

The Mashariki Today

Urban Governance: Strengthening Building Code Enforcement in Kenya and Tanzania



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Introduction

Kenya and Tanzania are undergoing rapid urbanization, driven by population growth, economic development, and increasing rural-to-urban migration. According to UN Habitat (2023), Tanzanian cities are amongst the most populated in Africa, in addition to this, the country's urban population is expected to reach 50% of the county's national population by 2030, and to be at an estimated 137 million by 2050.¹ Separately, urbanization in Nairobi has significantly impacted housing quality, reflecting broader challenges in urban governance. According to the article *Urbanisation Challenges in Kenya's Nairobi*,² rapid urban growth has led to an increased demand for affordable housing, outpacing the development of adequate housing infrastructure. The supply of housing remains limited due to insufficient urban planning and enforcement of building codes. Informal settlements have expanded, exacerbating issues such as overcrowding and inadequate housing conditions.

While such expansions create significant opportunities for socio-economic advancement, it also exposes critical weaknesses in urban governance, particularly in building code enforcement. The frequent collapse of buildings—like the Kariakoo market tragedy in Dar es Salaam³ or recurring structural failures in Nairobi—highlights the grave consequences of ineffective regulatory mechanisms. These failures result in loss of life, economic setbacks, and a diminished trust in public institutions.

Building code enforcement is fundamental to achieving safe, sustainable, and resilient urban development. Despite the existence of regulatory frameworks in both countries, systemic challenges such as corruption, resource constraints, and limited public awareness continue to undermine enforcement. This commentary explores the key issues affecting building code compliance in Kenya and Tanzania and provides targeted, actionable recommendations to address these gaps.



Photo credit: Wikipedia

Key Issues

1. Governance Gaps and Institutional Weaknesses

In Kenya, the National Construction Authority (NCA) is tasked with regulating and enforcing construction standards.⁴ However, uneven application across counties creates significant disparities in compliance. Similarly, Tanzania lacks a unified national building code, leaving regions to operate under inconsistent guidelines, which undermines regulatory uniformity and safety.⁵ These governance gaps allow for unchecked construction of substandard buildings.

¹UN-Habitat. (2023, July). Tanzania country brief. United Nations Human Settlements Programme. https://unhabitat.org/sites/default/files/2023/07/tanzania_country_brief_final_en.pdf

²Population Matters. (2024, January). Urbanisation Challenges in Kenya's Nairobi: A Tangled Web of Issues. Population Matters. Retrieved from <https://populationmatters.org/news/2024/01/urbanisation-challenges-in-kenyas-nairobi-a-tangled-web-of-issues/>

³AA.com. (2023, December 19). Death toll in Tanzania's building collapse in Kariakoo rises to 29 as rescue efforts end. Anadolu Agency. Retrieved from <https://www.aa.com.tr/en/africa/death-toll-in-tanzanias-building-collapse-in-kariakoo-rises-to-29-as-rescue-efforts-end/3405238>

⁴Government of Kenya. (2011). National Construction Authority Act No. 41 of 2011. Retrieved from https://eregulations.invest.go.ke/media/NationalConstructionAuthorityAct_No41of2011.pdf

Corruption significantly exacerbates these weaknesses, as reported by findings from PricewaterhouseCoopers (PwC) in 2023.⁶ Developers often bypass legal requirements through bribery, enabling hazardous building practices to flourish. Regulatory agencies, plagued by underfunding and understaffing, struggle to conduct adequate inspections or enforce penalties. The rapid pace of urban expansion in cities like Nairobi and Dar es Salaam further strains these already fragile systems, leaving many new constructions unregulated and unsafe. For instance, in Nairobi, during the first half of 2024, the value of buildings approved for construction grew by 20.45 percent in the first half of the year to Sh98.8 billion.⁷



2. Socio-Economic and Human Costs of Lax Enforcement

Non-compliance with building codes imposes substantial human and economic costs. The Kahawa West tragedy in Nairobi, which occurred in October 2024 where a building collapsed, resulted in fatalities, injuries, and widespread displacement. Beyond the immediate loss of life, such incidents have long-term socio-economic repercussions, including psychological trauma, loss of livelihoods, and increased poverty.

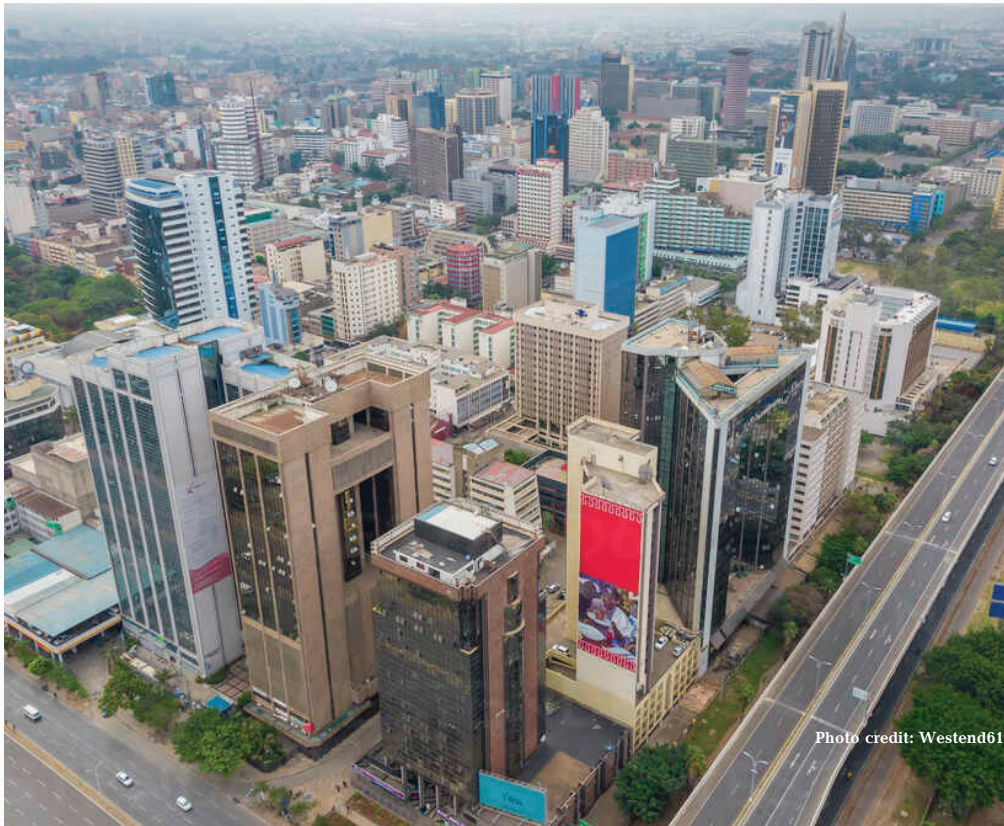
In informal settlements—home to a significant portion of the urban population in both countries, accounting for nearly 54.7% of Kenyan population and 40% of Tanzania population—the situation is dire. Residents often construct homes without adhering to building codes, due to limited resources or lack of affordable, regulated housing alternatives. These informal constructions are particularly vulnerable to natural disasters like floods, which further exacerbate cycles of poverty and inequality.

⁵Gervas, A., Torm, N., & Kinyondo, G. (2023,). Health and Safety Compliance in Tanzania: Regulatory Impediments in the Construction Sector. *African Studies Quarterly*, 21(4). Retrieved from <https://asq.africa.ufl.edu/wp-content/uploads/sites/168/V21i4a3.pdf>

⁶PwC Kenya. (2023). Curbing corruption in infrastructure projects. PwC. Retrieved from <https://www.pwc.com/ke/en/blog/curbing-corruption-infrastructure-projects.html>

⁷Business Daily Africa. (2024, January 10). Value of Nairobi building approvals up 20pc. *Business Daily Africa*.

The financial implications extend beyond individuals. Collapsed buildings deter investments, inflate insurance premiums, and destabilize local economies. Additionally, resources that could be allocated toward infrastructure development are diverted to address the aftermath of structural failures.



3. Rapid Urbanization Outpacing Regulatory Capacity

The rapid growth of urban areas in Kenya and Tanzania is overwhelming existing planning and regulatory frameworks. Nairobi's skyline is increasingly dominated by high-rise developments, many of which lack adequate planning for supporting infrastructure such as roads, water supply, and sewage systems. Dar es Salaam faces similar challenges, with unregulated urban sprawl putting immense pressure on public utilities.

Tanzania's urbanization rate as of 2022 was reported to be at 5.22%, this is comparable to Kenya's urban growth both of which highlight the urgent need for robust enforcement mechanisms. Despite this, municipal authorities in both countries often lack the technical expertise, financial resources, and manpower required to manage and regulate construction activities on such a large scale. This mismatch between urban growth and regulatory capacity creates loopholes that unscrupulous developers exploit, resulting in unsafe and unsustainable urban development.

4. Public Awareness and Accountability Deficits

Public understanding of building codes and their importance is minimal in both countries. Developers, contractors, and homeowners frequently prioritize cost-cutting measures over compliance, viewing regulations as bureaucratic obstacles. This disregard for safety standards is especially pervasive in informal settlements, where individuals may not fully grasp

the risks associated with substandard materials and construction practices.

Accountability mechanisms are also lacking. Violations of building codes rarely lead to legal consequences due to weak enforcement frameworks and delays in judicial processes. Furthermore, there are few accessible platforms for citizens to report unsafe construction practices. This absence of community involvement limits collective oversight and perpetuates a culture of non-compliance.



Policy Recommendations

To address these challenges comprehensively, the following three targeted and actionable recommendations are proposed:

1. Establish Unified and Comprehensive Building Code Frameworks

- **Kenya:** To ensure the full operationalization of the National Building Code 2024, it is essential to standardize its application across all counties. This will ensure uniformity in construction standards, enhancing the safety, efficiency, and sustainability of the built environment nationwide. A key step in this process is the development of an integrated digital database, which will streamline permitting processes and provide real-time tracking of construction projects.

This digital platform should encompass key regulatory components, including zoning laws, environmental impact assessments, and safety standards. By centralizing this information, the platform will serve as a comprehensive regulatory framework, facilitating compliance with national and local building codes. Additionally, the database should enable a coordinated approach across various sectors, such as urban planning, environmental protection, and public health, to ensure holistic oversight of the construction industry.

⁸Kitur, R. C. (2019). Doctoral dissertation, Walden University]. ProQuest Dissertations and Theses Global. <https://www.proquest.com/openview/4eba2f9c2c472277b202bc21bf162e8b/1?pq-origsite=gscholar&cbl=18750&diss=y>

This integrated system will not only improve transparency but also enhance efficiency in the approval and inspection processes, reducing delays and potential for corruption. Moreover, it will provide valuable data for monitoring construction progress, ensuring that projects adhere to approved plans and safety regulations, thus preventing substandard or hazardous construction practices.

- **Tanzania:** Review and update the existing national building code to address identified gaps, with input from key stakeholders such as architects, engineers, and urban planners. Focus areas should include enhancing disaster resilience, promoting sustainable construction practices, and incorporating climate adaptation strategies. Organize nationwide workshops to train local authorities on the updated code and its effective implementation. Additionally, assess current gaps in the building code based on emerging challenges and global best practices, ensuring the code remains relevant and robust in the face of evolving environmental and infrastructural needs.
- **Both Countries:** Commit to regular updates of building codes to address emerging challenges such as urban flooding, seismic risks, and green construction. Provide detailed technical guidelines on material quality, structural design, and safety protocols to eliminate ambiguities in enforcement.

2. Strengthen Regulatory Oversight and Build Institutional Capacity

- **Resource Allocation:** Significantly increase funding for regulatory bodies like Kenya's NCA and establish a centralized Construction Regulatory Authority in Tanzania. Equip these agencies with advanced monitoring tools, including Geographic Information Systems (GIS), drones, and mobile applications, to improve efficiency in inspecting construction sites.
- **Capacity Building:** Introduce mandatory certification programs for contractors, developers, and inspectors to professionalize the construction industry. Partner with international organizations to facilitate training programs and knowledge sharing on advanced regulatory practices.
- **Corruption Prevention:** Develop transparent digital permitting systems to reduce human interaction and opportunities for bribery. Establish independent oversight committees to audit regulatory bodies and investigate corruption allegations. Impose severe penalties on officials and developers found guilty of malpractice.

3. Enhance Public Awareness and Foster Community Engagement

- **Awareness Campaigns:** Launch nationwide multimedia campaigns to educate the public about the importance of building codes for safety and resilience. Collaborate with media outlets, civil society organizations, and professional associations to disseminate information through workshops, social media, and local forums.

- **Community Monitoring Platforms:** Develop user-friendly platforms, such as mobile apps and hotlines, where citizens can report unsafe construction practices anonymously. Encourage community participation by offering recognition or financial incentives for individuals who contribute to monitoring and enforcement efforts.
- **Incentives for Compliance:** Introduce tax breaks, subsidies, or access to low-interest loans for developers who consistently adhere to building codes. Recognize outstanding projects through national awards for innovation and excellence in compliant construction.

Implementation Roadmap

Achieving the desired outcomes requires a phased approach which could be proposed as below:

1. Short-Term (1-2 Years):

- Establish effective task forces in both countries to coordinate building code reforms.
- Conduct comprehensive audits of existing structures to identify high-risk buildings and prioritize their rehabilitation or demolition.
- Roll out public awareness campaigns to familiarize stakeholders with updated building codes and regulations.

2. Medium-Term (3-5 Years):

- Fully implement digital permitting systems and provide regulatory agencies with modern tools and technologies for oversight.
- Develop and operationalize training programs for technical personnel.
- Introduce legislative amendments to strengthen penalties for non-compliance and close legal loopholes.

3. Long-Term (6-10 Years):

- Create regional centers of excellence for research and training in sustainable urban planning and construction.
- Institutionalize regular reviews and updates of building codes to keep pace with urbanization trends.
- Foster regional collaboration to harmonize construction standards and share best practices across East Africa.

Conclusion

Building code enforcement in Kenya and Tanzania is a cornerstone of effective urban governance, ensuring safety, economic stability, and sustainable development. Addressing the governance gaps, socio-economic vulnerabilities, and regulatory capacity deficits requires decisive action and sustained commitment.

By implementing the proposed recommendations, both countries can transform their urban landscapes into safer, more resilient environments that promote equitable growth. These measures will not only save lives and

safeguard investments but also position Kenya and Tanzania as regional leaders in sustainable urban development.

In efforts to enhance building code enforcement in Kenya and Tanzania, strengthening enforcement frameworks and collective commitment will unlock the transformative potential of urbanization while preventing future tragedies and fostering inclusive development.



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