



# Memorandum

**TO:** COMMUNITY AND  
ECONOMIC DEVELOPMENT  
COMMITTEE

**FROM:** Erik L. Soliván  
Chris Burton

**SUBJECT:** Moderate-Income Housing  
Strategy Status Report

**DATE:** May 5, 2025

Approved

Date:

5/12/25

## **RECOMMENDATION**

Accept a status report on the moderate-income housing strategy and preliminary findings.

## **BACKGROUND**

One of the primary goals of San José's Housing Element is to foster a housing supply that is both abundant and affordable for households at all income levels. "Moderate income" household is defined in statute as those earning 81-120% of the Area Median Income. The term "moderate-income" is also known as "middle-income" or "workforce-income." Moderate-income households represent a vital segment of the City's workforce. Despite annual earnings ranging from \$146,101 to \$221,550 for a family of four in the County of Santa Clara,<sup>1</sup> these households face significant challenges in securing stable, affordable housing in one of the most expensive housing markets in the country. The City's Sixth Cycle Housing Element calls for 10,711 new moderate-income units by 2031.<sup>2</sup> To date, only 109 units have been built since early 2023, with 1,232 units approved and approximately 615 in the pipeline.<sup>3</sup> These figures highlight the pressing need for a targeted strategy that enables both the construction and accessibility of housing for San José's middle-income workforce population.

Like many other cities in the region, San José has established targets for moderate-income housing production set by the state and the Association of Bay Area

<sup>1</sup>2024 State Income Limits, California Department of Housing and Community Development, May 9, 2024, Web Link: <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/income-limits-2024.pdf>.

<sup>2</sup> City of San José Housing Element 2023–2031 Chapter 2, pages 1-4, Table 1-1, November 2023, Web Link: <https://www.sanjoseca.gov/home/showpublisheddocument/107416/638373797694730000>.

<sup>3</sup> City of San José's Housing Production Dashboard, City of San José Department of Planning, Building and Code Enforcement, accessed April 22, 2025, Web Link: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/citywide-planning/housing-catalyst/pbce-housing-production-dashboard>.

Governments through the Regional Housing Needs Allocation process. While the Regional Housing Needs Allocation has specific income categories, note that housing for moderate-income households is sometimes referred to more generally as “workforce housing.”

Securing affordable housing, both rental and ownership, for the moderate-income workforce presents unique challenges. City, state, and federal agencies have historically targeted the most affordable housing funds to provide deed-restricted rental housing for lower-income households. San José has historically funded homebuyer downpayment assistance programs for moderate-income households. Since the dissolution of redevelopment agencies in 2012, legal limitations on using redevelopment repayments or other funding sources for households with incomes above 80% of the Area Median Income (AMI) have constrained the City’s ability to provide direct subsidies. As a result, the City has continued to pursue innovative strategies to support rental and ownership housing opportunities for moderate-income households.

This report provides a strategy for San José’s housing development for moderate-income households, including an analysis of demographic trends, current household composition, and housing needs.

## **ANALYSIS**

The following are selected key findings from staff’s research on San José’s middle-income households.

### **Demographic and Income Trends**

- Approximately 18% of households in San José fall within the moderate-income scale<sup>4</sup> and this figure has declined over the past decade, as local median incomes have failed to keep pace with regional AMI increases, putting more families in the lower-income category and shrinking the middle class.
- San José’s median income is 89% of the countywide AMI,<sup>5</sup> suggesting that many households in the City may encounter more difficulties in affording housing in San José.

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<sup>4</sup> American Community Survey (ACS) 2013-2017, IPUMS USA, 2022, Street Level Advisors, 2024. The analysis was conducted by using the Integrated Public Use Microdata Series (IPUMS) USA database, which allows researchers to make customized tables using microdata American Community Survey and the Decennial Census. Using microdata from the 2022 ACS and 2020 Census, Street Level Advisors evaluated household and demographic characteristics by household income level, adjusting for household income and size. Households with more than eight persons were excluded from the analysis.

<sup>5</sup> United States. Census Bureau. "Quick Facts: Santa Clara County, California; San José, California."  
*United States Census Bureau*,  
<https://www.census.gov/quickfacts/fact/table/santaclaracountycalifornia,sanjosecitycalifornia/INC110223>

### **Housing Cost Pressures**

- Roughly 20% of moderate-income households in San José are cost-burdened,<sup>6</sup> spending more than 30% of their income on housing.
- The majority of these middle-income households are homeowners,<sup>7</sup> many of whom purchased years ago and now face escalating costs related to refinancing, insurance, and home maintenance, as the Bay Area is becoming unaffordable to middle-class households.
- Renters in the middle-income group cannot afford to buy, causing a bottleneck in the Housing Continuum. They are also often priced out of family-sized or new construction apartments and may share housing in multi-generational or roommate arrangements to offset costs, particularly in units below their affordability level, thereby raising rents in class B properties, as new, built Class A units are smaller in size.

### **Limited Affordability and Choice for Homebuyers and Renters**

- As of the first quarter of 2025, the median single-family home price in San José is approximately \$1,709,000, and the median condominium/townhome price is \$840,000.<sup>8</sup> These prices require a household income well above 120% of the AMI for middle-income households to qualify under conventional mortgage terms. Therefore, homeownership remains out of reach for many in this middle-income group. Moderate-income households may also struggle to find reasonably priced units with three or more bedrooms, which may constrain families and larger households disproportionately.
- Additionally, renters at the lower end of the moderate-income range (81–100% AMI) have access to fewer units than their higher-earning peers, especially in high-opportunity or transit-rich areas.

### ***Key Housing Challenges for Moderate-Income (or Middle-Income) Households***

The following are key challenges the market faces in providing workforce housing for moderate-income households.

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<sup>6</sup> American Community Survey 2013-2017, Integrated Public Use Microdata Series (IPUMS) USA, 2019, Strategic Economics, 2019.

<sup>7</sup> Households by Tenure and Income Level, City of San José, 2022. Integrated Public Use Microdata Series (IPUMS) USA. (2022). *Households by Tenure and Income Level, San José, 2022* [Data table]. University of Minnesota. Retrieved from <https://usa.ipums.org>

<sup>8</sup> Quarter 1 2025 Market Report, Santa Clara County Association of REALTORS®, April 2025, Web Link: <https://www.sccaor.com/wp-content/uploads/2025/04/1Q-2025.pdf> <https://www.sccaor.com/wp-content/uploads/2025/04/1Q-2025.pdf>

### **Limited Access to Larger Housing Units**

San José must plan for housing at all income levels to meet the needs of a growing population and eliminate constraints on the Housing Continuum. The Housing Continuum refers to the range of housing options that exist to meet people's diverse housing needs, typically organized from the most supported to the most independent.

Many households in the middle-income group struggle to afford larger or newer rental units and are often unable to transition into homeownership opportunities. This dynamic has resulted in these households renting housing that would otherwise be available to lower-income families. This ongoing pressure adds strain to the already limited supply of middle- and lower-rent housing, further driving up demand and housing prices across San José's housing stock.

Helping middle-income households access ownership opportunities would relieve demand pressures on the lower-income rental market. However, to expand affordable homeownership opportunities, households in this income range need support, as only a very small percentage of recently sold ownership units are affordable to middle-income households. Therefore, to expand access, homeownership support for San José's market should include both supply and demand side solutions.

### **Financial Feasibility Challenges in Developing Workforce Housing**

Developing workforce housing for moderate-income households presents both the standard challenges of housing production and some challenges unique to this middle-income segment.

In recent years, the cost of building new housing has risen much faster than the incomes of San José's residents, creating a growing gap between what people can afford to pay and what it costs to build.

High construction costs relative to local housing prices and a lack of a permanent source of subsidy for the moderate-income workforce are the major challenges to building new housing in San José for this income group. Public subsidies and policies generally focus on lower-income households (households with incomes between 0-80% of AMI), which experience greater rates of severe cost burdens and overcrowding, and a high policy priority both locally and nationally. Middle-income workforce households often seek homeownership, yet San José's existing housing stock, dominated by detached single-family homes, is priced out of reach due to high land costs, high interest rates, and limited supply.

To increase the types of housing produced at a wider range of prices, staff propose support for developers to build a broader scale of housing types, such as, but not limited to, townhomes and other "missing middle" models.

This report includes strategies to achieve this goal, including advocating for legal reform for condominiums' construction liabilities, allowing accessory dwelling units (ADU) to be sold separately from the primary single-family parcel, continuing to permit townhome production, and providing predictability in approvals to reduce the administrative burden on City staff and shorten approval timelines.

### ***Housing Strategies and Policy Solutions***

This middle-income housing strategy draws on best practices from other communities. Success will rely on pairing multiple tools for individual projects and developing sustainable programs. For example, the City of San Diego's ADU Density Bonus program produced nearly 700 mixed-income rental units in high opportunity areas over two years.<sup>9</sup> Additionally, the City of Portland's homeownership programs offer unique financing incentives for the development of middle-income affordable units.<sup>10</sup> These approaches together inform the tactics for San José to meet its moderate-income Regional Housing Needs Allocation goal.

Staff's housing strategy for middle-income households combines existing tools with new approaches to support housing stability, and new development to expand access to middle-income housing. While not all strategies will result in deed-restricted units, many aim to produce naturally affordable housing without necessitating public subsidies.

Several tools are already in use, with others identified in the Sixth Cycle Housing Element, which is now in early implementation. While many can still access market-rate rentals, ownership remains largely unattainable, pushing families to either stretch beyond their means or leave San José. Achieving the desired outcomes will depend on combining multiple tools and sustaining long-term programs tailored to this segment of our middle-class population.

**Table 1** below outlines key strategies and tools discussed in this report that can meaningfully contribute to the City's workforce housing strategy. Discussions of each are organized by the type of work involved.

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<sup>9</sup> Big 3 Cohort Meeting Bay Area Metro (Association of Bay Area Governments and Metropolitan Transportation Commission) notes, Authored by Raynard Abalos, July 16, 2024

<sup>10</sup> Refer to the Development Incentives for Affordable Homeownership, Web Link: <https://www.portland.gov/phb/development-incentive-programs/home-ownership-programs#toc-homebuyer-opportunity-limited-tax-exemption-holte->.

**Table 1 – Overview of Middle-Income Housing Strategies**

Section	Strategy Category
1) Update the Inclusionary Housing Ordinance Guidelines to Maximize Housing Outcomes	Process Improvements
2) Foster ADU Ownership	Production Incentives
3) Consider a Moderate-Income Housing Density Bonus in Small Multifamily Housing Developments	Production Incentives
4) Support Construction Defect Liability Reform for Condominiums	Legislative Reforms
5) Facilitate Missing Middle Housing for the Workforce	Regulatory Reforms

### ***Process Improvements***

#### **1) Update the Inclusionary Housing Guidelines to Maximize Housing Outcomes**

San José’s Inclusionary Housing Ordinance (IHO) program, last updated in 2021, encourages production of moderate-income units for both rental and ownership projects. Statewide, approximately 136 inclusionary housing programs require some workforce units.<sup>11</sup> IHO offers many options for compliance, but its base requirements for on-site affordable housing creation allow developers to comply by restricting a portion of new on-site multifamily units to moderate or middle-income households. Rental housing developments have options to restrict 5% to 15% of apartments at rents affordable for households up to 100% AMI (as well as an additional 10% for lower-income households at 50% and 60% AMI). Similarly, for-sale housing developments may choose to dedicate 15% of on-site units to moderate-income buyers at prices up to 110% AMI.<sup>12</sup> The Fiscal Year 2024-2025 March Budget Message, as adopted by Council, also calls for the expansion of the AMI scale to allow for deeper affordability at 60% AMI up to a moderate-income rate of 120% AMI.

To date, San José’s IHO program has been the City’s primary tool for producing deed-restricted affordable housing for the moderate-income workforce. As of April 21, 2025, a total of 615 moderate-income units have been entitled but have not yet pulled building permits, while 1,232 moderate-income units have been permitted but are pending completion of their final inspections.<sup>13</sup> It is noted that the Multifamily Housing Incentive

<sup>11</sup> Council of Community Housing Organizations. “Moderate- and Middle-Income Housing Policy in California.” *California Community Builders*, Web Link: <https://www.ccbuilder.org/affordable-housing-overview>.

<sup>12</sup> San José’s Inclusionary Housing Ordinance program requires developers to create affordable units on-site or choose another compliance option, such as paying an in-lieu fee or dedicating land.

<sup>13</sup> City of San José Housing Production Dashboard, City of San José Department of Planning, Building and Code Enforcement, accessed April 21, 2025, Web Link: <https://app.powerbigov.us/view?r=eyJrIjoieTYkdNjMhMDYtZTA4OS00MWQ4LTlmOGUtZDIwZThkNTc3MzRmlwidCI6IjBmZTMzYmUwLTlxNDItNGY5Ni05YjhkLTc4MTdkNWMyNjEzOSJ9>.

Program (MHIP) is achieving outcomes, as it has unlocked over 1,500 new homes, including nearly 100 deed-restricted units.

To build on the success of the MHIP and enhance the effectiveness of the City's IHO program, staff is proposing regulatory improvements that:

- Reduce administrative burdens and transaction times for developers;
- Simplify compliance processes to ensure predictability and efficiency;
- Encourage on-site housing production rather than in-lieu fee payments;
- Clarify and update program guidelines to help streamline workforce housing development; and
- Establish a credit exchange market for surplus units.

One revision underway to the IHO regulations is facilitating greater use of the IHO's surplus unit feature. Staff's goals are to create an active surplus credit market that encourages more housing to be produced in the near term, incentivizes efficient use of housing sites to maximize density, and supports development of both rental and for-sale housing at a broad range of affordability levels across the City. This work aligns with the direction in the City Council's adopted 2025-2026 March Budget Message, which prioritizes streamlined production tools and strategies to accelerate housing delivery.

These revisions are intended to support meaningful savings in development costs and to increase the number of housing development projects that are feasible. Reducing costs could help increase housing production under the IHO program and ensure that the program continues to support long-term housing affordability.

**Other Considerations:** Inclusionary housing programs are unique in their ability to deliver deed-restricted long-term affordability for rental and ownership units without requiring public subsidy. When market-rate developments are feasible and the development market is healthy, inclusionary housing programs can help produce mixed-income developments across the City. Improvements to the IHO program could increase the number of housing developments that elect to provide affordable housing units on-site rather than pay an in-lieu fee, thereby increasing the number of deed-restricted moderate-income workforce units.

**Impact:** An expanded and improved regulatory plan for the IHO could foster housing abundance for mixed-income developments, and the credit exchange program could become a more targeted permanent incentive program.

### ***Production Incentives***

## **2) ADU Ownership Program**

San José is recognized as a statewide leader in encouraging the development of ADUs as part of a broader strategy to increase the housing supply. In 2024, City Council



approved an ordinance allowing a small number of ADUs to be sold separately from the primary home. This supports the implementation of state law and makes ADUs a homeownership option in San José. ADUs are a promising way to expand ownership opportunities for moderate-income households.

For-sale ADUs also enable the City to apply affordability and owner-occupancy standards. This policy can complement the proposed San Diego ADU Density Bonus program outlined in Strategy # 3, supporting both unsubsidized and deed-restricted ADUs to enhance financial feasibility and encourage broader program participation.

A structured Affordable ADU Ownership program could also incentivize property owners to participate by offering purchase assistance programs for income-qualified homebuyers purchasing ADUs that participate in the program.

**Impact:** Housing prices in San José have risen much faster than in other parts of the state and nation since the late 1990s.<sup>14</sup> Assuming that the Affordable ADU Ownership program produces ADU units with permanent restrictions limiting sales to moderate-income buyers, each unit could serve many eligible households over time. This would offer families an ownership option at an affordable monthly cost and enable meaningful, though limited, wealth building over time. In addition to expanding workforce homeownership opportunities, this program could also help jumpstart a more robust market for ADUs available for homeownership in San José, supporting long-term wealth building for residents and helping establish a stronger market for for-sale ADUs citywide.

### **3) Consider a Moderate-Income Housing Density Bonus for ADUs and Small Multifamily Housing Projects**

The City has included in its Housing Element work item *P-35: Small Multifamily Housing*, which considers allowing up to 10 units in areas throughout the City where they are currently not permitted. In addition, the City of San Diego has successfully created a popular ADU Density Bonus program to produce hundreds of deed-restricted moderate-income ADU homes (serving residents at 81-120% AMI) without requiring public subsidies.<sup>15</sup> This idea of an ADU density bonus and its lessons learned could be considered in the context of the Small Multifamily Housing work item in the City's Housing Element to create opportunity for the development of moderate-income housing units.

The City of San Diego's ADU Density Bonus program, in broad terms, allows for the construction of additional market-rate units for each restricted affordable unit built on-site. In transit-rich areas, additional density is also permitted to increase the number of

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<sup>14</sup> All-Transactions House Price Index for San José-Sunnyvale-Santa Clara, California Metropolitan Statistical Area (MSA), United States. Federal Housing Finance Agency, Accessed April 21, 2025, Web Link: <https://fred.stlouisfed.org/series/ATNHPIUS41940Q>



units allowed, thereby supporting the creation of affordable homes. The program has resulted in the creation of 691 ADUs, including 255 deed-restricted affordable ADUs for workforce-income households over a three-year period.<sup>16</sup>

According to a 2023 Turner Center report on the City of San Diego's ADU Density Bonus program,<sup>17</sup> "The program permits the construction of one additional ADU that is market-rate and not income-restricted for every additional ADU that is deed-restricted to moderate-income households for 15 years, or low or very low-income households for 10 years. By pegging deed restrictions to AMI, the program stabilizes occupants' rents by limiting their year-over-year rent increases to a percentage of AMI, typically at a lower threshold than what is allowed by the statewide rent cap. In addition, the program allows more units than required to benefit from the state-mandated streamlining."

Staff recommends adapting the City of San Diego's model to San José's specific context to create a similar ADU bonus program that provides both rental and ownership ADU incentives for moderate-income households.

### *Implications and Recommendations*

The City could consider adopting a similar ADU bonus program as part of its Small Multifamily Housing program, a work item in the City's Housing Element. This program, if implemented, would pair effectively with the City's existing implementation of Assembly Bill 1033, which allows ADUs to be sold separately. This combination of approaches has the potential to unlock more local homeownership opportunities, support intergenerational wealth building, and stabilize more middle-income families in San José.

Affordable homeownership can help address a critical gap in San José's high-cost market housing landscape: affordable pathways to homeownership, which play a vital role in long-term household stability and upward mobility. Research indicates that parental homeownership significantly influences the likelihood of children becoming homeowners themselves. Children of homeowners are more likely to receive financial support for home purchase downpayments, leading to higher rates of homeownership and wealth accumulation in subsequent generations.<sup>18</sup>

Additionally, some strategies focus on selling ADUs separately, because the prices of for-sale ADUs are likely to be significantly lower than those of other ownership

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<sup>16</sup> Big 3 Cohort Meeting Bay Area Metro (Association of Bay Area Governments and Metropolitan Transportation Commission) meeting notes, July 16, 2024.

<sup>17</sup> San Diego's Success in Spurring Missing Middle Housing: The ADU Bonus Program, Muhammad Alameldin and Quinn Underriner, Turner Center for Housing Innovation at U.C. Berkeley, February 15, 2023, Web Link: <https://turnercenter.berkeley.edu/research-and-policy/san-diego-adu-bonus-program/>.

<sup>18</sup> Intergenerational Homeownership: The Impact of Parental Homeownership and Wealth on Young Adults' Tenure Choices, Urban Institute, October 2018, Web Link: [https://www.urban.org/sites/default/files/publication/99251/intergenerational\\_homeownership\\_0.pdf](https://www.urban.org/sites/default/files/publication/99251/intergenerational_homeownership_0.pdf).

opportunities, even those built decades ago. An existing homeowner building an ADU on their property in California typically spends **\$150,000 to \$350,000**,<sup>19</sup> while new construction of other types of homes costs significantly more, as they are larger and include greater land acquisition costs. ADUs can serve as entry-level homes and are likely to be more affordable to moderate-income households.

Housing and PBCE staff will coordinate policy work on middle housing and the expansion of ADU programs with the Fire Department to understand the fire safety implications in the built environment and their impact on the broader community. In particular, the Fire Department is interested in furthering the discussion about converting ADUs to single-family dwellings based on the potential for fire propagation. Staff will work closely to ensure alignment with current best practices and guidance around safety.

### ***Regulatory Reforms***

#### **4) Support Construction Defect Liability Reform for Condominiums**

Condominiums are one of the few affordable homeownership options for workforce households, yet few condominium developments have occurred in the past decade. A key barrier to condominium development is California's 10-year construction defect liability law. While the law protects condominium buyers against construction defects, it exposes builders to routinely filed and costly lawsuits, which has severely discouraged the development of these for-sale multifamily projects.

A report from July 12, 2024, by the Turner Center found that this liability framework significantly constrains new condominium production statewide.<sup>20</sup> While the City cannot change state law, it supports ongoing reform efforts to reduce developers' legal risks while maintaining consumer protections.

As shown in Figure A below, condominium production in California has not exceeded 3,000 units in any year since 2008.<sup>21</sup>

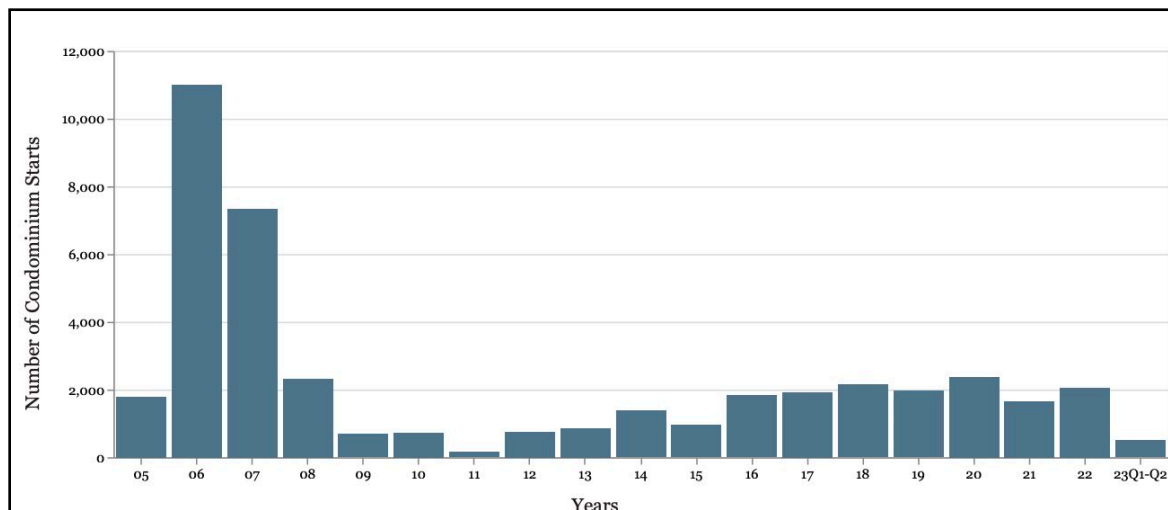
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<sup>19</sup> The Average Cost of ADUs in California – How much does it really cost?, LA Family Builders, November 21, 2024, Web Link: <https://lafamilybuilders.com/the-average-cost-of-adu/>.

<sup>20</sup> Construction Defect Liability in California: How Reform Could Increase Affordable Homeownership Opportunities, Turner Center for Housing Innovation at U.C. Berkeley, July 12, 2024, Web Link: <https://turnercenter.berkeley.edu/research-and-policy/construction-defect-liability/>.

<sup>21</sup> California Condominium Production. Muhammad Alameldin, and Sarah Karlinsky. "Construction Defect Liability in California: How Reform Could Increase Affordable Homeownership Opportunities." (2024).

**Figure A – Condominium Production in California, 2005-2023**



Reform could unlock new moderate-income ownership opportunities without subsidy, especially as 15% of new units must still meet the City's IHO's requirements. Staff is currently working with the Intergovernmental Relations team in the City Manager's Office to explore potential support or sponsorship of construction defect liability reform legislation.

### **5) Missing Middle-Income Housing for the Workforce**

Expanding upon the initiatives outlined in the City's Housing Catalyst Work Plan, staff plans to present proposed changes to City Council in the upcoming year to enable more missing middle or 'mid-density housing.' Currently, the vast majority of acreage in San José's residential zones permits the construction of only detached single-family homes and ADUs. According to an article in Metro Silicon Valley, 94% of San José's residential acreage has land use designations under which building more units than a duplex would not be allowed without obtaining a variety of time-consuming special permissions.<sup>22</sup> Developing strategies to support the creation of additional building typologies will be necessary to provide housing options for middle-income families.

#### **Existing Work**

The City's Sixth Cycle Housing Element includes work item P-35, *Small Multifamily Housing*, with the stated goal of adding building typologies that will allow for four 10-unit homes in locations throughout the City. State law, as outlined in Senate Bill 9 (2021), allows for by-right single-family lot splits and permits a total of up to four units on those parcels, including one new main house and one detached ADU for each new parcel.

<sup>22</sup>Jonathan Vankin, "Zoned Out." *Metro Silicon Valley*, July 1, 2023, Web Link: <https://www.metro silicon valley.com/zoned-out/>.

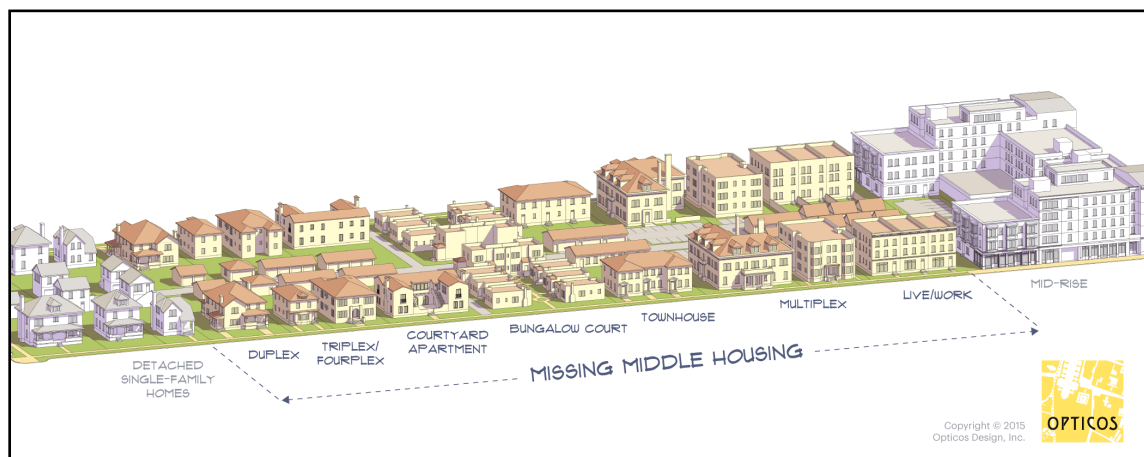
However, activity under this law in San José has been quite limited to date, with only 25 applications in 2024, 10 of which were approved or recorded.

### *Other Typologies and Building Characteristics that May Reduce Housing Costs*

There are several missing middle housing typologies not widely permitted under the City's current zoning and development standards. These include, but are not limited to, bungalow courts and townhomes.

The illustration below (Figure B) outlines the spectrum of missing middle housing that could make excellent candidates for the City. Moreover, it is important to note that a number of these types of existing buildings exist in different neighborhoods across San José, but today's land use designations do not allow them to be easily replicated.

**Figure B – Missing Middle Housing Illustration**



### **Conclusion**

San José must take proactive steps to expand workforce housing opportunities and address affordability challenges while acknowledging the limited resources available to fund or finance middle-income housing production. A multi-pronged strategy combining process improvements, production incentives, and regulatory reforms is essential to ensuring that middle-income households can access affordable housing that reflects a range of household sizes and incomes within the City.

Implementing these strategies will require coordination across multiple City departments, partnerships with the private sector, and ongoing evaluation of housing policies. Supporting naturally affordable housing solutions that do not rely heavily on public subsidies will be critical to the long-term success of San José's middle-income housing initiatives.

## **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office and the Fire Department.

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