

## ATTACHMENT A

### RESOLUTION NO. 2022- 64

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, SUPPORTING THE RESTORATION OF LOCAL AUTHORITY TO REGULATE RESIDENTIAL CARE FACILITIES AND CALLING UPON THE STATE OF CALIFORNIA TO INCREASE ITS OVERSIGHT AND ENFORCEMENT OF RESIDENTIAL CARE FACILITIES UNTIL LOCAL AUTHORITY IS RESTORED

**WHEREAS**, cities are best situated to be aware of and respond to the impacts of residential care facilities upon the health, safety, and general quality of life of the surrounding residents and to take action to protect the clients of residential care facilities; and

**WHEREAS**, state law preempts the ability of cities to properly regulate certain residential care facilities licensed by the state and address the impacts on surrounding residents from those facilities as well as protect the clients of the residential care facilities.

**NOW, THEREFORE**, the City Council of the City of Newport Beach resolves as follows:

**Section 1:** The City of Newport Beach supports the restoration of local authority and requests that the State of California: (a) return the authority to regulate all residential care facilities to cities; and (b) authorize city personnel to investigate alleged violations of state law by owners and operators of state licensed residential care facilities and take appropriate enforcement action when violations are found to have occurred.

**Section 2:** Until the state returns the authority to regulate all residential care facilities to cities, the City of Newport Beach requests that the California Department of Health Care Services and Department of Social Services: (a) immediately investigate any complaint that a state licensed residential care facility has violated the law; (b) ensure that timely enforcement actions are brought against violators; and (c) that the stiffest penalties allowed under law are imposed on violators to help protect those in recovery as well as adjacent neighbors.

**Section 3:** The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

**Section 4:** If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 5:** The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**Section 6:** This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

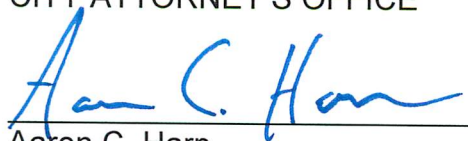
**ADOPTED** this 27th day of September, 2022.

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Kevin Muldoon  
Mayor

**ATTEST:**

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Leilani I. Brown  
City Clerk

**APPROVED AS TO FORM:**  
CITY ATTORNEY'S OFFICE

  
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Aaron C. Harp  
City Attorney