

Gendered dynamics of urban tenure rights and realities in Kenya - a study

Terms of Reference

January 2023

Contents

Executive Summary	2
1. Background.....	3
1.1. About Reall	3
1.2. Reall's approach	3
1.3. Context analysis: urban poverty, housing and gender	4
2. Objectives	6
3. Scope of Work	6
4. Deliverables	6
5. Timings	8
6. Assumptions and Risks.....	8
7. Consultancy Experience Requirements	8
8. Payments.....	9
9. Submission	9

Executive Summary

Reall is an innovator and investor in climate-smart affordable housing. With the long-term support of the Swedish International Development Cooperation Agency (Sida), we are building a climate-smart affordable housing movement in urban Africa and Asia. Through this, we aim to accelerate the transition to net-zero while improving the lives of 100 million people on low incomes by 2030.

Profound inequalities exist between men and women globally, which diverse women experience in different ways, at different times and in different geographies and spaces. These inequalities are manifest in urban housing poverty, making it a gendered challenge. Inadequate housing through lack of basic services, poor habitability and insecurity becomes compounded by broader structural inequalities.

Reall recognises the right to live in adequate housing that is safe and secure – and that access to housing for women means more than a structure to inhabit. Reall's approach is focused around: women's participation, leadership and empowerment; design of sustainable homes and communities; equal access for women to basic services and land rights; and access to housing finance.

With this in mind, we would like to enhance our knowledge of the tenure rights and realities for urban affordable housing and understand key enablers and barriers encountered by end users (especially women) when accessing and implementing their rights – with a particular focus on Kenya. This will include mapping out the realities of formal institutions and affordable housing providers, as well as exploring the needs and perspectives of end users and the dynamics at household and community level. In addition, we would like to better understand the value and breadth of sole/joint ownership as an appropriate proxy indicator for women's empowerment. It is expected that this evaluation exercise will identify clear recommendations for how women's empowerment can be strengthened through the provision of affordable housing and tenure.

Reall seeks to procure consultants or consultancy agency with expert knowledge of gender issues in Kenya – preferably in the field of women's land, housing ownership and resource rights. Knowledge of affordable housing would also be an asset.

Work is expected to be contracted in early February 2023, with deliverables over the following 3 months.

1. Background

1.1. About Reall

Reall is an innovator and investor in climate-smart affordable housing in urban Africa and Asia. By spearheading an affordable housing movement, we aim to accelerate the transition to net-zero while improving the life chances of 100 million people in Africa and Asia by 2030.

The escalating global housing crisis is one of humanity's greatest challenges. At least 1.2 billion people worldwide live in substandard housing, often lacking access to clean water or a decent toilet. With urban populations in Africa and Asia increasing rapidly, that figure could reach a staggering 3 billion by 2030.

While the challenge is huge, the opportunity is enormous. Climate-smart affordable housing is a doorway to realising 16 of the 17 UN Sustainable Development Goals – transforming the lives of people on low incomes while driving sustainable urbanisation, inclusive growth, gender equality and urban resilience. For every climate-smart affordable home we build, we create five new jobs while shaping the greener cities of tomorrow.

Climate-smart affordable housing represents an untapped US\$17 trillion global market, delivering lasting returns for profit, people, and planet. We prove this in practice by showcasing innovative solutions and models that work, such as our climate-smart homes built in desirable urban locations for low-income households. We then crowd in the public and private sectors to take these to scale – sharing open access evidence and learnings so that the best ideas can be adapted and adopted widely.

We amplify impact further by tackling critical market bottlenecks. Through local partnerships, open access data, disruptive technologies, and strategic influencing, we broker changes in policy, regulation and finance that transform the market. These span the entire value chain, from influencing local planning policies and driving down construction costs, to leveraging green investment and enabling low-income families to access affordable mortgages for the first time ever in our target markets.

Headquartered in the UK and possessing over 30 years' experience in the sector, Reall's priority focus is in Kenya, Uganda, Nigeria, India, and Pakistan, with a wider footprint that includes Ghana, Mozambique, Nepal, the Philippines, and Zimbabwe.

1.2. Reall's approach

Reall recognises the right to live in adequate housing that is safe and secure – and that access to housing for women means more than a structure to inhabit. The connection between housing and women is additionally gendered, including women's ability to leave situations of domestic violence or inherit property and land. Reall acknowledges that we must challenge patriarchy and promote gender equality to achieve social justice, and consequently the primary focus of our gender equality efforts is on women and girls.

Our vision is that through improving the quality of the homes and communities and ensuring equal access to tenure, finance and homeownership, and jobs within the construction cycle, we can break the cycle of poverty and contribute to the transformation of relations, power and resources to create a gender equal world. As a specialist organisation we believe that improving homes and communities offers many opportunities to mainstream transformative change in our programmes.

1.3. Context analysis: urban poverty, housing and gender

Profound inequalities exist between men and women globally, which diverse women experience in different ways, at different times and in different geographies and spaces. These inequalities are manifest in urban housing poverty, making it a gendered challenge. Inadequate housing through lack of basic services, poor habitability and insecurity becomes compounded by broader structural inequalities.

Different groups of men and women are more vulnerable and face additional challenges, such as single and female-headed households, older persons, women with disabilities and illnesses, and women and men from minority communities. Women are often compelled to live in inadequate housing or depend on male partners for access to housing, rendering them vulnerable to homelessness, sexual and gender-based violence, HIV and AIDS, and forced evictions. Women with children in inadequate housing find it extraordinarily difficult to provide adequate shelter or care for their children. Their vulnerability is compounded by 'gender-neutral' housing laws and policies, that fail to acknowledge pre-existing inequalities between men and women for access to housing and respective housing needs.

Women's participation, leadership and empowerment

In low-income countries, women typically earn less and have weaker job security as they are more likely to work in the informal sector and as casual unskilled labour. Women also often carry additional responsibilities for unpaid care work within their families, constraining their time, resources, and opportunities.

Women are empowered by owning their home and what it represents. In many cases, women face increased stigma and discrimination from renting or living in informal settlements. Being able to access affordable homes means women can change their standing within society, within their families, and within their own household. No longer having to worry about eviction, loss of possessions, or sudden rent increases results in better mental health with women and their families feeling more secure and peaceful. It also enables women (and men) to focus on their future instead of being consumed by daily survival.

Design of sustainable homes and communities

Unsafe and insecure housing has a disproportionately negative impact on women and girls' health and wellbeing, increases the risk of violence and assault, and undermines capabilities in caring for children. Women and girls face mobility constraints from inadequate services and infrastructure, safety and security concerns, and social norms and economic restrictions tying them closer to the home. They are also at heightened risk of violence, especially gender-based violence both in the home and in public. Women are also more likely to be excluded from decision-making processes in relation to housing/urban planning, contributing to housing conditions inadequately addressing the needs of women and girls.

Being in a safe and secure community enables women to expand their opportunities outside of the home, building new businesses within their communities. Well-planned homes and communities can also have a positive impact on intrahousehold relations and the reduction of violence. By creating safer communities, many of the negative influences that women fear for their families are removed, providing women with greater psychological security and peace of mind.

The climate crisis is an existential threat. Creating climate-smart, resilient affordable housing communities has the potential to reduce the vulnerabilities of people living in insecure shelter and environments, often without social protections, and the specific additional vulnerabilities of women and girls. Green affordable housing solutions provide for resilience, and enhanced citizenship, as a response to these challenges.

Equal access for women to basic services and land rights

Ensuring that affordable homes are equipped with appropriate services such as clean energy, water and sanitation fosters healthier and cleaner environments, leading to a reduction in the harmful consequences to residents through poor lighting or a lack of sewage management. Such improvements have a significant impact on women and girls as they often spend more time inside the home. They provide further advantages to women and girls by reducing workloads, freeing up time to engage in employment opportunities and education, and providing a private space for homework. Lack of such services means they will also have additional responsibilities which can put them in unsafe places or situations.

While the lack of secure land rights impacts many people in Africa and Asia, often more women are affected than men. This inequality is due to formal and informal systems that preference male over female ownership, such as paternal inheritance systems, antiquated rules that allow only husbands to own land, and other social and customary practices. Often these inequalities are found in legal and regulatory systems. Yet, women with land are better equipped to challenge traditional subordinate positions in the community and households, including addressing domestic violence and engaging politically. Equal tenure rights are essential to protect against forced evictions, challenge gender-based violence, and enhance women's social position and financial security.

Access to housing finance

An estimated 56% of unbanked adults globally are women, and women frequently struggle to access housing finance. This can be due to their low or informal incomes but can also be due to entrenched patrimonial cultures which exclude women through unfamiliarity with banks or other financial institutions. Many women also struggle to save enough money for a deposit. To help address some of these barriers, certain countries (e.g. Pakistan) have put in measures such as reduced interest rates for households who include a woman on the title of a house. With many demands on the household, regular savings are rarely an option.

Securing access to housing finance loans provides women with a foothold in the formal economy and greater financial inclusion. This mechanism has a multiplier effect: by being able to access affordable housing women can achieve empowerment and greater security for themselves and their families. More equitable access to housing finance means greater diversity of homeownership and more diverse and inclusive communities. Being able to invest in affordable housing through appropriate financing also has a positive ripple effect as women are better placed to invest in their communities and their businesses.

2. Objectives

Reall seeks to procure consultants or a consultancy agency with expert knowledge of gender issues, preferably in the field of women's land, housing ownership and resource rights. Knowledge of affordable housing would also be an asset.

The primary objectives of this work are to:

- i. Identify and analyse key sources on tenure rights and realities for urban affordable housing, and understand key enablers and barriers encountered by end users (especially women) when accessing and implementing their rights
- ii. Map out policy realities of formal institutions and affordable housing providers when implementing female focused tenure rights and policies
- iii. Explore the needs and perspectives of end users in regard to tenure rights (especially joint/sole ownership) and the dynamics at household and community level
- iv. Evaluate the value and breadth of sole/joint ownership as an appropriate proxy indicator for women's empowerment

Reall is anticipating that this research will focus particularly on urban Kenya. The total budget for this research is US\$25,000, including VAT.

Scope of Work

The overarching purpose of this consultancy is to examine the policies and lived experiences of secure tenure for women in urban contexts, including the impact of incentives schemes (e.g. by housing and mortgage providers) in terms of improving the rates of home ownership among women, as well as the wider impact of this on gender dynamics. Secondly, the consultant will be expected to evaluate the use, relevance and limitations of using sole/joint ownership as a proxy indicator for women's empowerment.

Reall anticipates that this evaluation exercise will include a review of key policies and literature, as well as focused group and individual discussions with a range of key stakeholders. However, we invite applicants to propose a relevant workplan and methodology to achieve the above objectives in their response to this Terms of Reference. The winning consultant will be expected to refine and expand upon these further during the inception stage of the work.

It is expected that this evaluation exercise will identify clear recommendations for Reall and its partners for how women's empowerment can be strengthened through the provision of affordable housing and tenure.

Key outputs will consist of written reports and summary presentations that respond directly to the objectives. These reports must be concise and accessible (maximum 25 pages each), augmented with relevant secondary research and data, and each contain specific recommendations. In addition to these deliverables, the consultant will also have regular check-ins with Reall to report back on findings and learnings as the work develops.

3. Deliverables

Specific objectives and deliverables are set out below:

Objective	Deliverables
Primary Objectives	
<p>1. Identify and analyse key sources on tenure rights and realities for urban affordable housing, and understand key enablers and barriers encountered by end users (especially women) when accessing and implementing their rights</p>	<ul style="list-style-type: none"> • Inception report section that provides a review of secondary literature, and articulates a methodology for research and data collection • Comprehensive written report section that presents an assessment of the tenure rights and realities for urban affordable housing as well as a quantitative and qualitative analysis of key enablers and barriers encountered by end users, paying particular attention to women • Condensed slide deck and presentation to Reall staff on key findings and specific recommendations
<p>2. Map out policy realities of formal institutions and affordable housing providers when implementing female focused tenure rights and policies.</p>	<ul style="list-style-type: none"> • Inception report section that articulates a methodology for research and data collection with policy makers and other key stakeholders • Written report section that presents quantitative and qualitative analysis of realities for formal institutions for implementing female focused tenure rights, with recommendations for improvement/strengthening women’s rights • Condensed slide deck and presentation to Reall staff on key findings and specific recommendations • Interview transcripts and/or notes, plus annex of meetings and persons consulted
<p>3. Explore the needs and perspectives of end users in regard to tenure rights (especially joint/sole ownership) and the dynamics at household and community level</p>	<ul style="list-style-type: none"> • Inception report section that articulates a methodology for research and data collection with key stakeholders including end users (men and women) and community leaders • Written report section that presents quantitative and qualitative analysis of end user attitudes and needs in regard to tenure rights, paying particular regard to gendered dynamics and impact within households and communities, and with recommendations for improvement/ strengthening women’s rights • Condensed slide deck and presentation to Reall staff on key findings and specific recommendations • Interview transcripts and/or notes, plus annex of meetings and persons consulted
<p>4. Evaluate the value and breadth of sole/joint ownership as an appropriate proxy indicator for women’s empowerment</p>	<ul style="list-style-type: none"> • Inception report section that provides a review of breath of use and value of sole/joint ownership as a proxy indicator

	<ul style="list-style-type: none"> Written report section that presents analysis of value of indicator and recommendations for strengthening proxy indicators for women’s empowerment through affordable housing
--	---

4. Timings

Submissions are to be received by Reall by 9am GMT on 27 January 2023. From point of contracting, Reall expects this project to be concluded in 3 months. Dates agreed in the contract itself will supersede those in this Terms of Reference.

While there is some room for adjustment in terms of intermediary milestones, those for final outputs are fixed. If the applicant consultant feels that the proposed timeframe is insufficient, the proposed workplan should explain the reasoning.

Date	Milestone
Early February 2023	Consultancy contracted Commencement of work, with kick-off call
30 days post-contracting	Inception Report received, presentation to Reall on methodology and learnings so far
60 days post-contracting	Draft of written reports and presentation to Reall on learnings and findings so far
90 days post-contracting	Final reports received, presentation to Reall on findings
	Contract completed

5. Assumptions and Risks

Assumptions underlying the project

- COVID-19 related travel restrictions will have been reduced to a level that does not significantly impact the ability to undertake research in the relevant country
- Political and security situations remain conducive to undertaking the work

Risks

- Ongoing or recurring lockdowns prevent in-country movement, restricting ability to undertake research
- Deterioration of security situation, disasters, or other event impacting relevant country

6. Consultancy Experience Requirements

The overarching purpose of this consultancy is to examine the policies and realities of secure tenure for women in urban contexts, including the impact of incentives schemes (e.g. by housing and mortgage providers) in terms of improving the rates of home ownership among women, as well as the wider impact of this on gender dynamics. Secondly, the consultant will be expected to evaluate the use, relevance and limitations of using sole/joint ownership as a proxy indicator for women’s empowerment.

The procured consultant must therefore demonstrate expert knowledge and a track record of work relevant to gender issues in the relevant country, preferably in the field of women’s

land, housing ownership and resource rights. Demonstrative familiarity with affordable housing and financial inclusion would also be particularly beneficial.

The bid team should demonstrate the following:

Geographic Presence

- Located (either entirely or as an in-country office) and/or substantive field experience in Kenya
- Proven experience of undertaking relevant work in Kenya

Gender

- Significant experience and expert knowledge in gender issues in Kenya
- Significant experience in applying a gendered lens to relevant areas
- Understanding of use and application of international indicators for women's empowerment

Housing and Finance

- Knowledge of the urban housing market and financial inclusion, especially housing finance, in Kenya
- Knowledge of land rights, inheritance rights, and titling in the relevant markets

Research and Project Management

- Experience in undertaking and communicating primary research for practical purposes, utilising a mixture of primary and secondary evidence and a mixed methods approach
- Experience in conducting focus groups and undertaking qualitative data analysis

Stakeholder Engagement

- Significant experience in convening and engaging a range of stakeholders, paying particular heed to contextual sensitivities
- Experience in communicating and disseminating primary research outputs to targeted audiences

7. Payments

The contract would be Payment by Results. Proposal budgets should not exceed US\$25,000 (including VAT) and should include when payment would be requested and at what milestones.

8. Submission

To be considered for this project, applicants are required to submit a proposal that incorporates:

- The legal identity of the party making the bid
- Evidence of insurance cover where relevant
- A detailed response to the brief, that demonstrates clear understanding and of the key issues and objectives, including research methodology and sampling processes
- Evidence of credible track record and capacity to deliver
- Proposed project workplan
- Proposed approach in mitigating against risks involved in project, highlighting any additional risks or assumptions that are being made

- Detailed budget including all relevant assumptions, staff costs and time allocations, and at what milestones payments would be expected
- CVs of all consultants who would be involved in project design and implementation
- Declaration that consultants have the capacity and resources to deliver the contract as set out in the tender brief
- Declaration (by consultants and any sub-contractors) that they embrace non-exploitation and respect for social rights and working conditions
- Declaration that consultants are not in breach of the following restrictions. A candidate is to be excluded from taking part in procurement if:
 1. it is bankrupt, subject to insolvency or winding-up procedures, where its assets are being administered by a liquidator or by a court, where it is in an arrangement with creditors, where its business activities are suspended, or where it is in any analogous situation arising from a similar procedure provided for under national laws or regulations
 2. it has been established by a final judgment or a final administrative decision that the candidate/tenderer is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the candidate/tenderer belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes a wrongful intent or gross negligence, including, in particular, any of the following:
 - fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract.
 - entering into agreement with other economic operators with the aim of distorting competition
 - violating intellectual property rights
 - attempting to influence the decision-making process of the Contracting Party during the procurement procedure
 - attempting to obtain confidential information that may confer upon it undue advantages in the procurement procedure
 3. it has been established by a final judgment or a final administrative decision that the candidate/tenderer is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law
 4. it has been established by a final judgment that they, or persons having powers of representation or decision-making control over them, is guilty of any of the following; fraud, corruption, involvement in a criminal organisation, money laundering, terrorist financing, child labour (or any other forms of trafficking in human beings) or any other illegal activity detrimental to Sweden's or Sida's interests
 5. the tenderer has shown significant deficiencies in complying with main obligations in the performance of a contract financed by Sida or the Contracting Party, which has led to the early termination of a legal commitment or to the application of liquidated damages or other contractual penalties or which has been discovered following checks and audits or investigations
 6. they, their subsidiary, another company belonging to the same group of companies, a consortium partner or other affiliate is found on the list of EU restrictive measures. The lists of persons, groups, entities subject to the EU

restrictive measures are published on the following website:
www.sanctionsmap.eu

Please note that the requirements in this ToR are subject to change as the project progresses. These changes would be agreed between the parties and budgeted for appropriately.

References will be requested and taken up on offer of contract.

All proposals shall be rejected and contracts terminated where the tenderer or candidate has been found to engage in corrupt, fraudulent, collusive, or coercive practices.

Submissions should be made to info@reall.net by 9am GMT on 27 January 2023 and should include “*Gendered dynamics of tenure rights and realities study*” in the subject header. Any questions can also be sent to the same e-mail address.