



**NAIROBI
METROPOLITAN
SERVICES**



4TH INTERNATIONAL CONSTRUCTION RESEARCH CONFERENCE AND EXHIBITION (ICoRCE 2022)

SYNERGY IN CONSTRUCTION PROJECT REGULATION BETWEEN NATIONAL AND COUNTY GOVERNMENT

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PANEL OF DISCUSSION

“A WELL-COORDINATED REGULATORY ENVIRONMENTAL FOR
THE CONSTRUCTION INDUSTRY”

INTRODUCTION

- The Construction sector is one of the leading drivers of Kenya's Economy.
- The built environment shapes the form and appearance of Urban Environment and Houses millions of residents.
- In the city of Nairobi and other Urban areas, construction industry is a major source of Employment.
- Urban areas authorities generate own source of revenue through fees and charges levied
- Construction sector plays key role in contributing towards addressing the National Housing Stock demands for Urban housing which currently stands at 200,000 units per annum.

THE CONSTRUCTION INDUSTRY AND THE ECONOMY

- The importance of the construction industry in the economy stems from three of its characteristics: First it's size, secondly that it provides predominantly invest goods and thirdly, that government is the client for a large part of its work (Patricia Hillebrandt 1991).
- Construction industry accounts for about 3 to 10 percent of the gross domestic product (GDP), less in developing countries and more in developed countries-and for 50 to 60 percent of gross fixed capital formation in majority of countries (Turin, 1973, Edmonds, 1979)

REGULATIONS

- It is this important role of the sector that has led to putting in place initiatives by National and County Government aimed at effectively managing and regulating the construction sector.

CHALLENGES

It is important to note that the sector is faced with a number of challenges key among them being:

- a) Collapsing of buildings
- b) Buildings constructed without approvals
- c) Buildings constructed on grabbed lands
- d) Buildings constructed without regard to Urban Planning guidelines, laws and orders
- e) Building contrary to approved plan
- f) Failure to apply for development permission/Occupation of completed building without occupation certificate
- g) Increased number of slums
- h) Increased population in urban centers

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- i) Aging estates and infrastructure
- j) Increased waste and garbage
- k) Uncontrolled waste disposal resulting into pollution of rivers and the environment.
- l) Political interference.

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Collapsing of buildings



Building contrary to approved plan

COUNTY GOVERNMENT REGULATORY ROLE IN CONSTRUCTION

- Under County Governments like in the City of Nairobi, this function is domiciled in Urban Planning Sector.
- Planning department coordinates the approval of building plans and supervises the construction process.

This function is supported by several laws namely:

- ✓ Urban area and Cities Act (2020)
- ✓ The Physical and Land Use Planning Act number 13 of 2019
- ✓ The Building Code (1968) now under review by NCA
- ✓ EMCA Regulations (2009)

NATIONAL GOVERNMENT REGULATORY ROLE IN CONSTRUCTION

- Considering the importance of this sector, the National Government is also involved in its regulation through the following bodies:
 - ✓ The National Construction Authority-Mandated in regulating various actors at the construction sites, also registers and regulates contractors.
 - ✓ The National Building Inspectorate
 - ✓ Water Resources Authority
 - ✓ NEMA

CASE STUDY OF NAIROBI CITY

- The City County of Nairobi through Nairobi Metropolitan Services is collaborating with the National Government
 - The multi-agency task force on inspection and enforcement against illegal structures
 - The Nairobi Regeneration Committee.

BENEFITS OF SYNERGY IN REGULATION OF CONSTRUCTION SECTORS

- i. Mapped out all unsafe buildings within the City
- ii. Demolished most risky buildings
- iii. Audited safety and security of buildings in the City
- iv. Demolished illegal structures constructed on riparian land
- v. Provided a platform for National Government to support NMS in research
- vi. Exchange of useful information between various players at the National and the County Government.
- vii. Working on one stop shop for all construction approvals

SYNERGY BY MULTI-SECTORAL AGENCIES CONSULTATIVE COMMITTEE ON UNSAFE STRUCTURES (MSACC)

i. Multi-Sectoral Approach:

The Multi-Sectoral Agencies consultative committee on unsafe structures was formed by the government to bring together various institutions to address safety in the construction industry and the built environment.

It was to address collapsing of buildings and other structures, encroachment of road reserves, railways, sewer lines, power lines, airports.

ii. Inspection and audit services, material testing and building code technical capacity:

This involves the visual check and the physical attributes of the structure, its vertical alignment, cracks and general habitability suitability.

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If the building is suspect from the visual inspection then it is recommended for further scientific tests.

The inspection is normally carried out by a professional team composed of : A surveyor, structural engineer, service engineer, architect, planner, public health officer and administrators.

The scientific testing is normally done by Materials Branch of the Ministry of Transport, Infrastructure, Public works, Housing and Urban Development and sometimes by private materials testing laboratories.

The county technical capacity building entails training of county governments' technical staff on how to carry out buildings inspection and audit using observation, non-destructive tests and scientific tests. This ensures that county governments take the primary role in ensuring that construction standards and approval processes are complied within their jurisdiction.

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iii) Public sensitization Programs:

Sensitization is a multi-disciplinary activity that is undertaken by various institutions under M-SACC. This involves holding Barazas, Training Workshops and seminars to bring awareness to the public and developers on the need of having a safe, Healthy and Quality Built Environment and pointing out the consequences of disregarding the building laws and regulations.

THANK YOU