



September 1, 2023

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

RE: Response to the 2022-2023 Orange County Grand Jury Report entitled, *Welcome to the Neighborhood, Are cities responsibly managing the integration of group homes?*

Dear Honorable Presiding Judge:

In accordance with Penal Code 933 and 933.05, the City of Dana Point submits the following response to the report, findings, and recommendations of the 2022-2023 Orange County Grand Jury report entitled, *Welcome to the Neighborhood, Are cities responsibly managing the integration of group homes?*

Findings by the Orange County Grand Jury

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

Response: The City of Dana Point DISAGREES with the finding. There is no specific data in the report to support this assertion, and City is not independently aware of any such data.

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

Response: The City of Dana Point DISAGREES with the finding. There is not enough information provided to agree with the finding. What constitutes a "small" geographic area and what number of homes is considered concentrated? Is the home licensed or unlicensed? A sober living home is not assumed to be a source of nuisance.

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

Response: The City of Dana Point PARTIALLY DISAGREES with the finding. The City has successfully informed the public about efforts to ensure legal compliance in connection with the operation of residential recovery facilities through press releases and newspaper articles. The City has no

knowledge of what other cities are doing to engage their communities on sober living home regulation and whether they have been successful in their communications.

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

Response: The City of Dana Point DISAGREES with the finding. The finding is broad and lacks sufficient information to support this conclusion. What constitutes community satisfaction and how is that satisfaction measured? What specific complaints is this finding asserting?

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

Response: The City of Dana Point DISAGREES with the finding. Dana Point Code Enforcement conducts visits to any home, group or otherwise, generating nuisance behavior warranting code enforcement. In addition, the Orange County Fire Authority inspects homes that are proposed to be licensed, or are licensed, to ensure compliance with applicable regulations.

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

Response: The City of Dana Point DISAGREES with the finding. The City of Dana Point has chosen to enforce its existing nuisance ordinances, and in June 2016 the City Council directed the City Attorney to take legal action against residential recovery facilities not operating in compliance with State Law, which by definition is a public nuisance.

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: The City of Dana Point DISAGREES. The report does not include any evidence that cities have actively avoided pursuing the enactment and enforcement of ordinances relating to group homes.

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

Response: The City of Dana Point Disagrees. The City has no knowledge of what other cities or counties motivations are as to what may deter regulation based on Housing Elements or the Housing Element approval process.

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

Response: The City AGREES with this finding. A one size fits all approach to addressing group homes may not address local needs.

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

Response: The City AGREES with this finding. If licensed homes are well operated and have no record of nuisance issues, they can co-exist “smoothly” in neighborhoods.

Response:

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

Response: The City AGREES with this finding. State resources to ensure compliance with licensing requirements should be implemented.

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, and in fact it would appear to be unlawful for the City to single out group homes for regulation. It is not reasonable to convene a panel on the challenges that a city faces in regulating group homes because it would imply that the City does single them out or that it is attempting to single them out for restrictions. The City is focused on ensuring that residential recovery facilities are appropriately licensed to ensure the health and safety of 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. (F6, F7, F9)

The City does not single out group homes for regulation. It is not reasonable to require the City to collaborate with other cities to regulate contrary to the City's own policy direction. The City is focused on ensuring that residential recovery facilities are appropriately licensed to ensure the health and safety of residents.

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, and in fact it would appear to be unlawful for the City to single out group homes for 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.

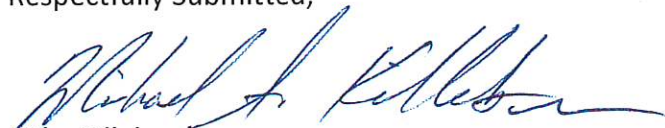
R4. The County of Orange and Orange County cities should create a Task Force that includes representatives from OC cities, unincorporated areas, and other entities as appropriate and charge it with the responsibility of developing a plan to generate awareness among State legislators and regulators of 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 has not yet been implemented, but will be implemented in the future, with a time frame for implementation. The City would support a Task Force that helps ensure the health and safety of group-home residents, with resources from the State's licensing board. But it is up to the County to form and administer the Task Force. The City is willing to participate.

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. Jurisdictions have been different ways of collecting and analyzing code enforcement data. The City's methods of data collection and administration are sufficient to the City's needs.

Respectfully Submitted,



Mike Killebrew
City Manager

c: Orange County Grand Jury