



April 20, 2026

Policy Analysis and Fiscal Impact Statement

TO: Planning, Housing, and Economic Development Committee

THRU: Rana Hightower *RH*
PHED Committee Director

FROM: Isaiah Joseph *IJ*
Legislative Budget and Policy Analyst

Policy Analysis and Fiscal Impact Statement
CB-031-2026 Immigration Detention Facilities

CB-031-2026 (*proposed by: Council Member Blegay*)

Assigned to the Planning, Housing and Economic Development Committee

AN ACT concerning Immigration Detention Facilities for the purpose of prohibiting the issuance of a building permit or certificate of occupancy for any privately-owned building, facility, or structure used, in whole or in part, to house or detain individuals for civil immigration violations; and generally relating to the issuance of building permits.

Fiscal Summary

Direct Impact:

Expenditures: No foreseen expenditures impact.

Revenues: No foreseen revenue impact; any potential permit fee loss remains speculative.

Indirect Impact:

Likely favorable

Legislative Summary:

CB-031-2026 was presented on April 7, 2026, and referred to the Committee of the Whole (COW).¹ This Bill would represent the use of the County's land, permitting authorities to restrict the establishment or operation of private immigration detention facilities within its jurisdiction. By embedding this prohibition within the building code, the County establishes a clear administrative barrier to the siting and operation of such facilities.

The Bill amends Section 4-345 of the Prince George's County Code to prohibit the issuance of building permits or certificates of occupancy for privately-owned facilities used, in whole or in part, for civil immigration detention.² Specifically, the legislation establishes that:

- (1) No building permit may be issued for the construction, alteration, or use of a privately-owned facility intended to house individuals for civil immigration violations; and
- (2) No certificate of occupancy may be issued for any such facility, effectively preventing its lawful operation within the County.

The Bill applies to privately-owned buildings, facilities, or structures and targets detention related to civil immigration enforcement, distinguishing it from criminal detention facilities.

Current Law/Background:

CB-031-2026 amends Subtitle 4 of the County Code, which regulates building construction, use, and occupancy standards.³

Section 4-345 of the Prince George's County Code establishes the general requirements for grading, building construction, and occupancy approvals. Under current law, the County is authorized to issue:

- (1) Building permits for the construction, alteration, or use of structures; and
- (2) Certificates of occupancy to confirm that a building complies with applicable codes and is safe and suitable for its intended use.

These approvals are primarily administrative, based on compliance with:

- (1) zoning requirements;
- (2) building and safety codes; and
- (3) other applicable regulatory standards governing land use and occupancy.

Currently, County law does not explicitly prohibit the issuance of building permits or certificates of occupancy based on the *intended use* of a privately owned facility for civil immigration detention. Instead, facilities are generally evaluated under existing zoning classifications and building code requirements, without specific reference to their use for immigration detention.

¹ [CB-031-2026](#)

² [Section 4-345](#)

³ [Subtitle 4](#)

Civil immigration detention is authorized under U.S. Immigration and Customs Enforcement (ICE), which operates facilities directly or through contracts with private entities to detain individuals for civil immigration violations. While federal law governs immigration enforcement, local jurisdictions retain authority over land-use approvals, including zoning, building permits, and certificates of occupancy for facilities sited within their boundaries, subject to constitutional limits and federal preemption considerations.⁴

More broadly, the relationship between federal immigration enforcement and local land-use authority operates within a complex legal landscape. While immigration enforcement is a federal responsibility, local governments retain authority over:

- (1) land use and zoning decisions; and
- (2) building and occupancy approvals.

Resource Personnel:

- Josh Hamlin, Legislative Attorney
- Ayana Crawford, Chief of Staff, (Office of Council Member At-Large Blegay)

Discussion/Policy Analysis:

This legislation reflects the County's use of its land use and permitting authority. The Bill does not regulate immigration enforcement itself; rather, it prohibits the issuance of a building permit or certificate of occupancy for any privately owned building, facility, or structure used, in whole or in part, to house or detain individuals for civil immigration violations.

The measure can be understood as a response to both land use compatibility and broader community impacts. The County's permitting system is the mechanism that determines whether a use may legally operate, and a certificate of occupancy or use and occupancy permit is issued only when the identified use meets local zoning, safety, and health requirements.

Across Maryland and the surrounding region, jurisdictions have recently taken similar actions using local permitting and zoning authority. For example, reporting on legislative activity in Montgomery County indicates that local officials have introduced measures to prevent the establishment of privately operated immigration detention facilities through restrictions tied to local approvals.⁵ In Howard County, local officials revoked a previously issued approval for a privately operated detention facility after determining that the proposed use conflicted with applicable State law governing immigration detention facilities.⁶ Similarly, Baltimore County

⁴ [What Happens When ICE Detention Facilities Conflict with Land-Use Rules Designed to Promote the Public's Interest?](#)

⁵ [Bill aims to block ICE detention centers in Montgomery County- NBC4 Washington.](#)

⁶ [Howard County revokes permits for private detention centers, citing Maryland law on immigration detention facilities.](#)

adopted emergency legislation amending its local code to prohibit the operation of immigration detention facilities through its permitting framework.⁷ These examples reflect a broader pattern of local governments using existing land use authority to address the siting of such facilities. Prince George's County has also taken preliminary steps in this direction through the proposed *2026-9 Moratorium on Approval of Use and Occupancy Permits for Detention Facilities*, which temporarily restricted approvals while the County evaluates the appropriateness of these uses.⁸ This Bill can be understood as a continuation and formalization of that approach.

Zoning restrictions address detention facilities that could proceed under ambiguous land use categories, potentially straining local infrastructure and public safety coordination, and conflicting with neighborhood character. Maryland counties are actively using permit restrictions to manage these land-use conflicts amid ongoing federal court challenges to proposed ICE sites, reflecting practical limitations on local control and on cost recovery. The strongest point of land use is that the Bill uses local autonomy to set boundaries on which types of facilities the County will allow to operate.

Fiscal Impact:

- *Direct Impact*

Enactment of CB-031-2026 will have an indeterminant fiscal impact, as it is unknown how many building permits or certificates of occupancy will be requested for immigration detention facilities.

- *Indirect Impact*

Enactment of CB-031-2026 should have a favorable indirect fiscal impact on the County by avoiding potential costs associated with the review, administration, inspection, enforcement, and public safety coordination that could arise from privately-operated immigration detention facilities.

- *Appropriated in the Current Fiscal Year Budget*

No.

Policy Implementation Resource/Project Timeline:

This does not require any additional implementation steps or resources and will be effective 45 days after it becomes law.

If you require additional information or have questions about this fiscal impact statement, please reach out to me via phone or email.

⁷ [Council passes emergency bill banning ICE detention facilities in Baltimore County.](#)

⁸ [2026-9 Moratorium on Approval of Use and Occupancy Permits for Detention Facilities](#)