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Farmington City Council
130 North Main Street
Farmington, UT 84025

October 21, 2008

To Members of the Farmington City Council:

The ACLU of Utah understands that the City Council intends to take action tonight on a proposed amendment to the Farmington City Zoning Ordinance, the effect of which would modify R-2 (multiple family residential) zoning to R (residential) or LR (large residential) zoning in several communities within Farmington City. The ACLU is concerned about the impact of this action on low income, elderly and other classes of individuals who commonly make use of multiple family residences. Particularly in light of the severe economic crisis that is plaguing our nation, there is a pressing need to ensure the availability of affordable housing in our communities in Utah.

In addition to the perhaps unintended consequences that result from eliminating multiple family residences in Farmington, the ACLU of Utah is disturbed by comments made by Farmington City Planning Commission members in connection with this zoning change. For example, statements such as "[t]he only thing Farmington hates more than renters is poor people¹," demonstrate a blatant discriminatory and prejudicial attitude toward low-income residents.

The ACLU of Utah would caution the city of Farmington against the use of land use ordinances and regulations motivated by, and designed to further discrimination against low-income people by preventing them from living in a particular area of the city. As Farmington's own Affordable Housing Plan states, "it is important for a city to provide housing opportunities for residents, regardless of economic status."²

¹ Statement made by Chairman Kevin Poff of the Farmington City Planning Commission at the September 25, 2008 Planning Commission meeting.

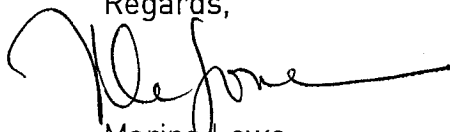
² Farmington City Affordable Housing Plan, December 1998, page III-1.

While a municipality such as Farmington may not have the ability to eliminate poverty, neither can it use economic status as the basis for imposing further disadvantages on the impoverished. Such discriminatory action is not only harmful to the general welfare of a community, but could also be found unconstitutional, on grounds that zoning ordinances that further no compelling government interest other than community prejudices violate the Equal Protection Clause of the U.S. Constitution.³

We hope that you will consider the ACLU of Utah's concerns as you evaluate this potential zoning ordinance change.

Please feel free to contact me should you have any questions or if I can be of any further assistance.

Regards,

A handwritten signature in black ink, appearing to read 'Marina Lowe', with a long horizontal stroke extending to the right.

Marina Lowe
Staff Attorney
ACLU of Utah

³ City of Cleburne v. Cleburne Living Center, 473 U.S. 432 (1985) (overturning a zoning ordinance where the regulation "rest[ed] on a bare desire to treat [a particular class of individuals] as outsiders, pariahs who do not belong in the community."