Resolution No. 1247-2026

By Council Member Howse-Jones

AN EMERGENCY RESOLUTION

Opposing the U.S. Department of Commerce and U.S. Census Bureau proposed rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions" (Federal Register Doc. 2026-18481, 91 FR 57524, with its comment period extended by Federal Register Doc. 2026-20328, 91 FR 63207), which would exclude noncitizens other than lawful permanent residents from the decennial census count and prohibit the collection of race, ethnicity, and sexual orientation data; and urging its withdrawal.

WHEREAS, Article I, Section 2 of the United States Constitution, as amended by Section 2 of the Fourteenth Amendment, requires an actual enumeration every ten years and directs that seats in the House of Representatives be apportioned by counting the whole number of persons in each state; and

WHEREAS, on September 10, 2026, the U.S. Census Bureau, under the U.S. Department of Commerce, published a proposed rule titled "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions" (Federal Register Doc. 2026-18481), which would add new Parts 60 and 70 to Title 15 of the Code of Federal Regulations; and

WHEREAS, the proposed rule would exclude from the apportionment count all residents who are not U.S. citizens or lawful permanent residents, removing not only undocumented immigrants but also lawfully present residents such as refugees, asylum seekers, international students, and temporary workers who live, work, pay taxes, and use public services in our communities; and

WHEREAS, the proposed rule would replace the long-standing "usual residence" standard, where a person lives and sleeps most of the time, with new criteria tied to where a person lawfully spent the most days between January 3 and April 1, and would shift residence determinations toward tax and administrative records, increasing the risk that residents are missed or counted in the wrong place; and

WHEREAS, the proposed rule would prohibit questions on race, ethnicity, and sexual orientation from appearing on the decennial census questionnaire, ending the collection of race and ethnicity data that the census has gathered in some form since the first count in 1790, and foreclosing data on LGBTQ+ residents; and

WHEREAS, decennial census data guide the annual distribution of hundreds of billions of dollars in federal funding for Medicaid, SNAP, Title I education, highway planning, housing, Head Start, public health, and other programs on which Cleveland residents depend; and

WHEREAS, decennial census counts serve as the population base used to weight the American Community Survey and other federal surveys, so removing race and ethnicity questions from the census would degrade the reliability of demographic data for small geographic areas such as Cleveland's neighborhoods and wards; and

WHEREAS, race and ethnicity data are essential to enforcing the Voting Rights Act, the Fair Housing Act, the Civil Rights Act of 1964, and equal employment, lending, and education protections, and to identifying and addressing disparities in health outcomes, infant and maternal mortality, environmental exposure, and public safety; and

WHEREAS, Ohio lost a congressional seat following the 2020 Census, and an inaccurate or incomplete count in 2030 threatens to further diminish the representation and federal resources of Ohio and the City of Cleveland; and

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WHEREAS, the City of Cleveland relies on accurate census data for redistricting, land-use and transportation planning, emergency preparedness, economic development, grant applications, and the equitable delivery of services to every neighborhood; and

WHEREAS, Cleveland is home to longstanding immigrant and refugee communities, and to Black, Latino, Asian American, and LGBTQ+ residents whose accurate count is necessary for fair representation and for the city to meet their needs; and

WHEREAS, the Department of Commerce initially provided only a 33-day public comment period and, by Federal Register Doc. 2026-20328 published October 5, 2026, extended that period only until November 2, 2026, for changes that would govern the 2030 Census and every decennial census thereafter; and

WHEREAS, the proposed rule published by the U.S. Department of Commerce and U.S. Census Bureau on September 10, 2026 (Federal Register Doc. 2026-18481), including its exclusion of noncitizens other than lawful permanent residents from the decennial census count, its revision of residence criteria, and its prohibition on collecting race, ethnicity, and sexual orientation data would undo decades of progress toward a complete, accurate, and inclusive census and an inclusive democracy in which every person counts; and

WHEREAS, the Secretary of Commerce and the Director of the U.S. Census Bureau should withdraw the proposed rule in its entirety, and conduct the 2030 Census in accordance with the constitutional requirement to count the whole number of persons in each state, retaining the usual residence standard and the collection of race and ethnicity data consistent with federal statistical standards; and

WHEREAS, the Department of Commerce should, at a minimum, further extend the public comment period to no fewer than 90 days in total and hold public hearings, including in communities historically undercounted by the census; and

WHEREAS, Ohio's United States Senators and the members of Ohio's congressional delegation must oppose the proposed rule and support legislation guaranteeing a complete and accurate count of all persons residing in the United States; and

WHEREAS, this Council is committed to a complete count of every Cleveland resident in the 2030 Census and encourages the Administration to work with community partners on outreach to historically undercounted communities; and

WHEREAS, this ordinance constitutes an emergency measure for the immediate preservation of the public peace, property, health, or safety; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council opposes the U.S. Department of Commerce and U.S. Census Bureau proposed rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions" (Federal Register Doc. 2026-18481, 91 FR 57524, with its comment period extended by Federal Register Doc. 2026-20328, 91 FR 63207), which would exclude noncitizens other than lawful permanent residents from the decennial census count and prohibit the collection of race, ethnicity, and sexual orientation data; and urges its withdrawal.

Section 2. That the Clerk of Council is hereby directed to submit a copy of this resolution as a public comment to FDMS Docket No. USBC-2026-0628 (Federal Register Doc. 2026-18481) on or before November 2, 2026, and to transmit copies to the President of the United States; the U.S. Secretary of Commerce; the Director of the U.S. Census Bureau; Ohio's United States Senators; the members of Ohio's congressional delegation; the Governor of Ohio; the Mayor of the City of Cleveland; the Ohio Municipal League; and the National League of Cities.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

SHJ:shj
10/12/2026

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READ FIRST TIME on October 12, 2026 **REPORTS**
and referred to DIRECTOR of Law;
COMMITTEE on Finance, Diversity, Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

REPORT
after second Reading

PASSAGE RECOMMENDED BY COMMITTEE ON
FINANCE, DIVERSITY, EQUITY and INCLUSION

FILED WITH COMMITTEE