



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, FEBRUARY 21, 2024 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

- 8*. PROCEDURAL MOTION – EXTENSION OF PERIOD FOR CONSIDERATION OF THE 2024 BUDGET POLICY STATEMENT
(The Chairperson, Budget & Appropriations Committee)

THAT, notwithstanding the provisions of Standing Order 232(7) relating to *timelines for consideration of Budget Policy Statement*, this House **resolves** to extend the period for consideration of the 2024 Budget Policy Statement by a **period of seven (7) days** from 29th February 2024.

- 9*. PROCEDURAL MOTION – EXTENSION OF PERIOD FOR CONSIDERATION OF THE 2024 DEBT MANAGEMENT STRATEGY
(The Chairperson, Public Debt & Privatization Committee)

THAT, notwithstanding the provisions of Standing Order 232A(4) relating to *timelines for consideration of Debt Management Strategy*, this House **resolves** to extend the period for consideration of the 2024 Debt Management Strategy by a **period of ten (10) days** from 25th February 2024.

10*. MOTION – THE MEDIATED VERSION OF THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2023)
 (The Co-Chairperson, Mediation Committee on the County Governments Additional Allocations Bill, 2023)

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150(3), this House **adopts** the Report of the Mediation Committee on the County Governments Additional Allocations Bill (National Assembly Bill No. 23 of 2023), *laid on the Table of the House on Tuesday, 20th February 2024*, and **approves** the Mediated version of the County Governments Additional Allocations Bill (National Assembly Bill No. 23 of 2023).

(The Mediated Version of the Bill is appended as Notice I)

11*. COMMITTEE OF THE WHOLE HOUSE

The Affordable Housing Bill (National Assembly Bill No. 75 of 2023)
 (The Leader of the Majority Party)

12*. MOTION – REPORT OF THE NATIONAL DIALOGUE COMMITTEE
 (The Leader of the Majority Party and the Leader of the Minority Party)

THAT, this House **adopts** the Report of the National Dialogue Committee, *laid on the Table of the House on Thursday, 7th December 2023*.

(Resumption of debate interrupted on Tuesday, February 20, 2023)
(Balance of time – 1 hour)

13*. MOTION – REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT MINISTRIES, DEPARTMENTS AND AGENCIES FOR THE FINANCIAL YEAR 2020/2021
 (The Chairperson, Public Accounts Committee)

THAT, this House **adopts** the Report of the Public Accounts Committee on its Examination of the Report of the Auditor-General on the Financial Statements for the National Government Ministries, Departments and Agencies for the Financial Year 2020/2021, *laid on the Table of the House on Thursday, 30th November 2023*.

14*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 68 OF 2023)
 (The Leader of the Majority Party)

Second Reading

15*. THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2023)

(The Leader of the Majority Party)

Second Reading

16*. THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILL NO. 11 OF 2022)

(The Chairperson, Departmental Committee on Labour)

Second Reading

17*. THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILL NO. 6 OF 2022)

(The Chairperson, Departmental Committee on Environment, Forestry and Mining)

Second Reading

18*. THE PETITIONS TO PARLIAMENT (PROCEDURE) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 51 OF 2022)

(The Chairperson, Procedure and House Rules Committee)

Second Reading

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

(The Chairperson, Departmental Committee on Regional Development)

Second Reading

NOTICES

**I. MEDIATED VERSION OF THE COUNTY GOVERNMENTS
ADDITIONAL ALLOCATIONS BILL (NATIONAL
ASSEMBLY BILL NO. 23 OF 2023)**

A Bill for

AN ACT of Parliament to provide for the additional allocations to County Governments for the 2023/2024 financial year; the responsibilities of National Government and county governments pursuant to such allocation; and for connected purposes.

ENACTED by Parliament of Kenya, as follows—

1. This Act may be cited as the County Governments Additional Allocations Act, 2024 and shall be deemed to have come in force on 1st July, 2023.

Short title and commencement.

2. In this Act —

Interpretation.
No. 18 of 2012.

“agreement” means an intergovernmental agreement entered into under section 191A of the Public Finance Management Act;

“authorized person” —

(a) in relation to the National Government shall be the Principal Secretary responsible for matters relating to finance or a person appointed by the Principal Secretary, in writing;

(b) in relation to a county government shall be the county executive committee member responsible for matters relating to finance or a person appointed by the county executive committee member, in writing;

“Cabinet Secretary” means the Cabinet Secretary responsible for finance;

“additional allocations” means additional resources allocated to county governments from the national government’s share of revenue or in the form of loans and grants from development partners; and

“county executive committee member” means the county executive committee member in charge of matters relating to finance.

3. The object and purpose of this Act is to—

Object and purpose of the Act.

- (a) provide, pursuant to Article 202(2) of the Constitution, for additional allocations for the financial year 2023/2024;
- (b) provide for additional allocations from proceeds of loans and grants from development partners; and
- (c) facilitate the transfer of conditional and unconditional allocations made to counties under this Act from the Consolidated Fund to the respective County Revenue Funds and special purpose accounts.

4. (1) Additional grants shall be funds agreed upon by the National Assembly and the Senate during the consideration of the Budget Policy Statement and shall comprise of—

Additional allocations to county governments.

- (a) additional allocations from development partners required for transfer of functions to counties from the National Government as provided for under Article 187 of the Constitution;
- (b) additional allocations provided for under Article 202(2) of the Constitution; and
- (c) loans and grants from development partners.

(2) Additional funds allocated under this section shall be included in the respective county governments' Appropriation Bills.

5. (1) Pursuant to Article 206(1) of the Constitution, court fines emanating from contravention of County Government legislation are excluded from the Consolidated Fund and shall be payable to the respective County Revenue Funds.

Conditional allocations to county governments

(2) Unconditional allocations to the beneficiary County Governments from the National Government Share of Revenue emanating from contravention of County Government legislation for the Financial Year 2023/2024 shall be as set out in Column B of the Second Schedule.

(3) Upon commencement of this Act, the National Treasury shall gazette a framework for the collection and transfer of court fines imposed under County legislation from the National Government to the County Governments.

(4) Unconditional allocations to the beneficiary County Governments from the National Government Share of Revenue emanating from the 20% share of Mineral Royalties for the Financial Year 2023/2024 shall be as set out in Column C of the Second Schedule.

(5) Conditional allocations to each county government from National Government share of revenue for the financial year 2023/2024 shall be as set out in the First Schedule, comprising —

- (a) conditional allocations for the construction of county headquarters as set out in Column B of the First Schedule;
- (b) conditional allocations for the Aggregated Industrial Parks Programme as set out in Column C of the First Schedule;
- (c) conditional allocations for the Provision of Fertilizer Subsidy Programme as set out in Column D of the First Schedule; and
- (d) conditional allocations for the provision of library services among twenty-one counties as set out in Column E of the First Schedule.

(6) Conditional allocations financed by proceeds of loans or grants from development partners to each county government for the financial year 2023/2024 shall be as set out in Column P of the Third Schedule, comprising of—

- (a) conditional allocations financed by a World Bank credit to finance Agricultural and Rural Inclusive Growth Project (NARIGP) as set out in Column B of the Third Schedule;
- (b) Conditional allocations financed by IDA (World Bank) Credit to finance National Agricultural Value Chain Development Project (NAVCDP) as set out in Column C of the Third Schedule;
- (c) conditional allocations from a World Bank credit to finance Water and Sanitation Development Project (WSDP) as set out in Column D of the Third Schedule;
- (d) conditional allocations from a grant by DANIDA to finance Primary Healthcare in Devolved Context Program as set out in Column E of the Third Schedule;
- (e) conditional allocations financed by a credit from the World Bank to Finance Locally-Led Climate Action Program (FLLoCA) – (County Climate Institutional Support grant) as set out in Column F of the Third Schedule which shall be allocated among county governments;
- (f) conditional allocations financed by a loan from Government of Sweden to finance Agriculture Sector Development Support Programme II (ASDSP II) as set out in Column G of the Third

Schedule;

- (g) conditional allocations financed by both loan and grant from the German Development Bank (KfW) to finance Drought Resilience Programme in Northern Kenya (DRPNK) as set out in Column H of the Third Schedule;
- (h) conditional allocations financed by a credit from World Bank to finance Emergency Locust Response Project (ELRP) as set out in Column I of the Third Schedule;
- (i) conditional allocations financed by a loan from the World Bank to finance Kenya Informal Settlement Improvement Project (KISIP II) as set out in Column J of the Third Schedule;
- (j) conditional allocations from proceeds of loans from the International Fund for Agricultural Development (IFAD) to finance Kenya Livestock Commercialization Project (KELCOP) as set out in Column K of the Third Schedule;
- (k) conditional allocations from proceeds of loan fund for Aquaculture Business Development Project (ABDP) as set out in Column L of the Third schedule; and
- (l) conditional allocations amounting to Kenya Shillings Six Billion, one hundred and eighty-seven million, five hundred thousand, financed by proceeds from a World Bank Loan for FLLoCA - County Climate Resilience Grant as set out in Column M of the Third Schedule shall be allocated among the County Governments on the basis of a criteria to be determined as follows—
 - (i) the accounting officer responsible for the grant, shall for each eligible County Government, carry out or cause to be carried out, in accordance with the Intergovernmental agreements between the National Government and each eligible County Government, an assessment to determine the eligible County Government's performance score for purposes of determining the Performance of County Climate Resilience Investment (CCRI) Grant allocation for the Financial Year 2023/2024;
 - (ii) half of the total envelope will be allocated on the basis of factors that reflect relative expenditure needs for climate action,

including the variables of a fixed share (33.3 percent), rural population (30 percent), rural area (13.3 percent), and poverty (23.3 percent), whereby the weights are based on the formula for allocating the share of the national revenue among counties. The other 50 percent of the envelope will be allocated on the basis of the scores for the performance measures, weighted with the basic allocation, such that two counties that have same score will receive the same relative increment as compared to the base allocation; and

- (iii) the Cabinet Secretary shall publish in the *Gazette* the allocations determined under subparagraph (ii);
- (m) conditional allocations financed by a grant from the German Development Bank (KfW) to finance Locally- Led Climate Action Program (FLLoCA)– (County Climate Resilience Grant) as set out in Column N of the Third Schedule.

(7) The National Government's Expenditures on Devolved Functions converted to Additional Conditional Grants to each county government for the financial year 2023/2024 shall be as set out in Column E of the Fourth Schedule, comprising of—

- (a) conditional allocations under the Livestock Value Chain Support Project as set out in Column B of the Fourth Schedule;
- (b) conditional allocations under the De-Risking and Value Enhancement (DRIVE) project as set out in Column C of the Fourth Schedule; and
- (c) conditional allocations under the Kenya Marine Fisheries and Socio-Economic Development (KEMFSED) project as set out in Column D of the Fourth Schedule.

(8) Each county government's allocation under subsection (1) shall—

- (a) be transferred to the respective County Revenue Fund, in accordance with a payment schedule published in the *Gazette* by the Cabinet Secretary in accordance with section 17 of the Public Finance Management Act; and
- (b) only be accessed by each county government after meeting conditions set by the Cabinet Secretary responsible for that function at the beginning of the

financial year.

(9) A county governments' allocation under subsection (2) shall be transferred to the respective County Revenue Fund in accordance with a payment schedule published in the *Gazette* by the Cabinet Secretary in accordance with section 17 of the Public Finance Management Act.

No. 18 of 2012.

(10) The county governments' allocations under subsections (2), (4), (5), (6) and (7) shall, be included in the budget estimates of the National Government and shall be submitted to Parliament for approval.

(11) Allocations shall not be included in the budget estimates under subsection (10) unless—

- (a) the National Government and the respective county governments have entered into an intergovernmental agreement in accordance with this Act; or
- (b) in the case of a loan or grant by a development partner, the Cabinet Secretary and the responsible development partner have agreed in writing that the funds shall be transferred to the county government.

6. The Cabinet Secretary shall publish, by the 15th day of each subsequent month, a monthly report on actual transfers of all conditional allocations to county governments disbursed pursuant to this Act.

Report on actual transfers.

7. Each county treasury shall reflect all transfers of conditional allocations by the National Government to the respective county government in its books of accounts.

Books of accounts to reflect national government transfers.

8. A county treasury shall, as part of its consolidated quarterly and annual reports required under the Public Finance Management Act, report on—

Reporting.

No. 18 of 2012.

- (a) actual transfers received by the county government from the National Government, up to the end of that quarter or year in the format prescribed by the Public Sector Accounting Standards Board or in the absence of a format prescribed by the Board, in the format prescribed by the National Treasury;
- (b) the actual expenditure by the county government of the allocations made under section 5(2), (4), (5), (6) and (7);
- (c) the extent of compliance with the provisions of this Act and with the conditions of allocations as set out in the intergovernmental agreement entered into by the national government, the development partner and the county government;
- (d) an explanation of any material problems in the

expenditure of any allocations made under this Act or compliance with any conditions of allocations set out in an intergovernmental agreement; and

- (e) any other information that may be required by the relevant intergovernmental agreement.

9. The requirements under sections 191A to 191E of the Public Finance Management Act shall not apply to the 2023/2024 and 2024/2025 financial years. ^{Transition.}

FIRST SCHEDULE

(S. 5(5))

Conditional allocations to County Governments from National Government Revenue in Financial Year 2023/24 (Kenya Shillings)							
S/N o	County	FY 2022/23	FY 2023/24				
		Total Conditional Grants from the National Government Revenue	Supplement for Construction of County Headquarter s	Conditional Grant for Aggregated Industrial Parks Programme	Conditional Grant for Provision of Fertilizer Subsidy Programme	Conditional Grant for transfer Library services	Total Conditional Grants from the National Government Revenue
		Column A	Column B	Column C	Column D	Column E	Column F
1	Baringo	110,638,298	-		75,977,677	16,949,087	92,926,764
2	Bomet	110,638,298	-	-	131,684,382	950,259	132,634,641
3	Bungoma	110,638,298	-	250,000,000	242,962,800		492,962,800
4	Busia	110,638,298	-	250,000,000	126,591,665		376,591,665
5	Elgeyo/Marakwet	110,638,298	-	-	63,970,782	429,373	64,400,155
6	Embu	110,638,298	-	250,000,000	110,930,145	2,201,693	363,131,838
7	Garissa	110,638,298	-	250,000,000	3,965,101	10,842,824	264,807,925
8	Homa Bay	110,638,298	-	250,000,000	165,917,803		415,917,803
9	Isiolo	150,638,298	60,000,000	-	2,501,812	1,831,422	64,333,234
10	Kajiado	110,638,298	-	-	41,355,485		41,355,485
11	Kakamega	110,638,298	-	-	289,728,678	4,657,791	294,386,469
12	Kericho	110,638,298	-	-	131,255,114	9,297,833	140,552,947
13	Kiambu	110,638,298	-	250,000,000	159,665,074		409,665,074
14	Kilifi	110,638,298	-	-	134,390,478	4,533,621	138,924,099
15	Kirinyaga	110,638,298	-	250,000,000	117,510,449		367,510,449
16	Kisii	110,638,298	-	-	186,645,942		186,645,942
17	Kisumu	110,638,298	-	-	120,042,858	10,494,779	130,537,637
18	Kitui	110,638,298	-	-	179,499,580		179,499,580
19	Kwale	110,638,298	-	-	90,011,220		90,011,220
20	Laikipia	110,638,298	-	-	66,899,161	9,648,691	76,547,852
21	Lamu	132,638,298	48,840,000	-	13,675,370		62,515,370
22	Machakos	110,638,298	-	250,000,000	195,350,986		445,350,986
23	Makueni	110,638,298	-	-	162,562,856	11,273,357	173,836,213
24	Mandera	110,638,298	-	-	13,777,962		13,777,962

**Conditional allocations to County Governments from National Government Revenue in Financial Year 2023/24
(Kenya Shillings)**

S/N o	County	FY 2022/23	FY 2023/24				
		Total Conditional Grants from the National Government Revenue	Supplement for Construction of County Headquarter s	Conditional Grant for Aggregated Industrial Parks Programme	Conditional Grant for Provision of Fertilizer Subsidy Programme	Conditional Grant for transfer Library services	Total Conditional Grants from the National Government Revenue
		Column A	Column B	Column C	Column D	Column E	Column F
25	Marsabit	110,638,298	-	-	2,389,320		2,389,320
26.	Meru	110,638,298	-	250,000,000	225,426,721	12,902,906	488,329,627
27.	Migori	110,638,298	-	250,000,000	144,621,807		394,621,807
28.	Mombasa	110,638,298	-	250,000,000	6,495,711	5,635,387	262,131,098
29.	Murang'a	110,638,298	-	250,000,000	197,960,790	4,936,010	452,896,800
30.	Nairobi	110,638,298	-	-	14,721,991		14,721,991
31.	Nakuru	110,638,298	-	250,000,000	234,883,209		484,883,209
32.	Nandi	110,638,298	-	250,000,000	128,705,606		378,705,606
33.	Narok	110,638,298	-	-	135,373,204	4,281,875	139,655,079
34.	Nyamira	110,638,298	-	250,000,000	92,563,428		342,563,428
35.	Nyandarua	169,638,298	121,000,000	-	121,624,039		242,624,039
36.	Nyeri	110,638,298	-	-	138,968,433	17,519,215	156,487,648
37.	Samburu	110,638,298	-	-	12,431,664		12,431,664
38.	Siaya	110,638,298	-	250,000,000	166,455,063	7,474,485	423,929,548
39.	Taita Taveta	110,638,298	-	-	43,540,521	6,878,208	50,418,729
40.	Tana River	152,638,298	121,000,000	-	15,049,566		136,049,566
41.	Tharaka Nithi	110,638,298	103,160,000	-	71,299,830		174,459,830
42.	Trans Nzoia	110,638,298	-	250,000,000	116,941,692		366,941,692
43.	Turkana	110,638,298	-	-	12,815,035		12,815,035
44.	Uasin Gishu	110,638,298	-	250,000,000	118,799,152	10,688,405	379,487,557
45.	Vihiga	110,638,298	-	-	97,662,444		97,662,444
46.	Wajir	110,638,298	-	-	2,235,432	9,421,475	11,656,907
47.	West Pokot	110,638,298	-	-	72,161,965		72,161,965
	TOTAL	5,363,000,006	454,000,000	4,500,000,000	5,000,000,000	162,848,690	10,116,848,690

SECOND SCHEDULE		(s. 5(2), (4))			
Unconditional allocations to County Governments from Court Fines and Minerals Royalties in Financial Year 2023/24 (Kenya Shillings)					
		FY 2022/23	FY 2023/24		
		Total Unconditional Grants from the National Government Revenue	Allocations for Court Fines	Allocation for Mineral Royalties	Total Unconditional Allocations
S/No.	County	Column A	Column B	Column C	Column D
1.	Baringo	-	-	20,355.33	20,355.33
2.	Bomet	-	-	-	-
3.	Bungoma	-	-	-	-
4.	Busia	-	-	-	-
5.	Elgeyo/Marakwet	-	-	-	-
6.	Embu	-	-	2,142.00	2,142.00
7.	Garissa	-	-	844,691.51	844,691.51
8.	Homa Bay	-	-	-	-
9.	Isiolo	-	-	348,836.89	348,836.89
10.	Kajiado	-	-	660,242,991.11	660,242,991.11
11.	Kakamega	-	-	16,554.80	16,554.80
12.	Kericho	-	-	-	-
13.	Kiambu	-	5,084,684.00	10,139,863.43	15,224,547.43
14.	Kilifi	-	-	950,062,289.87	950,062,289.87
15.	Kirinyaga	-	-	100.00	100.00
16.	Kisii	-	-	682,562.10	682,562.10
17.	Kisumu	-	233,000.00	-	233,000.00
18.	Kitui	-	50,000.00	336,118.16	386,118.16
19.	Kwale	-	-	1,166,507,885.86	1,166,507,885.86
20.	Laikipia	-	1,515,334.00	-	1,515,334.00
21.	Lamu	-	-	-	-
22.	Machakos	-	14,436,324.00	99,716.30	4,536,040.30
23.	Makueni	-	-	99,856.62	99,856.62
24.	Mandera	-	-	1,028.00	1,028.00
25.	Marsabit	-	-	1,724,590.43	1,724,590.43
26.	Meru	-	-	32,900.66	32,900.66
27.	Migori	-	974,165.00	3,125,407.99	4,099,572.99
28.	Mombasa	-	13,428,433.00	18,830.01	13,447,263.01
29.	Murang'a	-	-	-	-
30.	Nairobi	-	70,740,842.00	3,884.40	70,744,726.40
31.	Nakuru	-	1,948,197.00	82,769.16	2,030,966.16
32.	Nandi	-	-	55,110,900.60	55,110,900.60
33.	Narok	-	-	27,206,335.68	27,206,335.68
34.	Nyamira	-	-	-	-
35.	Nyandarua	-	-	-	-
36.	Nyeri	-	250,000.00	-	250,000.00

SECOND SCHEDULE

(s. 5(2), (4))

Unconditional allocations to County Governments from Court Fines and Minerals Royalties in Financial Year 2023/24 (Kenya Shillings)

		FY 2022/23	FY 2023/24		
		Total Unconditional Grants from the National Government Revenue	Allocations for Court Fines	Allocation for Mineral Royalties	Total Unconditional Allocations
S/No.	County	Column A	Column B	Column C	Column D
37.	Samburu	-	-	905,744.35	905,744.35
38.	Siaya	-	-	259,151.57	259,151.57
39.	Taita Taveta	-	-	51,756,325.95	51,756,325.95
40.	Tana River	-	-	10,623.96	10,623.96
41.	Tharaka Nithi	-	-	42,999.97	42,999.97
42.	Trans Nzoia	-	-	-	-
43.	Turkana	-	-	141,279.08	141,279.08
44.	Uasin Gishu	-	-	5,090,268.62	5,090,268.62
45.	Vihiga	-	-	-	-
46.	Wajir	-	-	4,493.00	4,493.00
47.	West Pokot	-	-	1,650.20	1,650.20
	TOTAL	-	108,660,979.00	2,934,923,147.60	3,043,584,126.60

THIRD SCHEDULE

(s. 5(6))

Conditional Allocations from proceeds of loans or grants from Development Partners for Financial Year 2023/24 (Figures in Kenya Shillings)																
C O U N T Y	2022/23 FY	2023/24 FY														
		Total Loans and Grants for FY 2022/23	IDA (World Bank) credit (National Agricultural and Rural Inclusive Growth Project (NARIGP))	IDA (World Bank) credit (National Agricultural Value Chain Development Project (NAVCDP))	IDA (World Bank) credit: Water & Sanitation Development Project (WSDP)	DANIDA Grant - Primary Health Care in Devolved Context	IDA (World Bank) Credit (Financing Locally- Led Climate Action (FLLoCA) Program, County Climate Institutional Support (CCIS)/Grant	Sweden- Agricultural Sector Development Support Programme (ASDSP) II	German Development Bank (KfW)- Drought Resilience Programme in Northern Kenya (DRPNK)	World Bank - Emergency Locust Response Project (ELRP)	World bank - Kenya Informal Settlement Improvement Project (KISIP II)	Kenya Livestock Commercialization Project (KELCLOP)	Aquaculture Business Development Project (ABDP)	IDA (World Bank) Credit (Financing Locally- Led Climate Action (FLLoCA) Program, County Climate Resilience Grant (CCRG))	Germany Development Bank (KfW) Loan for Financing Locally- Led Climate Action (FLLoCA) Program County Climate Change Resilience Grant - CCRIG)**	Total Loans and Grants for FY 2023/24
	Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M	Column N	Column P	
1	Baringo	220,999,360	-	-	-	9,297,750	11,000,000	1,733,647	-	126,616,044	-	36,500,000	-	-	185,147,441	
2	Bomet	210,828,615	-	200,000,000	-	10,048,500	11,000,000	1,716,655	-	-	-	-	-	-	222,765,155	
3	Bungoma	256,762,319	60,000,000	200,000,000	-	16,227,750	11,000,000	593,849	-	-	82,599,830	34,500,000	-	-	404,921,429	
4	Busia	261,070,587	-	200,000,000	-	10,972,500	11,000,000	2,450,905	-	-	-	30,500,000	22,585,560	-	277,508,965	
5	Elgeyo Marakwet	215,638,157	-	-	-	7,045,500	11,000,000	1,042,262	-	138,144,044	94,224,456	36,500,000	-	-	287,956,262	
6	Embu	360,933,552	5,000,000	200,000,000	-	7,854,000	11,000,000	961,306	-	106,400,361	-	-	10,237,551	-	341,453,218	
7	Garissa	630,550,225	-	-	600,000,000	12,820,500	11,000,000	3,047,337	-	169,365,353	-	-	-	-	796,233,190	
8	Homa Bay	331,552,504	5,000,000	200,000,000	-	12,307,750	11,000,000	2,659,580	-	-	430,000,000	-	12,909,422	-	673,869,752	
9	Isiolo	401,955,171	-	-	-	7,738,500	11,000,000	2,188,644	-	188,968,553	-	-	-	-	209,895,697	
10	Kajiado	131,205,935	-	200,000,000	-	11,723,250	11,000,000	1,085,811	-	-	100,000,000	-	10,509,643	-	334,318,704	
11	Kakamega	289,429,131	-	200,000,000	-	18,999,750	11,000,000	1,254,212	-	-	140,000,000	30,500,000	24,417,125	-	426,171,087	
12	Kericho	193,578,632	-	200,000,000	-	9,817,500	11,000,000	1,027,779	-	-	-	-	-	-	221,845,279	
13	Kiambu	417,141,278	70,000,000	200,000,000	-	17,209,500	11,000,000	2,583,952	-	-	200,000,000	-	19,395,531	-	520,188,983	
14	Kilifi	1,432,906,840	5,000,000	200,000,000	1,300,000,000	19,057,500	11,000,000	1,248,343	-	-	250,000,000	-	-	-	1,786,305,843	
15	Kirinyaga	294,835,827	5,000,000	200,000,000	-	7,738,500	11,000,000	900,970	-	-	-	-	13,779,259	-	238,418,729	
16	Kisii	301,793,207	5,000,000	200,000,000	-	14,206,500	11,000,000	1,168,601	-	-	-	-	21,486,575	-	252,861,676	
17	Kisumu	321,169,783	-	200,000,000	-	12,474,000	11,000,000	536,771	-	-	300,000,000	-	15,407,244	-	539,418,015	
18	Kitui	374,080,509	5,000,000	200,000,000	-	16,112,250	11,000,000	1,292,965	-	133,683,244	-	-	-	-	367,088,459	
19	Kwale	826,196,478	5,000,000	200,000,000	900,000,000	14,206,500	11,000,000	611,669	-	-	112,211,667	-	-	-	1,243,029,836	
20	Laikipia	121,371,954	-	-	-	7,623,000	11,000,000	1,933,282	-	-	-	-	-	-	20,556,282	
21	Lamu	102,529,473	-	-	-	4,735,500	11,000,000	1,622,700	-	-	150,000,000	-	-	-	167,358,200	
22	Machakos	273,245,808	-	200,000,000	-	14,148,750	11,000,000	1,761,966	-	105,095,561	-	-	12,262,438	-	344,268,715	
23	Makueni	314,007,349	60,000,000	200,000,000	-	13,513,500	11,000,000	601,751	-	-	-	-	-	-	285,115,251	
24	Mandera	250,006,419	-	-	-	18,653,250	11,000,000	2,257,207	-	180,282,153	-	-	-	-	212,192,610	
25	Marsabit	398,076,912	-	-	-	12,358,500	11,000,000	1,431,190	300,000,000	195,679,753	-	37,500,000	-	-	557,969,443	
26	Meru	421,288,012	5,000,000	200,000,000	-	14,668,500	11,000,000	1,105,100	-	121,171,561	67,546,296	-	23,306,984	-	443,798,441	
27	Migori	315,785,957	5,000,000	200,000,000	-	12,358,500	11,000,000	1,120,452	-	-	-	-	13,617,785	-	243,096,737	
28	Mombasa	724,317,035	-	-	1,000,000,000	12,878,250	11,000,000	512,539	-	-	320,000,000	-	-	-	1,344,390,789	
29	Murang'a	328,840,184	5,000,000	200,000,000	-	11,492,250	11,000,000	1,899,127	-	-	-	-	-	-	229,391,377	
30	Nairobi City	204,781,620	-	-	-	29,048,250	11,000,000	3,507,770	-	-	400,000,000	-	-	-	443,556,020	
31	Nakuru	522,398,243	5,000,000	200,000,000	-	19,115,250	11,000,000	583,629	-	-	250,000,000	34,800,000	-	-	520,498,879	
32	Nandi	380,965,571	35,000,000	200,000,000	-	9,759,750	11,000,000	516,946	-	-	75,748,004	-	-	-	332,024,700	
33	Narok	373,384,611	5,000,000	200,000,000	-	14,668,500	11,000,000	1,119,636	-	-	-	-	-	-	231,788,136	
34	Nyamira	225,758,466	100,000,000	200,000,000	-	8,778,000	11,000,000	531,293	-	-	112,082,214	-	-	-	432,391,507	
35	Nyandarua	215,234,247	-	200,000,000	-	8,893,500	11,000,000	499,617	-	-	117,308,355	-	-	-	337,701,472	
36	Nyeri	282,137,853	-	200,000,000	-	9,875,250	11,000,000	1,741,641	-	-	135,648,946	-	19,315,146	-	377,580,983	
37	Samburu	330,038,486	5,000,000	-	-	8,431,500	11,000,000	2,793,523	-	200,970,153	-	37,500,000	-	-	265,695,176	

Conditional Allocations from proceeds of loans or grants from Development Partners for Financial Year 2023/24 (Figures in Kenya Shillings)

C O U N T Y	2022/23 FY	2023/24 FY													
	Total Loans and Grants for FY 2022/23	IDA (World Bank) credit (National Agricultural and Rural Inclusive Growth Project (NARIGP))	IDA (World Bank) credit (National Agricultural Value Chain Development Project (NAVCDP))	IDA (World Bank) credit: Water & Sanitation Development Project (WSDP)	DANIDA Grant - Primary Health Care in Devolved Context	IDA (World Bank) Credit (Financing Locally- Led Climate Action (FLLoCA) Program, County Climate Institutional Support (CCIS) Grant	Sweden- Agricultural Sector Development Support Programme (ASDSP) II	German Development Bank (KfW)- Drought Resilience Programme in Northern Kenya (DRPNK)	World Bank - Emergency Locust Response Project (ELRP)	World bank - Kenya Informal Settlement Improvement Project (KISIP II)	Kenya Livestock Commercialization Project (KELCLOP)	Aquaculture Business Development Project (ABDP)	IDA (World Bank) Credit (Financing Locally- Led Climate Action (FLLoCA) Program, County Climate Resilience Grant (CCRG))*	Germany Development Bank (KfW) Loan for Financing Locally- Led Climate Action (FLLoCA) Program County Climate Change Resilience Grant - CCRIG)**	Total Loans and Grants for FY 2023/24
	Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M	Column N	Column P
38 Siaya	127,677,482	-	200,000,000	-	10,568,250	11,000,000	1,037,537	-	-	-	30,500,000	13,838,473	-	-	266,944,260
39 Taita Taveta	855,426,510	-	200,000,000	950,000,000	7,738,500	11,000,000	1,991,302	-	-	60,000,000	-	-	-	-	1,230,729,802
40 Tana River	207,230,277	-	200,000,000	-	10,683,750	11,000,000	1,296,539	-	-	-	-	-	-	-	222,980,289
41 Tharaka Nithi	264,103,837	-	200,000,000	-	7,161,000	11,000,000	1,785,670	-	105,805,161	92,630,231	-	12,810,384	-	-	431,192,446
42 Trans Nzoia	364,997,911	5,000,000	200,000,000	-	10,510,500	11,000,000	1,051,336	-	-	300,000,000	35,500,000	-	-	-	563,061,836
43 Turkana	570,438,214	5,000,000	-	-	19,230,750	11,000,000	3,845,117	465,000,000	220,986,953	-	-	-	-	-	725,062,820
44 Uasin Gishu	258,281,182	-	200,000,000	-	11,550,000	11,000,000	1,022,165	-	-	530,000,000	-	-	-	-	753,572,165
45 Vihiga	199,126,283	10,000,000	200,000,000	-	8,489,250	11,000,000	490,847	-	-	-	-	-	-	-	229,980,097
46 Wajir	804,570,030	-	-	600,000,000	15,592,500	11,000,000	3,901,152	-	178,454,153	180,000,000	-	-	-	-	988,947,805
47 West Pokot	250,674,252	-	-	-	9,124,500	11,000,000	2,730,960	-	131,007,244	-	-	-	-	-	153,862,704
TOTAL	17,159,322,284	410,000,000	6,600,000,000	5,350,000,000	577,500,000	517,000,000	72,797,253	765,000,000	2,302,630,289	4,500,000,000	344,300,000	245,879,120	6,187,500,000	1,200,000,000	29,072,606,661

*The FLLoCA-(CCRI) Grant is to be allocated among County Governments on the basis of the criteria in section 5(6)(l) of the County Government Additional Allocations Act, 2023.

**Germany Development Bank (KfW) Loan for Financing Locally- Led Climate Action (FLLoCA) Program County Climate Change Resilience Grant - CCRIG Loan is to be allocated among Sixteen (16) County Governments on the basis of the criteria in section 5(6)(m) of the County Government Additional Allocations Act, 2023. The Counties to be allocated the Ksh.1.2 billion include; Trans-Nzoia,Uasin-Gishu, Elgeyo-Marakwet, Nandi, Kericho, Bomet, Kakamega, Vihiga, Bungoma, Busia, Siaya, Kisumu, Homa Bay, Migori, Kisii and Nyamira .

FOURTH SCHEDULE (S. 5(7))

National Government's Expenditures on Devolved Functions to be converted to Additional Conditional Grants to the County Governments for Financial Year 2023/24 (Figures in Kenya Shillings)						
S/ N O.	County	FY 2022/23 Devolved Functions converted to Additional Condition al Grants to the County Governme nts	Livestock Value Chain Support Project	De- Risking and Value Enhancem ent (DRIVE)	Kenya Marine Fisheries and Socio- Economic Developm ent (KEMFSE D)	Totals
		Column A	Column B	Column C	Column D	Column E
1	Baringo	-	28,647,360	63,341,980		91,989,340
2	Bomet	-	57,294,720			57,294,720
3	Bungoma	-	35,809,200			35,809,200
4	Busia	-	14,323,680			14,323,680
5	Elgeyo Marakwet	-	35,809,200			35,809,200
6	Embu	-	35,809,200			35,809,200
7	Garissa	-	-	128,454,980		128,454,980
8	Homa Bay	-	14,323,680			14,323,680
9	Isiolo	-	-	155,341,980		155,341,980
10	Kajiado	-	28,647,360	96,691,980		125,339,340
11	Kakamega	-	57,294,720			57,294,720
12	Kericho	-	71,618,400			71,618,400
13	Kiambu	-	149,092,200			149,092,200
14	Kilifi	-	14,323,680	63,341,980	98,880,952	176,546,612
15	Kirinyaga	-	35,809,200			35,809,200
16	Kisii	-	35,809,200			35,809,200
17	Kisumu	-	14,323,680			14,323,680
18	Kitui	-	14,323,680	63,341,980		77,665,660
19	Kwale	-	-	63,341,980	100,730,260	164,072,240
20	Laikipia	-	28,647,360	90,941,980		119,589,340
21	Lamu	-	-	63,341,980	48,764,809	112,106,789
22	Machakos	-	35,809,200			35,809,200
23	Makueni	-	21,485,520	63,341,980		84,827,500
24	Mandera	-	-	72,541,980		72,541,980
25	Marsabit	-	-	95,541,980		95,541,980
26	Meru	-	99,394,800	63,341,980		162,736,780

National Government's Expenditures on Devolved Functions to be converted to Additional Conditional Grants to the County Governments for Financial Year 2023/24 (Figures in Kenya Shillings)						
S/ N O.	County	FY 2022/23 Devolved Functions converted to Additional Condition al Grants to the County Governme nts	Livestock Value Chain Support Project	De- Risking and Value Enhancem ent (DRIVE)	Kenya Marine Fisheries and Socio- Economic Developm ent (KEMFSE D)	Totals
		Column A	Column B	Column C	Column D	Column E
27	Migori	-	14,323,680			14,323,680
28	Mombasa	-	-		39,346,299	39,346,299
29	Murang'a	-	71,618,400		-	71,618,400
30	Nairobi City	-	-			-
31	Nakuru	-	121,315,800			121,315,800
32	Nandi	-	57,294,720			57,294,720
33	Narok	-	35,809,200	63,341,980		99,151,180
34	Nyamira	-	28,647,360			28,647,360
35	Nyandarua	-	135,204,000			135,204,000
36	Nyeri	-	71,182,920			71,182,920
37	Samburu	-	-	207,839,480		207,839,480
38	Siaya	-	14,323,680			14,323,680
39	Taita Taveta	-	21,485,520	63,341,980		84,827,500
40	Tana River	-	14,323,680	226,457,980	33,164,181	273,945,841
41	Tharaka Nithi	-	28,647,360	63,341,980		91,989,340
42	Trans Nzoia	-	71,618,400			71,618,400
43	Turkana	-	-	215,141,980		215,141,980
44	Uasin Gishu	-	99,830,280			99,830,280
45	Vihiga	-	14,323,680			14,323,680
46	Wajir	-	-	179,790,980		179,790,980
47	West Pokot	-	14,323,680	63,341,980		77,665,660
	TOTAL	-	1,642,868,400	2,165,507,080	320,886,501	4,129,261,981

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

- 1) Notice is given that Chairperson of the Departmental Committee on Finance and National Planning and the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works intend to move the following amendments to the Affordable Housing Bill, 2023 at the Committee Stage—

LONG TITLE

THAT, the Bill be amended by deleting the long title and substituting therefor the following new long title—

“AN ACT of Parliament to give effect to Article 43(1)(b) of the Constitution; to provide a framework for development and access to affordable housing and institutional housing; and for connected purposes”

CLAUSE 2

THAT, clause 2 of the Bill be amended —

(a) in subclause (1) –

(i) in the definition of the term “collector” by deleting paragraph (b);

(ii) by inserting the following new definition in its proper alphabetical sequence—

“institutional housing” means housing that is adequate and affordable for public institutions such as universities, colleges, police, defence forces, government pool housing and prisons;

(b) in subclause (2)–

(i) in paragraph (a) by deleting the words “between eighteen and thirty” appearing immediately after the words “plinth area of” and substituting therefor the words “at least eighteen”;

(ii) in paragraph (b) by deleting the words “between thirty-six and eighty” appearing immediately after the words “plinth area of” and substituting therefor the words “at least thirty”;

(iii) by deleting paragraph (c) and substituting the following new paragraph—

(c) affordable middle class housing unit with a plinth area of at least eighty square metres for middle to high income housing targeted at persons whose monthly income is over one hundred and forty-nine thousand shillings.

CLAUSE 10

THAT, clause 10 of the Bill be amended—

- (a) in subclause (1) by inserting the words “, institutional housing” immediately after the words “affordable housing”;
- (b) in subclause (2)—
 - (i) by deleting the words “in all counties” appearing in paragraph (c);
 - (ii) by inserting a new paragraph immediately after paragraph (c)—
“(d) facilitate development of institutional housing units;”

CLAUSE 11

THAT, the Bill be amended by deleting clause 11 of the Bill and substituting therefor the following new clauses—

Allocations out of the
Fund.

- 11.** (1) The Board may allocate out of the Fund, monies for the—
- (a) development and off-take of affordable housing programmes and projects; and
 - (b) development of institutional housing.
- (2) The monies may be allocated subject to the annual investment programme under section 11 B and the provisions of Part IIIA to the agencies set out in the Third Schedule.
- (3) The monies may be allocated to county governments in accordance with the Public Finance Management Act, 2012 and on such conditions as may be prescribed by the Cabinet Secretary for the time being responsible for the National Treasury.
- (4) Despite the provisions of subsection (2), the Board shall allocate out of the Fund—
- (a) up to two percent of the monies to the collector for the collection of the Levy as may be approved by the Cabinet Secretary for the time being responsible for the National Treasury on the recommendation of the Cabinet Secretary; and
 - (b) up to two percent of the monies to the Board for the administration of the Fund as may be approved by the Cabinet Secretary for the time being responsible for the National Treasury on the recommendation of the Cabinet Secretary.

(No. 07) **WEDNESDAY, FEBRUARY 21, 2024** (043)

(5) The Third Schedule may be amended by notice in the *Gazette*.

Five-year affordable housing investment programme.

11A. (1) The Board shall develop a five-year affordable housing investment programme every five years.

(2) The Board shall submit the affordable housing investment programme referred to in subsection (1) to the Cabinet Secretary and the Cabinet Secretary for the time being responsible for the National Treasury for onward transmission to the Cabinet for approval.

(3) Upon approval of the affordable housing investment programme by the Cabinet, the Cabinet Secretary shall submit the approved affordable housing investment programme to the National Assembly.

Annual investment programme.

11B. (1) The Board shall prepare an annual investment programme drawn from the five-year affordable housing investment programme which shall include—

- (a) the proposed affordable housing projects;
- (b) the proposed institutional housing projects;
- (c) the proposed allocation of monies out of the Fund;
- (d) the proposed implementing agencies as set out in the Third Schedule.

(2) The Board shall submit the annual investment programme referred to in subsection (1) to the Cabinet Secretary.

(3) The Cabinet Secretary shall submit the annual investment programme to the National Assembly for approval before disbursing funds out of the Fund.

CLAUSE 12

THAT, clause 12 of the Bill be amended –

(a) in sub clause (3) (e) by inserting the words “through a competitive process” immediately after the word “appointed”;

(b) by inserting the following new subclause immediately after subclause 4—

“(4A) In appointing the members of the Board, the Cabinet Secretary shall—

- (a) ensure that not more than two-thirds of the members are of the same gender;
- (b) take into account regional balance;
- (c) consider special and marginalized groups including youth, women and persons with disability.”

CLAUSE 13

THAT, clause 13 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

“(1) The object and purpose for which the Board is established is to oversee the development of affordable housing, institutional housing and associated social and physical infrastructure in Kenya.”

(b) in subclause (2)—

(i) in paragraph (a) by deleting the words “maintenance, rehabilitation and” and inserting the words “,institutional housing” immediately after the words “affordable housing”;

(ii) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) based on a five-year affordable housing investment programme and annual affordable housing investment programme, determine the allocation of financial resources required for the development of the affordable housing projects, institutional housing and associated social and physical infrastructure;”

(iii) by deleting paragraph (e);

(iv) by deleting paragraph (f);

(v) in paragraph (i) by deleting the words “, rehabilitation and maintenance” and inserting the words “, institutional housing” immediately after the words “and projects”

CLAUSE 14

THAT, clause 14 of the Bill be amended in sub clause (1) by deleting the words “housing, banking” and substituting therefor the words “built environment, finance”.

CLAUSE 21

THAT, clause 21 of the Bill be amended by deleting sub clause (2) and substituting therefor the following new clause—

“(2) A person qualifies to be appointed as the Chief Executive Officer if that person—

(a) holds a degree from a university recognized in Kenya;

(b) has at least ten years’ experience in a managerial capacity in built environment, finance, or law.”

CLAUSE 22

THAT, clause 22 (2) of the Bill be amended—

- (a) by deleting paragraph (b) and substitute therefore the following new paragraph-
 (b) preparing the annual work plan for the Fund for approval by the Board;

(b) by inserting the following new paragraphs after paragraph (j)–

- “(ja) subject to approval of the Board, authorise withdrawals out of the Fund;
- (jb) ensure that money held in the Fund, including any earnings or accruals is spent only for the purpose for which the Fund is established;”

NEW PART

THAT, the Bill be amended by inserting the following part immediately after Part III-

PART IIIA—IMPLEMENTATION OF THE AFFORDABLE HOUSING

Allocation of land. **29A.** The provisions of the Land Act, 2012 shall apply with regard to allocation of national or county government land.

Agreement with national government agency. **29B.** (1) The Fund may appoint a national government agency to develop affordable housing units and the associated social and physical infrastructure.

(2) Subject to the Public Finance Management Act, 2012, the Fund may disburse such monies to the national government agency for the performance of the functions under sub-section (1).

Agreement for institutional housing. **29C.** The Fund may enter into an agreement with a public institution for -
 (a) the development of institutional housing units; and
 (b) the repayment of the monies paid out of the Fund for the development of the institutional housing units.

Agreement with private institutions. **29D.** The Fund may enter into an agreement with a private institution to develop and construct affordable housing units and the associated social and physical infrastructure.

Agreement for financing **29E.** (1) The Fund may enter into an agreement with any approved institution or mortgage scheme to provide financing for the off-take of affordable housing units.

(2) Subject to the Public Finance management Act, 2012, the Fund may disburse such monies to the approved institution as may be necessary for the performance of the function under sub-section (1).

Community support **29F.** 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;
- (c) where a project is near a university or technical vocational institution ensure that the students get internships or practical experience from the projects where affordable housing projects are carried out.

CLAUSE 30

THAT, the Bill be amended by deleting clause 30 and substituting therefor the following new clause-

Eligibility criteria **30.** A person or body corporate shall be eligible to be allocated an affordable housing unit subject to the requirements under section 31.

CLAUSE 31

THAT, clause 31 be amended-

(a) in subsection (1) by deleting the words “ to the relevant agency in a manner specified by that agency” and substitute therefor the words “to the Board in the specified manner.”

(b) in subsection (2) by-

(i) deleting paragraph (a) and substituting therefor the following new paragraph (a)

—

(a) proof of requisite deposit as maybe prescribed by the Cabinet Secretary;

(ii) inserting the words “or such other form of identification as may be prescribed by the Cabinet Secretary” immediately after the word “identity card” in paragraph (b);

(iii) inserting the following new paragraph immediately after paragraph (b)-

(ba) copy of incorporation certificate in the case of a body corporate;

(c) in subsection (3) deleting the words “relevant agency” and substitute therefor the word “Board”.

CLAUSE 32

THAT, clause 32 of the Bill be amended by deleting the words “relevant agency “ and substitute therefor the word “Board”, wherever it appears.

CLAUSE 33

THAT, the Bill be amended by deleting clause 33.

THAT, the Bill be amended by deleting clause 34.

CLAUSE 35

THAT, the Bill be amended by deleting clause 35.

CLAUSE 36

THAT, the Bill be amended by deleting the words “as follows—

- (a) for social housing units, up to three percent or an administrative fee of an equivalent amount;
- (b) for affordable housing units, up to three percent or an administrative fee of an equivalent amount; and
- (c) for affordable market housing units, up to nine percent or an administrative fee of an equivalent amount.”

and substituting therefor the words “at such rate as maybe prescribed by the Cabinet Secretary.”

CLAUSE 37

THAT, the Bill be amended by deleting clause 37.

CLAUSE 38

THAT, the Bill be amended in clause 38 by –

- (a) deleting the word “ an agency” in subsection (1) and substitute therefore the word “ the Fund”;
- (b) deleting the word “An agency” appearing in subsections (2) and (3) and substituting therefore the words “The Administrator of the Fund”.

CLAUSE 39

THAT, clause 39 be amended by deleting subsection (4).

CLAUSE 40

THAT, the Bill be amended by deleting clause 40 and substituting therefor the following new clause—

Misappropriation of funds of the Fund.

40. (1) A person commits an offence if the person misappropriated any funds or assets of the Fund, or assists or causes any person to misappropriate or apply the funds otherwise than in the manner provided in this Act.

(2) A person who contravenes the provisions of subsection (1) shall be liable, on conviction—

- (a) to a fine not exceeding ten million shillings or imprisonment of a term not exceeding five years, or to both; and
 - (b) an additional mandatory fine if, as a result of the conduct that constituted the offence, the person received a quantifiable benefit or any other person suffered a quantifiable loss.
- (3) The mandatory fine referred to in subsection (2)(b) shall be determined as follows—
- (a) the mandatory fine shall be equal to two times the amount of the benefit or loss described in subsection (2)(b);
 - (b) if the conduct that constituted the offence resulted in both a benefit and loss described in subsection (2)(b), the mandatory fine shall be equal to two times the sum of the amount of the benefit and the amount of the loss.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 40—

Other offences.

- 40A.** (1) A person commits an offence if the person--
- (a) fails to give information or gives inaccurate or misleading information or falsifies information or misrepresents information required under this Act;
 - (b) having possession of, or control over, or access to any documents, information, returns or forms relating to applications or granting of loans, communicates anything contained therein—
 - (i) to any person other than a person to whom he is authorized by the Board to communicate it; or
 - (ii) otherwise than for the purposes of this Act.
- (2) A person who contravenes the provisions of subsection (1) shall be liable, on conviction to a fine not exceeding ten million shillings or imprisonment of a term not exceeding five years, or to both.

CLAUSE 42

THAT, clause 42 (2) of the Bill be amended by inserting the following new paragraphs immediately after paragraph (a)-

(ab) requisite deposit for the housing under section 31(2);

(ac) identification documents under section 31;

(ad) regulations under Part IIIA.

CLAUSE 43

THAT, the Bill be amended in clause 43 by deleting subsection (1) and substituting the following subsection-

(1) The Acts specified in the First column of the second schedule are amended in the manner specified in the second column.

NEW SCHEDULES

THAT, the Bill be amended by renumbering the existing schedule as “First Schedule” and inserting the following news schedule immediately the “First Schedule”-

SECOND SCHEDULE

(s. 43)

CONSEQUENTIAL AMENDMENTS

ACT

SECTION

AMENDMENTS

The Employment Act (No. of 2007) S. 31B

Repeal

s. 31C

Repeal

The Income Tax Act (Cap. 470) s. 15 (2)

Insert the following new paragraph immediately after paragraph (g)-

(ga) expenditure incurred by a person carrying on a business in payment of Affordable Housing Levy as provided under section 5 (b) of the Affordable Housing Act, 2024

s. 30A

Insert the following subsection immediately after sub-section (1)-

(1A) A resident individual who proves that in a year of income, the individual paid the affordable housing levy, shall for that year of income be entitled to the affordable housing relief

Third Schedule, paragraph 9 Delete the word “three” and substitute therefor with the words one point five”

The Kenya Revenue Act (No.2 of 1995)

First Schedule, Part II Insert the following paragraph immediately after paragraph 14;

“15. The Affordable Housing Act, 2024”

THIRD SCHEDULE

(s. 11)

LIST OF AGENCIES FOR IMPLEMENTING THE AFFORDABLE HOUSING PROGRAMMES AND PROJECTS

1. County governments.
2. National Housing Corporation.
3. The Kenya Slum Upgrading, Low-Cost Housing and Infrastructure Trust Fund established under the Government Financial Management (Kenya Slum Upgrading, Low-Cost Housing and Infrastructure Trust Fund) Regulations 2006.
4. State Department responsible for matters relating to affordable housing.
5. National Social Security Fund.
6. The private sector agencies as may be approved by the Board to support affordable housing and institutional housing.

2) Notice is given that the Member for Githunguri (Hon. Gathoni Wamuchomba) intends to move the following amendments to the Affordable Housing Bill, 2023 at the Committee Stage—

TITLE

THAT, the title of the Bill be amended by inserting the word “SOCIAL” immediately after the word “AFFORDABLE”.

CLAUSE 2

THAT, clause 2 of the Bill be amended—

(a) in subclause (1)—

- (i) by deleting the definition “Levy”;
- (ii) by deleting the definition “Board”;
- (iii) by deleting the definition “Chief Executive Officer”;
- (iv) by inserting the following definition in its proper alphabetical sequence—
“Corporation” has the meaning assigned to it under the Housing Act;

(b) in subclause (2)—

- (i) in paragraph (b) by deleting the words “thirty-six” appearing immediately after the words “a plinth area of between” and substituting therefor the words “thirty”;
- (ii) by deleting paragraph (c).

CLAUSE 3

THAT, clause 3 of the Bill be amended in subclause (1) by deleting paragraph (c).

CLAUSE 4

THAT, clause 4 of the Bill be deleted.

CLAUSE 5

THAT, clause 5 of the Bill be deleted.

CLAUSE 6

THAT, clause 6 of the Bill be deleted.

CLAUSE 7

THAT, clause 7 of the Bill be deleted.

CLAUSE 9

THAT, clause 9 of the Bill be amended by deleting paragraph (a).

CLAUSE 11

THAT, the Bill be amended by deleting clause 11 and substituting therefor the following new clause—

Allocations out of
the Fund.

11. The National Housing Corporation may allocate out of the Fund—

- (a) seventy percent of the monies to the development, maintenance, rehabilitation and off-take of social housing units;
- (b) twenty six percent of the monies to the to the development, maintenance, rehabilitation and off-take of social housing units;
- (c) up to two percent of the monies to the collector for the collection of the Levy as may be approved by the Cabinet Secretary for the time being responsible for the National Treasury on the recommendation of the Cabinet Secretary; and
- (d) up to two percent of the monies to the National Housing Corporation for the administration of the Fund as may be approved by the Cabinet Secretary for the time being responsible for the National Treasury on the recommendation.

CLAUSE 12

THAT, clause 12 of the Bill be deleted.

CLAUSE 13

THAT, clause 13 of the Bill be deleted.

CLAUSE 14

THAT, clause 14 of the Bill be deleted.

CLAUSE 15

THAT, clause 15 of the Bill be deleted.

CLAUSE 16

THAT, clause 16 of the Bill be deleted.

CLAUSE 17

THAT, clause 17 of the Bill be deleted.

CLAUSE 18

THAT, clause 18 of the Bill be deleted.

CLAUSE 19

THAT, clause 19 of the Bill be deleted.

CLAUSE 20

THAT, clause 20 of the Bill be deleted.

CLAUSE 21

THAT, the Bill be amended by deleting clause 21 and substituting therefor the following new clause—

Administrator
of the Fund.

21. (1) There shall be an administrator of the Fund who shall be competitively recruited and appointed by the National Housing Corporation, in consultation with the Cabinet Secretary, on such terms and conditions of service as shall be specified in the instrument of appointment or otherwise in writing from time to time.

(2) A person qualifies to be appointed as the Administrator of the Fund if that person has at least ten years' experience in a managerial capacity in affordable housing matters, finance, investment, or the banking sector.

CLAUSE 22

THAT, the Bill be amended by deleting clause 22 and substituting therefor the following new clause—

Functions of the
Administrator of the
Fund.

22. The Administrator of the Fund shall—

- (a) supervise and control the day-to-day administration of the Fund;
- (b) receive the annual work plans and the five-year affordable housing investment programmes and recommend the same to the Corporation for approval;
- (c) open and operate the accounts of the Fund with the approval of the Corporation and the National Treasury;
- (d) prepare estimates of annual revenue and expenditure of the Fund and submit to the Corporation for approval;
- (e) advise the Corporation on matters relating to the administration of the Fund;
- (f) co-ordinate the monitoring and evaluation of affordable housing projects and programmes financed from the Fund;
- (g) keep books of accounts and other books and records in relation to the Fund of all activities and undertakings financed by the Fund;
- (h) be the custodian of the assets, property, and equipment of the Fund;
- (i) establish proper systems of internal control and management in accordance with provisions of the relevant laws;
- (j) prepare, in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Fund and showing the expenditure incurred from the Fund in accordance with the Public Audit Act, 2015; and
- (k) undertake any other duty the Corporation may assign in furtherance of the objects and purpose of the Fund.

CLAUSE 26

THAT, clause 26 of the Bill be deleted.

CLAUSE 27

THAT, clause 27 of the Bill be deleted.

CLAUSE 28

THAT, clause 28 of the Bill be deleted.

CLAUSE 29

THAT, clause 29 of the Bill be deleted.

CLAUSE 36

THAT, clause 36 of the Bill be amended by deleting paragraph (c).

CLAUSE 39

THAT, clause 39 of the Bill be amended by deleting subclause (4).

CLAUSE 40

THAT, clause 40 of the Bill be amended in paragraph (c) (i) by deleting the word “Board appearing immediately after the words “authorized by the” and substituting therefor the word “Corporation”.

CLAUSE 42

THAT, clause 42 of the Bill be amended in subclause (1) by deleting the word “Board” appearing immediately after the words “in consultation with the” and substituting therefor the word “Corporation”.

SCHEDULE

THAT, the Schedule to the Bill be deleted.

3) Notice is given that the Member for Seme (Hon. (Dr.) James Nyikal) intends to move the following amendments to the Affordable Housing Bill, 2023 at the Committee Stage—

CLAUSE 4

THAT, clause 4 of the Bill be amended—

- (a) in subclause (2) by deleting the word “gross” and substituting therefor the word “net” appearing in paragraph (a); and
- (b) in subclause (3) by deleting the words “gross salary” appearing immediately after the words “in which the” and substituting therefor the words “net salary.”

CLAUSE 5

THAT, clause 5 of the Bill be amended in paragraph (a) by deleting the word “gross” appearing immediately after the words “from the” and substituting therefor with the word “net.”

CLAUSE 6

THAT, clause 6 of the Bill be deleted.

CLAUSE 14

THAT, clause 14 of the Bill be amended by deleting subclause (1) and substituting therefor the following new clause—

- (1) A person qualifies to be appointed as the Chairperson of the Board if that person—
- (a) holds a degree from a university recognized in Kenya.
 - (b) has experience in matters relating to housing, built environment, banking, finance or law.”

CLAUSE 27

THAT clause 27 of the Bill be amended in sub–clause (1) by inserting the words “,in consultation with the Salaries and Remuneration Commission,” immediately after the words “ on such terms and conditions of service as the Board may.”

CLAUSE 31

THAT, clause 31 of the Bill be amended in subclause (2) by deleting paragraph (a).

CLAUSE 32

THAT, the Bill be amended by deleting clause 32.

CLAUSE 36

THAT, clause 36 of the Bill be amended in paragraph (c) by deleting the word “nine” appearing immediately after the words “up to” and substituting therefor the word “three”.

CLAUSE 38

THAT, the Bill be amended by deleting clause 38.

CLAUSE 41

THAT, the Bill be amended by deleting clause 41.

CLAUSE 42

THAT, clause 42 of the Bill be amended in subclause (2) by deleting paragraph (a).

4) Notice is given that the Member for Turkana South (Hon. (Dr.) Ariko Namoit) intends to move the following amendments to the Affordable Housing Bill, 2023 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended—

(a) in subclause (1)—

(i) in the definition “collector” by deleting paragraph (b);

(ii) by deleting the definition “affordable housing” and substituting therefor the following new definition—

“affordable housing” means housing that is adequate and costs not more than thirty percent of the income of a person or household per month to rent or acquire;

(b) by deleting subclause (2).

CLAUSE 4

THAT, clause 4 of the Bill be amended—

(a) in subclause (2) by deleting the word “gross” and substituting therefor the word “net” appearing in paragraph (a).

(b) in subclause (3) by deleting the words “gross salary” appearing immediately after the words “in which the” and substituting therefor the words “net salary.”

CLAUSE 5

THAT, clause 5 of the Bill be amended in paragraph (a) by deleting the word “gross” appearing immediately after the words “from the” and substituting therefor with the word “net.”

CLAUSE 7

THAT, clause 7 of the Bill be deleted.

CLAUSE 11

THAT, the Bill be amended by deleting clause 11 and substituting therefor the following new clause—

Allocations out of the Fund.

11. The Board may allocate out of the Fund—

(a) thirty percent of the monies to be allocated for the development, maintenance, rehabilitation and off-take of affordable housing housing programmes and projects;

(b) thirty six percent of the monies to be allocated to the State Department responsible for matters relating to affordable

housing for the development, maintenance, rehabilitation and offtake of institutional housing programmes and projects approved by the Cabinet;

- (c) thirty percent of the monies to the county governments for the development, maintenance, rehabilitation and off-take of affordable housing programmes and projects;
- (d) up to two percent of the monies to the collector for the collection of the Levy as may be approved by the Cabinet Secretary for the time being responsible for the National Treasury on the recommendation of the Cabinet Secretary; and
- (e) up to two percent of the monies to the Board for the administration of the Fund as may be approved by the Cabinet Secretary for the time being responsible for the National Treasury on the recommendation of the Cabinet Secretary.

CLAUSE 31

THAT, clause 31 of the Bill be amended in subclause (2) by deleting paragraph (a).

CLAUSE 36

THAT, clause 36 of the Bill be deleted.



LIMITATION OF DEBATE

The House resolved on Wednesday, February 14, 2024 as follows—

Limitation of Debate on Bills sponsored by Parties or Committees

III. THAT, each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows: A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Limitation of Debate on Other Committee Reports

IV. THAT, each speech in a debate on **Other Committee Reports**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Limitation of Debate on Audit Committee Reports

V. THAT, each speech in debate on **Reports of Audit Committees** be limited as follows: A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

NOTICE PAPER

Tentative business for **Thursday, February 23, 2024**

(Published pursuant to Standing Order 38(1))

It is notified that the following business is *tentatively* scheduled to appear in the Order Paper for Thursday, February 23, 2024 –

A. COMMITTEE OF THE WHOLE HOUSE

The Affordable Housing Bill (National Assembly Bill No. 75 of 2023)
(The Leader of the Majority Party)

(If not concluded on Wednesday, February 21, 2024 – Afternoon Sitting)

B. MOTION – REPORT OF THE NATIONAL DIALOGUE COMMITTEE

(The Leader of the Majority Party and the Leader of the Minority Party)

(If not concluded on Wednesday, February 21, 2024 – Afternoon Sitting)

C. MOTION – REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT MINISTRIES, DEPARTMENTS AND AGENCIES FOR THE FINANCIAL YEAR 2020/2021

(The Chairperson, Public Accounts Committee)

(If not concluded on Wednesday, February 21, 2024 – Afternoon Sitting)

D. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 68 OF 2023)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, February 21, 2024 – Afternoon Sitting)

E. THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2023)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, February 21, 2024 – Afternoon Sitting)

F. THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILL NO. 11 OF 2022)

(The Chairperson, Departmental Committee on Labour)

Second Reading

(If not concluded on Wednesday, February 21, 2024 – Afternoon Sitting)

G. THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILL NO. 6 OF 2022)

(The Chairperson, Departmental Committee on Environment, Forestry and Mining)

Second Reading

(If not concluded on Wednesday, February 21, 2024 – Afternoon Sitting)

H. THE PETITIONS TO PARLIAMENT (PROCEDURE) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 51 OF 2022)

(The Chairperson, Procedure and House Rules Committee)

Second Reading

(If not concluded on Wednesday, February 21, 2024 – Afternoon Sitting)

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

(The Chairperson, Departmental Committee on Regional Development)

Second Reading

(If not concluded on Wednesday, February 21, 2024 – Afternoon Sitting)

J. MOTION – REPORTS OF THE AUDITOR-GENERAL ON TWENTY-THREE NON-COMPLIANT STATE CORPORATIONS

(The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture)
