



Fact Sheet - ACA 10 (Haney) - Constitutional Right to Housing

Summary

In California, a safe, affordable home is currently a privilege reserved for those who can afford the state's skyrocketing housing costs. California has the second-highest rent in the nation, and most low-income households pay more than half of their incomes to housing. Meanwhile, subsidized housing vouchers are available to only one in four eligible households. Not surprisingly, the state is home to more than half of all unhoused people living in places not fit for human habitation, like vehicles or tents. ACA 10 would recognize that every Californian has the fundamental human right to adequate housing on an equitable and non-discriminatory basis. State and local jurisdictions would be required to take progressive steps to fully realize adequate housing as a right—not a privilege available only to the few.

Background/Problem

Housing unaffordability is the primary reason that wealthy California is at the epicenter of our nation's housing crisis with the second-highest average rents and the second-highest highest poverty rate in the nation. More than 40% of California households and nearly half of all Black Californians are “housing cost burdened,” meaning they spend more on housing costs than they can afford, leaving little to invest in their families and their futures. And while the high cost of housing is devastating for all residents, it hits those with the lowest incomes

the hardest. About one quarter of renter households in California have extremely low incomes, and an astounding three-quarters spend over half of their income on rent. Subsidized housing vouchers are available to only one in four eligible households. Eligible low-income households can wait as long as an entire generation to obtain subsidized housing they can actually afford. Additionally, more Californians are forced to live on the street than anywhere else in the nation. The state is home to about 12% of the nation's population but half of all unsheltered people and a little over a quarter of all people who are unhoused.

The burdens of housing insecurity fall hardest on Black people, who make up about 6.5% of California's population but around 30% of its unhoused population. As a report by the Los Angeles Homeless Services Authority notes, “The circumstances that lead Black people to disproportionately experience homelessness cannot be untangled from the impact of institutional and structural racism in education, criminal justice, housing, employment, healthcare, and access to opportunities.”

Solution

ACA 10 will recognize that every Californian has the fundamental human right to adequate housing on an equitable and non-discriminatory basis. Should the measure pass the legislature, California voters will have the opportunity to vote to add this right to the state's constitution, creating an

obligation on the part of state and local governments to take meaningful action to fully realize the right.

Guaranteeing the right to housing would mean ensuring that all Californians have access to housing that is permanent, habitable, affordable, culturally appropriate, and close to community resources like employment, healthcare, and schools.

The amendment text reads:

The state hereby recognizes the fundamental human right to adequate housing for everyone in California. It is the shared obligation of state and local jurisdictions to respect, protect, and fulfill this right, on a non-discriminatory and equitable basis, with a view to progressively achieve the full realization of the right, by all appropriate means, including the adoption and amendment of legislative measures, to the maximum of available resources.

Under a right to housing, state and local jurisdictions must take progressive steps to fully realize the right. According to international standards, the human right to adequate housing consists of seven elements: (1) security of tenure; (2) availability of services, materials, and infrastructure; (3) affordability; (4) accessibility; (5) habitability; (6) location; and (7) cultural adequacy.

State and local governments can use a wide variety of measures to implement the right, including tenant protections, market regulations, public housing, housing subsidies, and progressive tax policy. While the government may choose the methods by which it achieves the right, having the fundamental human right in place creates a moral and constitutional obligation to actually realize the right of adequate housing for all Californians.

The idea of creating a right to housing is not new. Franklin Roosevelt, in his 1944 State of the Union address, declared that every family in the United States should have the right to a decent home. In 1948, the United States signed the Universal Declaration of Human Rights, which recognizes adequate housing as a human right. In 2020, polling showed that 66% of all Californians (including over half of those identifying as Republican) support an amendment ensuring the human right to housing.

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