



## **Message Guide: Talking About Local Control During COVID-19**

This message guide will help you explain how existing and new state preemption has left local governments and people vulnerable to the pandemic, worsened inequities, and weakened efforts to protect public health. It also outlines what must be done to protect local democracy.

- Local governments are working around the clock on the frontlines to protect lives. These local governments need flexibility and the authority to address the unique, fast-moving effects of the coronavirus on their communities.
- The crisis has also made it clear that the response to COVID-19 is most effective when state and local governments coordinate and work in solidarity.
- But some states have blocked or limited local government actions and policies intended to protect public health.
- The friction between state and local governments has cost lives, created confusion that has harmed public health, hampered the economic recovery, and disproportionately hurt people of color, low-wage workers, Indigenous communities and women.

### ***How A Growing Trend of State Interference has Tied the Hands of Local Governments in this Crisis:***

- Historically, local and state governments worked in tandem. States would set the floor – legislating the minimum health, safety, workplace, and other standards that localities must provide. Local governments would then build on and strengthen laws by tailoring them to best meet the unique needs of their communities.
- But over the past decade there has been a steep, ideologically driven increase in the use of state preemption to override local law making, standard setting, and enforcement.
- States now often misuse preemption to stop local governments from doing more than states are willing to do, which in many cases, is nothing. That often leaves communities without hope of a policy remedy from the state or local government: The state won't act; the local government can't.
- In too many states, this has left local governments and officials – who are closest to the people they represent - without the authority, resources, or policies in place they need now to keep their communities safe.
- This broad misuse of preemption has curtailed the ability of local governments to put in place sound policies on issues like paid sick leave, equitable housing, and broadband access – among others. As a result, many cities and people were left vulnerable to the impact of the pandemic.
- Some governors are now going even further and issuing executive orders that expressly deny local elected officials the power to enact mandatory mask use and other policies that protect

their communities. These executive orders are worsening the health and economic impact on local residents, and in particular people of color, low-wage workers, women and Indigenous communities.

***The Path Forward for Local Control & Home Rule Reform:***

- During this crisis, it is important that there is statewide coordination to provide and implement guidelines and requirements that need to be in place across a state, while still allowing local officials to assess and act on the unique needs and conditions in their community.
- Indeed, some states have issued statewide requirements to protect public health. Local governments have then used their own authority to expand on those policies, when it makes sense.
- But the localities where preemption has been used to blunt commonsense policies that could save lives are serving as an example of the harm that can occur when states don't recognize and respect the need for local authority.
- We are seeing daily reminders that the imbalance between city and state governments isn't just theoretical – it has life and death consequences. We must update home rule, the legal framework that defines local powers, so that cities can enact smart, evidence-based policies that meet the demands and challenges of the pandemic.
- Local governments will continue to be on the frontline in this fight, tackling problems presented by the pandemic head on and looking for innovative solutions. They need the authority, flexibility, and resources to get the job done.

***More resources for advocates and elected officials:***

Local Solutions Support Center (LSSC) is tracking how state preemption efforts nationwide are affecting the health and economies of local communities. We're also developing and sharing resources that can help local policymakers better understand what actions they can take to protect their communities. You can access our latest tools and resources at [www.supportdemocracy.org/#covid](http://www.supportdemocracy.org/#covid).