

Testimony on Senate Bill SB984
Correctional Services - Private Immigration Detention Facilities - Zoning Requirement
Judicial Proceedings Committee

March 12, 2026

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee:

My name is Anne Lafferty, and I am a resident of Silver Spring in Montgomery County, MD. I am writing in support of SB984, Correctional Services – Private Immigration Detention Facilities – Zoning Requirement.

We need a law specifying that only buildings zoned to detain immigrants can be used for that purpose, because, across this country and in this state, ICE, the federal agency responsible for detaining immigrants has been using, purchasing, and attempting to purchase buildings that are not suitable for housing large numbers of people. Those buildings are often warehouses.

Clearly, facilities that have been warehousing inanimate objects need significant renovation before they are used to house large numbers of people, assuming that those facilities can be appropriately and successfully modified for their new purpose at all. ICE appears to not always have realistic ideas about the amount and nature of the work that would be required to turn a warehouse into a habitable facility or of the procedures it needs to observe before it starts work on one.

A case in point is the proposed facility in Hagerstown, for which ICE has largely failed to provide the necessary paperwork and undergo the necessary reviews. One piece of paperwork it did file, an “Early Notice and Public Review of a Proposed Activity in a 100- to 500-Year Floodplain” seems to be unrealistically optimistic about the extent of the changes necessary to the sewers to accommodate 1,500 detainees and facility staff, instead of just a few warehouse employees. The document does not even mention changes necessary to supply the repurposed facility with the vastly greater amount of water it will need, so we do not know if they have considered this issue.

While the state may not be able to regulate the federal government directly, it appears that ICE is likely to contract with private firms to actually run the facilities. Ideally we should be able to trust the federal government to provide suitable buildings to contractors for detaining immigrants, but when the agency responsible for buying and setting up a facility seems unable or unwilling to accurately evaluate the necessary renovations to buildings that it intends to use for detention, it is imperative that the state do what it can to ensure that those buildings can reasonably and safely house many people. Making sure that a building is zoned for such purposes, meaning that state or local government agencies have already evaluated its appropriateness for detention, is one tool the state can use to ensure that a detention facility intended to be run by a private contractor can appropriately house many people.