



CITY OF LAGUNA HILLS

City Council

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August 22, 2023

The Honorable Maria Hernandez
Presiding Judge of the Superior Court
Orange County Grand Jury
700 Civic Center Drive West
Santa Ana, CA 92701

RE: CITY OF LAGUNA HILLS RESPONSE TO THE 2022-2023 ORANGE COUNTY GRAND JURY REPORT, "WELCOME TO THE NEIGHBORHOOD - ARE CITIES RESPONSIBLY MANAGING THE INTEGRATION OF GROUP HOMES?"

Dear Honorable Judge Hernandez:

The City of Laguna Hills has reviewed the Orange County Grand Jury's Report "Welcome to the Neighborhood - Are cities responsibly managing the integration of group homes?" In compliance with California Penal Code sections 933 and 933.05, the City provides the following responses:

FINDINGS

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

The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

The Grand Jury Report presents anecdotal evidence. There is no factual basis by which to agree with this finding. The City 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.*

The respondent agrees with the finding.

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

The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

The City lacks knowledge and information sufficient to reach this conclusion. The City monitors, but does not know what all other cities do. Nor does the City have in-depth knowledge about what any other city might have done or not done to inform its residents about regulation of group homes. The City can only opine as to its own efforts. But it is unclear what successfully means in the context of this finding, as it is a subjective qualifier. Also, what does it mean to successfully address community members on this topic, versus successfully informing them? And what is meant by challenges? The City has taken steps to educate members of the public about federal and state laws that might apply to group homes, depending on the facts, but whether or not the City has been successful in those efforts remains unknown. We have no way to measure whether residents understand the law and its application to specific situations in the City or whether they are convinced of its wisdom from a policy matter.

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

The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

The City lacks knowledge and information sufficient to reach this conclusion. What is meant by community satisfaction? How is that measured? What constitutes minimal? What is the "traditional public comment approach"? What kinds of complaints? About the existence of "group homes" per se? About nuisances? State regulation (too much, too little)? State and federal oversight of vulnerable populations? About treatment and welfare of group-home residents?

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

The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

The City lacks knowledge and information sufficient to reach this conclusion. The City cannot say with certainty what other cities do or don't do. There might be some city or cities somewhere that do use these kinds of complaints to track Group Homes, but the City does not know this to be the case.

For its part, the City does not use police, fire, and code-enforcement complaints as a means of locating and tracking "Group Homes" per se. The City does not single out group-homes for regulation or tracking.

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

The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

The City lacks knowledge and information sufficient to reach this conclusion. The City cannot say with certainty what other cities do or don't do. There might be some city or cities somewhere that chooses to not enact or enforce ordinances due to fears over potential litigation, but the City does not know this to be the case. What is meant here by inhibited? What kind of ordinances? The potential for litigation and associated costs are likely a factor in considering any new regulation.

For its part, the City does not single out group homes for particular regulation or tracking.

- 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.*

The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

The City lacks knowledge and information sufficient to reach this conclusion. What is meant by several? How many is many? Regardless, the City cannot say with certainty what other cities do or don't do. There might be some city or cities somewhere that have adopted an ordinance that requires a ministerial permit or registration to operate a group home, and, if so, some of them might not be enforcing their ordinances.

For its part, the City does not single out group homes for particular regulation or tracking.

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

The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

The City lacks knowledge and information sufficient to reach this conclusion. What is meant by deterred? Prevented or merely discouraged? Regardless, the City cannot say with certainty what motivates or deters officials in other cities or counties. The City has no knowledge of whether they are deterred from regulating group homes or, if they are, by what. There might be some city or county official somewhere who takes a different approach to regulating group homes based on HCD's comments on housing elements. The City cannot speak for them.

For its part, the City does not single out group homes for particular regulation, and the City strives to comply with the requirements of the Housing Element Law as it has been enacted.

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

The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

The City lacks knowledge and information sufficient to reach this conclusion. What is meant by *historically* in this context? By *strategized, independently, challenges, and solutions*? The findings itself presumes a certain view of group homes that the City does not necessarily understand. Regardless, the City cannot say with certainty what other cities do or don't do. There might be some city or cities somewhere that have "historically strategized and acted independently in addressing group home challenges and solutions." The City cannot speak for them.

For its part, the City does not single out group homes for particular regulation and acts independently to protect public health, safety, and welfare regardless of the nature of the use or the identify or ability of occupants. The City strives to follow all applicable laws regardless of what other cities or counties might do.

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

The respondent agrees with the finding.

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

The respondent agrees with the finding.

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)*

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

The City 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)*

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

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 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)*

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

The City does not single out group homes for particular regulation. It is not reasonable to require the City to pool its resources with those of other cities to defend lawsuits against other cities challenging those other cities' group-home ordinances based on those other cities' different policies.

This is a policy choice left to the City under its police power, and the Grand Jury is not justified in attempting to impose it on the City.

- 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)*

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

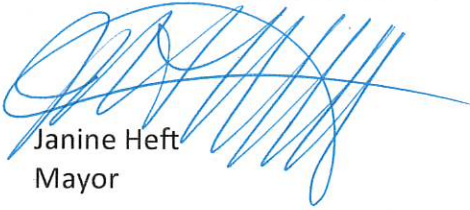
A Task Force already exists in Orange County. Originally established in 2022 by the City of Mission Viejo, the California Sober Living and Recovery Task Force is a bi-partisan coalition of local and state elected officials, law enforcement, administrative staff, subject matter experts, and residents who are working collaboratively to address issues related to the proliferation of sober living and recovery homes.

- 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)*

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

The City does not single out group homes for particular regulation or tracking. Additionally, jurisdictions have many different ways of collecting and organizing code enforcement data. The City's data collection methods are sufficient to meet the needs of our code enforcement program.

Sincerely,
THE CITY OF LAGUNA HILLS

A handwritten signature in blue ink, appearing to read 'Janine Heft', written over the printed name.

Janine Heft
Mayor