

Messaging Guide

Home Rule for the 21st Century:

Time to Reform and Restructure the Relationship Between State and Local Governments

Local governments are taking the lead on tackling our greatest challenges head-on, enacting laws to protect our health and safety, improve workers' rights, reduce inequity, respond to climate change and other emerging environmental threats, and advance technological innovation. But right now, cities, counties and towns do not have the power or tools they need to meet these challenges and to act on the needs, values and decisions of their residents.

That's because the last time the core set of provisions for home rule - the legal framework that ensures local decisions can be made locally - was fundamentally examined was in 1953, almost 70 years ago. Cities - and what's expected of them - have changed a lot since then. Local governments have outgrown the home rule provisions crafted seven decades ago.

States are using preemption laws systematically to remove or reduce the power of local governments to act on the needs of their residents. The old rules governing state and city relations no longer apply.

Today, cities and counties are the drivers of our nation's and the global economy. Four out of five Americans call cities home and it's where the most diverse populations of Americans live. State and local governments used to work together collaboratively - but now, states are using preemption laws systematically to remove or reduce the power of local governments to act on the needs of their residents. The old rules governing state and city relations no longer apply.

That's why the National League of Cities (NLC) and the Local Solutions Support Center (LSSC) have joined together to update home rule and to offer a structural solution to a structural problem. This new framework, Principles for Home Rule in the 21st Century, reflects the expertise and contributions of local elected officials, state municipal leagues, city attorneys, partners at the International Municipal Lawyers Association, and legal scholars. The Principles call for a presumption of local authority and lay out a roadmap for strengthening local self-governance, local competence, and local fiscal stability.

This guide provides topline messages, best examples, and language do's and don'ts to keep in mind when talking about HR21.

Now is the time for a bold, long-term, holistic fix: a new vision of home rule.

Download here www.nlc.org/HomeRule2020

Home Rule: Messaging 101

Topline Message

Home rule is a longstanding legal principle that gives us the power to decide which services we want, how best to protect our neighborhoods, how our communities should grow, and to solve problems locally. But home rule is outdated – it hasn't grown to meet the demands and complexities of this century. And in some states, politicians and corporations are working to weaken or eliminate your power to make local decisions, have your vote count or make your voice heard. We need new, modern rules that protect and promote our ability to make local decisions locally. We need a Home Rule for the 21st Century.

Introducing Home Rule

- Local decisions should be made locally, by local voters and officials elected locally. Not by state politicians or industry lobbyists.
- Home rule is a long-standing legal principle affirming that cities and local governments have the power to act on the unique needs and values of their communities
- Home rule ensures local residents have a genuine say in the policies governing their daily lives. It protects the authority and autonomy of local elected officials -- the people elected by local voters to make local

Making the Case for Modernizing Home Rule

- Home rule principles have not been fundamentally updated in 66 years - and cities have changed a lot in that time.
- The old rules governing city-state relations are outdated and no longer apply.
- Cities today are home to thriving and diverse populations, with distinct problems and needs. People living and working in cities today are driving state, national, and even global economies. They are on the frontlines, responsible for solving health and safety, economic, environmental, and social problems and confronting the challenges posed by new technologies.
- 81 percent of Americans now call cities home, and it's where the most diverse populations of Americans live.
- Sixty-six years ago, states weren't interfering in the decisions cities made at the scale they are today. But now, we are seeing a large increase in the amount of state preemption, across more policies and often with the intent of stopping policies designed to promote economic wellbeing, improve health and safety, and increase equity.
- Cities are now putting forward innovating solutions that address the unique problems impacting their populations. Those solutions reflect the values and needs of the local populations.
- But states are increasingly passing preemption laws that limit local lawmaking and ignore the choices and values of local residents.
- Voters are demanding practical problem solving tailored to where they live, and they value the benefits of local power – the flexibility to meet changing needs, the ability to hold politicians accountable, and the authority to act on the diverse needs and values of their residents.
- The time for an updated, modern vision of home rule – that recalculates the balance of power between state and local governments and respects the decisions made by local voters and communities - has arrived.

Additional Message Research Takeaways

LSSC partnered with PerryUndem to conduct messaging research over summer 2019 that looks at how voters respond to messages around both home rule and state preemption. Here are some key takeaways to keep in mind when talking about HR21:

- Most Americans don't know what "home rule" is. But after they hear a short description, most support it – and believe it should be updated. That's why providing a short definition is critical:
 - Home rule is a longstanding legal principle that affirms the power of local governments to regulate and pass policies that reflect the decisions, needs and values of their residents.
 - Mentioning a city charter also helps clarify the concept of home rule.
- Most people want their local government to have the authority to pass local policies without any state interference. They believe the primary purpose of local government is to protect the health and safety of residents.
- Providing a history of home rule is important – emphasize that it's been around for a long time and has played a fundamental role in local governance.
- When told that the last home rule model update was in 1953, voters agree it should be updated – 66 years is a long time.
- In fact, the top reasons voters support updating home rule is because they understand how much has changed in 66 years and that cities are now responsible for solving some of our biggest problems.
- Voters see home rule as a good way of pushing back on state preemption efforts designed to limit local lawmaking and establishing more local control.

Messaging Dos & Don'ts

- **DO** reaffirm the purposes of local government to protect the health and safety of local residents.
- Make the argument about the power of people to decide, to work through their locally elected officials to enact policies that protect health and safety and promote economic well-being. This is NOT about local power, but local people.
- **DO** emphasize the importance of local decision-making - local decisions should be made locally.
- **DON'T** make this a process discussion about the appropriate role of state versus local government.
- **DO** make this an issue of "state interference" in local decision making and overriding the decisions made by local voters.
- **DON'T** make state lawmakers the villains - instead, **DO** remind audiences that it's special interests and corporate lobbyists pushing for the state preemption bills that are undermining local democracy.
- **DO** position an update to home rule as the natural solution to preemption – when explained in the larger context of preemption, voters think an updated doctrine that ensures local municipalities have the authority they need to make local decisions is a good idea.

HR21 Helpful Examples

Voters have a hard time understanding what home rule is, and why updating it is so important - which is why providing them with clear, real-world examples is so critical. Here are some examples:

- A city with lots of new development requires developers to include affordable housing in new luxury apartment buildings
- A rural county wants to provide its residents with high-speed Internet
- A town passes a zoning law to regulate short term rentals
- A city wants to help protect against potential school shootings by passing firearm safety rules
- A county wants to raise funds to upgrade its stormwater infrastructure
- A city wants to set dates for local elections
- A city wants to set a fee on plastic bags