

RESOLUTION NO. 2023- _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF _____, CALIFORNIA, AUTHORIZATION TO JOIN
THE AMICUS BRIEF TO THE UNITED STATES
SUPREME COURT SEEKING REVIEW OF THE NINTH
CIRCUIT COURT OF APPEALS DECISION IN THE SOBER
LIVING ORDINANCE CHALLENGE IN SOCAL RECOVERY
LLC V. CITY OF COSTA MESA, 56 4TH 802 (9TH (Cir. 2023).**

A. Intent of this City Council.

1. Well run sober living homes provide important and necessary services to the residents of the home, to the neighborhood they are located within and to the community at large. Recovery efforts from addictions and the related challenges to the recovery process benefits everyone. Professionally run homes allow a compassionate and empathetic community to assist those of our neighbors who are in need. This City Council is in full support of well run, professionally managed and properly maintained sober living homes.

2. Unprofessionally managed homes that are not competently operated by trained personnel leads to the unnecessary creation of neighborhood nuisances while not helping those residents in need of recovery services. The unprofessionally operated homes create negative impacts on the recovering addicts, on the neighborhood, on public services and on the recovery industry as a whole. This City Council believes that operating standards are necessary to ensure sober living homes are a benefit, and not a blight, to everyone in a community.

3. The City of Costa Mesa adopted ordinances that seek to benefit sober living home residents by imposing a dispersal requirement, among other provisions, for group homes. These ordinances have been challenged by several sober living homes in court.

4. The Ninth Circuit Court of Appeal reversed a judgment in favor of the City of Costa Mesa, announcing for the first time that sober living homes can bring disability discrimination claims challenging these ordinances without needing to show that particular residents of these homes were in fact disabled and entitled to protection under these laws. which trial court decision upheld the reporting on proposed residents of sober living units. The Ninth Circuit Court of Appeals held that an operator's policies and expressed intent to house only disabled, substantially impaired residents is enough to create a triable issue of fact and allow a claim to be brought to trial. This decision is contrary to established legal standards for discrimination claims brought by individuals on their own behalf, and creates further confusion among the circuit courts around the country about the proper standard for derivative claims like these, which cries out for review by the Supreme Court of the United States.

5. Many cities are joining to support an Amicus Brief that will support the City of Costa Mesa in support of a petition for writ of certiorari to encourage the Supreme Court to accept this matter for its discretionary review.

6. This City Council believes that review of this decision is critical as it can impact all aspects of city zoning beyond sober living units by preventing a city from establishing detailed criteria for users and uses of all land-uses of any type or nature. This decision, while pointedly addressing important sober living facility issues, can result in adverse unintended circumstances that will be detrimental to cities and to local control of one's community. This City Council hereby directs the City staff to take all actions necessary to join in the supporting Amicus Brief, as lead by the City of Mission Viejo, California. This City is also willing to financially contribute a fair share, in this City's discretion, as to the costs involved in preparing the Amicus Brief.

7. All preconditions to the adoption of this Resolution have occurred as required by law.

B. Resolution.

The City Council of the City of _____ does hereby find and resolve as follows:

1. In all respects as are set forth in Part A, Intent of this City Council, which are hereby incorporated in full.

2. The City Manager and the City Attorney are to take all actions necessary and desirable for our City to join in the Amicus Brief supporting professional standards and regulations for sober living homes.

THE FOREGOING RESOLUTION is passed and adopted by the City Council of the City of _____, _____ day of _____ 2023.

Mayor of the City of

ATTEST:

City Clerk
City of

I, _____, City Clerk of the City of _____, do hereby certify that the foregoing Resolution adopted by the City Council of the City of _____, California at a regular meeting thereof held on _____, 2023 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of _____, California, on _____, 2023.

City Clerk
Of the City of _____

Approved as to Form and Content

City Attorney
For the City of _____