

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

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- 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.

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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.

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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.