Resolution No.:	20-1243
Introduced:	October 27, 2026
Adopted:	October 27, 2026

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: County Council

SUBJECT: Resolution to Oppose Proposed Federal Changes to the 2030 Decennial Census

Background

1. The decennial U.S. Census provides constitutionally required population counts used for congressional apportionment, redistricting and the allocation of federal resources.

2. The Census Bureau's longstanding standard for enumeration is to "count everyone, count them once, and count them in the right place," a framework essential to ensuring constitutional apportionment and accurate data for state and local planning. Montgomery County has a compelling interest in preserving this standard to ensure every resident is counted once, only once, and in the right place.

3. On September 10, 2026, the U.S. Census Bureau published a proposed rule (91 FR 57524) (the "Proposed Rule") that would:

    a. exclude non-citizens who are not lawful permanent residents from the apportionment count;

    b. eliminate long-standing residence categories used to ensure accurate enumeration of residents in nursing homes, domestic-violence shelters, homeless shelters, group homes and college housing;

    c. rely on administrative records to determine legal status without a resident correction mechanism; and

    d. remove self-reported race, ethnicity and sexual orientation questions from the decennial enumeration.

4. The Fourteenth Amendment of the Constitution requires apportionment based on "the whole number of persons in each State." Every decennial Census since 1790 has counted all residents at their usual residence, regardless of citizenship status.

5. The Proposed Rule contradicts the constitutional framework by removing entire categories of residents from the apportionment count, adopting administrative record exclusions that risk duplications or omissions and redefining "usual residence" in a manner that would overlook residents who move, who do not file tax returns, or who reside in nontraditional housing arrangements.

6. Montgomery County is home to more than one million residents, including thousands of lawful residents who would be excluded under the Proposed Rule - such as students on visas, temporary protected status (TPS) holders, asylees awaiting adjustment and workers contributing to key County industries.

7. Montgomery County Public Schools serves more than 159,000 students, including over 32,000 emergent multilingual learners. Under U.S. Supreme Court case Plyler v. Doe, all children must be educated regardless of immigration status. Removing residents from Census counts would reduce formula-based funding for Title I, Individuals with Disabilities Education Act (IDEA), school nutrition and Head Start, while leaving Montgomery County fully responsible for their education.

8. Montgomery County houses more than 7,700 residents in nursing homes and assisted-living facilities; more than 1,100 residents are experiencing homelessness; and more than 20,000 students live in group quarters such as college housing, according to point in time counts. Eliminating specific residence rules jeopardizes accurate enumeration for these populations.

9. The proposed elimination of specific residence categories, including those for residential treatment centers, religious group quarters, group homes for people with disabilities, boarding schools, foster-care placements and survivors living in domestic-violence shelters - creates the risk that many residents will either be counted in the wrong jurisdiction or not counted at all. For Montgomery County, this threatens accurate enumeration of residents in congregate settings, vulnerable children without permanent placements and survivors who cannot safely be counted at their prior residence.

10. The proposed reliance on administrative records, many of which are incomplete, outdated or not tied to residential addresses, would erroneously exclude residents without providing any process to correct inaccurate classifications.

11. Expanded use of administrative-record matching for legal-status determinations risks exposing sensitive personal data and undermining trust in the confidentiality protections guaranteed by Title 13 of the United States Code, the body of federal law that governs the U.S. Census Bureau. Public willingness to participate in the Census depends on trust that data will not be used for immigration enforcement or exclusion. The Proposed Rule's structure and rationale threaten this trust and would likely deter participation across diverse Montgomery County communities.

12. Introducing legal-status classifications into the Census process is likely to suppress response rates, as demonstrated by the Census Bureau's own analysis in Department of

Commerce v. New York (2019), a U.S. Supreme Court case in which the Bureau projected reduced participation among noncitizen households and spillover effects in mixed-status families. Montgomery County's 2020 self-response rate of 78 percent, achieved through extensive multilingual outreach, demonstrates the sensitivity of community participation to perceived immigration-related questions. The proposed use of administrative-record matching, combined with the potential addition of legal-status inquiries, threatens an undercount of individuals County-wide.

13. Removing race, ethnicity, and sexual orientation questions would undermine Montgomery County's ability to comply with civil rights laws, including the Voting Rights Act; harm Montgomery County's ability to meet language-access obligations for residents; and erode the quality of data needed for equitable public policy decisions and public-health disparity monitoring.

14. The proposed rule states it has no significant effect on state or local governments, despite clear impacts on Montgomery County's legally mandated services, funding allocations and redistricting responsibilities, as well as the potential disenfranchisement of residents through future potential redistricting efforts.

15. Montgomery County has invested substantial resources in planning for an accurate 2030 Census, including multilingual outreach efforts that achieved a 78 percent self-response rate in 2020.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

1. Montgomery County opposes the U.S. Census Bureau's Proposed Rule 15 CFR Parts 60 and 70, published at 91 FR 57524 on September 10, 2026, and urges the Census Bureau to withdraw the proposal in full.

2. The Council affirms the constitutional requirement to count all persons residing in the United States for apportionment and redistricting, consistent with the Fourteenth Amendment of the U.S. Constitution and more than 200 years of Census practice.

3. The Council urges the Census Bureau to retain the 2020 "usual residence" standard - the place where a person lives and sleeps most of the time - and to restore rules to count accurately those in nursing homes, assisted-living facilities, domestic-violence shelters, homeless shelters, group homes, residential treatment centers, college housing, foster-care placements and other group quarters.

4. Montgomery County strongly opposes adding a citizenship or legal-status question to the decennial Census questionnaire, given the well-documented risk

that such questions suppress response rates, introduce enumeration errors and disproportionately undercount mixed-status households that County agencies are legally required to serve.

5. Montgomery County urges the Census Bureau to retain self-reported race, ethnicity, and sexual orientation questions, which are essential for informed decisions about public policy, compliance with civil rights laws such as the Voting Rights Act, language-access planning and public-health monitoring.

6. The Council urges the Census Bureau to ensure that any use of administrative records respects due process, safeguards respondent privacy as required under Title 13 of the U.S. Code, and avoids actions that would undermine public trust or depress Census participation.

7. The Council urges consultation with state and local governments before any further action is taken and requests publication of a full analysis of the Proposed Rule's impact on funding, redistricting, and service obligations for each county and state.

8. Montgomery County reaffirms its commitment to a complete, accurate and fair 2030 Census - as required by the U.S. Constitution - and will continue its outreach efforts to ensure that every resident is counted.

This is a correct copy of Council action.



Sara R. Tenenbaum
Clerk of the Council