



INSTITUTE FOR JUSTICE

August 31, 2020

VIA EMAIL

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RE: City's Unconstitutional Actions Against Sierra Vista Residents

To City Attorney Williams, Mayor Mueller, and City Manager Potucek,

We write in response to your letter of August 13 regarding Sierra Vista's efforts to force certain residents living in RVs to move from their long-time homes. Your letter appears to take the position that these residents have no choice but to move because of the City's zoning code. Your letter states you are willing to temporarily "defer enforcement" but are otherwise not willing to allow them to stay. As we have stated previously, many of these residents have been living in their RV homes for years and cannot afford to move. Forcing them off their property would be both severely unjust and unconstitutional.

Notwithstanding your letter, it is our understanding that Sierra Vista's Planning and Zoning Commission has voted to consider amendments to the zoning code that would allow these residents to continue living in RVs at their current addresses. Specifically, the proposed amendments would allow an RV as a primary residence in Manufactured Home Residences subdivisions.

Given the Commission's action, we request that the City rescind its letters demanding that the residents move while the City considers the amendments to the code. Again, several of

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these residents are elderly, on fixed incomes, and have health problems. We want to spare them the extreme stress and worry of trying to find a new place to live. Many of them cannot afford to move anywhere else. Rescinding the removal notices will allow residents peace of mind while they await the outcome of the proposed zoning amendment.

If the City refuses to rescind these removal notices, however, we will be forced to bring suit to protect these residents' rights. Litigation while these amendments are under consideration would be time consuming but necessary if the City's removal notices remain in place. If the removal notices are withdrawn pending the outcome of the amendment process, however, there would be no need for litigation at this time.

Accordingly, we request that the City formally withdraw its removal notices and inform each resident, in writing, that they do not need to move at this time. We further request that you do this by Wednesday, September 9. If you are not willing or able to withdraw the notices by this deadline, we will be forced to file suit.

We are available to discuss this further. Erica Smith's number is 631-383-5302, and her email is esmith@ij.org. Paul Avelar's number is 480-557-8316, and his email is pavelar@ij.org.

Sincerely,



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