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The rundown remnants of the Syringa Mobile Home Park. Photos courtesy of author.

A Housing Crisis: The Story of the Syringa Mobile Home Park and the Law Clinic's Quest for Water

Jessica M. Long

What would you do if you had to live in a home without water?

If the water coming out of your home's pipes was contaminated? On average, a person uses between 80–100 gallons of water per day for indoor uses.¹ But if that water was contaminated, how would you fill the coffee pot in the morning, brush your teeth, shower, wash clothes, prepare meals, give your pets water to drink? How would you cope until your water was declared clean and safe to use again?

For the residents of the Syringa Mobile Home Park, this is the nightmare they found themselves living in for 93 days. And for seven years, this would be the biggest challenge the University of Idaho College of Law's Legal Aid Clinic would face – a class action lawsuit against the owner of

the Mobile Home Park, beginning in state court in February of 2014 and ending in bankruptcy court in March of 2021.² This is the story of how 25 legal interns, under the supervision of Professor Maureen Lafflin and Associate Clinical Professor Jessica Long, tried to help the residents of Syringa in their fight to secure safe water and compensation for having to endure without safe water for over three months.

The place

The Syringa Mobile Home Park (“Syringa”) was located in Latah County, approximately three miles from the University of Idaho. It was surrounded by the rolling hills of the Palouse and beautiful views of Moscow Mountain. Syringa opened in the 1970's. Long term former residents told us that Syringa was once a

coveted place to live, with newer mobile homes, big lots with trees and lawns between the homes, a large community rec center with an indoor pool, and community events throughout the year.

In the early 1980's, a man by the name of Magar E. Magar bought Syringa. Over the next 30 years, Syringa declined. Mr. Magar bought several of the mobile homes in the park, then let them deteriorate. The roads around Syringa were not maintained and became uneven and riddled with potholes. When the pool broke, it was covered up with plywood. The community rec center closed. And there were constant problems with the drinking water and wastewater systems. Syringa had several wells that provided water to the residents, along with three sewage lagoons for wastewater disposal. Beginning

in 1986, the Department of Environmental Quality (“DEQ”) brought numerous administrative actions against Magar for various problems with the fresh water and wastewater systems at Syringa. The DEQ filed suit against him in 2014.³

The problem

In December 2013, the residents of Syringa discovered that they were without water. This was not a new occurrence at Syringa. Residents reported that there were often periods when the water system

over two weeks without drinking water.

In February, a cold snap hit North Idaho and the poorly maintained sewage pipes at Syringa froze. For nearly two weeks, some residents could not even flush their toilets. The manager and her husband went to work unclogging and repairing the system, while community groups came out and helped thaw the residents’ pipes. When the sewage pipes eventually thawed and water began flowing through them again, the backed-up sewage came out of the toilets and bathtubs. Sewage

the only place they could afford to live. There were veterans suffering from PTSD living at Syringa, who found the park’s location outside of town peaceful. There were people struggling with substance abuse and mental health issues. And there were people who had felony convictions who, because of their convictions, could not find housing elsewhere. While their reasons for living and remaining at Syringa varied, all of them were being harmed by not having safe water to drink.

The case

Under Idaho Code Sec. 6-320, a landlord is required to maintain in good working order the electrical, plumbing, heating, ventilating, cooling, or sanitary facilities supplied by the landlord.⁴ The landlord is also prohibited from maintaining the premises in a manner that is hazardous to the health and safety of the tenant.⁵ However, before a tenant can file a lawsuit against the landlord for violations of Idaho Code Sec. 6-320, the tenant must first give three (3) days written notice to the landlord demanding specific performance to cure the violations.⁶

Similarly, under the Manufactured Homes Residency Act, the landlord is required “to maintain in good working order, to the terminal point of service, electrical, water or sewer services supplied by the landlord.”⁷ The landlord is also prohibited from “maintaining the premises in a manner hazardous to the health and safety of the resident including... a continuing violation of (i) any rule adopted by the department of environmental quality governing public drinking water systems, and (ii) any rule adopted by the department of environmental quality governing hazardous waste.”⁸ Under this act, a resident must similarly give the landlord three (3) days written notice demanding specific performance to cure the violations prior to filing suit.⁹

Three residents agreed to serve as the class representatives for the lawsuit: one of Magar’s tenants and the other two homeowners renting lot space from Magar. Magar was given three (3) days written notice, listing each statutory violation, and demanding specific performance to cure the violations. When no actions were

“The residents could, in theory, still use the water for bathing, laundry, and flushing their toilets, but the water was not safe for drinking, even after boiling it.”

did not work. Typically, it was because the pumps for the wells had malfunctioned and the pressure in the system had dropped. The water outages usually lasted less than a day.

On December 18, 2013, the water came back on. But testing of the water showed high levels of coliform bacteria, a bacteria found in feces, as well as lead in the water. The residents could, in theory, still use the water for bathing, laundry, and flushing their toilets, but the water was not safe for drinking, even after boiling it. Residents suspected that the people working on the system began heavily chlorinating the water to kill the coliform bacteria. Residents reported that the water smelled like bleach. Residents who used the water to shower and bathe reported burning skin and rashes. Residents who inadvertently consumed the water reported abdominal cramps, diarrhea, and vomiting.

The Legal Aid Clinic began receiving calls right at the end of the winter academic break. By then, the residents had gone

spilled onto the floors and soaked into the residents’ carpets. And the residents were all still without drinking water.

The people

The legal interns started their work in January 2014 with a visit to Syringa to interview the residents. At this time, it was unknown how many people even lived there. The legal interns went door-to-door, talking with the residents, gathering information, and getting a headcount.

The legal interns learned that some of the residents rented their homes from Magar and paid rent to him. Others rented their homes from third parties and paid lot rent to Magar. Still others owned their mobile homes and paid lot rent to Magar.

The legal interns talked with people who had lived at Syringa for over 30 years, who remembered celebrating holidays in the community rec center and swimming in the indoor pool. They talked with others who were working full-time and struggling to make ends meet, and Syringa was



Barricades left behind at the deserted Syringa Mobile Home Park.

taken, the clinic filed a class action against Magar on February 26, 2014.

At this point, things were desperate for the residents and the primary goal was to get them water. When the class action lawsuit was filed against Magar, there were already two cases pending against him for his mismanagement of Syringa. The first was by the Idaho Conservation League, because contaminated water from Syringa's sewage lagoons had flowed into the South Fork of the Palouse River. The second was by the Department of Environmental Quality for violations pertaining to Syringa's drinking water system.

The clinic first sought a preliminary injunction, seeking to have Magar fix the drinking water system, and provide bottled water, bathrooms, showers, and laundry facilities to the residents until the system was working again. The motion for a preliminary injunction was set for a hearing on March 25, 2014. On March 20, 2014, five days before the hearing, the water at Syringa was declared safe to drink again.

But because of concern that the problems were far from over, the clinic went forward with the hearing. Justice Stegner, then district judge for Latah County,

granted the injunction and ordered Magar to keep the system working, and do routine maintenance and repairs as needed to ensure the drinking water system did not fail again. If it did malfunction, Magar needed to provide water to the residents.

The class action lawsuit moved forward, seeking permanent fixes to the water and wastewater systems, and compensation for the residents for having to endure 93 days without water.

The clinic and Magar participated in mediation in the summer of 2014. Magar agreed to do regular, preventative maintenance and repairs to the drinking water and wastewater systems, but he would not agree to pay the residents any money. So, the issue of money damages was set for a hearing. After numerous continuances, a hearing on damages was set for March 31, 2015. On March 27, 2015, the Friday before our hearing on damages, Magar filed for bankruptcy.

Meanwhile, at the park, the residents were still struggling. The water system still periodically malfunctioned. The sewage lagoons still periodically overflowed. Because of the unstable conditions, Latah County's Planning and Building Department condemned the entire mobile home park. As people vacated their homes, the county came in and condemned the home. As a result, no new residents could move into Syringa. If people wanted to sell or rent their homes and move out, the people buying or renting their homes could not move in. Since it cost thousands of dollars to move a mobile home, this was not a viable option for most residents. So many residents simply abandoned their homes and left.

In December 2016, NPR did a story on Syringa called *Mobile Home Park Owners Can Spoil an Affordable American Dream*, which discussed the challenges of being mobile homeowners—stated simply, they own their homes, but they don't own the land under their homes.¹⁰

On November 13, 2017, the unsecured creditors in Magar's bankruptcy participated in mediation with Magar's representatives and were able to reach a settlement. Under the terms of that settlement, the residents of Syringa, including those who had recently moved, received some money to pay for moving expenses, to reimburse them for their lost homes, and to com-



The Syringa Mobile Home Park used to be home to a recreational center and indoor pool, both of which are now abandoned and boarded up.

pensate them for having to live in Syringa without water. Magar was also required to keep the park open until June 5, 2018, so residents would have adequate time to move out. The money was distributed in the summer of 2018 and the park subsequently closed.

As part of the bankruptcy, the sewage lagoons were drained and decommissioned and the land was sold. Magar passed away on August 16, 2018. If you drive by Syringa today, you will still see abandoned mobile homes, most damaged and graffitied, a boarded-up community center, a dilapidated playground, build-

ings partially torn down, and personal property scattered about the grass and roads.

The conclusion

In total, 25 legal interns worked on the Syringa case over its seven-and-a-half-year duration. The knowledge they gained and the opportunities they had were impressive. The interns had to master the rules of civil procedure, particularly those dealing with class actions, while learning contract law, tort law, and landlord-tenant law. They drafted complex pleadings – a

class action complaint, motions to certify the class for a preliminary injunction, for contempt, and to compel, briefs, affidavits, declarations, discovery requests, and subpoenas. They engaged in the discovery process, including taking depositions and subpoenaing records. They took part in negotiations and mediations. And they participated in numerous hearings.

They learned to work with experts including the hydrogeologists testing the water, a ground water engineer, a doctor, government officials, other lawyers,¹¹ and law professors with expertise in civil procedure, contracts, torts, real property, landlord-tenant law, environmental law, bankruptcy, tax law, and professional responsibility.

And finally, the legal interns learned how to talk and connect with their clients. They went into the residents' homes, saw where and how they lived, listened to their stories, and witnessed their struggles. They held meetings and updated the residents on the case. They helped explain how the case was progressing. They handed out checks from the settlement, celebrated with the residents who moved on to better places, and commiserated with the ones who were struggling to leave. They honed their advocacy skills and fought for the residents until the very end.

Syringa exposed the challenges facing residents of mobile home parks. For those renting a mobile home from the landlord, their only option is to sue for damages. The same is true for those owning their homes and paying lot rent to the landlord. Neither is legally entitled to withhold rent until the problem is fixed.

For those renting from third parties, their options are more limited. They have no contractual relationship with the mobile home park owner and thus no avenue of redress under landlord-tenant law. Instead, they have to pursue an action against their own landlord, who ultimately has no control over the problem and thus no ability to remedy it. And as many of the homeowners at Syringa discovered, a mobile home park owner can close a park with a mere six months' notice.¹² If the homeowner cannot arrange for their home to be moved, they simply have to abandon it. This is what many of the homeowners at Syringa had to do.

Legal Interns who worked on the case

The following is a list of the legal interns who worked on this case over the years:

Michaela Adams
Sara Archibald
Tracey Poulos (formerly Calderon)
Lauren Ellis (formerly Chambard)
Auriana Clapp-Younggren
Christine Dodd
Shea Line
Sandra Lockett
John Michael McCracken
Tyler Naftz
Kevin Page
Desiree Seal
Alexander Sosa
Donald "Joe" Towslee
Craig Watt
Michael Wilder
Brennan Wright

Eight additional legal interns worked on portions of the case, but consent to publish their names could not be obtained prior to publication.

Ultimately, the residents are at the mercy of the mobile home park owner, with little recourse when problems, such

“*Syringa exposed the challenges facing residents of mobile home parks. For those renting a mobile home from the landlord, their only option is to sue for damages.*”

as a malfunctioning water or wastewater system, happen. But those issues (and possible solutions) are for another article. For now, as the clinic closes our files, we focus on the people we served, the challenges we faced, and the work we performed in our effort to obtain a safe and healthy living environment for the residents of the Syringa Mobile Home Park.



Jessica M. Long is an Associate Clinical Professor at the University of Idaho College of Law. Professor Long supervises the Main Street Law Clinic, serves as Director of Clinical Programs, runs the College of Law's Trial Advocacy Program, and teaches Lawyering Process.

Endnotes

1. https://www.usgs.gov/special-topic/water-science-school/science/water-qa-how-much-water-do-i-use-home-each-day?qt-science_center_objects=0#qt-science_center_objects.
2. Page v. Magar, 2d Jud. Dist. of Idaho, County of Latah, Case No. 2014-227; In re Magar E. Magar, Case No. 15-41415-MJH (Bankr. W.D. Wash. filed Mar. 27, 2015 and terminated Mar. 11, 2021).
3. Idaho Dept. of Env't'l Quality v. Magar, 2d Jud. Dist. of Idaho, County of Latah, Case No. 2014-121.
4. Idaho Code § 6-320(a)(2).
5. Idaho Code § 6-320(a)(3).
6. Idaho Code § 6-320(d).
7. Idaho Code § 55-2014(1)(a).
8. Idaho Code § 55-2014(1)(b)(i)(ii).
9. Idaho Code § 55-2014(5).
10. <https://www.npr.org/2016/12/26/502590161/mobile-home-park-owners-can-spoil-an-affordable-american-dream>.
11. Attorney Duncan Palmatier served as co-counsel for a portion of the class action lawsuit. Attorneys Ford Elsaesser and John (J.D.) Nellor represented the unsecured creditors committee in Magar's bankruptcy case.
12. Idaho Code § 55-2010(d).

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