

ENGAGEMENT GUIDE:

How You Can Help Advance Home Rule Reform

Local communities are losing the power to make their own decisions. Over the past decade, instead of allowing local officials to enact policies that best address local needs, state legislatures have given themselves the power to set local safety, health, economic, and even municipal voting laws. But there is a way to stop the erosion of local decision making. We can counter this abuse of state preemption by updating home rule.

Home rule is the legal concept that allows for local decision making and limits how states can interfere with that decision making. It is a legal principle that is essential to ensuring that state and local governments can work together effectively. Although many states have limited forms of home rule, the law hasn't been fundamentally updated in nearly 70 years, even as the need for action becomes increasingly obvious.

“*Reforming home rule won't be easy, but it's urgent work that requires all of us to participate.*”



Reforming home rule will require us to change state laws where it is legally and politically possible. This won't be easy, but it's urgent work that requires all of us to participate. If we don't act, the harms of abusive preemption will continue to grow – and entrenched preemption measures that hurt BIPOC, women, LGBTQ people, immigrants, and working people will become more difficult to undo.

Our plan is to take advantage of the enthusiasm for structural change that is emerging in many states, creating a demand for action. Modernizing home rule will take time and look different from state to state, because every state has a unique history, legal system, and distinctive needs that must be addressed. The types of structural reform necessary could include resolutions, statutes, and perhaps ultimately constitutional amendments.

But there is much you can do to support and advance home rule reform right now. This action guide is intended to help you play a role in creating demand for home rule reform.

BUILDING URGENCY AND CAPACITY TO ADVANCE HOME RULE

Home rule reform itself is not a front burner issue – but we’re surrounded daily by harmful policies that stem from abusive preemption and a badly outdated home rule framework.

Consider:

- The city of **Birmingham, Alabama** raised its minimum wage to \$10.10 per hour in 2016 – a policy that was quickly undercut by the Alabama state legislature. The legislature’s quick preemption of the local policy meant that Birmingham’s minimum wage was capped at \$7.25 per hour. It’s important to note that nearly 70 percent of the residents of Birmingham are BIPOC; while the state legislature skews disproportionately white and male.
- Prior to the pandemic, the cities of **Austin, Dallas, and San Antonio** all passed local paid sick leave policies. Texas courts have blocked all of the policies from taking effect – even blocking the Dallas ordinance in the middle of the first COVID wave. The preemption of paid sick leave policies in Texas disproportionately harms BIPOC workers.
- At least 10 states have passed laws undermining the authority of public health agencies and local governments - even as the pandemic has raged. This not only makes it more difficult for the health officials on the front lines to keep us all safe; but it will seriously affect the ability of communities to successfully respond to future disease outbreaks and other health emergencies.
- Voters in **Tempe, Arizona** voted overwhelmingly in 2018 to adopt a measure aimed at curbing the influence of dark money in local politics. The measure, which won an astounding 91 percent of the vote at the polls, required entities spending more than \$1,000 in a municipal election to disclose the original source of their funding. Weeks later, the state legislature stepped in - and promptly banned municipalities from requiring federal tax-exempt organizations from disclosing funders.

It’s up to well-informed elected officials and their allies, along with advocates, to make clear the urgency for reforming home rule and ensuring that communities have the power they need to address local problems.

Whether you are an elected official, municipal league leader, advocacy organization, or non-profit, think of the effort to advance home rule reform as a series of concentric circles that create will and capacity for this work and then expands outward to include new and broader audiences.



Identify a point person on your staff or coalition who can work with our team to design and implement a plan, spot opportunities, and coordinate resources to move the conversation forward.

Gather any stories of people or communities harmed because of abusive preemption. We know from recent [message research](#) that many people simply tune out when we begin discussing our work by immediately trying to define preemption – and it’s a safe bet many may have a similar reaction to hearing about home rule reform for the first time. People do respond to stories that focus on a specific issue or voices. Invite these people directly impacted by preemption to join your working group – their voices make the call for change stronger.

Keep an eye out on how preemption is impacting policies and people across your community. Share what you’re seeing and hearing with LSSC. We have a number of resources to help you here – from our [roadmap for home rule reform](#), to our [legislative tracking reports](#) that are updated weekly during state legislative sessions, to [messaging guidance](#), to a [home rule overview](#) that can be used to explain what home rule reform is and why it’s urgently needed.

Identify innovations, solutions, policies, or programs that you would put in place if you had the authority or were not worried about triggering preemption to demonstrate a vision for the future of your local community or communities.

“ Many people simply tune out when we begin discussing our work by immediately trying to define preemption – and it’s a safe bet many may have a similar reaction to hearing about home rule reform for the first time.



Determine what allies will help you champion home rule reform.

Local elected officials – in your city and state. State lawmakers who represent localities in the legislature. Alliances of Municipal Attorneys. The Association of Counties. Can the state municipal league help you identify the next concentric circle for outreach and support-building -- community leaders, good government, public health, civil rights groups, and academicians who would support and actively participate in pushing for home rule reform? Provide these allies with tools and opportunities to make the case for home rule reform too.

Education is key. People cannot be motivated to fix a problem they don't know exists.

Polling shows that most people are not familiar with home rule or state preemption. But they do understand the consequences for their economic well-being or health and safety when neither the city nor the state is raising the minimum wage or instituting a fracking ban.

This education work is already being done in some states: The Michigan Municipal League has created an online site, SaveMICity, to educate the press and public about the state's disinvestment in communities, its consequences for local communities, and the need for local fiscal authority. The Florida League of Cities has created a "Local Voices, Local Choices" education campaign to explain and persuade allies to defend home rule. NLC and LSSC also have collaborated on a Municipal Action Guide on preemption.

Shape the message for your target audience.

Talk the talk. Surveys and focus groups conducted for LSSC, the American Heart Association, and state Municipal Leagues have driven the development of messaging that explains home rule and preemption in accessible and values-driven language.

Compelling language helps explain both the need for and value of home rule reform. And making the conversation about the power of people to shape their community, not the power of government, helps make it personal and raises the stakes. Your local allies may be able to support in crafting this language.

Put the need for home rule reform in an historical and political context.

The last time the home rule model was updated was 1953. People understand a lot has changed since – including the demands on local governments and need for local action.

The loss of local power caused by state preemption is not unique to your state – it is the result of a push by national groups advancing a pro-industry, anti-regulatory agenda.

This trend has left local governments unable to meet new demands and protect residents; and it's often the most vulnerable people – particularly BIPOC, women, LGBTQ people, immigrants, and working people – who pay the price when local authority is undermined.



Build and Implement an Action Plan to Advance Home Rule.

Build a home rule reform campaign strategy around a tactic that will advance home rule reform.

- Develop grassroots, communications, and organizing strategies to educate and engage the public.
- Identify and recruit allies to build a cross-issue coalition that is united by the cause of strengthening local democracy.
- Coordinate with (or create) an urban caucus of state lawmakers.

Take tangible, visible steps to advance home rule reform.

A resolution from city and town councils and county commissions committed to advancing home rule reform. Statutes that move specific principles or provisions forward. Petitions to engage the community in the debate, anchored around a specific issue as it relates to home rule.



Create or seize opportunities to engage and mobilize allies and the public.

- Add home rule reform to the agendas of existing meetings of allies.
- Convene meetings of allies.
- Offer webinars and briefings.
- Host a home rule rally.
- Reach out to editorial boards and local government reporters. Use the legislative session to raise awareness of preemptive bills, their consequences, and the need for a larger structural fix that breaks through the session by session, issue by issue tug of war between state and local governments.
- Engage local champions and your municipal league in earned media efforts to educate the public about the need for home rule reform, the consequences of preemption, and the potential solutions cities would enact if they had authority to address their community's needs.
- Partner with external stakeholders (community organizations, etc.) to author op-eds. Ask them to sign on to a public call for home rule reform.

Resources

LSSC is working with a group of advocates and experts from A Better Balance, Local Progress, the National League of Cities, Public Rights Project, and the State Innovation Exchange to advance home rule reform. Our team is happy to support you as you begin your efforts to organize and advocate for home rule reform. We can assist across a variety of fronts – from legal expertise and technical assistance, to providing messaging and communication support.

Additional resources related to home rule reform are available at:

www.supportdemocracy.org/home-rule-reform