



## CITY OF FULLERTON

City Council Office

Mayor, Fred Jung  
Mayor Pro Tem, Bruce Whitaker  
Councilmember, Shana Charles  
Councilmember, Nick Dunlap  
Councilmember, Ahmad Zahra

August 15, 2023

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

**RE: City of Fullerton Response to June 7, 2023 Report of the 2022-2023 Orange County Grand Jury entitled "Welcome to the Neighborhood" Are cities responsibly managing the integration of group homes?**

Dear Presiding Judge Hernandez:

This letter constitutes, in accordance with Section 933.05 of the California Penal Code, the response of the City of Fullerton to the June 7, 2023 Report of the 2022-2023 Orange County Grand Jury entitled "*Welcome to the Neighborhood*" Are cities responsibly managing the integration of group homes? The Grand Jury required all Orange County Cities to respond to all eleven Findings and five Recommendations.

### Introductory Statement

The City of Fullerton appreciates the role of the Grand Jury and the opportunity afforded to the City of Fullerton for input. The following are the city's responses to the Findings and Recommendations:

### Response to Findings

**F.1.** *Group homes too close to one another contribute to the problems associated with overconcentration.*

**Response:** The City of Fullerton agrees with this finding. Between July 2022 and July 23, there were 157 calls for service, 5 arrests, 7 tickets issued, and 37 general offenses issued that were associated with group homes.

**F.2.** *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 Fullerton agrees with this finding (see above).

**F.3.** *Some cities have successfully addressed and informed community members about the challenges faced in regulating group homes.*

**Response:** The City of Fullerton has no information on this to provide a response either way.

**F.4.** *Community satisfaction was minimal when cities took the traditional public comment approach towards addressing community complaints.*

**Response:** The City of Fullerton disagrees with this finding.

**F.5.** *Cities are not utilizing police, fire, and code enforcement complaints as a means of locating and tracking Group Homes.*

**Response:** The City of Fullerton partially agrees with this finding. Since current State law and the City of Fullerton Municipal Code (FMC) allows "group homes" with six or fewer residents "by right" (i.e. treated the same as any single-family home use), Code Enforcement does not have a system in place for tracking Group Homes through the Code Enforcement process. There is currently no law or code in place for Code Enforcement staff to require group homes to register or announce their presence in the community. Currently, Code Enforcement does track legal and illegal group home locations based on complaints submitted by Fullerton residents.

The Police Department (PD) tracks by calls for service by using CAD-RMS and notates calls for service and provides notes for group homes. The PD is working on map that locates all group homes and will create a "heat map" that shows frequent calls for service.

When the State of California- Division of Public Health requires a Fire Inspection for a licensed facility to operate, a Fire Inspection is completed. The Fire department tracks group homes when the initial Fire Inspection is completed. Further Fire Inspections are performed when complaints are received.

**F.6.** *Cities are inhibited from enacting and enforcing ordinances due to fears over the potential cost of litigation.*

**Response:** The City of Fullerton agrees with this finding. Although historically, group homes have not always been welcomed in certain Fullerton communities, the regulation and enforcement were respected by both the community and operators of these facilities. Upon receipt of a Fullerton resident complaint for noise, unpermitted modifications, or other nuisance, the City Code Enforcement staff would contact the owner or the site, as was done with any other residential home in Fullerton. City staff was always allowed access to inspect, typically by the caretaker, and the group homes were receptive to corrections

issued by the City so they could continue operating in a compliant manner. These operators were accommodating to staff regarding allowing staff into the small group home facilities. However, over the past five years, City staff has noted that operators of group homes changed to larger for-profit companies or developers, and in many cases, these group homes do not have an on-site caretaker.

In recent Code Enforcement cases, the Notices of Violations issued by the City have been met with letters from attorneys either citing requests for reasonable accommodations or blatantly stating that they will not comply or that they are exempt due to ADA protection.

Through their attorneys, they attempt to sidestep the ordinance by denying access and classifying their group home as either a Transitional or Supporting Housing facility, which the FMC allows by right. As a result, Code Enforcement cases remain on hold pending the direction of attorneys who must review the cases to prevent potential litigation.

- F.7.** *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 Fullerton partially agrees with this Finding for group homes with more than six residents. The FMC currently requires that facilities with more than six residents obtain a Conditional Use Permit to operate. (Please see attached - FMC Table 15.17.020A – Permitted Uses in Residential Zone Classifications) By requiring this Conditional Use Permit hearing process for those group homes, the City of Fullerton has created a process by which all Large Group Homes shall have a CUP and be permitted prior to operating.

However, for those land uses allowed by right pursuant to the FMC such as Supportive Housing, Transitional Housing, and Small Residential Care, the City of Fullerton does not have an ordinance in place requiring a permit or registration.

- F.8.** *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 Fullerton has no experience with this to respond at this time.

**F.9.** *Cities have historically strategized and acted independently in addressing group home challenges and solutions.*

**Response:** The City of Fullerton agrees with this finding. City of Fullerton staff in Code Enforcement, Planning Division, and Police are currently not part of any committee or task force county-wide or with another city that addresses group home issues. Likewise, no other city in the county has reached out to the City of Fullerton to join efforts to strategize on this issue.

Code Enforcement staff does attend regional and countywide Code Enforcement Roundtable/Taskforce meetings in which enforcement strategies and sharing of ideas take place; however, the subject matter is not limited to Group Homes.

At this time, there is no request from the City Council to address this item, particularly due to on-going projects with a higher level of urgency (i.e. housing element update, safety element update, noise ordinance update, bicycle master plan update, etc...) and the lack of staff to take on additional tasks.

**F.10.** *Well-operated group homes can integrate smoothly into neighborhoods.*

**Response:** The City of Fullerton agrees with this finding. The City of Fullerton has group homes or assisted living facilities that have been operating in the City successfully without any complaints. Examples include Woman's Sober Living, Sunnycrest Guest Home, and St. Nino Manor.

**F.11.** *There is a lack of regulatory oversight for the health and safety of residents of unlicensed group homes.*

**Response:** The City of Fullerton agrees with this finding. As noted in the response to Finding 6, Code Enforcement site inspections have revealed that most group homes no longer have an on-site caretakers. For unlicensed group homes, or even for those that are small group homes (i.e. six or less patients) there appears to be no oversight in regards to who is allowed to live there and what care or activities take place. Once an unlicensed facility is reported to the City of Fullerton, the City can address the zoning, noise, property maintenance, and loitering; however, regulatory oversight on the operations has decreased.

#### **Response to Recommendations**

**R.1.** *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 Fullerton disagrees as there would be no ability to enforce actions against state-licensed facilities that are in violation or are “bad actors”

**R.2.** *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 Fullerton agrees with this, assuming that ordinances will be in compliance with current state laws

**R.3.** *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 Fullerton disagrees with this as there is no significant volume of cases impacting Fullerton

**R.4.** *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 of Fullerton agrees

**R.5.** *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 City of Fullerton agrees to modify its Code Enforcement data collection and reporting processes to be able to accurately maintain a list of all residences operating as a group home. The City of Fullerton will make modifications to its permitting software to include a field, parcel feature, or unique identifier to make all City Staff aware that a specific site operates a group home. Code Enforcement will collaborate with the Fire Department to grant them access to update these fields for all State Licensed group home site inspections they conduct.

The City of Fullerton can commit to implementing these changes by July 1, 2024.

Once again, the City of Fullerton thanks you for requesting our input. Future inquiries can be directed to Sunayana Thomas, Director of Community and Economic Development at 714) 738-6837 or [Sunayana.thomas@cityoffullerton.com](mailto:Sunayana.thomas@cityoffullerton.com).

Respectfully,



Fred Jung  
Mayor

Cc: Orange County Grand Jury  
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Santa Ana, CA 92701