



## CITY OF RANCHO SANTA MARGARITA

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August 9, 2023

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

Subject: Response to Orange County Grand Jury Report entitled, *Welcome to the Neighborhood, Are cities responsibly managing the integration of group homes?*

Dear Honorable Presiding Judge:

The City of Rancho Santa Margarita has reviewed the Orange County Grand Jury Report entitled, "Welcome to the Neighborhood, Are cities responsibly managing the integration of group homes?" As required by California Penal Code sections 933 and 933.05, the City of Rancho Santa Margarita is responding to the applicable findings and recommendations included within the report. Each of the findings and recommendations is listed below in italics, followed by the City's response.

### **Findings:**

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

Response: Disagree. The Grand Jury Report presents anecdotal evidence. There is no factual basis by which to agree with this finding. The City of Rancho Santa Margarita has no specific experience with overconcentration of group homes.

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

Response: Disagree. The Grand Jury report includes a discussion on page 11 which cites anecdotal evidence regarding neighborhood frustrations and a graphic serving as the only definition of "common nuisances." There is not enough information provided by which to agree with this finding, and the City of Rancho Santa Margarita has no specific experience with overconcentration of group homes.

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

Response: Disagree. Information regarding community education is provided on pages 19-22 of the Grand Jury Report. This section discusses several specific examples of public meetings regarding group homes. While the report indicates that "The outcome can be quite different," we respectfully disagree. In each case, cities were unable to

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**City Manager**  
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regulate group homes in a way that the citizens requested due to State law and court decisions. The Report concludes on Page 23 that, "when cities work to inform their constituents, and allow for robust but respectful dialogue, they create an opportunity for collaborative problem solving." However, the Grand Jury report does not indicate what the collaborative solution would be, or how it was arrived at or implemented by any of the cities mentioned in the report.

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

Response: Disagree. See response to Finding 3.

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

Response: Disagree. Cities often learn of the location of an unlicensed group home due to calls for service or code enforcement complaints. However, there are many limitations to using police, fire, and code enforcement complaints for tracking purposes. For example, law enforcement calls for service are subject to privacy protection. Further, if group homes are not subject to local ordinances or permitting requirements, and are protected by State policies, tracking is not warranted.

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

Response: Disagree. The information in the Report represents the opinion of the Grand Jury. The Report does not include substantial evidence that any of the cities have indicated that they have actively avoided pursuing the enactment and enforcement of ordinances relating to group homes due to the cost of potential litigation. To the contrary, the City of Rancho Santa Margarita has not attempted to regulate group homes because the State and the courts have preempted municipal regulation.

*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: Disagree. See response to Finding 6.

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

Response: Disagree. The Report indicates that the State Department of Housing and Community Development (HCD) has withheld approval of cities' Housing Elements over the issue of group home ordinances. However, the report does not cite any specific cities who have had this experience. The City of Rancho Santa Margarita has obtained a

certified Housing Element. Through the review of the City's Housing Element, HCD reviewed local regulations for group homes to ensure that they are consistent with State law. The review found that the Rancho Santa Margarita Zoning Code lacks objective standards for review and approval of group homes for seven or more people. The City included a program in the Housing Element to rectify this deficiency, which was acceptable to HCD and did not result in certification being withheld.

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

Response: Disagree partially. The City of Rancho Santa Margarita agrees that cities have acted independently to address group homes. Every city is different and it is best left to cities to address local challenges in ways which are appropriate to the local needs. Further, the League of California Cities, a group comprising membership of the vast majority of California cities, has previously engaged in legislative discussions to further local control to the extent possible.

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

Response: Disagree partially. The City of Rancho Santa Margarita has no specific experience in this regard. Because City staff is not aware of any problems, and it is likely that group homes exist in the City, it may be the case that well-operated group homes are integrating smoothly into the neighborhoods. However, there is not enough evidence upon which to completely agree with this finding.

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

Response: Disagree. There is no factual basis by which to agree with this finding. The City of Rancho Santa Margarita does not have any direct experience with health and safety concerns related to residents of unlicensed group homes.

**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. (F3, F4)*

Response: Will not implement. The City of Rancho Santa Margarita does not currently have issues with group homes, therefore a panel of this nature is not necessary. Should the need arise, the City will evaluate all appropriate communication methods.

*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: Will not implement. As described in the Grand Jury Report, many obstacles to implementation of local ordinances regulating group homes exist. The State of California through the courts, the attorney general's office, and HCD have indicated that regulation of group homes conflicts with the duty to affirmatively further fair housing (AFFH) and with disability rights. Further, the Grand Jury Report does not offer solutions or a model which would be feasible for local governments, local residents, and the State. There is currently no formula or model which protects neighborhood character and the rights of the disabled. Additionally, the City of Rancho Santa Margarita is opposed to any one-size-fits-all approach to any locally regulated land use.

*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: Will not implement. See response to Recommendation 2. Additionally, the City of Rancho Santa Margarita is not currently experiencing issues with overconcentration of group homes, therefore participation in defense of other cities' group home ordinances is not an appropriate use of local taxpayer funds.

*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: Will not implement. A task force already exists in Orange County. Further, the League of California Cities has previously engaged in legislative discussions on behalf of cities.

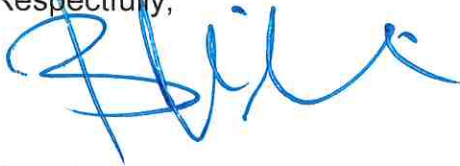
*R5: Orange County cities and the County of Orange should modify code enforcement report data collection forms to include a searchable field that enables the identification of a residence operating as a group home. To be implemented by July 1, 2024. (F5, F7, F11)*

Response: Will not implement. Jurisdictions have many different ways of collecting and organizing code enforcement data. The City of Rancho Santa Margarita's data collection methods are sufficient to meet the needs of our code enforcement program.

Hon. Presiding Judge of the Orange County Superior Court  
August 9, 2023  
Page 5

Should you have any questions or need any additional information, please contact Cheryl Kuta, Assistant City Manager/Development Services Director, at 949-635-1816 or via e-mail at [ckuta@cityofrsm.org](mailto:ckuta@cityofrsm.org).

Respectfully,



for

Jerry Holloway  
Mayor

cc: Orange County Grand Jury  
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