

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

LAWRENCE COUNTY RECOVERY, LLC,
DONNA REYNOLDS, JAMIE REYNOLDS,
KATHY ROSS, MIKE ROSS,

Plaintiffs,

v.

VILLAGE OF COAL GROVE, OH, and
JAMES THOMAS HOLT IV, *in his individual
and official capacity,*

Defendants.

Case No.: 1:24-cv-00452

COMPLAINT

Jury Trial Demanded

INTRODUCTION

1. The plaintiffs in this case provide much-needed support services for people in recovery from substance use disorder in Lawrence County, Ohio. Rather than welcoming this vital community service, the defendants have relied on inaccurate and harmful stereotypes about people in recovery to limit and exclude recovery housing. The defendants have even gone so far as to impose criminal charges and daily fines against the plaintiffs for the provision of support services, requiring them to appear in court as criminal defendants, all because of the defendants' prejudice against the recovery community. The defendants' conduct unlawfully discriminates against people in recovery, who are protected as people with disabilities under state and federal law.

2. Plaintiff Lawrence County Recovery, LLC ("LCR," "Lawrence County Recovery," or "the Agency") is a fully licensed and accredited recovery service provider in southeastern Ohio. Plaintiffs Donna Reynolds, Jamie Reynolds, Kathy Ross, and Mike Ross (collectively "the Individual Plaintiffs") founded LCR upon the empirically proven notion that

people affected by substance use disorder can best maintain sobriety and stability in a supportive, integrated community environment.

3. As part of its mission to provide supportive services to Southeastern Ohioans, LCR operates two independent living homes in Coal Grove, Ohio. One has operated on High Street since May 2022 and the other on Pike Street since April 2023. Each home has capacity to provide a stable residence for up to six individuals in recovery from substance use disorder, a population that is protected as people with disabilities under federal and State law.

4. Defendants the Village of Coal Grove, Ohio (“Coal Grove” or “the Village”) and Village Solicitor James Thomas Holt (“Solicitor Holt”) are actively engaged in a discriminatory effort to exclude people in recovery from the Village. This effort includes banning all new recovery homes and services in Coal Grove, imposing invasive and onerous burdens on existing recovery providers, and targeting recovery providers for criminal scrutiny and even prosecution.

5. In June 2023, the Village of Coal Grove enacted a Moratorium and a raft of other zoning ordinances imposing new restrictions on recovery housing and services (collectively, “the Recovery Ordinances”). The Moratorium explicitly bans new sober living homes and other recovery services from opening in the Village for a period of one year, and the Village Council voted to extend the Moratorium for an additional 90 days on June 13, 2024. The Recovery Ordinances also require recovery homes to register with the Village, to submit a host of documents regarding their operations, and to receive unannounced inspections. Other groups of unrelated people remain free to live in the Village without restriction or registration requirements.

6. Defendants expressly relied on baseless stereotypes about people in recovery when enacting the new zoning ordinances. The Moratorium itself cites a purported (and

unproven) rise in homelessness and crime as a justification for its enactment. Before, during, and after enacting the Recovery Ordinances, Defendants painted people in recovery as dangerous outsiders and criminals who threaten peace and safety in Coal Grove. Village Council Members and Commissioners, as well as Solicitor Holt, directly invoked these stereotypes and ratified similar statements from other community members.

7. The commentary surrounding the Moratorium and the other Recovery Ordinances reflect that Defendants were concerned with *who* lives in recovery housing, not with land use or other traditional zoning matters.

8. Although LCR's Pike Street home had been open since April 2023, Defendants wrongly accused Plaintiffs of opening it in July 2023 in violation of the Moratorium. Starting in September 2023, Defendants relied on this falsehood to launch a discriminatory campaign against Plaintiffs. Defendants pursued criminal charges against Mrs. Reynolds and Mr. Ross—requiring them to face arraignment for trying to provide desperately needed behavioral health services—and imposed daily civil fines at a rate that would have soon threatened LCR's continued existence.

9. Coal Grove refused to abandon its baseless crusade even when confronted with documentary proof that both of LCR's recovery homes predated the Moratorium and were operating lawfully.

10. Defendants relented only when LCR specifically invoked the protections afforded to it as a housing provider for people with disabilities. Even then, Defendants insisted on limiting LCR's ability to serve the recovery community. In an off-the-record executive session, Defendants pressured LCR into a handshake agreement to allow just five residents per home in Coal Grove, and only if LCR agreed to *never* open another recovery home in the Village.

11. The result of many months of Defendants' vilification of people in recovery and of LCR's business, this agreement converted an ostensibly temporary ban on recovery services in Coal Grove—itsself a discriminatory and damaging enactment—into a lifetime ban on future LCR homes and services.

12. These overt and discriminatory acts by Defendants, taken because of the disabilities of the residents of LCR's recovery homes, have had and are continuing to have the purpose and effect of preventing LCR from operating at full capacity and providing additional recovery services to the people of Coal Grove.

13. The Moratorium also has an unjustified disparate impact on people with disabilities, who are disproportionately excluded from living in the Village as compared to non-disabled people.

14. Defendants have acted intentionally and willfully, with callous and reckless disregard for the rights of people with disabilities. Defendants' actions have harmed and are continuing to harm LCR by preventing it from fulfilling its mission of providing community-based recovery home options for people with substance use disorders in Lawrence County, including but not limited to financial, operational, and reputational harm, as well as depriving the organization of its rights under federal and state law. Defendants' actions have similarly caused, and are continuing to cause, financial, emotional, and reputational harm to the Individual Plaintiffs.

15. Defendants' conduct violates the Fair Housing Act, 42 U.S.C. § 3601 *et seq.*, the Americans with Disabilities Act, 42 U.S.C. § 12131 *et seq.*, and the Ohio Revised Code, Chapter 4112.

16. Plaintiffs seek a declaratory judgment, preliminary and permanent injunctive relief, and compensatory and punitive damages resulting from Defendants' discriminatory actions, as well as their reasonable attorneys' fees and costs.

JURISDICTION AND VENUE

17. This Court has subject matter jurisdiction of the federal claims asserted in this action under 28 U.S.C. § 1331 because the action arises under the laws of the United States, including the Fair Housing Act, 42 U.S.C. § 3601 *et seq.* and the Americans with Disabilities Act, 42 U.S.C. § 12132 *et seq.*

18. Under 28 U.S.C. § 1367, this Court has supplemental jurisdiction over Plaintiffs' claims under Ohio law because those claims arise from a common nucleus of related facts and are so related to the federal claims within the original jurisdiction of this Court that they form part of the same case or controversy.

19. Plaintiffs' claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201, 2202 and 1343, and by Rules 57 and 65 of the Federal Rules of Civil Procedure.

20. Under 28 U.S.C. § 1391(b), venue is proper in the Southern District of Ohio because all events and omissions giving rise to Plaintiffs' claims occurred in this District and all parties reside in this District.

PARTIES

21. Plaintiff Lawrence County Recovery, LLC is a domestic limited liability company, founded in 2019 and incorporated in the State of Ohio.

22. Plaintiff Donna Reynolds is a founder, owner, and executive director of Lawrence County Recovery. She resides in South Point, Ohio.

23. Plaintiff Jamie Reynolds is a safety officer for Lawrence County Recovery. He resides in South Point, Ohio.

24. Plaintiff Kathy Ross is a founder, intake coordinator, counselor, and case manager of Lawrence County Recovery. She resides in Pedro, Ohio.

25. Plaintiff Mike Ross is an owner and safety officer for Lawrence County Recovery. He resides in Pedro, Ohio.

26. Defendant James Thomas Holt IV is the Solicitor for the Village of Coal Grove. He is generally known as “JT Holt.” He resides in Ironton, Ohio. Upon information and belief, Solicitor Holt has no formal training in building inspections, code enforcement, or urban planning. Solicitor Holt is sued in his individual and official capacity.

27. Defendant Village of Coal Grove is a municipality located in Lawrence County, Ohio. The Village of Coal Grove is a public entity within the meaning of Title II of the Americans with Disabilities Act.

28. In acting or omitting to act as alleged herein, Coal Grove was acting through its Council Members, Commissioners, officers, employees and/or agents, who were acting within the scope of their actual or apparent authority. Coal Grove is liable based on their acts and omissions.

FACTS

The Need for & Benefits of Recovery Housing

29. Substance use disorder (“SUD”) is an urgent medical issue in Ohio. According to the Center for Disease Control’s (“CDC”) most recent estimates, Ohio has the 10th highest age-adjusted drug overdose mortality rate out of all 50 states and the District of Columbia.

30. In 2022, more than 5,100 Ohioans, or 45.6 people per 100,000 residents, died by overdose.¹ The CDC has also estimated that Ohio’s alcohol-related death rate is 29.2 people per 100,000 residents.²

31. Of Ohio’s 88 counties, Lawrence County had the fourth highest age-adjusted drug overdose mortality rate, losing 89.2 people per 100,000 residents to overdose deaths between 2020 and 2022. The County’s overdose mortality rate nearly doubles the statewide age-adjusted drug overdose mortality rate.³

32. Lawrence County borders West Virginia, which has the highest opioid mortality rate of any state.⁴ As of 2022, 80.9 out of every 100,000 West Virginians died by drug overdose.⁵ Yet Lawrence County’s drug overdose mortality rate is 10% higher than that of West Virginia.

33. Housing instability can increase the risk of overdose death.⁶ However, peer support for recovery, wherein people in recovery directly engage with others who have personal experience with the recovery process, helps prevent overdose.⁷

34. Recovery housing is part of the peer support model: Sober living environments have been shown to play a “substantive” role in the recovery process and are associated with

¹ CDC, *Drug Overdose Mortality by State*, https://www.cdc.gov/nchs/pressroom/sosmap/drug_poisoning_mortality/drug_poisoning.htm (last visited July 22, 2024).

² Marissa B. Esser, et al., *Deaths and Years of Potential Life Lost From Excessive Alcohol Use – United States, 2011–2015*, 69 *Morbidity and Mortality Weekly Report*, 1428–1433 (2020), https://www.cdc.gov/mmwr/volumes/69/wr/mm6939a6.htm?s_cid=mm6939a6_w.

³ Ohio Department of Health, *2022 Ohio Unintentional Drug Overdose Report*, <https://odh.ohio.gov/wps/portal/gov/odh/know-our-programs/violence-injury-prevention-program/media/2022-ohio-drug-overdose-report>.

⁴ *See supra* n.1

⁵ *See supra* n.1

⁶ Fiona Mercer, et al., *Peer Support and Overdose Prevention Responses: A Systematic ‘State-of-the-Art’ Review*, 18 *Int J Environ Res Public Health* 12073 (2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8621858/>.

⁷ *Id.*

“positive longitudinal outcomes.”⁸ Research also shows that recovery housing is associated with decreased substance use, reduced likelihood of return to use, lower rates of incarceration, higher income, increased employment, and improved family relationships.⁹

35. Beyond the therapeutic benefits of congregate living, group homes can also make recovery housing more affordable by lowering the per-person costs of housing.

36. As defined by the Substance Abuse and Mental Health Services Administration (“SAMHSA”), “[r]ecover houses are safe, healthy, family-like substance free living environments that support individuals in recovery from addiction. While recovery residences vary widely in structure, all are centered on peer support connection to services that promote long-term recovery.”¹⁰

37. Key components of recovery housing include, but are not limited to, the social model of recovery, peer support, accountability, relapse prevention strategies, and employment skills training as residents transition to living independently and productively in the community.¹¹

38. Recovery housing in Ohio is regulated by the Ohio Department of Mental Health and Addiction Services (OhioMHAS).

⁸ Douglas L. Polcin, et al., *What Did We Learn From our Study on Sober Living Houses and Where Do We Go from Here?*, 42 J. Psychoactive Drugs 425–433 (2010), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3057870/>.

⁹ See, e.g., Leonard A. Jason, et al., *Communal Housing Settings Enhance Substance Abuse Recovery*, 96 Am. J. of Pub. Health 1727–1729 (2006), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1586125/>.

¹⁰ SAMHSA, *Best Practices for Recovery Housing*, 9 (2019), <https://store.samhsa.gov/sites/default/files/pep23-10-00-002.pdf>.

¹¹ Ohio Department of Mental Health & Addiction Services, *Recovery Housing*, <https://mha.ohio.gov/supporting-providers/housing-providers/recovery-housing> (last visited July 22, 2024).

39. According to the Ohio Revised Code Section 340.01(A)(3), “Recovery Housing” means housing for individuals recovering from drug addiction that provides an alcohol and drug-free living environment, peer support, assistance with obtaining drug addiction services and other drug addiction recovery assistance.

40. The Departments of Justice and Housing and Urban Development consider recovery housing to be protected housing for people with disabilities.¹²

LCR’s History and Services

41. The Rosses and Reynolds started LCR because substance use disorder has personally and profoundly touched their own family. Kathy Ross and Donna Reynolds are sisters, and Kathy is herself in recovery. She became addicted to opioids after her doctor prescribed her Lortab for medical issues in 2007, and Mrs. Ross was ultimately incarcerated for conduct driven by her SUD.

42. Mrs. Ross entered treatment while she was incarcerated and has been in recovery ever since. While in treatment, Mrs. Ross learned for the first time that there are resources available to people with SUD.

43. When Mrs. Ross returned home from prison in 2012, she was determined to help other people battling addiction, so she began to work for a nonprofit that supports people in recovery. Through that work, Mrs. Ross developed a dream of opening her own recovery organization.

44. The Rosses and the Reynolds came together to make Kathy’s dream a reality: in 2019, the two families opened LCR together. The business is owned by Mr. Ross and the

¹² U.S. Dept of Just. and U.S. Dept of Hous. and Urban Dev., *State and Local Land Use Laws and Practices and the Application of the Fair Housing Act* (Nov. 10, 2016), <https://www.justice.gov/opa/file/912366/dl>.

Reynolds; although Mrs. Ross serves as Intake Coordinator for LCR, her conviction prevented her from serving as an owner.

45. LCR is a behavioral health agency focused on providing evidence-based substance abuse and mental health treatment. The agency's services including assessment, counseling, case management, crisis intervention, drug and alcohol testing, peer support services, and recovery housing. LCR's services are offered in a supportive and person-centered environment. LCR also offers two forms of recovery housing: independent living and sober living.

46. In the five years since its founding, LCR has grown to an organization that employs 90 people and has supported over 1500 people in recovery.

47. The Individual Plaintiffs all play active roles in LCR's day-to-day operations.

- a. Mrs. Ross serves as an intake coordinator, counselor, and case manager for LCR. She is an OhioMHAS-certified Peer Recovery Specialist, is a board-certified Chemical Dependency Counseling Assistant, and sits on the Lawrence County drug court.
- b. Mrs. Reynolds serves as executive director and as a peer recovery specialist for LCR. She holds Master's Degrees in Business and in Counseling and Education and is an Independently Licensed Substance Abuse Counselor. Before starting LCR, Mrs. Reynolds worked in foster care and then as a board-certified Chemical Dependency Counseling Assistant.
- c. Mr. Ross is a safety officer for LCR. He is an OhioMHAS-certified Peer Recovery Specialist and a board-certified Chemical Dependency Counseling Assistant.
- d. Mr. Reynolds is a safety officer for LCR.

48. Although not required by state or federal law, LCR is accredited by the Commission on Accreditation of Rehabilitation Facilities ("CARF"), an independent, nonprofit accreditor of health and human services. CARF issued a three-year accreditation to LCR in

January 2022. This accreditation covers the following services offered by LCR: assessment and referral; community housing; outpatient treatment; and residential treatment.

49. LCR is also a certified associate of Ohio Recovery Housing, the statewide affiliate of the National Alliance of Recovery Residences (“NARR”).

50. LCR also works in partnership with OhioMHAS and ADAMHS, the Adams, Lawrence, Scioto Counties Alcohol, Drug Addiction and Mental Health Services Board.

51. All LCR staff members have the requisite licenses and certifications for the positions they occupy.

52. LCR’s first office was in Coal Grove, on Marion Street. Until February 2023, LCR operated a women’s sober living home next door to their office. The agency is now headquartered in Ironton. From the Ironton office, LCR handles its outpatient services, e.g., case management and drug testing.

53. LCR has operated both sober living homes and independent living homes across Lawrence County since 2019 without issue or complaint, and the agency opened its first recovery housing in Coal Grove with the establishment of an independent living home in 2022.

54. An independent living home is akin to a “three-quarters way house”: an optional last stop for someone who has completed treatment but would like additional peer support before living on their own.

55. LCR’s independent living homes are “Level 1” houses as defined by NARR. Level 1 recovery residences are democratically run; prohibit drugs and alcohol; and maintain a recovery-supportive culture and community using house rules and peer accountability.¹³

¹³ National Alliance for Recovery Residences, *Levels (Types) of Recovery Residences*, <https://narronline.org/standards/> (last visited July 22, 2024).

56. To qualify for a bed in LCR's independent living houses, an applicant must have been employed for 60 days and establish a certain amount of savings. These requirements help ensure that residents will progress from LCR's houses to living on their own in due course.

57. LCR furnishes its independent living houses with a goal of making them feel like a true home where anyone would want to live.

58. The residents live together as a family unit—they divide up responsibilities for grocery shopping and chores. LCR requires residents to do at least two family dinners together a week, but residents often eat together every night.

59. Most of the residents also share bedrooms, which can increase peer accountability.

60. LCR does not permit overnight guests at its independent living houses, with one exception: the homes are designed so that residents' children may stay there.

61. LCR has a "good neighbor policy." The safety staff visit each home at least once a week and conduct safety inspections, and LCR hires a yard crew to maintain the exteriors of their homes. Residents also complete a status form each week to flag anything that needs to be repaired. LCR's homes look and function like any other family house in the neighborhood.

62. LCR's site leads visit each independent living house at least once a day to make sure everything is in order. LCR staff members also visit the houses regularly to provide transportation to residents.

63. Residents are required to attend at least one self-help meeting a week so that each person has support through a sponsorship family.

64. LCR mandates random drug testing for all residents, which it administers from its outpatient office.

LCR's Coal Grove Housing

65. LCR operates two men's independent living homes in Coal Grove, each of which has space for up to six residents.

66. LCR opened its first house in Coal Grove on High Street in May 2022. Since that time, there has consistently been a waitlist for space in the house, and LCR has had to turn down potential residents.

67. Because of this demand and the obvious need for more recovery housing, LCR opened a second independent living house in Coal Grove in April 2023, this time on Pike Street.

68. LCR first began looking for a second house in March 2023, when it learned that the Marion Street office and attached sober living home needed to be vacated. LCR began looking for a new house and got in touch with Mark DeLong, the then-owner of the Pike Street house.

69. LCR first evaluated a long-term rental of the Pike Street house but ultimately decided to purchase the house outright instead.

70. LCR obtained insurance coverage for the Pike Street house on March 30, 2023 and took possession of the Pike Street house in April 2023.

71. LCR notified the Ohio Department of Jobs and Family Services of the new location in March 2023.

72. LCR purchased supplies for the new residents throughout April and May.

73. In April, LCR's residents moved into the house, and from that point forward, LCR operated the Pike Street house as one of its independent living homes, subject to the rules and policies described above.

74. Mr. Delong deeded the property to LCR in May 2023, when the purchase was finalized. The one-month lag between possession and purchase was caused by the unavailability of a surveyor to visit the property until the end of April 2023.

75. As part of the purchase agreement, Mr. Delong agreed to replace the windows and siding on the house. He began these repairs on June 18, 2023 and completed them by July 30, 2023.

76. During construction, LCR's clients could not stay in the house, but they left their personal belongings inside while the work was completed and the Pike Street house remained their place of residence.

77. Even now, with two operational houses, LCR has a six-week waitlist for beds in their Coal Grove independent living homes.

The Village Enacted Zoning Ordinances to Limit and Exclude Recovery Housing

78. Solicitor Holt, in his individual capacity and his official capacity as an officer of the Village of Coal Grove, has spearheaded a discriminatory campaign to limit and exclude recovery housing from Coal Grove.

79. Throughout 2022 and 2023, the Coal Grove community conversations reflected concern with recovery housing, much of which was based on harmful stereotypes about people in recovery and indicated a desire to exclude this population.

80. Solicitor Holt was a significant driver of these conversations. He made public comments about recovery providers being fraudulent and/or profit-driven businesses. There was also discussion of recovery housing driving down property values in Coal Grove, indicating that these homes should be perceived negatively.

81. Upon information and belief, Solicitor Holt is the administrator of the popular “Larry County” Facebook page and has posted memes and comments that denigrate recovery providers (or, as he called them, “rehab”) for “keep[ing] drug addicts in our community.”

82. As a result of this untrue and negative commentary, LCR received calls asking if their residents are violent or dangerous.

83. In early 2023, a fight at an adult group home in neighboring Ironton led to the death of a resident. Even though the fight had nothing to do with SUD and did not take place in recovery housing, this sad event paved the way for Solicitor Holt to push for regulation of recovery housing in Coal Grove.

84. Prior to June 2023, Coal Grove’s Zoning Ordinances did not specifically regulate housing for people in recovery. The Ordinance permitted single-family dwelling in all districts and defined “family” as “[a]ny number of persons living together as a single housekeeping unit.”¹⁴

85. Residential District A permits only single-family homes. Residential District B, the Business District, and the Industrial District permit both single-family homes and general “dwelling,” which is defined as “[a]ny house, building, or portion thereof designed for or occupied by one or more beings as a residence.”

86. On June 13, 2023 the Coal Grove Planning Commission held a “workshop” to discuss new ordinances to regulate recovery housing.

87. The June 2023 ordinances were based on discriminatory stereotypes about people in recovery. For example, the Minutes from Planning Commission’s workshop expressly link the

¹⁴ Council of the Village of Coal Grove, *Ordinance 12-07: Zoning Ordinance for the Village of Coal Grove*, 39 (Sept. 18, 2007), <https://perma.cc/T9QD-FTAD>.

recovery-related ordinances to a need to “protect the safety of the public,” wrongly implying that people who wish to live in sober housing are dangerous criminals.

88. On June 22, 2023, the Village Council enacted a raft of ordinances that expressly regulate—and exclude—housing for people in recovery.

89. First, the Village Council enacted Ordinance 2023-10, which amended the definition of a “family.”¹⁵ The amended definition provides that “‘Family’ shall be defined as one or more persons occupying a dwelling. A family shall not contain more than three individuals unless all members of said family are related by blood, marriage, or adoption.” Whereas previously “any number” of unrelated people could live together in a single-family home, now just three unrelated people can live together in a single-family home.

90. Ordinance 2023-10 was subsequently signed by the Mayor and the Clerk of Council and made effective immediately. The Coal Grove Planning unanimously approved Ordinance 2023-10 on June 28, 2023.

91. Because Residential District A is limited to “single-family dwelling,” a new recovery home with four or more people would not comply with Coal Grove’s Zoning Ordinance.

92. Second, the Village Council enacted Ordinance 2023-11, which requires “[a]ll entities and/or locations operating as Group Residential Homes or Facilities and Addiction/Substance Abuse Treatment Providers” to submit proof of accreditation and/or

¹⁵ Council of the Village of Coal Grove, *Ordinance 2023-10: An Ordinance Amending Coal Grove Village Ordinance 1151.01(15) Defining “Family” Within the Coal Grove Zoning Code, and Declaring an Emergency* (June 22, 2023), <https://perma.cc/N5NY-DSFM>.

licensures from OhioMHAS, National Alliance for Recovery Residences, Oxford House, and/or the Commission on Accreditation of Rehabilitation Facilities.¹⁶

93. Ordinance 2023-11 also requires recovery housing providers to submit occupancy permits, fire permits, and any other applicable licensures, and provides for inspection of recovery housing “by the Village Zoning Administrator and Village Fire Chief or proper designee upon reasonable notice and not less than once each six months.”¹⁷

94. These submissions are considered public records and may be subject to Freedom of Information Act requests, meaning that the addresses of recovery houses are discoverable to the general public. Given the stigma associated with SUD, there is a therapeutic benefit to privacy, which is undermined by the discoverability of the location of recovery homes.

95. There is no similar submission requirement for other groups of unrelated people who reside together in a house in Coal Grove, nor are such groups subjected to random inspections of their homes.

96. Noncompliance with Ordinance 2023-11 is “an unclassified misdemeanor punishable by a fine of up to \$1,000.00.” Each day of noncompliance counts as a discrete violation.

97. Ordinance 2023-11 was subsequently signed by the Mayor and the Clerk of Council and made effective immediately. The Coal Grove Planning Commission unanimously approved Ordinance 2023-11 on June 28, 2023.

¹⁶ Many recovery housing providers follow the Oxford House model or have NARR accreditation, but not both, because the approaches are distinct.

¹⁷ Council of the Village of Coal Grove, *Ordinance 2023-11: An Ordinance Requiring Group Residential Treatment Homes or Facilities and Addiction/Substance Abuse Treatment Providers to Provide Proof of Certification, and Declaring an Emergency* (June 22, 2023), <https://perma.cc/FSD2-V93Z>.

98. Third, the Village Council enacted Ordinance 2023-12 (“the Moratorium”), which imposed “registration requirements for Group Residential Homes or Facilities and Addiction/Substance Abuse Treatment Providers” as well a “one year moratorium on the establishment of additional and/or new Group Residential Homes or Facilities and Addiction/Substance Abuse Treatment Providers located within the Village of Coal Grove.”¹⁸

99. Any recovery home, facility, or treatment provider covered by the Moratorium must register with the Village of Coal Grove by disclosing its physical address, the number of residents, and the number of staff. This registration must be renewed annually.

100. There is no similar registration requirement for other groups of unrelated people who reside together in a house in Coal Grove.

101. “Group Residential Home(s) or Facility(ies)” are defined as “any home, location, place, or site where persons are located for housing by an addiction and/or substance abuse provider or a residential services and/or residential disabilities provider.”

102. The express terms of the Moratorium thus forbid any new recovery housing from opening during its pendency.

103. There is no similar prohibition for other groups of unrelated people who seek to reside together in a house in Coal Grove.

104. Now, everywhere in Coal Grove except the Residential A district, four or more unrelated adults can move into a house together, without any permits, certifications, registration

¹⁸ Council of the Village of Coal Grove, *Ordinance 2023-12: An Ordinance Establishing Registration Requirements for Group Residential Treatment Homes or Facilities and Addiction/Substance Abuse Treatment Providers, and Imposing A Moratorium Upon the Establishment Of Additional and/or New Group Residential Homes or Facilities and Addiction/Substance Abuse Treatment Providers, and Declaring An Emergency* (June 22, 2023), <https://perma.cc/B77P-KXDQ>.

requirements, or restrictions. A group of four or more unrelated adults who want to live together in a recovery house would be barred from these same houses.

105. The Moratorium also specifically bars new “outpatient” treatment providers. Other types of businesses may open offices in the Business and Industrial Districts of Coal Grove, consistent with the Zoning Ordinance.

106. The Moratorium applies across the entire Village of Coal Grove.

107. The text of the Moratorium describes the cause of its enactment as an “increase in homelessness in the area and criminal complaints during the preceding 16 months within the Village of Coal Grove that have increased the demand for and use of public resources in the Village of Coal Grove.” No evidence was presented at this meeting, nor at any other time, to corroborate the purported rise in crime and/or homelessness.

108. Even if the Village had presented some justification for its regulation of recovery housing—which it did not—a Moratorium is more restrictive than necessary. Instead of a categorical ban, the Village could evaluate recovery housing on a case-by-case basis.

109. The Moratorium makes noncompliance “an unclassified misdemeanor punishable by a fine of up to \$1,000.00.” Each day of noncompliance counts as a discrete violation.

110. The Moratorium was subsequently signed by the Mayor and the Clerk of Council and made effective immediately. The Coal Grove Planning unanimously approved Ordinance 2023-12 on June 28, 2023.

111. LCR’s independent living homes in Coal Grove fit within the definition of “Group Residential Homes.”

112. The Moratorium does not require closure of recovery housing that existed at the time of its enactment but, by virtue of the Moratorium, LCR must register its recovery housing

and cannot open any new recovery housing in Coal Grove. LCR is also prohibited from opening any outpatient facilities in Coal Grove, such as an office downtown for case management and support meetings.

LCR Immediately Complies with the New Ordinances

113. LCR first learned about the three new zoning ordinances via Facebook on July 3, 2023. The Licensing Ordinance and the registration requirements in the Moratorium apply to LCR's two recovery homes in Coal Grove.

114. That same day, Mrs. Ross and Mrs. Reynolds went to the Village Council's office to comply with the registration requirements. They submitted the recovery home addresses, the number of residents, information about who held title to the houses. The next day, LCR submitted proof of their accreditations and licenses via email.

115. On July 18, Solicitor Holt attempted an unannounced inspection of LCR's High Street recovery house even though he is not identified as someone with inspection capacity in the Recovery Ordinances and even though he has no expertise in building inspections. The residents declined to let him enter.

116. LCR attended the July 27 Village Council meeting to inquire whether there were any concerns with their recovery homes. Mrs. Ross spoke for over an hour, answering questions about LCR's services. When asked whether LCR's independent living homes had created any problems, Village officials could not identify any incidents or issues. Andy Holmes, Mayor of Coal Grove, even commended the way LCR maintains its properties.

117. Village Council Members nevertheless reasserted the same prejudices against recovery housing. For example, Councilmember Tim Sexton asserted that recovery housing should not be permitted in the Village. Other Village officials asserted that the Recovery

Ordinances were necessary because recovery housing was driving an increase in crime, vagrancy, and homelessness. Attendees said they feared recovery residents, whom they referred to as “backpack bandits” or members of the “backpack army.”

Coal Grove Continues to Disparage Recovery Homes

118. On August 7, 2023, then-Code Enforcement Officer Seth Summers cited a recovery service provider operating in Coal Grove, United Family Recovery, for allegedly operating in violation of the Moratorium. This was the first such citation issued.

119. On September 14, 2023, Coal Grove began to target and harass Plaintiffs because of their role as a recovery housing provider.

120. At a Village Council meeting, Council Members discussed whether LCR had been operating the independent living home located on Pike Street before the passage of the Moratorium and whether this home should be “grandfathered” into compliance with the new ordinances.

121. During this meeting, Council Members acknowledged that LCR had possession of the property on Pike Street as early as April and had obtained insurance coverage and other operational necessities prior to the Moratorium’s passage.

122. Council Members incorrectly said that the Pike Street home had not been operating before the Moratorium was passed, stating that the home had been unoccupied and under renovation at the time of the Moratorium’s passage.

123. In fact, LCR residents had lived in the Pike Street home starting in April 2023, prior to the passage of the Moratorium, and had only briefly relocated during renovation that occurred from approximately mid-June to July 2023.

124. During this meeting, Village Council Members further asserted that LCR's Pike Street home was violating Ordinance 2023-10, which prohibits more than three unrelated people from living together in a residential home.

125. While discussing LCR and other recovery service providers during this meeting, Council Members and Solicitor Holt made statements evincing their discriminatory beliefs about people in recovery, the same misconceptions that motivated the passage and enforcement of the Moratorium and the other Recovery Ordinances.

126. These statements were premised on baseless stereotypes about people in recovery.

127. Council Members' statements indicated that people in recovery are undesirable and do not work for a living. For example, Mayor Andy Holmes stated that people in recovery living in Coal Grove were "changing the demographics of our Village." And while discussing apparent sightings of recovery residents walking around at night, Council Member Kim McKnight stated that "No normal person who works a 9-to-5 job does anything [like that]."

128. In response to Solicitor Holt's comment that "These people all do meth and heroin, and fentanyl," Council Member McKnight replied, "Yeah, cocaine's too expensive for these people," and Solicitor Holt replied, "And heroin's too expensive for these people!"

129. Minutes later in the meeting, Council Members complained that residents of recovery homes were overrepresented in jobs in local businesses. Solicitor Holt stated, "If you want to get drugs, just go to the kitchen at any of these restaurants."

130. Council Members portrayed both people in recovery and recovery service providers as dangerous criminals. Council Member McKnight stated that recovery home residents were "up to no good." Speaking about recovery service providers, Solicitor Holt stated

that “about half of them are ex-felons.” This comment appeared to be directed at Mrs. Ross specifically.

131. Council Members also made statements indicating that people in recovery are undesirable and are not part of the Coal Grove community. Solicitor Holt stated, “We’re becoming a colony, we really are. Like, you know, Australia, they sent—England sent everybody down there they didn’t want. That’s what’s happening in our side of Lawrence County.”

132. Mayor Andy Holmes said it was “encouraging” that recovery providers are “giving up” on residential areas and focusing on commercial districts, indicating that people in recovery should not live in traditional neighborhoods.

Coal Grove Law Enforcement Begins to Target LCR Staff, Clients, and Residents

133. Starting shortly before the time the Moratorium and other ordinances were passed, LCR began to notice an increased law enforcement presence around its residential recovery homes and its office providing recovery services in downtown Coal Grove.

134. From mid-summer through fall of 2023, four out of the five residents in LCR’s High Street location at the time were pulled over by law enforcement and ticketed for minor traffic infractions. As far as Plaintiffs are aware, these residents previously had no interaction with law enforcement while they were living in LCR’s High Street home. Residents who later moved out of LCR housing also reported to Plaintiffs that they had no interaction with law enforcement after they moved into non-LCR independent housing. The timing of residents’ law enforcement interactions indicate that the interactions are directly linked to LCR’s operation of recovery housing in the wake of the Recovery Ordinances.

135. One resident first lived in a recovery home in nearby South Point, Ohio, where he experienced no law enforcement interactions. When the resident moved into one of LCR’s Coal

Grove homes, he was pulled over twice. The resident now lives on his own in Coal Grove and reports that since leaving the Pike Street house, he has had no further interactions with law enforcement.

136. On at least one occasion in late summer through fall 2023, a Coal Grove squad car parked at the end of the driveway of LCR's High Street home for several hours without an apparent reason.

137. During this time, Coal Grove law enforcement also increased patrolling at LCR's Pike Street home.

138. LCR staff members reported that they experienced a sudden spate of traffic stops by Coal Grove law enforcement from mid-summer through fall of 2023.

139. LCR residents began calling Kathy Ross to ask whether things were okay and expressing concern because they had noticed increased law enforcement presence around the homes. Residents expressed fear that it was no longer safe to live in LCR housing.

140. The increased law enforcement monitoring has caused Plaintiffs to lose client referrals due to resulting negative perceptions of the business. One potential LCR resident refused to live in LCR's Coal Grove homes because the resident was concerned about law enforcement presence.

141. Increased law enforcement interactions are especially harmful for LCR's clients in recovery. Some clients or residents may be subject to parole or probation requirements that are jeopardized by police interactions, even minor traffic stops. Some have experienced negative encounters with police in their recovery journeys and are fearful of officers.

142. Many residents are sensitive of maintaining their reputation in the community as respectful neighbors who are staying clean and sober. Increased law enforcement activity can create the false perception that LCR residents are not succeeding in their recovery journey.

143. The increased law enforcement presence around LCR's Coal Grove office and residential homes did not reflect, and still has not reflected, an actual increase in violence or criminal activity.

144. LCR clients, residents, and staff report that their law enforcement interactions have now decreased from the most heightened levels. As of July 2024, however, they report that these interactions are still taking place at a higher frequency than before the Village began discussing the Moratorium and disseminating negative stereotypes about people in recovery.

145. Upon information and belief, this increased law enforcement scrutiny is a direct result of the Recovery Ordinances and Defendants' discriminatory stereotyping of people in recovery.

Coal Grove Prosecutes LCR for Operating Housing Protected by Federal Law

146. In October 2023, Defendants ratcheted up their discrimination by claiming that LCR's Pike Street house violated all three of the Recovery Ordinances.

147. At Solicitor Holt's express instruction, Mr. Summers took code enforcement action against Plaintiffs on behalf of the Village. Mr. Summers began by approaching LCR staff to request documentation demonstrating that the Pike Street house was operating before the Moratorium was passed in June 2023. LCR provided Mr. Summers with numerous such documents, including electric and water bills showing that the home was hosting residents since April 2023.

148. The former owner of the Pike Street house, Mark Delong, gave evidence to Coal Grove in the form of a sworn affidavit that the home was first occupied by LCR residents in April 2023, when he sold it to LCR.

149. Solicitor Holt instructed Mr. Summers to issue citations against LCR, notwithstanding this proof.

150. On November 3, 2023, the LCR owners (Plaintiffs Donna Reynolds and Mike Ross) were charged with misdemeanors for opening a new recovery home in violation of the Moratorium.

151. These misdemeanor charges triggered criminal court prosecutions of Mrs. Reynolds and Mr. Ross.

152. The Village also cited LCR for permitting more than three unrelated people to live together in violation of Ordinance 2023-10, and for operating the home on Pike Street without accreditation, in violation of Ordinance 2023-11.

153. As part of these citations, the Village imposed a fine on LCR of \$250 per day, accruing each day that the Village considered the violation to persist. The daily fines on LCR—the equivalent of over \$91,000 per year—posed a serious financial threat to the agency.

154. While the Village was pursuing charges and citations against Plaintiffs, the Village Council went to the neighboring houses to take statements with a goal of eliciting damaging statements about LCR and its residents.

155. Despite the Council's efforts, neighbors were overwhelmingly supportive of LCR and its clients. Neighbors told Village officials that they had never experienced problems with residents since LCR had opened its homes in Coal Grove.

156. On November 13, 2023, an arraignment for the misdemeanor charges against Mrs. Reynolds and Mr. Ross was held in Ironton Municipal Court. A pretrial hearing was set for November 30, 2023. Mrs. Reynolds had never had an interaction with the criminal legal system and was distressed not only by the experience itself but by the infraction on her record. Mr. Ross was similarly distraught at facing prosecution after the toll his wife's incarceration took on his family.

157. At the same time, the Village imposed civil fines on Plaintiff Jamie Reynolds for allegedly violating Ordinance 2023-10 for allowing more than three unrelated people to reside in LCR's High Street home. While he is not an owner of LCR, Mr. Reynolds holds the title to the High Street home.

158. Mr. Reynolds was subject to fines of \$500 per day for this alleged violation, accruing each day that the Village considered the violation to persist. If collected, these fines would have put Mr. Reynolds at risk of debt or insolvency.

159. Plaintiffs disputed their charges and citations and thus did not make immediate payment.

160. LCR also presented documentation that the Pike Street house had been in operation since before the Moratorium. Defendants did not retract their charges or citations even when presented with proof of compliance.

161. Plaintiffs were forced to expend significant time and money to address the charges and fines imposed by the Village, including legal fees.

LCR Appeals the Citations

162. On November 27, 2023, through their attorney, Plaintiffs submitted an appeal to the Board of Zoning Appeals of Ohio to challenge their individual charges and citations.

163. The appeal asserted Plaintiffs' rights as housing providers for people with disabilities, arguing that Coal Grove's ordinances violated federal antidiscrimination law. Plaintiffs also requested a reasonable accommodation to Ordinance 2023-10 to accommodate five residents instead of only three, as allowed by the ordinance.

164. The appeal also challenged the Recovery Ordinances as improperly enacted and challenged then-Code Enforcement Officer Summers' authority to issue citations to LCR.

165. The Board of Zoning Appeals never considered Plaintiffs' appeal at a hearing. Instead, on December 14, 2023, the Village held an off-the-record executive session to address Plaintiffs' charges and citations.

166. Plaintiffs Donna Reynolds, Jamie Reynolds, Kathy Ross, and Mike Ross were present at the executive session, along with their attorney. Other LCR staff, family members, and media reporters showed up to observe this meeting, but Village officials told them that they were not permitted to attend.

167. The Village Planning Commission, Village Council, and Solicitor Holt were present at the executive session.

168. The contractor who performed renovations on LCR's Pike Street home around the time of the Moratorium's passage was present at the executive session to give testimony about residents living in the home prior to the Moratorium.

169. At this meeting, the Village made Plaintiffs choose between two bad options: either continue to face criminal prosecution and civil fines or agree to cap LCR's existing two independent living homes at five people and to *never* open more recovery housing in the Village.

170. Fearing the specter of a public criminal trial, financial ruin, and further disruption to their lives, Plaintiffs agreed to limit their operations in Coal Grove. The agreement means

their independent living homes have fewer residents—10 across the two houses instead of 12—and that LCR cannot find new ways to serve Coal Grove’s recovery community, such as by constructing additional housing.

171. This agreement essentially transformed Coal Grove’s temporary Moratorium on recovery homes into a lifetime ban on LCR opening new recovery homes in Coal Grove.

172. Mayor Holmes then exacerbated the harm by discussing this agreement in the local newspaper. By doing so, he amplified the charges and citations, the existence of which implied LCR had engaged in wrongdoing when it had not.

173. Months later, on February 9, 2024, prosecutors dismissed the charges against Mrs. Reynolds and Mr. Ross by *nolle prosequi*. However, these charges remain publicly visible as of August 23, 2024.

Defendants’ Discrimination Remains Ongoing

174. The Moratorium and other Recovery Ordinances remain in place, as does the Village’s indefinite, LCR-specific ban on additional recovery services. In fact, even after LCR made the Village aware that its conduct constitutes unlawful discrimination, the Village voted to extend the Moratorium by an additional 90 days.

175. There is currently a six-week waiting list for beds in LCR’s Coal Grove homes, due in part to referrals from within the Coal Grove community. Yet LCR cannot open up the additional beds in its current independent living homes, nor can it expand its services within Coal Grove to assist the Village as it fights the opioid epidemic in Southeastern Ohio.

INJURY TO PLAINTIFFS

Injury to LCR

176. As a direct result of the conduct described above, LCR has suffered, continues to suffer, and will in the future suffer, great and irreparable loss and injury, including, but not limited to economic losses, reputational injury, and interference with its mission to serve Coal Grove through recovery housing and services.

177. Because Defendants have capped the number of residents who may live at LCR's existing sober living homes at five residents instead of six, the agency is losing approximately \$400 a month in rental payments, money which could be used to support the provision of additional recovery services.

178. Moreover, the agency has been prevented from constructing additional recovery housing on lots that it owns in Coal Grove, and thus deprived of the associated revenue.

179. Because the Moratorium prevents additional recovery housing and treatment, LCR cannot expand its operations in Coal Grove, and thus is losing revenue that it would otherwise earn and be able to reinvest in its clients and services.

180. LCR also expended time and resources toward contending with Defendants' discrimination. When the Individual Plaintiffs lost time to hearings, council meetings, legal consultations, and research, other staff members had to take on extra responsibilities. This diversion of resources meant that fewer resources were available to LCR's clients.

181. LCR also incurred hard costs because of Defendants' conduct. For example, LCR had to pay a lawyer to represent its employees in the criminal proceedings.

182. LCR also had to hire additional Safety and Security Staff and purchase extra security hardware (e.g., cameras) to protect its residents.

183. Defendants' actions have exposed LCR both to community hostility and to false understandings of persons who are in recovery as dangerous, which incorrectly implies that LCR's business is disreputable.

184. At least one person in recovery has told LCR they will not move into one of the agency's independent living houses in Coal Grove because of the heightened scrutiny associated with the Village's baseless prosecution. LCR had to hire a Director of Social Development to do damage control and is now doing podcasts to educate the public.

185. Most critically, Defendants' actions have prevented LCR from achieving its mission and purpose of serving the recovery community in Coal Grove by limiting the amount of housing and services that the agency can provide.

Injury to the Individual Plaintiffs

186. As a direct result of the conduct described above, each of the Individual Plaintiffs has suffered, continues to suffer, and will in the future suffer compensable harm, including but not limited to emotional distress and reputational injury.

187. This harm includes but is not limited to pain, humiliation, anxiety, and stress.

188. For example, Mrs. Reynolds has felt overwhelming anxiety and stress since July 2023. She has lost sleep and appetite during this period.

189. Defendants have inflicted reputational harm on Mrs. Reynolds, including by harming her business's standing and by subjecting her to individual criminal charges.

190. Mr. Reynolds has experienced overwhelming anxiety because of the Village's conduct.

191. Mr. Reynolds, a lifelong Coal Grove resident, has endured social ostracization and reputational harm because of his role and association with LCR. He received calls accusing

him of putting his friends and community in danger by allowing “criminals” to live in recovery homes.

192. The Reynolds have a teenage child who attends Coal Grove public schools, and because of Defendants’ treatment of Plaintiffs, Mrs. Reynolds’ daughter has been repeatedly harassed about whether her mother was “going to jail.” The Reynolds are deeply concerned about their daughter’s health and well-being in the face of this ordeal.

193. As another example of reputational harm, when the Reynolds purchased land in Ironton so that they could build a home and live closer to work, they and their realtor faced opposition and baseless allegations. Because of this negative response, the Reynolds have not started to build, and the land still remains vacant.

194. The Rosses have experienced anxiety and sleep loss since June 2023. They additionally felt embarrassment and self-doubt because Defendants’ actions wrongly called into question their competence and their integrity. This is the first time that Mr. Ross has experienced anxiety. For Mrs. Ross, the specter of prosecution reminded her of the trauma of her previous incarceration. The stress on the Rosses was so great that they temporarily separated.

195. Defendants have also harmed the Rosses’ reputations, including by implying that people in recovery (like Mrs. Ross) are dangerous criminals; by subjecting Mr. Ross to individual criminal charges; and by harming their business’s standing.

196. Defendants’ conduct also interfered with the Individual Plaintiffs’ daily lives. All the Individual Plaintiffs expended significant time and injury to responding to Defendants’ discrimination, all of which unfolded in the public eye. Responding to Defendants took them away from their regular work, time with their families, and the other necessities of life.

197. The Individual Plaintiffs have been afraid to go on family trips in case something jeopardizes their clients, staff, or operations in their absence.

198. The Individual Plaintiffs have faced invasive questions from the community, such as when a coach at her daughter's school approached Mrs. Reynolds to ask about the legal charges.

199. Even now, the misdemeanor charges are publicly searchable, continuing to expose the Individual Plaintiffs to embarrassment and the repercussions of having a criminal record.

CAUSES OF ACTION

Count I: Unlawful Discrimination in violation of the Fair Housing Act; 42 U.S.C. § 3604 (All Plaintiffs against all Defendants)

200. Plaintiffs reallege and incorporate by reference all above paragraphs as if fully set forth herein.

201. Defendants' actions described in this Complaint unlawfully discriminate on the basis of disability in violation of the federal Fair Housing Act, 42 U.S.C. § 3601 *et seq.* The Fair Housing Act "is a clear pronouncement of a national commitment to end the unnecessary exclusion of persons with handicaps from the American mainstream. It repudiates the use of stereotypes and ignorance, and mandates that persons with handicaps be considered as individuals. Generalized perceptions about disabilities and unfounded speculations about threats to safety are specifically rejected as grounds to justify exclusion . . ." H.R. Rep. No. 711, 100th Cong., 2d Sess. 18 (1988), reprinted at 1988 U.S. Code Cong. & Admin. News 2173, 2179.

202. Plaintiffs are, or are associated with, individuals with "handicaps" within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(h).

203. Defendants' acts as described herein violate 42 U.S.C. § 3604(f) by, among other acts:

- a. Discriminating or otherwise making a dwelling unavailable because of a disability, in violation of 42 U.S.C. § 3604(f)(1);
- b. Discriminating in the terms, conditions, and privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of disability, in violation of 42 U.S.C. § 3604(f)(2).

204. The Recovery Ordinances facially discriminate against individuals in recovery.

205. The Recovery Ordinances were enacted in an intentional effort to limit housing for individuals in recovery.

206. Defendants' acts alleged herein had, and continue to have, a disparate impact on people with a qualified disability and the ability of such individuals to secure housing.

207. Defendants' actions are not justified by any legitimate, non-discriminatory interest or rationale. Even if Defendants' actions could be justified, there exist less discriminatory alternatives.

208. Defendants' actions were intentional, wanton, malicious, and/or done in reckless disregard of the civil rights of Plaintiffs and LCR's clients.

209. Defendants' acts in violation of the Fair Housing Act caused Plaintiffs' injuries as detailed above.

**Count II: Unlawful Discrimination in violation of the Americans with Disabilities Act; 42 U.S.C. § 12131, et seq.
(All Plaintiffs against all Defendants)**

210. Plaintiffs reallege and incorporate by reference all above paragraphs as if fully set forth herein.

211. Plaintiffs are, or are associated with, qualified people with disabilities as defined in 42 U.S.C. § 12131(2).

212. Defendants' acts violated Title II of the Americans with Disabilities Act and its implementing regulations by discriminating against Plaintiffs on the basis of disability by, among other acts:

- a. Subjecting Plaintiffs to discrimination and/or exclusion by reason of such disability, and denying them participation in, or benefits of, services, programs, or activities of a public entity in violation of 42 U.S.C. §§ 12131 and 12132.

213. The Recovery Ordinances facially discriminate against individuals in recovery.

214. The Recovery Ordinances were enacted in an intentional effort to limit housing for individuals in recovery.

215. Defendants' acts alleged herein had, and continue to have, a disparate impact on people with a qualified disability and the ability of such individuals to secure housing.

216. Defendants' actions are not justified by any legitimate, non-discriminatory interest or rationale. Even if Defendants' actions could be justified, there exist less discriminatory alternatives.

217. Defendants' actions were intentional, wanton, malicious and made with animus and/or reckless disregard of the civil rights of Plaintiffs and LCR's clients.

218. Defendants' acts in violation of the Americans with Disabilities Act caused Plaintiffs' injuries as detailed above.

**Count III: Unlawful Discrimination in violation of Ohio Rev. Code § 4112.02(H)
(All Plaintiffs against all Defendants)**

219. Plaintiffs reallege and incorporate by reference all above paragraphs as if fully set forth herein.

220. Plaintiffs are, or are associated with, individuals with a "disability" within the meaning of Ohio Rev. Code § 4112.01(A)(13).

221. Defendants' acts as described herein violate Ohio Rev. Code § 4112.02(H) by, among other acts:

- a. Discriminating in the sale or rental of, or otherwise making unavailable housing accommodations because of a disability, in violation of Ohio Rev. Code § 4112.02(H)(15);
- b. Discriminating in the terms, conditions, and privileges of the sale or rental of housing accommodations, or in the provision of services or facilities in connection with such housing accommodations, because of disability, in violation of Ohio Rev. Code § 4112.02(H)(16).

222. The Recovery Ordinances facially discriminate against individuals in recovery.

223. The Recovery Ordinances were enacted in an intentional effort to limit housing for individuals in recovery.

224. Defendants' acts alleged herein had, and continue to have, a disparate impact on people with a qualified disability and the ability of such individuals to secure housing.

225. Defendants' actions are not justified by any legitimate, non-discriminatory interest or rationale. Even if Defendants' actions could be justified, there exist less discriminatory alternatives.

226. Defendants' actions were intentional, wanton, malicious, and/or done in reckless disregard of the civil rights of Plaintiffs and LCR's clients.

227. Defendants' acts in violation of the Ohio Rev. Code § 4112.02 caused Plaintiffs' injuries as detailed above.

**Count IV: Discriminatory statements in violation of the Fair Housing Act; 42 U.S.C. §
3604(c)
(LCR against all Defendants)**

228. Plaintiffs reallege and incorporate by reference all above paragraphs as if fully set forth herein.

229. Defendants' statements described herein, including but not limited to the Recovery Ordinances and statements in support of their passage, violate 42 U.S.C. § 3604(c), in that they indicate a preference, limitation or discrimination on the basis of disability or handicap with respect to the sale or rental of a dwelling, and an intention to make any such preference, limitation, or discrimination, in violation of 42 U.S.C. § 3604(c).

230. An ordinary listener would naturally interpret Defendants' statements as indicating a preference on the basis of disability or handicap, or as indicating some other limitation or discrimination on the basis of disability or handicap.

231. Defendants' actions were intentional, wanton, malicious, and done in reckless disregard of the civil rights of Plaintiffs and LCR's clients.

232. Defendants' acts in violation of 42 U.S.C. § 3604(c) caused Plaintiffs' injuries as detailed above.

**Count V: Discriminatory Statements in violation of Ohio Rev. Code § 4112.02(H)(7)
(LCR against all Defendants)**

233. Plaintiffs reallege and incorporate by reference all above paragraphs as if fully set forth herein.

234. Defendants' statements described herein, including but not limited to the Recovery Ordinances, and statements in support of their passage, violate Ohio Rev. Code § 4112.02(H)(7), in that they indicate a preference, limitation, specification, or discrimination on the basis of disability, or an intention to make any such preference, limitation, specification, or discrimination, in violation of Ohio Rev. Code § 4112.02(H)(7).

235. An ordinary listener would naturally interpret Defendants' statements as indicating a preference on the basis of disability or handicap, or as indicating some other limitation or discrimination on the basis of disability or handicap.

236. Defendants' actions were intentional, wanton, malicious, and/or done in reckless disregard of the civil rights of Plaintiffs and LCR's clients.

237. Defendants' acts in violation of Ohio Rev. Code § 4112.02(H)(7) caused Plaintiffs' injuries as detailed above.

**Count VI: Unlawful Interference, Coercion or Intimidation in violation of the Fair Housing Act; 42 U.S.C. § 3617
(All Plaintiffs against all Defendants)**

238. Plaintiffs reallege and incorporate by reference all above paragraphs as if fully set forth herein.

239. Through their actions and those of their employees and agents, as described herein, Defendants violate 42 U.S.C. § 3617 by coercing, intimidating, threatening, and interfering with Plaintiffs' exercise or enjoyment of, or on account of their having exercised or enjoyed, or having aided or encouraged any other person's exercise or enjoyment of, rights granted or protected by the Fair Housing Act, including but not limited to LCR's operation of recovery housing in Coal Grove.

240. Defendants' acts in violation of the 42 U.S.C. § 3617 caused Plaintiffs' injuries as detailed above.

241. Defendants' conduct was intentional, wanton, malicious, and/or done in reckless disregard of the civil rights of Plaintiffs and LCR's potential clients.

**Count VII: Unlawful Retaliation, Interference, Coercion or Intimidation in violation of the Americans with Disabilities Act, 42 U.S.C. § 12131, et seq.
(All Plaintiffs against all Defendants)**

242. Plaintiffs reallege and incorporate by reference all above paragraphs as if fully set forth herein.

243. Through their actions and those of their employees and agents, as described herein, Defendants violated 42 U.S.C. § 12203 by:

- a. Retaliating or otherwise discriminating against Plaintiffs for opposing any act or practice made unlawful by the Americans with Disabilities Act or for making a charge, testifying, assisting or participating in any manner in an investigation, proceeding, or hearing under the Americans with Disabilities Act, in violation of 42 U.S.C. § 12203(a); and
- b. Coercing, intimidating, threatening, or interfering with Plaintiffs' exercise or enjoyment of, or on account of Plaintiffs having exercised or enjoyed, or on account of Plaintiffs having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by the ADA, in violation of 42 U.S.C. § 12203(b), including but not limited to LCR's operation of recovery housing in Coal Grove.

244. Defendants' acts in violation of 42 U.S.C. § 12203 caused Plaintiffs' injuries as detailed above.

245. Defendants' conduct was intentional, wanton, malicious, and/or done in reckless disregard of the civil rights of Plaintiffs and LCR's potential clients.

**Count VIII: Unlawful Interference, Coercion or Intimidation in violation of Ohio Rev. Code § 4112.02(H)(12)
(All Plaintiffs against all Defendants)**

246. Plaintiffs reallege and incorporate by reference all above paragraphs as if fully set forth herein.

247. Through their actions and those of their employees and agents, as described herein, Defendants violated § 4112.02(H)(12) by coercing, intimidating, threatening, and interfering with Plaintiffs' exercise or enjoyment of, or on account of Plaintiffs having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, rights granted or protected by Ohio Rev. Code § 4112.02(H), including but not limited to LCR's operation of recovery housing in Coal Grove.

248. Defendants' acts in violation of § 4112.02(H)(12) caused Plaintiffs' injuries as detailed above.

249. Defendants' conduct was intentional, wanton, malicious, and/or done in reckless disregard of the civil rights of Plaintiffs and LCR's potential clients.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that the Court grant them the following relief:

A. Enter a declaratory judgment finding that the foregoing actions of Defendants violate the Fair Housing Act, 42 U.S.C. § 3601 *et seq.*; the Americans with Disabilities Act, 42 U.S.C. § 12131 *et seq.* and Ohio Rev. Code § 4112.02(H);

B. Enter a permanent injunction directing Defendants and their affiliates, subsidiaries, officers, agents and employees to take all affirmative steps necessary to remedy the effects of the illegal, discriminatory conduct described herein and to prevent similar occurrences in the future. Such affirmative relief should include, but not necessarily be limited to, the elimination of any and all policies prohibiting LCR and Individual Plaintiffs from opening and/or operating recovery housing in Coal Grove;

C. Award compensatory damages to LCR in an amount that would fully compensate it for economic losses, injury to reputation, diversion of resources, interference with its ability to carry out its mission to serve people with mental health diagnoses in integrated, community-based settings, and deprivation of its ability to serve its clients;

D. Award Plaintiffs compensatory damages for economic losses, humiliation and embarrassment, emotional distress, and reputational harm, resulting from Defendants' unlawful and discriminatory conduct;

E. Award Plaintiffs punitive damages in an amount to be determined at trial that would punish Defendants for their intentional, malicious, willful, callous, wanton, and reckless disregard for its rights, and would effectively deter Defendants from engaging in similar conduct in the future;

F. Award Plaintiffs reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 3613(c)(2); and

G. Order such other relief as this Court deems just and equitable.

JURY DEMAND

Plaintiffs demand a trial by jury on all issues so triable.

Dated: August 26, 2024

Respectfully submitted,

s/ Stephen M. Dane
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**Pro Hac Vice Application Forthcoming*