



CITY OF YORBA LINDA

4845 CASA LOMA AVENUE • YORBA LINDA • CALIFORNIA 92886

August 16, 2023

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

RE: Response to the Orange County Grand Jury report – “Welcome to the Neighborhood – Are cities responsibly managing the integration of group homes?”

Judge Hernandez:

The City of Yorba Linda has reviewed the Orange County Grand Jury report titled “Welcome to the Neighborhood – Are cities responsibly managing the integration of group homes?” and has formulated a response to each of the required findings and recommendations as outlined on pages 24 – 25 of the report.

Finding F1

“Group homes too close to one another contribute to the problems associated with overconcentration.”

City’s Response

The City of Yorba Linda agrees with the finding.

Finding F2

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

City’s Response

The City of Yorba Linda agrees with the finding.

Finding F3

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

City’s Response

The City of Yorba Linda agrees with the finding.

Finding F4

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

City’s Response

The City of Yorba Linda disagrees with the finding. The level of community satisfaction in terms of response to complaints varies across communities. In communities that have very few group homes (e.g., Yorba Linda), or that have a majority of homes serving certain populations as opposed to others (e.g., senior residential care facilities rather than sober living homes), traditional public hearings or staff-

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level communications (in the case of 6-bed, “by-right” community care facilities) have proved to be an effective means of communicating the requirements and challenges associated with the regulation of group homes in the City of Yorba Linda.

Finding F5

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

City’s Response

The City of Yorba Linda disagrees with the finding. The above agencies and departments of the City of Yorba Linda are utilized to locate and track Group Homes.

Finding F6

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

City’s Response

The City of Yorba Linda disagrees with the finding. Indeed, some cities, including Yorba Linda, have adopted ordinances that establish reasonable separation requirements between facilities to help mitigate the potential negative impacts associated with overconcentration of facilities in a small geographic area.

Finding 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.”

City’s Response

The City of Yorba Linda agrees with the finding.

Finding F8

“City and County officials are deterred from regulating group homes by California Housing and Community Development’s housing element approval process.”

City’s Response

The City of Yorba Linda partially disagrees with the finding. While some ordinances that have been adopted by cities may raise fair housing concerns in the eyes of HCD, and thus could potentially hinder a community’s process of obtaining Housing Element certification, the City believes this concern varies across communities. Narrowly tailored ordinances focused on reasonable, judicially supported standards may not, in all cases, be of concern to HCD.

Finding F9

“Cities have historically strategized and acted independently in addressing group home challenges and solutions.”

City’s Response

The City of Yorba Linda agrees with the finding.

Finding F10

“Well-operated group homes can integrate smoothly into neighborhoods.”

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City’s Response

The City of Yorba Linda agrees, generally, with the finding, as it relates to facilities that have six or fewer beds/residents. However, for larger facilities (i.e., facilities with greater than six beds/residents), even when “well-operated,” reasonable separation standards should be applied to minimize potential for negative effects that are inherent with larger numbers of residents occupying a single dwelling (e.g., increased traffic, parking demand, nuisance impacts from staff coming and going, etc.).

Finding F11

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

City’s Response

The City of Yorba Linda agrees with the finding. This “lack of oversight” is due to the state law pre-emption for small (6-bed or fewer) community care facilities and/or non-licensed “facilities,” i.e., homes with residents that may share a common purpose and operate as a single house-keeping unit but are not subject to licensure.

Recommendation 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.”

City’s Response

The City of Yorba Linda disagrees with this recommendation. How a city navigates this issue with residents should be based on the needs of each individual city. In cities where there are few community care facilities and/or where there isn’t a great deal of resident concern, there may not be a need to hold extensive outreach/community meetings to explain the challenges related to regulation/management of group homes.

Recommendation 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.”

City’s Response

The City of Yorba Linda partially disagrees with this recommendation. How a city navigates this issue should be based on the needs of each individual city. In cities where there are few community care facilities and/or where there isn’t a great deal of resident concern, there may not be a need to further regulate community care facilities beyond the provisions of state law. Consideration of developing a model ordinance should be initiated by representative associations of local governments within the county, including Orange County Council of Governments (OCCOG) and/or Association of California Cities Orange County (ACCOC).

Recommendation R3

“Orange County cities and the County of Orange should pool resources for defense of lawsuits challenging group home ordinances.”

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City’s Response

The City of Yorba Linda disagrees with this recommendation. How a city navigates this issue should be based on the needs of each individual city. Cities that are not experiencing issues or significant problems associated with some community care facilities may not find it to be in the public’s best interest to fund legal challenges to ordinances passed by other cities.

Recommendation 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 regulation and management standards to ensure health and safety for Group Home residents.”

City’s Response

The City agrees, generally, with this recommendation. However, the primary responsibility for health and safety regulation of community care facilities is the state through the Department of Social Services, Community Care Licensing Division. If there are deficiencies in health and safety standards, initial efforts to improve the operating/management standards should be directed to this agency.

Recommendation 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.”

City’s Response

The City of Yorba Linda disagrees with this recommendation. How a city navigates this issue should be based on the needs of each individual city.

Should you have any questions or require any further information from the City of Yorba Linda, please feel free to contact our Community Development Director, David Brantley at (714) 961-7130 or dbrantley@yorbalingca.gov.

Sincerely,



Gene Hernandez
Mayor, City of Yorba Linda

Cc: Orange County Grand Jury