



January 17, 2023

City Council  
City of Pinole  
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RE: *January 17, 2023 City Council Meeting, Agenda Item 10.A*

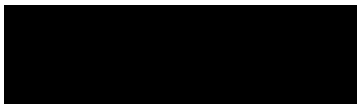
To the City Council:

YIMBY Law, Californians for Homeownership, and CalHDF are 501(c)(3) organizations devoted to using impact litigation and other legal tools to address California's housing crisis. We are writing as part of our work monitoring compliance with state laws governing the adoption of general plan housing elements. This letter follows up on our December 16, 2022 letter to the City Manager regarding the City's failure to timely engage in the process of developing its sixth cycle housing element update.

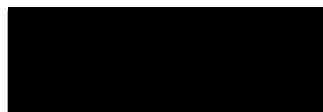
You are scheduled to consider adoption of the City's housing element update at your January 17 meeting. But the City cannot legally adopt a housing element at this time. Under state law, the City may not adopt a housing element update until 90 days have passed from the submission of a draft to the Department of Housing and Community Development (HCD). Gov. Code § 65585(b)(1). Because the City submitted its draft to HCD on December 2, 2022 the earliest it can lawfully adopt a housing element is on March 2, 2023. Additionally, we cannot confirm that the City complied with Government Code Sections 65353, 65355, and 65090 concerning notice for this meeting and the Planning Commission's meeting regarding the housing element update.

If the City proceeds with adoption of its housing element now, the City will be subject to the risk of immediate litigation to invalidate that action. Indeed, Californians for Homeownership has already told the City Attorney that it is likely to immediately initiate litigation against the City if it moves forward. We urge you to direct staff to instead follow the process required by law.

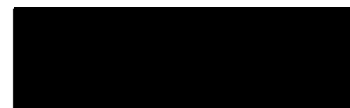
Sincerely,



Keith Diggs  
*YIMBY Law*



Matthew Gelfand  
*Californians for  
Homeownership*



Dylan Casey  
*CalHDF*

cc: Andrew Murray, City Manager (by email to [amurray@ci.pinoles.ca.us](mailto:amurray@ci.pinoles.ca.us))  
Lilly Whalen, Community Development Director (by email to [lwhalen@ci.pinoles.ca.us](mailto:lwhalen@ci.pinoles.ca.us))  
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