

City notches one more victory for sober living home ordinance

The City of Costa Mesa achieved yet another victory in U.S. Federal District Court on Wednesday March 4 with a summary judgment against Casa Capri Recovery, an operator of sober living homes.

Judge James Selna ruled the City did not discriminate against residents of those facilities when it brought legal action to shut the group home down for operating unlawfully and without required permits.

“The Court’s ruling once again validates Costa Mesa’s decision to adopt reasonable rules and push back against bogus lawsuits by abusive operators who benefit financially from exploiting people suffering from addiction while also disrupting our community,” Mayor Katrina Foley said. “The entire city council, and I as Mayor, remain steadfast in our commitment to protect all residents including those exploited by unscrupulous operators of sober living homes.”

In February 2018, Casa Capri sued the City in federal court alleging that the City’s group home ordinances were illegal and discriminated against the disabled. In granting the City’s Motion for Summary Judgment as to these claims, the Court noted that Casa Capri failed to provide any evidence that its residents were disabled or handicapped or had a record of being disabled.

Likewise, Casa Capri failed to offer any evidence that the civil rights of its residents were violated by any conduct undertaken by the City. The Court also rejected claims that the City engaged in retaliation by filing a state court action to abate the illegal homes being operated by Casa Capri.

In August of 2018, the City Council unanimously approved taking the legal action against the owners and operators of Casa Capri Recovery Center and Casa Capri, LLC at 269 and 271 16th Place in Costa Mesa for maintaining a public nuisance.

Each of the Casa Capri homes consists of 14 recovery beds. The City filed the complaint after Casa Capri's requests for conditional use permits for these properties were ultimately denied by the City Council.