

Agenda
Lebanon City Council
October 15, 2025

11. New Business:

**11.C – Discussion and Set Public Hearing for November 5, 2025:
Ordinance #2025-12, Proposed Amendments to or Repeal of
City Code Chapter 185, Welcoming Lebanon**

Background

In March 2020, Lebanon voters passed the “Welcoming Lebanon” ordinance, which began through a binding referendum process in October 2019.

In May 2020, the City Council established the Fair and Impartial Policing Task Force to study and propose amendments to the ordinance in an effort to make it compliant with then-applicable federal and state laws, rules, and regulations, while maintaining the intent and purpose of the ordinance as adopted by voters. The resulting language was adopted by the City Council through Ordinance #2020-19 on December 7, 2020, as City Code Chapter 185, Welcoming Lebanon, which took effect on January 1, 2021.

On July 21, 2025, new state legislation (Laws of 2025, Chapter 38 - Senate Bill 62) took effect, which prohibits municipalities from barring local police departments from applying for entry or entering into agreements with the U.S. Immigration and Customs Enforcement (ICE) to participate in federal 287(g) programs pursuant to 8. U.S.C. §1357(g). Section 2 of SB 62 goes into effect on January 1, 2026, and will prohibit local municipalities from prohibiting or impeding a state or federal law enforcement agency from complying with Title 8 of the U.S. Code, which covers immigration and immigration enforcement. Any local government that violates this provision may be subject to a civil complaint brought by the NH Attorney General and could be subject to punitive damages of up to 25 percent of the total state funds received by the local government in the fiscal year when the violation occurred.

Also on January 1, 2026, related legislation (Laws of 2025, Chapter 39 – House Bill 511) will take effect, which will prohibit any unit of local government from having a “sanctuary policy” that impedes a law enforcement agency from complying with 8. U.S.C. §1357, or which impedes a local law enforcement agency from communicating or cooperating with a federal immigration agency on a variety of issues. Attached is a document prepared by the New Hampshire Municipal Association that summarizes and provides guidance on interpreting the new laws.

Based on the enacted legislation, it appears the existing language of Chapter 185, if left unchanged or unrepealed, would violate the new laws when they take effect on January 1, 2026.

In September, the City’s DEI Commission held a discussion about potential amendments to Chapter 185, as well as a related proposed resolution, both of which are included with the agenda materials. At the conclusion of its discussion, the DEI Commission approved the following motion:

A MOTION by Richard Ford Burley that the DEI Commission recommends to the City Council the following: that they (a) make due consultation with legal counsel in order to redraft City Code Chapter 185, Welcoming Lebanon, to preserve as many protections as possible for the community members of the City of Lebanon, without violating state law;

and (b) that the passage of such revisions be contingent upon the passage of the presented Commitment to Community Resolution; and (c) that the passage of such changes should come with a provision that Chapter 185 shall automatically revert to the present language upon the reversal of any laws preventing it by court order or subsequent legislation.

The City Administration recommends that the Council schedule a public hearing to discuss either amendments to or repeal of the existing language of City Code Chapter 185, Welcoming Lebanon, to ensure compliance with applicable laws that will take effect on January 1, 2026.

Action

Should the Council decide to move forward with Ordinance #2025-12 as proposed, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, November 5, 2025, beginning at 6:00pm, in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2025-12, to amend or repeal City Code Chapter 185, Welcoming Lebanon, to ensure compliance with applicable laws that will take effect on January 1, 2026.

Included In This Section:

1. Proposed Ordinance #2025-12, including proposed redline edits to City Code Chapter 185 as reviewed by the DEI Commission
2. Draft Commitment to Community Resolution as reviewed by the DEI Commission
3. NHMA document issued July 16, 2025, re: Guidance on SB 62 and HB511, Cooperation with Federal Immigration Prohibiting Sanctuary Cities Policies

CITY OF LEBANON
ORDINANCE #2025-12

AN ORDINANCE TO AMEND the Code of the City of Lebanon ~~by adding a new~~ Chapter 185, ~~to be~~ entitled WELCOMING LEBANON, which provides for the procedures concerning residents' ~~immigration protected~~ status and responsibilities within the City of Lebanon and powers regarding federal civil ~~immigration~~ enforcement.

Be it ordained by the City Council of the City of Lebanon as follows:

Section 1.

The "Welcoming Lebanon Ordinance" which was enacted by the voters of the City by citizen initiative pursuant to §C419:23a of the City Charter, and which as to take effect on January 1, 2021, is hereby repealed and replaced by adding a new chapter to the Code of the City of Lebanon to become Chapter 185, Welcoming Lebanon, and to read as follows:

- §185-1. Purpose/Intent
- §185-2. Definitions
- §185-3. Provisions
- §185-4. Implementation and Enforcement

§185-1. PURPOSE/INTENT

The people of Lebanon voted by Citizens' Initiative Ballot measure to enact the Welcoming Lebanon Ordinance. The purpose of this Ordinance is to establish the City's procedures concerning its residents' immigration status and its responsibilities and powers regarding federal civil immigration enforcement.

This Ordinance gives substance to the sentiments in the City of Lebanon's "Resolution for Inclusiveness" proclaimed by the City Council on June 20, 2018 and commits the City to preserve the public trust, affirm human rights and constitutional rights, and promote community identity, civic pride, and quality of life for all people regardless of race, skin color, national or ethnic origin, cultural group, language, gender identity or expression, sexual orientation, mental or physical ability, age, religious or political opinion or activity, economic status, immigration status, or housing status. The City of Lebanon commits to protecting civil liberties, promoting tolerance, and providing equal protection under the law to all persons in the city. Such protections strengthen trust and collaboration among community members in keeping all residents and visitors safe.

Furthermore, the City recognizes that a person's presence in the United States without documents is a civil, not a ~~crime~~ criminal matter and that the City presently lacks the enforcement of noncriminal civil violations of federal immigration law are the responsibility and obligation of Federal agencies. ~~legal authority to enforce noncriminal civil violations of federal immigration law.~~

Due to the City's limited resources; the complexity of immigration laws; the clear need to foster the trust of and cooperation from the public, including members of the immigrant communities; and to effectuate the City's goals, we find that there is a need to articulate guidelines regarding the relationship between the City and the federal government and to clarify the federal Constitutional

protections Lebanon has ~~against~~related to federal agencies commandeering its resources.

§185-2. DEFINITIONS

As used in this ordinance, the following words and phrases shall mean and include:

ADMINISTRATIVE WARRANT - An immigration warrant issued by a federal agency charged with the enforcement of civil immigration laws, used as a non-criminal, civil warrant for immigration purposes.

AGENCY – Includes every department, agency, division, commission, council, committee, board, or other body of the City of Lebanon established by authority of state law, the Lebanon City Charter, or an ordinance, executive order, or order of the Lebanon City Council.

AGENT - Any person employed by or acting on behalf of an Agency, whenever any such person is acting within the scope of that person's employment or agency capacity, or when utilizing or disclosing any information that may be learned in the course of that person's employment or agency capacity. The term includes any volunteer acting on behalf of an Agency, as well any person with access to Agency information which is not available to the general public.

CITIZENSHIP OR IMMIGRATION STATUS - All matters regarding questions of citizenship of the United States or any other country or of the authority to reside in or otherwise be present in the United States.

FEDERAL IMMIGRATION AUTHORITIES – Includes federal agencies, departments, or employees tasked with enforcement of immigration law and border, entry, including without limitation, the Department of Homeland Security (DHS), Immigration Control and Enforcement (ICE), and U.S. Customs and Border Patrol (CBP).

IMMIGRATION DETAINER - An official request issued by ICE, or another federal agency charged with the enforcement of civil immigration laws concerning the custody or detention of any individual based on a violation of a civil immigration law.

PHYSICAL OR MENTAL ABILITY - Includes, but is not limited to, “disability” as defined in RSA 354-A:2, IV.

§185-3. PROVISIONS

1. No law enforcement agent or other agent or agency of the City of Lebanon, shall profile, target, detain, or otherwise discriminate against any person ~~because~~solely on the basis of any of the following, whether actual or perceived: age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental ability, national origin, sexual orientation, ethnicity or culture, language or religion, economic or housing status, or citizenship or immigration status. Any civil detention requested of the City of Lebanon by State and/or Federal agencies must be requested through an appropriately filed and fully executed warrant.
2. No person shall be questioned in a manner which is biased or discriminatory, as described in Provision 1, and no personal information may be collected, retained, utilized, or disclosed in

any discriminatory manner or to any discriminatory purpose or effect by any agent or agency of the City.

3. No agent or agency of the City of Lebanon shall request, collect, or retain information about, or otherwise investigate or assist in the investigation of the United States citizenship or immigration status of any person in the City of Lebanon. ~~This section shall apply not apply to the Lebanon Police Department or any staff of the department operating under the policies of the police department only to the extent allowed under State and Federal law. to the extent required by RSA 106-P.~~

4. No agent or agency of the City shall disclose information regarding the U.S. citizenship or immigration status of any person, except in the following circumstances:

- a. Such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by the individual's parent or guardian.
- b. Such disclosure has been requested by Federal Authorities through an appropriately filed and fully executed Right To Know Request under RSA 91-A or other lawful process.
- c. This section shall apply only to the extent allowable under State and Federal law and/or governed by Provision 5.

5. In addition to Provisions 3 and 4, any agent or agency of the Lebanon Police Department shall be governed by the following provisions:

- a. No agent or agency of the Lebanon Police Department shall themselves request, collect, or retain information about the immigration status of any person in the City of Lebanon, except to the extent that such information is received by the Lebanon Police Department as part of a routine background investigation.
- b. Any transmission and/or sharing of information by the Lebanon Police Department with Federal Agencies shall only be performed after the receipt of the appropriate and fully executed Right to Know Request and/or Warrant, unless such transmission occurs as a result of running a routine background investigation.
- c. Notwithstanding the above, the Lebanon Police Department or any staff of the department operating under the policies of the police department shall be exempted from Provision 5 to the extent necessary to comply with State and Federal law.

3. —

4. No agent or agency of the City shall disclose information regarding the U.S. citizenship or immigration status of any person, unless such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by the individual's parent or guardian. This section shall not apply to the Lebanon Police Department or any staff of the department operating under the policies of the police department to the extent required by RSA 106-P.

5.6. Notwithstanding Provisions 1-4 above, agents of the City may question about, collect, retain, utilize, and disclose information concerning the criteria listed in Provisions 1-4 in the following circumstances, as long as that is done on an impartial basis and in a non-

discriminatory manner and as long as no agent of the City provides or requests any of this information from federal immigration authorities.

- A. Where collection, retention, utilization, or disclosure of the specific information is mandated in order to implement a municipal program, process, or function which is performed by the City unrelated to the enforcement of federal immigration law, but whose rules and parameters are imposed by state or federal law or authority, including but not limited to federal and state laws governing employment and elections.
- B. Where collection, retention, utilization, or disclosure of the specific information is required by statute or court order, or where the specific information constitutes an essential evidentiary element in an ongoing investigation or prosecution of a violation of law unrelated to civil immigration law or citizenship status.
- C. Where the information is being collected or retained solely for purposes of evaluating and improving the performance of the Police Department or other City agency with respect to its compliance with the impartiality and non-discrimination requirements of Provision 1 and 2 above.
- D. Where relevant economic information is being collected, retained, or utilized in the course of administering a program of benefits based on financial need, including but not limited to general assistance under RSA Ch. 165.

6.7. No Agent or Agency shall condition the provision of City of Lebanon benefits, opportunities, or services on matters related to citizenship or immigration status unless required to do so by statute, federal regulation, or court decision. Where presentation of a New Hampshire driver's license or identification card is accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-issued document), shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a New Hampshire driver's license or identification card, except that this subsection shall not apply to the completion of the federally mandated 1-9 forms.

7.8. No Agent or Agency of the City of Lebanon, ~~inexcluding Law Enforcement to the extent~~^{except to the extent required by State and Federal law}~~the provisions of RSA 106 P~~, shall aid or participate in immigration enforcement actions. An Agent or Agency is authorized to communicate with Federal immigration authorities in order to determine whether any matter involves enforcement based solely on a violation of a civil immigration law, ^{other than to the extent required by the provisions of RSA 106 P}~~State and Federal law~~. No Agent or Agency shall, ^{except to the extent required by State and Federal law}:

- A. arrest, detain, or continue to detain a person based solely on suspected or actual civil immigration violation.
- B. arrest, detain, or continue to detain a person on an Administrative warrant or upon an Immigration detainer based solely on a violation of immigration law.

C. accept requests by Federal immigration authorities to support or assist in operations that are for civil immigration enforcement.

~~D. permit Federal immigration authority access to a person being detained by, or in the custody of, the Agent or Agency.~~

~~E.~~D. permit Federal immigration authorities use of agency facilities for investigative interviews or other investigative purpose.

~~F.~~ respond to Federal immigration authorities' inquiries or share information about an individual with Federal immigration authorities, except in the event that such disclosure has been requested by Federal Authorities through an appropriately filed and fully executed Right To Know Request under RSA 91-A, Warrant, or other authorized and documented legal channel. Such information includes but is not limited to the individual's custody status, release date/time, court dates, whereabouts, residence, employment, identification numbers, appearance, telephone number, and familial relations. For the purpose of aiding an individual who may qualify for a U, S, or T Visa, information may be shared if such disclosure has been authorized in writing by the individual to whom such information pertains. Nothing in this Section shall be construed as prohibiting participation in an inter-agency data-bases such as the National Crime Information Center, so long as its utilization by City agents is not biased or discriminatory and does not violate the prohibitions in Provisions 3 and 4 above. Nothing in this section shall prohibit the Lebanon Police Department or staff of the department to the extent required from complying with the provisions of RSA 106 P.

8.9. In order to maintain public safety and the orderly processes for all persons traveling in and through the City of Lebanon, if the City Manager or someone acting on the City Manager's behalf learns of a delay or obstruction in the City of the normal flow of traffic including, ~~for example, due to a Federal immigration authority checkpoint,~~ the City Manager or someone acting on the City Manager's behalf shall make a reasonable effort to confirm that one exists and then cause the public to be promptly notified which may be done through the LebAlert system.

§185-4. IMPLEMENTATION AND ENFORCEMENT

- A. Failure by agents of the City to comply with the Welcoming Lebanon Ordinance shall be addressed under the terms of the City's policies.
- B. Any person who believes that they have been subjected to a violation of this Ordinance by a City employee, or who otherwise has personal knowledge of such a violation, may submit a complaint in whatever form or manner the complainant chooses, to the employee or department involved, or to the City Manager, and may submit such a complaint anonymously. Reasonable efforts shall be made to accommodate any language or access barriers. Such complaints shall be handled in accord with applicable City complaints and investigations policies; provided, however, that at the discretion of the Manager, the complaint may be referred to the appropriate law enforcement agency having jurisdiction, and any internal investigation may be delayed pending the outcome of the law enforcement agency's involvement.

- C. Complaints alleging violations of this Ordinance by non-employee agents of the City, including appointed or elected officials, shall be filed with or forwarded to the City Manager, who may take such action as is appropriate in light of the nature of the complaint, including referral to the law enforcement agency having jurisdiction, and/or referral to the Council for such action as it deems justified.
- D. This Ordinance shall not be construed to create any civil cause of action or any cause of action under the criminal code or to form any basis of liability on the part of the City or its agents. Nothing herein shall be deemed to pre-condition or restrict any person from pursuing a complaint in court or from seeking such alternative remedies as may be available under law.

Section 2. Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance. Such severability shall also apply to the extent required by State and Federal law.

Section 3. Effective date.

This amended ordinance shall become effective January 1, 20264

DRAFT City of Lebanon Commitment to Community Resolution

A Resolution Affirming the City's Commitment to the Diversity and Belonging of all its residents, and opposing Discrimination

WHEREAS the City of Lebanon recognizes the inherent dignity and equality of all people regardless of race, skin color, national or ethnic origin, cultural group, language, gender identity or expression, sexual orientation, mental or physical ability, age, religious or political opinion or activity, economic status, immigration status, or housing status, including immigrants, BIPOC residents, Indigenous peoples, religious minorities, LGBTQ+ individuals, people with disabilities, and others who have historically faced exclusion and discrimination; and

WHEREAS the City of Lebanon has long been a community that values compassion, civic responsibility, and social justice, and has benefited socially, culturally, and economically from the contributions of diverse populations, regardless of their place of origin; and

WHEREAS recent legislation passed by the State of New Hampshire prohibits municipalities from enacting or enforcing certain anti-discrimination ordinances, limiting the autonomy of local governments to adopt policies that protect vulnerable communities and forcing the recission of Lebanon City Code, Chapter 185, Welcoming Lebanon, undermining Lebanon's capacity to safeguard its residents from racial profiling, wrongful detention, and fear-based policing, particularly among immigrant and undocumented populations; and

WHEREAS the City of Lebanon refuses to be complicit in the erosion of civil liberties and affirms its responsibility to challenge discriminatory state policies and advocate for humane treatment of all individuals, regardless of immigration status;

NOW, THEREFORE, BE IT RESOLVED that the City of Lebanon, New Hampshire, opposes any policy that limits the City's ability to protect its residents from racial profiling, immigration-related discrimination, or collaboration with federal immigration enforcement without judicial oversight;

Affirms that no employee of the City of Lebanon shall profile, target, or otherwise discriminate against any person because of any of the following, whether actual or perceived: age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental ability, national origin, sexual orientation, ethnicity or culture, language or religion, economic or housing status, or citizenship or immigration status;

Reasserts its intention to express moral leadership and uphold human rights, even in the face of restrictive or unjust state policies;

Instructs all city departments to continue fostering inclusive and non-discriminatory environments and to prioritize public safety policies that build trust with marginalized communities, including by declining to collect, retain, or utilize personal information in a discriminatory manner or to a discriminatory effect, except as mandated in order to implement a municipal program or to comply with state and federal laws;

Will work in partnership with local and regional organizations to monitor the impacts of discriminatory state and federal legislation and pursue legal and legislative remedies to challenge or overturn it if appropriate.

Will establish a subcommittee of the Lebanon Diversity, Equity, and Inclusion Committee, composed of residents from diverse backgrounds including immigrants, to serve the following purposes:

1. Seek or provide support for immigrant members of our community, including navigating resources and services (legal, housing, and human services) in the City,
2. Serve as a complaint review board for discrimination complaints,
3. Provide regular equity reports to the City Council, documenting the city's efforts to mitigate harm, promote safety, and ensure equal treatment for all communities,
4. Recommend policy changes and advise on anti-discrimination practices;

Will support education campaigns to inform the public about their rights and the city's policies concerning discrimination, inclusion, and civic participation.

BE IT FURTHER RESOLVED that while Lebanon must comply with the letter of state law, it will do so without surrendering its moral and ethical obligation to protect human rights, and without participating in or facilitating any acts of hate, fear, or exclusion.

Guidance on SB 62 & HB 511

Cooperation with Federal Immigration

Prohibiting Sanctuary Cities Policies



Chapter 38 – SB 62

Section 1 of SB 62 goes into effect on July 21, 2025. This new law, RSA chapter 106-P, will prohibit municipalities from barring local police departments from applying for entry or entering into an agreement with the U.S. Immigration and Customs Enforcement (ICE) to participate in a federal 278 (g) program pursuant to 8. U.S.C. §1357 (g).

These agreements are a voluntary, formal agreement between a local law enforcement agency and federal immigration authorities (ICE) granting authority to perform certain immigration enforcement actions. An example of a 278 (g) agreement is the one recently signed by the [NH State Police and ICE on April 25, 2025](#). Thus, even though in a town, the select board supervises the operations of the police department through its police chief by the adoption of written formal policies under RSA 105:2-a, a select board could not adopt a policy or directive that would prohibit the police chief on behalf of the police department from entering into a 278 (g) agreement with ICE.

Section 2 of SB 62 goes into effect on January 1, 2026, and prohibits local political subdivisions from prohibiting or impeding a state or federal law enforcement agency from complying with Title 8 of the US Code, which includes every federal law pertaining to immigration and immigration enforcement. Any local government that violates this provision may be subject to a civil complaint brought by the Attorney General and could be subject to punitive damages of up to 25% of the total state funds received by the local government entity in the fiscal year when the violation occurred.

Section 3 of SB 62 permits County Departments of Corrections to maintain custody over persons subject to an ICE detainer for a period of 48 hours after resolution of state charges to permit assumption of custody by federal authorities.

Chapter 39 – HB 511

This law goes into effect on January 1, 2026. It prohibits any unit of local government (town, cities, village districts) from having a sanctuary policy that impedes a law enforcement agency from complying with 8 U.S.C. section 1373¹, or which impedes a local law enforcement agency from communicating or cooperating with a federal immigration agency that would prohibit the agency from:

¹ § 1373. Communication between government agencies and the Immigration and Naturalization Service

- (a) Complying with an immigration detainer;
- (b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;
- (c) Providing a federal immigration agency access to an inmate for interview;
- (d) Participating in any program or agreement authorized under section 287 of the Immigration and Nationality Act, 8 U.S.C. section 1357; or
- (e) Providing a federal immigration agency with an inmate's incarceration status or release date.

This law further requires all local law enforcement agencies to comply with immigration detainees. An immigration detainer is defined as a facially sufficient written or electronic request issued by a federal immigration agency using that agency's official form to request that another law enforcement agency detain a person based on probable cause to believe that the person to be detained is a removable alien under federal immigration law.

In addition, no local government entity shall restrict a law enforcement agency from sharing information about persons who are in custody such as:

- (a) Sending the information to or requesting, receiving, or reviewing the information from a federal immigration agency for the purposes of this chapter.
- (b) Recording and maintaining the information for purposes of this chapter.
- (c) Exchanging the information with a federal immigration agency or another state entity, local governmental entity, or law enforcement agency for purposes of this chapter.
- (d) Using the information to comply with an immigration detainer.
- (e) Using the information to confirm the identity of a person who is detained by a law enforcement agency.

The Attorney General can enforce this statute through declaratory judgment and seek injunctive relief.

- (a) In general. Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.
- (b) Additional authority of government entities. Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:
 - (1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
 - (2) Maintaining such information.
 - (3) Exchanging such information with any other Federal, State, or local government entity.
- (c) Obligation to respond to inquiries. The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.8 U.S.C.S. § 1373 (LexisNexis, Lexis Advance through Public Law 119-14, approved May 23, 2025)