



September 13, 2023

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

Re: Comments to Grand Jury Findings;
Welcome to the Neighborhood - Orange County Grand Jury 2022-2023

Dear Judge Hernandez:

The City Council of the City of Irvine (“City”) has authorized the following responses to the 2022-2023 Orange County Grand Jury report titled “Welcome to the Neighborhood.” In accordance with Penal Code section 933.05(a) and (b), the City provides the following responses to the report’s finding and recommendations.

FINDINGS

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

Response: The City 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 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 disagrees partially with this finding. The City agrees that methods employed by certain cities are more successful in informing community members about the challenges faced in regulating group homes. The City, however, does not have available evidence to support the conclusion that cities have successfully addressed and informed the community.

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

Response: The City disagrees partially with this finding. The public comment approach is part of a multi-faceted system of addressing community complaints and cannot be taken individually to evaluate community satisfaction for this single component.

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

Response: The City disagrees partially with this finding. The City of Irvine utilizes code enforcement as one of many tools to respond to complaints in the community; some of which may relate to Group Homes. However, the City does not have in its possession a comprehensive list of Group Homes, nor means to exhaustively track all Group Homes in the City. Further, the City is unable to comment on the procedures of other cities.

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

Response: The City disagrees partially with this finding insofar as its ordinances are generally enforced uniformly for all residential properties, and as such, the City does not fear the potential cost of litigation. However, where ordinances are enforced, or perceived to be enforced discriminately against group homes, the City fears the potential cost of litigation.

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 partially agrees with this finding insofar it is generally aware that one or more other cities have considered and/or adopted an ordinance related to regulation of group homes (some of which are in litigation); however, the City is not aware of the degree to which these ordinances are enforced.

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 disagrees partially with this finding, as it is not aware of other cities’ practices in this regard.

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

Response: The City agrees with this finding.

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

Response: The City agrees with this finding and would appreciate input defining a “well-operated” group home.

Finding 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 insofar as it refers to state regulation. The City attempts to provide regulatory oversight for the health and safety of its residents as applicable to the authority it has to do so.

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 is amenable to working with other public entities insofar as policy goals align; however, further analysis of the breadth and scope of the interdisciplinary panel may be necessary.

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 is amenable to collaboration with other cities insofar as policy goals align; however, further analysis of the breadth and scope of a proposed model ordinance may be necessary.

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: This recommendation will not be implemented because it is not reasonable. The City does not believe that every city has the same interest in defending each ordinance. For this reason, the City may choose to participate in a shared defense as determined on a case-by-case basis.

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: The City is generally in favor of developing awareness among State legislators and regulators of the need to improve regulations and management standards to ensure health and safety for Group Home residents by creating a Task Force including representatives from Orange County cities, unincorporated areas, and other entities (e.g., the Association of California Cities – Orange County, etc.).

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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)

Response: This recommendation will not be implemented because it is not reasonable. The City has concerns about releasing such data and believes there to be less invasive means to report nuisances resulting from group homes.

We trust this response from the City of Irvine will be filed with the Grand Jury so that anyone reading the Grand Jury Report will be able to evaluate it in light of Irvine's responses set forth above. Thank you for your consideration of this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Farrah Khan", written in a cursive style.

Farrah N. Khan
Mayor, City of Irvine

cc: City Council
Orange County Grand Jury