



UNIVERSITY OF NAIROBI



**HOUSING POLICY
APRIL 30, 2020**

University of Nairobi

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Foreword

The University of Nairobi is the oldest University in Kenya as well as the largest University in the eastern and the central Africa region. Over the years, it has maintained a leading position in the higher education sector and is looked upon to mentor young and upcoming institutions in the country.

The University has been entrusted with public resources, which include land and buildings, and it is expected to manage the resources in a sustainable manner on behalf of the public. This is an obligation it owes not only to the general public but also to its stakeholders and the Government of Kenya.

Formulated in the 1990s, procedures for administering staff housing in the University are outdated as a result of changes in the society. Further, over the years, the University has been operating without a properly grounded policy with respect to property management, more so on the allocation and the management of staff houses. Consequently, there is a need to review the procedures and formulate a guiding policy for administering staff housing.

At the same time, this need is driven by a necessity to meet the requirements of the Constitution of Kenya (2010), the National Housing Policy (2016), the Housing Act (Amendment 2018), and relevant acts and policies. In the process, the management of University staff houses needs to be aligned to the National Values and Principles of Governance as specified in Article 10 of the constitution, including the need to observe and uphold human dignity, equity, inclusiveness, equality, non-discrimination and protection of the marginalized, good governance, integrity, transparency, accountability and sustainable development.

The University does not have enough staff houses to meet the demand, but it has a responsibility to manage the available ones in a manner that satisfies not only the tenants but also its stakeholders. Besides, the University has a duty to ensure a maximum return on its investment.

The University Management will provide the necessary support and resources to facilitate the implementation of the policy.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, positioned above the printed name.

PROF. STEPHEN G. KIAMA, PhD

VICE CHANCELLOR

Definition of Terms

Duty House	For the purposes of this policy, a duty house refers to dwellings provided by the employer to some employees who, because of the nature of their work, are required to live in the vicinity of their duty stations.
Tenancy Agreement	This is a contract between a landlord and a tenant, setting out everything that the landlord and the tenant have agreed to about the tenancy.
Housing	This is a multi-dimensional product that includes physical shelter, the socio-economic and cultural dynamics, related services and infrastructure and the inputs required to produce and maintain it. It also includes the processes and outcomes of the production and use of a residential dwelling.
Compassionate Stay	This is the period of time given to a family of a deceased member of staff to stay in, as it organizes to vacate, a University house after the death the member of staff.
Unpaid Leave of Absence	This is a period that one is permitted to be away from one's primary job while maintaining the status of an employee.
Dependants	These are an employee's spouse or child under the age of 22 years who depends on a member of staff.
Employee	This is a person, also known as an officer or a member of staff, in the employment of University.
Duty Stations	This is a city, town, or county in which an employee's regular work is located.

1.0 Introduction

The Housing Policy is intended to guide the University of Nairobi in the proper management of staff houses in line with the University's vision, mission, core values and mandate. The policy provides a framework for the efficient, effective and sustainable management of staff houses. It seeks to comply with the national legislation on the management and the administration of public sector staff housing. The policy is aligned to the Constitution of Kenya 2010 as well as relevant laws and regulations.

1.1 Policy Statement

The University of Nairobi Housing Policy is a blueprint to assist in the management of staff housing.

1.2 Justification

The University has 614 housing units of different categories against a staff complement of about 5,000. There is no clear policy framework on the provision, the management and the maintenance of staff housing. This scenario justifies the development of a policy framework to provide clear guidelines on the management and the administration of staff housing in a transparent, sustainable, effective and equitable manner.

2.0. Scope and Application of the Policy

2.1. Scope

The policy covers the management of staff housing in matters relating to the provision and the allocation of University housing, duty houses, and surrender of staff houses and in all matters touching on members of staff accommodated in University housing during the course of their service and after their demise.

2.2. Application

The policy applies to, as may be applicable, the University Management, members of staff, and stakeholders.

3.0. Goals and Objectives

3.1. Goal

The goal of the policy is to provide a framework within which staff housing shall be managed in a transparent, sustainable, effective and equitable manner.

3.2. Objectives

The policy sets out to:

1. provide standards and guidelines to ensure an equitable, transparent management and administration of University staff houses and

2. provide guidelines on the relationship between the University and its staff on matters relating to housing.

4.0 Legal and Policy Framework

The policy is guided by the relevant legal and policy framework in Kenya.

4.1 Legal Framework

The legal framework guiding the policy comprises:

1. the Constitution of Kenya 2010,
2. the Environmental Management and Coordination Act (EMCA) 1999,
3. the Public Officer Ethics Act 2003,
4. the Occupational Safety and Health Act (OSHA) 2007,
5. the Land Act 2012,
6. the Land Registration Act 2012,
7. the Leadership and Integrity Act 2012,
8. the University of Nairobi Charter (Legal Notice No. 192 of 2013),
9. the Public Procurement and Assets Disposal Act 2015,
10. the Universities Act No. 42 of 2012 (Revised 2016),
11. the Distress for Rent Act Cap 293, and
12. the Public Health Act.

4.2 Policy Framework

The policy framework guiding the policy comprises:

1. the National Housing Policy for Kenya 2016,
2. the Public Service Human Resources Procedures Manual 2016 (HRPPM) 2018,
3. the National Building Maintenance Policy 2012,
4. the Human Resource Policy 2014,
5. the University Strategic Plan (2018-2023),
6. the University of Nairobi Safety Plan Manual 2019,
7. the University of Nairobi ISO Quality Manual,
8. the University of Nairobi Environmental Policy,
9. the University of Nairobi Asset Management Policy, and
10. the Quality Assurance Policy

5.0 Guiding Principles

The policy is anchored on these three guiding principles:

1. the National values and principles of governance specified in Article 10 of the Constitution of Kenya 2010,
2. the right to shelter and clean environment as anchored under Article 44 and 43(1) of the Constitution of Kenya 2010, and

3. the values and principles of public service as specified in Article 232 of the Constitution of Kenya 2010.

6.0 Obligations

The University shall:

1. provide adequate resources for the implementation of the policy,
2. employ and retain competent and qualified staff to manage the staff housing portfolio, and
3. adhere to its obligations as spelt out in the tenancy agreement.

7.0 Staff Housing

The University owns residential units in various locations in the country which range from single to multiple dwelling units.

7.1 Staff Housing Allocation

Subject to their availability, staff houses shall be allocated in a fair, transparent and equitable manner to all staff who have applied. These conditions shall apply:

1. The University shall appoint a Housing Allocation Committee in accordance with the relevant University regulations.
2. The allocation shall be for members of staff who have applied and have been placed on the list of applicants for housing.
3. Only habitable houses shall be allocated.
4. The housing allocation procedure shall follow an approved grading or ranking system.
5. Each successful applicant who is allocated a house shall sign a letter of offer and a tenancy agreement (*Annexed*).
6. Rent payable shall be reviewed every five years to align it with the current economic value of a housing unit.

7.2 Duty Houses

A duty house shall be provided by the employer to employees who, due to the nature of their work, are required to live in the vicinity of their duty stations. These terms shall apply:

1. Members of staff who qualify for duty houses shall be allocated houses in accordance with their duty stations and as approved by the Housing Allocation Committee.
2. Members of staff living in duty houses shall be required to either surrender their house allowance or pay rent whichever is lower.
3. Members of staff living in duty houses shall pay for their utility bills and service charges.
4. Duty houses shall be considered in line with one's house allowance so that a member of staff is not allocated a duty house whose rent is above one's house allowance.
5. A member of staff occupying a duty house shall vacate it within two months after the circumstances that made one eligible for a duty house change.

6. Where duty houses are furnished at the University cost, the household items shall remain the property of the University.

7.3 Members of Staff on Unpaid Leave of Absence

These terms shall apply on the administration of housing units occupied by members of staff on unpaid leave of absence:

1. Members of staff on leave of absence shall be expected to vacate University houses within two months from the date of the commencement of their leave of absence.
2. Members of staff appointed to public institutions, and wishing to retain their University houses, shall apply to the Housing Allocation Committee for consideration to retain their University houses.
3. Where an approval has been granted for a member of staff to retain the house while on leave of absence, the member of staff shall pay rent at the going rates to be determined by the Housing Allocation Committee.
4. A member of staff who is granted a request to retain one's University house shall sign a new tenancy agreement.
5. Members of staff on leave of absence who retain University houses shall implement an irrevocable standing order with their respective banks for the payment of rent.

7.4 Members of Staff on Retirement

These conditions shall apply to members of staff who have attained retirement age:

1. A notice to the tenant on the date of handing over the house shall be issued immediately the notice of retirement is received from the Deputy Vice-Chancellor (Human Resource and Administration) or Registrar, Administration. A reminder shall be issued three months to the date of retirement.
2. The member of staff shall vacate the housing unit immediately on retirement.
3. A tenant who fails to vacate the housing unit shall be evicted in accordance with the law.
4. Any rent arrears or pending utility bills shall be paid by the member of staff, failure to which legal proceedings shall be instituted to recover the same.

7.5 Compassionate Stay for Dependants of Deceased Members of Staff

These terms shall apply to the dependants of a member of staff who, at the time of his or her death, resided in a University house:

1. A notice of three months from the date of the death shall be given to the dependants of the deceased member to vacate the premises. The three months' compassionate stay shall be rent free but utility bills must be paid by date of the end of the compassionate stay.
2. The dependants shall sign an agreement which stipulates the terms and conditions under which they have been given the compassionate stay.
3. The compassionate stay in this case shall be given to only the immediate family members residing with the deceased member of staff at the time of death.

4. The family shall hand over the house to the University on the last day of the compassionate stay. A checking-out form shall be signed, and keys to the house together with utility payment and close of accounts forms shall be handed in.

7.6 Members of Staff on Study Leave

These conditions shall apply on the administration of housing occupied by members of staff on study leave:

1. A member of staff proceeding on study leave shall vacate the University house within two months from the date of the approval of the study leave.
2. Where the member of staff proceeding on study leave is desirous of leaving the immediate family in a University house, he or she shall apply to the Housing Allocation Committee for the retention of the house.
3. The member of staff shall make arrangements for the payment of the rent through either the payroll or a bank standing order.

8.0 Policy Implementation

The main actors in the implementation of this policy are:

1. the Council Committee on Housing Allocation,
2. the University Executive Board,
3. the Estates Department,
4. the Construction and Maintenance Department,
5. the Finance Department,
6. the Legal Department,
7. the ICTC Department, and
8. the Security and Safety Department.

9.0 Monitoring and Evaluation

The implementation of the policy shall be monitored and evaluated annually to determine the extent to which it is achieving its stated objectives. In this connection, the University shall:

1. develop appropriate strategies for monitoring and evaluating the Housing Policy,
2. carry out an annual evaluation on the implementation of the policy, and
3. develop short-term, mid-term and long-term interventions based on the outcomes of the evaluation reports.

10.0 Policy Review

The University shall review the Housing Policy every five years or as the need arises.

11.0 Annexure

1. Tenancy Agreement