

ORDINANCE NO. 4340

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 5.110 OF THE HUNTINGTON BEACH MUNICIPAL CODE
TITLED GROUP HOMES

Under the California Constitution, Article XI, Section 7, the City has been granted broad police powers to preserve the residential characteristics of its RL, RHM, RH and RMP residential zones; and the residential portion of its Specific Plans, which powers have been recognized by both the California Supreme Court and United States Supreme Court, the latter of which has stated that, “It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled”; and

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Section 5.110.10 is hereby amended to read as follows:

5.110.010 Definitions.

The definitions set forth in Title 20 Chapter 204 of the ZSO Code shall apply to the provisions of this article unless otherwise provided for herein.

SECTION 2. That Section 5.110.080 is hereby amended to read as follows:

5.110.080 Effect of Denial or Revocation.

Whenever an application for a permit is denied, no other similar application by such applicant or permittee will be considered for a period of five (5) years from the date of the denial of an application. Whenever a permit has been revoked, canceled or otherwise invalidated, no other similar application by such permittee shall be considered for a period of five (5) years from either the date of the notice of the permit revocation was mailed or the date of the final decision of the city to revoke the permit, whichever is later. The prohibitions of this subsection shall also apply to the following:

A. Any individual whose operator’s permit was revoked or whose application was denied who later becomes a Director or Officer of a corporation, profit or nonprofit, or a member of a partnership or person owning or possessing any portion of the shares of a corporation seeking to obtain a new operator’s permit.

B. A corporation, profit or nonprofit, whose permit was revoked, or application was denied, to any of its directors, or officers or to any person who owned any portion of its shares, who attempts by way of a new corporation or using their individual names or becoming a member of a partnership or a director or officer or a person owning or possessing any portion of the shares in another corporation seeking to obtain a new permit.

C. A landowner who illegally leased, rented, sold, or otherwise allowed an individual or corporation to operate a non-permitted Group Home or Sober Living Home.

SECTION 3. That Section 5.110.085 is hereby added to read as follows:
5.110.085 Ineligibility.

In addition to any other law, no person or entity shall be eligible for and/or receive an operator's permit if that person or entity, or any director or officer of that entity or a person who owned any portion of that entity's shares, or any financial interest holder of that entity, engaged or engages in unpermitted and/or illegal activity involving medical care, addiction care, addiction recovery, and Group or Sober Home operation, in the five (5) years preceding an application under this Chapter or during the application process. A determination of ineligibility may be made by the City Manager and shall be based on the preponderance of the evidence. This prohibition shall not apply to a natural person who would otherwise be ineligible based on a criminal conviction that has been dismissed, withdrawn, expunged or set aside.

SECTION 4. All other provisions of Title 5 not modified herein shall remain in full force and effect.

SECTION 5. This ordinance shall become effective immediately 30 days after its adoption.

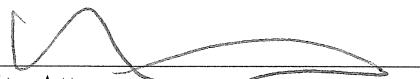
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the ____ day of _____, 2025.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk



City Attorney

REVIEWED AND APPROVED:

City Manager

INITIATED AND APPROVED:



Community Development Director