

Responsible Construction Ordinance

Item # 3.4
January 23, 2025

Matt Loesch, Public Works Director

Nanci Klein, Director of Economic Development & Cultural Affairs

Chris Burton, Director of Planning, Building, & Code Enforcement

Chris Hickey, Division Manager, PW Office of Equality Assurance

Timeline

April 11, 2023

Council directed staff to develop and return with a Responsible Construction Ordinance

December 12, 2023

Council directed staff to broaden outreach and return with amendments to original ordinance based on feedback

January 23, 2024

Staff is presenting recommendations with modifications to the December 12, 2023 ordinance draft.

Outreach

Public Works, Office of Economic Development, and Planning, Building, Code Enforcement conducted four (4) Responsible Construction Ordinance outreach meetings.

Developer/Contractor/ Finance Stakeholders

Wednesday, December 20, 2023

Wednesday, January 3, 2024

Labor Stakeholders

Wednesday, December 20, 2023

Wednesday, January 3, 2024

- All meetings were conducted in-person and Zoom in an effort to increase participation

Recommendation

Direct the City Manager to return to City Council with a Responsible Construction Ordinance that modifies the proposed ordinance, posted for the December 12, 2023 City Council meeting, that reflects the following modifications:

1. Limit the basis for violation to an unpaid wage theft judgment to employees and contractors who are working on the San José permitted project that is the subject of the certificate of occupancy.
 2. Limit the unpaid final wage theft judgements to final judgments that can be confirmed by the contractor through the California Labor Commissioner's portal.
 3. Exempt from the regulation projects that are subject to prevailing wage under state law, and projects that are under 10,000 sq ft.
- <https://sanjose.legistar.com/View.ashx?M=F&ID=12498100&GUID=050F9024-097F-4D95-9507-AFC50FD508E8>

Applicability and Exemptions

Applicability

- San José permitted projects that are subject of a certificate of occupancy
- Employees and contractors working on the San José project
- Only Final Judgements confirmed by through the California Labor Commissioner's portal

Exemptions

- San José permitted projects under 10,000 square feet
- Projects which are subject to prevailing wage requirements under state law

Q & A

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