



County of Orange

County Executive Office

August 22, 2023

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

Subject: "Welcome to the neighborhood" Grand Jury Response

Dear Judge Hernandez:

Per your request, and in accordance with Penal Code 933, please find the County of Orange response to the subject report as approved by the Board of Supervisors. The respondents are the Orange County Board of Supervisors and the County Executive Office.

If you have any questions, please contact Liz Guillen-Merchant of the County Executive Office at 714-834-6836.

Sincerely,

Digitally signed by Frank Kim
DN: cn=Frank Kim, o=County
of Orange, ou=CEO,
email=frank.kim@ocgov.com
, c=US
Date: 2023.08.23 11:26:10
-07'00'

Frank Kim
County Executive Officer

Enclosures

cc: Orange County Grand Jury
Lilly Simmering, Deputy County Executive Officer
Liz Guillen-Merchant, Director, Performance Management and Policy



“Welcome to the neighborhood. Are cities responsibly managing the integration of group homes?”

SUMMARY RESPONSE STATEMENT

On June 12, 2023, the Grand Jury issued the report, “Welcome to the Neighborhood: Are cities responsibly managing the integration of group homes?” This report directed responses to findings and recommendations to the Orange County Board of Supervisors. The responses are below:

FINDINGS AND RESPONSES

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

Response: *Agrees with the finding*

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

Response: *Agrees with the finding*

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

Response: *Agrees with the finding*

While the Finding is specific to cities and their outreach to their residents, the County is aware of the level of outreach cities have conducted on the subject matter and the County has conducted its own outreach.

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

Response: *Agrees with the finding*

The County does not have an opinion on the community's satisfaction with the cities' approach to addressing community complaints via the traditional public comment approach. It does, however, acknowledge that it was not uncommon for the County to hear concerns from residents throughout the county about group homes in their communities, whether they were cities or unincorporated areas.

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

Response: *Disagrees wholly with the finding*

While this Finding is specific to cities, the County does not have any reason to believe that cities are not prioritizing concerns specific to group homes and the County is utilizing all resources to track group homes as well.

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

Response: *Disagrees wholly with the finding*

While this Finding is specific to cities, the County does not have any reason to believe that cities are not prioritizing concerns specific to group homes. The County is aware of cities who have taken proactive steps to address group home concerns whether it be through an ordinance or other measure. Furthermore, the County actively follows litigation challenging local ordinances aimed at curtailing unregulated 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: *Partially disagrees with the finding*

Some cities have stalled enforcement, which may be related to HCD's Group Home Technical Advisory and concerns about approval of their housing element. While this Finding is specific to cities, the County does not have any reason to believe that cities are not prioritizing concerns specific to group homes. Furthermore, the County is aware that some local ordinances regarding group homes are currently undergoing challenges in the court system and by HCD, which has delayed full enforcement of their ordinances.

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

Response: *Partially disagrees with the finding*

The guidance provided by California Housing and Community Development (HCD) prioritizes and encourages regulation of group homes through traditional, complaint-based code enforcement and health/safety means, but discourages regulation of group homes through specific, targeted, local permitting requirements and zoning controls. To the extent the finding conveys that group homes are a factor that is examined in the housing element approval process and that HCDs guidance deters local jurisdictions from using permitting and zoning controls to specifically regulate group homes, Respondent agrees with the finding. To the extent that the finding conveys that local jurisdictions are discouraged from any kind of regulation of group homes, the respondent disagrees with the finding.

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

Response: *Partially disagrees with the finding*

Cities have varied approaches to addressing group home challenges and continue to approach the issue and potential solutions differently based on the factors unique to their specific jurisdiction.

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

Response: *Partially disagrees with the finding*

While the County believes that group homes with Good Neighbor policies can integrate into neighborhoods like certain licensed drug and alcohol facilities do, the County recognizes that not all neighborhoods may be appropriate for group homes despite proper management and strong Good Neighbor Policies.

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

Response: *Partially disagrees with the finding*

The County can enforce various provisions of the Codified Ordinances having to do with public health and safety and nuisance against group homes. However, there are no State regulations for unlicensed group homes. Unless a group home is reported to the County, there is no feasible way to determine whether homes are being used as group homes. There is no mandatory reporting system and the homes may be difficult to identify. Once a group home is identified, code enforcement can track this data and seek compliance with the ordinances through a planning process.

RECOMMENDATIONS AND RESPONSES

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

Response: *The recommendation has been implemented*

The County has hosted multiple community town halls in the county to discuss concerns around group homes. There was a townhall in 2019 in the North Tustin community, as well as an investigative hearing in 2022 focused on the fentanyl epidemic that touched on group homes. Also, a mayor town hall was held in 2022 to discuss a model ordinance. The County also underwent an extensive revision of the Zoning Code during which members of the public were welcome to comment on group homes regulations along with other concerns.

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: *The recommendation requires further analysis*

The County welcomes the recommendation by the Grand Jury; however, the County needs additional time to research the best forum for facilitating such a discussion with the cities. In 2022, the County created a sober living home ad hoc to study implementing a model ordinance countywide.

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: *The recommendation will not be implemented because it is not reasonable*
To date, the County's ordinance concerning group homes has not been challenged. It is not normal practice for the County to allocate tax dollars designated to the County for County operations and programs to assist cities in defending and covering their legal expenses.

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 requires further analysis***

Individual Supervisors are already collaborating with stakeholders in their districts where these issues are relevant. The County regularly informs state legislative leaders on the need for reform. In 2022, the California Sober Living and Recovery Task Force was established by the City of Mission Viejo, with the goal of working collaboratively to address issues related to the proliferation of sober living and recovery homes. Impacted cities, state officials, and law enforcement have joined that growing task force and they began meetings in 2023. The County Board of Supervisors formed the "Group Home/Sober Living Ad Hoc" in 2022 to explore issues related to Sober Living Homes in Orange County, including the effectiveness of current policies, and the potential need for updated policy recommendations for the County and other local jurisdictions.

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: ***The recommendation requires further analysis***

The County welcomes the recommendation by the Grand Jury; however, the County needs additional time to research the best forum for facilitating such a discussion with the cities. In 2022, the County created a sober living home ad hoc that can be refocused to study the implementation of this recommendation. Unless a group home is reported to the County, there is no feasible way to determine whether homes are being used as group homes. Once a group home is identified, code enforcement can track this data. Moreover, a searchable field allowing for certain homes to be identified as group homes may create animus towards residents when the best solution may be voluntary compliance with the County's ordinance.

ORANGE COUNTY BOARD OF SUPERVISORS
MINUTE ORDER
August 22, 2023

Submitting Agency/Department: County Executive Office

Approve proposed response to FY 2022-23 Grand Jury Report "Welcome to the Neighborhood. Are cities responsibly managing the integration of group homes?" - All Districts

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

APPROVED WITH AMENDMENT TO RESPONSE FOR RECOMMENDATION 4 (R.4) TO READ AS FOLLOWS: THIS RECOMMENDATION REQUIRES FURTHER ANALYSIS. INDIVIDUAL SUPERVISORS ARE ALREADY COLLABORATING WITH STAKEHOLDERS IN THEIR DISTRICTS WHERE THESE ISSUES ARE RELEVANT. THE COUNTY REGULARLY INFORMS STATE LEGISLATIVE LEADERS ON THE NEED FOR REFORM. IN 2022, THE CALIFORNIA SOBER LIVING AND RECOVERY TASK FORCE WAS ESTABLISHED BY THE CITY OF MISSION VIEJO, WITH THE GOAL OF WORKING COLLABORATIVELY TO ADDRESS ISSUES RELATED TO THE PROLIFERATION OF SOBER LIVING AND RECOVERY HOMES. IMPACTED CITIES, STATE OFFICIALS, AND LAW ENFORCEMENT HAVE JOINED THAT GROWING TASK FORCE AND THEY BEGAN MEETINGS IN

Continued on attached page...

Unanimous (1) DO: **X** (2) SARMIENTO: **Y** (3) WAGNER: **Y** (4) CHAFFEE: **X** (5) FOLEY: **Y**

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

- Resolution(s)
- Ordinances(s)
- Contract(s)

Item No. 31

Special Notes:

Copies sent to:

CEO – Liz Guillen-Merchant

Superior Court

Grand Jury

8/25/23



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.
Robin Stieler, Clerk of the Board

By: _____

Deputy

ORANGE COUNTY BOARD OF SUPERVISORS
MINUTE ORDER
August 22, 2023

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

Unanimous (1) DO: **X** (2) SARMIENTO: **Y** (3) WAGNER: **Y** (4) CHAFFEE: **X** (5) FOLEY: **Y**

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

2023. THE COUNTY BOARD OF SUPERVISORS FORMED THE "GROUP HOME/SOBER LIVING AD HOC" IN 2022 TO EXPLORE ISSUES RELATED TO SOBER LIVING HOMES IN ORANGE COUNTY, INCLUDING THE EFFECTIVENESS OF CURRENT POLICIES, AND THE POTENTIAL NEED FOR UPDATED POLICY RECOMMENDATIONS FOR THE COUNTY AND OTHER LOCAL JURISDICTIONS.

Item No. 31



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.
Robin Stieler, Clerk of the Board

By: _____

Deputy



AGENDA STAFF REPORT

Agenda Item

31

ASR Control 23-000710

23F7

MEETING DATE: 08/22/23
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: County Executive Office (Approved)
DEPARTMENT CONTACT PERSON(S): Liz Guillen-Merchant (714) 834-6836
 Lilly Simmering (714) 834-6234

RECEIVED
CLERK OF THE BOARD

AUG 02 2023

SUBJECT: "Welcome to the neighborhood" Grand Jury Response

CEO CONCUR
Concur

COUNTY COUNSEL REVIEW
No Legal Objection

CLERK OF THE BOARD
Discussion
3 Votes Board Majority

Budgeted: N/A

Current Year Cost: N/A

Annual Cost: N/A

Staffing Impact: No

of Positions:

Sole Source: N/A

Current Fiscal Year Revenue: N/A

Funding Source: N/A

County Audit in last 3 years: No

Levine Act Review Completed: N/A

Prior Board Action: N/A

RECOMMENDED ACTION(S):

1. Approve proposed response to FY 2022-23 Grand Jury Report entitled "Welcome to the neighborhood. Are cities responsibly managing the integration of group homes?"
2. Direct the Clerk of the Board to forward this Agenda Staff Report with attachments to the Presiding Judge of the Superior Court and the FY 2022-23 Grand Jury no later than September 10, 2023.

SUMMARY:

Approval of proposed response to FY 2022-23 Grand Jury Report entitled "Welcome to the neighborhood. Are cities responsibly managing the integration of group homes?" will fulfill the County's required response to the Grand Jury.

BACKGROUND INFORMATION:

On June 12, 2023, the Orange County Grand Jury released a report entitled "Welcome to the neighborhood. Are cities responsibly managing the integration of group homes?" The report directed responses to findings and recommendations to the Board of Supervisors. Attachment B is the County's proposed response to the Grand Jury.