REPUBLIC OF KENYA

KISIP Second Kenya Informal Settlements Improvement Project

Improving lives in informal settlements

Frequently Asked Questions on Tenure Regularization

1. What is Tenure Regularization?

Provision of security of land tenure by way of documentation of land rights or legal title to residents already occupying uncontested government land illegally in participating informal settlements and who live in perpetual fear of being made homeless through eviction.

2. What are the processes involved in tenure regularization?

The formal planning and surveying process involves several stages;

a) Sensitization of communities in the participating settlements.

This will ensure that the communities are adequately informed on the Project and the intended interventions

b) Formation of Settlement Executive Committees (SEC) and Grievance Redress Committees (GRC) – the community entry points for the Project.

c) Preparation of base maps. To ensure that the correct settlement boundaries are captured accurately, and that there are no infringements or overlapping of land rights. The base maps also capture the necessary attributes for the preparation of development plans.

d) Undertake social economic surveys – enumeration of beneficiaries of land as owners of structures, tenants and their households. The survey also documents other physical, social and economic data that will be crucial for planning the settlement. The data is collected using local enumerators and with support from SEC.

e) Analysis of the social economic data – the data is professionally analyzed to provide parameters upon which planning proposals are formulated.

f) Preparation of planning proposals –which start from visioning and the planning proposals are subjected to thorough stakeholders' engagements, consensus and adoption. Similarly, the plans prepared and approved in accordance to the Physical Planning and Land Use Act of 2019.

g) The approved Physical &Land Use plans are implemented on ground through surveying. The survey plans are also subjected to approval by Director of Survey. The final product from this process is the Amendment of Registry Index Maps (RIMs)

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h) List of Beneficiaries – a list of beneficiaries is generated, authenticated on ground and matched with the plots on the plan before being forwarded to the County Government for approval and endorsement. The final List of beneficiary endorsed by community and County is what is used to generate titles.

i) Issuance of title documents – the verified and endorsed list of beneficiaries, approved plans, area list and amended RIMs are forwarded to the Lands office for preparation, registration and issuance of the ownership documents to the beneficiaries.

3. **What is a letter of regularization?**
Letters of regularization are derived at the Ministry of Lands and Physical Planning from the list of beneficiaries. Since it is cumbersome to have a copy of the list of beneficiary in each plot file to confirm if the ownership is genuine and authentic, letters of regularization break down the list into separate individual interests.

Thus, it is a supporting document that assists in the opening of correspondence files for each of the beneficiaries.

4. **Who will get the ownership documents, the plot owner or structure owner?**
The project aims at securing land tenure to the people living in informal settlements and who lay claim on the spaces. This is by them demonstrating their mode of acquisition and ownership proof. In most cases, they are the plot owners, although in other areas, structure owners have also been listed in the list of beneficiaries.

5. **What are the common documents necessary for one to provide as way of proof/ lay claim of ownership in the informal settlements?**
Either – Part Development Plan, Temporary allocation letter, Letter of Allotment, Succession Documents/ Authenticated transfer/Sale agreements. All these documents must be verifiable and can be confirmed through a rigorous exercise.

6. **Do you also consider improving houses in the upgrading process?**
Housing component is not part of the project. However, with secure land tenure, residents can improve their houses because of confidence in land ownership or use the title deed in securing funding for house improvement.

7. **How will a tenant benefit out of this?**
Planning, Surveying and Issuance of titles come with advantages of improving the neighbourhood.

Tenants will benefit through

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benefits such as access to basic services and improved housing conditions. Their views during participatory planning process will be key to the outputs of the project.

8. **Where do you seek assistance when there is a land dispute?**
Through established structures – Settlement Grievance Redress Committee, County Lands offices, Project Coordinators, National Lands Office and the Court. The persons aggrieved must provide all the necessary documents.

9. **How do you ensure genuine owners are enumerated and don't suffer the loss of their land rights/ claims?**
KISIP processes are undertaken in a participatory manner including all key stakeholders. The list of beneficiaries must be displayed in areas accessible to communities for them to scrutinize the names. The final list of beneficiaries must be adopted by the community and county before being used to generate titles.

10. **So what happens to a disputed plot? Who gets the titles for such a plot?**
The plot is shown on the Physical Planning and Land Use Plan and the survey plan. It is marked disputed on the list of beneficiaries until the case is determined. The County Government is left to hold in trust until the genuine owner is identified.

11. **What happens when the owner is not present during enumeration or does not reside within the informal settlement although he/she has a claim over a plot?**
Through settlement executive committee, those claims should be protected and the person must be informed/ contacted to avail themselves.

12. **What is the minimum plot size which can registered?**
As per the Land Registration Act. So in case the plots are too small, they are joined to meet the minimum threshold/standard and registered to the beneficiaries, either as joint owners or registered self-help group or cooperative.

13. **Do you have a considered maximum number of plot owners who can hold a title jointly?**
Not limited, every interest will be captured in the title.

14. **Do you prepare a freehold title or leasehold? If leasehold, for how many years?**
Depends on the location of the informal settlement and advice from the relevant offices – the County Government and Ministry of Lands and Physical Planning.

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15. How can the Government assist the residents acquire land for Public purpose/ utility service?

During the planning process, the needs will be identified and proposals made including ideal spaces/areas. This will be outlined in the planning report. There are various ways in which a Government acquires land for public use; e.g. compulsory acquisition, purchase etc.