



Housing Justice For All

Intermountain Fair Housing Council

Concilio de Vivienda Justa

4696 W. Overland Road, Suite 140

Boise, Idaho 83705

Phone: (208)383-0695

Toll Free: (800)717-0695

Fax: (208) 383-0715

Email: contact@ifhcidaho.org

www.ifhcidaho.org

Teton Valley Resort

Attn: Adam W. Campbell

11629 S 700 E STE 125

Draper, UT 84020

Sent via email to: keith@tetonvalleyresort.com

September 16, 2020

Dear Adam and Keith of Teton Valley Resort, LLC:

Intermountain Fair Housing Council (IFHC) is reaching out to affirm our understanding of your solutions to help the families of the Victor Mobile Home Park who you are evicting and displacing. IFHC wants to assure that you will uphold the promises you have conveyed not only to local media, organizations and residents but to our organization as well. Hopefully, this letter will serve as a catalyst to fulfil those promises and help resolve the harm caused by the mass eviction and displacement of a 100-percent Latinx community.

The Intermountain Fair Housing Council (IFHC) is a nonprofit organization whose mission is to ensure open and inclusive housing for all people without regard to race, color, sex, religion, national origin, familial status, gender identity, sexual orientation, source of income, or disability. IFHC attempts to eradicate discrimination through education of the fair housing laws, housing information and referrals, housing counseling and enforcement including filing complaints under the Fair Housing Act (FHA). It is our goal, here to educate you about the law and to make certain commitments to these families are maintained.

It is our understanding that you are in the process of expanding your RV operations and ceasing the operation of the manufactured home park (MHP) you acquired. On June 11, 2019, you petitioned the City to re-zone this property without giving any notice to the residents. During the hearing on October 11, 2019, you made certain representations to the City that all notices were given pursuant to Idaho law. Under Idaho law, you are required to give each resident notice 15 days after any petition is filed with the City to re-zone the property. Idaho Code § 55-2007(3)(f). Our understanding is that no such notice was ever given to any of the residents. During a recent conversation, your manager, Keith Larson, expressed that this was not of concern since the City allowed the mobile home park to exist as is. However, the law requires notice without condition. Given that these conditions were not met, the residents never had due process under Idaho law. It is likely that the zoning determination by the City is in question because of this. Given that the community is entirely Latinx (Latinx) with some having disabilities and families with children, protected classes under the Fair Housing Act, they had the right to also question or raise

concerns regarding the re-zoning per the Fair Housing Act. We, therefore, believe that the current zoning is illegal under the Fair Housing Act and Idaho law.

This nine-unit neighborhood is 100% Latino. The displacement of low-income Latino households was identified in the HUD-funded 2014 Analysis of Impediments to Fair Housing study issued for your 4-county region, including Teton County, Idaho. Displacement of mobile-home residents, which are disproportionately Latino, is addressed on Page 140 of the study. I have provided a link to the study here:

<http://www.tetonwyo.org/DocumentCenter/View/2633/2014-Western-Greater-Yellowstone-Regional-Analysis-of-Impediments-PDF>

On June 19, 2020, you served a 90-day notice to all tenants of the manufactured home park informing them that their leases would be terminated. As I have made clear during conversations on August 21, 2020 and September 14, 2020, Idaho law requires a 180-day notice before ceasing operations of a manufactured home park. I.C. § 55-2010(d). Your belief expressed on September 14, 2020, that the park has “not ceased” operations because the RV operation still exists is flawed given the purpose and scope of the Manufactured Home Residency Act (MHRA). Under the MHRA, RV operations are expressly not covered. The protections under the MHRA concern only manufactured homes. In similar situations, our organization has taken action to preserve housing for affected residents including challenging the City on its recent re-zoning of land including, and not limited to, seeking a preliminary injunction in federal court. The Ninth Circuit has held that implementations of discriminatory conduct may merit the granting of a preliminary injunction in such cases. See *Diamond House of SE Idaho*, Case No. 4:18-cv-00383 DCN, at 21.

Courts have applied the Fair Housing Act to individuals, corporations, associations and others involved in the provision of housing and residential lending, including property owners, housing managers, homeowners and condominium associations, lenders, real estate agents, and brokerage services. Courts have also applied the Act to state and local governments, most often in the context of exclusionary zoning or other land-use decisions. See e.g., *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725, 729 (1995); *Project Life v. Glendening*, 139 F. Supp. 703, 710 (D. Md. 2001), *aff'd* 2002 WL 2012545 (4th Cir. 2002). The City of Victor is barred under the FHA from implementing zoning policies that target protected classes under the FHA. (See *Diamond House of SE Idaho, LLC v. City of Ammon*, Case No. 4:18-cv-00383 DCN (9th Cir. April 5, 2019).

Moreover, any attempt to evict the tenants without the proper 180-day notice pursuant to Idaho law, will require our organization to intervene in State court. Please, also keep in mind that it is unlawful under both state and federal law to cease operation of the park and evict tenants in retaliation for residents' complaints because of cessation of trash, snow removal and water services.

As stated earlier, our hope is that we can solve this case in way that is amicable to all parties involved. Given your prior statements to local media, community organizations, residents and to our organization regarding providing moving costs to these residents will be met, we believe that you will keep your promises and resolve this matter for community members without IFHC seeking other means of dispute resolution.

We are asking that you provide each of the nine manufactured home residents' household:

- \$15,000 per unit for moving costs, or
- Labor and all fees for moving each manufactured home including permitting fees with the City, the modification of any home to a new residence to comport with City requirements, and costs to any damage to a home that affects habitability, and
- Refund of all households' security deposits,
- A neutral or good reference,
- A waiver of all rents due from the date of the 90 Day Notice,
- Demolition and removal of homes that cannot be moved without charge to the household
- In the event, that another agreement is reached. That agreement is signed by resident, of their own free will, after having access to an attorney or advocate for review, that their and your obligations for moving have been met.

We look forward to your response by September 23, 2020. If you have any questions or concerns, please, contact me.

Respectfully,

Brian Stephens
Staff Attorney
Intermountain Fair Housing Council