Ninth Circuit affirms Costa Mesa's sober living home ordinances

On Wednesday Sept. 8, the Ninth Circuit Court of Appeals ruled that the City of Costa Mesa's sober living home ordinances are not discriminatory and do not violate the Fair Housing Act, validating a federal jury decision in December of 2018 that upheld the City's laws.

The Ninth Circuit decision effectively ends the case by Yellowstone Women's First Step House, Inc. and California Women's Recovery, Inc. and the Sober Living Network against the City and 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.

"I'm pleased that the Ninth Circuit affirmed the jury's verdict," Mayor John Stephens said. "This is the culmination of years of effective advocacy by our outside counsel Keller Anderle and Buchalter and our City Attorney's office. They have successfully defended our reasonable regulations designed to preserve the character of our neighborhoods. We will continue to invest in this effort by enforcing and defending these important protections."

The City implemented the laws in 2014, and revised and strengthened them in 2017, to protect the entire community from operators of unlicensed facilities, which exposed residents to dangerous conditions and created public nuisance concerns that affect the quality of life. By doing this, Costa Mesa has led the way to hold these operators accountable, setting the precedent for other cities to do the same.

The laws also regulate sober living home operators in multi-family zones, requiring a separation requirement to prevent neighborhoods from being converted into institution-like settings.

“The City’s efforts to protect vulnerable individuals seeking a sober living environment while protecting surrounding residents have been vindicated,” said City Attorney Kimberly Hall Barlow.

This latest ruling is one in a series of favorable court cases Costa Mesa has won following the first victory in December of 2018, when the jury unanimously rejected claims by Yellowstone, et. al., that the city’s ordinances are discriminatory and violate the Fair Housing Act.

“The case is important because it affirms the authority of local governments to thoughtfully regulate sober living homes for the benefit of both local residents and those in recovery,” said the City’s lead appellate counsel Mary-Christine Sungaila, chair of the appellate practice at Buchalter.