

A CRITICAL REVIEW OF HOUSING DELIVERY IN NAIROBI: DIFFERENT ACTORS - DIFFERENT SOCIO-ECONOMIC GROUPS

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Abstract

This research was undertaken by means of qualitative ethnographic method. The arguments in this paper underlie the important role of the different actors in private tenement housing delivery in a developing city such as Nairobi, where more than half the population is poor. In Nairobi the private tenement housing delivers both conventional as well as non-conventional housing with the majority of the poor being able to access only the later. Non-conventional housing includes the informal as well as the slum. Although still targeting the poor, with time, the majority of what started as non-conventional housing undergoes greater physical development. This process ensures access to enough affordable low-income housing. Development in housing delivery has been supported by the government through encouraging creation of relevant housing institutions, developing relevant byelaws and regulations and putting in place an appropriate framework for housing delivery. For a developing city encouraging the participation of the private sector in housing delivery for the different socio-economic groups is a sure guarantee of providing housing for a large percentage of the population.

Key Words

Tenement, affordable housing, housing delivery, Nairobi

Introductory Background

From 2004, the government of Kenya redefined its role in housing delivery (Government of Kenya, 2003; Government of Kenya, 2006). This has been through the different ways for example coming up with a new housing policy after a hiatus of forty years. The government of Kenya supports different means of housing delivery. The latest of which is the recent reenactment of the grade two building byelaws and regulations for the development of slums, developing relevant acts of parliament, developing policies, and providing the necessary political goodwill.

Before 2003 successive regimes in Kenya were unwilling to allocate housing the necessary importance that it deserves. The responsibility of the delivery of housing for the public servants has always been moved between the different government ministries. The only other time that the department would be involved would be during the formulation of the government documents on housing.

From 2003 onwards, the government has shown its commitment to housing, which was

recognized as a key area in development. The government has changed its role to that of an enabler, partner and catalyst in the housing delivery process (Central Bureau of Statistics, 2002; Government of Kenya, 2003; Government of Kenya, 2006).

The government's involvement in housing development has taken different includes formulating a new housing policy that was released in 2004, developing a housing act which is awaiting a cabinet discussion, and embarking on upgrading slums and urban informal settlements under Kenya Slum Upgrading Program (KENSUP). The project is being realized in *Kibera*, an informal settlement for an estimated population of 750,000. Through KENSUP the government seeks to improve living

standards of an estimated 5.4 million Kenyans who live and work in the slums and urban informal settlements, which is more than 60 percent of the urban population (Government of Kenya, 2003; UN-Habitat, 2003).

This new housing role of the government of Kenya is clearly stated in the 2006 housing policy (Government of Kenya, 2003; Government of Kenya, 2006). The government is to be concerned with nurturing an environment that would prompt potential investors to engage in housing delivery. This includes facilitating the private sector by enacting relevant parliamentary acts on housing and finance, promoting housing development, and enabling both the low and middle income to access housing.



Figure 1: *Mathare 4A* development to the far right upper corner and on the background to the far left jointly by the Catholic Church and the government (Source: C. C. Ochieng).

There is an ongoing debate on providing a ten-year tax haven for those who invest in the delivery of mass housing and also developing policies to facilitate the main housing acts. However some clauses of the Land Acts are perceived to be irrelevant to the socio-economic situation and others such as the 1968 building byelaws and regulations are outdated. They lay emphasis on standards.

The awaited housing act aims at creating an institution that would be a one-stop housing delivery agent on behalf of the government (Government of Kenya, 2006). It will replace the current housing act CAP117 of the laws of Kenya that mainly covers the operations of the National Housing Co-operation (NHC), a state owned body. Also, the government has embarked on redeveloping affordable low-income mass housing across several settlements especially within Nairobi (Ochieng, 2007).

The government has at its disposal all the necessary instruments and or institutions that would assist people in housing delivery including the appropriate arm of the regular government and or the community that should be consulted. The latter are selected persons in the settlement who are perceived to be articulate and will truly represent the needs of the community.

Notable development within Nairobi where the government has been involved includes a project that was initiated by the Slum Dwellers International (SDI) that is currently being constructed in three different informal settlement places (Figures 2 and Figure 3). In order for the government to be effective, its role should be limited to that of an enabler,

promoting those whom are beneficial while curtailing others with shortcoming.



Figure 2: On-going redevelopment to replace the informal housing in *Kahawa Soweto* (Source: C. C. Ochieng).



Figure 3: Ongoing redevelopment to replace the informal housing in *Kambi Moto, Huruma* (Source: C. C. Ochieng).

Methodology

A qualitative case study was used for data collection. The method was used because it enables researchers to evaluate and also to explain housing delivery. Combined methods were used over a period of several months to collect the data. These involved archival research, sketching, photography and discussions. Those discussed with included building consultants, building material retailers, council officials, and community leaders aka *Wazee wa vijiji*.

During 2006 the researchers spent six months for different periods in selected conventional and non-conventional private tenement housing. With time the researchers would sometimes spend a whole day in the field. With time the researchers were accepted as part of the community. In some of the cases especially in the informal housing an opportune moment to meet with the residents was during the evening when they would be in the local drinking places. At times the researchers would offer to buy the beer.

Upon returning home from the data collection, the researchers would immediately embark on the interpretation of the data. In this way, issues arising were easily followed through during the next exercise. The analyzed data has been presented in a narrative form.

Supporting the Private Sector to Deliver Housing

Four kinds of housing delivery systems that are active in Nairobi are the private tenement; individual developers; conventional; and the

non-conventional. While the rest of these deliver between 20,000 and 30,000 houses annually it is estimated that the non-conventional housing delivers 120,000 plus houses. The government supports this type of delivery.

Private Tenement Housing

These are houses that are for rent and are delivered by both private as well as government agencies. Depending on the economic abilities, one has a choice for rental. While single room units with shared facilities are common, there are tenement houses with multiple rooms that are meant for the different domestic activities.

In Nairobi, the majority of these are located to the east of the city. It is here where a large part of the population and especially the poor are settled (UN-Habitat, 2003). These have been 'transformed into multi-storey tenement districts with densities far outstripping their 19th century counterparts in cities like New York, Glasgow or Berlin. What Nairobi's tenements share with the historical, private, working class tenements of these cities is a particular pattern of landlordism and investment decision, which is unlike the rental housing documented of the developing world' (Huchzermeyer, 2006:10).

While there are those tenement housing such as *Zimmermann* and *Tena* (Figure 4) all in Nairobi that have developed from a humble beginning, others such as *Mathare North* (Figure 5) have had their beginning in the informal housing redevelopment (Syagga, Mitullah and Karirah-Gitau, 2002). With these some of the original units have undergone physical and incremental improvement in quality over the years. The majority of what began as a low-rise adobe building has over the years been

transformed into high-rise blocks that are built out of industrial building materials.

Socio-economic surveys of tenement houses show that for those that started as a result of informal housing redevelopment, the majority of the housing is still targeted at those within the low income group. With a few exceptions, persons from the middle-income group target tenement housings that started from a humble beginning.

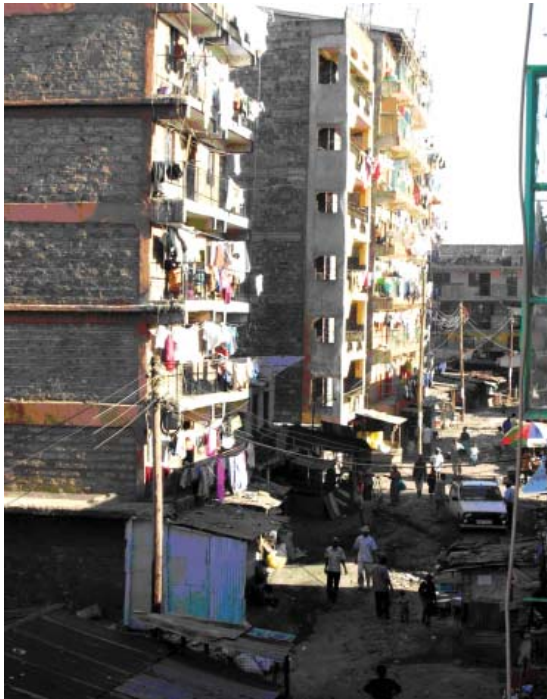


Figure 4: In this apartment that is seven floors high the building bye- laws and regulations are not followed (Source; Huchzermeyer, M. 2006: 11).



Figure 5: Private tenement housing in *Tena* targeting the middle income group- the housing started from a humble beginning (Source; C. C. Ochieng)



Figure 6: Private tenement houses on the background that are as a result of redeveloping the informal housing that is in the foreground. (Source: C. C. Ochieng). Although there is this socio-economic difference in the tenants of private tenement housing, there are factors that apply across especially with the typology. This is an indication of the government having lost control of an opportune moment in controlling building standards.

In old settlements such as *Mathare North* there are houses that have been constructed without the necessary building permit and where there is a permit, monitoring of the ongoing construction by the council is lacking (Figure 6). Requirements are disregarded in favor of cutting costs, for example, although it is mandatory that buildings that exceed five floors have an elevator the building element is missing.

Most tenement houses or the affordable low-income individual units are accessed through a narrow double loaded corridor that in most cases is poorly lit and rarely if at all ventilated. On either side of this would be single rooms that are of same character. An average of four households would occupy a room (Central Bureau of Statistic, 2001). Each floor is marked by a water point, a separate single toilet and a shower to be shared between an average numbers of approximately twelve households per floor.

In the majority of the settlements promiscuous lifestyle is rife. For example, an illegal illicit drinking joint, a retail shop and family living rooms would be within the same block or at best neighbors. Public officers are easily compromised to ignore the vice.

In middle income tenement houses there is a slightly improved situation. Firstly there is a choice in the number of rooms per housing unit that one may rent. These range between single rooms that have the necessary cooking and wet facilities to five-roomed units. Still, densification is the order of the day. For the private tenement housing, demand has taken control of the process with no spaces being left to accommodate any necessary services such as the sewer line.

The case of *Zimmerman* a private tenement housing that is occupied by both the low income persons and likewise those in the lower middle income persons is a further example of how government can loose control of private housing. This was among the first large-scale private tenement housing development where the government had given the full mandate to private developers. In order for it to take the direction that private tenement developed housing has taken, the government intentionally did not monitor the construction process. This resulted in a disastrous situation. The byelaws were not followed. For example, construction of houses was undertaken on some of the way-leaves. Due to lack of development control, the entire settlement is crime prone with regular muggings.

More than 75 percent of residents of the affordable low-income tenement housing did not know the identity of their landlord. Both the collection of the rent and the management of the building were undertaken by agents who are usually residents within the same housing block.

Private tenement housing is a major housing delivery. Housing delivery by the private sector has helped to improve the housing supply for both the poor and the middle-income persons. Laxity of the government officials to enforce the requirements coupled with the greater profits from this housing has lured investors to invest on the sector and to provide options.

Conventional Housing Deliverers

During the sixties and after that several private housing institutions were established under the Building Societies Act (Syagga, Mitullah and

Gitau, 2001). Except for the East African Building Society (EABS) and the Housing Finance (HF) none of these exist any longer. While some have gone under, others for example Equity Building Society and Family Finance Building society have since been applied and been allowed to become banks. Housing Finance of Kenya is publicly owned. Currently, Commonwealth Development Corporation (CDC) a shareholder is bent on the disposing of the public shares to a private investor. CDC is a public liability company that is registered in England and Wales. To date they are still unable to find a suitable investor.

Outside the building institutions, in the mainstream financial sector there has been a great paradigm shift. Commercial banks such as the multinational Barclays, Kenya Commercial Bank and *Stanbic Bank* have since each embarked on mortgage schemes for interested borrowers. By offering manageable mortgage terms that would not require the borrower to raise the usual 20 percent of the required sum, the banks were trying to lure potential borrowers. With housing institutions, it is a basic requirement that the potential borrower should raise twenty percent of the required sum. *Stanbic* has revolutionized the housing mortgage market instead by giving the total amount of the cost.

According to the information from both EABS and HF, they only cater for people who can have regular income. Their minimum conditions are that those applying for mortgage should have the twenty percent down payment, introduction letter from the employer, life insurance, a certified bank statement to show that one is a regular saver, four percent stamp

duty, stamp duty, and legal fees among others.

They give mortgage for purchase of a house, construction of a new house, and finishing of a construction already begun. They target both individuals as well as established entities. Their mortgage is repaid between 5-20 years at an interest rate of between 15 – 17 percent per year (HFK and EABS sources).

Because of the stringent borrowing for example by HFK their housings in *Buru Buru* and in *Komarock* both initially meant to be affordable have ended up being afforded only by the middle income persons or those with employer housing benefits. The conventional housing standards have ended up creating a mismatch between those in the targeted group and the houses (Turner, 1976). For example selling price for the latest phase in *Komarock*, a project that is being sponsored by HF is currently two million two hundred Kenya shillings (US\$ 31428.57). This is the latest in a series of large scale conventional housing that is being undertaken by the HF. Borrowers are expected to repay at roughly thirty thousand Kenya shillings a month (US\$ 428.57) in a country where majorities of workers earn less than five thousand Kenya shillings a month (US\$ 71.43), and more persons can afford to live on only seventy Kenya shillings (US\$ 1) a day. More than 55 percent of Nairobi's population lives in abject poverty.

Although the commercial banks have entered the housing market, their lending terms and conditions are almost similar to the ones that are required by the housing finance institutions. These are still out of reach of the majorities of the Kenyans. In a country where poverty is

at a very high value terms and conditions of conventional housing has pushed this sector out of the reach of majorities. At the moment, there are far too many institutions that are after the very few capable borrowers.

Non-Conventional Housing Deliverers

A few organizations such as the National Cooperative Housing Union (NACHU), National Christian Council of Kenya (NCCCK) and *Pamoja Trust* are involved in housing delivery especially for the socio-economically disadvantaged groups (HRDU, 1988). To achieve their housing aim, these non-profit organizations undertake negotiations on behalf of their clients with the relevant authorities for terms, standards and other lending conditions that would favor housing.

NACHU is an umbrella housing organization for numerous cooperative movements that have registered with it. It delivers houses to those from disadvantaged socio-economic backgrounds as well as to those in the middle-income socio-economic group (Syagga, Mitullah and Gitau, 2001). The former targets both the employed as well as those who are engaged in the informal sector. Through this organization, affordable low-income housing has been delivered to different organized urban groups. On the other end of the socio-fiscal scale, housing has also been delivered to medical doctors' cooperative union in two places both in Nairobi's up market area.

In Nairobi, *Pamoja Trust* a non-profit making organization is involved with delivery of housing to some of the socio-economically disadvantaged urban communities. It draws its seed funding from donors, such as the Swedish International Development Association (SIDA), Homeless International and Slum Dwellers

International (SDI) among others. Through a gradual saving process the community raises large sums of the money. Its approach to housing involves assisting with land acquisition and offering of technical support. In Nairobi, the organization has been involved assisting people to build their houses. So far a total of sixty housing units have been delivered (Figure 2 and Figure 3).

In a country such as Kenya where urban poverty rate is very high it is important that different delivery systems are encouraged. Non-conventional housing deliverers mainly concentrate in slums where the socio-economically disadvantaged communities are. Because of the large scale of these slums, impact of housing delivery from this type of system might not be significant.

Public Institutions That Assist with Delivery of Housing and Infrastructure

Before 2003, the government relied on external donation to assist with the delivery of houses and at times services and infrastructure. Examples of housing delivery that benefited from this approach includes, the five thousand conventional houses that were built in *Buru Buru* by the CDC; the site and service scheme by the World bank in *Dandora* and the conventional housing in *Umoja One* and *Two* by the United States Agency for International Development (USAID). In all the cases the main actor also engaged their own lead consultants.

With a change in global politics, the government realized the need to change its approach to housing delivery. It put in place some of the necessary institutions that would

among other roles support housing delivery. These includes, the Local Authority Transfer Fund (LATF); Community Development Fund (CDF); and Kenya Roads Board (KRB). They deliver infrastructure and services to selected parts of the town.

LATF regulation requires that the local government transfer a given amount of funds to each of the local authority. This is then used to provide some of the necessary infrastructure and services. Different stakeholders plan for the spending of this fund. Since roads are considered to be expensive they are rarely included in the LATF budget.

The CDF money is directly from the central government to the different parliamentary constituencies. Each of the constituency has its local appointed planning and budgeting committee. Local Member of Parliament majorities who have come to exploit this as a tool for campaign will make sure that only his henchmen are included. Projects favored would be those from zones where the politician would be perceived to be having greater support.

Some of the rural based constituencies have taken a serious approach to CDF planning. They have relied on this for delivery of services and infrastructure that were hitherto missing. Urban-based ones are yet to take the issue seriously.

For example towards the end of 2006, for example, all the four parliamentary constituencies that make up the *Nyeri* district within Mount Kenya region had agreed to channel all their CDF towards construction of a University in *Nyeri* town. This would benefit the

four constituencies. For these constituencies, the rest of the projects have been put on hold.

On the other end, urban-based constituencies are involved with petty projects such as construction of a public paying toilet. This will be in spite of the poor condition of majorities of access roads, lack of essential services and other necessary amenities (Figure 7).

The KRB fund is a huge one and is controlled by a board that is responsible for the distribution of this across the country. The distribution is done through the local council that is the body that is accountable to KRB. Both LATF and CDF budgeting is dominated by the local Member of Parliament. In Africa, politicians survive on sycophancy. They rarely fulfill their election promises. They would rather their constituents continue to live in a state of poverty.



Figure 7: Access road in *Embakasi* constituency where the committee has proposed for a public toilet (Source: C. C. Ochieng).

Government of Kenya Policy and Regulator Framework on Housing Delivery

Through the years the government of Kenya has been guided on its role in housing delivery by successive ad hoc documents *aka* seasonal papers and by the five tear development plans. Applications of these documents have been guided by the 1968 building byelaws and regulations. There is the newly created National Environmental Management Authority (NEMA) Act of parliament that became effective in 2002. Before commencement of any work on housing or any type of construction it is mandatory that NEMA approval is sought and obtained. Finally there is a proposed Housing Authority to be created under the Housing Act (Government of Kenya, 2006). This will oversee the entire housing delivery.

Before the release of the 2004 housing policy the only existing one was the 1966/67 housing policy that had been put in place by Charles Abrams through the sponsorship by the United Nations. This has since been overtaken by pace of developments.

In the 2004 housing policy the government's role has been restated (Government of Kenya, 2003). It will limit its participation to that of an enabler. Also, it lays emphasis on sustainability.

In terms of the regulatory framework, there are the necessary building byelaws and regulations that are outdated. These are for adoption by the local authorities. The 1968 building byelaws and regulations are outdated. They are standard oriented and are outdated. They prescribe very high standards that are out of touch with the social and economic condition

of more than fifty percents Kenyans who live in abject poverty and would rather prioritize their housing needs (Turner, 1976). For some, high standards in terms of construction materials for the house would rather take a back seat while other urgent matters, such as school fees are being sorted out. Oriented and are out of touch with the social and economic condition of more than fifty percents Kenyans who live in abject poverty and would rather prioritize their housing needs (Turner, 1976). For some, high standards in terms of construction materials for the house would rather take a back seat while other urgent matters, such as school fees are being sorted out. Also, there are the 2003 grade two building byelaws and regulations. They recommend use of materials that would seem to be of lower quality and are targeted to help with the redevelopment of both slums and informal housing.

No local council has adopted the grade two byelaws and building regulations. Settlements that would like to be considered for application of these should first seek a permit from the local council. In Nairobi, although the council has not yet adopted the use of grade two byelaws several settlements have successfully applied for the use of these (source, C. C. Ochieng was personally involved with the some of the settlements application). The negotiations for these can be time consuming and to a great extent the success requires a lot of political goodwill.

There is the unmitigated bureaucracy when seeking a building permit. Before one is allowed to commence construction, a minimum of two or more months may have elapsed from the date of making the first application for the

permit. It is a common practice that one may submit an application to the council more than once before being issued with a building permit.

For any mass housing, it is mandatory that a permit be sought both from the local council and likewise from NEMA. With the latter weighing the impact on the environment. Instances can be found where after the local council has issued the necessary permit, NEMA comes along and refuses.

In a recent case in 2006 the council issued a permit for the planning and construction of three thousand affordable low income housing units in *Kapiti* which is located on the outskirts of Nairobi, for a self-saving women's group. But NEMA refused to issue one. Being in the path of the migrating animals, the project would have affected negatively the wildlife migration path while also impacting negatively on the surrounding *Masai* community's social and cultural lifestyle.

The NHA is being introduced with the intent of increasing housing delivery. It has different roles. NHA has sweeping powers, for example it will be issuing the final permit that allows for construction to commence. This will complicate matters by causing a delay in the already inefficient system.

While aimed at controlling and facilitating the housing delivery the several regulatory frameworks for housing delivery that has been put in place by the government could end up hampering this. The long wait in the queue could end up destroying investment by those who would have borrowed from banks. It could discourage investors.

Traditional Vs. New Approaches to Measuring Delivery Performance

Traditional Approaches

Traditional way of measuring delivery performance has been usually informed by statistics. This has been especially the case in the west where delivery performance has been measured in terms of the physical number of houses that are constructed. Housing census drew its information on the actual number of houses that were constructed. At times statistics are obtained from the council, developers and retailers. The government relies on data from selected and reliable estate developers and other consultants who collect data on housing industry. In Kenya, those with data on housing delivery are firms such as Knight Frank and Tyson. These are among the leading in the market. They deliver housing both for the middle income as well as high-income earners. If any thing, they will keep the data on conventional housing where they have an interest. They lack the necessary tools that may bring out accurate data on housing across the different socio-economic groups especially with the informal housing and the slums. It is the assumption that those retailing building materials for example cement and timber clearly understand the destination of their sale.

It is a difficult task keeping statistics on the delivery of houses both in the slum and likewise within the informal settlements. Illegality and informality is rife. By appointing a government administrative official to be in charge of each of the settlement, it is easier for the government to monitor this sector. Dynamics within this type of housing is such that statistic information on them might not be readily available on a day-to-day basis.

The council also lacks the ability to track the development of informal and slums. So many housing are constructed outside the law. Those involved would rather not seek the necessary permit. In Nairobi alone, there are hundreds perhaps thousands of unauthorized high-rise apartments.

In settlements such as *Mathare North* there are a few constructions that have been issued with a building permit. Hundreds of high-rise apartments that are here lack the necessary permit for construction. The *Old Airport* road and its environs are strictly earmarked for construction of single dwelling units per parcel of land, yet there are hundreds of high-rise apartments yet to date, the council has not approved a single construction (Source, City Council of Nairobi, Forward Planning Department). Corruption has become the order of the day.

Statistics by the local government on housing are not reliable. They are based on count of those seeking to obtain the "certificate of occupation" or authority to occupy a new building. Compared to those who build houses, the number of the people who end up applying for the document is insignificant. The amount of red tape that is involved in the process is what prevents many from pursuing it. The housing statistic form is only given to those who would have applied for the "certificate of occupation." The council thus lacks a reliable data tool.

Absence of proper data on housing is evidence from the 2003 appeal by the Kenya Revenue Authority (KRA) for the landlords especially those in the slums to register information on their development with the authority. This would facilitate taxation. Housing records are thus

poorly kept.

Some of the New Approaches

A few of the new approaches includes those that gauge performance in housing delivery by looking at the household sizes; government subsidy; poverty eradication; and measuring of the level of livelihood both at the individual and also at the community level (Gilbert, Gugler, 1991; UNHCR, 1996; Linderberg, 2002).

First, rooming among relatives is an aspect of housing that is rarely if at all considered when taking statistics of housing (Gilbert, Gugler, 1991). The phenomenon is common in cities of the south especially in Southern Africa. Relatives and at times friends who hail from the same rural village may opt to live under one roof and to share some costs. The arrangement could last for a number of years. It is difficult to identify reasons that could be behind such an action. While finance could be one cause, at times social cultural needs may be the influence.

Second, an indirect commitment from the government can be measured by the level of the production of subsidized housing that is made accessible to the poor.

In *Pumwani*, Nairobi due to the high cost of the housing, members of the targeted group have declined to occupy the houses. It is the assumption that those retailing building materials for example cement and timber know the destination of whatever they would have offloaded into the market. The house thus ended up with those from the non-targeted socio-economic group who are the ones who may afford to pay the cost (Ochieng; 2007). For the very poor, a subsidy fails to clearly account for housing. It favors those who are able to afford.

Non-profit organizations such as CARE Kenya and UNDP has pioneered an approach that measures housing delivery performance by taking into consideration factors of livelihood both at the household and also at the community level (Linderberg, 2002). Although easily tested in a rural situation it may as well be applied in an urban context. Housing is inclusive of different factors (Turner, 1976). There is more in housing than just the physical attribute. These are achieved by providing opportunity for different needs to be fulfilled. Relying solely on statistical approach without establishing certain underlying issues that matter in housing may at times provide a wrong picture on housing delivery.

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