

Judge issues another ruling in support of Costa Mesa's group home laws

In yet another victory for the City of Costa Mesa, Federal Judge James Selna denied a motion for a preliminary injunction against the city's group home ordinances filed by sober living home operator SoCal Recovery.

"This is just one more affirmation that we as a City Council have done the right thing for our residents to protect both patients and our residents from unscrupulous operators," Mayor Katrina Foley said. "Our law has withstood major challenges so far and we will continue to enforce it vigorously. It has become a model for other communities to follow."

The City's laws, passed beginning in 2014, regulate sober living home operators in single family neighborhoods, limiting the number of residents to six or fewer and maintaining a 650-foot buffer between non-licensed sober living homes. The laws also regulate sober living home operators in multi-family zones, requiring a separation requirement to avoid converting neighborhoods into institutional-like settings. The City implemented the laws to protect the entire community from operators of unlicensed facilities which exposed residents to dangerous conditions and created public nuisance concerns.

SoCal Recovery is a for-profit corporation that operates sober living residences in Costa Mesa, including properties located at 783 Hudson Ave., 208 Cecil Place, 175 E. 21st St., and 157 Del Mar Ave. SoCal Recovery does not currently operate any State- licensed or certified residential care facilities in Orange County.

SoCal Recovery asked the city to alter its application of the ordinances to allow the organization to operate its sober

living facilities. That request was denied. After having its request to operate denied by the city, SoCal Recovery filed suit against the city in July of 2018, alleging the city's group home ordinances violate the Fair Housing Act.

The latest ruling by Judge Selna follows on the heels of his ruling in July and a jury's unanimous verdict in December of 2018 that rejected a challenge to the city's group home ordinance by Yellowstone LLC.

Yellowstone, along with another sober living home operator and an industry trade group, alleged that the city's ordinances are discriminatory and violate the Fair Housing Act.

In the SoCal Recovery case, the city was represented by the law firms of Everett Dorey, LLP and Jones & Mayer.

In the Yellowstone court case, the City of Costa Mesa was represented by lead trial attorney Jennifer Keller of Keller/Anderle LLP.