



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmember Ortiz  
Councilmember Torres  
Councilmember Jimenez  
Councilmember Davis

**SUBJECT:** SEE BELOW

**DATE:** December 8, 2023

Approved:

Date: 12/08/23

**SUBJECT: AMENDMENT TO TITLE 24 OF THE SAN JOSE MUNICIPAL CODE  
FOR A PROPOSED RESPONSIBLE CONSTRUCTION ORDINANCE**

## RECOMMENDATION

1. Approve the staff recommendations with the following modifications included:
  - a. Replace the proposed size threshold exemption from “less than 15,000 square feet of new construction or remodeling” to “less than 10,000 square feet of new construction or remodeling.”
  - b. Include a Prohibition on Retaliation Section that No Developer or Permit Holder, contractor or subcontractor shall discriminate or retaliate against any person or entity for cooperating with an investigation under this ordinance or for making a complaint concerning an alleged violation of this ordinance.

## DISCUSSION

Should the proposed ordinance from staff be implemented, it will serve multiple purposes to strengthen protections for workers:

1. It will ensure accountability and compliance with the existing state wage and hour laws, which have been designed to protect the interests of workers and ensure they are fairly compensated for their labor.
2. The ordinances will aim to enhance the protection of workers' rights, ensuring that they are treated with respect and dignity in the workplace.
3. The ordinances would further support the city's existing minimum wage ordinance, which mandates a minimum hourly wage that employers are required to pay their workers.

By supporting this ordinance and reducing the size threshold exemption to "less than 10,000 square feet of new construction or remodeling", we can expand the number of workers we can provide protections and ensure that workers are able to earn a living wage that allows them to support themselves and their families.

Within the staff memo, they provide an estimate of the expected impact of each size threshold based on the last four years of building permit data. By decreasing the exemption limit to 10,000, it would only increase the expected project average per year by 27.

The table below indicates the expected impact at several size thresholds based on the last four years of building permit data.

Threshold Comparison (sqft)	Count	% of Total Projects	Per year avg.
10,000	360	1.30%	113
15,000	278	1.00%	87
25,000	178	0.64%	56
50,000	98	0.35%	31

*The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.*