

# **Bond Case Briefs**

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## **IMMUNITY - TEXAS**

### **Providence Behavioral Health v. Grant Road Public Utility District**

**United States Court of Appeals, Fifth Circuit - August 28, 2018 - F.3d - 2018 WL 4099682**

Mental health provider and property owner brought action against public utility district, its board of directors and board members, alleging defendants' denial of water, drainage and septic services to provider's intended psychiatric facility violated Americans with Disabilities Act (ADA), federal Fair Housing Act (FHA), and Texas Fair Housing Act (TFHA).

The United States District Court for the Southern District of Texas entered judgment dismissing provider's claims. Provider appealed.

The Court of Appeals held that:

- District was local government entity, rather than instrumentality of state of Texas and thus, was not entitled to Eleventh Amendment sovereign immunity from action;
- District, board and board members were not liable for discrimination under ADA, FHA, and TFHA;
- District, board and board members were not liable for failing to provide reasonable accommodation to provider and owner in violation of ADA, FHA and TFHA; and
- District, board and members were not entitled to an award of attorney fees.