

# **Bond Case Briefs**

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## **ZONING & PLANNING - PENNSYLVANIA**

### **Cornerstone Residence, Inc. v. City of Clairton, Pennsylvania**

**United States Court of Appeals, Third Circuit - December 31, 2018 - Fed.Appx. - 2018 WL 6839723 - 58 NDLR P 100**

Nonprofit corporation sued city and zoning officer, claiming discrimination against recovering addicts in violation of Fair Housing Amendments Act (FHAA) by denying corporation's application for certificate of occupancy to operate sober living residence for recovering drug and alcohol addicts in residential zone within city limits, pursuant to zoning ordinance that allegedly was discriminatory on its face.

The United States District Court for the Western District of Pennsylvania granted defendants' motion to dismiss for lack of subject matter jurisdiction and for failure to state claim and denied reconsideration. Corporation appealed.

The Court of Appeals held that ordinance was not facially discriminatory against recovering addicts.

City's zoning ordinance, prohibiting treatment centers from being located in residential area, and defining treatment center as providing housing for three or more unrelated persons who needed specialized housing, treatment, and/or counseling because of current addiction to controlled substance that was used in illegal manner or alcohol, did not facially discriminate against recovering addicts, as protected group under Fair Housing Amendments Act (FHAA); under Pennsylvania law governing interpretation of municipal ordinance, plain meaning of ordinance's definition of treatment center included only current addicts, not recovering addicts, and ordinance, read as whole, reflected familiarity with and intent to conform to FHAA.