From: Angela Louise Tiangco [redacted]
Sent: Tuesday, November 17, 2026 3:51 PM
To: Public Comment Received For City Council <citycouncil@cityofsebastopol.gov>
Cc: Mary Gourley <mgourley@cityofsebastopol.gov>; alex.mog@redwoodpubliclaw.com <alex.mog@redwoodpubliclaw.com>
Subject: YIMBY Law Correspondence: 11/17/2026 City Council Meeting Agenda Item 19 Rescind AB 1033

Good afternoon,

Attached is a letter from YIMBY Law regarding Agenda Item 19 Rescind AB 1033 ahead of tonight's City Council Meeting.

Best,

Angela

Angela Tiangco *she/her/hers*

Research Attorney

[redacted]

YIMBY LAW

Check out everything we achieved in 2025!

YIMBY Law

[redacted]

YIMBY LAW

November 17, 2026

City Council of Sebastopol
Sebastopol Youth Annex
425 Morris Street
Sebastopol, CA 95472

Via email: citycouncil@cityofsebastopol.gov,
cc: mgourley@cityofsebastopol.gov, alex.mog@redwoodpubliclaw.com

Re: Item 19 Rescind AB 1033 - Retain AB 1033 and reject the resolution

Honorable Members of the City of Sebastopol City Council:

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues local governments when they fail to comply with state housing laws, including SB 330 and the Housing Element Law. YIMBY Law writes to urge the City Council to reject Agenda Item 19's resolution and to retain the City's AB 1033 provisions.

Programs in the Housing Element are Mandatory and Should Be Carried Out in Good Faith

Government Code § 65583 requires each jurisdiction's housing element to include "a program which sets forth a schedule of actions" that the city "is undertaking or intends to undertake" to implement the goals, policies, and objectives of the housing element. Once adopted and certified by HCD, these programs are not optional. They are enforceable commitments, and jurisdictions are required to follow through.

Government Code § 65583(c) uses mandatory language: programs "shall" identify actions, timelines, and responsible agencies. The Legislature's intent is clear—cities must not simply adopt programs as aspirational statements but must carry them out in

good faith.

By enabling homeowners and developers to share construction expenses, AB 1033 enhances the financial viability of constructing additional ADUs, thereby expanding ownership opportunities for smaller residences throughout Sebastopol. The City's May 2025 planning memorandum identified AB 1033 as a tool to advance Housing Element Program D-3.1, a first-time homebuyer program. By removing this tool and failing to identify alternative or replacement strategies, the City raises serious questions regarding its Housing Element compliance.

If the City acts in a way contrary to faithful execution of its programs, its Housing Element may not remain in compliance. Whether or not HCD has signaled that it will revoke compliance status is irrelevant. Under Government Code § 65585, housing element compliance is ultimately determined by the courts. If fails to proceed as required under Housing Element law, YIMBY Law and/or other housing law enforcement organizations reserve the right to independently seek a court ruling declaring the City out of compliance and subject to the Builder's Remedy under Government Code § 65589.5(d).

The City must honor pending applications and existing approvals under SB 330.

In the agenda item report, it states that "Staff will identify any ADU condominium conversion or parcel map applications filed under Section 17.220.025 and, with the City Attorney, recommend how they should be treated."[1] Subdivision (o) of the Housing Accountability Act ("HAA"), as amended by SB 330, vests the development rights of affordable housing development projects upon submission of a preliminary application. (Gov. Code § 65589.5, subds. (o)(1), (4).).

The vesting law's purpose is clear, and its scope is broad. State law recognizes a "preliminary application" that developers may submit on a form that the City has adopted. (Gov. Code § 65941.1, subds. (a), (b)(1)–(2).) The HAA in turn provides that "a housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect when a preliminary application . . . [i]s submitted." (*Id*. § 65589.5, subd. (o)(1)). The City must process pending applications according to the laws and regulations in place at the time of submission or risk violating the Housing Accountability Act.

[1] City of Sebastopol City Council Agenda Item Report for Meeting of November 17, 2026, p. 3.

Conclusion

YIMBY Law respectfully urges the City Council of Sebastopol to reject Agenda Item 19's resolution and to retain the City's AB 1033 provisions. I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,



Sonja Trauss
Executive Director
YIMBY Law