

# THE ART OF DUE DILIGENCE

**A COMPREHENSIVE  
HANDBOOK FOR  
EVERY HOME BUYER AND  
REAL ESTATE INVESTOR**

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## INTRODUCTION

Purchasing property is an exciting and significant milestone in anyone's life. Information is power, and when it comes to buying property, having the right information will help you, a prospective buyer or investor, make an informed decision on whether to invest.

Property is an emotive issue in Kenya, with a complex history of fraud, corruption, and disputes over ownership. In recent years, the Country has experienced a surge in fraudulent activities related to real estate, with cases of buyers falling prey to unscrupulous sellers and purchasing non-existent land or land that has multiple claims of ownership. These scams have led to significant losses for buyers, including financial, emotional, and psychological distress. The prevalence of such trends has made property ownership in Kenya a contentious issue, leading to mistrust and a lack of confidence in the real estate market. Therefore, this handbook aims at equipping every real estate buyer or investor with effective tools and guidelines on how to perform due diligence on the various types of properties in Kenya such as land, off-plan properties, Airbnb's, commercial property and agricultural land. Lastly, we will also explore some of the common due diligence frequently asked questions.







## THE MEANING OF DUE DILIGENCE

The principle of Caveat Emptor, a Latin phrase meaning “buyer be aware” places a responsibility on a buyer to sufficiently perform their due diligence before making any purchase.

Due diligence refers to the comprehensive investigation and verification of the legal and physical status of the property to ensure that the seller has the legal right to sell the land, and the buyer is acquiring a valid title. This involves verifying the ownership of the land, checking for any encumbrances or liabilities attached to the property, confirming the physical status of the land, and ensuring that all necessary permits and approvals are in place.



## THE IMPORTANCE OF PERFORMING DUE DILIGENCE OVER PROPERTY

Due diligence is a crucial step that every potential property buyer or investor should undertake before making a purchase. Below are some of the reasons why due diligence is important:

1. **Confirm seller's details:** Due diligence process verifies the seller's identification documents and ensures that no unscrupulous person masquerades as the registered owner of the property.
2. **Confirm property details:** Due diligence helps in ascertaining the property details such as its acreage, ownership, location and encumbrances. This ascertains that the seller has the proper legal right to sell the property.
3. **Mitigate Risk:** Due diligence helps buyers identify potential risks and liabilities associated with the property such as unknown encumbrances (existing loans), cautions/caveats or restrictions that may have been registered by third parties, succession matters or legal disputes. This allows buyers have a comprehensive understanding of the property which



aids them in making informed decisions on whether to invest or not.

4. **Determine the Property Value:**

Due diligence helps buyers determine the true value of the investment. Performing a detailed and comparative analysis of the property market in an area helps a buyer negotiate a fair price for the property.

5. **Legal Compliance:** Conducting due diligence ensures that the property is compliant with all relevant laws and regulations. For example, ensuring that the property who desire to purchase does not form an illegal structure because it was constructed on riparian land, a road reserve, a forest reserve or a water catchment area.

6. **Property Condition:**

Due diligence which involves a physical inspection of the property will enable a buyer to assess its condition and identify any existing or potential structural defects or maintenance issues that may require repairs or renovations.

7. **Financing:** Most banks and lending institutions require property buyers to provide detailed due diligence reports before loan approval. A thorough due diligence report may increase the likelihood of securing a loan and getting more favourable financing terms.

In light of the above, performing due diligence is an essential step for buyers and ensures that they make informed decisions about their investments and mitigate any potential risks.





## THE DUE DILIGENCE CHECKLIST ON LAND TRANSACTIONS

The due diligence checklist for a buyer or real estate investor in land transactions involves the following 6 steps:

### 1. **Confirm the identity of the Seller**

So as not to fall prey to an unscrupulous seller masquerading as a registered owner, it is important to perform a search on the seller and verify their identification documents.

The National Registration Bureau conducts the search if the seller is a person, the

Company Registry if it is a company, and the Sacco Societies Regulatory Authority (SASRA) if it is a Sacco. However, access to these registries is restricted to the public, as such one would require an Advocate to obtain the search on their behalf.

## 2. Physical Site Visit

During the physical site visits, take note of the physical features of the land and assess whether you can spot any existing structures or fixtures on the land, signs of encroachment by squatters or grazing of animals, the soil type present, environmental and health hazards, signs of flooding and graves on the property as this would imply that the land is ancestral. Also, inquire whether owners from the adjoining properties or the local community know the seller.

Additionally, confirm the actual dimensions (boundaries) of the land with the aid of a licensed surveyor and ensure that the beacons are clearly marked in line with the deed plan or mutation form.

## 3. Request a Survey map

Procure a survey map of the land with the aid of a surveyor or an advocate. A survey map positions the land vis-à-vis all the adjoining parcels of land, access roads, forest reserve, water bodies and railway lines. The location of the land on the

survey map will advise you on whether there is a need to undertake further searches in the following governmental bodies:

- a. **KENHA or KURA**- to confirm if the land forms part of a road reserve. We have witnessed many properties demolished because they were constructed on a road reserve;
- b. **NEMA**- to confirm if the land forms part of a riparian reserve or forest reserve. NEMA has been active and has successfully demolished various high-end developments in different parts of the country built on riparian land and forest reserves; and
- c. **Kenya Railways Corporation (KRC)**- to confirm if the land forms part of a railway reserve. In 2021, we witnessed properties worth millions of shillings demolished by the KRC in Naivasha, Nakuru and Nyandarua to pave way for the old railroad that links various counties in Kenya .



## 4. Obtain an official search and a Certified Green Card from a Land Registry

As a rule of thumb, an official search (simple search) is insufficient. It provides very limited information and can easily be manipulated in favour of the person claiming ownership of the property. We advise on the acquisition of a certified green card. A green card provides a historical search of all the transactions relating to the land. It reveals how the land has changed hands over the years (previous owners), any registered cautions, caveats, or restrictions, and if the land has been subject to a succession cause or litigation dispute.

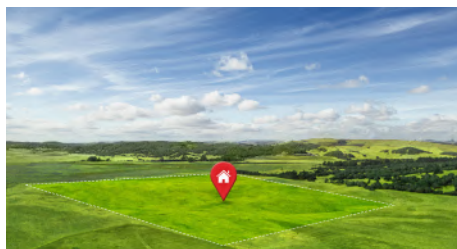
While you can simultaneously request an official search and green card, we advise you to perform an official search first, and thereafter obtain a certified green card. This will enable you to investigate the title further and pull out of the process should the contents of the official search differ from those of the certified green card.

## 5. Search at the County Land Registry

Once you establish the details of the seller, then visit the County land offices with a copy of the title and a current official search and establish:

(a) whether the seller has paid the existing land rates and land rents over the land in full. To confirm payment, request a Land Rates Clearance Certificate and Land Rent Clearance Certificate from the seller; and

(b) the permitted use of the land. It is prudent to know the zoning and building regulations permitted on the land you seek to purchase. For example, you cannot use land designated for residential purposes for commercial purposes and vice versa unless you make an application for a change of use over the property.



## 6. Perform a search in the Ndung'u Report

The Ndung'u Report is a report by the Commission of inquiry that listed public land that was illegally or irregularly allocated post-independence.

The National Land Commission has since taken up the mantle of regularly publishing notices in the Kenya Gazette and nationwide newspapers informing the public of properties whose titles are subject to dispute or that have been revoked.

It is prudent, for you to engage a professional to comb through the said lists to ensure that you do not purchase a property that is illegally or irregularly acquired or whose title has since been revoked.





## THE DUE DILIGENCE CHECKLIST FOR OFF-PLAN PROPERTIES

### WHAT IS OFF-PLAN BUYING OF PROPERTY?

Buying property off-plan simply refers to purchasing property before construction is commenced or completed. Developers use pre-construction layouts, site developmental plan and building plans to market and sell their properties (apartments, villas, bungalows, townhouses) to prospective home buyers and real estate investors.

Below is a due diligence checklist every buyer or investor needs to look out for before committing their finances to an off-plan property:

#### STEP 1: What is the Developer's track record? Is the Developer Trustworthy and Professional?

A developer, whether a Company or a Sacco, should be duly registered under Kenyan laws and obtain the requisite approvals from the County Government, NEMA and any other relevant authority for the

development. It is crucial to inquire about the developer's experience in the real estate business and how many completed developments (if any) it has taken on. Interrogate on the mode of financing of the project

and how soon it will take the developer's financier to issue a partial discharge of charge over the apartment.

Further, visit the project site and verify if the owners of the completed apartments are happy with the homes they purchased. Inquire whether the developer was responsive to the issues raised during and after construction. Trustworthy and professional developers remain responsive even after the handover of the property since newly built homes need some kind of post-delivery attention.

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### **STEP 2: Project viability of the development**

It is vital to conduct a market survey to assess what the current market has to offer and to investigate the location of the project and the surrounding properties. Credible developers usually undertake a feasibility study of a project before commencing development to find out if the project is viable. Therefore, request a feasibility study report and site developmental plan for your review.

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### **STEP 3: Seek Legal Advice**

Before committing any money in buying property off-plan and executing any legal documents pertaining to the transaction, it is prudent to engage the legal services of an Advocate who

specializes in Conveyancing law. A conveyancer will help you in the interpretation of the legal documents, guide you through the entire conveyancing process and, above all, protect your interests as a buyer/ investor.

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### **STEP 4: Negotiate a payment plan that suits you**

When negotiating with the seller, it is important to stagger the payment plan into flexible instalments and cap the last instalment on the anticipated construction completion date. The Sale Agreement should provide for the initial deposit or booking fee and the dates when the instalments of the balance of the purchase price will be due. It is also important to make cash or cheque deposits in the bank or transfer the amount via RTGS to ensure there is a paper trail, and to insist on the issuance of an official receipt by the developer for records. Never pay in cash or in kind!

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### **STEP 5: Transparency and Accountability**

A credible developer should be transparent and willing to divulge all crucial information relating to the project. A developer should regularly update you on the various stages of construction, how your funds are being utilized throughout the construction stages and when completion of works over the development is expected.





## THE DUE DILIGENCE CHECKLIST ON AIRBNB

In 2021, the Tourism Regulatory Authority (TRA) enacted new regulations on the registration and licensing of Airbnb facilities in Kenya. TRA is a state corporation established under section 4 of the Tourism Act No. 28 of 2011 with the mandate to regulate all tourism activities and services in Kenya.

### WHICH FACILITIES CAN BE LISTED AS AIRBNB'S?

The facilities that can be listed in the Airbnb platform as provided in the Ninth Schedule of the Tourism Act, 2011 include but are limited to serviced (furnished) flats and apartments, villas, homestays, condominiums, tree houses, floatels, bandas, beach cottages, holiday cottages, tented camps, and timeshares.

### REGISTRATION AND LICENSING OF AIRBNB IN KENYA:

#### HERE IS WHAT YOU NEED TO KNOW

#### 1. Licensing

Section 7(1)(c) of the Tourism Act, 2011 and Part III of the Tourism

Regulatory Authority, Regulations 2014 make it mandatory for persons carrying out tourism businesses and services to be licensed by the Tourism Regulatory Authority (TRA).

The TRA requires Airbnb owners/hosts to pay a one-off application fee of Kshs. 1,000/= and an annual licence fee for each unit owned (the rates are provided below). In the acquisition of the regulatory licence, Airbnb owners or hosts are required to make an application in the prescribed form and enclose the following documents:

- ♦ The original deposit slip/advise for the application & license fee (proof of payment);
- ♦ Tariff/rack rates;
- ♦ A copy of the Title Deed/Lease Agreement for the premises;
- ♦ Copies of national identity card/ passport if one is an individual and a Certificate of Incorporation if one is a Company; and
- ♦ A copy of the KRA PIN Certificate.

The annual licence fee to be paid varies with the type of Airbnb:

serviced flats & apartments, villas, holiday cottages, and timeshares are charged a license fee of **Kshs. 26,000/= per year**; beach cottages, and tree houses are charged **Kshs. 21,000/= per year** and hostels and guest houses are charged **Kshs. 11,000/= per year** and homestays are charged between **Kshs. 1,000/= to Kshs. 3,000/= per year** depending on its location.

## 2. Compliance with the standards and requirements set by the TRA

Before issuance of the license, the TRA will dispatch an officer to inspect the premises and confirm whether the Airbnb has complied with the standards and requirements listed in the First Schedule of the Tourism Regulatory Authority Regulations, 2014.

Please click here to get more information on the standards and requirements one is required to comply with:

<https://eregulations.invest.go.ke/-media/Tourism%20Act%20Authority%20Regulations%202014.pdf>

### 3. Other licences to be procured

#### (A) NEMA LICENCE

Section 98(5)(c) of the Tourism Act, imposes an obligation on a host/owner of an Airbnb to procure an environmental impact assessment licence (NEMA licence) over the premise.

#### (B) SINGLE BUSINESS PERMIT

Since an Airbnb is regarded as an income-generating business, an owner/ host is required to obtain a business permit from the County Government allowing them to run the business.

#### (C) HOME INSURANCE

It's important to obtain home insurance to insure the premises and all belongings against life's unexpected events such as damage, fire, theft, natural causes, or other losses. The plan can further be extended to cover your Airbnb's employees and occupiers against any liability arising from an accident or incident occurring on the premises.

### 4. Penalties & Offences

- (a) An application for renewal of the TRA licence must be made within 3 months prior to the expiry of the licence. Failure to

make the application for renewal, the host will be liable to pay a penalty of 10% of the license fee for each month they are in default; and

- (b) Failure to apply for a licence or furnish the licence upon request amounts to an offence under the Tourism Act, 2011, and exposes the host to a fine of Kshs.100,000/= or a jail term of up to 18 months or both; and
- (c) Failure to comply with the standards and requirements set by the TRA will lead to the suspension of your licence and the closure of your Airbnb business.





## THE DUE DILIGENCE CHECKLIST ON COMMERCIAL REAL ESTATE

### WHAT IS COMMERCIAL REAL ESTATE?

Commercial real estate refers to buying or leasing/renting out a property with the aim of generating income. It involves leasing or renting out residential and office buildings; hotels, restaurants, and bars; shopping malls and retail shops; agricultural farms and ranches; land or plots; industrial buildings; garages and storage facilities such as warehouses.

***Below is the due diligence checklist Factors to consider before investing in Commercial Real Estate***

### 1. Find a suitable location

The location of a commercial property is vital as it can either positively or negatively impact your rental income or the profits



accrued from the sale of the property. In ascertaining whether an area is conducive for business activity, consider the following factors:

- (a) the potential tenants/the buyers you desire to attract
- (b) the crime rate in the area
- (c) the costs of electricity and water connections in area
- (d) the proximity to the major highways and the accessibility of the commute routes
- (e) accessibility to social amenities such as shopping centres, hospitals, and schools.

## **2. Familiarize yourself with the zoning laws and building regulations**

Zoning laws are the regulations that county governments use to identify which land uses are permitted or prohibited in a specific area. In Kenya, areas are divided into residential, commercial, agricultural or industrial zones. It is prudent to familiarize yourself with the zoning and building regulations of a specific area since land

designated for residential, agricultural or industrial purposes cannot be used for commercial purposes unless a change of user is undertaken.

## **3. Acquire adequate finance options**

Investing in commercial property can be very costly and without reliable and adequate financing options in place, it is simply impossible to bring your dream into reality. There are several ways to finance a commercial property investment, it is therefore important for you to work with the right professionals so as to assess the possible risks and expected rate of return of the investment.

## **4. Lease, License, or Tenancy Agreements**

It is fundamental to understand the different rights and obligations imposed by the various commercial property agreements. Lease, license, and tenancy agreements may seem the same on paper, but they confer different rights and obligations on the different parties involved. The type of agreement and the term (period) imposed by the

agreement may have a significant impact on your ability to generate income from the property. For example, in the review of rent and termination of an existing agreement, tenants in controlled tenancies enjoy more protection and rights as compared to tenants in lease and license agreements. Therefore, engage the services of a commercial real estate lawyer who will advise you on what agreements to get into to avoid incurring losses or exposing yourself to legal action.

## **5. Know the outgoings payable on the property**

It is prudent to familiarize yourself with the outgoings payable on the commercial property and whether you can afford them. Some of the outgoings on the commercial property include land rent, land rates, charges, insurance premiums, service charge, taxes, management fees, operation costs and maintenance costs. Outgoings play a major role in how landlords charge their rent and are the reason why properties in high-end areas like Kilimani

or Lavington fetch a higher rental income as compared to areas like Embakasi or Kitengela.

## **6. Obtain an insurance cover**

Commercial property owners are exposed to a myriad of risks, as such the need rental property insurance. Rental property insurance is a special type of home insurance designed to cover the risks a property owner faces when they rent out their properties to third parties.

Rental property insurance insures the building itself (structure), the fixtures and fittings against fire; acts of God such as storms, lightning, and earthquakes; flooding as a result of bursting and overflowing water tanks or pipes; human causes such as riots, strikes and malicious damage and other unforeseen events. Notably, the policy also covers the lost income suffered by a landlord and injuries suffered by tenants while in occupancy of the property.



## **LANDLORD'S RIGHT TO PERFORM DUE DILIGENCE CHECKS ON A TENANT**

In Kenya, landlords have the right to perform due diligence on potential tenants to ensure that they are suitable and can meet their rental obligations. This involves requesting tenants for their identification documents and performing background checks on them by inquiring about their credit history, sources of income, employment status and references from former landlords. On the other hand, tenants have the right to privacy which involves them issuing consent before their personal information is accessed or processed by a landlord.

### **A Landlord's Right to Perform Due Diligence on Prospective Tenants**

Article 35 of the Constitution of Kenya, 2010 provides a landlord with the right to access information held by a tenant if it is for purposes of protecting a landlord's right to rental income. Further, Section 30(1)(b) of the Data Protection Act, 2019 provides a landlord with

the legal basis for obtaining personal data relating to a tenant as it is necessary for the performance of a lease or tenancy agreement between the landlord and tenant.

## A Tenant's Right to Privacy

The right to privacy is underpinned under Article 31 of the Constitution of Kenya, 2010. In specificity, Article 31(c) and (d) guarantees the protection of a tenant's personal information.

The Data Protection Act, 2019 which gives effect to Article 31 (above), places strict obligations on any person handling or processing personal data, in this case, a landlord to:

- (a) protect the tenant's right to privacy,
- (b) respect the right of the data subject (the tenant) and
- (c) ensure that personal data is processed in line with the Act.

Failure by a landlord to comply with the above obligations,

exposes him/her to a claim of compensation by a tenant and criminal offenses under the Act in cases of infringement of the tenant's right to privacy.

## What are the guiding principles to be followed by a landlord during the vetting of potential tenants?

Section 25 of the Data Protection Act, 2019 places an obligation on the landlord to adhere to the following guiding principles while performing due diligence checks on a tenant:

### 1. Obtain Consent

A landlord should obtain written consent from prospective tenants before conducting any background checks on them. Section 32 of the Data Protection Act, 2019 provides that the consent obtained should be **express, unequivocal, free, specific and informed**. The best way for a landlord to comply with this requirement is to provide a tenant with a form outlining the type of background checks to be performed, the type of information to be obtained, the purpose and requiring the tenant to consent to the background checks being undertaken.



## 2. Purpose Limitation

Landlords should only request and review the information that is relevant to the tenancy/lease agreement. The information obtained should be specific and for purposes of only ensuring that the tenant will be able to meet his/her rental obligation. As such, background checks verifying the tenant's employment status and sources of income are necessary but information relating to their medical history or family is not.

## 3. Legitimate and Valid purposes

A landlord is required under the law to adequately inform the tenant, the reasons for performing background checks. Thereafter, a landlord should only use the information obtained for permitted and lawful purposes.

## 4. Security of the Information

Landlords should keep any personal information obtained during the due diligence process secure and confidential. This means storing physical documents in a locked cabinet or using password-protected digital files that are tamper-proof and not susceptible to theft.

Further, once the tenant's personal information is no longer in use, the landlord should securely destroy or dispose it off.

## 5. Accurate Information

Landlords should use reputable sources of information when conducting due diligence checks to ensure that the tenant's personal information obtained is accurate and not misleading. For example, if a landlord seeks to verify the employment and income information of a tenant, they should do so by contacting the tenant's employer directly in writing.

## 6. Information not be transferred without consent

A landlord in possession of a tenant's personal information, cannot transfer it to a third party without the tenant's consent. However, there are instances of necessity permitted in Section 48 (c) of the Act that allow a landlord to transfer information without consent. For example, it is in the interest of the public for a landlord to share a tenant's personal information for purposes of COVID 19 contact tracing by the Government.



## **FREQUENTLY ASKED QUESTIONS ON THE DUE DILIGENCE PROCESS**

### ***WHAT IS THE CONVEYANCING PROCESS?***

Conveyancing is the art and legal process of transferring ownership of property from the seller to the buyer. It consists of the pre-contractual stage (negotiations between the seller and buyer), an investigation of the title (due diligence), the contract stage, completion, transfer and registration of the interest over the property from the seller to the buyer.

### ***WHAT IS THE DIFFERENCE BETWEEN FREEHOLD TENURE AND LEASEHOLD TENURE?***

**Freehold tenure** refers to absolute ownership of land with no restrictions on its use. This tenure represents the most interest one can have in land. A freehold landowner has absolute ownership for the rest of his life and descendants as long as the property is not sold.

**Leasehold tenure** refers to a type of interest where the property owner owns, holds and has the right to use the land for a specified period of time. Before the Constitution 2010, the tenure was up to 999 years however post-2010 the maximum tenure one can hold currently is 99 years. It should be noted that a lessee, who is a Kenyan citizen, enjoys the pre-emptive rights to apply for an extension or renewal of a lease on the expiry of their tenure.

## **HOW DO I PROTECT MYSELF AS A BUYER?**

Before buying or investing in a property, the first step is performing thorough and comprehensive due diligence on the property. This means gathering all the necessary information and evaluating the property's potential risks and pitfalls that could result in financial loss or legal disputes.

It is prudent to procure the services of professionals, such as a licensed real estate agent, surveyor, and lawyer while undertaking the process. These professionals will advise, guide and protect your interests during the entire process.

## **WHAT DO WE MEAN BY BUYING PROPERTY OFF-PLAN?**

Buying property off-plan simply refers to purchasing property before construction is commenced or completed. Developers use pre-construction layouts, site developmental plans and building plans to market and sell their properties (apartments, villas, bungalows, townhouses) to prospective home buyers and real estate investors.

## **WHAT ARE SOME OF THE IMMEDIATE RED FLAGS A BUYER SHOULD TAKE INTO CONSIDERATION DURING THE DUE DILIGENCE PROCESS?**

- a) If the seller does not or is unwilling to furnish you with their identification documents i.e. an ID, KRA PIN, Certificate of Incorporation or Registration Certificate.

- b) If the seller requires payment of the purchase price in cash and without an agreement in place
- c) If the property on the ground does not match what is provided for in the survey map.
- d) If there are signs of encroachment by squatters or graves on the property
- e) If upon undertaking a search (official and certified green card) the following is revealed:
  - ♦ The registered owner is different from the person selling the property
  - ♦ There is an encumbrance on the title that the seller denies or lied about
  - ♦ There is a caution, inhibition or restriction registered against the title.
  - ♦ There is an ongoing succession matter and no grant of letters of administration/ probate has been issued by Court.
  - ♦ There is an ongoing dispute in Court.
- f) If you are purchasing an apartment and the developer does not or is unwilling to furnish you with the requisite construction approvals (listed below).

### **WHAT CONSTRUCTION APPROVALS SHOULD A BUYER REQUEST FROM A DEVELOPER?**

- ♦ Approved Architectural Plans
- ♦ Approved Structural Plans
- ♦ Construction Permit
- ♦ NEMA Environmental Impact Assessment License
- ♦ NCA Compliance Certificate

### **WHAT APPROVALS CERTIFY THAT A DEVELOPMENT IS READY FOR OCCUPATION?**

*Architect Certificate of Practical Completion*– issued by a licensed



Architect and certifies that the development is complete.

**Certificate of Occupation**– issued by the County Government and certifies that the building is complete and fit for human habitation.

### **WHAT IS THE CHANGE OF USER PROCESS?**

Zoning and Local Physical Development Plans regulations usually restrict and provide that certain areas can only be utilized for a specified use that is residential, commercial, industrial, agricultural or mining purposes(quarry). For example, a change of user application would be necessary when a developer seeks to convert a property limited for residential use to commercial or industrial use.

### **DIFFERENCE BETWEEN LAND RATES CLEARANCE AND LAND RENT CLEARANCE CERTIFICATES?**

**Land Rates Clearance Certificate**–This document is issued by the County Government and serves as evidence of settlement of land rates by a landowner.

**Land Rent Clearance Certificate**–This document serves as evidence of settlement of land rents by a landowner.

How does a buyer confirm if they are dealing with a professional? Any professional helping you with the conveyancing process must possess a current practicing certificate/license and be registered with the relevant body. The professionals include a Surveyor, Advocate(lawyer), Architect, Engineer and Real Estate Agents.





## CONCLUSION

We echo the words of the renowned federalist James Madison, *“If men were angels, no government would be necessary”*. Simply put, if men were honest, then Courts would not be overwhelmed with numerous land disputes, the Parliament would not need to enact the many existing land legislations and regulations and the professionals in the real estate market would be out of work.

Purchasing property can be a daunting process, given the prevalence of fraud, corruption, and land disputes in Kenya. However, with the right information, buyers can mitigate any potential risks and make informed decisions on property investment.

This handbook has provided valuable insights into the due diligence process, equipping prospective buyers and investors with comprehensive guidelines and crucial steps on how to conduct due diligence effectively. By following the guidance provided in this handbook, buyers can confidently navigate the real estate market in Kenya and avoid falling victim to fraudulent activities. Ultimately, this will not only protect buyers from financial losses but also promote trust and confidence in the real estate market, leading to a thriving and sustainable industry in Kenya.

**Disclaimer:** This handbook is for general information only and does not constitute legal advice. The handbook is provided for informational purposes only, and readers are encouraged to conduct their own due diligence and seek professional advice before making any property investments or entering into any transactions.

While every effort has been made to ensure the accuracy and completeness of the information provided, we disclaim any legal liability for any loss or damage of any kind incurred as a result of reliance, wholly or partly, on any information provided in this handbook.



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