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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO**

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

Case No.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs,

vs.

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

Defendants.

INTRODUCTION

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

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.”¹ 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,”² and further confirmed that he is “concerned not
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27 ¹ 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.

28 ² *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.³

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.”⁴ 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 disregard for the rights of unpopular constituencies. Accordingly, Plaintiffs
20 seek a judgment declaring that Chapter 10.80 of the Fresno County Code of Ordinances violates
21 Article XI, Section 7 of the California Constitution – both facially and as applied to Plaintiffs –
22 because it is preempted by state law. Plaintiffs also seek an injunction prohibiting the County of
23 Fresno, its agents, employees, deputies, and officers, from enforcing the Ordinance.

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27 ³ 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 .

28 ⁴ 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 regarding local ordinances that purport to restrict housing options for Registrants because such lawsuits 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 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, located in Fresno

1 County. Plaintiff John Roe has recently applied for and been denied housing elsewhere in Fresno
2 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, located in Fresno
5 County. Plaintiff Jane Doe began her residence there in August 2025, and would be homeless but
6 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
22 restrictions upon "responsible parties," which include its officers, employees, and agents:

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

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

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

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

22. ***The Ordinance's Penalty Provisions.*** The Ordinance's penalty provisions are draconian and
23 designed to force transitional living homes to either abandon their provision of housing and other
24 services to Registrants (which would leave many homeless) or go bankrupt, face criminal
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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 “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
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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).)⁵

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.

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28 ⁵ 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.⁶

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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28 ⁶ 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 governments lack 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 **PRAYER FOR RELIEF**

27 WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

28 A. That the Court issue a judgment declaring that Chapter 10.80 of the Ordinance Code

1 of Fresno County, "Prevention of Contribution to Over Concentration of Sex
2 Offenders in Single Family Dwellings Utilized as Documented Transitional Living
3 Facilities," (Ord. No. 26-001) is preempted by California state law in that the policy
4 violates Article XI, Section 7 of the California Constitution;

5 B. That Defendants, including their officials, agents, officers, deputies, and employees,
6 be temporarily and permanently enjoined from enforcing the Ordinance;
7 C. That Plaintiffs recover from Defendants all of the Plaintiffs' reasonable attorney fees,
8 costs, and expenses of this litigation; and
9 D. For such other and further relief as the Court deems just and proper.

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11 Dated: January __, 2026

LAW OFFICE OF JANICE M. BELLUCCI

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13 By: _____
14 Janice M. Bellucci
15 Attorney for Plaintiffs
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