

**City of Houston, Texas, Ordinance No. 2026-0284**

**AN ORDINANCE AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, ADDING SECTION 34-41 RELATING TO IMMIGRATION PROCEDURES AND ESTABLISHING STANDARDS FOR INTERACTIONS WITH FEDERAL IMMIGRATION AUTHORITIES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

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**WHEREAS**, on March 27, 2026, Council Members Alejandra Salinas, Abbie Kamin, and Edward Pollard submitted a proposed item pursuant to Article VII, Section 3 of the City Charter, seeking to amend Chapter 34 of the City of Houston, Code of Ordinances (“City Code”); and

**WHEREAS**, the proposed City Code amendment seeks to articulate standards under state law and the 4<sup>th</sup> Amendment of the U.S. Constitution for interaction with federal immigration authorities and promulgate reporting requirements regarding use of City resources for immigration enforcement; and

**WHEREAS**, pursuant to Rule 23, Section 2-2 of the City Code, on March 31, 2026, the City of Houston Legal Department distributed a memorandum to the agenda director determining the proposed agenda item is lawful; and

**WHEREAS**, Rule 23, Section 2-2 of the City Code directs that upon a determination that the proposed agenda item is lawful, the agenda director shall place a caption for the proposed item on the regular City Council agenda within the next two regular City Council meetings after the agenda director’s receipt of the Legal Department determination; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2.** That Chapter 34 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 34-41 that reads as follows:

**“Section 34-41. Immigration Procedures.**

- (a) Definitions. Unless otherwise indicated, the following words shall, for purposes of this section, have the following meanings:

- (1) *ICE*. U.S. Immigration and Customs Enforcement (ICE) enforces federal laws governing border control, customs, trade, and immigration to promote homeland security and public safety.
  - (2) *NCIC*. National Crime Information Center database maintained by the Federal Bureau of Investigation.
  - (3) *TCIC*. Texas Crime Information Center database maintained by the Texas Department of Public Safety.
  - (4) *Background check*. A routine law enforcement database inquiry conducted through NCIC or TCIC during the course of official duties.
  - (5) *Criminal warrant*. A warrant issued by a neutral magistrate or judge based upon probable cause that a criminal law has been violated.
  - (6) *ICE administrative warrant*. An administrative warrant (form I-200/I-205) issued by ICE personnel for civil immigration violations. ICE administrative warrants are not reviewed by a neutral magistrate or judge and are not probable cause for a criminal arrest.
  - (7) *Field encounter*. A temporary investigative or enforcement interaction between an officer and civilian individual, including traffic stops and disturbance interviews.
  - (8) *ICE detainer*. A request made by ICE through I-247 or a similar or successor form to maintain custody of someone already lawfully arrested and booked, usually in a jail setting.
- (b) Pursuant to section 752.053 of the Texas Local Government Code, nothing in this section shall be construed to prohibit or materially limit cooperation with federal immigration authorities as required by state law. This section does not impose additional obligations beyond state law.
- (c) During a field encounter, in accordance with the Fourth Amendment of the U.S. Constitution, officers may temporarily detain an individual only as long as reasonably necessary to complete the legitimate purpose of the initial stop or investigation. An ICE administrative warrant is civil in nature and, alone, does not justify a stop, arrest, or continued detention by local law enforcement, like HPD. If independent reasonable suspicion of a criminal offense sufficient to justify arrest or continued detention does not exist, the individual must be released.

- (d) Each council member shall receive a public quarterly memorandum from HPD concerning the use of City resources for immigration enforcement, excluding information that would jeopardize any ongoing criminal investigation or prosecution. The report shall include anonymized records of:
  - (1) Each instance where officers inquired into immigration status, including: the offense or ordinance section if any; the reason for the inquiry; the person's race and ethnicity; the number of officers involved; the officer employee numbers of the inquiring officers; and the general location, such as the ZIP code of the incident.
  - (2) Each instance where officers contacted federal immigration authorities, including ICE, or responded to requests during a field encounter from such federal immigration authorities, including: the reason for the stop, detention, or arrest; the offense or ordinance section if any; whether an administrative warrant, detainer, or criminal warrant was involved; the start and end times of detention; the officer employee numbers of the inquiring officers; the number of individuals taken into federal immigration custody for alleged civil immigration violations if known; the person's race and ethnicity; the number of officers involved; and the general location, such as the ZIP code of the incident."

**Section 3.** That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

**Section 4.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become

inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 5.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

**PASSED AND ADOPTED ON** 04/08/2026

**APPROVED ON** \_\_\_\_\_

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is: 04/14/2026.

ATTEST:

CITY OF HOUSTON, TEXAS  
Signed by:

Signed by:  
*May D. Lemon*

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City Secretary of the City of Houston  
PREPARED BY:

\_\_\_\_\_  
Mayor of the City of Houston

DocuSigned by:  
*Danielle Folsom*

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Senior Assistant City Attorney  
DRF/kro 4/2/2026  
Requested by Council Members Alejandra Salinas,  
Abbie Kamin, and Edward Pollard pursuant to  
Article VII, Section 3 of the City Charter  
L.D. File No. LD-GC-0000000647

