

# Office of the City Council



August 15, 2023

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

**RE: Response to 2022-2023 Orange County Grand Jury Report "Welcome to the Neighborhood"**

Dear Judge Hernandez:

The City of Tustin has reviewed the Orange County Grand Jury Report entitled "Welcome to the Neighborhood". In accordance with California Penal Code sections 933 and 933.05, the City of Tustin submits the following response to the findings and recommendations included within the report. Each of the applicable findings and recommendations is listed below in *Italics*, followed by the City's response.

## **Findings:**

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

Response: The City of Tustin partially agrees with this finding. Historically, negative effects caused by the operation or overconcentration of group homes have not been a significant cause of concern for Tustin residents. It is unclear whether this is due to there not being an overconcentration of group homes in the City, that the ones that do exist are well operated, or a combination thereof.

*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 Tustin partially agrees with this finding. Historically, negative effects caused by the operation or overconcentration of group homes have not been a significantly reported cause of concern for Tustin residents. It is unclear whether this is due to there not being an overconcentration of group homes in the City, that the ones that do exist are well operated, or a combination thereof.

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

Response: The City of Tustin partially agrees with this finding. Historically, negative effects caused by the operation or overconcentration of group homes have not been a significantly reported cause

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of concern for Tustin residents. The City is not specifically aware of community outreach efforts and related citizen participation in other cities throughout Orange County.

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

Response: The City of Tustin partially agrees with this finding. Historically, negative effects caused by the operation or overconcentration of group homes have not been a significantly reported cause of concern for Tustin residents. The City is not specifically aware of community outreach efforts and related citizen participation and/or community satisfaction in other cities throughout Orange County.

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

Response: The City of Tustin agrees with this finding. It is difficult to track the location of group homes as many are not required to obtain an approval or other form of registration and/or license from the City, County or State, pursuant to State law.

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

Response: The City of Tustin partially agrees with this finding. The City does not have an adopted ordinance regulating group homes because, historically, negative effects caused by the operation or overconcentration of group homes have not been a significantly reported cause of concern for Tustin residents.

*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 Tustin partially agrees with this finding. While the City has not adopted an Ordinance requiring a ministerial permit or registration of a group home, the City is aware of neighboring jurisdictions that have adopted an ordinance regulating group homes; however, we are not particularly aware of their enforcement policy decisions.

*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 Tustin partially agrees with this finding. While the City has not adopted an ordinance regulating group homes at this time, we acknowledge the severity of having a noncompliant housing element which would deter cities from exploring the same.

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

Response: The City of Tustin agrees with this finding.

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

Response: The City of Tustin 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 Tustin agrees with this finding. Without licensing and/or registration, there is no regulatory oversight of these facilities.

### **Recommendations:**

*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.*

Response: The City of Tustin will not implement this recommendation because it is unwarranted at this time. Historically, negative effects caused by the operation or overconcentration of group homes have not been a significantly reported cause of concern for Tustin residents.

*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.*

Response: The City of Tustin will not implement this recommendation because it is unwarranted. Historically, negative effects caused by the operation or overconcentration of group homes have not been a significantly reported cause of concern for Tustin residents.

*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.*

Response: The City of Tustin will not implement this recommendation because it is unwarranted. Historically, negative effects caused by the operation or overconcentration of group homes have not been a significantly reported cause of concern for Tustin residents.

*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.*

Response: The City of Tustin will not implement this recommendation because it is unwarranted. Historically, negative effects caused by the operation or overconcentration of group homes have not been a significantly reported cause of concern for Tustin residents. A change in State law could be accomplished through advocacy by the League of California cities.

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*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.*

Response: The City of Tustin will not implement this recommendation; however, the City's code enforcement electronic database logs all code enforcement activity and such records can be searched to identify properties alleged to be operating as a group home, if needed.

Should you have any questions or need any additional information, please contact Justina Willkom, Community Development Director, at [jwillkom@tustinca.org](mailto:jwillkom@tustinca.org) or 714-573-3115.

Respectfully,

A handwritten signature in blue ink that reads "Austin Lombard". The signature is fluid and cursive, with a long horizontal stroke at the end.

Austin Lombard

Mayor

cc: Orange County Grand Jury  
700 Civic Center Drive West  
Santa Ana, CA 92701