

# 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.

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### 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.<sup>1</sup>

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.<sup>2</sup> In Maryland, community resistance to a proposed ICE detention facility in Hagerstown has drawn national attention.<sup>3</sup>

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.<sup>4</sup> 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."<sup>5</sup>

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.<sup>6</sup> According to 2020 United Nations data, the building construction industry accounts for about 10% of global greenhouse gas emissions.<sup>7</sup>

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.<sup>8</sup> Renovations also generate greenhouse gas emissions, mostly through embodied carbon.<sup>9</sup> 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.<sup>10</sup> 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.<sup>11</sup>

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.

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## RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.<sup>12</sup> 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.

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## 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.

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## CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

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

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

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

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

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

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

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

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

<sup>9</sup> 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.

<sup>10</sup> 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.

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

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