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Wednesday, September 6, 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 Brea Response to 2022-2023 Orange County Grand Jury report, Welcome to the Neighborhood: Are cities responsibly managing the integration of group homes?

Dear Presiding Judge Hernandez,

In accordance with Section 933 of the California Penal Code, this letter contains the response of the City of Brea to the Orange County Grand Jury report, dated June 12, 2023, titled "Welcome to the Neighborhood: Are cities responsibly managing the integration of group homes?". The responses included correspond to Findings F1 through F11 and Recommendations R1 through R5 as required by the Orange County Grand Jury.

RESPONSES TO FINDINGS F1 through F11:

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

Response: The City of Brea disagrees partially with this finding.

Explanation: While the City understands the finding as stated in the Grand Jury report and has heard of this issue occurring in other jurisdictions, Brea historically has not had an issue with the overconcentration of group homes. Per the City's Police Department, Fire Department, and Code Enforcement Division, there have been no formal complaints regarding the overcrowding or presence 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.

Response: The City of Brea disagrees partially with this finding.

Explanation: While the City understands the finding and has heard of this issue occurring in other jurisdictions, Brea has not experienced nuisances from sober living homes.

City Council

Marty Simonoff
Mayor

Christine Marick
Mayor Pro Tem

Cecilia Hupp
Council Member

Blair Stewart
Council Member

Steven Vargas
Council Member

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

Response: The City of Brea disagrees partially with this finding.

Explanation: Because the City has historically not experienced nuisances relating to group homes, the City has not addressed or informed community members regarding regulatory challenges. However, the City uses several outlets to keep residents informed and educated on the City's overall operations, programs, policies, and initiatives.

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

Response: The City of Brea disagrees partially with this finding.

Explanation: Historically, the City has not received citizen complaints about group homes. The City has several avenues to address citizen complaints that have proven to be effective in obtaining resident satisfaction. These avenues include City Council meetings, online website postings, town hall meetings, City correspondence and more. Other outlets would be explored if needed.

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

Response: The City of Brea disagrees partially with this finding.

Explanation: The City's Police Department, Fire Department, and Code Enforcement Division will work hand-in-hand to address complaints received from residents related to group homes. If a complaint is made regarding group homes, a Code Enforcement Officer will be dispatched, along with a Police Officer and/or Fire Marshal, depending on the nature of the concern. However, it can be difficult to track the location of group homes as many are not required to obtain approval or to register through the City, County, or State.

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

Response: The City of Brea disagrees partially with this finding.

Explanation: The City does not have an adopted ordinance to address the regulation of group homes as there has not been a significant cause of concern from Brea residents. However, the City understands the finding and acknowledges that it may be applicable to other jurisdictions.

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 Brea disagrees partially with this finding.

Explanation: While the City understands the finding as stated in the Grand Jury report and is aware other jurisdictions may have such ordinances, this finding is not applicable to Brea as the City does not have an ordinance requiring permits or registration for the operation of a group home.

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 Brea disagrees partially with this finding.

Explanation: While the City did not include regulatory measures for group homes in its Housing Element, the City did not experience challenges with obtaining its Housing Element approval. However, the City understands the finding and acknowledges that other jurisdictions have had challenges with the Housing Element approval process.

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

Response: The City of Brea agrees with this finding.

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

Response: The City of Brea agrees with this finding.

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

Response: The City of Brea disagrees wholly with this finding.

Explanation: The City utilizes its Police Department, Fire Department, and Code Enforcement Division to ensure the health and safety of all residents. The City has also updated its Housing Element and the City Code to ensure State compliance and to better address the safety of residents. If there are complaints tied to existing ordinances (zoning, noise, property maintenance, and/or loitering) the City will send Code Enforcement to investigate the matter.

RESPONSES TO RECOMMENDATIONS R1 through R5:

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)

Response: The recommendation will not be implemented because it is not warranted.

Explanation: The City does not have citizen concerns over group homes. Should concerns over group homes arise, the City will reconsider its participation in this effort.

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 will not be implemented because it is not warranted.

Explanation: The City historically has not received citizen complaints over group homes that would warrant the creation of an ordinance. Should concerns over group homes arise, the City will reconsider its participation in this effort.

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 warranted.

Explanation: The City historically has not experienced issues that would warrant allocating resources to defend lawsuits challenging group home ordinances.

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 will not be implemented because it is not warranted.

Explanation: The City historically has not encountered health and safety concerns regarding group home residents. Should concerns over this issue arise, the City will reconsider its participation in this effort.

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 will not be implemented because it is not warranted.

Explanation: The City's code enforcement data collection methods are sufficient to meet the current needs of our program. Should concerns over this issue arise, the City will reconsider its participation in this effort.

The City of Brea values the Orange County Grand Jury Report and appreciates the opportunity to provide responses. Should you have any questions, please contact City Manager Bill Gallardo either by telephone at (714) 990-7711 or by email at billga@cityofbrea.net.

Sincerely,



Bill Gallardo
City Manager
City of Brea

cc: Brea City Council

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