

PRACTICAL LIBERTY IN ESSENTIAL SYSTEMS

Deep research report on private governance, essential markets, civic capability, and
statutory rights

Area 3 of the Private Infrastructure, Public Power legal framework

Research current through July 19, 2026

This report is a policy and legislative research document, not legal advice. It distinguishes existing constitutional doctrine and
statutory law from proposed reforms.

Executive Summary

American constitutional rights generally operate vertically against government. Yet modern life increasingly occurs inside privately governed systems: rental housing, hospitals, digital platforms, payment networks, workplaces, transportation systems, utilities, and privately controlled ecological resources. When exit is unrealistic and government supplies the legal architecture, private terms can materially impair speech, association, privacy, bodily autonomy, property protection, mobility, or access to remedies without producing a conventional constitutional defendant.

The strongest legal response is not to declare every private firm a state actor. Supreme Court doctrine makes that route narrow and unstable. The stronger approach is legislative: identify essential systems in which private control can extinguish practical liberty, define a threshold test, and impose limited, nonwaivable duties calibrated to the sector.

The Third Amendment is not a direct doctrinal basis for this project. It is, however, a useful organizing metaphor. The Amendment protects the home against compelled occupation by public power without consent or lawful authorization. Area 3 asks the reverse structural question: when private law occupies essential civic space so completely that public liberties become unusable, may legislatures restore a protected minimum? [1]

Existing law already contains the building blocks. PruneYard permits states to create limited expressive rights on privately owned property without violating the federal Constitution. *Shelley v. Kraemer* recognizes that judicial enforcement can convert certain private arrangements into state action. Federal housing rules protect tenant organizing in covered multifamily projects. The ADA imposes communication and access duties on private hospitals. EMTALA imposes public-service obligations on participating hospitals. Common-carrier and number-portability rules reduce switching barriers. The EU Digital Markets Act uses interoperability and real-time data portability to restore meaningful exit from gatekeeper platforms. Environmental law uses public-trust, nuisance, and cumulative-impact concepts to address private control and externalized public harm. [2]-[13]

The recommended framework has two layers:

- An umbrella Practical Liberty in Essential Systems Act (PLIESA) establishing definitions, a Practical Liberty Impairment Test, impact-review duties, nonwaiver rules, baseline rights, enforcement, and sector-agency authority.
- Sector modules for housing, healthcare, digital platforms, finance, employment, transportation, utilities, and ecological systems.

The framework should be triggered by dependence, constrained exit, control over civic capability, public-law contribution, externalized harm, and a remedial vacuum. Remedies should be proportional: notice, explanation, communication channels, organization rights, portability, interoperability, appeal, independent review, anti-retaliation, and only where necessary, access obligations or structural remedies.

The principal conclusion is that private law need not be subordinated wholesale to constitutional law. But government should not create or preserve essential private systems in which contractual control eliminates the practical availability of basic liberties and no meaningful public or market remedy remains.

1. The Problem: Rights Without Practical Availability

Constitutional doctrine usually asks whether government acted. Area 3 asks a different question: whether a citizen has any realistic path to exercise a liberty after private ownership, contract, concentration, geography, technology, and public nonenforcement are considered together.

The apartment scenario illustrates the problem. The tenant experiences recurring theft and wants to warn or organize neighbors. Management controls common areas and communications. Lease rules restrict signs or canvassing. Police may decline involvement or characterize the matter as private. The tenant lacks ownership authority, a practical substitute property, and an affirmative constitutional right to police protection. Each actor may possess a legally defensible position, while the combined system leaves the resident without exit, voice, or remedy.

This is not necessarily a First Amendment violation under current law. It is a failure of statutory design. The law assumes that market exit, private self-help, police response, civil litigation, or owner responsibility will supply a substitute. When all substitutes fail simultaneously, liberty can become nominal.

1.1 The constitutional baseline

The state-action requirement prevents most constitutional provisions from directly regulating private conduct. *Manhattan Community Access Corp. v. Halleck* emphasized that private entities ordinarily are not state actors merely because they open property to speech or perform a function serving the public. The public-function exception generally requires a function traditionally and exclusively reserved to government. [14]

DeShaney v. Winnebago County and *Town of Castle Rock v. Gonzales* further limit claims that government must protect citizens from private harm or enforce protective laws in a particular manner. These decisions help explain why the citizen can face private danger, public nonintervention, and private restrictions on self-organization without a conventional constitutional remedy. [15]-[16]

Area 3 therefore operates above the constitutional floor. It proposes statutory rights where constitutional doctrine leaves a practical-liberty vacuum.

1.2 The Third Amendment as constitutional metaphor

The Third Amendment's literal rule concerns quartering soldiers in private homes. Constitution Annotated notes that the Supreme Court has never decided a case directly construing the Amendment. Its historical concern nevertheless joins domestic security, consent, and lawful limits on the use of private property for public purposes. [1]

The useful analogy is not that landlords or corporations are soldiers. It is that essential private spaces should not be treated as legally empty zones in which another power can occupy the citizen's home, body, identity, communications, or common resources without a protected minimum of consent and self-government.

The report therefore uses the phrase 'anti-occupation principle' only as normative framing. The enforceable foundation comes from police powers, commerce regulation, public accommodations, consumer protection, property law, competition law, sector licensing, and state constitutional authority.

2. Existing Doctrinal Bridges

2.1 State-created expressive rights on private property

PruneYard Shopping Center v. Robins upheld California's authority to require a privately owned shopping center to accommodate limited speech and petition activity under the California Constitution. The Court rejected the owner's federal takings and compelled-speech objections, emphasizing that the owner remained free to adopt reasonable time, place, and manner rules and to disassociate itself from the speakers. [2]

PruneYard does not create a federal speech right in every private space. It proves a narrower proposition central to Area 3: states may create affirmative expressive-access rights on certain private property without converting the owner into the State or confiscating the property.

For housing, this supports legislation protecting safety notices, resident canvassing, meetings, and tenant associations, subject to neutral restrictions addressing harassment, obstruction, privacy, and actual threats.

2.2 Judicial enforcement and private law

Shelley v. Kraemer held that state-court enforcement of racially restrictive covenants constituted state action. The private agreement itself was not prohibited by the Fourteenth Amendment, but judicial coercion supplied the power that made the discrimination effective. [3]

Later doctrine has resisted reading *Shelley* as making every contract enforcement action constitutional state action. Area 3 should not depend on that broad claim. *Shelley* nevertheless demonstrates that 'private law' is partly constituted by public courts and enforcement machinery. Legislatures may therefore scrutinize nonwaivable clauses, mandatory arbitration, organizing waivers, and contractual restrictions that require public enforcement to extinguish statutory liberties.

2.3 Public accommodations as horizontal statutory rights

The Civil Rights Act of 1964 and the ADA show that Congress can impose public-facing duties on private businesses without declaring them governmental actors. *Heart of Atlanta Motel* upheld federal public-accommodations regulation under the Commerce Clause. ADA Title III covers private hospitals and medical offices and requires full and equal enjoyment and effective communication. [17]-[19]

This is one of Area 3's strongest precedents. A private institution can retain ownership and operational autonomy while carrying nonwaivable duties because it controls access to an important public-facing service.

2.4 Tenant organizing as an existing model

HUD regulations at 24 C.F.R. part 245 give tenants in covered multifamily housing the right to establish and operate tenant organizations addressing the living environment and community conditions. Separate public-housing regulations recognize resident councils and organizing rights. [4]-[5]

These rules directly contradict the idea that tenant communication and organization are alien to property law. They are already established duties in parts of the housing market. Area 3 asks whether a minimum version should apply more broadly where the rental relationship creates comparable dependency.

3. The Practical Liberty Impairment Test

A general statutory framework needs a limiting principle. The proposed Practical Liberty Impairment Test should determine when heightened duties attach to a private system.

Factor	Question	Evidence
Essential dependence	Is the service or space materially necessary for ordinary life?	Housing, urgent care, payment access, communications, transportation, utilities, employment, environmental safety
Constrained exit	Can a reasonable person actually switch?	Local concentration, geography, network effects, cost, waiting periods, insurance networks, standardized contracts, data lock-in
Control over civic capability	Does the private actor control a practical liberty?	Communication, association, bodily autonomy, privacy, mobility, safety organization, property protection, access to counsel or remedies
Public-law contribution	Did law materially create or preserve the power?	Licensing, zoning, subsidy, immunity, judicial enforcement, procurement, merger approval, public funding
Externalized harm	Are costs imposed on nonconsenting people or the public?	Pollution, neighborhood safety, health burdens, surveillance, ecosystem loss, market exclusion
Remedial vacuum	Is there an enforceable path to correction?	No duty, inaccessible court, mandatory arbitration, agency discretion, unavailable alternative
Proportional remedy	Can the impairment be repaired without destroying legitimate ownership?	Notice, channel access, appeal, portability, organizing, neutral accommodation, structural separation

No single factor should be conclusive. Essential dependence and constrained exit should ordinarily be required. The remaining factors determine the scope of the duty.

4. Housing and Residential Civic Rights

Housing is the clearest first sector because the resident's home is simultaneously private property owned by another, a center of personal security, and often the primary location for association with neighbors.

The market failure is local. A city may contain many nominal landlords while a renter seeking a particular geography, building type, accessibility feature, school district, or price band has few realistic alternatives. Shared screening systems, lease templates, property-management platforms, and algorithmic pricing can further standardize conditions without formal common ownership.

DOJ's RealPage litigation alleged that landlords shared competitively sensitive data through a common pricing system and reduced independent rivalry. The allegations do not prove a universal condition, but they demonstrate that functional concentration can arise through infrastructure and coordination rather than ownership alone. [20]

The FTC's action against Invitation Homes alleged deceptive pricing, unfair deposit practices, and other renter harms at scale. Again, the case is not proof against the industry generally; it is evidence that standardized practices across large portfolios can create repeatable harms affecting tenants with limited bargaining power. [21]

4.1 Proposed Residential Civic Rights module

- A nonwaivable right to form and operate independent resident organizations.
- A right to distribute good-faith safety, legal-rights, and community information to residents through reasonable physical or electronic channels.
- Reasonable access to common-area meeting space, subject to neutral scheduling and safety rules.
- Protection from retaliation, selective lease enforcement, rent penalties, nonrenewal, or service restrictions based on protected organizing.
- A duty to provide a written response to documented recurring safety or habitability complaints.
- A right to an administrative review when management prohibits a communication or organizing activity.
- Disclosure of material security policies and known recurring conditions, calibrated to avoid compromising investigations or resident privacy.
- Preservation of rules against threats, harassment, obstruction, defamation, stalking, and disclosure of protected personal information.

The law should not guarantee that property crime will never occur or make management strictly liable for criminal acts of third parties. It should guarantee the resident's ability to communicate, organize, document, and seek review.

5. Healthcare and Hospitalization

Healthcare demonstrates that legislatures can impose public obligations on private institutions because dependence, urgency, information asymmetry, and bodily vulnerability make ordinary market consent inadequate.

EMTALA requires participating hospitals with emergency departments to provide medical screening and stabilization or appropriate transfer without conditioning the duty on ordinary contract principles. ADA Title III and Section 504 impose access and communication duties on private hospitals and federally assisted providers. DOJ hospital settlements require assessment, documentation, complaint mechanisms, written responses, and continuous communication support. [6]-[8], [18]-[19]

GAO reported that hospital-physician consolidation can increase spending and prices, often without improved quality, while evidence on access remains limited. At least 47 percent of physicians were consolidated with hospital systems in 2024, up from less than 30 percent in 2012. Rural hospital closures have forced residents to travel farther for care. [22]-[23]

These conditions make 'go elsewhere' an inadequate answer in emergencies, rural areas, specialist markets, insurance networks, or heavily consolidated regions.

5.1 Proposed Essential Healthcare Access and Autonomy module

- Patient and support-person communication rights during hospitalization, subject to clinical necessity.
- Written reasons and expedited review for restrictions on visitors, advocates, interpreters, or outside consultation.
- Continuity-of-care duties after acquisitions, closures, bankruptcy, or service-line termination.
- Disclosure of institutional restrictions that materially affect available treatment before reasonably foreseeable care.
- Human review and explanation for consequential algorithmic triage, denial, discharge, or risk-scoring decisions.

- Limits on mandatory arbitration for urgent-care, incapacity, or admission-stage disputes.
- Portability of clinically necessary records and transition assistance when practical exit is possible.
- Regional access review for hospital acquisitions and closures, not solely price analysis.

6. Digital Platforms and Communications

Digital platforms illustrate liberty impairment through network effects. Exit may formally exist while the user loses audience, identity, business records, community contacts, authentication history, or access to services that depend on the platform.

The EU Digital Markets Act identifies gatekeepers using objective criteria and imposes interoperability and data-portability obligations. Article 6 mechanisms include real-time access to user-generated data and access to operating-system features on equal terms. In 2026, the Commission adopted binding measures concerning AI-service interoperability on Android and search-data access. [9]-[11]

The United States also uses portability to reduce switching costs. FCC number-portability requirements allow consumers to retain telephone numbers when changing providers because losing the identifier would deter competition. [12]

These models support a critical distinction: a duty to enable exit and interoperability is not the same as compelling a platform to carry every message or viewpoint.

6.1 Proposed Digital Civic Access module

- Continuous, machine-readable portability for identity, contacts, content, transaction history, and user-generated data.
- Interoperability obligations for designated gatekeepers where technically feasible and security-compatible.
- Notice, reason, and meaningful appeal for account restrictions that materially affect livelihood, civic participation, or access to government-linked services.
- Separation between identity/authentication infrastructure and discretionary content services where a single termination would create cascading exclusion.
- Restrictions on contract terms that prevent users from communicating with customers or communities through alternative channels.
- Procedural rights rather than general governmental control of editorial judgment.
- Independent audits of whether switching tools are complete, timely, and usable rather than nominal.

7. Finance and Economic Participation

Bank accounts, payment networks, credit reporting, identity verification, and insurance can function as practical gateways to housing, work, healthcare, transportation, and public benefits. Existing law already treats portions of this infrastructure as subject to accuracy, notice, explanation, permissible-purpose, and correction duties.

The FCRA requires permissible purposes, reasonable accuracy procedures, disclosure, and reinvestigation of disputed information. The Equal Credit Opportunity Act and Regulation B require adverse-action notices in covered credit decisions. These statutes provide models for extending explanation and correction rights to other essential private decisions.

Area 3 should research not a general right to private credit, but a right to procedural fairness where concentrated private infrastructure controls participation and public law requires or strongly channels citizens through it.

7.1 Proposed Essential Financial Participation module

- Clear reasons and review procedures for account closure or payment exclusion when the service is functionally essential.
- Correction rights for identity, fraud, risk, and eligibility data shared across institutions.
- Portability of transaction records and recurring payment instructions.
- Restrictions on mandatory waivers that eliminate all practical dispute mechanisms.
- Alternative access routes when government benefits, taxes, licenses, or court payments depend on a private intermediary.
- Human review of consequential automated exclusions.
- Heightened duties for dominant identity, payment, and credit-information intermediaries.

8. Employment and Workplace Civic Capability

Employment controls income, health insurance, professional identity, and often speech and association during much of adult life. Labor law, whistleblower statutes, antiretaliation rules, and off-duty-conduct laws already limit private employer power in selected circumstances.

Area 3 should focus on concentrated labor markets, mandatory arbitration, algorithmic screening, surveillance, portability of credentials, and retaliation against lawful collective communication. It should avoid creating a general constitutional free-speech right against employers, which would conflict with legitimate management and expressive interests.

8.1 Proposed Workplace Civic Liberty module

- Protection for good-faith communication about safety, legality, wages, and working conditions.
- Portable credentials, performance records, and training certifications where employers or platforms control future employability.
- Explanation and correction rights for automated hiring, discipline, and deactivation decisions.
- Restrictions on noncompete, nonsolicitation, or arbitration clauses when cumulative terms eliminate realistic exit or collective redress.
- Sector-specific review where one employer or platform dominates a local labor market.
- Safeguards for lawful off-duty civic participation, calibrated to conflicts and safety.

9. Ecology, Commons, and Externalized Harm

Ecological systems present the clearest case in which private ownership cannot contain the consequences of private conduct. Air, water, wildlife, watersheds, shorelines, and climate resilience cross boundaries. The citizen may never consent to the pollution, resource depletion, or access restriction imposed by a neighboring owner.

Illinois Central Railroad v. Illinois describes submerged lands under navigable waters as held in trust for common use and as an attribute of sovereignty. The public-trust doctrine varies by state, but it establishes that some resources cannot be transferred or controlled solely for private benefit. [13]

EPA and environmental-justice advisory bodies increasingly emphasize cumulative impacts: multiple sources, pathways, nonchemical stressors, and community vulnerability can combine over time. New

Jersey's environmental-justice framework is frequently cited as an example of considering cumulative burdens rather than evaluating permits in isolation. [24]-[26]

This is directly analogous to Area 3's broader method. Private-law acts that appear tolerable individually can cumulatively extinguish practical public access, health, or resilience.

9.1 Proposed Ecological Commons and Community Integrity module

- Cumulative-impact review before permits or expansions in already burdened communities.
- Community notice, accessible data, and meaningful participation before irreversible resource decisions.
- No privatization or exclusive control of designated public-trust resources without findings protecting public use.
- Duties to prevent off-site harm and fund monitoring where private benefits create public health or ecological costs.
- Access corridors, easements, or alternative public access where private consolidation blocks historically public or necessary resources.
- Community standing or administrative petition rights when no agency has a clear duty to consider cumulative impairment.
- Climate-resilience duties for privately controlled infrastructure essential to evacuation, water, energy, or public safety.

10. Transportation, Utilities, and Other Essential Systems

Transportation and utilities have a long history of common-carrier, franchise, rate, nondiscrimination, and continuity duties. The key Area 3 insight is that public obligations may attach because the private operator controls a bottleneck, receives a franchise, or supplies an indispensable service.

The same framework could apply selectively to app-based transportation, private toll infrastructure, broadband, cloud identity, power systems, and private emergency infrastructure when concentrated control eliminates realistic alternatives.

11. Comparative Constitutional Models

Comparative law demonstrates that the United States' strongly vertical constitutional model is not the only available design.

Article 1(3) of Germany's Basic Law makes fundamental rights directly binding on the legislature, executive, and judiciary. German constitutional doctrine, especially the Lüth tradition, treats fundamental rights as an objective order of values influencing interpretation of private law. The model is primarily indirect: courts interpret contract, tort, and property law in light of constitutional values rather than automatically applying every right directly to every private person. [27]

Section 8(2) of South Africa's Constitution expressly provides that a Bill of Rights provision binds a natural or juristic person when, and to the extent that, it is applicable considering the nature of the right and duty. This is the clearest comparative textual model for selective horizontal effect.

The U.S. proposal should not import either system wholesale. It can borrow the central design principle: the nature of the right, the private power, the dependency, and the proportionality of the duty should determine whether statutory horizontal obligations apply.

12. Proposed Umbrella Act

The recommended working title is the Practical Liberty in Essential Systems Act (PLIESA). The title is intentionally statutory rather than constitutional. It signals that the Act creates legislative protections above existing constitutional minimums.

The umbrella Act should not attempt to regulate every sector identically. It should establish common principles and delegate sector-specific rules to agencies and model state legislation.

12.1 Model findings

1. Ordinary life increasingly depends on privately governed systems providing housing, healthcare, communications, finance, employment, transportation, utilities, and environmental security.
2. Formal freedom of contract and nominal market choice may not provide meaningful protection when exit is constrained by concentration, geography, urgency, network effects, standardized terms, or public-law dependence.
3. Existing federal and state laws already impose organizing, access, communication, portability, accuracy, nondiscrimination, continuity, and public-trust duties on selected private actors.
4. The Constitution establishes a floor rather than a ceiling for legislative protection of liberty.
5. Private ownership remains a legitimate and protected interest, and duties imposed under the Act must be proportional to essential dependence and practical impairment.

12.2 Core statutory sections

Provision	Function
Section 1. Short title	Practical Liberty in Essential Systems Act.
Section 2. Definitions	Essential system; practical liberty; constrained exit; covered private governor; material impairment; public-law contribution; functional concentration; remedial vacuum.
Section 3. Practical Liberty Impairment Test	Sets the multi-factor threshold and requires written findings.
Section 4. Nonwaiver	Prohibits contracts from waiving minimum statutory organizing, notice, correction, portability, appeal, and anti-retaliation rights.
Section 5. Essential-system impact assessments	Requires agencies to analyze practical-liberty effects in major mergers, privatization, deregulation, licensing, closures, and exclusive procurement.
Section 6. Baseline procedural rights	Notice, reason, correction, human review, appeal, and written disposition for material adverse decisions.
Section 7. Voice and collective action	Protects good-faith communication and organization related to safety, legality, service conditions, and statutory rights.
Section 8. Meaningful exit	Requires portability, transition assistance, interoperability, or alternative access when technically and economically proportionate.
Section 9. Anti-retaliation	Protects exercise of Act rights.
Section 10. Sector rulemaking	HUD, HHS, FTC, CFPB, FCC, DOL, DOT, EPA, and other agencies issue tailored rules.
Section 11. Federal funding and procurement	Conditions relevant funds and contracts on compliance.
Section 12. State innovation	Funds model acts and preserves stronger state rights.
Section 13. Enforcement	Agency enforcement, state attorneys general, bounded private action, equitable relief, and civil penalties.
Section 14. Safe harbors	Good-faith compliance plans, emergency exceptions, cybersecurity, clinical necessity, and legitimate editorial or safety functions.
Section 15. Periodic review	Requires evaluation of sector designations, market changes,

	and burden.
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13. Constitutional Authority and Constraints

Congress has strong authority over interstate essential markets, federal programs, public accommodations, federally funded healthcare and housing, communications, financial institutions, and government procurement. State legislatures possess broad police powers over property, housing, health, environment, contract, and local commerce.

The main constraints are the First Amendment, Takings Clause, Due Process, federalism, and anti-commandeering. PruneYard demonstrates that carefully limited access rules can survive takings and compelled-speech objections, but the result is context-dependent. Digital-platform rules must protect editorial discretion while targeting portability, interoperability, procedure, and economic bottlenecks. Physical access mandates should be narrow and tied to property already opened for the relevant residential or public-facing use.

Definitions must be objective. 'Essential system' should be designated through legislation or rulemaking based on evidence, not applied ad hoc to any business. Duties must be graduated according to concentration, dependence, and harm.

14. Approaches Considered and Rejected

Approach	Reason rejected or limited
Declare all essential private actors state actors	Inconsistent with Supreme Court doctrine and would constitutionalize ordinary private management
General rule that private law may never burden public rights	Too indeterminate; rights conflict with property, speech, association, religious exercise, and operational autonomy
A single universal access right	Different sectors require different duties; physical access is not equivalent to data portability or patient advocacy
Criminal penalties for any practical-liberty impairment	Would punish ambiguous policy and contract disputes without clear intent or duty
Rely exclusively on antitrust	Competition law may preserve alternatives but does not guarantee organizing, notice, appeal, accessibility, or ecological protection
Rely exclusively on consumer consent	Consent is weak when the service is essential and alternatives are impractical
Use Third Amendment as direct cause of action	No doctrinal basis; retain as historical metaphor only
Federal preemption of all state law	State property and constitutional experimentation are major sources of stronger rights

15. Research Agenda for the Full Model Acts

- A fifty-state survey of tenant organizing, safety-notice, anti-retaliation, common-area access, and police public-duty rules.
- Local concentration analysis for multifamily property management, hospital systems, insurers, broadband, banking, and employment platforms.
- Review of mandatory arbitration and class-action waiver effects in essential sectors.
- State constitutional speech rights on private property after PruneYard.
- Hospital visitor, advocate, conscience, closure, and continuity-of-care statutes.
- Financial account closure, payment access, credit explanation, and identity-system rules.

- Platform portability and interoperability implementation under the EU DMA.
- Public-trust and cumulative-impact statutes across states.
- Empirical testing of whether procedural rights materially improve exit, voice, safety, and correction.

16. Conclusion

Area 3 is best understood as a statutory theory of practical liberty. It begins from a reality that conventional constitutional doctrine often treats as legally fragmented: one private actor owns the space, another supplies the system, the market supplies few alternatives, and government has neither caused a conventional violation nor assumed a duty to repair it.

The answer is not to erase the public-private distinction. It is to identify essential systems in which private control, constrained exit, public-law support, and remedial failure converge, then impose the minimum duties necessary to keep liberty usable.

The resulting principle is narrower than 'private law cannot supersede constitutional law' but more legally actionable:

Private law may structure private relationships, but government should not authorize, enforce, subsidize, or preserve essential private systems that make fundamental civic capabilities practically unavailable without providing proportionate rights of voice, exit, explanation, correction, organization, access, and review.

This framework can support an umbrella federal act, a Residential Civic Rights Act as the first model state module, and later modules for healthcare, digital platforms, finance, employment, transportation, utilities, and ecological commons.

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