



Committee: ECON
Committee Review: At a future date
Staff: Livhu Ndou, Senior Legislative Attorney
Purpose: To introduce agenda item – no vote expected

CORRECTED
AGENDA ITEM #3A
March 3, 2026
Introduction

SUBJECT

Expedited Bill 13-26, Building Permits – Immigration Detention Facility (ICE Out Act)

Lead Sponsors: Councilmember Glass, Council President Fani-González, Councilmembers Stewart, Friedson, Katz, Evans, Jawando, Mink, Sayles, and Council Vice President Balcombe

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce agenda item – no vote expected

DESCRIPTION/ISSUE

Expedited Bill 13-26 will prohibit the issuance of building permits or use-and-occupancy permits for immigration detention facilities.

SUMMARY OF KEY DISCUSSION POINTS

- Recently, the [Maryland Attorney General](#) sued the Department of Homeland Security (DHS) for its attempts to purchase a warehouse in Hagerstown, MD to allegedly be used as a U.S. Immigration and Customs Enforcement (ICE) detention center. And Howard County recently [revoked a building permit](#) for a privately-owned detention facility in Elkridge, MD for failing to meet certain notice and public hearing requirements. The Montgomery County Code does not currently define an immigration detention center or facility.
- Expedited Bill 13-26 defines an “immigration detention facility” as “any building, facility, or structure used, in whole or in part, to house or detain individuals for civil immigration violations”, a definition modeled after the definition in State law ([Correctional Services Article § 1-101](#)).
- Expedited Bill 13-26 would prohibit the Department of Permitting Services (DPS) from issuing a building permit or a use-and-occupancy permit for a privately-owned immigration detention facility. The intent of this bill is to prevent the use of both new buildings and existing buildings as privately-owned immigration detention facilities.
- The bill may be referred to as the “ICE Out Act.”
- A public hearing will be scheduled at a later date.

This report contains:

Expedited Bill 13-26

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Expedited Bill No. 13-26
Concerning: Building Permits –
Immigration Detention Facility (ICE
Out Act)
Revised: 2/23/2026 Draft No. 1
Introduced: March 3, 2026
Expires: _____
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmember Glass, Council President Fani-González, Councilmembers Stewart, Friedson, Katz, Evans, Jawando, Mink, Sayles, and Council Vice President Balcombe

AN EXPEDITED ACT to:

- (1) define immigration detention facility;
- (2) prohibit the issuance of a building permit or a use-and-occupancy permit for a privately-owned immigration detention facility; and
- (3) generally amend the law regarding the approval of an immigration detention facility.

By adding

Montgomery County Code
Chapter 8, Buildings
Section 8-25B

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

1 **Sec. 1. Section 8-25B is added as follows:**

2 **8-25B. Immigration Detention Facility – prohibited.**

3 (a) Definitions. In this Section, the following term(s) have the meanings
4 indicated:

5 Immigration detention facility means any building, facility, or structure
6 used, in whole or in part, to house or detain individuals for civil
7 immigration violations.

8 (b) Prohibition. The Department must not issue a building permit or a use-
9 and-occupancy permit for a privately-owned immigration detention
10 facility.

11 * * *

12 **Sec. 2. Short Title.** This Act may be cited as the “ICE Out Act”.

13 **Sec. 3. Effective Date.** The Council declares that this legislation is necessary
14 for the immediate protection of the public interest. This Act takes effect on the date on
15 which it becomes law.