



Committee: ECON
Committee Review: Completed
Staff: Livhu Ndou, Senior Legislative Attorney
Purpose: Final action – vote expected

AGENDA ITEM #4A
April 21, 2026
Action

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, and Councilmember Luedtke

EXPECTED ATTENDEES

- Rabbiah Sabbakhan, Director, Department of Permitting Services (DPS)
- Ehsan Motazed, Deputy Director, DPS

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To take action – roll call 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.”
- An Economic Development (ECON) Committee worksession was held on April 10, 2026. The Committee unanimously recommended approval of Expedited Bill 13-26 without amendment.

- The Committee voted 2-2 on an amendment requested by Councilmember Luedtke, to require compliance with the National Environmental Policy Act (NEPA) and the federal Administrative Procedure Act (APA).

This report contains:

Expedited Bill 13-26, as introduced	© 1
Racial Equity & Social Justice Impact Statement	© 3
Climate Assessment	© 7
Fiscal Impact Statement	© 10
Economic Impact Statement	© 11
Letter from Councilmember Luedtke	© 20
HB1017, Correctional Services – Private Detention Facilities – Zoning Requirement	© 22

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MEMORANDUM

April 16, 2026

TO: County Council

FROM: Livhu Ndou, Senior Legislative Attorney

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

PURPOSE: Action

<p style="text-align: center;">Committee Recommendation: The Economic Development (ECON) Committee unanimously recommends approval.</p>
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EXPECTED ATTENDEES

- Rabbiah Sabbakhan, Director, Department of Permitting Services (DPS)
- Ehsan Motazedi, Deputy Director, DPS

INTRODUCTION

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, Council Vice President Balcombe, and Councilmember Luedtke, was introduced on March 3, 2026.

PURPOSE

Expedited Bill 13-26 would define an “immigration detention facility” and 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 purpose of the bill is to prevent private corporations from opening immigration detention centers in Montgomery County.

BILL SPECIFICS

Definition. Expedited Bill 13-26 would define 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.” This definition is similar to one found in State law, under [Correctional Services Article § 1-101](#).

Prohibition. Expedited Bill 13-26 would prohibit DPS from issuing a building permit or a use and-occupancy permit for a privately-owned immigration detention facility.¹ Since the definition of an immigration detention facility includes the language “in whole or in part” to account for the use of only part of a building for an immigration detention facility, DPS will need to evaluate permit applications on a case-by-case basis to determine if the prohibition applies.

PUBLIC HEARING

A public hearing was held on March 24, 2026. The Council also received written testimony.² Testimony spoke of the reported poor conditions of Immigration and Customs Enforcement (ICE) facilities across the country, including reports of abuse, overcrowding, human rights violations, and limited access to medical care or counsel. Testimony argued that detention by ICE disrupts communities and threatens families. Testimony in support of the bill noted that County facilities should not be used to contribute to the ongoing legal and humanitarian violations. Testimony described an urgent need for the bill given recent federal policy.

SUMMARY OF IMPACT STATEMENTS

RESJ Impact Statement

The Office of Legislative Oversight (OLO) provided a Racial Equity and Social Justice (RESJ) Impact Statement on March 25, 2026. OLO “anticipates Expedited Bill 13-26 would have a positive impact on racial equity and social justice (RESJ) in the County. Prohibiting private immigrant detention facilities in the County would disproportionately benefit Black, Indigenous, and other People of Color (BIPOC) community members who are immigrants.” OLO explained that “Asian and Latinx community members are overrepresented among community members born outside the U.S.” and “are also overrepresented among community members who are not U.S. citizens.” OLO noted that “trust policies are a best practice for jurisdictions to strengthen trust, safety, and well-being among community members who are immigrants” and “recognize[d] Bill 13-26 as an equitable policy proposal since it centers the needs of community members who are being targeted by immigration enforcement, who are disproportionately Black and Latinx.” As such, OLO did not offer any recommended RESJ-related amendments.

Climate Assessment

OLO provided a Climate Assessment on March 17, 2026. OLO “anticipates Expedited Bill 13-26 will likely have little to no impact on the County’s contribution to addressing climate change.” OLO noted that “the building construction industry accounts for about 10% of global greenhouse gas emissions” but that “it is more likely ICE would purchase an existing building for the purpose of a detention facility.” OLO explained that renovations “also generate greenhouse gas emissions,

¹ DPS does issue building permits and use-and-occupancy permits to federal agencies that lease privately owned buildings or spaces.

² Written testimony can be found here:
<https://www.montgomerycountymd.gov/COUNCIL/OnDemand/testimony/20260324/item8.html>.

mostly through embodied carbon” and that the “amount of embodied carbon depends on the scale and type of renovation and large scale renovations typically are associated with more embodied carbon compared to smaller scale renovations.” Therefore, OLO concluded that the bill will have little to no impact on the County’s contribution to addressing climate change because “[w]hile restricting construction and renovations can avoid greenhouse gas emissions associated with construction, it is unknown if a detention facility would be built or housed in an existing structure in Montgomery County.” OLO did not offer any climate-related amendments.

Fiscal Impact Statement

A Fiscal Impact Statement was transmitted on March 30, 2026. According to the Office of Management and Budget (OMB), Expedited Bill 13-26 “is not expected to impact County revenues or increase County expenditures.” The statement notes that DPS “anticipates that implementation will be absorbed within existing operations and will not require additional appropriations, new staff, or system modifications.”

Economic Impact Statement

An Economic Impact Statement was transmitted on April 7, 2026. OLO “anticipates that Expedited Bill 13-26 would have an indeterminate impact on overall economic conditions in the County.” The statement notes that the bill “would likely reduce opportunities for some firms and property owners tied to the development and operation of a detention facility, while offering potential benefits to businesses that currently experience workforce and revenue disruptions from immigration enforcement.” The statement also addresses the impact on residents, explaining that the bill “may reduce job and income opportunities for some workers who might otherwise be employed in construction or lower-skilled operational jobs at a detention facility” but that it may also “benefit residents who live near potential sites and households that would otherwise face detention- and deportation-related income losses and expenses.” Lastly, OLO anticipates that “[b]y helping to limit enforcement-driven crackdowns, the Bill may also protect broader groups of resident workers—including U.S.-born workers—from job and wage losses associated with aggressive immigration enforcement.” In sum, OLO noted that while it “cannot reliably determine the net impact on overall economic conditions in the County”, “existing research indicates that while carceral facilities, including prisons and immigration detention centers, provide jobs at the facility, they generally do not operate as strong local economic development engines and generate negative externalities for nearby communities, workers, and families.”

DISCUSSION

Several jurisdictions have recently filed suit or passed legislation regarding the permitting and use of structures for detention centers.

- On February 2, 2026, the Howard County Department of Inspections, Licenses, and Permits (DILP) [revoked the building permit](#) for a privately-owned detention facility located in Elkridge, MD, based on state law which requires private immigration detention centers to meet certain notice and public hearing requirements. Howard County also passed emergency legislation, [Council Bill 16-2026](#), which provided that “only a government agency is eligible to make application, obtain, or hold a permit for the I-3 Use group” and

that “the building official may suspend or revoke a permit other than one issued to a government agency that has not passed final inspection.”

- On February 17, 2026, Baltimore County passed [Bill 14-26](#), emergency legislation prohibiting the issuance of a permit for a detention center that is not owned and operated by the County or the State; as well as denying, suspending, or revoking a permit for a detention center applied for or issued on or after January 1, 2026.
- On February 23, 2026, 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.
- On March 9, 2026, Baltimore City Council introduced [Council Bill 26-0157](#) “establishing a private detention center as a prohibited use Citywide.”

On April 13, 2026, the Maryland General Assembly passed [HB1017, Correctional Services – Private Detention Facilities – Zoning Requirement](#).³ The bill details are as follows:

- Section 1 of the bill prohibits the State or a local government from approving the construction or operation of a building, structure, or other real property to be used by a private entity as a detention facility. The definition of a detention facility includes an immigration detention facility. The bill also prohibits a private entity from operating or occupying a building, structure, or other real property as a detention facility.
- The bill includes a contingency that Section 2 is to be triggered if Section 1 is rendered unenforceable by the State or a federal court and notice of that contingency is sent to the Department of Legislative Services by December 31, 2029.
- Section 2 of the bill prohibits the State or local government from approving the construction or operation of a building, structure, or other real property to be used by a private entity as a detention facility unless the building, structure, or other real property is located in a zone that expressly authorizes private detention facilities. If expressly authorized, the State law has certain factors for the local government to consider, including consistency with the master plan, compatibility with surrounding uses, and infrastructure capabilities.

COMMITTEE WORKSESSION ⁴

The Economic Development (ECON) Committee held a worksession on April 10, 2026. *The Committee unanimously recommended approval of Expedited Bill 13-26.*

The Committee discussed an amendment proposed by Councilmember Luedtke.⁵ The proposed amendment would prohibit DPS from issuing a building permit or a use-and-occupancy permit for a privately-owned immigration detention facility unless the applicant submits documentation demonstrating compliance with the National Environmental Policy Act (NEPA) and the federal

³ As of the posting of this staff report, the bill was awaiting the Governor’s signature.

⁴ The Committee authorizes Council Attorneys to make non-substantive technical corrections necessary to fix any typographical, stylistic, formatting, or grammatical errors in the ZTA.

⁵ Since Councilmember Luedtke is not on the ECON Committee, the motion to consider the amendment was made by Councilmember Sayles and seconded by Councilmember Balcombe.

Administrative Procedure Act (APA). NEPA requires federal agencies to assess the environmental effects of their actions, including related social and economic effects.⁶ This includes projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies. See [40 C.F.R. § 1508.1\(q\)\(2\)](#). The APA requires reasoned decision-making and transparency by federal agencies.⁷ Of note, the pending lawsuit filed by the Maryland Attorney General alleges that DHS violated both NEPA and APA when attempting to open an immigration detention center in Washington County.⁸

The proposed amendment reads:⁹

(b) Prohibition. The Department must not issue a building permit or a use-and-occupancy permit for a privately-owned immigration detention facility unless the applicant submits documentation demonstrating compliance with the National Environmental Policy Act (NEPA) and the federal Administrative Procedure Act (APA), as amended.

During the Committee worksession, DPS confirmed that similar processes are followed in other jurisdictions, such as Washington, D.C. DPS explained that the Department would verify that NEPA and APA processes have been completed before issuing the permits; for example, through staff trainings and the use of a checklist. As noted in a letter from Councilmember Luedtke and during the Committee worksession, this amendment could strengthen implementation of the bill. Councilmember Balcombe and Chair Fani-González agreed. Councilmember Glass opposed the amendment, noting the current federal administration’s resistance to following local laws. Councilmember Sayles also voted against the amendment.

The ECON Committee, with a vote of 2-2, did not recommend approval of this amendment. It was therefore recommended for inclusion in this staff report, for potential discussion by the full Council.

⁶ More information about the NEPA review process can be found here: <https://www.congress.gov/crs-product/R47205>.

⁷ This includes proposed rulemakings, policy statements, and permits; as well as standards for judicial review for those harmed by an agency action. More information about the APA can be found here: <https://www.epa.gov/laws-regulations/summary-administrative-procedure-act>.

⁸ The Complaint states: “Specifically, NEPA requires federal agencies to prepare a detailed statement of environmental impacts before taking final action, ensuring both that environmental considerations are integrated into the decision-making process and that States, interested parties, and members of the public have access to relevant information so they may play an informed role in the decision-making process and implementation. Likewise, the APA requires reasoned decision-making, including consideration of reasonable alternatives.”

⁹ Council Staff recommends adding the word “federal” to the proposed amendment, to clarify that it references the federal APA.

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Expedited Bill No. 13-26
Concerning: Building Permits –
Immigration Detention Facility (ICE
Out Act)
Revised: 3/19/2026 Draft No. 2
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, and Councilmember Luedtke

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.

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

EXPEDITED BILL 13-26: BUILDING PERMITS - IMMIGRATION DETENTION FACILITY (ICE OUT ACT)

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Expedited Bill 13-26 would have a positive impact on racial equity and social justice (RESJ) in the County. Prohibiting private immigrant detention facilities in the County would disproportionately benefit Black, Indigenous, and other People of Color (BIPOC) community members who are immigrants. OLO also recognizes Bill 13-26 as an equitable policy proposal since it centers the needs of community members who are being targeted by immigration enforcement, who are disproportionately Black and Latinx.

PURPOSE OF RESJ IMPACT STATEMENTS

RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.¹ This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.²

PURPOSE OF EXPEDITED BILL 13-26

Immigration detention in the U.S. has grown drastically as part of the Trump administration's anti-immigrant campaign. According to the American Immigration Council (AIC), between January and November 2025, Immigration and Customs Enforcement (ICE) added 104 immigration detention facilities. This has contributed to record highs in the number of people in immigration detention. Before the start of this administration, roughly 40,000 people were held in ICE detention on any given day. This nearly doubled to over 73,000 people by mid-January 2026. The AIC notes this rapid expansion in ICE detention has led to deteriorating and increasingly inhumane conditions in detention facilities.³

Following massive increases in funding, ICE is continuing to expand its network of immigration detention facilities. However, people throughout the country are resisting the siting of these facilities in their communities.⁴ In Maryland, community resistance to a proposed ICE detention facility in Hagerstown has drawn national attention.⁵

The purpose of Bill 13-26 is to prevent the use of new and existing buildings in the County for private immigration detention. If enacted, 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.⁶ According to the Bill's sponsor, Bill 13-26 is "a proactive step" to limit private ICE detention facilities in the County and aims to "keep Montgomery County a safe place for everybody."⁷

The Council introduced Expedited Bill 13-26 on March 3, 2026.

This RESJIS builds on the ones for:

- Expedited Bill 26-24, Police - U visa Law Enforcement Certification Policy, published in December 2024;⁸
- Expedited Bill 35-25, County Administration - Immigrant Protection, published in January 2026;⁹ and

RESJ Impact Statement

Expedited Bill 13-26

- Bill 3-26, Administration – Immigration Enforcement Guidance – Required, published in March 2026.¹⁰

Please refer to the RESJISs for Bills 26-24 and 3-26 for background on undocumented community members, U.S. immigration and racial equity.

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 13-26 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

Community members who are immigrants, especially those who are undocumented, would benefit from prohibiting private immigrant detention facilities in the County. Further, because Black people are subject to harsher conditions in ICE detention,¹¹ Black community members who are immigrants could especially benefit from this prohibition.

As shown in Table A (Appendix), Asian and Latinx community members are overrepresented among community members born outside the U.S. They are also overrepresented among community members who are not U.S. citizens. Conversely, Black, Native American, and Pacific Islander community members are proportionately represented among community members born outside the U.S. and those who are not U.S. citizens, while White community members are largely underrepresented. Of note, community members who are not U.S. citizens include community members who have legal status in the U.S. and undocumented community members who do not have legal status. Estimates from the Migration Policy Institute suggest undocumented community members in the County are disproportionately Latinx.^{12,13}

Aggressive immigration enforcement in the County and throughout the country has created a heightened state of fear within Black and Latinx communities as they have been targeted by indiscriminate and violent immigration enforcement.^{14,15} By further restricting the County's involvement with immigration enforcement, Bill 13-26 would help strengthen the County's current trust policy.¹⁶ Trust policies (often referred to as sanctuary policies) aim to build trust by limiting the involvement of state and local jurisdictions in federal immigration enforcement.¹⁷ As noted in the RESJIS for Bill 35-25, adopting trust policies are a best practice for jurisdictions to strengthen trust, safety, and well-being among community members who are immigrants. According to the National Immigration Law Center, research shows "state and local policies that welcome immigrants make our communities safer, healthier, and more prosperous."¹⁸

Therefore, OLO anticipates Bill 13-26 would have a positive impact on RESJ in the County. OLO also recognizes Bill 13-26 as an equitable policy proposal since it centers the needs of community members who are being targeted by immigration enforcement, who are disproportionately Black and Latinx.

RECOMMENDED AMENDMENTS

The County's RESJ Act requires OLO to consider whether to recommend amendments to bills that could reduce racial and social inequities and advance RESJ.¹⁹ OLO anticipates Expedited Bill 13-26 would have a positive impact on RESJ in the County. As such, OLO does not offer recommended amendments.

RESJ Impact Statement

Expedited Bill 13-26

CAVEATS

Two caveats to this RESJIS should be noted. First, predicting the impact of bills on RESJ is challenging due to data limitations, uncertainty, and other factors. Second, this RESJIS is intended to inform the Council’s decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

APPENDIX

Table A. Community Members Born Outside of the U.S by Race and Ethnicity, Montgomery County

Race or ethnicity	% Born Outside of U.S.	% Born Outside of U.S. and not a U.S. Citizen	% County Population
Asian	31.6	25.7	15.4
Black	19.5	16.4	18.6
Native American	0.8	0.8	0.6
Pacific Islander	0.0	0.0	0.0
White	16.8	14.0	42.1
Latinx	32.2	44.1	21.0

Source: [Table S0501, 2024 American Community Survey 5-Year Estimates, Census Bureau.](#)

¹ Definition of racial equity and social justice adopted from M. Gamblin et al., [“Applying Racial Equity to U.S. Federal Nutrition Programs,”](#) Bread for the World and [Racial Equity Tools.](#)

² Ibid.

³ A. Reichlin-Melnick, [“New Report Details ICE’s Expanding and Increasingly Unaccountable Detention System,”](#) American Immigration Council, January 23, 2026.

⁴ D. Lieb, et al., [“Trump’s \\$45 billion expansion of immigrant detention sites faces pushback from communities,”](#) Associated Press, February 3, 2026.

⁵ L. Landers and D. Adams, [“ICE spending billions to turn warehouses into migrant detention facilities,”](#) PBS News Hour, February 27, 2026.

⁶ [Introduction Staff Report for Bill 13-26,](#) Montgomery County Council, Introduced March 3, 2026.

⁷ [“Councilmember Evan Glass Leads Full Council to Introduce the ICE Out Act,”](#) Press Releases, Montgomery County Council, March 3, 2026.

⁸ [RESJIS for Expedited Bill 26-24,](#) Office of Legislative Oversight, December 17, 2024.

⁹ [RESJIS for Expedited Bill 35-25,](#) Office of Legislative Oversight, January 12, 2026.

¹⁰ [RESJIS for Bill 3-26,](#) Office of Legislative Oversight, March 2, 2026.

¹¹ Ibid, pg. 3.

¹² [RESJIS for Expedited Bill 26-24,](#) pg. 2.

¹³ [Profile of the Unauthorized Population: Montgomery County, MD,](#) Migration Policy Institute.

¹⁴ M. Hellmann, [“‘It’s like they’re hunting’: US citizens and legal residents report increase in racial profiling by ICE,”](#) The Guardian, January 22, 2026.

¹⁵ N. Foy, [“We Found That More Than 170 U.S. Citizens Have Been Held by Immigration Agents. They’ve Been Kicked, Dragged and Detained for Days,”](#) ProPublica, October 16, 2025.

¹⁶ [“Council Unanimously Passes Trust Act to Protect Immigrant Communities,”](#) Montgomery County Council, February 10, 2026.

¹⁷ [“Sanctuary Policies: An Overview,”](#) American Immigration Council, February 21, 2025.

RESJ Impact Statement

Expedited Bill 13-26

¹⁸ I. Mohyeddin, [“Data Shows Sanctuary Policies Make Communities Safer, Healthier and More Prosperous.”](#) National Immigration Law Center, March 5, 2025.

¹⁹ [Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established](#), Montgomery County Council.

Climate Assessment

Office of Legislative Oversight

EXPEDITED BILL 13-26: BUILDING PERMITS – IMMIGRATION DETENTION FACILITY (ICE OUT ACT)

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Expedited Bill 13-26 will likely have little to no impact on the County's contribution to addressing climate change as it proposes restrictions on issuing a building or use-and-occupancy permit. While restricting construction and renovations can avoid greenhouse gas emissions associated with construction, it is unknown if a detention facility would be built or housed in an existing structure in Montgomery County.

BACKGROUND AND PURPOSE OF EXPEDITED BILL 13-26

Immigration detention in the U.S. has grown drastically as part of the Trump administration's anti-immigrant campaign. According to the American Immigration Council (AIC), between January and November 2025, Immigration and Customs Enforcement (ICE) added 104 immigration detention facilities. This has contributed to record highs in the number of people in immigration detention. Before the start of this administration, roughly 40,000 people were held in ICE detention on any given day. This nearly doubled to over 73,000 people by mid-January 2026. The AIC notes this rapid expansion in ICE detention has led to deteriorating and increasingly inhumane conditions in detention facilities.¹

Following massive increases in funding, ICE is continuing to expand its network of immigration detention facilities. However, people throughout the country are resisting the siting of these facilities in their communities.² In Maryland, community resistance to a proposed ICE detention facility in Hagerstown has drawn national attention.³

The purpose of Bill 13-26 is to prevent the use of new and existing buildings in the County for private immigration detention. If enacted, 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.⁴ According to the Bill's sponsor, Bill 13-26 is "a proactive step" to limit private ICE detention facilities in the County and aims to "keep Montgomery County a safe place for everybody."⁵

The Council introduced Expedited Bill 13-26 on March 3, 2026.

ANTICIPATED IMPACTS

One of the proposed changes would restrict a building permit from being issued for the building of a privately-owned immigration detention facility. Construction, especially large buildings, is carbon intensive, although there are practices to mitigate emissions.⁶ According to 2020 United Nations data, the building construction industry accounts for about 10% of global greenhouse gas emissions.⁷

However, it is more likely ICE would purchase an existing building for the purpose of a detention facility. According to a February 2026 Reuters article, ICE plans to buy and renovate 16 existing buildings to serve as regional processing centers.⁸ Renovations also generate greenhouse gas emissions, mostly through embodied carbon.⁹ Embodied carbon represents total carbon emissions released during the lifecycle of building materials and includes emissions associated with the manufacturing, transportation, and disposal of building materials.¹⁰ The amount of embodied carbon depends on the scale and type of renovation and large scale renovations typically are associated with more embodied carbon compared to smaller scale renovations.¹¹

It is not possible to predict if a detention facility would be built in Montgomery County or if an existing structure would be renovated and used as a detention facility. As the Bill proposes restrictions to issuing a building or use-and-occupancy permit for a privately-owned detention facility, OLO anticipates it will have little to no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions and community climate resilience.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.¹² OLO does not offer recommendations or amendments as Expedited Bill 13-26 is likely to have little to no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions and community climate resilience.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help increase the County's community climate resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ A. Reichlin-Melnick, "[New Report Details ICE's Expanding and Increasingly Unaccountable Detention System](#)," American Immigration Council, January 23, 2026.

² D. Lieb, et al., "[Trump's \\$45 billion expansion of immigrant detention sites faces pushback from communities](#)," Associated Press, February 3, 2026.

³ L. Landers and D. Adams, "[ICE spending billions to turn warehouses into migrant detention facilities](#)," PBS News Hour, February 27, 2026.

⁴ [Introduction Staff Report for Expedited Bill 13-26](#), Montgomery County Council, Introduced March 3, 2026.

⁵ "[Councilmember Evan Glass Leads Full Council to Introduce the ICE Out Act](#)," Press Releases, Montgomery County Council, March 3, 2026.

⁶ McKinsey and Company, "[Reducing embodied carbon in new construction](#)", October 17, 2022.

⁷ American Council for an Energy-Efficient Economy, "[Knowledge Infrastructure: The Critical Path to Advance Embodied Carbon Building Codes](#)", December 2021.

⁸ Reuters, "[ICE to spend \\$38.3 billion on detention centers across US, document shows](#)", February 13, 2026.

⁹ Materially Better, "[Reducing Embodied Carbon in New Construction and Renovation](#)", October 1, 2024.; U.S. Department of Energy: Office of Energy Efficiency and Renewable Energy, "[Embodied Carbon Reduction in New Construction Reference Guide](#)", February 2024.

¹⁰ U.S. EPA, "[C-MORE: Construction Material Opportunities to Reduce Emissions](#)", U.S. EPA, Accessed 3/13/2025; Trellis, "[Combating climate change: A study of embodied carbon](#)", November 8, 2021.

¹¹ U.S. Department of Energy: Office of Energy Efficiency and Renewable Energy, "[Embodied Carbon Reduction in New Construction Reference Guide](#)", February 2024.

¹² Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022



Fiscal Impact Statement

Office of Management and Budget

Bill 13-26

Building Permits - Immigration Detention Facility (ICE Out Act)

Bill Summary

Expedited Bill 13-26 would prohibit the Department of Permitting Services (DPS) from issuing building permits or use-and-occupancy permits for privately-owned immigration detention facilities. The bill adds Section 8-25B to Chapter 8 of the County Code and defines "immigration detention facility" as any building, facility, or structure used, in whole or in part, to house or detain individuals for civil immigration violations. The bill takes effect upon enactment.

Fiscal Impact Summary

The bill is not expected to impact County revenues or increase County expenditures. DPS anticipates that implementation will be absorbed within existing operations and will not require additional appropriations, new staff, or system modifications.

Fiscal Impact Analysis

Expenditures are not expected to increase as a result of this bill. DPS advises that permit review determinations under the new prohibition can be absorbed within existing staff capacity and do not require new programs, inspection functions, or enforcement infrastructure. No additional appropriations or contractual services are anticipated. The bill introduces a new statutory definition with "in whole or in part" language that may require DPS to evaluate permit applications on a case-by-case basis, particularly where a proposed use includes multiple functions.

Staff Impact

Implementation of this bill is not expected to require additional staff time. Existing permit review staff can administer the prohibition through existing workflows without new training programs or system modifications.

Actuarial Analysis

The bill is not expected to impact retiree pension or group insurance costs.

Information Technology Impact

The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.

Other Information

Later actions that may impact revenue or expenditures if future spending is projected

The bill does not authorize future spending.

Contributors

Victor Salazar, Manager, Zoning and Code Compliance, DPS
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Economic Impact Statement

Montgomery County, Maryland

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

Summary

The Office of Legislative Oversight (OLO) anticipates that Expedited Bill 13-26 would have an indeterminate impact on overall economic conditions in the County, as measured by the Council's priority economic indicators. The Bill 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. This analysis applies the concepts of opportunity cost and externalities to assess the Bill's economic impacts, using empirical research on prisons and immigration detention facilities and prior OLO work on immigration enforcement to infer likely effects in the absence of direct impact evaluations.

The Bill would likely have mixed effects on residents. It may reduce job and income opportunities for some workers who might otherwise be employed in construction or lower-skilled operational jobs at a detention facility. However, it may benefit residents who live near potential sites and households that would otherwise face detention- and deportation-related income losses and expenses. By helping to limit enforcement-driven crackdowns, the Bill may also protect broader groups of resident workers—including U.S.-born workers—from job and wage losses associated with aggressive immigration enforcement.

Similarly, the Bill would likely have mixed effects on local businesses. It would likely reduce opportunities for some firms and property owners tied to the development and operation of a detention facility, while offering potential benefits to businesses that currently experience workforce and revenue disruptions from immigration enforcement.

Because the Bill would likely affect multiple business and resident groups in disparate ways and there is insufficient data to quantify those effects, OLO cannot reliably determine the net impact on overall economic conditions in the County. However, it should be noted that existing research indicates that while carceral facilities, including prisons and immigration detention centers, provide jobs at the facility, they generally do not operate as strong local economic development engines and generate negative externalities for nearby communities, workers, and families.

Background and Purpose of Expedited Bill 13-26

Immigration detention in the U.S. has grown drastically as part of the Trump administration's anti-immigrant campaign. According to the American Immigration Council (AIC), between January and November 2025, Immigration and Customs Enforcement (ICE) added 104 immigration detention facilities. This has contributed to record highs in the number of people in immigration detention. Before the start of this administration, roughly 40,000 people were held in ICE detention on any given day. This nearly doubled to over 73,000 people by mid-January 2026. The AIC notes this rapid expansion in ICE detention has led to deteriorating and increasingly inhumane conditions in detention facilities.¹

¹ A. Reichlin-Melnick, "[New Report Details ICE's Expanding and Increasingly Unaccountable Detention System](#)," American Immigration Council, January 23, 2026.

Following massive increases in funding, ICE is continuing to expand its network of immigration detention facilities. However, people throughout the country are resisting the siting of these facilities in their communities.² In Maryland, community resistance to a proposed ICE detention facility in Hagerstown has drawn national attention.³

The purpose of Bill 13-26 is to prevent the use of new and existing buildings in the County for private immigration detention. If enacted, Bill 13-26 would prohibit DPS from issuing a building permit or a use-and-occupancy permit for a privately-owned immigration detention facility.⁴ According to the Bill's sponsor, Bill 13-26 is "a proactive step" to limit private ICE detention facilities in the County and aims to "keep Montgomery County a safe place for everybody."⁵

The Council introduced Expedited Bill 13-26 on March 3, 2026.

Information Sources, Methodologies, and Assumptions

As required by Section 2-81B of the Montgomery County Code, this Economic Impact Statement evaluates the impacts of Bill 13-26 on residents and private organizations, using the Council's priority economic indicators as the measure. In doing so, it examines whether the Bill would have a net positive or negative impact on overall economic conditions in the County.⁶

This analysis draws on two economic concepts—opportunity cost and externalities—to assess the economic impacts of the Bill.

Opportunity costs address what economic activities the County might give up by preventing the siting of an immigration detention center that may otherwise be used for other types of development. Because I was unable to identify an impact evaluation that directly estimates the economic effects of immigration detention center bans or closures, this analysis therefore draws on empirical research on prisons. Prisons are part of the broader private prison industry and are often operated by the same corporations such as CoreCivic.⁷ In particular, this analysis reviews a quasi-experimental study of the local economic impacts of prison closures⁸ and studies of prison⁹ and immigration detention center¹⁰ openings.

Externalities address the economic costs or benefits of immigration enforcement that fall on third parties—workers, families, and local businesses—and are not fully reflected in the contracts that determine detention capacity and enforcement levels. To examine externalities, this analysis relies on analyses of ICE's financial

² D. Lieb, et al., "[Trump's \\$45 billion expansion of immigrant detention sites faces pushback from communities](#)," Associated Press, February 3, 2026.

³ L. Landers and D. Adams, "[ICE spending billions to turn warehouses into migrant detention facilities](#)," PBS News Hour, February 27, 2026.

⁴ [Introduction Staff Report for Expedited Bill 13-26](#), Montgomery County Council, Introduced March 3, 2026.

⁵ "[Councilmember Evan Glass Leads Full Council to Introduce the ICE Out Act](#)," Press Releases, Montgomery County Council, March 3, 2026.

⁶ Montgomery County Code, "[Sec. 2-81B, Economic Impact Statements](#)."

⁷ Lauren-Brooke Eisen, "[Private Prison Companies' Enormous Windfall: Who Stands to Gain as ICE Expands](#)," *Just Security*, September 24, 2025.

⁸ Janjala Chirakijja, "[The Economic Effects of Prison Closures on Local Communities](#)," *Economics Letters* 228 (July 2023).

⁹ Janjala Chirakijja, "[The Local Economic Impacts of Prisons](#)," *The Review of Economics and Statistics* 106, no. 6 (2024): 1442–59.

¹⁰ Ekaterina Yudina, "[Economic Impacts of Immigration Detention Centers Built Between 1990-2016 on U.S. Commuting Zones](#)" (Undergraduate Honors Thesis, Department of Economics, University of California, Berkeley, 2022).

and contractual incentives that link detention capacity to enforcement levels, along with prior OLO Economic Impact Statements that review evidence on the economics of aggressive immigration enforcement.¹¹

Variables

The primary variables that would affect the economic impacts of enacting Expedited Bill 13-26 are the following:

- Opportunity cost of foregone detention center development; and
- Externalities related to immigration enforcement and detention.

Impacts

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Economics of Immigration Detention Centers

Opportunity Cost

For evidence on the potential opportunity costs of banning immigration detention centers in the County, this analysis draws on empirical studies that examine economic impacts of prison closures, along with prison and immigration detention center openings.

In a peer-reviewed study, Chirakijja (2023) examines the impacts of prison (primarily state/public) closures in the U.S. during the early 2010s, using county-level data on employment, earnings, and housing outcomes. The study uses a quasi-experimental methodology (difference-in-differences and matching) to compare “treatment” counties that lost a prison to similar “control” counties that retained their facilities. The study finds the following:

- Prison closures led to sizable reductions in public-sector employment that were concentrated among lower-skilled workers.
- However, job cuts at prisons generated “no discernible spillovers to private sector employment” and had an “insignificant effect on population in households ... and median housing values and rent.”

In another peer-reviewed study, Chirakijja (2024) examines over 300 prison (mainly state) openings across the U.S. between 1990 and 2000, using county- and census-tract-level data on employment by sector, wages, housing values, demographics, and other indicators. Using quasi-experimental designs, the study finds the following:

- Prison openings generated substantial and persistent gains in state government employment and raised total county employment roughly one-for-one with prison jobs.
- Prison openings created little spillover to private-sector employment or broader private economic activity.

¹¹ Stephen Roblin, [Economic Impact Statement: Bill 4-26, Buildings – Task Force on Data Centers – Established](#) (Office of Legislative Oversight, Montgomery County Council, February 4, 2026).

- While counties where prison openings occurred experienced moderate improvements in total employment, wages, and housing values, neighborhoods closest to prisons saw declines in housing values and other socio-economic indicators.

The only empirical study identified that directly examines the local economic impacts of immigration detention centers is an undergraduate honors thesis by Yudina (2022). The study uses a quasi-experimental methodology to examine how the introduction of immigration detention centers affected economic outcomes in 19 U.S. commuting zones containing 24 detention centers from 1990 to 2016. The study finds statistically insignificant treatment effects of detention center openings on employment, median home values, median household income, and poverty rates.

Taken together, these studies suggest that carceral facilities (prisons and immigration detention centers) do not function as strong local economic development engines: they create jobs at the facility but have limited effects on wider local economic conditions. As Chirakijja explains, this is due to carceral facilities having “limited input-output linkages with other sectors.”

Externalities

A key question for assessing the externalities of banning immigration detention centers in the County is whether such a ban would constrain local immigration enforcement. It is reasonable to expect some constraining effect because expanding local detention capacity would likely increase enforcement activity through financial incentives at both the federal and local levels. Indeed, language in federal appropriations and ICE contracts have historically set minimum daily detention levels, which legal scholarship argues function as an effective “bed quota” that incentivizes ICE to keep available beds filled.¹² As a result, adding local detention capacity would likely increase enforcement activity in order to fill the capacity.¹³

In a previous Economic Impact Statement, OLO reviewed evidence on historical cases of immigration crackdowns to show that removing large numbers of undocumented immigrants has not delivered labor-market gains for U.S.-born workers. This review showed that deporting substantial numbers of undocumented workers results in the following negative economic consequences for the broader economy:

Economic Contraction	<ul style="list-style-type: none"> • The U.S. economy contracts as undocumented workers are removed, reflecting the loss of their labor and spending. • This could be explained by employers cutting production when they lose complementary immigrant workers and by local demand falling as immigrant communities shrink.
<hr/>	
Job Losses for U.S.-Born Workers	<ul style="list-style-type: none"> • Jobs for U.S.-born workers decline overall rather than expanding to replace deported workers. • This could be explained by employers reducing output, automating, or shifting crops and production processes instead of hiring additional U.S.-born workers.

¹² Anita Sinha, “Arbitrary Detention? The Immigration Detention Bed Quota,” *Duke Journal of Constitutional Law & Public Policy*, January 26, 2017.

¹³ Additionally, analyses of “jailing for profit” show that local jurisdictions can become fiscally dependent on payments from federal, state, and other jurisdictions, which incentivizes keeping beds occupied and seeking additional contracts that bring in more detainees. Nazish Dholakia, *Jailing for Profit: When Budgets Depend on Locking People Up* (2018).

Downward Pressure on Wages	<ul style="list-style-type: none"> • Wages for most workers face downward pressure as employment falls and the economy shrinks. • This could be explained by reduced overall labor demand when higher labor costs, lower consumption, and production cuts lead firms to create fewer jobs and restrain pay growth.
Reduced Tax Revenues	<ul style="list-style-type: none"> • Tax revenues decrease as workers and economic activity are removed from the formal economy. • This could be explained by fewer workers earning taxable income and lower levels of output, spending, and business activity subject to taxation.
Rising Inflationary Pressure	<ul style="list-style-type: none"> • Inflationary pressure rises as domestic production of goods and services declines. • This could be explained by supply constraints from reduced labor and output putting upward pressure on prices even as overall economic activity weakens.

Businesses, Non-Profits, Other Private Organizations

OLO anticipates that Bill 13-26 would have mixed impacts on certain private organizations in the County.

Development Phase: By prohibiting DPS from issuing a building permit or a use-and-occupancy permit for a privately-owned immigration detention facility, the Bill would likely reduce business activity involved in the development of an immigration detention center in the County. The firms most directly affected would be:

- property owners who may otherwise sell or lease space in existing facilities, especially commercial warehouses, for use as an immigration detention center; and
- construction, engineering, and other firms who would retrofit those buildings.

Property owners would forego revenues and income they could have received from selling or leasing their facilities, with losses equal to the difference between those potential payments and what they can obtain from alternative tenants or buyers.

Similarly, construction, engineering, and other related firms would forgo revenues and income from contracts they might otherwise have received to convert existing buildings into detention facilities. It should be noted however that unlike property owners, who would likely choose among potential tenants or buyers based on profit-maximizing considerations, it is unclear what the net effect of the Bill would be for construction, engineering, and related firms. While some firms would forgo detention-related retrofit contracts, these firms or their competitors could also gain work from alternative redevelopment projects on the same or other sites. The overall impact on their revenues and income would be uncertain.

Operations Phase: Research on the economic impacts of carceral facilities suggests that they do little to promote broader economic development because they have weak linkages to other sectors and limited positive spillover effects for other businesses. As a result, preventing the development of an immigration detention center would likely have limited negative effects for other local businesses, beyond those involved in maintenance/repair or security. Moreover, the research raises the question of whether alternative uses of a facility than a detention center would yield greater spillovers for other businesses.

Externalities: Research shows that an immigration detention center would not only yield modest positive spillovers for other businesses, but also likely create negative economic externalities. As previously discussed,

increasing local detention capacity would likely increase enforcement activity. Thus, preventing a local detention center may somewhat constrain federal agents in detaining and deporting undocumented residents, thereby mitigating negative externalities. If so, then the Bill would support two business groups:

- Businesses that face workforce disruptions when workers are detained or deported; and
- Businesses more broadly, by reducing negative “spillover” effects associated with economic contraction.

Businesses currently experiencing workforce disruptions from the Trump administration’s crackdown are concentrated in industries with high levels of employment by undocumented immigrants, namely the construction and accommodation and food services/arts/entertainment industries. These disruptions can increase operating costs as employers recruit and train replacement workers and attempt to offset productivity losses. They can also reduce revenues when firms experience declines in productivity, service quality, or output. Preventing these cost increases and revenue losses would, all else equal, help stabilize business incomes.

Research on immigration crackdowns also indicates they produce negative spillover effects for the broader economy, which include employment losses and reductions in overall economic output. If the Bill is effective in preventing enough enforcement-related economic disruptions, additional businesses may avoid income losses associated with economic contraction.

Beyond these impacts, it is uncertain whether the Bill would impact other businesses with respect to the Council’s other priority indicators.

Residents

OLO anticipates that Bill 13-26 would have mixed impacts on certain residents in the County.

Development Phases: By prohibiting DPS from issuing a building permit or a use-and-occupancy permit for a privately-owned immigration detention facility, the Bill could reduce employment and income for some residents who would otherwise work on detention-related development (e.g., workers in construction, engineering, or building services). The net effect for residents in these industries is unclear, however, because it would depend on the employment and income opportunities generated by alternative redevelopment projects that might occur in place of a detention facility.

Operations Phase: Research on the economic impacts of carceral facilities makes clear the primary residents negatively impacted by the Bill would likely be lower-skilled workers involved in daily operations of the detention center (e.g., guards, food service workers, janitorial and maintenance staff, and transportation staff). These residents would likely lose employment opportunities, thereby decreasing their household incomes.

Externalities: The Bill would likely prevent or mitigate negative externalities associated with immigration detention and enforcement for two groups of residents. First, research has found neighborhoods closest to prisons saw declines in housing values and other socio-economic indicators. Thus, preventing the development of an immigration detention center may prevent negative impacts on home values and other indicators for residents who would otherwise live near the facility.

Second, by helping to constrain local immigration enforcement activity, the Bill could benefit two groups:

- Households with one or more members who otherwise would have been detained and potentially deported; and

- Resident workers more broadly, through avoided “spillover” harms associated with immigration crackdowns.

For households whose members gain greater protection under the Bill, they would face lower risks of losing earnings when a wage earner is detained or deported. It may also avert other out-of-pocket costs linked to detention and deportation, such as legal fees, childcare expenses, and transportation costs. As a result, the Bill would likely stabilize household incomes and prevent significant increases in household expenses.

Research on immigration crackdowns also finds they create negative spillover effects for U.S.-born workers, including job losses and wage declines. If the Bill is effective in preventing enough enforcement-related economic disruptions, other resident workers may avoid these job and wage losses, which would likewise help protect their household incomes.

Beyond these impacts, it is uncertain whether the Bill would impact other residents’ outcomes on the Council’s other priority indicators.

Net Impact

OLO anticipates that Expedited Bill 13-26 would have an indeterminate impact on overall economic conditions in the County. The tables below identify the various business and resident groups that are likely to be affected by the Bill. However, given the number of affected groups, the variation in how they would be impacted, and data limitations, OLO cannot reliably aggregate the anticipated effects and reach a conclusion about the Bill’s net impacts on local economic conditions.

Summary of Businesses Impacts

Group	Likely Effect	Channel	Notes and Caveats
Property owners of sites suitable for detention (e.g., warehouses)	Economic loss (foregone lease/sale revenue)	Opportunity cost	Lose potential detention-center leases or sales; loss equals the difference between detention contracts and what they can obtain from alternative tenants or buyers.
Construction, engineering, and related firms tied to detention retrofits	Ambiguous economic effect	Opportunity cost	Forgo detention retrofit contracts but may gain work from alternative redevelopment projects on the same or other sites; net impact on revenues and income is uncertain.
Local firms providing maintenance, repair, security, and similar services to a detention facility	Economic loss (foregone contract opportunities)	Opportunity cost	Would not obtain contracts to serve a local detention facility; some or all losses could be offset if firms secure other clients or projects.
Other local businesses (retail, services, etc.)	Limited or no economic loss	Opportunity cost	Research on carceral facilities finds weak linkages and limited positive spillovers to other sectors, so foregoing a detention center is likely to have only modest negative effects on these firms.

Group	Likely Effect	Channel	Notes and Caveats
Businesses heavily reliant on undocumented workers (e.g., construction, accommodation and food services, arts/entertainment)	Economic gain (fewer enforcement-related disruptions)	Externalities	By constraining local detention capacity and modestly limiting enforcement, the Bill may reduce workforce disruptions, hiring/training costs, and revenue losses; effect size depends on how much enforcement would otherwise expand.
Other local businesses affected by overall economic conditions	Economic gain (avoided spillover losses)	Externalities	If the Bill helps avert broader enforcement-driven contractions in employment and spending, additional firms may avoid income losses associated with economic contraction.

Summary of Resident Impacts

Group	Likely Effect	Channel	Notes and Caveats
Residents employed in construction, engineering, and related development work	Ambiguous economic effect	Opportunity cost	Some residents forgo detention-related jobs or earnings but may gain employment on alternative redevelopment projects; net impact depends on the volume, timing, and quality of alternative work.
Lower-skilled residents who would work in facility operations (guards, food service, janitorial, maintenance, transportation)	Economic loss (foregone job opportunities)	Opportunity cost	Would lose access to operational jobs at a detention facility, reducing potential employment and household income.
Residents living near potential detention sites	Economic gain (avoided neighborhood harms)	Externalities	Research on prisons suggests nearby neighborhoods face lower housing values and weaker socio-economic indicators; preventing a detention center may avoid these localized negative effects.
Households with members at risk of detention or deportation	Economic gain (reduced risk of income and expense shocks)	Externalities	Lower local detention capacity may reduce the risk that a household member is detained or deported, helping avoid lost earnings and added costs (legal fees, childcare, transportation).
Resident workers more broadly (including U.S.-born workers)	Economic gain (avoided job and wage losses from crackdowns)	Externalities	If the Bill helps prevent intensified enforcement, workers may avoid the job and wage losses associated with immigration crackdowns, helping protect household incomes.

Discussion Items

Not applicable

Caveats

Two caveats to the economic impact analysis conducted here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration.

Contributions


Stephen Roblin, PhD (OLO) prepared this report.



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

DAWN LUEDTKE
COUNCILMEMBER
DISTRICT 7

April 9, 2026

FROM: Councilmember Luedtke 
TO: Members of the Economic Development Committee

SUBJECT: **Proposed Amendment for Bill 13-26E, Building Permits - Immigration Detention Facility (ICE Out Act)**

Chair Fani-González and Members of the ECON Committee:

Thank you Councilmember Glass for your leadership on Bill 13-26E, Building Permits - Immigration Detention Facility (ICE Out Act). This Council, by passing the Trust Act, approving the Values Act, and considering other legislation before us, has worked quickly and urgently to protect immigrants in our community from the cruel, illegal, and anti-immigrant actions of ICE and the Trump Administration.

Bill 13-26E, the ICE Out Act, would address another aspect of the federal government's expansion of this activity by seeking to prohibit detention facilities. I fully support doing everything in our power as a local government to prevent ICE detention facilities in Montgomery County. I offer the below addition to Bill 13-26E (red text) to strengthen its legality and better ensure the County can implement it:

8-25B. Immigration Detention Facility – prohibited.

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

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

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

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unless the applicant submits documentation demonstrating compliance with the National Environmental Policy Act (NEPA) and the Administrative Procedure Act (APA), as amended.

Immigrants in our community deserve real, durable protections. This requires us to consider the law and the legal history of the same and similar laws in other jurisdictions. This requires us to be strategic.

This amendment proposes to adopt the same approach Maryland Attorney General Anthony Brown has chosen to fight the unlawful proposed ICE detention facility in Washington County.¹ Any such facility must meet applicable federal law. While Montgomery County cannot block federal actions, we can require a private contractor in this situation to demonstrate it has followed federal law.

Thank you for your consideration of this amendment and I look forward to the discussion.

1

<https://oag.maryland.gov/News/pages/Attorney-General-Brown-Files-Lawsuit-to-Stop-Construction-of-Unlawful-ICE-Detention-Facility-in-Washington-County.aspx>

HOUSE BILL 1017

E5

EMERGENCY BILL
ENROLLED BILL

(6lr3609)

— *Government, Labor, and Elections/Judicial Proceedings* —

Introduced by ~~Delegate Wells~~ Delegates Wells, Crutchfield, Fair, Kerr, Lehman, Ruth, Schindler, Solomon, Stewart, Terrasa, and Wu

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Private ~~Immigration~~ Detention Facilities – Zoning**
3 **Requirement**

4 FOR the purpose of prohibiting the State or a unit of local government from approving the
5 use of a building ~~or, structure, or other real property~~ for use as an immigration a
6 detention facility by a private entity ~~unless certain zoning authority applies;~~
7 establishing a certain penalty for a certain violation; authorizing the Attorney
8 General to bring a civil action to enforce this Act; ~~applying this Act retroactively;~~ and
9 generally relating to ~~immigration~~ detention facilities.

10 BY repealing and reenacting, without amendments,

11 Article – Correctional Services

12 Section 1–101(a) and (j)

13 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 (2025 Replacement Volume)

2 BY adding to
 3 Article – Correctional Services
 4 Section 1–103
 5 Annotated Code of Maryland
 6 (2025 Replacement Volume)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 8 That the Laws of Maryland read as follows:

9 **Article – Correctional Services**

10 1–101.

11 (a) In this article the following words have the meanings indicated.

12 (j) “Immigration detention facility” means any building, facility, or structure
 13 used, in whole or in part, to house or detain individuals for federal civil immigration
 14 violations.

15 **1–103.**

16 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
 17 **INDICATED.**

18 **(2) (I) “DETENTION FACILITY” MEANS ANY BUILDING, FACILITY,**
 19 **OR STRUCTURE USED, IN WHOLE OR IN PART, TO HOUSE OR DETAIN INDIVIDUALS**
 20 **FOR CIVIL OR CRIMINAL VIOLATIONS.**

21 **(II) “DETENTION FACILITY” INCLUDES AN IMMIGRATION**
 22 **DETENTION FACILITY.**

23 **(III) “DETENTION FACILITY” DOES NOT INCLUDE A FACILITY:**

24 **1. A. THAT IS A HEALTH CARE FACILITY LICENSED**
 25 **UNDER TITLE 19 OF THE HEALTH – GENERAL ARTICLE; OR**

26 **B. THAT IS A RESIDENTIAL CHILD CARE PROGRAM OR**
 27 **CHILD PLACEMENT AGENCY LICENSED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY**
 28 **LAW ARTICLE; AND**

29 **2. WHOSE PRIMARY PURPOSE IS TO PROVIDE HEALTH**
 30 **CARE, TREATMENT, EDUCATION, OR REHABILITATION SERVICES.**

1 **(3) "UNIT OF LOCAL GOVERNMENT" MEANS A COUNTY, A**
2 **MUNICIPALITY, OR THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING**
3 **COMMISSION.**

4 **(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE OR A**
5 **UNIT OF LOCAL GOVERNMENT MAY NOT APPROVE THE CONSTRUCTION OR**
6 **OPERATION OF A BUILDING, A STRUCTURE, OR OTHER REAL PROPERTY TO BE USED**
7 **BY A PRIVATE ENTITY AS A DETENTION FACILITY.**

8 **(C) A PRIVATE ENTITY MAY NOT OPERATE OR OCCUPY A BUILDING, A**
9 **STRUCTURE, OR OTHER REAL PROPERTY AS A DETENTION FACILITY.**

10 **(D) FOR PURPOSES OF THIS SECTION, A BUILDING, A STRUCTURE, OR OTHER**
11 **REAL PROPERTY SHALL BE CONSIDERED PROPOSED FOR USE AS A DETENTION**
12 **FACILITY, REGARDLESS OF HOW THE USE IS DESCRIBED IN AN APPLICATION OR**
13 **PERMIT REQUEST, IF:**

14 **(1) INDIVIDUALS ARE INTENDED TO BE HELD IN INVOLUNTARY**
15 **CUSTODY AND WILL NOT BE FREE TO LEAVE; OR**

16 **(2) THE DESIGN, CONSTRUCTION, OR IMPROVEMENTS INCLUDE**
17 **FEATURES CONSISTENT WITH SECURE OR INVOLUNTARY CONFINEMENT,**
18 **INCLUDING:**

19 **(I) PERIMETER SECURITY MEASURES DESIGNED TO PREVENT**
20 **OCCUPANTS FROM LEAVING;**

21 **(II) CONTROLLED ACCESS POINTS; OR**

22 **(III) LOCKED HOLDING AREAS.**

23 **(E) (1) THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION TO**
24 **ENFORCE THIS SECTION.**

25 **(2) THE COURT MAY ISSUE TEMPORARY, PRELIMINARY, OR**
26 **PERMANENT INJUNCTIVE RELIEF TO PREVENT AN ACT THAT WOULD CONSTITUTE A**
27 **VIOLATION OF THIS SECTION.**

28 **(F) A PRIVATE ENTITY THAT OPERATES OR ATTEMPTS TO OPERATE A**
29 **DETENTION FACILITY IN VIOLATION OF THIS SECTION IS SUBJECT TO A CIVIL**
30 **PENALTY NOT EXCEEDING \$10,000 FOR EACH DAY THE VIOLATION CONTINUES.**

31 **(G) THE REMEDIES PROVIDED UNDER THIS SECTION ARE IN ADDITION TO**
32 **ANY OTHER REMEDY AVAILABLE UNDER STATE OR LOCAL LAW.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 2 as follows:

3 Article – Correctional Services

4 **1–103.**

5 (A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
 6 INDICATED.

7 (2) (I) “DETENTION FACILITY” MEANS ANY BUILDING, FACILITY,
 8 OR STRUCTURE USED, IN WHOLE OR IN PART, TO HOUSE OR DETAIN INDIVIDUALS
 9 FOR CIVIL OR CRIMINAL VIOLATIONS.

10 (II) “DETENTION FACILITY” INCLUDES AN IMMIGRATION
 11 DETENTION FACILITY.

12 (III) “DETENTION FACILITY” DOES NOT INCLUDE A FACILITY:

13 1. A. THAT IS A HEALTH CARE FACILITY LICENSED
 14 UNDER TITLE 19 OF THE HEALTH – GENERAL ARTICLE; OR

15 B. THAT IS A RESIDENTIAL CHILD CARE PROGRAM OR
 16 CHILD PLACEMENT AGENCY LICENSED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY
 17 LAW ARTICLE; AND

18 2. WHOSE PRIMARY PURPOSE IS TO PROVIDE HEALTH
 19 CARE, TREATMENT, EDUCATION, OR REHABILITATION SERVICES.

20 (3) ~~“UNIT~~ “UNIT OF LOCAL GOVERNMENT” MEANS A COUNTY, A
 21 MUNICIPALITY, OR THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING
 22 COMMISSION.

23 (B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE
 24 OR A UNIT OF LOCAL GOVERNMENT MAY NOT APPROVE THE USE CONSTRUCTION OR
 25 OPERATION OF A BUILDING OR, STRUCTURE, OR OTHER REAL PROPERTY AS FOR AN
 26 IMMIGRATION DETENTION FACILITY BY A PRIVATE ENTITY TO BE USED BY A PRIVATE
 27 ENTITY AS A DETENTION FACILITY UNLESS THE IMMIGRATION DETENTION FACILITY
 28 IS EXPRESSLY INCLUDED IN THE APPLICABLE ZONING AUTHORITY BUILDING,
 29 STRUCTURE, OR OTHER REAL PROPERTY IS LOCATED IN A ZONE THAT EXPRESSLY
 30 AUTHORIZES IMMIGRATION PRIVATE DETENTION FACILITIES.

1 **(2) A GENERAL ZONING CLASSIFICATION AUTHORIZING**
 2 **GOVERNMENT, PUBLIC, OR INSTITUTIONAL USES DOES NOT CONSTITUTE EXPRESS**
 3 **AUTHORIZATION FOR A BUILDING ~~OR~~, STRUCTURE, OR OTHER REAL PROPERTY TO**
 4 **BE USED AS AN IMMIGRATION A DETENTION FACILITY BY A PRIVATE ENTITY.**

5 **(3) BEFORE ESTABLISHING A ZONING CLASSIFICATION AUTHORIZING**
 6 **PRIVATE DETENTION FACILITIES, THE STATE OR A UNIT OF LOCAL GOVERNMENT**
 7 **SHALL:**

8 **(I) CONSIDER:**

9 **1. CONSISTENCY WITH ANY COMPREHENSIVE PLAN FOR**
 10 **THE SURROUNDING AREA;**

11 **2. COMPATIBILITY WITH SURROUNDING LAND USES; AND**

12 **3. THE ABILITY OF LOCAL INFRASTRUCTURE TO**
 13 **ADEQUATELY SUPPORT A DETENTION FACILITY;**

14 **(II) PROVIDE NOTICE TO THE PUBLIC OF THE PROPOSED ZONING**
 15 **CLASSIFICATION AT LEAST 120 DAYS BEFORE ENACTING THE CLASSIFICATION; AND**

16 **(III) SOLICIT AND HEAR PUBLIC COMMENTS ON THE PROPOSED**
 17 **CLASSIFICATION IN AT LEAST TWO SEPARATE MEETINGS OPEN TO THE PUBLIC.**

18 **~~(B)~~ (C) A PRIVATE ENTITY MAY NOT OPERATE OR OCCUPY A BUILDING**
 19 **~~OR~~, STRUCTURE, OR OTHER REAL PROPERTY AS AN IMMIGRATION A DETENTION**
 20 **FACILITY WITHOUT A USE AND OCCUPANCY AUTHORIZATION OR CHANGE IN USE AND**
 21 **OCCUPANCY APPROVAL CONSISTENT WITH THIS SECTION.**

22 **~~(C)~~ (D) FOR PURPOSES OF THIS SECTION, A BUILDING ~~OR~~, STRUCTURE,**
 23 **~~OR OTHER REAL PROPERTY SHALL BE CONSIDERED PROPOSED FOR USE AS AN~~**
 24 **~~IMMIGRATION A DETENTION FACILITY, REGARDLESS OF HOW THE USE IS DESCRIBED~~**
 25 **IN AN APPLICATION OR PERMIT REQUEST, IF:**

26 **~~(1) INDIVIDUALS ARE INTENDED TO BE HELD BY A PRIVATE ENTITY~~**
 27 **~~FOR ANY STAGE OF PROCESSING FOR A FEDERAL IMMIGRATION VIOLATION;~~**

28 **~~(2)~~ INDIVIDUALS ARE INTENDED TO BE HELD IN INVOLUNTARY**
 29 **CUSTODY AND WILL NOT BE FREE TO LEAVE; OR**

30 **~~(2) (3)~~ (2) THE DESIGN, CONSTRUCTION, OR IMPROVEMENTS INCLUDE**
 31 **FEATURES CONSISTENT WITH SECURE OR INVOLUNTARY CONFINEMENT,**
 32 **INCLUDING:**

1 (I) PERIMETER SECURITY MEASURES DESIGNED TO PREVENT
2 OCCUPANTS FROM LEAVING;

3 (II) CONTROLLED ACCESS POINTS; OR

4 (III) LOCKED HOLDING AREAS.

5 ~~(D)~~ (E) (1) THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION TO
6 ENFORCE THIS SECTION.

7 (2) THE COURT MAY ISSUE TEMPORARY, PRELIMINARY, OR
8 PERMANENT INJUNCTIVE RELIEF TO PREVENT AN ACT THAT WOULD CONSTITUTE A
9 VIOLATION OF THIS SECTION.

10 ~~(E)~~ (F) A PRIVATE ENTITY THAT OPERATES OR ATTEMPTS TO OPERATE
11 ~~AN IMMIGRATION~~ A DETENTION FACILITY IN VIOLATION OF THIS SECTION IS
12 SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$10,000 FOR EACH DAY THE
13 VIOLATION CONTINUES.

14 ~~(F)~~ (G) THE REMEDIES PROVIDED UNDER THIS SECTION ARE IN
15 ADDITION TO ANY OTHER REMEDY AVAILABLE UNDER STATE OR LOCAL LAW.

16 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be applied~~
17 ~~retroactively to any agreement between the State or a unit of local government and a~~
18 ~~private entity entered into before the effective date of this Act for the use of any building~~
19 ~~or structure, structure, or other real property if that building or structure, structure, or~~
20 ~~other real property is intended to be used as an immigration detention facility, regardless~~
21 ~~of any permits issued or investment made by the private entity toward construction or~~
22 ~~renovation of the building or, structure, or other real property.~~

23 SECTION 3. AND BE IT FURTHER ENACTED, That:

24 (a) Section 2 of this Act is contingent on any provision of § 1-103 of the
25 Correctional Services Article, as enacted by Section 1 of this Act, being rendered
26 unenforceable by a State or federal court as to any party in any litigation challenging the
27 validity of § 1-103 of the Correctional Services Article.

28 (b) As soon as practicable after the contingency described in subsection (a) of this
29 section occurring, but no later than 5 days after, the Office of the Attorney General shall
30 promptly notify the Department of Legislative Services.

31 (c) If notice of the contingency described in subsection (a) of this section is received
32 by the Department of Legislative Services on or before December 31, 2029, Section 2 of this

1 Act shall take effect on the date the notice is received by the Department of Legislative
 2 Services in accordance with subsection (b) of this section.

3 (d) If notice of the receipt of the contingency described in subsection (a) of this
 4 section is not received by the Department of Legislative Services on or before December 31,
 5 2029, Section 2 of this Act, with no further action required by the General Assembly, shall
 6 be null and void.

7 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That, except as provided in
 8 Section 3 of this Act, this Act is an emergency measure, is necessary for the immediate
 9 preservation of the public health or safety, has been passed by a yea and nay vote supported
 10 by three-fifths of all the members elected to each of the two Houses of the General
 11 Assembly, and shall take effect from the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.