

Costa Mesa Prevails in Defending Sober Living Home Ordinance

On Wednesday, Dec. 4, the Ninth Circuit Court of Appeals unanimously upheld a jury verdict affirming the City of Costa Mesa's sober living home ordinance in *Ohio House, LLC. v. City of Costa Mesa*.

"This decision of the Ninth Circuit is the culmination of the hard work and wisdom of City Councils, Planning Commissioners, City Staff, our City Attorney and outside counsel dating back over 12 years," Mayor John Stephens said. "We have preserved the character of our neighborhoods while allowing for reasonable and appropriate care for those struggling with addiction."

The Court concluded, as the jury had, that the City's sober living home regulations are not discriminatory against the disabled. This verdict is a positive outcome for more than just Costa Mesa as many cities throughout the region have modeled their regulations after Costa Mesa's ordinance.

"We are pleased that the Court of Appeals has upheld, yet again, the regulations the City created nearly 10 years ago to protect the City's residential neighborhoods and the disabled who were being crowded into unsuitable living environments designed for profit, not to help the disabled," City Attorney Kim Barlow said.

The City's outside counsel, who argued the case in court, agreed.

"This is an important win for sensible land use regulation, for Costa Mesa residents and residents throughout California and the Ninth Circuit, and for balancing the needs of all

residents, including the disabled,” said Costa Mesa’s appellate counsel Mary-Christine (M.C.) Sungaila.