



City of Mission Viejo

Office of the City Manager

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September 7, 2023

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

Subject: “Welcome to the Neighborhood” Are cities responsibly managing the integration of group homes?

Dear Honorable Maria Hernandez,

The 2022-23 Grand Jury of Orange County released a report titled *“Welcome to the Neighborhood” Are cities responsibly managing the integration of group homes?* The City of Mission Viejo is responding to the findings and recommendations included within the report. The findings and recommendations are listed below followed by the City’s response.

The report requires a written response from the City of Mission Viejo under California Penal Code Sections 933.05(a) and (b).

Penal Code Section 933.05(a) requires the respondent to agree, disagree wholly, or disagree partially with a finding.

Penal Code Section 933.05(b) requires the respondent to respond with one of the following choices to a recommendation:

- (1) The recommendation has been implemented, with a summary regarding the implemented action;
- (2) The recommendation has not yet been implemented, but will be implemented in the future with a timeframe for implementation;
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of analysis or study, and a timeframe [given]; or
- (4) The recommendation will not be implemented [with an explanation of why].

Consequently, on behalf of the City of Mission Viejo, please accept the following responses to the findings and recommendations requested of Mission Viejo as noted on page 24 of the report.



Findings

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

Response: The City of Mission Viejo agrees with this finding.

Finding 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 Mission Viejo agrees with this finding.

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

Response: The City of Mission Viejo partially agrees with this finding. While some cities have addressed and informed community members about the challenges faced in regulating group homes, including through the recently launched California Sober Living and Recovery Task Force, increased public awareness and collaboration amongst cities is needed.

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

Response: The City of Mission Viejo agrees with this finding, which is why it spearheaded the creation of the California Sober Living and Recovery Task Force in January 2023.

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

Response: The City of Mission Viejo partially agrees with this finding. While complaints can be used to locate and track group homes, more comprehensive local and regional databases are needed. Moreover, relying solely upon complaints would create an incomplete record.

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

Response: The City of Mission Viejo agrees with this finding.

Finding 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 Mission Viejo partially agrees with this finding, as cities have limited legal authority to enforce such requirements under state and federal law.

Finding 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 Mission Viejo partially agrees with this finding, as it is only one of many factors.

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

Response: The City of Mission Viejo agrees with this finding, which is why it spearheaded the creation of the California Sober Living and Recovery Task Force in January 2023.

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

Response: The City of Mission Viejo partially agrees with this finding, as this assertion is overly broad and dependent on numerous case specific factors.

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

Response: The City of Mission Viejo agrees with this finding.

Recommendations

Recommendation 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 City of Mission Viejo implemented this recommendation prior to the publication of the Grand Jury Report. In 2022, Mission Viejo held two public forums to listen to citizen concerns and provide an opportunity for open dialogue. Based on the feedback received at the forums, Mission Viejo spearheaded and launched the California Sober Living and Recovery Task Force in January 2023. The Task Force has already held four meetings through July of 2023 and features an interdisciplinary panel of subject matter experts – including state and local elected officials, law enforcement, administrative staff, subject matter experts, and impacted residents.



Recommendation 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 City of Mission Viejo has been actively working to implement this recommendation since January 2023, when it launched the California Sober Living and Recovery Task Force. One of the specific goals of the Task Force, which includes participant cities from across the County, is to create a model ordinance that can be widely and uniformly adopted. While draft ordinances have been created and considered, this process will be impacted by the ultimate result of the City of Costa Mesa’s ongoing litigation regarding the regulation of sober living and recovery homes. Currently, that case is being considered for U.S. Supreme Court review.

Recommendation 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 City of Mission Viejo has implemented this recommendation and will continue to do so. Another specific purpose of the California Sober Living and Recovery Task Force is to pool resources, share costs, and create strength in numbers for Orange County cities. For example, the Task Force recently solicited cities to join in the submission of an Amicus Brief – including sharing in the associated legal costs – in support of the City of Costa Mesa’s sober living home litigation and its petition for U.S. Supreme Court review.

Recommendation 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: As noted in responses to R1, R2, and R3, the City of Mission Viejo implemented this recommendation in January 2023 when it launched the California Sober Living and Recovery Task Force. Importantly, Task Force participants include state legislators and healthcare and subject matter experts. A poorly managed group home not only impacts neighbors, but those in recovery who deserve to have access to quality care and treatment in an appropriate setting.

Recommendation 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 Honorable Maria Hernandez

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

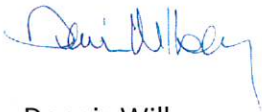
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Response: The City of Mission Viejo partially agrees with this finding and is in the process of exploring various options to modify code enforcement report data collection forms to identify residences operating as group homes. However, it is worth noting that data collection and the identification of groups homes are difficult tasks, as this information is not provided to cities. Even with voluntary ministerial registration, very few group homes register and the information is spotty and unreliable. For non-state licensed facilities, cities are dependent upon information identified on building permits, google searches, and the like.

In addition, through the California Sober Living and Recovery Task Force, the City of Mission Viejo is coordinating with various law enforcement agencies, cities, and the Association of California Cities Orange County chapter to collect and consolidate code enforcement data and incident reports related to the operation of group homes.

If you have any questions about the forgoing, please contact me at 949-470-3051 or DWilberg@cityofmissionviejo.org

Sincerely,



Dennis Wilberg
City Manager

cc: Brian Goodell, Mayor
Trish Kelley, Mayor Pro Tem
Wendy Bucknum, Council Member
Robert Ruesch, Council Member
Cynthia Vasquez, Council Member
William P. Curley, III, City Attorney
Elaine Lister, Director of Community Development

