June 12, 2018

VIA U.S. MAIL and E-MAIL

Sophia and Jess Anderson

Re: The INN Between

Dear Mr. and Mrs. Anderson,

This law firm represents The INN Between, Inc., in connection with statements you have made regarding its hospice facility located at 1216 East 1300 South in Salt Lake City, Utah (the “Facility”). We understand that you have created a GoFundMe webpage (https://www.gofundme.com/hilside-homeless-shelter-opposition), one or more Facebook pages or groups, a NextDoor.com posting, and distributed one or more printed flyers to neighbors near the Facility. The purpose of this letter is to address false and misleading statements made regarding The INN Between and its operation. If you are represented by legal counsel, or you engage legal counsel hereafter, please provide this letter to your attorney.

The INN Between appreciates active community involvement and open dialogue about The INN Between, the Facility, and our community. The INN Between also recognizes your rights to express your apparent frustrations regarding the Facility. However, you have made and published numerous false statements regarding The INN Between and its Facility. Such statements are harmful to The INN Between, and cannot be tolerated. While the Constitution protects individuals’ rights to free speech, no such protection is afforded to defamatory speech. Rather, persons who defame others may be liable for the damages they cause. Where the defamatory statements charge conduct “incompatible with the exercise of a lawful business, trade, profession, or office,” damages are presumed as a matter of law. See Baum v. Gillman, 667 P.2d 41, 42-43 (Utah 1983).
On your GoFundMe page and elsewhere, you have made several defamatory statements against The INN Between, including charges that its conduct is incompatible with the exercise of a lawful business. Such statements include, but are in no way limited to, the following “factual” representations:

1. "The INN Between is NOT licensed, but are moving homeless individuals in on June 1st."

**FACT:** The INN Between is licensed by the State of Utah as an Assisted Living Facility Type II, allowing the Facility to accommodate up to twenty-five beds for assisted living purposes. *See Utah Admin. R. 432-270 et seq.; Salt Lake City Code § 21A.33.070.*

2. "[T]hey are trying to get approval to be a ‘congregant living facility’, which will not require any licensure to operate, and asking for a reasonable accommodation request to house up to 121 individuals."

**FACT:** The INN Between is not pursuing approval as a Congregate Care Facility. The INN Between’s former facility was zoned as a Congregate Care Facility to comply with the zoning ordinance in its prior location. This classification is not necessary to operate the Facility at its current location.

Also, in addition to being licensed as an Assisted Living Facility Type II facility, with twenty-five beds allocated for that purpose, the applicable zone allows the Facility to operate as a twenty-five bed Eleemosynary Facility. *See Salt Lake City Code § 21A.33.070.* The Facility is thus permitted, by law, to facilitate an additional twenty-five beds allocated to eleemosynary purposes. The Facility may thus accommodate a total of 50 beds between the two purposes under its current license and zoning. Following recognized legal procedures, The INN Between has submitted a request for a reasonable accommodation that would allow the Facility to operate with a total of 75 beds, an increase of 25 additional beds beyond its current allowance. That request is pending. There is, however, no request seeking permission to accommodate “up to 121 individuals” as you claim.

3. “[R]esidents will be responsible for administering and storing their own medications.”

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1 An “Assisted Living Facility Type II” is defined under state law as “a residential facility with a home-like setting that provides an array of coordinated supportive personal and health care services available 24 hours per day.” *See Utah Code § 26-21-2(5).*
FACT: Following See Utah Admin. R. 432-270-19, medical staff at The INN Between determine which patients are capable of managing their own medications, and which patients require medications to be managed by staff. Those patients who are permitted to self-administer their medications are provided safes so medications are stored securely.

4. “Going on the ‘honor system’ for homeless individuals to disclose if they are sex offenders or have federal offenses (no verification required).”

FACT: Requirements for registering sex offenders and disclosing sex offender status are set by state and federal law. All sex offenders must strictly adhere to and comply with those laws, or be subject to severe consequences. The INN Between verifies that any residents who are sex offenders (as that term is defined in the law) are registered with the authorities. The INN Between does not admit residents who are believed to be a danger to other residents or the community.

5. “No regulations for biohazard materials which may contain communicable diseases.”

FACT: The INN Between adheres to and follows all applicable state and federal laws and regulations regarding biohazard materials and their proper disposal. If you are aware of a single instance in which any such law or regulation has been violated by The INN Between, we invite you to inform us of the same so that any problem may be immediately addressed.

6. “No regulation for staff to resident ratios.”

FACT: The INN Between adheres to and follows all applicable state and federal laws and regulations for staffing. If you are aware of a single instance in which any such law or regulation has been violated by The INN Between, we invite you to inform us of the same so that any problem may be immediately addressed.

7. “The INN is receiving an ongoing annual amount of $500,000 from Salt Lake County.”

FACT: The INN Between was awarded a one-time $500,000 Community Development Block Grant through a special Salt Lake County CDBG initiative specifically targeting homeless facilities. A Community Council made up of citizens thoroughly reviews all CDBG applications and makes funding recommendations to the mayor.
8. “The sale [of the Facility] is considered a ‘private sale’ even though this tax money was and will be given. By calling it a private sale The INN was not required to tell the neighbors and community until the sale was finalized.”

FACT: The INN Between’s purchase of the Facility was a private sale because it was consummated between two private parties—in this case Mission Healthcare Services and The INN Between, both of which are 501(c)(3) non-profit entities. Private parties are never required to notify their neighbors about a sale of property. Because “Assisted Living Facility” is a permitted use in the zone where the Facility is located, see Salt Lake City Code § 21A.33.070, city ordinances did not require any public hearing regarding The INN Between’s proposed operation. Had a conditional use permit or rezone been required, then notice would have been provided in accordance with city ordinances and state law.

9. The INN Between is a “homeless shelter.”

FACT: The INN Between is an Assisted Living Facility\(^2\) and an Eleemosynary Facility\(^3\) under state law and Salt Lake City ordinances. It is not a shelter and is prevented from being a shelter by zoning and licensing regulations. The INN Between’s mission is to serve the medically frail, not to be a shelter. All residents at The INN Between must have a medical referral and are closely monitored by medical staff. The INN Between does not accept walk-in clients, as shelters typically do.

10. “It appears that The INN Between has manipulated things in order to accomplish [operating a homeless shelter].”

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\(^2\) “Assisted Living Facility” is defined in the Salt Lake City Code § 21A.62.040 as “A residential facility, occupied by seventeen (17) to twenty five (25) individuals, licensed by the state of Utah under title 26, chapter 21 of the Utah code or its successor, that provides healthcare and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah code section 26-21-2 or its successor.”

\(^3\) “Eleemosynary Facility” is defined in the Salt Lake City Code § 21A.62.040 as “A facility operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate, and private funding. The term ‘eleemosynary facility’ does not include places of worship, social and community services organizations, homeless shelters, homeless resource centers, community dining halls, group home dwellings, residential support dwellings, and other similar facilities.”
FACT: The INN Between has followed all applicable zoning and licensing laws. The INN Between has not sought or received any special treatment from any government body or regulator.

The foregoing are examples of the defamatory statements included in the various materials published by your group. The entire premise of your advocacy against The INN Between is based on a false premise regarding the Facility’s mission and the laws that govern its existence. The Facility is not a homeless shelter. The Facility is a medical facility striving to provide invaluable services to a severely underserved population of our community. The INN Between endeavors to make our entire community a better place, for all.

By this letter, The INN Between demands that you immediately cease and desist all publication of false or misleading information about The INN Between or its Facility, and remove the false and defamatory statements addressed herein from your online GoFundMe, Facebook, and NextDoor.com pages immediately. We further request that you correct prior false and misleading statements by publishing correct information, as set forth above.

As stated at the beginning of this letter, The INN Between appreciates active community involvement and open dialogue. If you are sincere about your concerns, we invite a member of your group to join The INN Between’s neighborhood advisory council where you can help constructively address any true conflicts between the community and the Facility, rather than continue spreading misinformation and stoking unwarranted fear.

We appreciate your prompt attention to this letter. Should you wish to discuss any matters addressed herein, please contact the undersigned at 801-524-1007 or aleeman@princeyeates.com.

Very truly yours,

Alex B. Leeman, Esq.
PRINCE, YEATES & GELDZAHLER