

Immigration detention facility ban in Spokane: What property owners should know

The ordinance would prohibit property owners from leasing space for detention facilities in residential, commercial or industrial zones across the city.

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SPOKANE, Wash. — Private property owners in Spokane could soon face new restrictions on how their land can be used. The Spokane City Council is expected to vote on an [emergency ordinance at its meeting Monday that would ban using private property for detention facilities operated by U.S. Immigration and Customs Enforcement and other entities.](#)

The ordinance would prohibit property owners from leasing space for detention facilities in residential, commercial or industrial zones across the city.

The proposal prompted questions from property owners about whether the ordinance is legal.

“I’ve yet to ever get a call from somebody who wants to open up a detention center,” said Eric Steven, a Spokane landlord-tenant attorney.

Steven said the city has the authority to pass the ordinance, that is--unless and until a court decides it has gone too far.

“They have the legal authority to pass the ordinance until somebody sues them and requires it to be overturned,” Steven said.

He noted the ordinance could face a legal challenge as a potential “taking.” It’s a legal term used when a regulation is alleged to restrict a property’s use to the point that owners may be entitled to recourse.

“It’s somehow restricting the ability to use the property to its maximum potential use,” Steven said.

Council member Paul Dillon, who is sponsoring the ordinance, argues the city is on solid legal footing because the proposal focuses on zoning--an area cities traditionally control.

“I would worry that if there was a clamoring of private property owners out there that saw this as a money-making opportunity that that would really set us back,” Dillon said. “That is not something that we want to be known for in the city of Spokane.”

When asked about concerns from property owners who see the ordinance as government overreach, Dillon responded, “I would argue that a lot of the overstep that we’re seeing is violating people’s due process. It’s violating the Fourth Amendment of the United States Constitution.”

Pressed on whether the ordinance effectively tells property owners what they cannot do with their land, Dillon was direct.

“That’s right, yeah, they can and they shouldn’t,” he said.

Washington already bans some private immigration detention centers. Dillon said that law left a loophole because it focused on certain private operators. The city’s ordinance, he said, goes further by blocking detention facilities as a land use citywide.

There is also a federal legal backdrop. In 2022, the 9th U.S. Circuit Court of Appeals ruled that states cannot block federal immigration detention facilities under the Constitution’s Supremacy Clause, which establishes that federal law takes precedence over state law.

Dillon argues Spokane’s proposal is different because it regulates zoning, not the federal government directly.