

August 8, 2023

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

**RE: City of Buena Park Response to Grand Jury Report – *Welcome to the Neighborhood: Are Cities Responsibly Managing the Integration of Group Homes?***

Dear Honorable Judge Hernandez:

The Buena Park City Council has reviewed the Orange County Grand Jury's report entitled, *Welcome to the Neighborhood: Are Cities Responsibly Managing the Integration of Group Homes?* Below are the City of Buena Park's responses to the aforementioned report:

**F1                    Group homes too close to one another contribute to the problems associated with overconcentration.**

**Response:**    **The City of Buena Park agrees with this finding.** Although the City of Buena Park has not directly experienced this issue, there is strong evidence from other Orange County cities that many of the reported negative impacts associated with group homes stem either from poor management and operations, which the City of Buena Park has experienced, or an over-concentration of group homes within a given geographic area; and sometimes both.

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

**Response:**    **The City of Buena Park agrees with this finding.** Although the City of Buena Park has not directly experienced this issue, the City has encountered nuisance conditions generated by individual group homes that are poorly managed and operated, with neighbors complaining of noise, loitering, and criminal activity, and residents of group homes complaining of substandard living conditions and unlawful evictions.

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

**Response:**    **The City of Buena Park partially agrees with this finding.** Buena Park has held public neighborhood and community meetings on this issue in efforts to educate members of the public and respond to residents' concerns. While educational efforts have increased understanding of challenges facing local governments, impacted residents remain concerned about the negative secondary impacts

caused by poorly managed group homes in their neighborhoods. The City of Buena Park has also found that misinformation, misunderstanding, and lack of communication between group home operators and surrounding properties/neighborhoods can result in even well-managed group homes facing challenges within the community.

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

**Response:** The City of Buena Park partially agrees with this finding. Buena Park has successfully utilized the public meeting process to gather comments and concerns from residents regarding group homes. However, Buena Park has found this traditional approach should be supplemented by other outreach, engagement, and communication activities to ensure the greatest amount of participation by residents.

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

**Response:** The City of Buena Park disagrees with this finding. Buena Park's Code Enforcement and Police Departments have responded to complaints and calls for service generated by group homes, and as a result has identified group homes operating in the city.

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

**Response:** The City of Buena Park partially agrees with this finding. The interplay between federal and state civil rights legislation, combined with California's housing legislation and the State Department of Housing and Community Development's (HCD) interpretation of California housing legislation, makes local regulation in this area challenging; and the statutory scheme incentivizes plaintiff litigation. The very real risk and cost of litigation is unquestionably a factor when cities are deciding whether and how to regulate group homes.

**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 ordinances.**

**Response:** The City of Buena Park partially agrees with this finding. Buena Park recently adopted a local ordinance requiring certain group homes to obtain a ministerial permit. The ordinance was carefully crafted to comply with guidance provided by HCD and incorporates best practices and experiences from other cities in Orange County. The ordinance is being fully implemented/enforced.

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

**Response:** The City of Buena Park agrees with this finding.

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

**Response:** **The City of Buena Park partially agrees with this finding.** While individual cities have adopted local ordinances to regulate group homes in a way that reflects the unique nature, practices and goals of their community, Buena Park has collaborated with and drew on the experience of other Orange County cities when developing and adopting its ordinance.

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

**Response:** **The City of Buena Park agrees with this finding.**

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

**Response:** **The City of Buena Park agrees with this finding.** State legislation currently limits the extent to which local governments may regulate group homes that are not licensed by the state, which in turn results in little oversight of unlicensed homes; particularly compared with group homes that are licensed by the state. This disparity in regulatory oversight between licensed versus unlicensed facilities is substantial, and incentivizes profit-seeking operators to pursue unlicensed facilities to avoid the cost and oversight associated with licensed group homes. The state should make legislative amendments to either regulate licensed and unlicensed group homes on equal terms, prohibit unlicensed facilities that do not satisfy certain minimum standards, or expressly allow local governments to regulate them. Many of the negative impacts generated by group homes could be addressed by closing this regulatory gap.

**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:** **Buena Park has already implemented this recommendation.** Buena Park held neighborhood, community, and public meetings on this issue that have provided the opportunity for residents to engage in the type of dialogue recommended. Additionally, the City has made staff and industry experts available to respond to residents' questions on this topic. This effort was beneficial at a city-specific level.

**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. (F6, F7, F9)**

**Response:** **Buena Park has partially implemented this recommendation.** Buena Park recently enacted a local ordinance regulating group homes that is similar to those passed by other Orange County cities, but tailored to address localized concerns and priorities. Buena Park would welcome further collaboration with other area cities and the County on model regulations.

**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. (F6, F8, F9)**

**Response:** **This recommendation will not be implemented because it is not warranted, and not reasonable as stated.** Buena Park actively monitors pending litigation

that has the potential to establish legal precedent relevant to the City or its residents, but Buena Park's financing or active support for a pending case involving another jurisdiction requires a case-specific case analysis of the facts, circumstances, and legal concepts at issue.

**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. (F2, F10, F11)**

**Response:**    **This recommendation will not be implemented because it is not warranted.** Buena Park, area cities, and the County are already members to a variety of "task forces," subcommittees, or working groups that regularly meet to collaborate on regional issues. These forums already provide an opportunity to engage in these discussions, including groups that meet on law enforcement, homelessness, code enforcement, and land use issues. Buena Park would support state legislation that expands local control in this area, and actively monitors and participates in the legislative process on matters impacting the community.

**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. (F5, F7, F11)**

**Response:**    **Buena Park has already implemented this recommendation.** Buena Park recently adopted an ordinance that requires certain group homes to obtain a ministerial permit, which requires identification of the location.

Thank you for providing the City of Buena Park the opportunity to respond to this report.

Sincerely,



Aaron France  
City Manager

cc:        Buena Park City Council  
            Christopher G. Cardinale, City Attorney