

1 THOMAS E. PEREZ
 Assistant Attorney General
 Civil Rights Division
 2 STEVEN H. ROSENBAUM
 Chief, Housing and Civil Enforcement Section
 R. TAMAR HAGLER (SBN 189441)
 4 Deputy Chief
 NANCY F. LANGWORTHY
 5 Trial Attorney
 Civil Rights Division
 6 U.S. Department of Justice
 7 950 Pennsylvania Avenue, N.W. - G Street
 Washington, D.C. 20530
 8 Telephone: (202) 616-8925
 Fax: (202) 514-1116
 9 Nancy.Langworthy@usdoj.gov

BY: _____
 12 NOV -9 PM 2:01
 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 LOS ANGELES

FILED

10 ANDRÉ BIROTTE JR.
 11 United States Attorney
 LEON W. WEIDMAN
 12 Assistant United States Attorney
 Chief, Civil Division
 13 ROBYN-MARIE LYON MONTELEONE (State Bar No. 130005)
 14 Assistant United States Attorney
 Assistant Division Chief,
 15 Civil Rights Unit Chief, Civil Division
 Room 7516 Federal Building
 16 300 North Los Angeles Street
 Los Angeles, CA 90012
 17 Telephone: (213) 894-2458
 18 Robby.Monteleone@usdoj.gov
 Attorneys for Plaintiff
 19 UNITED STATES OF AMERICA

20 IN THE UNITED STATES DISTRICT COURT
 21 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 EASTERN DIVISION

22 UNITED STATES OF AMERICA,)

23 Plaintiff,)

24 v.)

25 CITY OF SAN JACINTO, CALIFORNIA)

26 Defendant.)

EDCV12-1966 VAP/SPx

Case No.

COMPLAINT

28 The United States of America alleges as follows:

Jurisdiction

1
2 1. This action is brought by the United States to enforce the provisions of Title VIII of the
3 Civil Rights Act of 1968 (“the Fair Housing Act”), as amended by the Fair Housing Amendments Act
4 of 1988, 42 U.S.C. §§ 3601 *et seq.*, Title II of the Americans with Disabilities Act (“the ADA”), § 202,
5 42 U.S.C. § 12132 *et seq.*, and the regulations implementing Title II, 28 C.F.R. Part 35.

6 2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345, 42 U.S.C.
7 § 3614(a) and (b), and 42 U.S.C. § 12133.

8 3. Venue is proper under 28 U.S.C. § 1391(b) because the events giving rise to the United
9 States’ claims occurred in the Central District of California.
10

The Defendant

11
12 4. Defendant City of San Jacinto (“the City”) is a municipal corporation located in Riverside
13 County, California, established and organized under the laws of the State of California.

14 5. The City of San Jacinto, through its Mayor and City Council, exercises zoning and land use
15 authority over land within its boundaries. The City’s Code of Ordinances contains the City’s zoning
16 and land use regulations.
17

18 6. The City’s Zoning Code divides the City into numerous zoning districts, including four
19 residential districts: single family residential districts (R-1), two family residential districts (R-2),
20 multi-family residential districts (R-3), and “light agricultural” districts (A).

21 7. The Zoning Code defines “family” as “[a]n individual or two (2) or more persons related by
22 blood, marriage or legal adoption, or a group of not more than 6 persons who are not related living
23 together as a single house-keeping unit in a dwelling unit.”
24

The Complainants

25
26 8. Rajeeyah Bilal-Varney is a resident of the Central District of California. Since May of
27 2007, she and her husband have operated a group home for persons with mental and other disabilities,
28

1 including schizophrenia and bipolar disorder, at 1835 Rogers Way in a single-family (R-1) residential
2 zone in San Jacinto.

3 9. Aurora Beltran is a resident of the Central District of California and, since 2005, has
4 operated a group home for persons with mental and other disabilities at 325 E. 3rd Street in a single-
5 family (R-1) residential zone in San Jacinto.

6 10. The disabled residents of the Rogers Way and 3rd Street homes operate as family units and
7 share meals and household responsibilities. They are responsible for their own medications, do not
8 receive medical treatment or counseling on the premises, and do not undergo drug or alcohol testing on
9 site. A number of tenants at both homes have, over the years, arranged for State and County-funded
10 supportive services delivered to the home by third-parties, such as training with respect to personal
11 care.
12

13 Regulation of "group homes" under the City's Zoning Code

14 11. On July 10, 2008, the City's Planning Commission issued a staff report recommending that
15 the City Council amend the City's Zoning Code by approving Ordinance 08-14 ("the Ordinance").
16 The Ordinance was passed by unanimous vote of the Council on September 4, 2008, and became
17 effective on October 3, 2008.
18

19 12. The Ordinance effected three changes to the City's Zoning Code. First, it amended the
20 Code's definition of "group homes" to "[a] residence or dwelling, other than a hotel, wherein two (2)
21 or more rooms, with or without individual cooking facilities, are rented to individuals under separate
22 rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is
23 in residence, in order to preserve the residential character of the neighborhood."
24

25 13. Second, the Ordinance created a separate category of congregate living known as the
26 "organizational house." The term is defined by the Ordinance as "[a] residential lodging facility
27 operated by a membership organization, such as a school, convent, monastery, or religious
28

1 organization, and includes dormitories, fraternities, sororities and other institutionally-operated student
2 housing.

3 14. Third, the Ordinance specifically exempted certain licensed congregate living facilities,
4 such as "community care facilities," from its definition of "group homes," making those with six or
5 fewer residents permitted uses in residential zones.

6 15. Under the Zoning Code as amended by the Ordinance, group homes that are not required to
7 be licensed by the State are not permitted uses in any zoning district within the City. Such homes may
8 operate in multi-family (R-3) zones if they seek and are granted a conditional use permit.

9 16. The City adopted the Ordinance to address purported problems with group homes for
10 persons with disabilities.

11 17. The Ordinance was enacted at least in part because of complaints about group homes from
12 members of the community that the City knew, or should have known, were based on the disability of
13 the homes' residents.

14 18. On November 4, 2008, approximately a month after the Ordinance was enacted, the City
15 conducted an early morning sweep of nineteen homes, including the Bilal-Varney home located at
16 1835 Rogers Way, to determine, among other things, whether they were "group homes" for persons
17 with disabilities operating in residential zones in violation of Ordinance 08-14.

18 19. City officials, including the City Attorney and representatives from the City's Code
19 Enforcement, Public Works and Police Departments, and Riverside County officials under contract to
20 and acting as agents for the City, including armed and uniformed sheriff's deputies, and uniformed fire
21 department officials, appeared at the homes unannounced.

22 20. After inquiring on the threshold as to the nature of the homes, the officials entered those
23 they determined to be group homes for persons with disabilities, separated the residents with
24 disabilities and interrogated them individually from a prepared questionnaire targeted to persons with
25 mental disabilities. The questions included why the residents were in the home; whether they were or
26
27
28

1 had ever been drug addicts or alcoholics; whether they were suffering from any form of mental illness,
2 and if so, what type; whether they were taking "psych" medications, and if so, what kind; whether
3 they were in treatment programs; whether they or other residents were currently using illegal drugs or
4 alcohol; whether they were on parole or probation; whether they were registered sex offenders;
5 whether they were collecting SSI or disability benefits; and whether medical treatment, counseling and
6 drug treatment were provided on site.

7
8 21. Of the homes included in the sweep, at least fifteen were homes for persons with mental
9 disabilities, including the home at 1835 Rogers Way. The officials did not inspect, or interrogate the
10 residents of the four homes they determined were not group homes for persons with disabilities.

11 22. From the time the Ordinance was adopted through at least September 2011, the City
12 brought no enforcement actions under the Ordinance against any group homes that were not occupied
13 by persons with disabilities.

14 23. Each of the group homes covered in the sweep is a dwelling within the meaning of 42
15 U.S.C. § 3602(b), and current and former residents of those homes are "handicapped" within the
16 meaning of 42 U.S.C. § 3602(h).

17
18 24. As a result of the Ordinance and the City's enforcement activities, some group homes for
19 persons with disabilities closed. Others that continue to operate in residential zones, including the
20 home at 1835 Rogers Way, have been repeatedly visited by the City and cited for violations of the
21 Ordinance and other regulations. The City has issued fines to owners of group homes for persons with
22 disabilities ranging from \$100 to \$1,000 per day.

23
24 25. Prior to enactment of the Ordinance, City officials informed at least one individual that she
25 would have to close a home for five persons with mental disabilities on Garcia Drive in San Jacinto
26 because City law prohibited the operation of the home in a residential zone. The home was closed
27 after repeated contacts by City officials who claimed the home was being operated as an illegal group
28 home.

1 26. After the sweep, the City continued to cite providers of group homes for persons with
2 disabilities, including some not covered in the sweep, for “illegal” operation of a group home in a
3 residential zone. The home operated by complainant Aurora Beltran at 325 E. 3rd Street is one such
4 home.

5 27. Group homes for persons with disabilities included in the sweep, as well as those targeted
6 by the City for enforcement activities after the sweep, were occupied by as few as three disabled
7 tenants at a time. The City’s actions against group homes for persons with disabilities, including the
8 issuance of citations for the operation of illegal group homes, has continued into 2012.
9

10 28. The Garcia Drive home, the 325 E. 3rd Street home and other group homes investigated
11 and/or cited by the City before and after the sweep, are dwellings within the meaning of 42 U.S.C. §
12 3602(b), and current and former residents of those homes are “handicapped” within the meaning of 42
13 U.S.C. § 3602(h).

14 29. Based on the sweep and other City actions, Ms. Bilal-Varney filed a complaint with the
15 Department of Housing and Urban Development (“HUD”) on or about December 2, 2008, alleging
16 discrimination in housing on the basis of disability in violation of the Fair Housing Act. On or about
17 July 6, 2009, HUD referred the complaint to the Department of Justice pursuant to 42 U.S.C. § 3614(a)
18 of the Act.
19

20 30. Based on enforcement and other activities by the City, Ms. Beltran filed a complaint with
21 HUD pursuant to 42 U.S.C. § 3610(a) of the Fair Housing Act on or about June 9, 2012, alleging
22 discrimination in housing on the basis of disability. On or about June 12, 2012, HUD referred the
23 complaint to the Department of Justice pursuant to 42 U.S.C. § 3610(g)(2)(C) of the Act.
24
25
26
27
28

Requests for Reasonable Accommodation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

31. On May 16, 2011, complainant Rajeeyah Bilal-Varney sent a request to the City for a reasonable accommodation to continue operating the group home at 1835 Rogers Way.

32. On March 29, 2011, complainant Aurora Beltran sent a request for a reasonable accommodation to continue operating the group home at 325 E. 3rd Street.

33. On April 30, 2012, the provider of a group home for persons with disabilities on De Anza Drive in San Jacinto requested that her home be treated by the City as a single-family dwelling "for all purposes."

34. The City informed each of the providers that it did not have a process established by ordinance for deciding reasonable accommodation requests.

35. The City conditioned approval of the providers' requests on the acceptance of onerous, unjustified restrictions and failed to address legitimate inquiries of counsel for the providers, thereby effectively denying the requests.

36. The City of San Jacinto's zoning regulations and enforcement of those regulations impose conditions and prohibitions on housing for persons with disabilities that are not imposed on housing for an equal or greater number of persons without disabilities.

37. Persons with disabilities are more likely to live in congregate living facilities than are persons without disabilities in and around San Jacinto.

38. The City's actions as described herein have the intent and effect of discriminating against providers and residents of housing for persons with disabilities.

COUNT I
Fair Housing Act

1
2 39. The allegations in paragraphs 1-38, above, are incorporated herein by reference.

3
4 40. By the actions set forth above, the City has:

5 a. made housing unavailable on the basis of disability in violation of 42 U.S.C. §
6 3604(f)(1);

7 b. imposed different terms, conditions, or privileges in housing on the basis of disability
8 in violation of 42 U.S.C. § 3604(f)(2);

9 c. failed or refused to make reasonable accommodations in rules, policies, practices, or
10 services, when such accommodations may have been necessary to afford persons with
11 disabilities an equal opportunity to use and enjoy a dwelling in violation of 42 U.S.C. §
12 3604(f)(3)(B); and

13 d. coerced, intimidated, threatened, or interfered with persons in the exercise or
14 enjoyment of, or on account of their having exercised or enjoyed, their rights under the
15 Fair Housing Act, in violation of 42 U.S.C. § 3617.
16

17 41. The conduct of the City as described above constitutes (a) a pattern or practice of
18 resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. § 3601-3619, or
19 (b) a denial of rights to a group of persons that raises an issue of general public importance under 42
20 U.S.C. § 3614(a).
21

22 42. There are persons who have been injured by Defendant's discriminatory actions and
23 practices who are aggrieved persons as defined in 42 U.S.C. § 3602(i).

24 43. The Defendant's discriminatory actions were intentional, willful, and taken in disregard of
25 the rights of others.
26
27
28

COUNT II
Americans with Disabilities Act

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

44. The allegations in paragraphs 1-43, above, are incorporated herein by reference.

45. The United States Department of Justice has notified the City in writing that based on its investigation, it had determined that enforcement action was warranted because of violations of the ADA. Resolution of the United States' claims has not been achieved by voluntary means. All conditions precedent to the filing of this Complaint have occurred or been performed.

46. The United States Department of Justice is the federal agency responsible for administering and enforcing Title II of the ADA, 42 U.S.C. §§ 12131 *et seq.*

47. The Defendant, through the actions described above, has:

- a. excluded persons with disabilities from participation in and denied them the benefits of the services, programs, or activities of a public entity, in violation of 42 U.S.C. § 12132 and 28 C.F.R. § 35.130; and
- b. failed to make a reasonable modification in its policies, practices, or procedures, which resulted in the Defendant excluding persons with disabilities from participating in and denying them the benefits of the services, programs, or activities of the City of San Jacinto in violation of 42 U.S.C. § 12132 and 28 C.F.R. § 35.130(b)(7).

48. The Defendant's discriminatory actions were intentional, willful, and taken in disregard of the rights of others.

49. Persons who have been subjected to Defendant's conduct have suffered and will continue to suffer irreparable harm in the absence of relief.

PRAYER FOR RELIEF

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WHEREFORE, the United States prays that the Court enter an ORDER that:

1. Declares that the actions of the City of San Jacinto described above constitute violations of the Fair Housing Act, as amended, 42 U.S.C. §§ 3601 *et seq.*, and Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131 *et seq.*;
2. Enjoins the City of San Jacinto, its agents, employees, assigns, successors, and all other persons in active concert or participation with them, from enforcing its Zoning Code in a way that discriminates on the basis of disability in violation of the Fair Housing Act, as amended, 42 U.S.C. §§ 3601 *et seq.*, and Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131 *et seq.* and its accompanying regulations;
3. Enjoins the City of San Jacinto, its agents, employees, assigns, successors, and all other persons in active concert or participation with them, from failing to make reasonable accommodations in their policies, practices, rules, or services, as required by the Fair Housing Act and Americans with Disabilities Act, including accommodations that permit the establishment and operation of housing for persons with disabilities pursuant to 42 U.S.C. § 3604(f)(3)(B), 42 U.S.C. § 12132, and 28 C.F.R. § 35.130(b)(7);
4. Awards compensatory damages in an appropriate amount to aggrieved persons for injuries suffered as a result of the City of San Jacinto's failure to comply with the requirements of the Fair Housing Act and Americans with Disabilities Act; and

1
2 5. Assesses a civil penalty against the City of San Jacinto in an amount authorized by
3 42U.S.C. § 3614(d)(1)(C), in order to vindicate the public interest.

4 The United States further prays for such additional relief as the interests of justice may require.

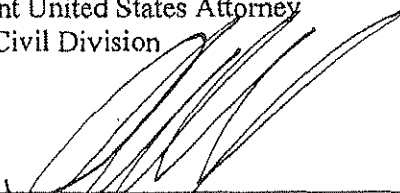
5
6
7 ERIC H. HOLDER, JR.
Attorney General


8
9 

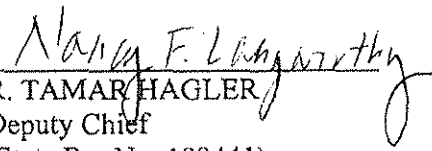
THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

10 ANDRÉ BIROTTE JR.
United States Attorney
11 Central District of California

12 LEON W. WEIDMAN
Assistant United States Attorney
13 Chief, Civil Division

14
15 
16 ROBYN-MARIE LYON MONTELEONE
Assistant United States Attorney
17 Assistant Division Chief
Civil Rights Unit Chief, Civil Division
18 (State Bar No. 130005)
Robby.Monteleone@usdoj.gov

19
20 
21 STEVEN H. ROSENBAUM
Chief, Housing and Civil Enforcement Section
22 Civil Rights Division

23
24 
25 R. TAMAR HAGLER
Deputy Chief
26 (State Bar No. 189441)
NANCY F. LANGWORTHY
27 Trial Attorney
U.S. Department of Justice
28 Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Avenue, N.W. – G Street
Washington, D.C. 20530
Phone: (202) 616-8925
Fax: (202) 514-1116
Nancy.Langworthy@usdoj.gov

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) United States of America	DEFENDANTS City of San Jacinto, California
---	---

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Nancy F. Langworthy, United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530; (202) 616-8925; Overnight Address: 1800 G Street, N.W., Suite 7002, Washington, D.C. 20006	Attorneys (If Known) Jeffrey Scott Ballinger, Esq. Parish A. Knox, Esq. Best Best & Krieger, 3500 Porsche Way, Suite 200, Ontario, CA 91764 (909) 483-6644
---	---

H. BASIS OF JURISDICTION (Place an X in one box only.) <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table border="0"> <tr> <td></td> <td>PTF</td> <td>DEF</td> <td></td> <td>PTF</td> <td>DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify): 6 Multi-District Litigation 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No MONEY DEMANDED IN COMPLAINT: Not Specified

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Federal Fair Housing Act, as amended, 42 U.S.C. 3601, et seq., and Title II of the Americans with Disabilities Act, Section 202, 42 U.S.C. 12132, et seq.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input checked="" type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Enpl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
---	--	---	--	--	--

EDCV12-1966

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District.*	California County outside of this District; State, if other than California; or Foreign Country

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District.*	California County outside of this District; State, if other than California; or Foreign Country
Riverside County	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District.*	California County outside of this District; State, if other than California; or Foreign Country
Riverside County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
 Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): Nancy E. Langwith Date November 9, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended, plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Virginia A. Phillips and the assigned discovery Magistrate Judge is Sheri Pym.

The case number on all documents filed with the Court should read as follows:

EDCV12- 1966 VAP (SPx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.



LOS ANGELES REGIONAL OFFICE
350 South Bixel Street, Suite 290
Los Angeles, CA 90017
Tel: (213) 213-8000
TTY: (800) 719-5798
Toll Free: (800) 776-5746
Fax: (213) 213-8001
www.disabilityrightsca.org

California's protection and advocacy system

December 9, 2012

Los Angeles City Council, Public Safety Committee:
Councilmembers Mitchell Englander, Jan Perry, Joe Buscaino,
Paul Krekorian, and Dennis P. Zine
200 N. Spring Street
Los Angeles, CA 90012

**Re: Proposed Ordinance on Community Care Facilities, et al.
Council File No. 11-0262**

Dear Members of the Public Safety Committee:

We write on behalf of Disability Rights California, and the people with disabilities whom it is our legal mandate to represent, to urge you to reject the Community Care Facilities ("CCF") ordinance.

On November 9, 2012 – just a month ago – the Department of Justice filed a lawsuit on behalf of the people of the United States against the City of San Jacinto, California on the grounds that San Jacinto had, *inter alia*, violated the Americans with Disabilities Act and the Fair Housing Act by passing an ordinance very similar to the one before you. San Jacinto, which is located in nearby Riverside County, had amended its zoning code to prohibit people from living together "under separate rental agreements or leases, either written or oral," in low-density residential neighborhoods of the City. As with the CCF ordinance, San Jacinto exempted "community care facilities" of six or fewer residents from these restrictions.

The CCF ordinance, like the one at issue in San Jacinto, would prevent people who share housing and need to be on separate leases from living in low-density residential areas of the City. As the Department of Justice's Complaint against San Jacinto (attached) explains, people with

DISABILITY RIGHTS LEGAL CENTER

December 9, 2012

Page 2 of 2

disabilities are more likely to live in shared housing; correspondingly, people who need to have separate leases within the same household are disproportionately people with disabilities.

As Disability Rights California and other organizations have explained in prior letters to the Council, the separate lease provision is one of a number of problems with the CCF ordinance, which, if passed, would violate fair housing laws, the Americans with Disabilities Act and similar state law provisions, state land use and zoning ordinances, and the state and federal constitutions. These letters include those from Disability Rights California to the Planning Commission, PLUM Committee, or the Council dated October 14, 2010; November 4, 2010; February 10, 2011; March 28, 2011; May 31, 2011; and March 20, 2012 and are hereby incorporated by reference.

When it accepts federal money such as HOME and CDBG funds, the City certifies to the federal government that it is affirmatively furthering fair housing. If the City fails to do so, the government can withdraw millions of dollars of federal funds. The Council would be inviting such repercussions if it passed an ordinance so similar to San Jacinto's after a Department of Justice fair housing lawsuit has been filed against that city. Before moving forward with the CCF ordinance, the Public Safety Committee must ask itself where in the City budget it might find a replacement for those millions of dollars.

The Americans with Disabilities Act, the Fair Housing Act, and other civil rights laws were enacted to promote equality for all people and to fight against segregation and other forms of discrimination. We hope that these are principles that the members of this committee stand behind, and that each of you will refuse to take actions based on fear and stereotype.

DISABILITY RIGHTS CALIFORNIA



Dara Schur, Director of Litigation
Autumn M. Elliott, Associate Managing
Attorney