



URGENT ITEM AGENDA MATERIAL

Government Code Section 54954.2(b)
Rules of Procedure Chapter III.C.5

**THIS ITEM IS NOT YET AGENDIZED AND MAY OR MAY NOT BE
ACCEPTED FOR THE AGENDA AS A LATE ITEM, SUBJECT TO THE
CITY COUNCIL'S DISCRETION ACCORDING TO BROWN ACT RULES**

Meeting Date: October 27, 2026

**Item Description: Resolution Opposing the Proposed Rule, "Decennial Census
of the Population of Americans; Proposed Residence Criteria
and Proposed Regulations for Demographic Questions"**

This item is submitted pursuant to the provision checked below:



Emergency Situation (54954.2(b)(1) - majority vote required)

Determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.



Immediate Action Required (54954.2(b)(2) - two-thirds vote required)

There is a need to take immediate action and the need for action came to the attention of the local agency subsequent to the agenda for this meeting being posted.

Once the item is added to the agenda (Consent or Action) it must be passed by the standard required vote threshold (majority, two-thirds, or 7/9).

Facts supporting the addition of the item to the agenda under Section 54954.2(b) and Chapter III.C.5 of the Rules of Procedure:

On September 10, 2026, the U.S. Census Bureau proposed significant changes for the decennial census. There are many proposed changes, including excluding non-citizen residents from being counted, and prohibiting the collection of race, ethnicity, and sexual orientation data. Public comments on the proposed changes are due on November 2, 2026. It is urgent for the City of Berkeley to communicate its position before this deadline.



CONSENT CALENDAR

October 27, 2026

To: Honorable Members of the City Council

From: Councilmember Lunaparra (Author), Mayor Ishii (Co-sponsor), Councilmember Brent Blackaby (Co-Sponsor)

Subject: Urgency Item: Resolution Opposing the Proposed Rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions"

RECOMMENDATION

Pass resolution opposing the proposed rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions," and send a letter summarizing the City's position to the United States Department of Commerce and Census Bureau.

CURRENT SITUATION AND ITS EFFECTS

The United States Department of Commerce and Census Bureau has proposed a rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions." The City of Berkeley opposes both part 60 (residence criteria) and part 70 (restrictions on inclusion of certain demographic questions) of the proposed rule due to concerns that:

- 1) The revisions to residence criteria could exclude or misclassify substantial portions of Berkeley's population
- 2) The elimination of race and ethnicity questions, and the prohibition on future questions on sexual orientation, would severely impair the usefulness, integrity, and civil rights function of census data.

Any change that reduces the accuracy or completeness of the census jeopardizes the City's ability to serve its residents and undermines federal programs structured around population-based formulas.

BACKGROUND

Census data must reflect Berkeley in its entirety, as this population data will be used to inform representation and public policy regardless of citizenship status. Because of the presence of the University of California, Berkeley, the City of Berkeley is home to a large student population, many of whom live in the city for most of the year and all of whom rely on our municipal services. Additionally, the City serves a number of undocumented residents, international students, refugees, visa holders, and other non-citizens, all of whom reside in our communities, contribute to our economy, and participate in civic life.

The proposed changes could result in:

- Excluding or inconsistently counting students whose residence patterns do not align with the proposed framework.
- Excluding or undercounting undocumented residents, visa holders, refugees, and asylum seekers.
- Misclassifying residents with nontraditional living arrangements, those who recently moved, or people in temporary or transitional housing.

These groups rely on City services, including public health, transit, housing, and emergency response, regardless of citizenship or immigration status. The City must serve all of its residents, regardless of federal changes to the census count. Artificially reducing population figures would render census data significantly less reliable and diminish formula funding allocations, undermining the federal government's goal of providing efficient local services.

As a Sanctuary City, the City of Berkeley has an obligation to take every possible step to guarantee that all of our residents are counted in the census. Opposing this proposed rule is necessary to ensure that our community receives equitable federal funding so that every Berkeleyan can thrive.

FISCAL IMPACTS OF RECOMMENDATION

Other than the staff time required to send the letter, this item has no direct fiscal impact. However, if the proposed rule is adopted, the City of Berkeley would likely receive less funding from federal programs structured around population-based formulas.

ENVIRONMENTAL SUSTAINABILITY

This item has no direct environmental impact. However, if the proposed rule is adopted, the City of Berkeley would likely receive less funding from federal programs structured around population-based formulas, including for environmentally-focused projects and programs.

ATTACHMENTS

1. Resolution
2. Letter

CONTACT PERSON

Councilmember Cecilia Lunaparra, 510-981-7170
Jonah Gottlieb, Chief of Staff

RESOLUTION NO. ##,###-N.S.

OPPOSING THE PROPOSED RULE, “DECENNIAL CENSUS OF THE POPULATION OF AMERICANS;
PROPOSED RESIDENCE CRITERIA AND PROPOSED REGULATIONS FOR DEMOGRAPHIC
QUESTIONS”

WHEREAS, the United States Department of Commerce and Census Bureau has proposed a rule, “Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions;” and

WHEREAS, the City of Berkeley opposes both part 60 (residence criteria) and part 70 (restrictions on inclusion of certain demographic questions) of the proposed rule; and

WHEREAS, specifically, the City is concerned that:

- 1) The revisions to residence criteria could exclude or misclassify substantial portions of Berkeley’s population
- 2) The elimination of race and ethnicity questions, and the prohibition on future questions on sexual orientation, would severely impair the usefulness, integrity, and civil rights function of census data; and

WHEREAS, any change that reduces the accuracy or completeness of the census jeopardizes the City’s ability to serve its residents and undermines the federal programs structured around population-based formulas.

NOW THEREFORE, BE IT RESOLVED that the City of Berkeley urges the Department of Commerce and Census Bureau to extend the comment period by at least 60 days, or through December 10, 2026; and

BE IT FURTHER RESOLVED that the City of Berkeley urges the United States Department of Commerce and Census Bureau to withdraw the proposed rule and return with substantial revisions, including: The City of Berkeley urges the Census Bureau to withdraw the proposed rule and return with substantial revisions, including:

- Count all residents, regardless of immigration status, in the apportionment count. This aligns with historical practice and reflects the population local governments must serve.
- Reestablish detailed residence guidelines that address varied living arrangements, including temporary shelters, group housing, people who recently moved to the city, and children in foster care.
- Return to activity-based residence criteria, such as where a person usually lives and sleeps, rather than the proposed “one-hour” rule.
- Revise or eliminate the proposed “enumeration period” framework to prevent misclassification of seasonal workers, students, or transient populations and to ensure that vulnerable residents are not excluded.
- Count incarcerated individuals at their home address, reflecting where they live and will return after release, rather than shifting population toward areas where correctional facilities are located.
- Revise the language regarding tax records and avoid treating them as evidence of residence, as tax documents often reflect mailing addresses (not always residential) and may exclude dependent children and military families.
- Restore demographic data collection and align race and ethnicity questions with the 2024 SPD 15 standards.
- Avoid categorical bans on demographic questions, including sexual orientation, to preserve information critical to support research and policymaking.
- Guarantee that all revisions promote precision in data collection and foster public participation, especially among immigrant populations, students, and other groups vulnerable to uncertainty or fear stemming from procedural changes; and

BE IT FURTHER RESOLVED that the City Clerk shall send the attached letter opposing the proposed changes to the United States Department of Commerce and Census Bureau; and

BE IT FURTHER RESOLVED that the City Clerk shall send copies of the attached letter opposing the proposed rule to United States Senators Alex Padilla and Adam Schiff, United States Representative Lateefah Simon, California Governor Gavin Newsom, and California Attorney General Rob Bonta.



Office of Mayor Adena Ishii

27 October 2026

Department of Commerce

Census Bureau

4600 Silver Hill Road, Designation: ADDEMO/FRN, Washington, DC 20746

Subject: Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions (FR Doc. 2026-18481, RIN 0607-AA75)

To Whom it May Concern:

On behalf of the City of Berkeley, California, I am writing to comment on the proposed rule, “Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions,” published September 10, 2026.

The City of Berkeley substantially relies on accurate census data to plan, fund, and deliver essential public services. The Decennial Census determines federal formula allocations for housing, transportation, public health, education, nutrition programs, and infrastructure, using population, income, and demographic data.

The Decennial Census is the gold standard of demographic data in the United States; there are no similarly consistent and far-reaching data sets available, and any attempt to replicate it would be far more expensive, impractical, and inaccurate than simply rejecting proposed rules. Therefore, if the 2030 census count is inaccurate, the City of Berkeley will be forced to rely on worse or outdated data.

The City is gravely concerned that any change that reduces the accuracy or completeness of the census jeopardizes the City’s ability to serve its residents and undermines federal programs structured around population-based formulas.

Request to Extend Comment Period

The City of Berkeley urges the Department of Commerce and Census Bureau to extend the comment period by at least 60 days, through December 10, 2026. The proposed revisions are a significant departure from longstanding practices in the census and apportionment process, and they warrant meaningful public engagement. Extending the comment period will provide communities, organizations, local governments, businesses, and members of the public with sufficient time to review and respond to the proposed changes.

Opposition to Changes in Residence Criteria and Demographic Questions

The City of Berkeley opposes both part 60 (residence criteria) and part 70 (restrictions on inclusion of certain demographic questions) of the proposed rule. Specifically, the City is concerned that:

1. The revisions to residence criteria could exclude or misclassify substantial portions of Berkeley’s population.
2. The elimination of race and ethnicity questions, and the prohibition on future questions on sexual orientation, would severely impair the usefulness, integrity, and civil rights function of census data.

Residence Criteria and Impacts on Berkeley

Census data must reflect Berkeley in its entirety, as this population data will be used to inform representation and public policy regardless of citizenship status.

Because of the presence of the University of California, Berkeley, the City of Berkeley is home to a large student population, many of whom live in the city for most of the year and all of whom rely on our municipal services. Additionally, the City serves a number of undocumented residents, international students, refugees, visa holders, and other non-citizens, all of whom reside in our communities, contribute to our economy, and participate in civic life.

The proposed changes could result in:

- Excluding or inconsistently counting students whose residence patterns do not align with the proposed framework.
- Excluding or undercounting undocumented residents, visa holders, refugees, and asylum seekers.
- Misclassifying residents with nontraditional living arrangements, those who recently moved, or people in temporary or transitional housing.

These groups rely on City services, including public health, transit, housing, and emergency response, regardless of citizenship or immigration status.

The City must serve all of its residents, regardless of federal changes to the census count. Artificially reducing population figures would render census data significantly less reliable and diminish formula funding allocations, undermining the federal government's goal of providing efficient local services.

Demographic Questions

The City strongly opposes the elimination of race and ethnicity questions and any future ban on sexual orientation questions. In every decennial census since 1790, race has been included as a question. That data is essential to public policymaking and to comply with federal and state Civil Rights laws and obligations. While we agree that these questions should be updated to align with the 2024 SPD 15 standards, they should not be eliminated. Additionally, a prohibition on questions related to sexual orientation undermines future research and the utility of data on household composition.

Recommended Revisions

The City of Berkeley urges the Census Bureau to withdraw the proposed rule and return with substantial revisions, including:

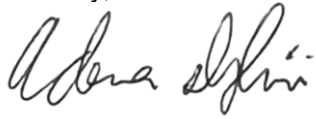
- **Count all residents, regardless of immigration status**, in the apportionment count. This aligns with historical practice and reflects the population local governments must serve.
- **Reestablish detailed residence guidelines** that address varied living arrangements, including temporary shelters, group housing, people who recently moved to the city, and children in foster care.
- **Return to activity-based residence criteria**, such as where a person usually lives and sleeps, rather than the proposed "one-hour" rule.
- **Revise or eliminate the proposed "enumeration period" framework** to prevent misclassification of seasonal workers, students, or transient populations and to ensure that vulnerable residents are not excluded.
- **Count incarcerated individuals at their home address**, reflecting where they live and will return after release, rather than shifting population toward areas where correctional facilities are located.
- **Revise the language regarding tax records** and avoid treating them as evidence of residence, as tax documents often reflect mailing addresses (not always residential) and may exclude dependent children and military families.
- **Restore demographic data collection** and align race and ethnicity questions with the 2024 SPD 15 standards.
- **Avoid categorical bans on demographic questions**, including sexual orientation, to preserve information critical to support research and policymaking.
- **Guarantee that all revisions promote precision in data collection and foster public participation**, especially among immigrant populations, students, and other groups vulnerable to uncertainty or fear stemming from procedural changes.

These proposed rules would exclude significant segments of Berkeley's population, thereby undermining the accuracy of the census, jeopardizing formula funding, and eliminating critical demographic data for civil rights, public health, and city planning. Thus, the City of Berkeley urges the Census Bureau and the Department of Commerce to withdraw the proposed rule and conduct additional research and stakeholder consultation.

At minimum, any final rule must ensure that all residents are counted where they live, that race and ethnicity data remain available, and that future demographic data collection is not constrained.

Thank you for the opportunity to provide comments on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Adena Ishii". The signature is fluid and cursive, with the first name "Adena" written in a larger, more prominent script than the last name "Ishii".

Mayor Adena Ishii | City of Berkeley, CA