DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
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September 15, 2026

Jason Searles, Deputy County Counsel
County of San Bernardino
385 N Arrowhead Ave
San Bernardino, CA 92415

Dear Jason Searles:

RE: San Bernardino County – Bloomington Business Park Specific Plan – Letter of Technical Assistance

The California Department of Housing and Community Development (HCD) received an inquiry regarding the proposed Bloomington Business Park Specific Plan and associated development project (Project). The purpose of this letter is for HCD to provide technical assistance to the County of San Bernardino (County) regarding the applicability of the demolition, replacement, and relocation provisions of the Housing Crisis Act (HCA)[1] to the Project.

Background

Project

HCD understands that the Project is located on 213 acres consisting of an aggregate consolidation of 118 individual parcels. Existing land uses include single-family, commercial, and light industrial uses. The Project proposes the construction of 2.1 million square feet of warehouses and a truck/trailer parking facility.

Project History

The County Board of Supervisors certified the original Environmental Impact Report (EIR) and approved the Project on November 15, 2022. On December 16, 2022, several groups filed a petition for writ of mandate challenging the adequacy of the EIR in San Bernardino County Superior Court.[2] On September 17, 2024, the Court issued a ruling granting in part the writ petition on certain grounds and ordering the County to set aside certification of the EIR and related Project approvals. The County prepared a Recirculated Draft Environmental Impact Report (RDEIR) to address the specific issues identified by the

[1] Gov. Code, §§ 66300.5 and 66300.6.
[2] *People's Collective for Environmental Justice, et al. v. County of San Bernardino, et al.* (Case No. CIVSB2228465).

Court. The RDEIR was released for public comment on October 28, 2025. The Recirculated Final Environmental Impact Report (RFEIR) was posted on July 13, 2026.

Entitlements

HCD understands that the County is considering the following entitlements for the Project, in addition to certification of the RFEIR:

1) Bloomington Business Park Specific Plan to establish an industrial business park, setting forth a land use development plan, circulation/access plan, and supporting infrastructure plans, for the 213-acre Specific Plan Site;
2) Policy Plan Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for the 24-acre Upzone Site;[3]
3) Policy Plan Amendment from Very Low Density Residential (VLDR) and Low Density Residential (LDR) to Special Development (SD) for the Specific Plan Site;
4) Zoning Amendment from Single Residential with 20,000-square foot Minimum Lot Size (RS-20M) to Multiple Residential (RM) for the Upzone Site;
5) Zoning Amendment from Single Residential with 1-Acre Minimum Lot Size Additional Agriculture (RS-1-AA) and Single Residential 20,000-square foot Minimum Lot Size (RS-20M) to Bloomington Business Park Specific Plan - Industrial/Business Park (BP/SP - I/BP) for the Specific Plan Site;
6) Vesting Tentative Parcel Map No. 20300 to consolidate 31 parcels into a 17.67-acre parcel and Conditional Use Permit to construct a 383,000-square foot high cube warehouse on the 17.67-acre parcel within the Specific Plan Site;
7) Vesting Tentative Parcel Map No.19973 to consolidate 32 parcels into a 57.60-acre parcel and Conditional Use Permit to construct a 1.25 million square foot high cube warehouse on the 57.60-acre parcel within the Specific Plan Site;
8) Vesting Tentative Parcel Map No. 20340 to consolidate 23 parcels into a 30.52-acre parcel and Conditional Use Permit to construct a 479,000-square-foot high cube warehouse on the 30.52-acre parcel within the Specific Plan Site;
9) Conditional Use Permit to construct a truck/trailer parking facility on 9.55 acres within the Specific Plan Site; and
10) Development Code Amendment to amend Subsections 82.23.030(b) and 86.14.090(b), adding the Bloomington Business Park Specific Plan to the list of adopted specific plans.

[3] The HCA prohibits a local agency from reducing residential development capacity below that permitted on January 1, 2018, unless concurrent actions are taken to ensure there is no net loss of residential development capacity (Gov. Code, § 66300, subd. (b)(1)(A)). Because the Project would reduce development capacity, a concurrent upzoning is required. The Upzone Site is included here to satisfy the HCA requirements.

HCA Demolition, Replacement, and Relocation Requirements

According to the HCA, an affected county[4] shall not approve a development project that will require the demolition of occupied or vacant protected units, or that is located on a site where protected units were demolished in the previous five years, unless all the following requirements are satisfied:[5]

1. The project will replace all existing protected units and protected units demolished on or after January 1, 2020.
2. If the project is not a housing development project, the project proponent will ensure that any required replacement housing is developed prior to or concurrently with the development project. The required replacement housing may be located on a site other than the project site but shall be located within the same jurisdiction. The project proponent may contract with another entity to develop the required replacement housing.
3. Any existing occupants will be allowed to occupy their units until six months before the start of construction activities. The project proponent shall provide existing occupants with written notice of the planned demolition, the date they must vacate, and their rights under this section. Notice shall be provided at least six months in advance of the date that existing occupants must vacate.
4. Any existing occupants that are required to leave their units shall be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.
5. The developer agrees to provide both of the following to the existing occupants of any protected units that are lower-income households:
    a. Relocation benefits, as defined, and
    b. A right of first refusal for a comparable unit available in the new housing development, or in any required replacement units associated with a new development that is not a housing development, affordable to the household at an affordable rent or an affordable housing cost.

Protected units are any of the following:[6]

1. Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.
2. Residential dwelling units that are or were subject to any form of rent or price control through a public entity's valid exercise of its police power within the past five years.

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[4] "Affected county" means a census-designated place, based on the 2013-2017 American Community Survey 5-year Estimates, that is wholly located within the boundaries of an urbanized area, as designated by the United States Census Bureau. (Gov. Code, 66300.5, subd. (a)(2)). HCD maintains a list of affected counties, of which San Bernardino County is one. (List available here: https://www.hcd.ca.gov/planning-and-community-development/statutory-determinations.)

[5] Gov. Code, § 66300.6, subd. (b).

[6] Gov. Code, § 66300.5, subd. (h).

3. Residential dwelling units that are or were rented by lower- or very low-income households within the past five years.
4. Residential dwelling units that were withdrawn from rent or lease in accordance with the Ellis Act within the past 10 years.

County's Position on HCA Demolition, Replacement, and Relocation Requirements

Comment O2.14 on the RDEIR noted that the HCA requirements regarding the demolition of protected units had changed since the project was originally approved and that the analysis must be revised to address which units are to be demolished, which tenants will be displaced and entitled to relocation assistance, and the location of the replacement units.[7]

In the County's response to Comment O2.14 in the RFEIR, the County states: "The Project is governed by the version of the Housing Crisis Act in effect at the time the application was deemed complete, consistent with established vesting principles and Government Code sections 66300 [sic]. Legislative changes cited by the commenter, including amendments to Government Code section 66300.6(b), do not apply to projects that were already in the entitlement process prior to the effective date of those amendments."[8]

The provisions of the HCA that apply to development projects that are not housing development projects were added by Assembly Bill 1218, which took effect January 1, 2024 – after the date the original Project application was deemed complete.

The County Planning Commission held a hearing on August 20, 2026, regarding the Project. The staff report for that meeting[9] did not mention the demolition, replacement, and relocation requirements of the HCA. Furthermore, the staff report stated: "The consideration of the 2026 Recirculated Final EIR and Project arise from and continue the Project's original entitlement applications and do not constitute a new entitlement process."[10]

Analysis

The HCA states that "an affected county shall not *approve* a development project" unless the demolition, replacement, and relocation requirements of the HCA are satisfied. Nothing in state law authorizes a jurisdiction to apply the provisions of the HCA in effect at the time a project application is deemed complete. The version of the HCA in effect at the time of project approval applies.

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[7] RFEIR, p. 2-557. Available at https://lus.sbcounty.gov/planning-home/environmental/valley-region/#docaccess-b5486c82e58ba2ed7ec1c70b3c11528b.
[8] *Id.* at p. 2-557.
[9] Staff report available at https://lus.sbcounty.gov/planning-home/planning-commission/agenda/#docaccess-f6b1038200329d6bb614d69f35a26663.
[10] *Id*. at p. 25.

The Court ordered the County to "set aside" both certification of the EIR and "related Project approvals." At the August 20, 2026, Planning Commission hearing, the Planning Commission recommended that the Board of Supervisors, among other things, *approve* vesting tentative parcel maps and conditional use permits for two warehouses and a truck/trailer parking facility.[11] If the County is taking action to approve this Project, all replacement and relocation requirements of the HCA apply and are enforceable.

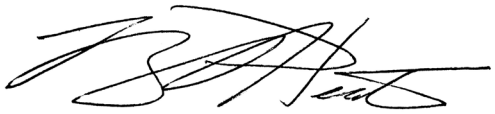
Conclusion

In summary, the County shall not approve the Project unless the demolition, replacement, and relocation requirements of the HCA are satisfied.

HCD has enforcement authority over the HCA, among other state housing laws. Accordingly, HCD may review local government actions to determine consistency with these laws. If HCD finds that a jurisdiction is in violation of state law, HCD may notify the California Office of the Attorney General.[12] HCD will monitor the County's decision on the Project.

If you have any questions regarding this letter or require additional technical assistance, please contact Stephanie Reyes at stephanie.reyes@hcd.ca.gov.

Sincerely,



Brian Heaton
Section Chief, Land Use Policy
Housing Accountability Unit

[11] Staff Report, p. 3.
[12] Gov. Code, § 65585, subd. (j).