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Valerie Amezcua
MAYOR PRO TEM
Jessie Lopez
COUNCILMEMBERS
Phil Bacerra
Johnathan Ryan Hernandez
David Penalosa
Thai Viet Phan
Benjamin Vazquez



CITY MANAGER
Kristine Ridge
CITY ATTORNEY
Sonia R. Carvalho
CITY CLERK
Jennifer L. Hall

CITY OF SANTA ANA

CITY MANAGER'S OFFICE

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September 14, 2023

Via E-mail and U.S. Mail

Ms. Maria Hernandez, Presiding Judge
Orange County Grand Jury
700 Civic Center Drive West
Santa Ana, CA 92701

Subject: Response to Orange County Grand Jury report “Welcome to the Neighborhood” Are cities responsibly managing the integration of group homes?

Honorable Presiding Judge Maria Hernandez:

Please accept this letter as the City of Santa Ana's response to the June 7, 2023 Grand Jury's report for information related to group homes. Attached is information on these items requested by the Grand Jury.

Thank you for the opportunity to respond to your request. If you have any questions, please feel free to call me at (714) 647-5200.

Sincerely,

Kristine Ridge
City Manager

Attachments: City of Santa Ana Staff Report to City Council dated August 15, 2023

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City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
August 15, 2023

TOPIC: Receive and File - Orange County Grand Jury's Investigative Report, Findings, and Recommendations Regarding Group Homes and the Orange County Animal Care Shelter

AGENDA TITLE

Receive and File the Orange County Grand Jury's Investigative Report, Findings, and Recommendations Regarding Group Homes and the Orange County Animal Care Shelter and Authorize the City Manager to Deliver the City's Response to the Findings and Recommendations to the Presiding Judge of the Superior Court

RECOMMENDED ACTION

Receive and File the Orange County Grand Jury's Investigative Report, Findings, and Recommendations Regarding Group Homes and the Orange County Animal Care Shelter and Authorize the City Manager to Deliver the City's Response to the Findings and Recommendations to the Presiding Judge of the Superior Court.

DISCUSSION

Respectively on June 2nd and June 7th of 2023, the Orange County Grand Jury (OCGJ) issued two investigative documents. These documents contained findings and recommendations based on their investigations and further compel responses from the City of Santa Ana and other (city and county) jurisdictions regarding the identified issues and suggestions.

The first report, titled "*The State of Animal Welfare Overseen by the County of Orange: Gimme Shelter and a Pound of Advice*," issued by the OCGJ on June 2nd, appears to have been partially prompted by recent direct complaints to the OC Grand Jury. These complaints were related to operational concerns of Orange County Animal Care (OCAC), which had been discussed in five previous Grand Jury reports. The main goal of the June 2nd OCGJ report was to present an overview of the current operations, internal mechanisms, culture, and challenges faced by OCAC. The Grand Jury's investigation was based on interviews, public and shelter documents, surveys, site visits, news sources, and accounts related to the shelter's activities. As a notable outcome, this Grand Jury report highlights unresolved deficiencies in the shelter's operations. The complete report is provided as Exhibit 2.

The subsequent OCGJ report, published on June 7th and titled "*Welcome to the Neighborhood: Evaluating the Management of Group Homes' Integration by Cities*," delved into the issue of Group Homes and their effects on cities and their communities. The Grand Jury examined how Orange County cities managed the inflow and placement of group homes, with the aim of identifying effective local governance strategies for this industry. The underlying premise was that individual cities bear the responsibility of integrating group homes, which should ensure the well-being of group home residents while minimizing any negative impacts on the surrounding neighborhoods. This OCGJ report particularly recognized the State of California's role in challenging and restricting local jurisdictions' authority to effectively address group homes through zoning regulations. The full report is attached as Exhibit 1.

In accordance with California Penal Code Sections 933 and 933.05, the OCGJ mandates that the City must respond to the conclusions and recommendations outlined in both reports. An overview of the OCGJ's findings, recommendations, and the City's corresponding responses, are attached as Exhibits 3 and 4. Once authorized by the City Council, the responses documented in Exhibits 3 and 4 will be submitted to the Presiding Judge of the Superior Court.

ENVIRONMENTAL IMPACT

There is no environmental impact associated with this action.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. County of Orange Grand Jury Investigative Report, Findings and Recommendations Regarding Group Homes ("Welcome to the Neighborhood" Are cities responsibly managing the integration of group homes?)
2. County of Orange Grand Jury Investigative Report, Findings and Recommendations Regarding the Orange County Animal Care shelter (Gimme Shelter and a Pound of Advice, "The State of Animal Welfare Overseen by the County of Orange)
3. City Response to County of Orange Grand Jury Findings and Recommendations Regarding Group Homes
4. City Response to County of Orange Grand Jury Findings and Recommendations Regarding the Orange County Animal Care shelter

Submitted By: Minh Thai, Executive Director of Planning and Building

Approved By: Kristine Ridge, City Manager

Grand Jury Findings – “Group Homes”

Responses to Findings						
Finding	City Position (1 or 2)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
F1	Group homes too close to one another contribute to the problems associated with overconcentration.	<p>The City agrees with this finding. Moreover, State Legislative actions under Health and Safety Codes explicitly limit local control and regulations by preemptively restricting the autonomy of cities and counties. Because of these constraints, the City does not have sufficient information to corroborate the finding or otherwise provide a more detailed response.</p> <p>a. The State actions establish that alcoholism or drug abuse recovery or treatment facilities serving six or fewer individuals cannot not be classified as boarding houses, rooming houses, institutions, or care homes for minors, the elderly, or individuals with mental health disorders and instead are to be treated as a residence. Moreover, these facilities should not be considered businesses operated for profit or distinguished in any way from single-family residences.</p>	N/A	N/A	N/A	N/A

Grand Jury Findings – “Group Homes”

Responses to Findings						
Finding	City Position (1 or 2)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
		<p>b. Furthermore, the State stipulates that cities, counties, or other local entities cannot enforce restrictions on building heights, setback, lot dimensions, or sign placement for alcoholism or drug abuse recovery or treatment facilities with six or fewer occupants that are not applied equally to other single-family residences.</p> <p>The legislative preemption imposed by the State of California significantly hinders local authorities from exercising control over the timing, manner, and location of group homes with fewer than six occupants.</p>				
F2	Common nuisances are more likely and disruptive when sober living homes are concentrated in a small geographic area of a neighborhood.	1	<p>The City agrees with this finding. Moreover, State Legislative actions under Health and Safety Codes explicitly limit local control and regulations by preemptively restricting the autonomy of cities and counties. Because of these constraints, the City does not have sufficient information to corroborate the</p>	N/A	N/A	N/A

Grand Jury Findings – “Group Homes”

Responses to Findings						
Finding	City Position (1 or 2)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
		<p>finding or otherwise provide a more detailed response.</p> <p>a. The State actions establish that alcoholism or drug abuse recovery or treatment facilities serving six or fewer individuals cannot not be classified as boarding houses, rooming houses, institutions, or care homes for minors, the elderly, or individuals with mental health disorders and instead are to be treated as a residence. Moreover, these facilities should not be considered businesses operated for profit or distinguished in any way from single-family residences.</p> <p>b. Furthermore, the State stipulates that cities, counties, or other local entities cannot enforce restrictions on building heights, setback, lot dimensions, or sign placement for alcoholism or drug abuse recovery or treatment facilities with six or fewer</p>				

Grand Jury Findings – “Group Homes”

Responses to Findings						
Finding	City Position (1 or 2)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
		<p>occupants that are not applied equally to other single-family residences.</p> <p>The legislative preemption imposed by the State of California significantly hinders local authorities from exercising control over the timing, manner, and location of group homes with fewer than six occupants.</p>				
F3	Some cities have successfully addressed and informed community members about the challenges faced in regulating group homes.	1	The City agrees with this finding, which is reflected in its efforts to enact an ordinance to exercise local control on the matter in June 2021, which was ultimately unsuccessful with the City’s Planning Commission. Moreover, State Legislative actions under Health and Safety Codes explicitly limit local control and regulations by preemptively restricting the autonomy of cities and counties. Because of these constraints, the City does not have sufficient information to corroborate the finding or otherwise provide a more detailed response.	N/A	N/A	N/A

Grand Jury Findings – “Group Homes”

Responses to Findings						
Finding	City Position (1 or 2)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
		<p>a. The State actions establish that alcoholism or drug abuse recovery or treatment facilities serving six or fewer individuals cannot not be classified as boarding houses, rooming houses, institutions, or care homes for minors, the elderly, or individuals with mental health disorders and instead are to be treated as a residence. Moreover, these facilities should not be considered businesses operated for profit or distinguished in any way from single-family residences.</p> <p>b. Furthermore, the State stipulates that cities, counties, or other local entities cannot enforce restrictions on building heights, setback, lot dimensions, or sign placement for alcoholism or drug abuse recovery or treatment facilities with six or fewer occupants that are not applied equally to other single-family residences.</p>				

Grand Jury Findings – “Group Homes”

Responses to Findings

Finding	City Position (1 or 2)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
F4	1	<p>The legislative preemption imposed by the State of California significantly hinders local authorities from exercising control over the timing, manner, and location of group homes with fewer than six occupants.</p> <p>The City agrees with this finding, which is reflected in its efforts to enact an ordinance to exercise local control on the matter in June 2021, which was ultimately unsuccessful with the City’s Planning Commission. Moreover, State Legislative actions under Health and Safety Codes explicitly limit local control and regulations by preemptively restricting the autonomy of cities and counties. Because of these constraints, the City does not have sufficient information to corroborate the finding or otherwise provide a more detailed response.</p> <p>a. The State actions establish that alcoholism or drug abuse recovery or treatment facilities serving six or fewer individuals cannot not be classified as boarding houses,</p>	N/A	N/A	N/A	N/A

Grand Jury Findings – “Group Homes”

Responses to Findings						
Finding	City Position (1 or 2)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
		<p>rooming houses, institutions, or care homes for minors, the elderly, or individuals with mental health disorders and instead are to be treated as a residence. Moreover, these facilities should not be considered businesses operated for profit or distinguished in any way from single-family residences.</p> <p>b. Furthermore, the State stipulates that cities, counties, or other local entities cannot enforce restrictions on building heights, setback, lot dimensions, or sign placement for alcoholism or drug abuse recovery or treatment facilities with six or fewer occupants that are not applied equally to other single-family residences.</p> <p>The legislative preemption imposed by the State of California significantly hinders local authorities from exercising control over the timing, manner, and location of</p>				

Grand Jury Findings – “Group Homes”

Responses to Findings						
Finding	City Position (1 or 2)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
		group homes with fewer than six occupants.				
F5	2	Cities are not utilizing police, fire, and code enforcement complaints as a means of locating and tracking Group Homes.	N/A	N/A	N/A	N/A
F6	1	Cities are inhibited from enacting and enforcing ordinances due to fears over the potential cost of litigation.	N/A	N/A	N/A	N/A

Grand Jury Findings – “Group Homes”

Responses to Findings						
Finding	City Position (1 or 2)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
		<p>a. The State actions establish that alcoholism or drug abuse recovery or treatment facilities serving six or fewer individuals cannot not be classified as boarding houses, rooming houses, institutions, or care homes for minors, the elderly, or individuals with mental health disorders and instead are to be treated as a residence. Moreover, these facilities should not be considered businesses operated for profit or distinguished in any way from single-family residences.</p> <p>b. Furthermore, the State stipulates that cities, counties, or other local entities cannot enforce restrictions on building heights, setback, lot dimensions, or sign placement for alcoholism or drug abuse recovery or treatment facilities with six or fewer occupants that are not applied equally to other single-family residences.</p>				

Grand Jury Findings – “Group Homes”

Responses to Findings						
Finding	City Position (1 or 2)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
		The legislative preemption imposed by the State of California significantly hinders local authorities from exercising control over the timing, manner, and location of group homes with fewer than six occupants.				
F7	2	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.	N/A	N/A	N/A	N/A
F8	1	City and County officials are deterred from regulating group homes by California Housing and Community Development's housing element approval process.	N/A	N/A	N/A	N/A

Grand Jury Findings – “Group Homes”

Responses to Findings						
Finding	City Position (1 or 2)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
<p>F9</p> <p>Cities have historically strategized and acted independently in addressing group home challenges and solutions.</p>	<p>1</p>	<p>The City agrees with this finding, which is reflected in its efforts to enact an ordinance to exercise local control on the matter in June 2021, which was ultimately unsuccessful with the City’s Planning Commission. Moreover, State Legislative actions under Health and Safety Codes explicitly limit local control and regulations by preemptively restricting the autonomy of cities and counties. Because of these constraints, the City does not have sufficient information to corroborate the finding or otherwise provide a more detailed response.</p> <p>a. The State actions establish that alcoholism or drug abuse recovery or treatment facilities serving six or fewer individuals cannot not be classified as boarding houses, rooming houses, institutions, or care homes for minors, the elderly, or individuals with mental health disorders and instead are to be treated as a residence. Moreover, these facilities should not be considered businesses</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

Grand Jury Findings – “Group Homes”

Responses to Findings						
Finding	City Position (1 or 2)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
		<p>operated for profit or distinguished in any way from single-family residences.</p> <p>b. Furthermore, the State stipulates that cities, counties, or other local entities cannot enforce restrictions on building heights, setback, lot dimensions, or sign placement for alcoholism or drug abuse recovery or treatment facilities with six or fewer occupants that are not applied equally to other single-family residences.</p> <p>The legislative preemption imposed by the State of California significantly hinders local authorities from exercising control over the timing, manner, and location of group homes with fewer than six occupants.</p>				
F10 Well-operated homes can integrate group	2	The City disagrees with this finding. While ordinances are intended to offer a framework to provide for the integration of group homes into neighborhoods while	N/A	N/A	N/A	N/A

Grand Jury Findings – “Group Homes”

Responses to Findings						
Finding	City Position (1 or 2)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
		smoothly into neighborhoods.				
F11	1	There is a lack of regulatory oversight for the health and safety of residents of unlicensed group homes.	N/A	N/A	N/A	N/A
		<p>providing regulatory oversight, there are not enough full-implemented group home ordinances of a similar nature using similar regulatory methods in Orange County to determine their effectiveness and results over a statistically-significant period of time.</p> <p>The City agrees with this finding. Moreover, State Legislative actions under Health and Safety Codes explicitly limit local control and regulations by preemptively restricting the autonomy of cities and counties. Accordingly, the City does not have Because of these constraints, the City does not have sufficient information to corroborate the finding or otherwise provide a more detailed response.</p> <p>a. The State actions establish that alcoholism or drug abuse recovery or treatment facilities serving six or fewer individuals cannot not be classified as boarding houses, rooming houses, institutions, or care homes for minors, the</p>				

Grand Jury Findings – “Group Homes”

Responses to Findings						
Finding	City Position (1 or 2)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
		<p>elderly, or individuals with mental health disorders and instead are to be treated as a residence. Moreover, these facilities should not be considered businesses operated for profit or distinguished in any way from single-family residences.</p> <p>b. Furthermore, the State stipulates that cities, counties, or other local entities cannot enforce restrictions on building heights, setback, lot dimensions, or sign placement for alcoholism or drug abuse recovery or treatment facilities with six or fewer occupants that are not applied equally to other single-family residences.</p> <p>The legislative preemption imposed by the State of California significantly hinders local authorities from exercising control over the timing, manner, and location of group homes with fewer than six occupants.</p>				

Grand Jury Findings – “Group Homes”

Key Legend

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding in which case, the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

Grand Jury Findings – “Group Homes”

Responses to Recommendations						
Recommendation	City Position (1, 2, 3, or 4)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
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)	2	This recommendation is implementable subject to inter-jurisdictional coordination. Orange County contains 35 local jurisdictions: 34 incorporated cities, and the County of Orange for unincorporated areas. This recommendation can be implemented with local Planning directors selecting a lead to coordinate efforts to begin the open dialogue and contact subject matter experts to begin providing input.	Y	N	N	2025
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	3	This recommendation requires further analysis and consideration for budget allocations, as the subject matter is complex due to layers of local, state, and federal regulations. The legislative preemption imposed by the State of California significantly hinders local authorities from exercising control over the timing, manner, and location of group homes with fewer than six occupants. Moreover, such an	N	Y	Y	2025

Grand Jury Findings – “Group Homes”

Responses to Recommendations						
Recommendation	City Position (1, 2, 3, or 4)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
		undertaking requires time and budget resources for legal counsel to develop a well-formed ordinance, taking into account data to develop solid findings, community and industry input, and civic leaders’ input.				
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)	3	This recommendation requires further analysis and consideration for budget allocations, as the subject matter is complex due to layers of local, state, and federal regulations. The legislative preemption imposed by the State of California significantly hinders local authorities from exercising control over the timing, manner, and location of group homes with fewer than six occupants. Moreover, such an undertaking requires time and budget resources for legal counsel to develop a well-formed ordinance, taking into account data to develop solid findings, community and industry input, and civic leaders’ input. Legal counsel assistance would also be required for defense and to assist with proactive enforcement against unlicensed/unpermitted operators.	N	Y	Y	2025

Grand Jury Findings – “Group Homes”

Responses to Recommendations						
Recommendation	City Position (1, 2, 3, or 4)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
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)	1	This effort is already underway, with representatives from the City Attorney’s Office partaking in a task force meeting on July 14, 2023 in Laguna Niguel for the California Sober Living and Recovery Task Force. More information is available online at: www.soberlivingtaskforce.com .	Y	N	N	2023
R5 Orange County cities and the County of Orange should modify code	2	This recommendation may be implemented by modifying the City’s land management system known as the Santa Ana Property Information Network	Y	N	N	2023

Grand Jury Findings – “Group Homes”

Responses to Recommendations						
Recommendation	City Position (1, 2, 3, or 4)	Response to Finding	Can Be Accomplished by Staff Administratively (Y or N)	Requires City Council Policy Direction (Y or N)	Need Budget Allocation (Y or N)	Completion Date
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)		(SAPIN). SAPIN attributes may be modified to include a field or space to identify a suspected or known group home, including licensed/permitted.				

Key Legend

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 an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
 - a. However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Grand Jury Findings – “Group Homes”

- b. A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- c. During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- d. A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.