

OPINION

Opinion: A Right to Housing in the California Constitution Could End the Crisis



by Michael Tubbs

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New housing construction in the Crocker Village neighborhood in Sacramento in February. Photo by Miguel Gutierrez Jr. for CalMatters

Despite Gov. Gavin Newsom’s historic **commitment** to ending California’s housing crisis — and the administration’s **arm-twisting** to try to make local jurisdictions do the right thing — we have not made the progress that Californians need.

Forty percent of the state’s households now spend more on housing than they can afford, and California is home to **more than half** of the nation’s **unsheltered** people.

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A new proposal in the Legislature, **Assembly Constitutional Amendment 10**, puts us on the precipice of significant change. If passed, Assemblymember Matt Haney’s bill would give voters the opportunity to enshrine housing as a fundamental right in our state constitution. The constitutional amendment would provide the state with a game-changing legal tool — and an ongoing obligation no matter who is in office — to ensure that every person has access to a permanent, stable home.

Creating a fundamental right to housing is consistent with public will. Indeed, a **survey** found that 55% of Californians view affordable housing as a community responsibility, and 58% believe affordable housing should be guaranteed. That’s not a surprise — people realize that a safe, secure and productive life is only possible with a home.

A recent **report** by the American Civil Liberties Union and others shows why a constitutional amendment would have real teeth and is a long-overdue step towards ending the housing crisis. In 1944, President Franklin D. Roosevelt called for every American to have a “decent home” regardless of “station, race or creed.” The U.S. then led the effort for the United Nations to draft and adopt the **Universal Declaration on Human Rights**, including a right to housing.

Unfortunately, that right never took root back home. Instead, racism and classism has impacted U.S. housing policy at every level: From redlining that concentrated Black housing in high-poverty neighborhoods; to exclusionary covenants and zoning that limits construction to single-family homes that are unaffordable to the not-wealthy; to the kind of “reverse redlining” that steered Black borrowers who should have qualified for prime rates into subprime mortgages with teaser rates that would later skyrocket and result in foreclosure.

This history has led to the kind of **housing disparities** we see in California today. Nearly half of all Black residents are “housing cost burdened” with little money to invest in their families and futures, including 64% of Black renter households. Among Latino renter households, 58% are burdened by housing costs.

The proposed constitutional amendment would help reverse these trends.

It would require the government to respect the right to housing by not interfering with it. So, if a local government passes zoning laws that prevent the construction of affordable housing, it would be in violation of the amendment and the courts could intervene.

It would create an obligation to protect the right to housing from third-party threats. Consider the current financialization of our housing stock which treats our homes solely as a commodity – divorced from any obligation to keep people safe and secure. The constitutional amendment would require the government to regulate third-party profiteers, which could mean rent control, ensuring habitable conditions, tenant protections from harassment, a right to counsel in eviction proceedings, and other guardrails to keep people in their homes.

Finally, the constitutional amendment would establish a government obligation to fulfill this new right by enacting policies and budgetary allocations to ensure that all Californians have secure housing. That means scaling the solutions that we know work such as vouchers, creating social housing outside of the private market, converting government-owned vacant lots into public housing and more.

A constitutional amendment wouldn't end the housing crisis overnight. But it would require the government to raise as many resources as possible for housing without undermining the long-term viability of the economy.

Translation: Steady progress and the primacy of every individual's right to housing.

Michael Tubbs is the founder of [End Poverty in California](#) and the senior fellow for the Rosenberg Foundation. He is a special advisor to Gov. Gavin Newsom and former mayor of Stockton. The author wrote this for [CalMatters](#), a public interest journalism venture committed to explaining how California's Capitol works and why it matters.