DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
651 Bannon Street, Suite 400
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

July 28, 2026

Vincent Acuna, Planning Manager
Land Use Services Department
County of San Bernardino
San Bernardino, CA 92415-0043

Dear Vincent Acuna:

RE: San Bernardino County Housing Element Sites Inventory and Sufficient Utilities – Letter of Technical Assistance Follow Up

On October 22, 2025, the California Department of Housing and Community Development (HCD) issued a Letter of Technical Assistance to San Bernardino County (the County) regarding the sufficiency of its Housing Element Sites in light of the discovery that several sites credited for the Regional Housing Needs Assessment (RHNA) for lower-income (LI) households are unable to connect to water service due to the City of Redlands' Measure U.[1] On March 12, 2026, the County responded to HCD letter, stating that the County's sites inventory would continue to accommodate the lower-income RHNA even without sites impacted by Measure U.

The purpose of this letter is the following:

1. Establish that HCD considers the sites impacted Measure U (the "Mentone sites") insufficient to accommodate LI households for the purposes of Government Code section 65583.2, subdivision (b)(5)(B) because they are unable to connect to water.
2. Request the required analysis be completed pursuant to Housing Element No Net Loss Law (Gov. Code, § 65863, subd. (b)(2)) to demonstrate that the County continues to have sufficient LI RHNA capacity if any LI sites have had developments approved with fewer units than identified in the sites inventory.

[1] HCD's October 22, 2025, Letter of Technical Assistance is available at: https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/san-bernardino-county-hau-1905-102225.pdf

Background

The County's 6th Cycle Housing Element and No Net Loss Law

As HCD explained in the October 22, 2025, Letter of Technical Assistance, the County's adopted Housing Element sites inventory includes several sites within the City of Redlands Sphere of Influence (SOI) credited to accommodate a portion of the lower-income (LI) RHNA.[2] These sites are located within the RM zone and are represented by the County in its Housing Element to have access to water service.[3]

HCD has been made aware that the County's minimum density standard exceeds the City of Redlands density maximum. As a result, these sites are unable to access water service as characterized in the County's Housing Element and relied upon by HCD in its review of the County's Housing Element. Specifically, these densities are unachievable because the City cannot provide water to projects with densities exceeding those in the City's General Plan per Measure U.[4]

The County's 6th cycle LI RHNA allocation is 3,538 units. After removing sites within the City of Redlands SOI that cannot connect to water,[5] there is a RHNA buffer of only 5 LI units according to the County's response letter. This significantly jeopardizes the County's ability to accommodate its remaining unmet share of the RHNA at all times throughout the planning period pursuant to Housing Element No Net Loss Law.[6]

The County's Response

In the response to the initial Letter of Technical Assistance sent by HCD, the County stated that "If the sites in Mentone are removed, the County would still have a small surplus in capacity to accommodate its RHNA (282 - 277 = +5)… even if Measure U is considered a constraint, the sites inventory would have a surplus capacity for the lower-income RHNA and, therefore, the County's Housing Element would remain compliant and consistent with State law."

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[2] HCD found the County's September 29, 2022, adopted housing element in in compliance with State Housing Element Law. See HCD's November 28, 2022 review letter, available at: https://hcdpowerbi.blob.core.windows.net/housing-elements/sbdSanBernardinoCouAdoptIn112821.pdf

[3] The San Bernardino County September 29, 2022, adopted housing element page 3-11 states, "In areas served by piped water, sewer, and paved roads, the minimum density shall be 11 units per acre." Additionally, Appendix A shows that sites in the Redlands SOI have sufficient access to infrastructure.

[4] As explained in the October 22, 2025, Letter of Technical Assistance, the County's zoning requires a minimum density of 11 dwelling units per acre (DUA), whereas the City's Measure U imposes a maximum DUA of 8 to connect to City water.

[5] Gov. Code, § 65583.2, subd. (b)(5)(B) establishes that parcels within the inventory must have sufficient water available and accessible or planned.

[6] Gov. Code, § 65863.

Additionally, the County stated that it "is further evaluating whether Measure U can be applied and is a constraint for a housing development that includes an affordable component" pursuant to Government Code Section 65589.7. The County asserts that sites credited for LI RHNA may be able to connect to City of Redlands water service because Government Code Section 65589.7 provides certain protections for proposed developments that includes housing units affordable to lower-income households.

Analysis

Government Code Section 65589.7

Sites credited for LI RHNA cannot be considered to "have sufficient water available and accessible or planned" pursuant to Housing Element Law[7] solely by assuming that Government Code Section 65589.7 would require a public agency or private entity that provides water or sewer services to provide those services to a housing development project that includes LI units. This is especially true when locally adopted policies or standards prevent service from being provided – as is the case for the Mentone sites, which are directly impacted by Measure U. In other words, local governments must ensure sites have sufficient water available and readily accessible or planned without relying upon Government Code Section 65589.7. Further, the recent example of a housing development application located at 2130 Nice Avenue demonstrated the inability of a project to connect to water, as explained in the October 22, 2025, Letter of Technical Assistance.

Housing Element No Net Loss Law

In its response, the County maintains that removal of the Mentone sites would result in a LI RHNA surplus of five units and recognized that it is "at a greater risk of triggering the no-net-loss provisions of State housing law, which would require that the County identify additional sites to ensure the County maintains capacity to accommodate the entirety of the County's RHNA for the remainder of the planning period."

Housing Element No Net Loss Law requires that a jurisdiction make written findings or identify additional site capacity if a development is allowed with a lower density than what was assumed in the sites inventory of the Housing Element.[8] The findings must include a quantification of the remaining unmet need for the jurisdiction's RHNA at each income level and the remaining capacity of sites identified in the Housing Element, to accommodate that need by income level. If the approval of a development at a lower residential density results in the remaining sites capacity becoming inadequate to accommodate the RHNA by income category, a jurisdiction has up to 180 days from the

[7] Gov. Code, § 65583.2, subd. (b)(5)(B).
[8] Gov. Code, § 65863, subd. (b)(2). See HCD's October 2, 2019, No Net Loss Memorandum, page 8, available at: https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb-166-final.pdf.

approval to identify, or rezone, "sufficient additional, adequate, and available sites" to accommodate the remaining RHNA for each income category.[9]

Conclusion

HCD requests documentation that the County's sites inventory continues to be sufficient to accommodate the LI RHNA **considering the development that has likely occurred on sites identified in the Housing Element Site Inventory during the 6th cycle[10],** pursuant to Government Code Section 65863, subdivision (b)(2).This precise accounting is required as the County's response to HCD's initial Letter of Technical Assistance relies upon maintaining a remaining LI RHNA buffer of 5 units after removing the Mentone sites that are directly impacted by Measure U. If this accounting demonstrates that there is no longer remaining capacity, the County must demonstrate compliance with the requirement to identify additional capacity pursuant to Government Code Section 65863, subdivision (c)(2).

HCD requests a written response from the City by August 28, 2026. If you have questions or need additional technical assistance, please contact Brandon Yung at brandon.yung@hcd.ca.gov.

Sincerely,



Brian Heaton
Housing Accountability Unit
Section Chief, Land Use Policy
Division of Housing Policy Development

[9] Gov. Code, § 65863, subd. (c)(2).
[10] This includes housing units entitled between the beginning of the planning period (October 2021 for the Southern California Association of Governments) and the present.