



July 27, 2023

Maria Hernandez
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

SUBJECT: The City of Seal Beach Response to “Welcome to the Neighborhood” Are cities responsibly managing the integration of group homes?

Honorable Judge Hernandez,

Per the request of your court, the following is the City of Seal Beach’s response to the Findings and Recommendations of the Orange County Grand Jury Report, “Welcome to the Neighborhood” Are cities responsibly managing the integration of group homes? (Report). For the Findings section, we have answered in the format that the Report requested by either agreeing or by wholly or partially disagreeing with an explanation to the disagreement.

FINDINGS

F1: Group homes too close to one another contribute to the problems associated with over concentration.

Response: Agree, with the understanding that the City of Seal Beach complies with federal and state fair housing and anti-discrimination laws. The City supports reasonable regulation that complies with such laws, while also preventing the exploitation of group home residents and limiting the practice of “curbing.” We also note that the definition of “group homes” can be varied such that the resulting impacts amongst differing uses are not always the same.

F2: Common nuisances are more likely and disruptive when sober living homes are concentrated in a small geographic area of a neighborhood.

Response: Agree, with the understanding that the City of Seal Beach complies with federal and state fair housing and anti-discrimination laws. The City supports reasonable regulation that complies with such laws, while also preventing the exploitation of group home residents and limiting the practice of “curbing.”

F3: Some cities have successfully addressed and informed community members about the challenges faced in regulating group homes.

Response: Not applicable. Group homes are allowed in Seal Beach by-right for six or fewer persons, and by Conditional Use Permit (CUP) for group homes of more than six. There are few group homes in Seal Beach, and we have not had complaints related to group homes in recent times, so we have not needed to implement a program to address and inform community members about the challenges faced in regulating group homes. The City of Seal Beach has not actively monitored other cities regarding the regulation of group homes and therefore cannot comment on their experiences.

F4: Community satisfaction was minimal when cities took the traditional public comment approach towards addressing community complaints.

Response: Not applicable. Per the response above, the City of Seal Beach has not had to address community complaints, so we cannot comment on community satisfaction with the traditional public comment approach.

F5: Cities are not utilizing police, fire, and code enforcement complaints as a means of locating and tracking Group Homes.

Response: Agree. The City of Seal Beach has not been tracking group homes.

F6: Cities are inhibited from enacting and enforcing ordinances due to fears over the potential cost of litigation.

Response: Partially Disagree. The City of Seal Beach has a Standards for Specific Uses code section for group homes (under Residential Care Facilities), Section 11.4.05.105, with standards for location (a distance of 300 feet is required between residential care facilities, including group homes), landscaping and walls, traffic impacts, passenger loading, and deliveries. The City of Seal Beach has not had a call to inspect a group home in recent times, so it has not been put in position on whether to enforce this section of the code or not. As a result, there has not been an issue in enforcing the municipal code due to fears over the potential cost of litigation. The City of Seal Beach has not actively monitored other cities regarding the enforcement of their ordinances and cannot comment on their experiences. Further, the City of Seal Beach complies with federal and state fair housing and anti-discrimination laws. The City supports reasonable regulation that complies with such laws, while also preventing the exploitation of group home residents and limiting the practice of "curbing."

F7: Several cities have created an ordinance that requires a ministerial permit or registration to operate a group home, however many of these cities do not enforce their ordinance.

Response: Partially Disagree. The City of Seal Beach has a process to approve group homes of 6 or fewer persons by ministerial permit through Municipal Code

Section 11.2.05.10. There have been no calls in recent years from an operator to permit a group home nor from a community member to register a complaint on a group home. Thus, the City has not had an opportunity to require ministerial permit approval, but would do so. The City of Seal Beach has not actively monitored other cities regarding the enforcement of their ordinances and cannot comment on their experiences.

F8: City and County officials are deterred from regulating group homes by California Housing and Community Development's housing element approval process.

Response: Partially Disagree. The City of Seal Beach has not had an issue with the California Housing and Community Development as it relates to group homes. The City of Seal Beach has not actively monitored other cities regarding their regulations of group homes and so cannot comment on their experiences. Further, the City of Seal Beach acknowledges that federal and state fair housing and anti-discrimination laws protect group homes in certain contexts. To the extent that HCD can be helpful in this regard, the City supports reasonable regulation that complies with such laws, while also preventing the exploitation of group home residents and limiting the practice of "curbing."

F9: Cities have historically strategized and acted independently in addressing group home challenges and solutions.

Response: Agree

F10: Well-operated group homes can integrate smoothly into neighborhoods.

Response: Agree

F11: There is a lack of regulatory oversight for the health and safety of residents of unlicensed group homes.

Response: Partially Disagree. There have been no issues reported for a group home in the City of Seal Beach regarding the safety and health of residents of a group home, licensed or unlicensed, so the City is unable to comment upon this.

RECOMMENDATIONS

R1: Orange County Cities and the County of Orange should address citizen concerns regarding group homes by providing an opportunity for an open dialog where an interdisciplinary panel of subject matter experts can share with attendees the challenges cities are facing in the management of group homes. To be Implemented by July 1, 2024.

Response: There are few group homes in City of Seal Beach, and we have not had complaints related to group homes in recent times. As a result, the City has not had a problem with community satisfaction on the matter of group homes. Accordingly, The City of Seal Beach is not prepared to form an interdisciplinary panel but welcomes the County undertaking this effort and making it available to Seal Beach residents to affirmatively further fair housing and other applicable housing laws.

R2: By December 31, 2024, Orange County cities and the County of Orange should collaborate in their efforts to create ordinances for the regulation of group homes including the development of model ordinances.

Response: The City of Seal Beach believes that we have already met this requirement and intends to comply with federal and state fair housing and anti-discrimination laws. Under Municipal Code Section 11.2.05.10, there is a process to approve group homes of 6 or fewer persons by ministerial permit. Additionally, Section 11.4.05.104, has standards specific to group homes (under Residential Care Facilities), including those for location (a distance of 300 feet if required between residential care facilities, including group homes), landscaping and walls, traffic impacts, passenger loading, and deliveries. Further, City planning staff is available to be contacted by the planning agency of another city for any information regarding our municipal code and experiences as they relate to group homes, or on any other planning issue in general. The best point of contact would be the Planning Manager, Shaun Temple, who can be reached at: stemple@sealbeachca.gov. The City supports reasonable regulation that complies with such laws, while also preventing the exploitation of group home residents and limiting the practice of "curbing."

R3: Orange County cities and the County of Orange should pool resources for defense of lawsuits challenging group home ordinances. To be implemented by July 1, 2024.

Response: The City of Seal Beach has not experienced problems with group homes. Additionally, our financial resources related to land use issues are limited in not only meeting the demands of the regular business of the City, but have been heavily focused on meeting the mandates of the State in keeping up with new housing law, implementation of the housing element, and working towards adding required new elements to the General Plan. Accordingly, the City of Seal Beach does not find it necessary to contribute limited resources to this effort.

R4: The County of Orange and Orange County cities should create a Task Force that includes representatives from OC cities, unincorporated areas, and other entities as appropriate and charge it with the responsibility of developing a plan to generate awareness among State legislators and regulators of the need for improved regulations and management standards to ensure health and safety for group home residents. To be implemented by July 1, 2024.

Response: The City of Seal Beach's Planning Division currently consists of two planners who are kept busy with the day-to-day work of the City as well as keeping up with the mandates of the State. As this has not been an issue that directly impacts the City and as our resources and staffing levels are limited, the City of Seal Beach would be further constrained if it were to assign a staff member to the proposed Task Force.

R5: Orange County cities and the County of Orange should modify code enforcement report data collection forms to include a searchable field that enables the identification of a residence operating as a group home. To be implemented by July 1, 2024.

Response: The City of Seal Beach believes that we have already met this requirement. Our code enforcement report data collection has a searchable field for violations by code section. A group home notice of violation would include a citation of Section 11.4.05.104 (Standards for Specific Uses – Residential Care Facilities) and the City enforces all provisions of its Municipal Code that address housing violations. The City does not merely respond to complaints about group homes.

Any questions on this response sheet can be directed to the City's Planning Manager, Shaun Temple. Additionally, Mr. Temple is readily available to be contacted by the planning agency of another city for any information regarding our municipal code and experiences as they relate to group homes, or on any other planning issue in general. He can be best be reached at: stemple@sealbeachca.gov.

Sincerely,

A handwritten signature in black ink that reads "Thomas Moore". The signature is written in a cursive, slightly slanted style.

Mayor Thomas Moore