

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 13 (National Assembly Bills No. 3)*

---



REPUBLIC OF KENYA

---

***KENYA GAZETTE SUPPLEMENT***

**NATIONAL ASSEMBLY BILLS, 2021**

---

---

**NAIROBI, 12th February, 2021**

---

---

CONTENT

Bill for Introduction into the National Assembly—

PAGE

The Landlord and Tenant Bill, 2021 ..... 99

**THE LANDLORD AND TENANT BILL, 2021**  
**ARRANGEMENT OF CLAUSES**

*Clause*

**PART I—PRELIMINARY**

- 1—Short title.
- 2—Interpretation.
- 3—Application.

**PART II—ESTABLISHMENT AND POWERS OF  
TRIBUNALS**

- 4—Establishment of Tribunal.
- 5—Power of a Tribunal.
- 6—Jurisdiction of a Tribunal
- 7—Determination of disputes.
- 8—Staff of a Tribunal.
- 9—Expenses of a Tribunal.

**PART III—ADMINISTRATION OF A TRIBUNAL**

- 10—Functions of a Chairperson.
- 11—Functions of a Deputy Chairperson.
- 12—Secretary.
- 13—Removal of a member of a Tribunal.
- 14—Officers of a Tribunal.
- 15—Investigation of complaints by a Tribunal.
- 16—Penalty for failure to comply with a lawful order of a Tribunal.
- 17—Fair rent.

**PART IV—GENERAL PROVISIONS RELATING TO  
TENANCIES**

- 18—Permitted increase of rent.
- 19—Notice of Termination.
- 20—Limitation to increase in rent.
- 21—Decrease in Services, etc.

- 22—Deemed acceptance of increase in rent.
- 23—Penalty for false statement in notice.
- 24—Form of tenancy agreement.
- 25—Termination of tenancy without reference to Tribunal.
- 26—Notice by tenant.
- 27—Grounds on which landlord may seek to terminate tenancy.
- 28—Notice by landlord for use of premises.
- 29—Notice for demolition, conversion or repairs.
- 30—Additional grounds for termination notice.
- 31—Restriction on right to assign premises.
- 32—Subletting.
- 33—Application to a Tribunal to assign or sublet.
- 34—Alteration of terms and conditions in a tenancy.
- 35—Reference to a Tribunal.
- 36—Decision of a Tribunal.
- 37—Effect of notice where tenant fails to refer to a Tribunal.
- 38—Compensation for misrepresentation.
- 39—Recovery of certain sums paid on account of rent.
- 40—Statement to be supplied as to rent.
- 41—Record of the payment of rent.
- 42—Removal of furniture by the landlord.
- 43—Penalty for depriving tenant of service.
- 44—Conditions of statutory tenancies.
- 45—Notification of valuation report on construction or market value of construction.
- 46—Repairs.

#### **PART V—EVICITION ORDERS**

- 47—Expiry date of order.
- 48—Power of Tribunal on eviction.

**PART VI—MISCELLANEOUS**

- 49—Penalty for subjecting tenant to annoyance.
- 50—Offence.
- 51—Enforcement of orders.
- 52—Service of documents.
- 53—Compensation for frivolous and vexatious applications.
- 54—Right of entry.
- 55—General Penalty.
- 56—Prosecution of offences.
- 57—Liability of Tribunal or officers thereof.
- 58—Distress for rent.
- 59—Death of tenant.
- 60—Abandonment.
- 61—Landlord may dispose property.
- 62—National Government and County Government premises.
- 63—Exemption.
- 64—Regulations.
- 65—Repeal of Caps 293, 296 and 301.
- 66—Transitional and saving provisions.

**THE LANDLORD AND TENANT BILL, 2021****A Bill for**

**AN ACT of Parliament to consolidate the laws relating to the renting of business and residential premises; to regulate the relationship between the landlord and tenant in order to promote stability in the rental sector; to establish Tribunals; to provide for the adjudication of disputes, and for connected purposes**

**ENACTED** by the Parliament of Kenya, as follows—

**PART I—PRELIMINARY**

**1.** This Act may be cited as the Landlord and Tenant Act, 2021.

Short title and commencement.

**2.(1)** In this Act, unless the context otherwise requires—

Interpretation.

“business premises” means premises occupied wholly or partially for purposes of trade or business for the purpose of rendering services for money or money’s worth;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to premises to which the Act applies;

“composite tenancy” means a tenancy comprising more than one premises where the tenancy is expressed to be in respect of, or where a single rent is expressed to be payable in respect of, all the premises;

“Chairperson” means the Chairperson of the Tribunal appointed under section 4;

“fair rent” means the rent assessed and determined by the Tribunal on the basis of the going rent for comparable lettings taking into consideration the location, size, age, tenantable quality and outgoings of the subject premises;

“holding” in relation to tenancy, for the purposes of this Act, means the property comprised in the tenancy excluding such part thereof as is not occupied by the tenant, the tenant’s dependant or employees;

“rent inspector” means an officer of the Tribunal appointed under section 14;