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## STATUTORY BUILDING REGULATIONS STUDY :

A SITUATION ANALYSIS FOR AND A TENTATIVE AGENDA FOR ACTION

by

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SUMMARY AND ACKNOWLEDGEMENTS

Developing countries are bearing a large burden in attempting to house their rapidly urbanizing and generally poor population. In Kenya for example, the urban population is expected to reach 9 to 10 million at the turn of the century from about 4 million in 1988. This rapid urban growth generates enormous and unmet housing need. Currently there is an estimated annual housing need of about 61,000 units which is expected to exceed 100,000 housing units per year at the end of the century. An annual expenditure in the tune of 10 to 11% of GDP would be required between now and the year 2000 to adequately house the Kenyan population. Yet only about 3% of GNP is currently devoted to housing.

In monetary terms, in order to finance urban development for the period 1985 to 2000, an estimated sum of between Kf 5.4 and Kf 7.4 billion will be required (GoK, 1986: 48). This level of funding is unlikely to be readily forthcoming from the public purse when note is taken of the declining public investment in urban infrastructure which has declined as a share of gross fixed capital formation from 14% during 1971-77 to 12% for the period 1978 to 1984 (Agevi, 1989: 3).

The problem of and the need for affordable shelter and associated services is closely and intimately interwoven with the issue of planning, building, and engineering standards. The prevailing, statutory standards for decent shelter provision are simply too high and unsympathetic to the needs of the majority of urban dwellers. In most cases, the conventional low cost housing schemes remain unaffordable to the target groups, majority of whom are left with no option but to patronize the unregulated and marginalized squatter/slum areas. The need to review these largely outdated and sometimes chaotic building statutes, codes

and regulations has long been demonstrated in a number of countries including Kenya.

Haywood, while writing on Sudan, made the following observation about by-laws and their operation in practice which is frequently valid in Kenya.

'Vague, obsolete and highly ineffective, (the by-laws) are confined to issues such as the minimum distances between the building and the boundary wall .... So much subjectivity and corruption exists in applying these laws that what is readily granted one applicant can be adamantly denied his neighbour' (Haywood, et al, 1986: 153-84).

By-Law reviews have been proposed in some African countries. Malawi, Botswana, Uganda and Somalia have already taken some action in this direction. However, the implementation of the by-law review recommendations has been at the very best ad hoc and ineffective.

In Kenya for example, the recommendations of the Housing By-law Study of 1980 and the Interministerial Committee on by-laws of 1985 have not been promulgated in a new code. It would appear that the authorities concerned tend to develop cold feet when called upon to put into practice modified or relaxed building standards.

Some local authorities in Kenya have, however, either allowed the use of more realistic standards or are in the process of using or modifying their local building by-laws to facilitate faster provision of affordable housing. On the other hand, other local authorities have vehemently resisted the notion of 'lowering the standards'. Many of these efforts and frustrations, are highlighted in this report.