



CITY OF LAGUNA NIGUEL

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CITY COUNCIL

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August 23, 2023

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

The City of Laguna Niguel has reviewed the Orange County Grand Jury (OCGJ) Report “Welcome to the Neighborhood, Are cities responsibly managing the integration of group homes?” In accordance with California Penal Code 933 and 933.05, the City submits the following responses to the findings and recommendations.

FINDINGS:

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

Response: Agree. While the City of Laguna Niguel does not have specific experience with the overconcentration of group homes, and cannot speak directly to the experience of other cities, the question as stated assumes, by definition, that overconcentration equals group homes being too close.

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

Response: Partially Disagree. There is not enough information provided to wholly agree, or wholly disagree. Additionally, the City does not have specific experience with group homes being concentrated in a small geographic area, nor does it assume that this category of homes will be/is disruptive by nature.

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

Response: Partially Disagree. While some cities have addressed and informed their community members about this topic, whether or not it can be classified as a success depends on the individual city and how they define success with their community members.

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

Response: Partially Disagree. In specific instances where complaints may have been received, the City has satisfactorily provided individuals with information on the local, state and federal laws. However, each city may have their own definition of satisfaction based upon the unique makeup of their community members, and the City can not speak to how each city defines community satisfaction.

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

Response: Disagree. While the City does not single out group homes for regulation or tracking purposes, cities do often learn of the location of such homes from a complaint that may be received at the staff level. The City responds to all complaints received by the public, regardless of topic area, in a fair and consistent fashion.

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

Response: Disagree. While the fiscal implications of litigation are likely a factor of consideration for all cities, especially those that are fiscally responsible and/or financially conservative in nature, there is no substantial evidence included to support that any city has formally avoided enacting/enforcing ordinances due to this fear.

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 ordinance.*

Response: Partially Disagree. The City has not actively monitored other cities regarding the enforcement of their ordinances, thus does not have enough information to comment on their experiences. The City does have an existing ministerial process by which to permit; however, has not needed to do so in recent years.

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

Response: Partially Disagree. The City has worked consistently with HCD related to housing element certification, including in the area of group homes, and supports reasonable regulations while complying with laws. However, the City is unaware of the direct experience that other cities may be experiencing, or have experienced with HCD, so it can not comment on that specifically.

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

Response: Partially Disagree. While the City agrees that cities have acted independently in addressing group homes, several regional groups have convened to discuss the topic, as has CalCities, which represents most, if not all Orange County cities, to engage in legislation related to relevant topics, including group homes.

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

Response: Agree

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

Response: Partially Disagree. The City has no issues related to unlicensed group homes that are directly related to the safety and health of residents of any unlicensed group home that may be located in the City, and does not have enough information to comments on behalf of other cities with unlicensed group homes.

RECOMMENDATIONS:

R1 *Orange County cities and 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 be implemented. The City has not had issue with community satisfaction/complaint resolution on the topic of group homes, nor does it currently have issue with group homes, as there are few located within the City. The City supports open dialogue, and should the County convene such a group the City would welcome participation by its residents.

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.*

Response: Will not be implemented. The City does not favor a one-size-fits-all approach to local governance and is dedicated to the maintenance of local control, markedly as is related to the area of local land use and policy decisions.

R3 *Orange County cities and the County of Orange should pool resources to defend lawsuits challenging group home ordinances. The be implemented by July 1, 2024 (F6, F8, F9)*

Response: Will not be implemented. The City is not experiencing overconcentration issues related to group homes, nor is it in a position to utilize its resources to defend lawsuits of other cities that may, or may not be, in compliance with group home laws and mandates.

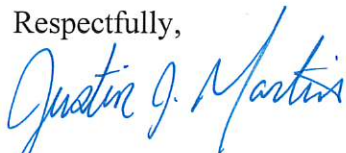
R4 *The County of Orange and Orange County cities should create a Task Force that includes representatives from OC Cities, unincorporated areas, and other entities as appropriate and charge it with the responsibility of developing a plan to generate awareness among State legislators and regulators of 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: The recommendation has not yet been implemented, but will be implemented. The City supports the County forming and administering such a Task Force, as it would support a Task Force that aids to ensure the health and safety of group home residents, which includes participation by city representatives.

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 be implemented. The City's existing data collection methods in its Code Compliance Division, adequately meet the needs of the program. While there may be understood best practices in collecting data, cities have differing ways/tools/administrative processes in place related to collecting and organizing such data.

Respectfully,



Justin J. Martin
Assistant City Manager