



Sec. 41-49. Disabled – Definition.

Disabled means, as is more specifically defined under the fair housing laws, a person who has a physical or mental impairment that limits one or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment, not including current, illegal use of a controlled substance. For the purposes of this Chapter, handicapped shall mean the same as disabled.

Sec. 41-66.5. Group Home – Definition.

A facility that is being used as a supportive living environment for persons who are considered disabled under state or federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one or more dwelling units. Group homes shall not include residential care facilities and any dwelling that operates as a single housekeeping unit.

Sec. 41-78. Household – Definition.

Household means all the individuals occupying a dwelling unit, and includes people who live in different units governed by the same operator, but does not include a single housekeeping unit.

Sec. 41-78.5. House manager – Definition.

The person, or group of persons, that is present at a group home, as defined in this Chapter, on a 24-hour basis and is responsible for the day-to-day operation of the group home. The house manager may be the operator, or a duly authorized representative of the operator.

Sec. 41-83.2. Integral group home facilities – Definition.

Any combination of two or more group homes which may or may not be located on the same or contiguous parcels of land, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated components of one operation shall be referred to as integral facilities and shall be considered one facility for purposes of applying federal, state and local laws to its operation. Examples of such integral facilities include, but are not limited to, the provision of housing in one facility and recovery programming, treatment, meals, or any other service or services to program participants.

in another facility or facilities or by assigning staff or a consultant or consultants to provide services to the same program participants in more than one licensed or unlicensed facility.

Sec. 41-143.5. Residential care facility – Definition.

Residential care facility means a residential facility licensed by the state where care, services, or treatment is provided to persons living in a supportive community residential setting. Residential care facilities include, but are not limited to, the following: An intermediate care facility/developmentally disabled-habilitative or an intermediate care facility/developmentally disabled-nursing, as defined by California Health and Safety Code Section 1250; a congregate living health facility, as defined by California Health and Safety Code Section 1250; a community care facility, as defined by California Health and Safety Code Section 1502; a residential care facility for the elderly, as defined by California Health and Safety Code Section 1569.2; a residential care facility for persons with chronic life-threatening illness, as defined by California Health and Safety Code Section 1568.01; an alcoholism or drug abuse recovery or treatment facility, as defined by California Health and Safety Code Section 11834.02; a pediatric day health and respite care facility, as defined by California Health and Safety Code Section 1760.2; or a family care home, foster home, or group home serving persons with mental health disorders or other disabilities or dependent and neglected children under California Welfare and Institutions Code Section 5116.

Sec. 41-152.5. Single housekeeping unit – Definition.

Single housekeeping unit means that residents of the dwelling unit have established ties and familiarity and interact with each other and whose use of the dwelling unit satisfies each of the following criteria:

- (1) If the dwelling unit is rented, each adult resident is named on and is a party to a single written lease that gives each resident joint use and responsibility for the premises.
- (2) Residents generally do not have separate entrances or separate secured food-storage facilities such as cabinets or refrigerators.
- (3) The residential activities of the household are conducted on a nonprofit basis.
- (4) The household is strictly resident-run; there is no care or supervision provided by a third-party or a paid resident manager at the dwelling unit or on the property.

- (5) Membership in the single housekeeping unit is fairly stable as opposed to transient or temporary.
- (6) All adult residents have chosen to jointly occupy the entire premises of the dwelling unit and they each have access to all common areas.
- (7) Membership of the household is determined by the residents not by a landlord, property manager or other third party.

Sec. 41-152.7. Sober-living home – Definition.

Sober-living home means a group home for persons who are recovering from a drug and/or alcohol addiction and who are considered disabled under state or federal law. Sober-living home shall not include residential care facilities and sober-living homes that operate as a single housekeeping unit.

Sec. 41-2400. Purpose.

This Article is intended to preserve the residential character of residential neighborhoods, avoid institutionalization of the disabled, and further the purposes of the California Fair Employment and Housing Act, the Federal Fair Housing Act Amendments of 1988, and the California Lanterman Development Disabilities Services Act by, among other things: (1) allowing group homes in the City, subject to streamlined administrative approval; (2) limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety and providing adequate on street parking; (3) providing opportunities afforded to non-disabled individuals to use and enjoy a dwelling unit in a residential neighborhood; and (4) providing comfortable residential living environments that will enhance the opportunity for the disabled and for individuals recovering from addiction to be successful in their programs.

Sec. 41-2401. Applicability and permitted zones.

- (a) Permit required. No group home may be established or operated in the City without:
 - (1) A Group Home Special Use Permit issued in accordance with Section 41-2402 of this Chapter, if the group home has six or fewer occupants; or
 - (2) A conditional use permit issued in accordance with Section 41-2403 of this Chapter and an Operator's Permit issued in accordance with Article XXIII of Chapter 8 of the SAMC, if the group home has seven or more occupants.

- (b) Permitted zones. A group home with requisite permits issued in accordance with this Article may be established in the zoning districts provided in the table below.

Group Home Type	Zoning Districts						
	A1	RE	R1	R2	R3	R4	SDs/ SPs**
Small (6 or less occupants)	P*	P*	P*	P*	P*	P*	P*
Large (7 or more occupants)	-	-	-	CUP	CUP	CUP	CUP
P = permitted by right							
CUP = permitted subject to a conditional use permit							
* Subject to issuance of a Group Home Special Use Permit in conformance with applicable operational and development standards.							
** Permitted (P) where single-family residential is a principally permitted use; CUP is required where multiple-family residential use is a principally permitted use; in zones where both single- and multiple-family use are principally permitted uses, a CUP shall be required.							

- (c) As required by state or federal law, a residential care facility serving six or fewer persons is exempt from this Section, except that such facilities must comply with Section 41-2402(b)(15)(iii); and is considered a residential use of property and a single-family dwelling.

Sec. 41-2402. Administrative approval – Group Home Special Use Permit.

- (a) Consistent with Section 41-2401, no group home may be established or operated in the City without an administrative approval of a Group Home Special Use Permit issued in accordance with this Section.
- (b) Such group homes shall comply with the following requirements for issuance of a Group Home Special Use Permit:
- (1) If the group home operator is not the property owner, written approval from the property owner to operate a group home at the property is required.
 - (2) No group home may be established or operated on any lot that is within 650 feet, as measured from the closest property lines, from another group home. This standard shall not apply to group homes with six or fewer occupants located in the A1, RE, or R1 zoning districts that are not operating as a sober-living home.
 - (3) The group home must have a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a 24-hour

basis, seven days a week, and who are responsible for the day-to-day operation of the group home.

- (4) If the dwelling unit has an accessory dwelling unit or junior accessory dwelling unit, occupants of all units on the property will be combined to determine whether or not the limit of six occupants has been exceeded.
- (5) A group home in no event shall have more than seven occupants, including the house manager.
- (6) The group home shall not be located in an accessory dwelling unit or junior accessory dwelling unit unless the primary dwelling unit is used for the same purpose.
- (7) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles, unless modified through the construction of an accessory dwelling unit or junior accessory dwelling unit in compliance with all applicable standards. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within 500 feet of the dwelling unit. The vehicle must be operable and currently used as a primary form of transportation for a resident of the group home.
- (8) Occupants must not require and operators must not provide "care and supervision" as those terms are defined by Health and Safety Code Section 1503.5 and Section 80001(c)(3) of Title 22, California Code of Regulations.
- (9) Integral group home facilities are not permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral use/facility.
- (10) The property must be fully in compliance with all building codes, municipal code and zoning.
- (11) At least 48 hours prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall:
 - i. Notify the person designated as the occupant's emergency contact or contact of record that the occupant will no longer be a resident at the home;

- ii. Contact the Orange County Health Care Agency OC Links Referral Line and/or another entity designated by the City to determine the services available to the occupant, including, but not limited to, alcohol and drug inpatient and outpatient treatment;
 - iii. Notify the city's Homeless Services Division that an occupant is no longer a resident at the home, and determine the services available therefrom;
 - iv. Provide the information obtained from paragraphs (ii) and (iii) of this subsection and any other treatment provider or service to the occupant prior to his or her release on a form provided by the City and obtain the occupant's signed acknowledgement thereon;
 - v. Provided, however, that if the occupant's behavior results in immediate termination of residency pursuant to rules approved by the City as part of the Group Home Special Use Permit for that facility, the operator shall comply with paragraphs (i) through (iv) of this subsection as soon as possible.
- (12) Prior to an occupant's eviction from or involuntary termination of residency in a group home, the operator thereof shall also:
- (i) Make available to the occupant transportation to the address listed on the occupant's driver license, state-issued identification card, or the permanent address identified in the occupant's application or referral to the group home;
 - (ii) Provided, however, that should the occupant decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another group home or a residential care facility that has agreed to accept the occupant.
- (13) The group home operator shall maintain records for a period of one year following eviction from or involuntary termination of residency of an occupant that document compliance with subsections (11) and (12) of this section; provided, however, that nothing herein shall require an operator to violate any provision of state or federal law regarding confidentiality of health care information. The operator may not satisfy the

obligations set forth in subsection (12) of this section by providing remuneration to the occupant for the cost of transportation.

- (14) All drivers of vehicles picking up or dropping off persons at a group home shall comply with all applicable provisions of this Code and the Vehicle Code, including, but not limited to, those provisions regulating licensure and parking, standing and stopping.
- (15) In addition to the regulations outlined above, the following shall also apply to sober-living homes:
 - (i) All occupants, other than the house manager, must be actively participating in a certified or licensed recovery program, which may include, but is not limited to, Alcoholics Anonymous or Narcotics Anonymous, and the sober-living home must maintain current records of meeting attendance. Under the sober-living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.
 - (ii) The sober-living home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober-living home or by any individual recovering from an addiction either on or off site. The sober-living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober-living home's rules for residency and the violator cannot be re-admitted for at least 90 days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober-living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.
 - (iii) The number of occupants subject to the sex offender registration requirements of Penal Code Section 290 does not exceed the limit set forth in Penal Code Section

3003.5 and does not violate the distance provisions set forth in Penal Code Section 3003.

- (iv) The sober-living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.
 - (v) The sober-living home shall have a good neighbor policy that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager, owner or operator to follow when a neighbor complaint is received.
 - (vi) The sober-living home shall not provide any of the following services as they are defined by Section 10501(a)(6) of Title 9, California Code of Regulations: detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.
- (16) An applicant may seek relief from the strict application of this section by submitting an application to the director setting forth specific reasons as to why accommodation over and above this section is necessary under state and federal laws, pursuant to Sections 41-652 through 41-655 of the SAMC.
- (a) A copy of the Group Home Special Use Permit shall be kept at the group home at all times and be made available to any City official upon request.
 - (b) The Planning and Building Agency Executive Director or designee will develop and adopt a standardized Group Home Special Use Permit application. Each Group Home Special Use Permit application must be submitted using the City's application, accompanied by the appropriate filing fee. The applicant shall be responsible for paying any fees that have been established from time to time by the City Council to process the Group Home Special Use Permit at the time of submission of the application.
 - (c) A Group Home Special Use Permit shall be issued by the Planning and Building Agency Executive Director or designee as a ministerial matter if the applicant is in compliance, or has agreed to comply, with

this section. At least 10 days prior to issuing a Group Home Special Use Permit, the director shall cause written notice to be mailed to the owner of record and occupants of all properties within 500 feet of the location of the group home. Prior to issuance of the Group Home Special Use Permit, the director shall hold a public hearing for the purpose of receiving information regarding compliance with the applicable provisions of this Section. The issuance of the Group Home Special Use Permit shall be denied upon a determination, and if already issued shall be denied or revoked by the director upon a public hearing, by the director that any of the following circumstances exist:

- (1) Any owner/operator has provided materially false or misleading information on the application or omitted any pertinent information;
- (2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
- (3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven to 10 years, to any of the following offenses:
 - i. Any sex offense for which the person is required to register as a sex offender under California Penal Code Section 290 (last 10 years);
 - ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven years);
 - iii. Violent felonies, as defined in Penal Code Section 667.5, which involve doing bodily harm to another person (last 10 years); or
 - iv. The unlawful sale or furnishing of any controlled substances (last seven years).
- (4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.

- (5) The owner/operator accepts residents, other than a house manager, who are not disabled as defined by the Fair Housing Amendments Act and Fair Employment and Housing Act.
- (6) A Group Home Special Use Permit for a sober-living home shall also be denied upon a determination, and if already issued, any transfer shall be denied or revoked, upon a hearing, by the Planning and Building Executive Director or designee that any of the following additional circumstances exist:
 - i. Any owner/operator or staff person of a sober-living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one full year of sobriety.
 - ii. The owner/operator of a sober-living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.
 - iii. The sober-living home, as measured by the closest property lines, is located within 650 feet of any other sober-living home or alcoholism or drug abuse recovery or treatment facility. If alcoholism or drug abuse recovery or treatment facility moves within 650 feet of an existing sober-living homes this shall not cause the revocation of the sober-living home's permit or be grounds for denying a transfer of such permit.
- (7) For any other significant and/or repeated violations of this Section and/or any other applicable laws and/or regulations, including, but not limited to, failure to comply with the provisions of subsections (b)(11) through (14).
- (8) Revocation shall not apply to any group home, which otherwise would cause it to be in violation of this section, that has obtained a reasonable accommodation pursuant to Section 41-652 through 41-655.

Sec. 41-2403. Conditional use permit required.

In addition to meeting the requirements for approval of a Group Home Special Use Permit as contained in Section 41-2402, a conditional use permit for a group home with seven or more occupants or a residential care

facility with seven or more occupants, where such uses are permitted subject to a conditional use permit, shall be required, subject to the following conditions:

- (a) The requirements of Division 3 of Article V of Chapter 41, Development Project Plan Approval, have been met.
- (b) The findings for granting a conditional use permit in accordance with subsection 41-638 are met.
- (c) The separation requirement in Section 41-2402(b)(2) may be reduced if the planning commission determines that such location will not result in an over-concentration of similar uses.

Sec. 41-2404. Existing group homes with six or fewer occupants – compliance.

- (a) Existing group homes must apply for a Group Home Special Use Permit within 90 days of the effective date of this Article.
- (b) Group homes that are in existence upon the effective date of this Article shall have one year from the effective date of this Article to comply with its provisions, provided that any existing group home, which is serving more than six (6) residents, must first comply with the six-resident (6)- maximum.
- (c) Existing group homes obligated by a written lease exceeding one year from the effective date of the ordinance, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one additional year of grace period pursuant to approval by the Planning and Building Agency Executive Director or designee.

Sec. 41-2405. Existing group homes with seven or more occupants – compliance.

Group homes with seven or more occupants that are in existence upon the effective date of this Article may continue to operate subject to the following:

- (a) The operator obtains an Operator's Permit pursuant to Section 8-3600 et seq., within 120 days from the effective date of this Article; and
- (b) The group home is in full compliance with all conditions of this chapter, including obtaining a conditional use permit, within one year from the effective date of this Article. Notwithstanding the foregoing, an existing group home subject to this Section obligated by a written

lease exceeding one year from the effective date of the chapter, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one additional year of grace period pursuant to approval by the Planning and Building Agency Executive Director or designee.

Sec. 41-2406. Conflict.

If this Article conflicts with any other provision of this Code, this Article shall prevail.

Sec. 41-2407. Severability.

Should any section, subsection, clause, or provision of this Article for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Article; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. This Article shall be prospective in application from its effective date.

Sec. 8-3600. Operator's Permit Required.

It is unlawful for any person to operate, or to permit any person to operate a group home with seven (7) or more occupants on any property located in the city without a valid permit issued for that group home pursuant to the provision of this Article.

- (a) Each group home operator shall obtain an Operator's Permit specific to the operator.
- (b) A copy of the Operator's Permit shall be kept at the group home at all times and be made available to any City official upon request.
- (c) An Operator's Permit is valid for one (1) year from the date of issuance, unless sooner revoked. No permit granted herein shall confer any vested right to any person or business.
- (d) The Planning and Building Agency Executive Director or designee will develop and adopt a standardized Operator's Permit application. Each Operator's Permit application must be submitted using the City's application, accompanied by the appropriate filing fee. The applicant shall be responsible for paying any fees that have been

established from time to time by the City Council to process the Operator's Permit at the time of submission of the application.

- (e) The Operator's Permit shall be issued by the Planning and Building Agency Executive Director or designee if the applicant is in compliance with or has agreed to comply with the requirements of Section 41-2402(b) of Chapter 41.
- (f) In addition to denying an application for failing to comply or failing to agree to comply with the requirements of Section 41-2402(b) of Chapter 41, an Operator's Permit shall also be denied, and if already issued shall be revoked upon a hearing by the Planning and Building Agency Executive Director or designee under any of the following circumstances:
 - (1) Any owner/operator has provided materially false or misleading information on the application or omitted any pertinent information.
 - (2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
 - (3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the last seven to 10 years, to any of the following offenses:
 - i. Any sex offense for which the person is required to register as a sex offender under California Penal Code Section 290 (last 10 years);
 - ii. Arson offenses—Violations of Penal Code Sections 451—455 (last seven years);
 - iii. Violent felonies, as defined in Penal Code Section 667.5, which involve doing bodily harm to another person (last 10 years); or
 - iv. The unlawful sale or furnishing of any controlled substances (last seven years).
 - (4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.

- (5) The owner/operator accepts residents, other than a house manager, who are not disabled as defined by the Fair Housing Amendments Act and Fair Employment and Housing Act.
- (6) An Operator's Permit for a sober-living home shall also be denied, and if already issued shall be revoked upon a hearing by the director, under any of the following additional circumstances:
 - i. The owner/operator of a sober-living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.
 - ii. For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations.

Sec. 8-3601. Revocation.

- (1) Upon a hearing by the Executive Director of the Planning and Building Agency or designee, following written notice by certified mail at the last known mailing address or by such other method reasonably calculated to give notice to the operator, the Executive Director of the Planning and Building Agency or designee shall have the authority and duty to suspend or revoke any Operator's Permit granted or issued under the provisions of this Chapter at any time based on Section 8-3600.

Sec. 8-3602 - Transfer of ownership.

- (a) An Operator's Permit shall not be valid for a location other than the property for which it is issued, unless and until the transfer of the permit is approved by the Planning and Building Agency Executive Director or designee pursuant to the requirements of Section 8-3600(e).
- (b) An Operator's Permit may not be transferred to any other person or entity. No Operator's Permit issued pursuant to this article shall be transferred or assigned or authorize any person or entity other than the person or entity named in the permit to operate the group home named therein.

Sec. 8-3603. Reapplication after denial or revocation.

- (a) An applicant for an Operator's Permit whose application for such an Operator's Permit has been denied may not reapply for such an Operator's Permit for a period of 180 days from the date such notice of denial was issued.
- (b) A holder of an Operator's Permit that has been cancelled, revoked or otherwise invalidated may not reapply for an Operator's Permit for a period of 180 days from the date that such revocation, cancellation or invalidation became final.

Sec. 8-3604. Compliance.

A group home that is subject to the provisions of this Article that is in existence as of the effective date of this ordinance shall have 120 days to comply with the provisions of this Article.