

Article 34 History & Context

San Mateo County Board of Supervisors
Article 34 Study Session

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COUNTY OF **SAN MATEO**



Article 34: What is it?

- A provision of the California Constitution that requires voter approval before public agencies develop, construct or acquire certain “low rent housing projects.”
- Applies to “any development composed of urban or rural dwellings, apartments or other living accommodations for persons of low income, financed in whole or in part by the Federal Government or a state public body.”
- Does not affect other land use requirements.

Article 34: Historical Context

- **1949:** Massive influx of federal funding for “slum clearance,” “urban renewal,” and low-rent housing.
- **June 1950:** CA Supreme Court blocks Eureka residents from stopping a public housing project.
- **November 1950:** Article 34 goes on the ballot and is approved.



Attempts to Repeal Article 34

- The CA Legislature has tried unsuccessfully to repeal Article 34 at least four times. Arguments for repeal include:
 - Makes developing affordable housing more expensive and time consuming
 - Disproportionate impact on marginalized residents who need affordable housing
 - CA is only state that requires voter approval of public affordable housing projects
 - Segregationist history

How Local Governments Satisfy Article 34

- Project-specific vote
- Structure project to fall within a legislative exception. Examples include:
 - Privately owned, no property tax exemption, and only 49% affordable
 - Development intended for owner-occupancy
 - Providing financial assistance to occupant of existing housing
- Ask voters to approve a “bank” of affordable units

Article 34 Unit Bank

- Authorize jurisdiction to develop a certain number of affordable housing units over time, without identifying particular projects.
- Frequently used over Article 34's 75-year history
 - In Northern California, Santa Clara Co., Alameda Co., Sonoma Co., Sacramento Co., San Francisco, City of Berkeley, City of Oakland, City of South San Francisco (maybe more) have unit banks.
- Approved by CA Supreme Court in *Davis v. City of Berkeley*, 51 Cal.3d 227 (1990).

Article 34 Unit Banking in San Mateo County



2022: South San Francisco voters adopted Measure AA, allowing the City to annually develop 1% of the total number of existing housing units in the City.

Article 34 Unit Banking in San Mateo County

2024: Board considered ballot measure that would have asked voters to approve a unit bank allowing public agencies in the County to develop up to 1% of housing supply in the County per year. The Board took no action.

Questions?

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