

## 2024-2025 ORANGE COUNTY GRAND JURY REPORT



Grand Jury

## Long-Term Solutions to Short-Term Rentals

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## **ACRONYMS**

ADU	Accessory Dwelling Units
CCC	California Coastal Commission
CE	Code Enforcement
GIS	Geographic Information System
HOA	Homeowners Association
LI	Low Income
OBA	Online Booking Agency
STR	Short-Term Rental
TOT	Transient Occupancy Tax
VLI	Very Low Income

## SUMMARY

Short-term rental (STR) is defined as occupancy of a residence such as a home or an apartment for fewer than 30 days.

Some Orange County residents complain that the growth of STRs impinges on their quality of life and adds costs to city government for additional code enforcement. The 2024-2025 Orange County Grand Jury (Grand Jury) investigation revealed that:

- Cities with a growing number of STRs did not always receive higher complaint volumes.
- Some cities employ effective strategies to manage complaints and other cities can learn from their success.
- When cities ban STRs, this often leads to a never-ending game of “whack-a-mole”—as soon as one unpermitted STR is shut down, another opens.
- Code Enforcement (CE) errs on the side of leniency.
- Some cities rarely pursue fines for STR violations or collect the Transient Occupancy Tax (TOT) on unreported STR income.
- Some cities rely on the “honor system” for STR owners to report and pay the correct TOT.
- The commonly held belief that STRs negatively impact affordable housing is not evident in cities with STRs.

This report identifies best practices that city councils and their planning departments can use to more efficiently and effectively manage their STRs. This includes modifying STR ordinances, and for some cities, utilizing third-party digital tools for better code enforcement and data tracking to collect unreported TOT.

## BACKGROUND

For many years, Orange County has been an international destination, with its forty-two miles of scenic coastline, Disneyland, Knotts Berry Farm, Angel Stadium, Honda Center, and other attractions. Vacation rental properties in Orange County’s beach communities go back many decades; for instance, in the 1920s, Crystal Cove State Park offered camping sites to the public, and in the 1940s it offered trailers.

For some, STRs are business opportunities. To others, STRs are a nuisance and impinge on neighbors’ quality of life. In response to these conflicting priorities, some cities in Orange County have banned STRs, some have limited their number, and some have no limits.

Table 1: STR policies by city

Policy Choice	Cities with the Policy
<b>Banned (19)</b>	Aliso Viejo, Brea, Costa Mesa, Cypress, Fountain Valley, Garden Grove, Irvine, La Habra, Laguna Hills, Laguna Niguel, Laguna Woods, Los Alamitos, Rancho Santa Margarita, Santa Ana, Stanton, Tustin, Villa Park, Westminster, Yorba Linda
<b>Allowed (15)</b>	Anaheim, Buena Park, Dana Point, Fullerton, Huntington Beach, La Palma, Laguna Beach, Lake Forest, Mission Viejo, Newport Beach, Orange, Placentia, San Clemente, San Juan Capistrano, Seal Beach

The advent of online booking agencies (OBAs) has made it even easier for homeowners (and apartment lessees) to supplement their income by renting out their home or room and advertising to millions around the world. As a result, STRs’ visibility has increased, creating tension between STR operators and neighbors.

## REASON FOR THE STUDY

Short-term rentals are a heated topic in Orange County cities. Various news reports have covered the impact of STRs on local communities, and this motivated the Grand Jury to investigate how effectively Orange County cities are managing STRs.

The scope of this study includes the thirty-four cities in Orange County, with a focus on cities with the largest number of STRs and cities with bans on STRs, as well as coastal cities.

The Grand Jury studied STR permits and the effectiveness of STR bans. Finally, the Grand Jury examined strategies to improve the quality of life for residents and to provide city planning departments a compilation of tools that will assist in effectively balancing the expectations of the residents and the business owners operating STRs.

## METHOD OF STUDY

The Grand Jury conducted the following:

- Research on STR management and business models
  - Survey of national publications with articles on STRs

- Review of websites, interviews, testimonials, and other materials produced by companies serving the STR and hospitality markets or from contractors with products for cities managing STRs
  - Review of academic papers on STRs and their history
  - Review of non-governmental agency white papers on STRs
- In-person interviews of city personnel
- Review of:
  - City meeting minutes and recordings of residents' concerns
  - Various cities' STR complaint processes
  - City ordinances as well as state statutes
  - California Coastal Commission guidance
  - Third-party STR surveillance software used by cities
  - Various cities' STR complaints from June 2022 through June 2024
  - Relevant legal rulings
- Analysis of TOT

## INVESTIGATION

The Grand Jury learned that in most cases, STR operators are required to obtain a business license, register with their city for a permit, submit reports, pass an inspection, and pay TOT. This is a city-level tax levied on any temporary lodging that is occupied for fewer than thirty days. All hotels, motels, and bed and breakfasts must remit this tax. Short-term rentals permitting and other policies vary by city. A short-term rental's TOT is paid either monthly, quarterly, or annually. Most cities allowing STRs require a twenty-four-hour, in-person contact to address complaints, within either thirty or sixty minutes.

Short-term rental operators often use one of the numerous OBAs, such as VRBO (from the phrase Vacation Rentals by Owner), Airbnb, Zumper, and HomeAway. In addition, some operators may advertise via direct booking sites (a website for their specific property) or through local rental agents. Multiple OBAs mean that a unique property may have as many as a dozen listings.

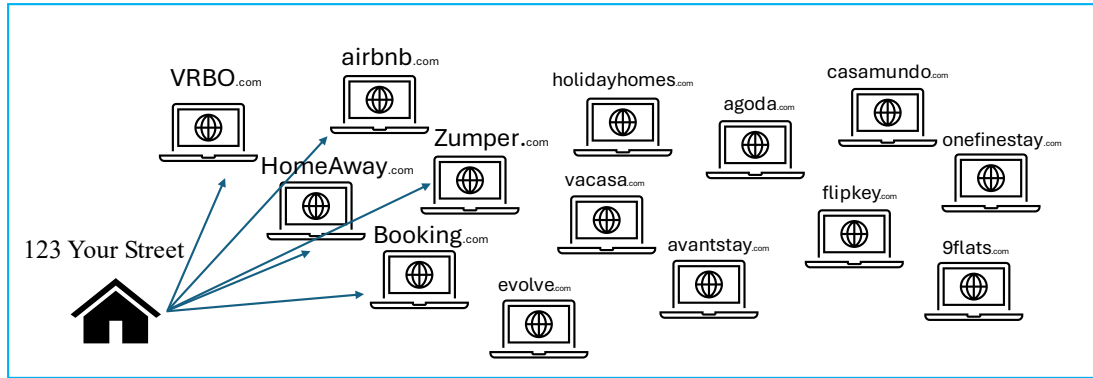


Figure 1: A single residence may appear on multiple websites.

## How Cities Manage STRs

In nearly every city, short-term rentals are regulated by ordinances that define operational rules, establish fees for licensing and violations, and outline the appeals process. Often these rules include disclosure to neighbors, a “Good Neighbor Policy” brochure for the renter, parking and garbage policies, and quiet hours for the neighborhood. An emergency contact who would be readily available to respond to a complaint is typically required. City ordinances may define who can own and operate an STR. Cities may limit operation to the primary homeowner or renter, or they may allow investors who own multiple STR properties.

The Grand Jury observed the following STR models:

Table 2: Models of short-term rentals

<b>Hosted/Shared Housing</b>	Owner must be on the property/in house
<b>Primary Housing</b>	Rentals of an owner’s primary residence are permitted
<b>Unrestricted</b>	No restrictions on ownership (income-producing property)

The Hosted/Shared model is when a homeowner or renter with an extra room rents it out for fewer than thirty days. The host stays at the property during the guests’ stay, either in the house or in an on-property Accessory Dwelling Unit (ADU). The Primary Housing model is when the host rents out their principal home but is not present on the property. Unrestricted STRs are income-producing properties, often owned by corporations and managed by property management companies.

Regardless of the model, neighbors have the expectation that STR businesses will be operated in a responsible and respectful manner. Owner-occupied models make it easier for a neighbor with a complaint to get resolution. In cities that use this model, formal complaints are fewer because neighbors can quickly resolve issues between themselves.

### **Code Enforcement's Role**

Code Enforcement (CE) responsibilities include initial and ongoing inspections of STRs to assure adherence to building codes, noise and parking requirements, along with monitoring city complaint portals and searching for nonpermitted STRs. Code Enforcement officers also investigate citizen complaints to substantiate claims and issue citations.

Revenue staff work in tandem with CE to process permits and licenses and to collect TOT and other fees. In at least one city that has a waiting list for STR permits, revenue staff rather than CE staff manage the list, which may delay or limit CE's ability to find unpermitted STRs.

Several cities employ third-party platforms offering an array of services, including STR registration portals, a complaints hotline and/or online portal, and tax payment portals. These platforms offer efficient and potentially cost-effective options to aid staff monitoring STRs. Cities may also select a third-party platform option that identifies both permitted and unpermitted STRs advertising on OBAs.

### **STR Policies Vary in Orange County**

Each of the thirty-four cities in Orange County has its own policies. As of this writing, nineteen of the cities had a ban on all STRs and fifteen allowed STRs (see Table 1). Unincorporated areas of the county (e.g., Rossmoor, North Tustin) are covered by County of Orange policy through the OC Public Works department, which issues permits; however, the Grand Jury did not observe STR volumes in unincorporated areas warranting analysis.

### **Cities With an STR Ban**

The Grand Jury learned that it is difficult for cities to enforce a ban. Cities report that after they enacted a ban, the volume of STRs saw a notable decline; however, some unpermitted STRs still continued to operate. Cities may use a rental identification database and a complaint portal to improve compliance, often through third-party software. These databases can often identify the address of an unpermitted STR and allow follow-up with the property owner. At least one city with technologically savvy CE staff has performed this task without help from a third-party platform.

All cities in the coastal zone have permits for STRs, and this is linked to mandates from the California Coastal Commission (CCC) which issued a 2016 memo with guidance that coastal cities provide "lower cost visitor...facilities" and beach access via STRs.



### **Cities Without a Specific STR Ordinance**

Some cities without an STR ordinance have operated on the assumption that because STRs are not defined by an ordinance, they are banned. However, when an STR operator challenges a citation, these cities have often discovered that the subsequent court ruling goes against the city, as evidenced by recent cases described below. Cities often respond to these losses by drafting new ordinances and amendments, but sometimes a new STR operator will find another legal gap, and the “whack-a-mole” game continues.

Multi-unit apartment complexes may also host unpermitted STRs in cities that have bans. Photos used in online advertising often make complexes easy to find, but identifying specific units may be difficult. Property managers are more familiar with the units and can sometimes help CE track these down.

Some properties without permits are advertised on foreign-language websites. Image searches may uncover these host sites, but the Grand Jury did not identify any solution yet for this challenge.

### **How Cities Collect Complaints**

Many Orange County cities provide an online complaint portal as well as a telephone hotline; these services are staffed by a third-party platform or by city staff. In cities that allow STRs, Code Enforcement will reach out to the STR emergency contact to initiate complaint resolution.

### **Issues with STR Code Enforcement**

Most STR operators want to avoid citations and fines. Neighbor complaints can lead to notices of violation, fines, and ultimately revocation of the STR operating permit. With effective enforcement, STRs that violate city codes receive a citation and/or fine. This can result in improved behavior on the part of the STR operator.

In the fifteen cities that allow STRs, neighbors face hurdles in complaint resolution. This, along with laxity in enforcement, may explain why fewer than ten percent of STRs record a complaint in a given year, a number that fails to reflect the frustration of STR neighbors.

Tracking and confirmation of complaints is often difficult. In order to enforce STR ordinance rules, code or law enforcement must first substantiate that the source is an STR. In some cities that permit STRs, Code Enforcement works only during regular business hours. Nuisance reports often occur in the evening or early morning, when CE may not be on duty. Therefore, residents or other complainants do not receive a timely response and the problem is not resolved at the time of the actual nuisance, if ever.

Most ordinances require an emergency contact for each STR, but a review of hundreds of complaints between 2022 and 2024 shows that in a number of cases the contact does not respond either in the thirty- or sixty-minute required time frame.

Warnings and citations may take up to a week to issue and are recorded in an STR complaint log. The STR operator may appeal the citation. Initial appeals are made through a city official or a third-party administrative officer. This can take some time, during which the STR may continue to operate. An ordinance without an appeals procedure may be challenged in the courts.

The Grand Jury learned that in most cities, CE investigates complaints with a fair bit of leniency. First, the CE officer will visit the property and confirm the violation. The most common complaint is noise, and this violation must be observed and verified by the CE officer. Other complaints may involve vehicle parking, trash, and exceeding permitted occupancy. The CE officer often works through the emergency contact to resolve problems and often will issue a warning rather than a citation.

### **Tools That Help Code Enforcement Accomplish Their Goals**

Cities that allow STRs would benefit from a system that geographically integrates STR owner contact information, permit, and business license numbers. Having this information readily available would enable CE to respond to complaints more effectively. Some of the third-party platforms offer these tools, but using a third-party platform requires a degree of technical knowledge and an investment in Code Enforcement training. Some cities accomplish this work with internal tools and staff.

Beyond responding to complaints, CE in some cities proactively inspect permitted STRs and/or confirm the emergency contacts. These inspections confirm occupancy limits, ensure that safety equipment is onsite, and validate that no unpermitted construction has been done on the property.

### **Legal Cases Uncover Gaps in STR Ordinances**

Recent cases up and down the state have established firm guidance for cities as they deal with STR issues. The Grand Jury identified a few cases that clarified areas of ambiguity in existing STR ordinances:

Table 3: Recent selected legal findings related to STRs

<b><u>Case</u></b>	<b><u>Decision</u></b>
<a href="#"><u>People v. Venice Suites, LLC, 71 Cal. App. 5th 715, 732-34 (2021)</u></a>	Specificity in zoning language is necessary. Length of occupancy was not specified in code and therefore STR usage would be permitted.
<a href="#"><u>Keen v. City of Manhattan Beach, 77 Cal. App. 5th 142 (2022)</u></a>	The term “residence” alone is not effective in banning STRs. A specific STR ordinance is necessary.
<a href="#"><u>Coastal Protection Alliance Inc. v. Airbnb, Inc., 95 Cal. App. 5th 207, 270 (2023)</u></a>	Operation of STRs in coastal zones does not in and of itself constitute an increase in density or intensity requiring changes in zoning.
<a href="#"><u>Kracke v. City of Santa Barbara, 63 Cal. App. 5th 1089 (2021)</u></a>	Coastal cities need to secure and comply with Coastal Commission rulings before drafting any limiting ordinances pertaining to STRs.

These rulings highlight gaps in city ordinances and may provide grounds for appeal of STR citations. In light of these rulings, the cities of Anaheim and Santa Ana amended their codes to incorporate language that plugs the gaps, resulting in more effective STR enforcement.

## **Managing Permit Scarcity**

Limits on the number of STR permits create a quasi-monopoly. In some cities, the permit limit was set at a point in time when no limit existed. The cities selected a number slightly greater than the inventory then in existence. Once the limit was set, these cities saw an acceleration in applications up to the limit.

In some cities, STRs are excluded only in certain zones. Single family home (R1) zones and Homeowner Associations (HOAs) often have exclusions. Other cities permit unlimited STRs in a “vacation home zone” near the beach or an attraction. Still others allow one STR in a fixed radius (typically 300 feet), which effectively limits permits.

At least three cities (Newport Beach, Dana Point, and Orange) have created waiting lists in response to having more applications than available permits. However, STR operators rarely voluntarily relinquish their permits. If an STR has been converted to a long-term rental, then it is no longer subject to TOT. Unless the STR operator informs the city of the conversion, a city that only collects TOT annually (as at least one city does) will not know for a year that the unit is no longer operating as an STR. At that point, as they have not received any TOT from the unit, the

city can initiate proceedings to rescind the STR permit and pass it on to the next applicant on the waiting list. However, the STR operator can appeal, and this can extend the process even longer.

Some cities allow permit holders to transfer their permit to a family member or to the new owner of their property, thus circumventing the waiting list altogether. A system where permits expire after a certain time would afford those on the waiting list an opportunity to be placed ahead of renewals, thus creating a more equitable process. One city, Dana Point, has set a limit on investor-owned properties, allowing more Hosted STRs to have priority in getting permits.

## **Collecting TOT Revenue**

The fifteen cities that allow STRs (see Table 1) collect TOT on STR revenue, plus any fees charged to the renter. Operators report TOT to cities either annually, quarterly, or monthly. Monthly reporting of TOT has several advantages: cities receive TOT sooner, the STR owner has a smoother and more predictable cash flow, and cities can quickly identify non-revenue-producing STRs.

In cities like Dana Point and Anaheim, TOT represents a substantial percentage of city revenue; however, nearly all of this comes from hotels. Short-term rental TOT in Newport Beach represents thirty percent of total TOT collections, contributing two percent of city revenues. Newport Beach has the greatest share of TOT revenue from STRs (with 1,550 units) and the greatest number of STRs of all Orange County cities. Transient Occupancy Tax rates vary by city from eight to seventeen percent. Despite the limited amounts, each city that collects short-term rental TOT increases their general fund.

Each city handles TOT collection differently. Newport Beach collects quarterly from agents who operate STRs and annually from STR homeowners, using paper-based forms. This system does not allow for easy tracking of short-term rental TOT by permit number because multiple units at the same address (with separate permits) may be combined on the form. A digital submission by unique permit number, such as is used by the City of Orange, is easy and provides greater detail to the city.

The City of Anaheim has agreements called Voluntary Collection Agreements (VCAs) with a number of Online Booking Agency platforms that enable monthly TOT remittance from short-term rental advertising on the OBA. In most cases, OBAs share a spreadsheet with totals only; however, at least one platform remits with detailed addresses with amounts by address. It is possible for an OBA to send more detailed data and for the city to integrate it into its information systems, but as yet no city appears to have negotiated with an OBA to implement this direct reporting. Requiring an OBA to report more detail ensures that all STR tax from Online Booking Agency is reported, collected, and remitted to the city, whether the STR is permitted or not. However, this system still would not capture STRs booked directly with the operator, which may be up to 30-60% of gross rental revenue.

At least one city (Orange) requires that TOT reporting include the number of days the STR is available for rent and number of days rented each month. Capturing these statistics facilitates desk auditing.

A “desk audit” is a remote review of the STR operators’ reported information to ensure compliance with TOT reporting requirements. This is in contrast to a “business-level audit,” which is performed by the city on site and involves verification of the reported information against third-party records, such as bank statements.

The Grand Jury’s review of a subset of Orange County cities did not identify any that did more than desk audits on short-term rental TOT receipts. Put simply, these cities currently rely on the “honor system.” Conducting business-level audits would allow cities to discover and collect additional funds. However, a city should consider the cost of enforcement versus the financial benefit of STR business audits, especially in smaller cities with limited short-term rental TOT.

### **Major Events Fuel Demand for STRs**

Reports from the 2024 Olympic games indicate that the average price per night of STRs in and around Paris more than doubled during the Olympics, and total inventory grew by nearly fifty percent. With the coming 2026 Los Angeles World Cup and the 2028 Los Angeles Olympics, these surges are likely to be seen in Orange County, especially with the Honda Center and Trestles Beach—both in Orange County—being used as Olympic venues. Orange County cities have not yet dedicated resources to plan around STRs for these major events.

### **STR Impact on Affordable Housing**

Some housing advocates argue that STRs reduce the inventory of much needed and mandated affordable housing. The Grand Jury found that STRs have a negligible effect on affordable housing in cities that currently allow STRs. The Southern California Association of Governments, acting under the direction of the State Housing Element Law, sets a mandated volume of new units by city for Very Low Income (VLI) and Low Income (LI) units, and this analysis uses it as the estimate of needed affordable units.

The Grand Jury’s analysis of inland cities suggests that if their existing STR units were converted to affordable housing, they would contribute at most about eight percent (125/1,671 from Table 4) of the affordable units required (in the city of Orange), and a much smaller percentage in other inland cities.

On the other hand, in coastal cities, the STR volumes appear to meet a sizable portion of affordable unit goals. However, coastal cities must comply with State law enforced through the California Coastal Commission (CCC). The CCC weighs in on all coastal development and changes, and any modification of a city’s zoning rules or limits on STRs would be subject to the CCC’s approval. The CCC’s stated goal is to preserve access to public beaches and low-cost

short-term housing, which includes STRs. It is therefore unrealistic to expect that coastal STRs would be converted to long-term affordable housing in any sizeable number.

Table 4: STR permit limits and affordable housing needed (Housing Element)

	Limit on STR Permits	Housing Element 6 <sup>th</sup> Series Unit Goals	
		Very Low Income (VLI)	Low Income (LI)
<b>Inland Cities</b>			
Anaheim	277	3,767	2,397
Buena Park	11	2,119	1,343
Fullerton	100	3,198	1,989
Orange	125	1,067	604
<b>Coastal Cities*</b>			
Dana Point	115	147	84
Laguna Beach	300	118	80
Newport Beach	1,550	1,456	930
San Clemente	225	282	164
Seal Beach	33	258	201

\*Subject to CCC legal requirements

Equally important is the fact that there is rarely a one-to-one relationship between STRs and long-term housing. In many areas of the County, STRs are luxury or large-scale homes. It is extremely unlikely that such homes could or would be easily converted into affordable housing or demolished to create multiple affordable dwellings. Aside from the complications of such an endeavor, the likelihood that neighbors would acquiesce to these changes is negligible.

Based on the above factors, the Grand Jury concludes that, contrary to widely held belief, STRs should not be considered a significant factor in the availability of affordable housing in Orange County cities with STRs.

### **STRs *Can* be Good Neighbors**

The burden of getting STR operators to function in a community friendly way should be on the operator and government, not the neighborhood residents. Best practices include the following:

- Updated ordinances that limit how STRs can advertise and specifically exclude STRs from banned cities
- Concise city permitting guidance

- An easy-to-use complaint system for residents
- Diligent code enforcement
- Requiring an in-person contact
- Permit numbers in all advertising
- Monthly electronic collection of TOT

Several Orange County cities, such as Seal Beach, Dana Point, and Orange, have clear permitting procedures that explicitly outline Good Neighbor policies, yielding low complaint rates.

Anaheim and Santa Ana have made ordinance revisions that improve the odds that their cities will prevail in appeals to STR citations. Newport Beach, Dana Point, and Anaheim perform regular inspections on new and existing STRs to ensure units are safe and code compliant.

Incorporating the above elements in a city's ordinances and practicing effective code enforcement would enhance the relationship between STR business operators and their neighbors. Moreover, better communication among cities to share these best practices would greatly improve the management of STRs.

## FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2024-2025 Grand Jury requires (or as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation "Long-Term Solutions to Short-Term Rentals," the 2024-2025 Orange County Grand Jury has arrived at twelve findings, as follows:

**F1:** Despite the increasing media coverage of Online Booking Agencies (OBAs), STRs are not a new phenomenon in Orange County.

**F2:** The steady growth of STR usage in the last decade raises concerns of potential public nuisance.

**F3:** Even with robust Code Enforcement, a city's statutory ban on STRs is not enough to keep STRs from operating.

**F4:** Anaheim's ordinance requires OBAs to report Transient Occupancy Tax (TOT) directly to the city. This has led to the favorable consequence that unpermitted STR income is reported to the city.

**F5:** Proactive home inspections of new and renewing STRs, which have been implemented in some Orange County cities, improve code enforcement and STR compliance with city ordinances.

**F6:** Direct remittance of taxes by OBAs does not capture all TOT for an STR because of direct booking practices.

**F7:** Some cities in Orange County have outdated systems for tracking short-term rental TOT making the process less effective and more difficult for staff.

**F8:** In some cases, STRs are improperly recharacterized as long-term rentals to circumvent the collection of TOT and any applicable penalties.

**F9:** Online Booking Agencies in foreign languages are outside the current capabilities of Code Enforcement to monitor and track unpermitted STRs.

**F10:** Cities that fail to routinely review their STR waiting lists potentially lose TOT revenue and contribute to a greater prevalence of unpermitted STRs.

**F11:** Locations that have hosted major events have reported an outsized increase in demand and pricing of STRs, a situation Orange County is likely to experience with the upcoming 2026 Los Angeles World Cup and 2028 Los Angeles Olympics.

**F12:** City leaders have no regular communication with each other concerning STR issues, limiting opportunities to develop strategies and expertise to improve service.

## RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2024-2025 Grand Jury requires (or, as indicated, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation described herein, the 2024-2025 Orange County Grand Jury makes the following nine recommendations:

**R1:** Cities should review and begin to update ordinances to keep up with the rapidly changing nature of court findings and legislation related to STRs, by December 31, 2025, and no less frequently than every three years thereafter. (**F4, F12**)

**R2:** Cities should consider developing a plan for upcoming major events that are expected to create a surge in demand for STRs and its associated Transient Occupancy Tax, by December 31, 2025, and no less frequently than every two years thereafter. (**F11**)



**R3:** Cities that allow STRs should evaluate the benefit of ordinances facilitating Voluntary Collection Agreements requiring OBAs to submit TOT directly, by June 30, 2026. **(F4, F12)**

**R4:** Cities that allow STRs should evaluate the benefit of collecting TOT on a monthly basis by individual property, by June 30, 2026. **(F7, F8)**

**R5:** Cities should require STRs to include the number of days rented per month per permit to facilitate short-term rental TOT desk audits by November 30, 2025. **(F7, F8)**

**R6:** Cities with a permit waiting list should implement strategies to remove non-revenue-generating licenses to allow for fair access by December 31, 2025, and annually thereafter. **(F7, F10)**

**R7:** Cities that allow STRs should consider allocating resources to update their short-term rental TOT tracking systems by September 30, 2026. **(F7, F8, F10)**

**R8:** Cities that allow STRs should consider random multi-year audits to confirm TOT by June 30, 2026, and annually thereafter. **(F6, F7, F8)**

**R9:** City leaders should have regular discussions with each other to share STR management strategies on a biannual basis commencing no later than January 1, 2026. **(F12)**

## RESPONSES

The following excerpts from the California Penal Code provide the requirements for public agencies to respond to the Findings and Recommendations of this Grand Jury report:

*Penal Code Section 933:*

*(c) No later than **90 days** after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the **governing body of the public agency** shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every **elected county officer or agency head** for which the grand jury has responsibility pursuant to Section 914.1 shall comment within **60 days** to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.*

*Penal Code Section 933.05:*

*(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:*

*(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.*

*(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:*

*(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.*

*(c) 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.*

*(d) 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.*

*(e) 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.*

*(f) 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.*

## **Responses Required**

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code Section 933.05 are required within 90 days of the date of the publication of this report from:

## Findings

City Councils of the following cities:

Dana Point, Fullerton, Huntington Beach, Laguna Beach, Newport Beach, San Clemente, San Juan Capistrano, Seal Beach F1, F2, F5, F6, F7, F8, F9, F10, F11, F12

Costa Mesa, Irvine, Santa Ana F1, F2, F3, F12

Anaheim F1, F2, F4, F5, F6, F7, F8, F9, F11, F12

## Recommendations

City Councils of the following cities:

Anaheim, Dana Point, Fullerton, Huntington Beach, Laguna Beach, Newport Beach, Orange, San Clemente, San Juan Capistrano, Seal Beach R1, R2, R3, R4, R5, R6, R7, R8, R9

Costa Mesa, Irvine, Santa Ana R1, R2, R9

## Requested Responses

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code Section 933.05 are requested within 90 days of the date of the publication of this report from:

## Findings

City Councils of the following cities:

Buena Park, La Palma, Lake Forest, Mission Viejo, Placentia F1, F2, F5, F6, F7, F8, F9, F10, F11, F12

Aliso Viejo, Brea, Cypress, Fountain Valley, Garden Grove, La Habra, Laguna Hills, Laguna Niguel, Laguna Woods, Los Alamitos, Rancho Santa Margarita, Stanton, Tustin, Villa Park, Westminster, Yorba Linda F1, F2, F3, F12

## Recommendations

City Councils of the following cities:

Buena Park, La Palma, Lake Forest, Mission Viejo, Placentia R1, R2, R3, R4, R5, R6, R7, R8, R9

Aliso Viejo, Brea, Cypress, Fountain Valley, Garden Grove, La  
Habra, Laguna Hills, Laguna Niguel, Laguna Woods, Los Alamitos,  
Rancho Santa Margarita, Stanton, Tustin, Villa Park, Westminster,  
Yorba Linda

R1, R2, R9

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