



Long-Range Planning Interim Budget Committee

69th Montana Legislature

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October 9, 2026

Mayor Kris Vogele
City Attorney Ryan Addis
Members of the Laurel City Commission
115 West First Street
Laurel, MT 59046

Ladies and Gentlemen:

This letter is sent to you on behalf of the Long-Range Planning Interim Budget Committee. It is our understanding that the City of Laurel passed Ordinance 026-03 which essentially means the City will not provide water service to the proposed new mental health facility for forensic patients. We believe that the action is discriminatory and has violated both the Federal Fair Housing and the Americans with Disabilities Acts.

Under the Fair Housing Act, it is unlawful:

to discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of...a person residing or intending to reside in that dwelling after it is made...made available... or any person associated with that buyer or renter. [42 U.S.C. 3604\(f\)\(1\)](#).

Title II of the Americans with Disabilities Act generously mandates that “no qualified individual with a disability shall by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subject to discrimination by such entity”. [42 U.S.C. 12132](#). Both federal statutes apply to municipal zoning decisions. See [Greater New Orleans Fair House. Action Ctr. V. St Bernard Parish, 648 F. Supp. 2nd 805.808 \(E.D.La.2009\)](#). The ADA also prohibits discrimination against individuals who have a record (history) of a psychiatric disability or, are regarded as having a psychiatric disability.

Cities that have discriminated against those with mental disabilities by enacting or enforcing discriminatory ordinances have found themselves in court for violations of both the Fair Housing Act and Title II of the Americans with Disabilities Act. See [United States v. City of New Orleans, No. 12-2011, 2012 U.S. Dist. Lexis 173177 \(E.D. La. Dec. 6, 2012\)](#). The US Department of Justice filed suit against the city for violations of both the Fair Housing Act and Title II of the Americans with Disabilities Act. New Orleans attempted to

dismiss the case but the federal court denied the motion and allowed the case to proceed against New Orleans.

We believe that the City of Laurel has intentionally discriminated against those with psychiatric and mental disabilities by passing an ordinance to deprive these people from securing access to the city's water system. This discrimination may subject Laurel to a lawsuit for violation of both the Fair Housing Act and Americans with Disabilities Act.

We urge the City of Laurel to repeal Ordinance 026-03 and provide water service to the proposed mental health center. Litigating an issue of this type benefits no one.

The 2025 Montana Legislature voted to fund the proposed facility because the state has a significant need for additional mental health beds and it thought it desirable to locate the facility in the Billings area because, as the state's most populous county, Yellowstone County sends a significant number of patients to Montana State Hospital as well as other custodial institutions operated by the State.



Rep. John Fitzpatrick

Chairman of the Long-Range Planning Interim Budget Committee

cc:

Senator Steve Daines

Senator Time Sheehy

Representative Ryan Zinke

Representative Troy Downing

Department of Commerce

Department of Natural Resources and Conservation

Department of Environmental Quality