



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Councilmember Casey
Councilmember Cohen
Councilmember Ortiz
Councilmember Candelas

SUBJECT: Lower Income Voucher and
Equity Program Amendment **DATE:** March 19, 2026

Approved
3/19/2026

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RECOMMENDATION

1. Amend the Lower Income Voucher and Equity (LIVE) Program to include a preference for 50 units for San José Police Department (SJPD) personnel.
2. Place the item on the April 7, 2026 City Council Agenda for action.

BACKGROUND

On February 24, City Council approved the creation of the LIVE Program to provide 197 units of affordable workforce housing with a preference for public employees. This action represents a significant step toward addressing San José's affordable housing challenges and will deliver much-needed housing opportunities for the lower and moderate-income households.

The high cost of housing remains one of the primary barriers to recruiting and retaining essential public safety personnel, including police officers. In recognition of this challenge, Councilmember Casey previously proposed specifying 50 units for SJPD personnel. However, due to uncertainty regarding the potential legal implications of explicitly "specifying" units for a particular group, the Council elected not to adopt this proposal at that time.

Subsequently, the City Attorney's Office issued an informational memorandum dated March 6, 2026, clarifying that establishing a "preference" for SJPD personnel is "strongly defensible" and presents minimal legal risk to the City under Fair Housing laws. A "preference" differs from a "set-aside" and is consistent with the existing

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preference framework for public employees. Under this approach, SJPD personnel would receive priority consideration; however, all applicants would remain eligible, and units would be made available to other qualified applicants if demand from SJPD personnel is insufficient.

Providing priority access to affordable housing within San José would represent a meaningful incentive for individuals seeking to begin or continue a career in public safety within the city. This program presents a unique opportunity to advance the City's public safety recruitment and retention objectives while maintaining flexibility to serve a broad range of critical public employees. Given the recent legal clarification and the urgency of implementing this initiative, we recommend incorporating this preference into the LIVE Program.

COORDINATION

For questions, please contact Alex Dersh, Community Relations Coordinator, City Council District 10, at alex.b.dersh@sanjoseca.gov or (408) 535-5690.