



April 10, 2026

# Director's Report and Recommendation for Detention Center Moratorium legislation

## Background and Description of Legislation

On March 10, 2026, the City Council passed and the Mayor signed Ordinance (Ord.) 127401, which adopted a temporary moratorium on the filing, acceptance, processing, or approval of permit applications for new or expanded detention centers and defined “detention center” as:

*“[A] facility that is operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but is not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. This definition does not include facilities for detaining persons under RCW 71.09.020(7) or RCW 71.09.020(16), chapter 10.77 RCW, or chapter 71.05 RCW.”*

Ord. 127401 passed with findings-of-fact in support of a declaration of a public health, safety, and welfare emergency and was immediately effective. The temporary moratorium will lapse one year after passage, unless it is renewed. The ordinance contains a work program and schedule for the City to develop and consider ongoing regulations for detention centers by January 2027.

## Analysis

On December 19, 2025, the Department of Homeland Security (DHS) issued a pre-solicitation notice for detention facility support.<sup>1</sup> In March, the New York Times reported that DHS has spent \$900 million on warehouse sites for conversion to detention centers, most of which could accommodate 1,500 beds or more.<sup>2</sup> Additional reporting and studies have identified disease outbreaks and other public health risks associated with detention centers.<sup>3</sup>

Detention centers are a novel land use in the city. Prior to passage of Ord. 127401, the Land Use Code did not have a definition for the use nor are there currently any development

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<sup>1</sup> <https://sam.gov/workspace/contract/opp/ed3dc0b591074f3f91dc457621f7229a/view>.

<sup>2</sup> <https://www.nytimes.com/interactive/2026/03/09/us/politics/ice-georgia-immigration-social-circle-warehouse.html>.

<sup>3</sup> <https://www.scientificamerican.com/article/measles-outbreak-erupts-in-one-of-u-s-s-largest-ice-detention-centers/> and <https://jsis.washington.edu/humanrights/projects/immigrant-rights-observatory/conditions-at-the-northwest-detention-center/>.

standards that would apply to newly constructed detention centers or warehouse conversions. General guidance in the Comprehensive Plan provides:

**LU 3.1** *Allow or prohibit uses in each zone based on the zone’s intended function and on the expected impacts of a use on other properties in the zone and the surrounding area. Generally, allow a broad mix of compatible uses in centers.*

Converted warehouses for detention facilities would primarily be located in industrial zones. Comprehensive Plan guidance related to industrial lands policy provides:

**LU 13.2** *Preserve industrial land for industrial uses, especially where industrial land is near rail- or water-transportation facilities to allow marine- and rail-related industries that rely on that transportation infrastructure to continue to function in the city.*

**LU 13.3** *Ensure predictability and permanence for industrial activities in industrial areas by limiting changes in industrial land use designation. There should be no reclassification of industrial land to a non-industrial land use category except as part of a City-initiated comprehensive study and review of industrial land use policies or as part of a major update to the Comprehensive Plan.*

Siting of new detention centers or warehouse conversions for detention centers would require an analysis of appropriate development regulations and public service delivery requirements to ensure that detention centers could be sited and operated consistently with the public health, safety, and welfare. That would include consideration of: impacts to nearby land uses; the adequacy of public facilities and services, such as police and fire services, to serve the use; the adequacy of life safety standards for detention center occupants; and the provision of adequate spaces for visitation by family, counsel, and others providing services to occupants.

## **Public Engagement and Notice**

The Council heard public comment on the ordinance on March 3, 2026, when it was referred, and on March 10, 2026, when it passed. Additionally, the Council will hold a public hearing on the ordinance on April 28, 2026.

## **Recommendation**

The SDCI Director recommends that the City maintain the current moratorium pending the passage of new land use and life safety regulations that address the potential public health, safety, and welfare impacts of detention centers.