



## Sober Living Home Litigation Update

Safety, Wellness and Youth  
June 18, 2025

Office of the City Attorney  
Public Safety Division

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## Sober Living Homes

### City of Riverside Definition (RMC Title 19 – Zoning)

- Residential dwelling, structure or unit used for a cooperative living arrangement to provide an alcohol and drug free environment for persons recovering from alcohol and or drug abuse.



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## Sober Living Homes

- Alcoholics and recovering drug addicts are deemed persons with disabilities under State and Federal law.
- Persons with disabilities are entitled to live together in a family environment in a residential neighborhood.



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## Treatment Progression

State Licensed SUD Facility

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30 - 90 days

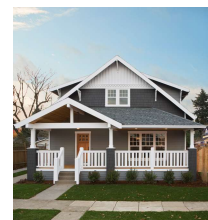
Sober Living Home

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6 months

Forever Home



Happily Ever After



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## Costa Mesa in 2014

Overconcentration of group homes.

80 sober living homes, 41 state-licensed detox.

- Institutional environment, 5-6 facilities per block.
- Noise, overcrowding, no parking, second-hand smoke.

Changing the quiet character of neighborhood.



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## Costa Mesa Ordinance

1. Special Use Permit required.
2. Six or fewer clients in R-1, unlimited outside R-1. 24/7 manager.
3. All garage and driveway spaces available for parking.
4. 650-foot separation from other facilities.
5. All clients participating in AA/NA or the like.

Reasonable accommodation clause.



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## Costa Mesa Ordinance

Goal was to de-institutionalize the neighborhoods by spreading out the sober living homes.

Better environment for the patients and the residents.

Retroactive, first come, first served for permits.



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## Ohio House v. Costa Mesa (9<sup>th</sup> Cir. 2024)

Ohio House was affected by the ordinance.

- Permit denied because four other facilities within 650'.
- Reasonable accommodation denied.
- Ohio House sued in federal court in 2019 alleging discrimination under FHA, FEHA, Govt. Code 65000.

650' separation was the sole basis for the discrimination claim



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## Fair Housing Act of 1968

Cannot discriminate against disabled in purchase or rental of a dwelling.

- Must make reasonable accommodation to allow disabled to enjoy their housing.

If a requested modification imposes an undue financial or administrative burden on a local government, or if a modification creates a fundamental alteration in a local government's land use and zoning scheme, it is not a "reasonable" accommodation.



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## Fair Employment and Housing Act

Cannot discriminate against disabled in purchase or rental of a dwelling. (More protected categories than FHA)

1. Must make reasonable accommodation. (Support animals).
2. Facially discriminatory policy must be least restrictive means of achieving its purpose.



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## **Planning and Zone Law (Govt 65000)**

65008 – Any action by city/county/state is null and void if it denies any group of individuals the enjoyment of a residence for the following reasons: (income, family status, etc.)

65009 – Action to attack, review, set aside decision of legislative body to adopt or amend zoning ordinance must be made within 90 days of adoption of ordinance.



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## **Costa Mesa won at the trial court 2022**

Jury Verdicts:

1. Sober Living ordinance does not violate Fair Housing Act. (FHA - Federal)
2. Sober Living ordinance does not violate CA Fair Employment and Housing Act. (FEHA)
3. Sober Living ordinance does not violate CA Zoning Code. (Govt Code 65000 et seq.)



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## Ohio House appeals to 9<sup>th</sup> Circuit

CA. Atty General filed amicus brief:

- “In short, restrictive zoning codes, such as those at issue here in Costa Mesa, constrain housing opportunities and choice for people with disabilities. This expressly contravenes FEHA, the State’s housing and planning laws, the mission of CRD and HCD, and the policy of the State of California. The judgment of the district court should be reversed.”



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## 9<sup>th</sup> Circuit Upheld Trial Court

1. No FHA violation. No discrimination. Accommodation request unreasonable.
2. No FEHA violation. No discrimination. Jury could find 650' was least restrictive means.
3. Govt Code 65000 claim barred by 90-day SOL.



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## Ohio House v. Costa Mesa (9<sup>th</sup> Cir. 2024)

9<sup>th</sup> Circuit agrees the City's regulations benefit the protected class:

- Sober Living homes allowed in R1 zone.
- Boarding house not allowed in R1 zone.
- The Zoning Ordinance allows the disabled every opportunity open to the non-disabled, plus others not available to the non-disabled.

Don't have to provide the protected class with the maximum possible benefit.



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## Ohio House Logic Applies to Riverside

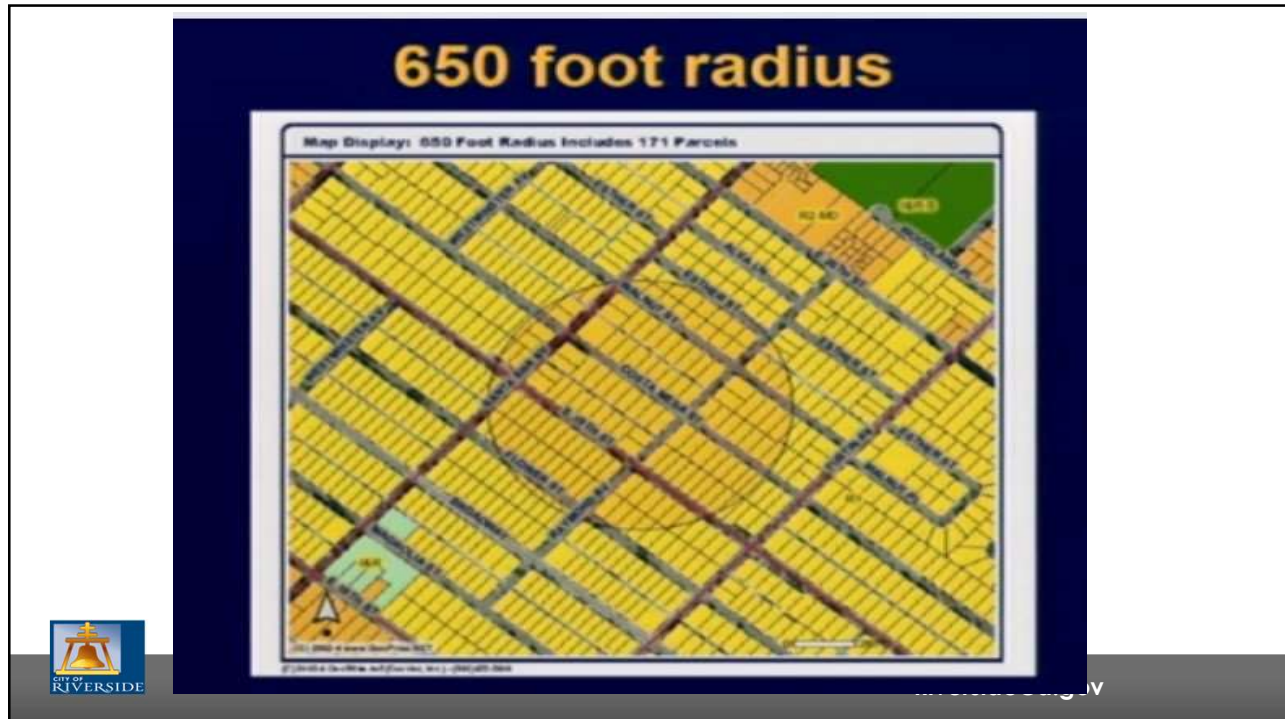
- Sober Living homes allowed in R1 zone.
- Boardinghouses not allowed in R1 zone.
- The Zoning Code (RMC) allows the disabled every opportunity open to the non-disabled, plus others not available to the non-disabled.

Neighborhood density comparable between Costa Mesa and Riverside



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## COSTA MESA california

### Separation requirement

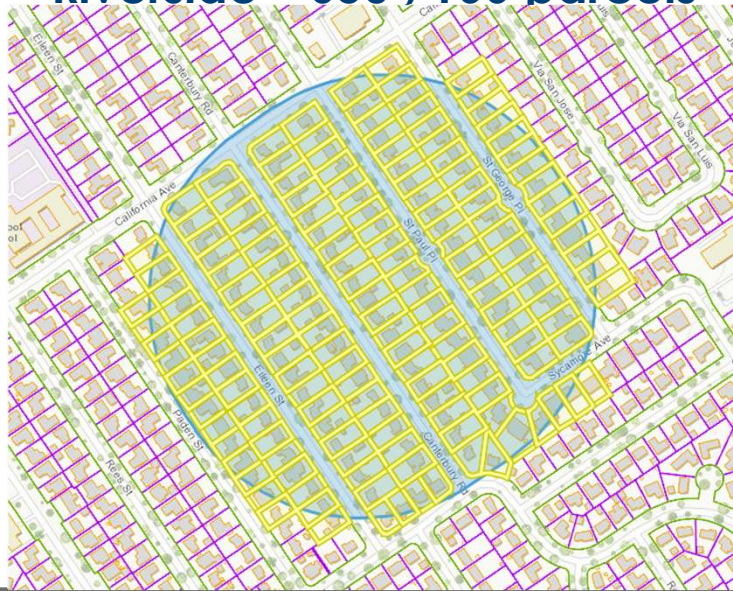
- ❑ 15 licensed facilities, 101 beds
- ❑ 45 SLHs, 288 beds
- 300' radius = 1/50 parcels = 425 group homes = 2,550 beds
- 500' radius = 1/116 parcels = 183 group homes = 1,098 beds
- 650' radius = 1/171 parcels = 124 group homes = 744 beds
- 1,000' radius = 1/396 parcels = 53 group homes = 318 beds

CITY OF RIVERSIDE

1:45:20 / 6:23:48

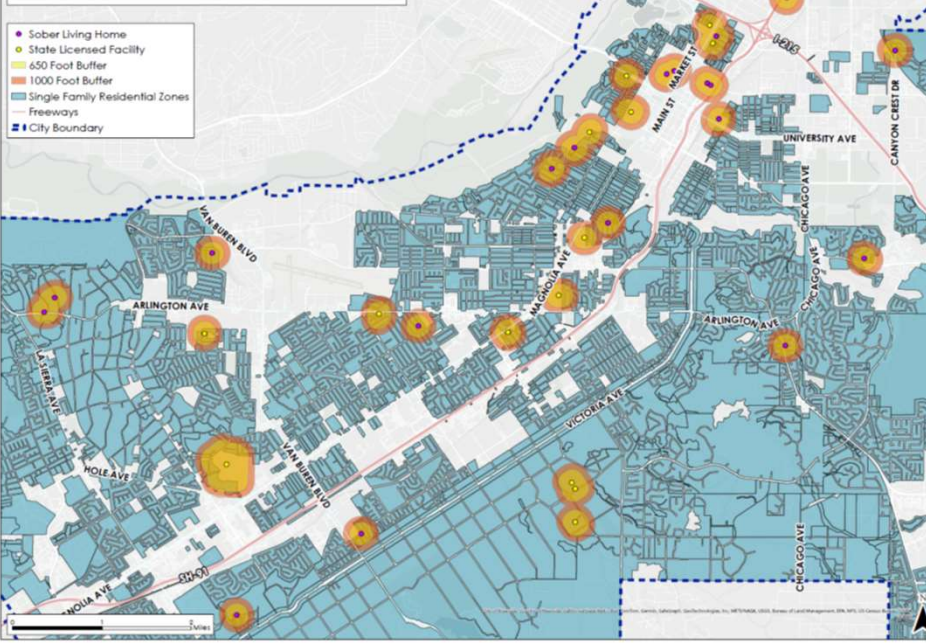
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## Riverside – 650', 166 parcels



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### Distance Buffers For Licensed State Facilities and Sober Living Homes



## Options for Regulation

1. Status Quo.
2. Add Separation requirement to RMC.
  1. 650'
  2. 1000'
3. Adopt the Costa Mesa / CASLAR Ordinance.



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## Sober Living Homes

### RMC Sober Living Home Requirements

1. All residents recovering from substance abuse.
2. All residents participate in legitimate programs (AA/NA) and keep attendance records.
3. Zero Tolerance policy for alcohol/drugs.
4. Written policy for alcohols/drugs.
5. No on-site services. (detox, treatment)  
AA/NA meetings are allowed.



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## Sober Living Homes

### RMC Sober Living Home Requirements

6. No more than one sex offender per facility.
7. Residents do not require non-medical care or supervision.
8. Operators maintain current membership in a recognized non-profit organization of sober living homes. (Sober Living Network.)
9. Comply with all applicable state and local laws.



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## Sober Living Homes

### RMC Sober Living Home Requirements

6. No more than one sex offender per facility.
7. Residents do not require non-medical care or supervision.
8. Operators maintain current membership in a recognized non-profit organization of sober living homes. (Sober Living Network.)
9. Comply with all applicable state and local laws.
10. Not located within 650 feet of any other sober living home or a state licensed facility.



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## City of Fountain Valley

1. Adopted Costa Mesa's Ordinance March 1, 2024:
  - 6 residents
  - 650-foot separation
2. Began enforcing Ordinance March 1, 2025
  - 12 City permitted facilities.
  - 4 in-process, 4 withdrew.
3. No warning letter from HCD.



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# STRATEGIC PLAN ALIGNMENT

## Strategic Priority #2 Community Well-Being, Goal 2.4



### Community Well-Being

Ensure safe and inclusive neighborhoods where everyone can thrive.

### Cross-Cutting Threads



Community Trust



Fiscal Responsibility



Sustainability & Resiliency



Equity



Innovation



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