



CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR

April 12, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson (Author), Mayor Jesse Arreguin (Co-Sponsor), Councilmember Kate Harrison (Co-Sponsor), and Councilmember Lori Droste (Co-Sponsor)

Subject: Support for SCA 2: Article 34 Repeal

RECOMMENDATION

Adopt a Resolution supporting SCA 2 to repeal Article 34 of the California Constitution, eliminating the required city-wide vote for construction of publicly-funded low-income housing projects. Send copies of the Resolution to Senators Ben Allen, Scott Wiener, Nancy Skinner, and Assemblymember Buffy Wicks.

BACKGROUND

Senate Constitutional Amendment 2, introduced by Senators Ben Allen and Scott Wiener, would repeal Article 34 and enable local governments to expedite the process of developing or acquiring low-income housing projects without the delays of electorate approval. Given the drastic shortage of affordable housing in Berkeley and across California, SCA 2 would remove a major barrier to vital housing development. In 2019, the City of Berkeley endorsed SCA 1, a previous version of this bill.<sup>1</sup>

Article 34 defines “low rent housing project’ as any development composed of urban or rural dwellings, apartments, or other living accommodations for persons of low income. Furthermore, Article 34 states that a “person of low income’ shall mean persons or families who lack the amount of income which is necessary (as determined by the state public body developing, constructing, or acquiring the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.”

Initially added to the California Constitution in 1950 through the Proposition 10 ballot initiative, Article 34 is a legislative relic of a racially discriminatory era. Today, it continues to serve as an institutional obstacle to the construction of new affordable public housing intended to benefit low-income individuals and reduce displacement.

The attached resolution reaffirms the City of Berkeley’s endorsement of the proposed constitutional amendment. Copies of the resolution shall be sent to Senator Nancy

<sup>1</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2019/04\\_Apr/Documents/2019-04-02\\_Item\\_11\\_Support\\_for\\_SCA-1.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/04_Apr/Documents/2019-04-02_Item_11_Support_for_SCA-1.aspx)

Skinner, Assemblymember Buffy Wicks, and the bill's authors, Senators Ben Allen and Scott Wiener.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

Consistent with the City's climate and environmental goals.

CONTACT PERSON

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Jarrod Esteves, Intern

Attachments:

1: Resolution in support of SCA 2

2: Bill text

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SCA2](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SCA2)

RESOLUTION NO. ##,###-N.S.

RESOLUTION IN SUPPORT OF SCA 2, THE REPEAL OF ARTICLE 34

WHEREAS, housing is a human right, and;

WHEREAS, development of publicly-funded affordable housing enables cities to further the public good by expanding access to this basic right, and;

WHEREAS, under current law, the cumbersome requirement of electoral approval impedes the capacity of municipalities to develop adequate numbers of affordable housing units, and;

WHEREAS, restrictions on affordable housing reinforce intergenerational income inequality and perpetuate systems of economic disenfranchisement which disproportionately impact minority communities, and;

WHEREAS, construction of new affordable housing empowers cities to both correct historic inequalities and address contemporary shortages when they arise, and;

WHEREAS, SCA 2 (Allen and Weiner) will repeal Article 34 of the California Constitution, thereby removing an antiquated procedural obstacle to progress.

NOW THEREFORE, BE IT RESOLVED that the City of Berkeley hereby endorses SCA 2 and the constitutional amendments which will result from its passage; and

BE IT FURTHER RESOLVED that the City of Berkeley may be listed as a supporter of said constitutional amendments by the official proponents of the measure; and

BE IT FURTHER RESOLVED that copies of this resolution will be sent to Senator Nancy Skinner, Assemblymember Buffy Wicks, Senator Ben Allen, and Senator Scott Wiener.

