

Jury unanimously agrees with city and dismisses challenge to sober living ordinance

The City of Costa Mesa won a complete and resounding victory in federal court on Friday Dec. 7 as a jury unanimously agreed the city's sober living ordinance is not discriminatory and does not violate the Fair Housing Act and dismissed a lawsuit filed by Yellowstone Women's First Step House, Inc. and two other entities against the City.

The verdict means the City can continue to enforce its ordinance, which regulates sober living home operators, including limiting the number of residents to six or fewer and maintaining a 650-foot buffer between non-licensed sober living homes.

Costa Mesa Mayor Katrina Foley was thrilled with Friday's victory.

"The City Council had the courage to stand up to those in the sober living home industry who profiteered from exploiting vulnerable people," Foley said. "I'm glad the jury understood that the city's lawful motivation was to protect recovery residents and preserve our neighborhoods. They rejected the sober living home industry's unreasonable position that ANY regulation no matter how reasonable was discrimination. They went so far as to say that even regulations preventing sex offenders and felons from managing a house were too onerous and discriminating. That's just unreasonable. The recovery residents and the community of Costa Mesa all won today."

The City of Costa Mesa was represented by lead trial attorney Jennifer Keller of Keller/Anderle LLP.

"The Costa Mesa City Council stood tall and refused to be

intimidated by the Plaintiffs,” Keller said. “The victory today is a victory not just for the people of Costa Mesa and those in recovery homes, but also for every city in California.”

The City’s law, passed in 2014, was written to balance the rights of all citizens – including residents of group homes – to live in and enjoy Costa Mesa’s single family neighborhoods.

The City implemented the law to protect the entire community from operators of unlicensed facilities which exposed residents to dangerous conditions and created public nuisance concerns.

Yellowstone, another sober living home and an industry trade group brought the suit in the Central District of California in 2014. Numerous city employees and officials, including former Mayor Jim Righeimer, and former Assistant City Manager Rick Francis, testified before the eight-person jury.

They spoke about the need for the law and discussed the City’s efforts to help those rendered homeless after being kicked out of sober living homes, including many people recovering from drug and alcohol addiction who had been enticed to come to Costa Mesa from out of state.

Several neighbors of poorly run recovery homes testified about the way these facilities mistreated recovering addicts and the impacts they had on the community.

Nancy Clark, who has operated a highly respected recovery program in Costa Mesa for 28 years, also spoke on behalf of the City. Her testimony made clear that high quality recovery programs have always been welcome in Costa Mesa, and that such programs should embrace the City’s regulation efforts as beneficial to people in recovery as well as the entire community.

After a four-week trial before the Honorable James Selna, the

jury deliberated for half a day on Friday before returning the verdict on all counts for the City of Costa Mesa.