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Superior Court of California  
County of Fresno  
By: A. Hoffman, Deputy

5 Attorney for Plaintiffs  
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8 **SUPERIOR COURT OF CALIFORNIA**  
9 **COUNTY OF FRESNO**

10  
11 ALLIANCE FOR CONSTITUTIONAL  
12 SEX OFFENSE LAWS, INC., a California  
13 non-profit corporation; JOHN DOE, an  
individual; JOHN ROE, an individual;  
and JANE DOE, an individual, and

Case No. [26CECG00435](#)

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

14 Plaintiffs,

15 vs.

16 COUNTY OF FRESNO, a political subdivision  
17 of the State of California; and JOHN ZANONI,  
18 in his official capacity as Sheriff of Fresno  
County,

19 Defendants.

20  
21 **INTRODUCTION**

22 1. In plain violation of the California Constitution and the jurisdictional limits on local  
23 government, the Fresno County Board of Supervisors has enacted an ordinance that regulates  
24 squarely within a field that is fully preempted “to the exclusion of local regulation.” (*People v.*  
25 *Nguyen*, (2014) 222 Cal. App. 4th 1168, 1178, *rev. denied* 2014 LEXIS 3030.) The field in question  
26 encompasses “restrictions imposed upon a sex offender’s daily life,” and specifically includes  
27 “where and with whom a sex offender may reside.” (*Id.* at p. 1182.) The foreclosure of local  
28

1 regulation in this field reflects “the Legislature’s considered judgment on how to protect children  
2 and other members of the public from the risk of a sex offender reoffending, while also recognizing  
3 a sex offender’s right to live, work, assemble, and move about the state.” (*Nguyen, supra*, 222 Cal.  
4 App. 4th at p. 1178.)

5 2. The specific Ordinance challenged in this action targets a so-called “overconcentration” of  
6 persons required to register as a sex offender (“**Registrants**”) in single-family transitional living  
7 facilities – a subject that the Legislature has already addressed and, therefore, preempted.  
8 Specifically, state law provides that Registrants *on parole* cannot reside in a single-family residence  
9 with another unrelated Registrant, unless they reside in a “residential facility that serves six or fewer  
10 persons.” (Penal Code § 3003.5(a).) Critically, state law imposes no such “density” restrictions upon  
11 Registrants who are not on parole, nor does state law contain a mechanism to enforce this restriction  
12 by any means other than parole revocation. (*See ibid.*)

13 3. Despite this, on January 6, 2026, the Fresno County Board of Supervisors enacted Ordinance  
14 No. 26-001, which effectively duplicates Penal Code section 3003.5(a) and then expands its scope  
15 to: (a) include Registrants who are not on parole, and (b) authorize draconian remedies not found in  
16 state law. (See **Exh. A**, Ord. No. 26-001, adding Chapter 10.80 to the Fresno County Code of  
17 Ordinances.).

18 4. The need for state law preemption in this field is confirmed by comments made by the  
19 Fresno County Board of Supervisors during its hearings on the Ordinance. For example, the Vice  
20 Chairman of the Board opined that all Registrants are “dirtbags” who, regardless of their particular  
21 offense or individual circumstances, “should not be in residential neighborhoods. They belong in  
22 prison and shouldn’t be leaving prison.”<sup>1</sup> When the chief executive of one transitional living facility  
23 attempted to testify about the rehabilitative success of their program, the Vice Chairman dismissed  
24 him as “sling[ing] a lot of bullshit” and “crap,”<sup>2</sup> and further confirmed that he is “concerned not  
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27 <sup>1</sup> Hearing before Fresno County Board of Supervisors 12/9/2025, at timestamps 32:10-32:20 and  
38:46-39:10, at [https://fresnocounty.granicus.com/player/clip/1463?view\\_id=1&redirect=true](https://fresnocounty.granicus.com/player/clip/1463?view_id=1&redirect=true).

28 <sup>2</sup> *Id.* at timestamp 52:50-53:00.

1 about, frankly, the rights of the pedophile” – apparently believing this term to be synonymous with  
2 all persons listed on the registry.<sup>3</sup>

3 5. In addition, the Board of Supervisors repeatedly mischaracterized the Ordinance as merely  
4 duplicating state law, such that a person following state law “has nothing to worry about.”<sup>4</sup> Notably,  
5 as a matter of law, a local ordinance that duplicates state law is preempted for that reason alone, a  
6 fact of which the Board is oblivious or willfully defiant. (*O'Connell v. City of Stockton* (2007) 41  
7 Cal. 4th 1061, 1067 [“A conflict exists if the local legislation duplicates . . . an area fully occupied  
8 by general law[.]”].) Thus, the Fresno County Ordinance is preempted to the extent that it duplicates  
9 Section 3003.5(a) as applied to Registrants on parole, as the Board admits it does.

10 6. Yet, the Fresno County Ordinance goes much further than state law by regulating  
11 Registrants who are not on parole, and by authorizing new, ruinous remedies in the form of  
12 misdemeanor prosecution, fines of up to \$50,000 per violation, and a “private right of action” which  
13 authorizes “treble [] damages,” “punitive damages,” and “attorney fees” for violations of the  
14 Ordinance. Thus, in all its applications, the Ordinance enters the preempted field of “all restrictions  
15 imposed upon a sex offender’s daily life,” and for that reason is unconstitutional on its face.  
16 (*Nguyen, supra*, 222 Cal. App. 4th at p. 1178.)

17 7. In sum, the Fresno County Ordinance violates “a sex offender’s right to live, work,  
18 assemble, and move about the state.” (*Id.* at p. 1182). The preemption doctrine exists to prevent  
19 precisely this type of willful disregard for the rights of unpopular constituencies. Accordingly,  
20 Plaintiffs seek a judgment declaring that Chapter 10.80 of the Fresno County Code of Ordinances  
21 violates Article XI, Section 7 of the California Constitution – both facially and as applied to  
22 Plaintiffs – because it is preempted by state law. Plaintiffs also seek an injunction prohibiting the  
23 County of Fresno, its agents, employees, deputies, and officers, from enforcing the Ordinance.

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27 <sup>3</sup> Hearing before Fresno County Board of Supervisors 12/9/2025, at timestamp 1:33:34-1:33:45, at  
[https://fresnocounty.granicus.com/player/clip/1469?view\\_id=1&redirect=true](https://fresnocounty.granicus.com/player/clip/1469?view_id=1&redirect=true) .

28 <sup>4</sup> Hearing, *supra* note 1, at timestamps 34:50:35:15 and 54:45-55:32.

## **JURISDICTION AND VENUE**

8. As a court of unlimited jurisdiction, the Superior Court of California, County of Fresno has jurisdiction over this action for declaratory and injunctive relief pursuant to Article VI, Section 10 of the California Constitution, as well as California Code of Civil Procedure § 1060.

9.      Venue is proper within this Court because the parties reside in Fresno County, and the events giving rise to the claims asserted herein occurred in Fresno County.

## **PARTIES**

10. Plaintiffs reallege and incorporate herein, as though fully set forth, all and inclusively, paragraphs 1 through 9.

11. Plaintiff Alliance for Constitutional Sex Offense Laws, Inc. (“ACSOL”) is a non-profit corporation incorporated and headquartered in California. ACSOL’s mission is to protect the Constitution by restoring the civil rights of more than 100,000 Registrants in the State of California through advocacy, education, and litigation on behalf of them, their family members, and supporters. ACSOL and its members have litigated dozens of lawsuits across California over local ordinances that purport to restrict housing options for Registrants because such suits are germane to ACSOL’s purpose. As more fully pleaded below, ACSOL’s membership includes persons, including the Individual Plaintiffs in this action, who reside in transitional living homes within the jurisdiction of Fresno County, and who are subject to and injured by the Ordinance. ACSOL’s membership also includes individuals who own and operate transitional living facilities within the jurisdiction of Fresno County who are subject to and injured by the Ordinance.

12. Plaintiff John Doe is a Registrant who currently resides in the jurisdiction of Fresno County. Plaintiff John Doe was homeless in and around Fresno County between 2018 and November 21, 2023, until he was housed in a transitional living facility that includes more than six persons. That transition living facility is in the jurisdiction of Fresno County. Plaintiff John Doe would be homeless but for these services. Plaintiff John Doe is not currently serving a term of parole or any other form of supervision.

13. Plaintiff John Roe is a Registrant who is currently serving a term of parole. Plaintiff John Roe resides in a transitional living facility that includes more than six persons, and which sits in the

1 jurisdiction of Fresno County. Plaintiff John Roe has recently applied for and been denied housing  
2 elsewhere in Fresno County.

3 14. Plaintiff Jane Doe is Registrant who is currently serving a term of parole. Plaintiff Jane Doe  
4 resides in a transitional living facility that includes more than six persons, and which sits in the  
5 jurisdiction of Fresno County. Plaintiff Jane Doe began her residence there in August 2025, and  
6 would be homeless but for these services.

7 15. Plaintiffs ACSOL, John Doe, John Roe, and Jane Doe, shall be referred to collectively  
8 herein as “**Plaintiffs**,” with the latter three individual Plaintiffs being referred to as the “**Individual**  
9 **Plaintiffs**.”

10 16. Defendant County of Fresno (“**Fresno County**,” “**Defendant**,” or “**County**”) is a political  
11 subdivision of the State California. Fresno County adopted the Ordinance at issue here through the  
12 five-member Fresno County Board of Supervisors and enforces that Ordinance through the office of  
13 the Fresno County Sheriff-Coroner.

14 17. Defendant John Zanoni is the Sheriff of Fresno County, and in that capacity is responsible  
15 for enforcing the Ordinance. Sheriff Zanoni is sued in his official capacity only.

## 16 FACTS

17 18. Plaintiffs reallege and incorporate herein, as though fully set forth, each and every, all and  
18 inclusively, paragraphs 1 through 17.

19 19. Upon information and belief, the Ordinance was proposed in response to pressure from  
20 residents of an upscale Fresno County neighborhood who disapprove of the two transitional living  
21 homes that have operated in that neighborhood for the past seven years. The Fresno County Board  
22 of Supervisors introduced the proposed Ordinance for first reading on December 9, 2025, and voted  
23 to adopt the Ordinance on January 6, 2026. The Ordinance will take effect on February 5, 2026  
24 absent intervention by this Court.

25 20. *Express Purpose of the Ordinance.* The Ordinance adds a new chapter to Title 10 of the  
26 Ordinance Code of Fresno County, which governs Public Peace, Morals, and Welfare. As enacted  
27 by the Ordinance, Chapter 10.80, entitled “Prevention of Contribution of Overconcentration of Sex  
28 Offenders in Single Family Dwellings Utilized as Documented Transitional Living Facilities,”

1 contains an express public safety purpose that brings it squarely within a preempted field of  
2 regulation, as follows:

3 WHEREAS, the Board of Supervisors is concerned about the public safety  
4 threat posed by the over concentration of sex offenders living on one lot within the  
5 unincorporated areas of the County; . . .

6 it is the intent of the Board of Supervisors to prevent property owners and responsible  
7 parties for single family dwellings from contributing to the over concentration of sex  
8 offenders, whether or not on parole or probation, in unincorporated areas of Fresno  
9 County.

10 . . .  
11 Purpose and Intent.  
12

13 This Chapter is enacted pursuant to the County's plenary police powers under  
14 California Constitution, Article XI, Section 7, to protect public safety and welfare.  
15 The express purpose of this Chapter is to protect public safety and welfare by  
16 preventing property owners and responsible parties for single family dwellings from  
17 contributing to the over concentration of sex offenders in unincorporated areas of  
18 Fresno County.

19 (Exh. A at pp. 1-2; Ord. §§ 1, 2, 10.80.010.)

20 21. ***The Ordinance's Substantive Restrictions.*** The Ordinance imposes the following  
21 restrictions upon "responsible parties," which include its officers, employees, and agents:

22 A. A Responsible Party shall be prohibited from knowingly renting, leasing, or  
23 allowing more than six Sex Offenders to occupy or reside in a Single Family  
24 Dwelling, unless those persons are legally related by blood, marriage, or  
25 adoption.

26 B. A Responsible Party shall not allow more than six beds to be in a Single  
27 Family Dwelling that is occupied by one or more Sex Offenders in the  
28 unincorporated area of Fresno County. This prohibition shall not apply to a  
family of persons related by blood, adoption, or marriage living in a Single  
Family Dwelling.

29 C. A Responsible Party shall not allow more than six persons unrelated by blood,  
30 marriage, or adoption to live in a Single Family Dwelling that is occupied by  
31 one or more Sex Offenders in the unincorporated area of Fresno County.

32 (Exh. A, at pp. 3-4; Ord. § 10.80.030.)

33 22. ***The Ordinance's Penalty Provisions.*** The Ordinance's penalty provisions are draconian and  
34 designed to force transitional living homes to either abandon their provision of housing and other  
35 services to Registrants (which would leave many homeless) or go bankrupt, face criminal  
36

1 prosecution, and jail. The penalties include:

- 2 a. A misdemeanor conviction, including a fine of up to \$1,000 and/or six months in
- 3 county jail, for any person who violates the Ordinance.
- 4 b. An administrative citation and associated penalties of up to \$50,000.
- 5 c. A civil suit by County Counsel, “including an action for injunctive relief and/or to
- 6 recover damages incurred as a result of any violation.”
- 7 d. Revocation of a business license.
- 8 e. A vague “private right of action” designed to impose ruinous financial damage upon
- 9 affected persons as follows:

10 Any aggrieved person may enforce the provisions of this Chapter by means of a civil  
11 lawsuit. In addition to any other available remedy, any person who violates the  
12 provisions of this Chapter shall be liable for treble the actual damages with regard to  
13 each and every such violation, and shall be liable for reasonable attorneys’ fees and  
14 costs of litigation. In addition, a jury or a court may award punitive damages where  
15 warranted.

16 (Exh. A, at pp. 4-5; Ord. § 10.80.040.)

### 17 **The Ordinance Defies State Law and Regulates in a Preempted Field**

18 23. California state law has “established a complete system for regulating a sex offender’s daily  
19 life and manifested a legislative intent to fully occupy the field to the exclusion of . . . local  
20 regulations.” (*People v. Nguyen*, (2014) 222 Cal. App. 4th 1168, 1197-81, *rev. denied* 2014 LEXIS  
21 3030.) State law therefore “fully occupies” the “field encompass[ing] the restrictions imposed on a  
22 sex offender’s daily life to reduce the risk he or she will commit another offense.” (*People v.*  
23 *Nguyen*, (2014) 222 Cal. App. 4th 1168, 1183.) The preempted field specifically includes “where  
24 and with whom a sex offender may reside.” (*Id.* at p. 1182.) The Fresno County Ordinance falls  
25 squarely within this field, as its express purpose is to address the perceived “public safety threat  
26 posed by the over concentration of sex offenders living on one lot within the unincorporated areas of  
27 the County.” (Exh. A, at p. 2; Ord. § 10.80.010.)

28 24. The County Administrative Office for Fresno County discussed the Ordinance in a staff  
report dated December 9, 2025, attached hereto as **Exhibit B**. That staff report incorrectly states  
“California currently imposes no statutory or regulatory limit on the number of registered sex

1 offenders who may reside together in a single transitional living facility. . . . there is no statewide  
2 density cap.” (**Exh. B**, at p. 2.) In fact, state law addresses that issue in Penal Code section  
3 3003.5(a). The Legislature’s “considered judgment” on “the number of registered sex offenders who  
4 may reside together in a single transitional living facility” is to restrict the “cap” to certain  
5 Registrants on parole, and to omit any enforcement mechanism at the local level or through any  
6 means beyond parole revocation. The Legislature’s omission of any further application or remedy  
7 for “overconcentration” “manifests a legislative determination that such [provisions are] not  
8 warranted.” (*Nguyen, supra*, 222 Cal. App. 4th at p. 1182.) “In revisiting this area fully occupied by  
9 state law,” the Fresno County Ordinance “undermines the considered judgments and choices of the  
10 Legislature, and is therefore preempted.” (*Ibid.*, quoting *Am. Fin. Servs. Assn. v. City of Oakland*  
11 (2005) 34 Cal. 4th 1239, 1257.)

12 25. Notably, on January 6, 2026, the Fresno County Administrative Office prepared another  
13 staff report addressing the Ordinance, attached hereto as **Exhibit C**. This report effectively admits  
14 that the Ordinance enters the preempted filed by stating that

15 California law does not provide the County an adequate mechanism to regulate the  
16 over concentration of sex offenders in single family neighborhoods. California law  
17 focuses on registration and notification requirements under Penal Code Section 290,  
and while parole and probation authorities may impose individualized residence  
conditions, there is no statewide density cap.

18 (**Exh. C**, at p. 2.) While this statement is, in part, false because of Penal Code section 3003.5(a), the  
19 Legislature’s omission of both a comprehensive “statewide density cap” and “[a] mechanism [for  
20 counties] to regulate the over concentration of sex offenders in single family neighborhoods” again  
21 “manifests a legislative determination that such [provisions are] not warranted,” which cannot be  
22 overruled by local legislation. (*Nguyen, supra*, 222 Cal. App. 4th at p. 1182.)

23 **The Ordinance Will Harm Public Safety by Increasing Homelessness and Destabilizing**  
24 **Displaced Persons**

25 26. The express rationale for the Ordinance also contradicts the Legislature’s judgment. The  
26 Fresno County Administrative Office’s staff report accompanying the ordinance suggests that “the  
27 over-concentration of high-risk registrants within one area may create management challenges for  
28

1 law enforcement and increase community concern.” (**Exh. B**, at p. 2.) Yet, case law confirms the  
2 opposite. As one Court explained,

3 [S]ection 290 registration laws aim at permitting local enforcement  
4 authorities to monitor these registrants in the community. Less restriction on  
5 housing sites for probationers permits this supervision function. Also,  
6 restricting access to housing opportunity disrupts the rehabilitation process  
for the broader group of men and women on probation; they should focus on  
treatment and rehabilitation instead of a limited residential market.

7 (*People v. Lynch* (2016) 2 Cal. App. 5th 524, 528.)

8 27. The California Supreme Court has also recognized that irrational restrictions on housing –  
9 especially those leading to homelessness – unconstitutional and “disruptive in a way that hinders”  
10 access to reasonably opportunities for employment, medical treatment, psychological counseling,  
11 health services, other rehabilitative and social services that are correlated with rehabilitation and law  
12 abiding behavior. (*In re Taylor* (2015) 60 Cal. 4th 1019, 1040 & n.10). The deleterious impact of  
13 housing restrictions upon public safety is recognized by subject matter experts, including but not  
14 limited to the California Sex Offender Management Board (CASOMB), which published a 30-page  
15 report on the detrimental impact of laws that restrict housing access:

16 Based on all that is known about sex offender recidivism and the nature of most sex  
17 offenses involving children, there is *no evidence* that residency restrictions are  
related to preventing or deterring sex crimes against children. *To the contrary, the*  
*evidence strongly suggests that residency restrictions are likely to have the*  
*unintended effect of increasing the likelihood of sexual re-offense.*

18 (CASOMB, HOMELESSNESS AMONG CALIFORNIA’S REGISTERED SEX OFFENDERS – AN UPDATE  
19 (August 2011), at 26 (emphasis added).)<sup>5</sup>

20 28. The Ordinance exacerbates the problem it purportedly seeks to solve, in violation of  
21 California state law. The Individual Plaintiffs in this action currently reside in separate transitional  
22 living homes within the jurisdiction of Fresno County. Each of these three transitional living homes  
23 houses at least 12 individuals, six of whom are Registrants. Consequently, Plaintiffs are subject to  
24 the Ordinance, including the threat of eviction and homelessness, as well as and generally reduced  
25 housing options in Fresno County as a consequence of the Ordinance.

26  
27  
28 <sup>5</sup> [http://www.casomb.org/docs/Residence\\_Paper\\_Final.pdf](http://www.casomb.org/docs/Residence_Paper_Final.pdf).

1 29. In addition, ACSOL's membership includes individual persons who own and operate  
2 multiple transitional living homes within the jurisdiction of Fresno County. Each of these homes  
3 currently houses at least 12 individuals, and some of those homes house six Registrants each. The  
4 Ordinance, if enforced, would bind these individuals in a Hobson's choice of abandoning services to  
5 Registrants (who would then become homeless); releasing dozens of other individuals onto the  
6 street and, therefore, homelessness; or being fined and sued out of existence. The Ordinance also  
7 subjects these individuals to administrative and criminal penalties and ruinous financial liability  
8 through the private right of action unlawfully authorized by the Ordinance.

9 **CLAIM FOR RELIEF**

10 **(State Law Preemption – Field Preemption and Duplication Preemption**  
11 **– CAL. CONST. art. XI § 7)**

12 30. Plaintiffs reallege and incorporate herein, as though fully set forth, each and every, all and  
13 inclusively, paragraphs 1 through 29.

14 31. There is an actual controversy between Plaintiffs and Defendants concerning the  
15 constitutionality and enforceability of Fresno County Code of Ordinances, Title 10.80, both facially  
16 and as applied, as set forth herein. At the December 9, 2025 and January 6, 2026 hearings on the  
17 Ordinance, members of the Fresno County Board of Supervisors, and Sheriff Zanoli, have publicly  
18 expressed their intention to enforce the unlawful Ordinance throughout the jurisdiction Fresno  
19 County.<sup>6</sup>

20 32. The preemption doctrine is summarized as follows:

21 Under article XI, section 7 of the California Constitution, [a] county or city may  
22 make and enforce within its limits all local, police, sanitary, and other ordinances  
23 and regulations not in conflict with general [state] laws. If otherwise valid local  
24 legislation conflicts with state law, it is preempted by such law and is void. A  
conflict exists if the local legislation duplicates, contradicts, or enters an area fully  
occupied by general law, either expressly or by legislative implication.

25 (*O'Connell v. City of Stockton* (2007) 41 Cal. 4th 1061, 1067, internal quotations omitted.)

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27  
28 <sup>6</sup> Hearing, *supra* note 1, at timestamps 33:40-33:50, 35:30-39:10.

1      **Field Preemption**

2      33.     “A local ordinance enters a field fully occupied by state law in either of two situations—  
3     when the Legislature “expressly manifest[s]” its intent to occupy the legal area or when the  
4     Legislature “impliedly” occupies the field. . . . “[W]here the Legislature has manifested an  
5     intention, expressly or by implication, wholly to occupy the field ... municipal power [to regulate in  
6     that area] is lost.”” (*O'Connell, supra*, 41 Cal. 4th at p. 1068, quoting 8 WITKIN, SUMMARY OF CAL.  
7     LAW (10th ed. 2005) Constitutional Law § 986, p. 551.)

8      34.     The Fresno County Ordinance unlawfully enters this preempted field by: (a) regulating the  
9     “concentration” or “density” of Registrants who may reside in a single-family residence;  
10     (b) regulating the number of other persons who may reside in the same residence if one Registrant  
11     also resides there; and (c) authorizing remedies for the violation of these restrictions not authorized  
12     by state law. (*Tosi v. County of Fresno* (2008) 161 Cal. App. 4th 799, 806 [“The County of Fresno”  
13     violated the preemption doctrine when it “determined that the state legislation did not go far enough  
14     in regulating the conduct . . . [and enacted] ordinances regulat[ing] in a more restrictive manner the  
15     very conduct regulated in state law.”].)

16     35.     Separately, the Ordinance unlawfully enters this preempted field to the extent it applies to  
17     any Registrant who is not currently serving a term of parole, such as Plaintiff John Doe, since  
18     county government lacks authority to impose any restrictions upon non-parolee Registrants.

19      **Duplication Preemption**

20     36.     “A local ordinance duplicates state law when it is ‘coextensive’ with state law.” (*O'Connell, supra*, 41 Cal. 4th at p. 1068.)

22     37.     To the extent the Ordinance limits the number of unrelated Registrants who are on parole to  
23     one parolee per single-family dwelling, or limits the total number of residents in a single-family  
24     dwelling to six if two or more unrelated Registrants reside there, the Ordinance duplicates state law  
25     as expressed in Penal Code section 3003.5(a) and is preempted.

26     ///

27     ///

28     ///

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

- A. That the Court issue a judgment declaring that Chapter 10.80 of the Ordinance Code of Fresno County, “Prevention of Contribution to Over Concentration of Sex Offenders in Single Family Dwellings Utilized as Documented Transitional Living Facilities,” (Ord. No. 26-001) is preempted by California state law in that the policy violates Article XI, Section 7 of the California Constitution;
- B. That Defendants, including their officials, agents, officers, deputies, and employees, be temporarily and permanently enjoined from enforcing the Ordinance;
- C. That Plaintiffs recover from Defendants all of the Plaintiffs’ reasonable attorney fees, costs, and expenses of this litigation; and
- D. For such other and further relief as the Court deems just and proper.

Dated: January 26, 2026

## LAW OFFICE OF JANICE M. BELLUCCI

By: Janice M. Bellucci  
Janice M. Bellucci  
Attorney for Plaintiffs

# **EXHIBIT A**

1 BEFORE THE BOARD OF SUPERVISORS  
2 OF THE COUNTY OF FRESNO  
3 STATE OF CALIFORNIA  
4 ORDINANCE NUMBER 26-001

5 AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF  
6 FRESNO AMENDING THE ORDINANCE CODE OF THE COUNTY OF FRESNO BY  
7 ADDING NEW CHAPTER 10.80 PREVENTION OF CONTRIBUTION TO OVER  
8 CONCENTRATION OF SEX OFFENDERS IN SINGLE FAMILY DWELLINGS UTILIZED  
9 AS DOCUMENTED TRANSITIONAL LIVING FACILITIES.

10 The Board of Supervisors of the County of Fresno ordains as follows:

11 **Section 1. FINDINGS.** The Board of Supervisors of the County of Fresno hereby finds  
12 and declares as follows:

13 WHEREAS, the Board of Supervisors is concerned about the public safety threat  
14 posed by the over concentration of sex offenders living on one lot within the  
15 unincorporated areas of the County; and

16 WHEREAS, it is the intent of the Board of Supervisors to prevent property  
17 owners and responsible parties for single family dwellings from contributing to the  
18 over concentration of sex offenders, whether or not on parole or probation, in  
19 unincorporated areas of Fresno County.

20 NOW, THEREFORE, the Board of Supervisors hereby ordains as follows:

21 **SECTION 2.** The Ordinance Code of the County of Fresno is hereby amended by  
22 adding a new Chapter 10.80 to read as follows:

23 Chapter 10.80 – PREVENTION OF CONTRIBUTION TO OVER  
24 CONCENTRATION OF SEX OFFENDERS IN SINGLE FAMILY DWELLINGS  
25 UTILIZED AS DOCUMENTED TRANSITIONAL LIVING FACILITIES.

1                   Section 10.80.010 – Purpose and Intent.

2                   Section 10.80.020 – Definitions.

3                   Section 10.80.030 – Responsible Party prohibitions.

4                   Section 10.80.040 – Violations and penalties.

5                   Section 10.80.050 – Severability.

6                   Section 10.80.010 – Purpose and Intent.

7                   This Chapter is enacted pursuant to the County's plenary police powers under California  
8                   Constitution, Article XI, Section 7, to protect public safety and welfare. The express  
9                   purpose of this Chapter is to protect public safety and welfare by preventing property  
10                  owners and responsible parties for single family dwellings from contributing to the over  
11                  concentration of sex offenders in unincorporated areas of Fresno County.

12                  Section 10.80.020 – Definitions.

13                  For purposes of this Chapter, the following definitions apply.

14                  A. "Knowingly" means with knowledge of the existence of the facts in question.

15                   Knowledge of the unlawfulness of any act or omission is not required.

16                  B. "Owner's Authorized Agent" means any natural person, firm, association, joint  
17                  venture, joint stock company, partnership, organization, club, company,  
18                  corporation, business trust or the manager, lessee, agent, servant, officer or  
19                  employee authorized to act for the owner of real property.

20                  C. "Occupy or "Reside" means to live in a dwelling, including, but not limited to, eating  
21                  meals in the dwelling, sleeping in the dwelling, keeping one's possessions in the  
22                  dwelling, and receiving mail and services in the dwelling.

23                  D. "Permanent Resident" means any person who, as of a given date, occupies or  
24                  resides in a Single Family Dwelling for a period of more than thirty (30) consecutive  
25                  days.

1       E. "Property Owner" means the owner of record of any parcel of real property as  
2       designated on the County Assessor's tax roll, or a holder of a subsequently  
3       recorded deed to the property and shall include any part owner, joint owner, tenant,  
4       tenant in common, or joint tenant, of the whole or a part of such real property.

5       F. "Responsible Party" means the Property Owner and/or the Owner's Authorized  
6       Agent.

7       G. "Sex Offender" means any person convicted of a crime for which registration is  
8       required pursuant to Section 290 of the California Penal Code.

9       H. "Single Family Dwelling" means a building designed for permanent residency  
10      located on a single lot. Single Family Dwelling shall include a mobile home or  
11      manufactured home. For purposes of this Chapter, Single Family Dwelling includes  
12      the primary dwelling itself, as well as the entire parcel, including any outbuildings,  
13      trailers, recreational vehicles, tents, accessory dwelling units, garages, cellars,  
14      porches, and outdoor areas. "Single Family Dwelling" shall not include a residential  
15      facility which serves six or fewer persons.

16      I. "Temporary Resident" means any person who, as of a given date, occupies or  
17      resides in a Single Family Dwelling for a period of thirty (30) consecutive days or  
18      less.

19      Section 10.80.030 - Responsible Party Prohibitions.

20      A. A Responsible Party shall be prohibited from knowingly renting, leasing, or  
21      allowing more than six Sex Offenders to occupy or reside in a Single Family  
22      Dwelling, unless those persons are legally related by blood, marriage, or  
23      adoption.

24      B. A Responsible Party shall not allow more than six beds to be in a Single Family  
25      Dwelling that is occupied by one or more Sex Offenders in the unincorporated

1 area of Fresno County. This prohibition shall not apply to a family of persons  
2 related by blood, adoption, or marriage living in a Single Family Dwelling.

3 C. A Responsible Party shall not allow more than six persons unrelated by blood,  
4 marriage, or adoption to live in a Single Family Dwelling that is occupied by one  
5 or more Sex Offenders in the unincorporated area of Fresno County.

6 Section 10.80.040 – Violations and Penalties.

7 A. Any person who violates section 10.80.030 is guilty of a misdemeanor and upon  
8 conviction thereof may be punished by a fine of not more than one thousand dollars  
9 (\$1,000.00) or by imprisonment in the County Jail for a period of not more than six  
10 (6) months, or by both such fine and imprisonment. This section shall not serve to  
11 limit any other legal remedies or actions that the County may have to address  
12 violations of section 10.80.030.

13 B. Administrative Citation. The County may, at its discretion, issue an administrative  
14 citation for each violation of section 10.80.030. The administrative penalty to be  
15 assessed for each violation of section 10.80.030 shall be as follows: (i) First  
16 violation, up to ten thousand dollars (\$10,000.00); (ii) Second occurrence of the  
17 same violation within one year of the first violation, up to twenty thousand dollars  
18 (\$20,000.00); (iii) Third or subsequent occurrence of the same violation within one  
19 year of the first violation, up to fifty thousand dollars (\$50,000.00).

20 C. Injunctive Relief. In addition, the County Counsel may institute a civil action to  
21 ensure compliance with section 10.80.030, including an action for injunctive relief  
22 and/or to recover damages incurred as a result of any violation.

23 D. Business License Revocation. A violation of this Chapter is also grounds for a  
24 revocation of a business license, if applicable, pursuant to Title 6 of the Ordinance  
25 Code of the County of Fresno.

E. Private Right of Action. Any aggrieved person may enforce the provisions of this Chapter by means of a civil lawsuit. In addition to any other available remedy, any person who violates the provisions of this Chapter shall be liable for treble the actual damages with regard to each and every such violation, and shall be liable for reasonable attorneys' fees and costs of litigation. In addition, a jury or a court may award punitive damages where warranted.

### Section 10.80.050 – Severability.

8 If any section, paragraph, sentence, clause, phrase or portion of this article is held invalid  
9 or unconstitutional by any court of competent jurisdiction, such portion shall be deemed  
10 severable, and such holding shall not affect the validity of the remaining portions hereof.

11 The Board of Supervisors hereby declares that it would have adopted this article  
12 irrespective of the invalidity of any particular portion thereof and intends that the invalid  
13 portions should be severed, and the balance of the article be enforced.

14 **SECTION 3.** This ordinance shall take effect thirty (30) days after its adoption.

15 THE FOREGOING, was passed and adopted by the following vote of the Board  
16 of Supervisors of the County of Fresno this 6th day of January, 2026, to wit:

17 | AYES: Supervisors Bredefeld, Chavez, Magsig, Mendes, Pacheco

18 | NOES: None

18 ABSENT: None

ABSTAINED: None

20

Garry Bredefeld, Chairman of the Board of Supervisors of the County of Fresno

**ATTEST:**

Bernice E. Seidel

Clerk of the Board of Supervisors  
County of Fresno, State of California

By: Alexander Vini  
Deputy

23 | FILE # 25-1426

24 | AGENDA # 17

25 | ORDINANCE # 26-001

# **EXHIBIT B**



# Board Agenda Item 6

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DATE: December 9, 2025

TO: Board of Supervisors

SUBMITTED BY: Supervisor Garry Bredefeld, District 2  
Supervisor Brian Pacheco, District 1  
John Zanoni, Sheriff-Coroner-Public Administrator

SUBJECT: Addition of Chapter 10.80, Prevention of Contribution of Over Concentration of Sex Offenders in Single Family Dwellings Utilized as Documented Transitional Living Facilities to the Ordinance Code of Fresno County

RECOMMENDED ACTION(S):

1. **Conduct first hearing to add Chapter 10.80, “Prevention of Contribution to Over Concentration of Sex Offenders in Single Family Dwellings Utilized as Documented Transitional Living Facilities” to Title 10 of the Ordinance Code of Fresno County; waive reading of the Ordinance in its entirety, and set the second hearing for January 6, 2026;**
2. **Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; and**
3. **Direct the Clerk of the Board to post and publish the required summary in accordance with Government Code Section 25124(b)(1).**

There is no additional Net County Cost (NCC) associated with the recommended actions, which will add Chapter 10.80, “Prevention of Contribution to Over Concentration of Sex Offenders in Single Family Dwellings Utilized as Documented Transitional Living Facilities,” of Chapter 10, “Public Peace, Morals and Welfare” of the Ordinance Code of Fresno County to prevent property owners and responsible parties for single-family dwellings from contributing to the over-concentration of sex offenders, whether or not on parole or probation, in unincorporated areas of Fresno County.

The proposed ordinance establishes limits on the number of sex offenders, persons, and beds permitted to no more than six within a single-family dwelling operated by a responsible party. Violations of the ordinance will include criminal enforcement (misdemeanor), administrative citations, injunctive relief, business license revocation, and private right of action. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may determine not to approve the recommended actions; however, there would be no enforcement mechanism to prevent the over-concentration of sex offenders in single-family dwellings or violations or penalties for those who violate the ordinance.

FISCAL IMPACT:

There is no additional NCC associated with the recommended actions. Any enforcement activity

undertaken by law enforcement may generate costs in the future associated with the enforcement of the proposed ordinance. Staff will monitor impacted County departmental budgets accordingly.

**DISCUSSION:**

California currently imposes no statutory or regulatory limit on the number of registered sex offenders who may reside together in a single transitional living facility. State law focuses on registration and notification requirements under Penal Code Section 290, and while parole and probation authorities may impose individualized residence conditions, there is no statewide density cap.

The over-concentration of high-risk registrants within one area may create management challenges for law enforcement and increase community concern. Such an over-concentration deteriorates the residential character of single-family neighborhoods and changes that residential character to a use that is more commercial or institutional. Additionally, the use of these single-family dwellings as commercial or institutional facilities, in close proximity with each other, reduces the benefit to individuals living in these transitional living facilities to live in a comfortable residential environment, versus in an institutional setting.

To address over-concentration risks, ensure adequate supervision within transitional living facilities, and protect public safety and welfare, the proposed ordinance works to prevent property owners and responsible parties for single-family dwellings from contributing to the over-concentration of sex offenders, whether or not on parole or probation, by limiting the number of sex offenders, persons, and beds permitted to no more than six within a single-family dwelling operated by a responsible party. The proposed ordinance will prohibit responsible parties, who may be the property owner and/or the owner's authorized agent, from knowingly renting, leasing, or allowing more than six sex offenders to occupy or reside in a single-family dwelling, unless those persons are legally related by blood, marriage, or adoption. Furthermore, responsible parties shall not allow more than six beds or more than six unrelated persons to live in a single-family dwelling that is occupied by one or more sex offenders. This will not apply to a family of persons related by blood, adoption, or marriage living in the same single-family dwelling.

Any violation of the recommended ordinance would constitute a misdemeanor, punishable by a fine of up to \$1,000, imprisonment in County Jail for a period of not more than six months, or both. Violations may also be enforced through administrative citations ranging from \$10,000 to \$50,000 per violation, injunctive relief, business license revocation, and/or private right of action.

The proposed ordinance would establish clear local oversight for transitional living facilities in single-family dwellings that house registered sex offenders by preventing over-concentration of high-risk individuals within a single location. With your Board's approval, the second hearing will be held January 6, 2026, and if approved, the ordinance will take effect 30 days thereafter.

The summary of the ordinance will be published in the Business Journal in accordance with Gov. Code § 25124.

**ATTACHMENTS INCLUDED AND/OR ON FILE:**

Ordinance  
On file with Clerk - Ordinance Summary

**CAO ANALYST:**

Maria Valencia

# **EXHIBIT C**



# Board Agenda Item 17

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DATE: January 6, 2026

TO: Board of Supervisors

SUBMITTED BY: Supervisor Garry Bredefeld, District 2  
Supervisor Brian Pacheco, District 1  
John Zanoni, Sheriff-Coroner-Public Administrator

SUBJECT: Addition of Chapter 10.80, Prevention of Contribution of Over Concentration of Sex Offenders in Single Family Dwellings Utilized as Documented Transitional Living Facilities to the Ordinance Code of Fresno County

RECOMMENDED ACTION(S):

**Conduct second hearing to add Chapter 10.80, “Prevention of Contribution to Over Concentration of Sex Offenders in Single Family Dwellings Utilized as Documented Transitional Living Facilities” to Title 10 of the Ordinance Code of Fresno County; waive reading of the Ordinance in its entirety, and adopt the proposed Ordinance.**

There is no additional Net County Cost (NCC) associated with the recommended action, which will add Chapter 10.80, “Prevention of Contribution to Over Concentration of Sex Offenders in Single Family Dwellings Utilized as Documented Transitional Living Facilities,” of Chapter 10, “Public Peace, Morals and Welfare” of the Ordinance Code of Fresno County to prevent property owners and responsible parties for single-family dwellings from contributing to the over-concentration of sex offenders, whether or not on parole or probation, in unincorporated areas of Fresno County.

The proposed ordinance establishes limits on the number of sex offenders, persons, and beds permitted to no more than six within a single-family dwelling operated by a responsible party. Violations of the ordinance will include criminal enforcement (misdemeanor), administrative citations, injunctive relief, business license revocation, and private right of action. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may determine not to approve the recommended action; however, there would be no enforcement mechanism to prevent the over-concentration of sex offenders in single-family dwellings or violations or penalties for those who violate the ordinance.

FISCAL IMPACT:

There is no additional NCC associated with the recommended action. Any enforcement activity undertaken by law enforcement may generate costs in the future associated with the enforcement of the proposed ordinance. Staff will monitor impacted County departmental budgets accordingly.

DISCUSSION:

On December 9, 2025, your Board conducted the first hearing to add Chapter 10.80, “Prevention of

Contribution to Over Concentration of Sex Offenders in Single Family Dwellings Utilized as Documented Transitional Living Facilities" to Title 10 of the Ordinance Code of Fresno County.

California law does not provide the County an adequate mechanism to regulate the over concentration of sex offenders in single family neighborhoods. California law focuses on registration and notification requirements under Penal Code Section 290, and while parole and probation authorities may impose individualized residence conditions, there is no statewide density cap.

The over-concentration of high-risk registrants within one area may create management challenges for law enforcement and increase community concern. Such an over-concentration deteriorates the residential character of single-family neighborhoods and changes that residential character to a use that is more commercial or institutional. Additionally, the use of these single-family dwellings as commercial or institutional facilities, in close proximity with each other, reduces the benefit to individuals living in these transitional living facilities to live in a comfortable residential environment, versus in an institutional setting.

To address over-concentration risks, ensure adequate supervision within transitional living facilities, and protect public safety and welfare, the proposed ordinance works to prevent property owners and responsible parties for single-family dwellings from contributing to the over-concentration of sex offenders, whether or not on parole or probation, by limiting the number of sex offenders, persons, and beds permitted to no more than six within a single-family dwelling operated by a responsible party. The proposed ordinance will prohibit responsible parties, who may be the property owner and/or the owner's authorized agent, from knowingly renting, leasing, or allowing more than six sex offenders to occupy or reside in a single-family dwelling, unless those persons are legally related by blood, marriage, or adoption. Furthermore, responsible parties shall not allow more than six beds or more than six unrelated persons to live in a single-family dwelling that is occupied by one or more sex offenders. This will not apply to a family of persons related by blood, adoption, or marriage living in the same single-family dwelling.

Any violation of the recommended ordinance would constitute a misdemeanor, punishable by a fine of up to \$1,000, imprisonment in County Jail for a period of not more than six months, or both. Violations may also be enforced through administrative citations ranging from \$10,000 to \$50,000 per violation, injunctive relief, business license revocation, and/or private right of action.

The proposed ordinance would establish clear local oversight for transitional living facilities in single-family dwellings that house registered sex offenders by preventing over-concentration of high-risk individuals within a single location. With your Board's approval, the proposed ordinance will take effect 30 days thereafter.

The summary of the ordinance was published in the Business Journal in accordance with Gov. Code § 25124.

**REFERENCE MATERIAL:**

BAI #6, December 9, 2025

**ATTACHMENTS INCLUDED AND/OR ON FILE:**

Ordinance

**CAO ANALYST:**

Maria Valencia