



## Housing Justice For All

### Intermountain Fair Housing Council

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April 15, 2021

Planning & Zoning Commission

City of Victor

10 S. Main St., Unit 101

P.O. Box 122

Victor, ID 83455

*SENT ALSO BY FACSIMILE TRANSMISSION TO: (208) 787-2357*

Re: Teton Valley Resort Annexation and Rezoning

Dear Victor Planning & Zoning Commission:

I am the Executive Director of the Intermountain Fair Housing Council (“IFHC”) and am writing to you with regards to the above-referenced matter which is scheduled to be considered at your meeting on April 22, 2021. IFHC is a nonprofit located in Boise, Idaho that investigates complaints of housing discrimination on the basis of race, color, religion, national origin, sex, familial status and disability. IFHC has received a number of complaints that discrimination on the basis of national origin is occurring at the above-referenced property.

IFHC has investigated this matter and has serious concerns about the operation and closure of the Rocking H Mobile Home Park (“Rocking H”), which is located on the property at issue. In the event that IFHC is unable to obtain relief for the Latino families whose leases were illegally terminated and were forced to relocate off of that property, it intends to file a formal complaint with the United States Department of Housing and Urban Development (“HUD”), which is the federal enforcement agency with regards to the federal Fair Housing Act (“FHA”).

Rocking H has been operated as a mobile home park by its owner, who is now before you seeking annexation and rezoning from the City of Victor. Rocking H is a 100% Latino community, and its residents are protected under the FHA on the basis of national origin. When the owner decided to redevelop the property, he forced most of the residents off of the property without giving them proper notice as required by the Idaho Manufactured Home Residency Act, I.C. §55-2001 *et seq.* That Idaho statute requires owners of mobile home parks to give the residents 180 days’ notice of the owner’s cessation of the operation. I.C. §55-2010. IFHC has received reports that the residents who remain at Rocking H continue to be subject to harassment and intimidation as recently as yesterday to force them off of the property, despite the fact that they have no legal obligation to leave.

It is important to note that in its Annexation Application filed with the City of Victor on March 3, 2021, the owner makes no mention anywhere in its application that the property at issue currently contains a 100% Latino mobile home park. However, it is our understanding that Rocking H is part of the property that the owner is seeking annexation and rezoning by the City of Victor.

IFHC is in contact with legal counsel for the owner of Rocking H and currently attempting to negotiate a resolution to this dispute. However, it has been unable to do so over the last several months, and it increasingly appears that the matter will need to be submitted to HUD for further investigation and consideration.

In the event that you make a recommendation to the Victor City Council that the annexation and rezone should be approved, it is important that a condition be placed upon the owner of the property that it first reach a resolution of the dispute with its tenants at Rocking H. Otherwise, the City of Victor might be found to have endorsed the discriminatory practices of the owner by working in coordination with the owner in facilitating the redevelopment of the property in contravention of the legal rights of the residents of the property.

In reaching a decision on the application for annexation and rezoning, the City of Victor is required to comply with the requirements of the Local Land Use Planning Act. I.C. §67-6501 *et seq.* One of the express purposes of the Local Land Use Planning Act is “[t]o protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks.” I.C. §67-6502(a).

Furthermore, the City of Victor is required by the Local Land Use Planning Act to consider its Comprehensive Plan in making a decision with regards to this matter. I.C. §67-6511(2)(b). Facilitating the redevelopment of what is currently affordable housing fails to comply with the Comprehensive Plan.

Moreover, the City failed to give proper notice to the public and residents regarding the matters at issue in this proceeding did not comply with federal fair housing laws because it was given only in English. A significant percentage of the community do not speak English as their first language or are not proficient in English. Such housing consumers are therefore not put on proper and effective notice as to the matters at issue in this proceeding, cannot be expected to be fully aware of the matters at issue in this proceeding, and have therefore been denied the full opportunity to give effective input into this proceeding.

As recipients of federal funding, the City is required to comply with the Fair Housing Act (Title VIII of the Civil Rights Act) in regard to land use decisions as they relate to housing. The Fair Housing Act prohibits discrimination against people who are of a different national origin, which includes many people who are not proficient in English. Providers of federally-assisted housing, housing transactors, and programs must also comply with Title VI of the Civil Rights Act. Title VI requires additional language assistance measures. The Fair Housing Act is meant to ensure equal treatment of people who are limited English proficient. Title VI is meant to result in an equal outcome for those who are limited English proficient because of the additional language

assistance measures. Limited English proficiency is not listed among the protected classes in either title of the Civil Rights Act. However, case law and a HUD Office of General Counsel guidance document <https://ifhcidaho.org/wp-content/uploads/2019/07/2-2016-HUD-General-Counsel-Guidance.pdf> equate limited English proficiency to race and national origin which are both protected classes. [https://ifhcidaho.org/wp-content/uploads/2019/07/3-HUD\\_guidance\\_Jan07.pdf](https://ifhcidaho.org/wp-content/uploads/2019/07/3-HUD_guidance_Jan07.pdf).

The community has made a commitment to upholding the Fair Housing Act. Please, see Fair Housing Declaration scheduled for Wednesday, April 14, 2021, Victor City Council meeting. [https://www.victorcityidaho.com/agenda\\_details\\_T12\\_R290.php](https://www.victorcityidaho.com/agenda_details_T12_R290.php), the Housing Needs Assessment funded by HUD and conducted for Teton County, Idaho, Teton County, WY, and Fremont County, Idaho, and Madison County, Idaho <https://www.tetoncountywy.gov/DocumentCenter/View/1832/2014-Western-Greater-Yellowstone-Regional-Housing-Needs-Assessment-PDF> and the regional analysis of impediments to fair housing which should be very relevant for this issue. <https://jacksontetonplan.com/DocumentCenter/View/419/2014-Western-Greater-Yellowstone-Regional-Analysis-of-Impediments-PDF>.

We ask that the Planning & Zoning Commission recommend to the City Council, certain conditions of approval to the Annexation and Rezone and CUP request that will address the existing dangerous and inhumane housing conditions onsite as a concurrent condition of approval for new development entitlements and just relief for the families of Rockin H.

Furthermore, the [Teton County, Idaho Affordable Housing Strategic Plan](#) adopted in 2019 recommends a requirement of affordable housing through Annexation and Rezones as a top priority. The plan states: “*Require mitigation of impacts on affordable workforce housing by significant new development as part of **annexation agreements**, planned unit development approval and other legally permissible Mechanisms.*” A Development Agreement for Rezone is another “legally permissible mechanism” and a fair housing solution to the de jure land use discrimination that is occurring in Victor.

To remedy this concern and comply with the fair housing commitments in the Strategic Housing Plan, we recommend the following condition of approval:

1. Prior to review by the City Council, the applicant shall fund the hire of an affordable housing professional to complete a housing needs assessment generated by the TVR development, and the assessment shall identify all necessary measures to fully mitigate the impacts from the housing needs generated by the development.
2. The City of Victor Planning & Zoning Administrator shall select the affordable housing professional.
3. The City Council shall review the housing needs assessment and proposed mitigation and, if deemed acceptable by the Council, said mitigation shall be incorporated into an Annexation and/or Development Agreement.

The residents of Rocking H have incurred significant damages as a result of the discriminatory and illegal conduct of the owner. IFHC will continue to seek compensation for those residents.

IFHC therefore requests that you cease consideration of the annexation and rezone application that is currently pending before you to avoid further injury to the residents. Alternatively, if you decide to recommend to the Victor City Council that the annexation and rezone be approved, IFHC requests that you include in your recommendation that the owner be required to compensate the residents of Rocking H as a condition to the approval of the annexation and rezone.

Very Truly Yours,

*Zoe Ann Olson*

Zoe Ann Olson  
Executive Director  
Intermountain Fair Housing Council