

## City Rights In An Era of Preemption: New Report Examines Seven Critical Policy Areas

In February 2017, National League of Cities (NLC), in partnership with the state municipal leagues, released a new report entitled, “City Rights in an Era of Preemption.” The report examines the prevalence of state preemption across the country in seven key policy areas: minimum wage, paid leave, anti-discrimination, home sharing, ride sharing, municipal broadband, and tax and expenditure limitations (TEs).

“Preemption efforts – where state law nullifies a municipal ordinance or authority – lead to a loss of local control and can have far-reaching economic and social impacts in our communities,” said NLC’s CEO and Executive Director Clarence E. Anthony. “Local leaders should



be empowered to adapt policies to meet the needs of their residents, ensuring cities have the tools they need to build stronger economies, promote innovation and move the country forward.”

In recent years, the report finds that state legislatures have gotten more aggressive with preemption efforts. Preemption bills often concern politically divisive issues and rely on single party dominance to pass through state legislatures. As of the 2016 election cycle, Republicans have 25 government trifectas, meaning they control both legislative chambers and the governor’s office, while Democrats have trifectas in six states and control a larger portion of city halls.

States can preempt cities from legislating on issues either by statutory or constitutional law, and in some cases, court rulings.

“Our research points to the complex, and sometimes tenuous,

### THE REPORT FINDS:

- 24 states preempt local minimum wage ordinances;
- 17 states preempt local paid leave ordinances;
- 3 states explicitly preempt local anti-discrimination ordinances;
- 37 states limit local authority to regulate ride sharing;
- 3 states limit local authority to regulate home sharing;
- 17 states preempt localities from establishing municipal broadband service;
- 42 states limit local fiscal authority through tax and expenditure limitations (TEs).

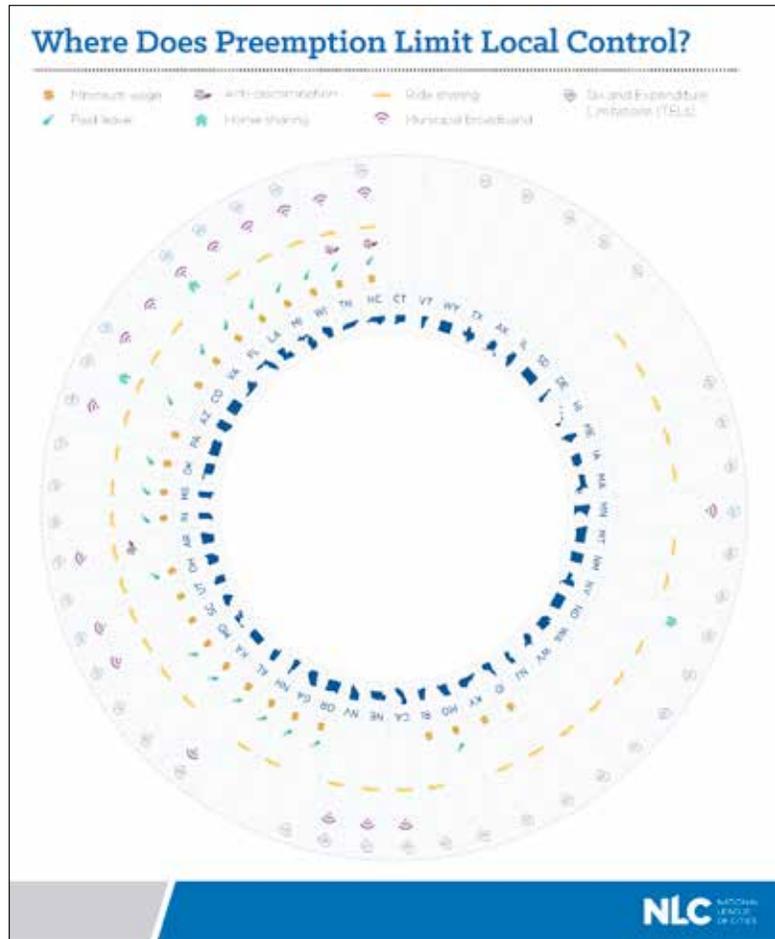
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~NLC CEO and Executive Director  
Clarence Anthony

relationship between cities and state legislatures,” said NLC’s Senior Executive and Director of the Center for City Solutions and report co-author Brooks Rainwater. “People who live in cities want control over their own destinies and when states seek blanket policies that run counter to the values of its municipalities, local leaders do not stand down. We see many instances where state-level politicians work to usurp the will of people in cities both through preemption and Dillon’s Rule provisions. As a result, the work of city leaders and the mandate of the people is undermined.”

NLC recommends that cities facing preemption challenges should engage in active communication with their state legislatures, choose preemption battles wisely, and address the preemption narrative directly.

Find the full report at [nlc.org/preemption](http://nlc.org/preemption).



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