to make Regulations for the better carrying into effect the provisions of the Act, hence it is a Statutory Instrument within the meaning provided for a statutory instrument under section 2 of the Statutory Instruments Act, Cap. 2A.
6. The Regulations were published in the Gazette as Legal Notice No. 114 of 2025 on 9th July, 2025. They were received by the Clerk of the National Assembly on 11th July, 2025 and tabled on 22nd July, 2025, being the 1st sitting day upon gazettment, hence submitted within the Statutory timelines contemplated under section 11 (1) of the Statutory Instruments Act (Cap 2A) which requires the Cabinet Secretary to transmit a copy of a statutory instrument within seven sitting days after publication to the Clerk of the National Assembly.
7. Pursuant to section 16 of the Statutory Instruments Act, which requires the Committee to confer with the regulation-making authorities before making its decision, the Committee held a meeting with the State Department for Housing and Urban development on Thursday, 7th August, 2025, to deliberate on the Regulations.

2.2 Power of the Cabinet Secretary to make the Regulations

8. Section 59 of the Affordable Housing Act No. 2 of 2024, confers power to the Cabinet Secretary to make these Regulations as follows—

59. Regulations

(1) The Cabinet Secretary may, in consultation with the Board, make Regulations for better carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Regulations made under this section may prescribe—

- (a) the criteria for exemptions granted under section 6;*
- (b) criteria for eligibility of allocation of an affordable housing unit under section 48;*
- (c) requisite deposit for the housing under section 49(2);*
- (d) identification documents under section 49;*
- (e) regulations under Part V;*

- (f) the criteria for change of affordable housing unit;*
- (g) the provisions on voluntary savings;*
- (h) the provisions relating to off-take of affordable housing units;*
- (i) the inclusivity and diversity within affordable housing schemes;*
- (j) the application and integration of technology- based platforms in the administration and management of affordable housing schemes;*
- (k) the typology and dimensions for affordable housing units relative to the incomes of the individual applicants;*
- (l) 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 51; and*
- (n) criteria for eligibility of allocation of a low interest mortgage under section 52.*

(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.

2.3 Object and Purpose of the Regulations

9. The object and purpose of these Regulations is to operationalize the Affordable Housing Act and provide clarity on its implementation.

2.4 Legislative Context

10. Article 43(1)(b) of the Constitution provides that every person has the right to accessible and adequate housing, and 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”.
11. Accordingly, Parliament enacted the Affordable Housing Act 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.
12. Specifically, section 4 of the Affordable Housing Act 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 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 the development and financing of affordable housing for Kenyans.

13. Section 59 of the Act assigns powers to the Cabinet Secretary, Housing and Urban Development, in consultation with the Board, to make Regulations for better carrying into effect the provisions of the Act.
14. The Ministry of Lands, Public Works, Housing and Urban Development, in compliance with the provisions of the Statutory Instruments Act (Cap 2A), undertook public consultations while preparing these Regulations and the accompanying statutory documents.

2.5 Policy Context and Rationale for the Regulations

15. 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.
16. Accordingly, the Government formulated the National Housing Policy for Kenya through Sessional Paper No. 3 of 2016 which proposed the establishment of a funding framework for housing development.
17. The rollout of the Affordable Housing Programme incorporates social housing to ensure integrated neighbourhoods and mitigate mushrooming of slums and informal settlements in the country. In addition, the rollout of the programme provides for institutional housing.
18. The Ministry of Lands, Public Works, Housing and Urban Development is mandated to provide policy guidance in the development of these Regulations.

2.6 Summary of the Provisions of the Regulations

19. **Part I** provides for the preliminary provisions including the citation and interpretation of terms in the context within which they are used in the Regulations.
20. **Part II** provides for the allocation of affordable housing units. This part contains provisions on the eligibility criteria for allocation of an affordable housing unit, the procedure for allocation of an affordable housing unit, the procedure of the Board, where an application for an affordable housing unit is declined, the rate of deposit which has been capped at 5% of the purchase price, the eligibility criteria for deposit assistance, the procedure for change of an affordable housing unit, the procedure where a person defaults in payment for an affordable housing unit, the procedure for an application of a loan for the development of a rural affordable housing unit.
21. **Part III** provides for institutional housing. This part provides that a public institution may enter into an agreement with the Board to develop, renovate existing or complete unfinished institutional housing. In addition, it provides that the Board shall design develop and maintain institutional housing through an approved implementing agencies set out in the First Schedule to the Act.

22. **Part IV** provides for offtake of affordable housing units. This provides a list of institutions which may offer financing for off-take, it sets out the requirements for approval of an institution to offer financing for off-take and the procedure for approval for off-take where the institution certifies the requirements.
23. **Part V** provides for interest rate for loans issued for the purposes of purchasing an affordable housing unit and development of a rural home.
24. **Part VI** provides for transfer of ownership of an affordable housing unit. This part sets out procedure for seeking consent for sale of an affordable housing unit.
25. **Part VII** provides for the procedure for review and appeals against the decisions of the affordable housing Board.
26. **Part VIII** contains miscellaneous provisions, including the categorization of affordable housing units, the establishment of an electronic system for the allocation of an affordable housing unit, the development of associated physical infrastructure, the development of associated social infrastructure, the procedure for conducting public participation, the procedure where the Board intends to develop an affordable housing scheme on a settlement, the procedure for off-take of an affordable housing scheme on a settlement, the procedure for the publication of a notice and invitation to tender where the Board intends to enter into an agreement with private institutions and persons and the procedure for withdrawal of voluntary savings in accordance with section 52(4)(a) of the Act.
27. **Schedule** - provides for forms for administrative purposes.

3.0 COMMITTEE OBSERVATIONS

28. Having examined the Affordable Housing Regulations, 2025 (*L.N. No. 114 of 2025*) against the Constitution, the Interpretation and General Provisions Act (Cap 2), the Affordable Housing Act, 2024, and the Statutory Instruments Act (*Cap 2A*), the Committee observed **THAT: -**

- (a) Legal Notice No. 114 of 2025 qualifies as a statutory instrument under section 2 of the Statutory Instruments Act (Cap. 2A), having been made pursuant to section 59 of the Affordable Housing Act, 2024. Accordingly, it has the force of law upon approval by Parliament.
- (b) The Regulations were submitted to the Clerk of the National Assembly within the statutory timelines set out under section 11(1) of the Statutory Instruments Act (Cap. 2A), which requires transmission within seven sitting days after publication.
- (c) In compliance with section 5A of the Statutory Instruments Act, the Regulations were accompanied by a comprehensive Explanatory Memorandum, which outlines the policy objectives, legal basis, and justification for the proposed Regulations.
- (d) The Ministry of Lands, Public Works, Housing and Urban Development undertook public participation in accordance with constitutional requirements and the Statutory Instruments Act. A public notice was published in MyGov on 16th April 2025, inviting views from members of the public in all 47 counties.
- (e) The Ministry submitted a list of stakeholders and individuals who participated in the public consultations held between 23rd and 29th April 2025, accompanied by photographic evidence, a matrix of public comments, and responses with justifications for the resolutions adopted.
- (f) In line with section 6 of the Statutory Instruments Act, the Regulations were supported by a Regulatory Impact Assessment (RIA), which was evaluated and found to meet the content requirements under section 7 of the Act. The RIA assesses the economic, social, and environmental impact of the proposed regulations and supports the case for their implementation.

4.0 COMMITTEE RECOMMENDATIONS

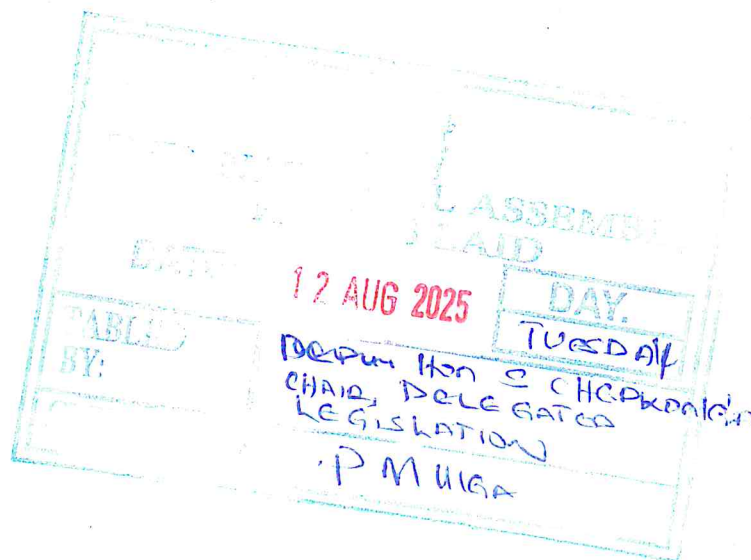
29. Having examined the Affordable Housing Regulations, 2025 (L.N. No. 114 of 2025) in accordance with the Constitution of Kenya, the Interpretation and General Provisions Act (Cap. 2), *the Affordable Housing Act, 2024, and the Statutory Instruments Act (Cap. 2A), the Committee recommends that the House APPROVES the Affordable Housing Regulations, 2025 (L.N. No. 114 of 2025) in entirety pursuant to section 59(4) of the Affordable Housing Act, 2024 and section 11(4) of the Statutory Instruments Act, Cap. 2A.*



Signed


Date 12/8/2025

THE HON. CHEPKONG'A SAMUEL KIPRONO, CBS, MP
(CHAIRPERSON)

COMMITTEE ON DELEGATED LEGISLATION



No.	NAME	SIGNATURE
16.	The Hon. Chebor, Paul, M.P.	
17.	The Hon. Lenguris, Pauline, M.P.	
18.	The Hon. (Dr.) Mamwacha Onchoke Charles, M.P.	
19.	The Hon. Yakub, Adow Kuno, M.P.	
20.	The Hon. Mnyazi, Amina Laura, M.P.	
21.	The Hon. Mugabe, Innocent Maino, M.P.	