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Approved as to Form and Legality



City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89274 C.M.S.

INTRODUCED BY COUNCILMEMBER CARROLL FIFE

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**RESOLUTION IN SUPPORT OF SENATE CONSTITUTIONAL AMENDMENT 2 (SCA 2) BY SENATORS ALLEN AND WIENER TO REPEAL ARTICLE 34 OF THE CALIFORNIA STATE CONSTITUTION, WHICH PROHIBITS PUBLIC ENTITIES FROM DEVELOPING, CONSTRUCTING, OR ACQUIRING A LOW-RENT HOUSING PROJECT UNTIL A MAJORITY OF THE QUALIFIED ELECTORS OF A CITY OR A COUNTY IN WHICH THE LOW-RENT HOUSING PROJECT IS PROPOSED APPROVE THE PROJECT BY VOTING IN FAVOR AT AN ELECTION**

**WHEREAS**, the City of Oakland and the State of California continue to experience an unprecedented housing crisis; and

**WHEREAS**, A growing number of Oakland residents are facing difficulties meeting their housing needs due to economic insecurity, unemployment, and displacement, which has been further exacerbated by the COVID- 19 pandemic; and

**WHEREAS**, 60% of the residents in Oakland are renters and a vast majority are rent burdened, meaning they dedicate more that 30% of their income towards housing costs and access to low-income and very low-income housing is critical to ensuring that more Oakland residents don't face homelessness; and

**WHEREAS**, in 1950 California voters approved Proposition 10, which added Article 34 (XXXIV) to the California Constitution, prohibiting the development, construction, or acquisition of publicly funded low rent housing projects without majority approval by the electors of a city or county; and

**WHEREAS**, Article 34, Section 1 of the California State Constitution states that a low rent housing project cannot be "developed, constructed, or acquired in any manner by any state public body until, a majority of the qualified electors of the city, town or county, as the case may be, in which it is proposed to develop, construct, or acquire the same, voting upon such issue, approve such project by voting in favor thereof at an election to be held for that purpose, or at any general or special election"; and

**WHEREAS**, Article 34 sought to maintain the status quo of housing segregation following the adoption of the Federal Housing Act in 1949, which banned explicit racial segregation in public housing; and

**WHEREAS**, California is currently the only state that requires voter approval of publicly funded low rent housing and Article 34 continues to be a barrier to much needed housing for person with low income and below across our state; and

**WHEREAS**, there have been several unsuccessful attempts to repeal or modify Article 34 via statewide referendum, including in 1974 with Proposition 15; in 1980 with Proposition 4; and in 1993 with Proposition 168; and

**WHEREAS**, California State Senators Ben Allen and Scott Wiener have put forth legislation, Senate Constitutional Amendment 2 or SCA 2, that would place a ballot measure on the November 2022 statewide election to repeal Article 34; and

**WHEREAS**, created to maintain segregated neighborhoods, Article 34 is an exclusionary and discriminatory statute that exemplifies how racism is codified in our Constitution; and

**WHEREAS**, it is critical we take the necessary and long overdue step of removing provisions that do not align with the values of our state; now, therefore, be it

**RESOLVED:** That the Oakland City Council hereby supports SCA 2 to repeal Article 34 of the California Constitution, and urge the California State Legislature and Governor to move this measure forward to the people of California for a vote; and be it

**FURTHER RESOLVED:** That the City Council directs the City Administrator to share this resolution with Senators Allan and Wiener, our representatives in the state legislature, and Governor Gavin Newsom.

IN COUNCIL, OAKLAND, CALIFORNIA,

**JUN 21 2022**

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

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NOES - 0  
ABSENT - 0  
ABSTENTION - 0

ATTEST:



ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California