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MUNICIPAL ORDINANCE - CALIFORNIA

Pacific Shores Properties, LLC v. City of Newport Beach

United States Court of Appeals, Ninth Circuit - September 20, 2013 - F.3d - 13 Cal. Daily Op. Serv. 10, 591

Group homes for recovering alcoholics and drug users, a group home owner, and group home residents brought lawsuits against city challenging the enactment of a city ordinance having the practical effect of prohibiting new group homes from opening in most residential zones, alleging discrimination under the federal Fair Housing Act (FHA), the Americans with Disabilities Act (ADA), and the Equal Protection Clause.

The United States District Court granted summary judgment in favor of the city. Plaintiffs appealed.

The Court of Appeals held that:

- Fact issues precluded summary judgment on plaintiffs' disparate treatment claims;
- Fact issues precluded summary judgment on group homes' damages claim under the FHA; and
- Fact issue precluded summary judgment on one resident's claim for emotional distress damages under the FHA.

Genuine issues of material fact existed as to whether city ordinance was enacted with the discriminatory purpose of harming group homes and, therefore limiting the housing options available to disabled individuals recovering from addiction, and whether the ordinance had an adverse effect on group homes and group home residents, precluding summary judgment on disparate treatment claims.