



TALKING POINTS

AB 920 (Bryan): Housing Status as a Protected Class Act and ACA 10 (Haney): Constitutional Right to Housing

Discrimination is wrong. Our unhoused neighbors are facing discrimination without protection.

- By increasingly discriminating against unhoused people in policy and practice, governments and law enforcement are harming people in our community.
- Housing is the basis of stability and security for individuals and families and forms the center of our social, emotional, and economic lives.
- Everybody deserves a safe, healthy, stable place to call home. Nobody should be priced out of housing and left to deteriorate on our streets or in a mass shelter.

Preventing discrimination against unhoused people is a racial justice strategy.

- Because of our country's history of racial discrimination in all areas of life, homelessness disproportionately impacts people of color. In fact, Black Californians accounted for nearly 28% of unhoused people in 2020, despite being less than 6% of the state's population.
- Homelessness also disproportionately impacts people with disabilities, LGBTQ+ people, formerly incarcerated people, and people who have been in the foster care system.

Generations of explicitly racist housing policies like redlining have meant that the burdens of housing insecurity and homelessness fall hardest on Black individuals and families.

- Eviction rates are much higher for Black renters, and rates of Black homeownership are at historic lows, depriving Black families of an important source of generational wealth.

AB 920 will help protect the civil rights of people experiencing homelessness and advance an affirmative right to safe, supportive, affordable housing.

- Amending California's anti-discrimination laws to recognize housing status as a protected category will make unequal treatment of this group unlawful and provide tools to protect unhoused people from discrimination.
- AB 920 will help protect the civil rights of unhoused people and prohibit them from being targeted or denied access to state or state-funded programs and benefits, simply because they are unhoused.
- AB 920 will guard against many forms of discrimination, including:
 - being denied In-Home Supportive Services benefits, which compensate people for the care they provide to their partners who have disabilities or are older adults—unless they live in places like tents;
 - being denied home delivery meal services for “homebound” adults, just because one lives in informal housing like a tent or car;
 - being denied a library card because of lack proof of residency in one's community.

ACA 10 will refer a measure to the voters that will acknowledge a right to housing in the California Constitution and obligate state and local governments to respect, protect, and fulfill this right.

- The government must not interfere with the right to housing by passing harmful policies and must regulate the private market to ensure that landlords and housing providers do not interfere with the right to housing.
- The government must work to build and preserve affordable housing and pass policies that ensure everybody in California has access to secure, healthy housing.



AB 920 – Anti-Discrimination of People Experiencing Homelessness

SUMMARY

AB 920 would add housing status as a measure of homelessness to the list of protected categories under California’s anti-discrimination statute in order to prevent against the routine discrimination of people who are unhoused.

BACKGROUND

Cal. Gov’t Code § 11135 is California’s anti-discrimination statute, which prohibits discrimination based on a list of protected statuses that includes sex, race, religion, medical condition, marital status, and age. Since its passage, the statute has been amended multiple times to expand the list of protected categories. In 2019, Senator Holly Mitchell authored the Crown Act, which added hair to the list of protections referenced in the section.

On any given night, California has around 173,000 unhoused individuals, the overwhelming majority of whom do not have access to a shelter. As a result, unhoused people are forced to sleep out in the open increasing their visibility and opening them up to being targeted in acts of violence and discrimination.

PROBLEM

With the lack of shelters and permanent supportive housing across the state, unhoused people resort to lying down in open spaces and opening themselves up to greater and more violent encounters of discrimination. In addition, despite only accounting for approximately 6% of the State’s total population, Black people are nearly a third of the people in our State who are unhoused. Moreover, a recent Los Angeles Homeless Service Authority report has indicated that the rise in homelessness among Latinx communities has sharply increased due to the COVID-19 pandemic.

A survey conducted by the National Coalition for the Homeless (NCH) revealed that 70.4% of unhoused people self-reported facing discrimination solely based

on their housing status. They are also targets of bias-motivated violence because they are unhoused. A 2018 NCH report using data from California police departments shows that unhoused people are routinely victims of assault and harassment across the state.

The rampant presence of discrimination faced by people based simply on their housing status runs counter to our state’s important goal of providing dignified housing and care for all Californians, including our most vulnerable neighbors who are experiencing homelessness.

SOLUTION

AB 920 will protect unhoused people from being targeted, persecuted, or denied access to programs and benefits by the state, or a state-funded agency, simply because of their housing status.

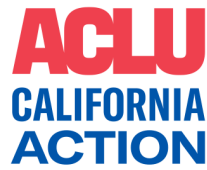
Adding housing status to California’s anti-discrimination law advances the civil rights of people who are unfairly targeted simply because they are experiencing homelessness. It will help to ensure that our broader solution framework for solving homelessness continues to be rooted in care, supportive services, compassion, affordable housing, and local innovations that build on the core needs of people who are experiencing homelessness -- while simultaneously protecting our most vulnerable neighbors from senseless discrimination that runs counter to those goals.

SUPPORT

ACLU California Action (Co-Sponsor)
Disability Rights California (Co-Sponsor)
Housing California (Co-Sponsor)
Public Advocates (Co-Sponsor)
Western Center on Law and Poverty (Co-Sponsor)

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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 small 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.

Co-Sponsors

Alliance of Californians for Community Empowerment (ACCE) Action
End Poverty in California (EPIC)
Housing Now
ACLU California Action
Abundant Housing LA
National Homelessness Law Center
Western Center on Law and Poverty
PowerCA Action

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