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July 9, 2021

The Honorable Anthony Portantino
Chair, Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

**RE: SCA 2 (Allen and Wiener): Public Housing Projects
As introduced on December 7, 2020 – SUPPORT
Set for hearing in Senate Appropriations – July 15, 2021**

Dear Senator Portantino:

The California State Association of Counties (CSAC) supports SCA 2, which would repeal Article XXXIV of the California Constitution upon approval of the statewide electorate. Article XXXIV requires a vote of the electorate when a local government seeks to build or fund affordable housing and was designed to impede the construction of healthy and affordable homes for Californians at all income levels. Repealing Article XXXIV would not only remove this discriminatory provision from the Constitution, but eliminate a stumbling block that has frustrated efforts by counties to provide homes for lower-income residents and people experiencing serious mental illness who are homeless.

SCA 2 would remove limitations on counties’ ability to financially support affordable housing without voter approval, while maintaining local voter approval requirements for new taxes or general obligation bonds to support housing. This would remove an electoral hurdle for counties that seek to fund the affordable homes in their jurisdictions, as several counties have done in recent years through bond measures. Moreover, at least one county has encountered issues with Article XXXIV in its efforts to apply for No Place Like Home Funding (NPLH). NPLH projects must show compliance with, or exemption from, Article XXXIV, creating challenges for counties that want to dedicate NPLH funds to 49% of a project’s units for persons with serious mental illness and to fund all other units occupied by lower-income households with a different funding source.

Article XXXIV is a barrier to county efforts to fund affordable homes and, in some circumstances, to implement NPLH projects. While repealing this provision would support local efforts to promote housing affordability and address the homelessness crisis, counties will not be able fill the funding gap for affordable homes for the most vulnerable without additional assistance from the federal and state governments. For these reasons, CSAC strongly supports SCA 2. If you need additional information about our position, please contact me at cle@counties.org.

Sincerely,

Christopher Lee
Legislative Representative

cc: The Honorable Ben Allen, Member, California State Senate
The Honorable Scott Wiener, Member, California State Senate
Honorable Members, Senate Appropriations Committee
Mark McKenzie, Staff Director, Senate Appropriations Committee
Ryan Eisberg, Consultant, Senate Republican Caucus