



Early Childhood Municipal Policy 101

Beyond the City Limits: Aligning City, County & State

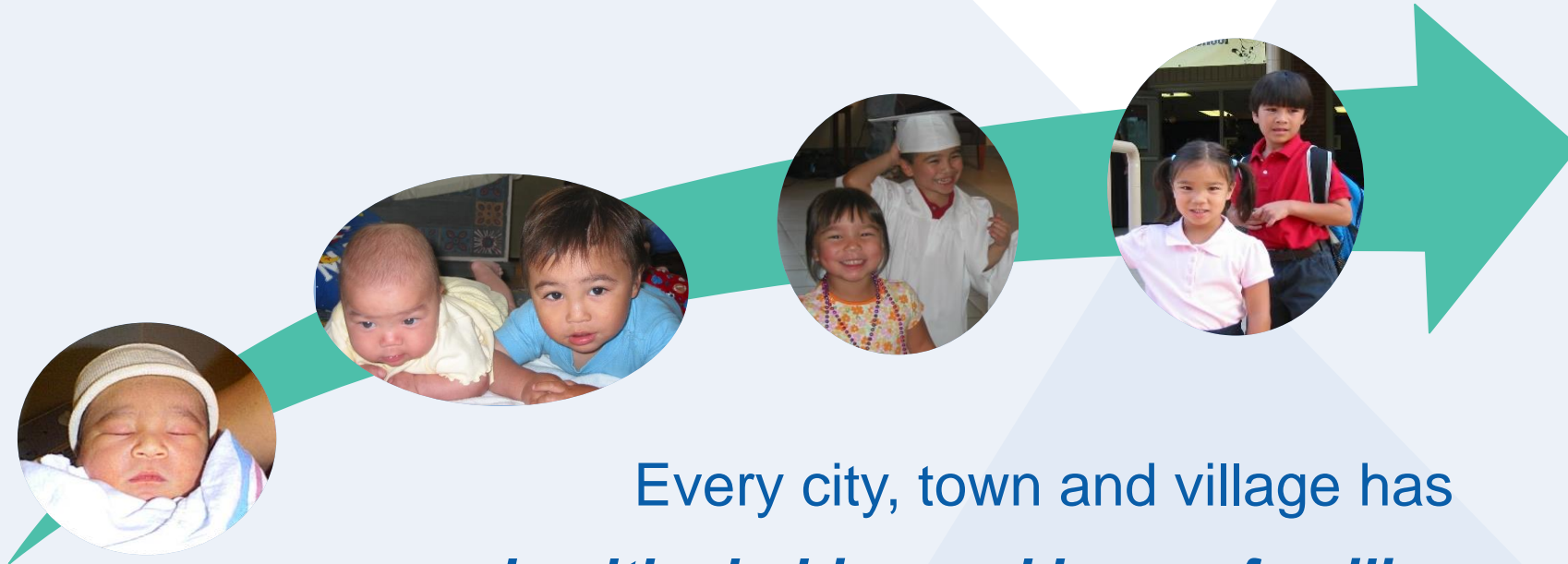
Building a Better Tomorrow for Young Children and Families
Webinar Series
April 22, 2020 2:00pm ET

WHO WE ARE



The National League of Cities (NLC) is the voice of America's cities, towns and villages, representing more than 200 million people across the country.

Early Childhood Success



Every city, town and village has
*healthy babies and happy families, and
all children are thriving by 3, ready at 5 and on
their way by 8*

Municipal Policy 101

Aligning City, County, & State For Early Childhood Success

Intergovernmental Relationships

Cities in Action

Aligning Recovery

Take-Aways & Resource

Panelists

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fireside chat

State and Local Government Prenatal-to-Three Collaboration in Action

MARCH 16
1:00-2:15 PM EST



City Rights

NLC Early Childhood Success Municipal Policy 101
Aligning City, County, and State



NLC NATIONAL
LEAGUE
OF CITIES
CITIES STRONG TOGETHER

What is Preemption?

- Preemption occurs when a higher level of government supersedes the authority of lower levels
- As a legislative tool, preemption is neither inherently good nor bad. But the misuse and abuse of preemption can be harmful
- Types: Express vs. Implied
- Forms: Vacuum, ceiling, floor, punitive, nullification

NLC NATIONAL LEAGUE OF CITIES
CENTER FOR CITY SOLUTIONS

Preemption
101

WHAT YOU NEED TO KNOW ABOUT PREEMPTION

What is Preemption?

Preemption occurs when a higher level of government supersedes the authority of lower levels.¹ For example, a state can preempt cities by saying localities cannot set their own minimum wage and must adhere to the state's minimum wage.

Why Does Preemption Matter?

As a legislative tool, preemption is neither inherently good nor bad. But the misuse and abuse of preemption can be harmful, especially when it limits the ability of cities to respond to the needs of their residents.

What are the Types of Preemption?

EXPRESS PREEMPTION:
When the state law explicitly (or expressly) conveys its intent to limit or entirely restrict lower levels of government from regulating a particular policy area. Examples of such laws would include, but are not limited to such language as, "exclusive regulatory authority," "occupy the field," and "no more stringent than a state statute."²

IMPLIED PREEMPTION:
When state law can be used to invalidate a lower level authority even though explicit preemptory language does not exist. Implied preemption is most often clarified through litigation (i.e., case law) and Attorney General opinions. It can also include barriers states create to prevent local policy, such as state barriers to municipal broadband.

How Widespread is Preemption?

TOTAL NUMBER OF STATES THAT PREEMPT BY POLICY

POLICY	NUMBER OF STATES
Fire arms	45
Ride/Share	43
Rent Control	30
Paid Leave	20
Project Labor Agreement	19
Minimum Wage	15
Municipal Broadband	15
Prevailing Wage	8
Fair Scheduling	8
Short-Term Rentals	6
Inclusionary Zoning	4
Ban the Box	3
Income Nondiscrimination	2

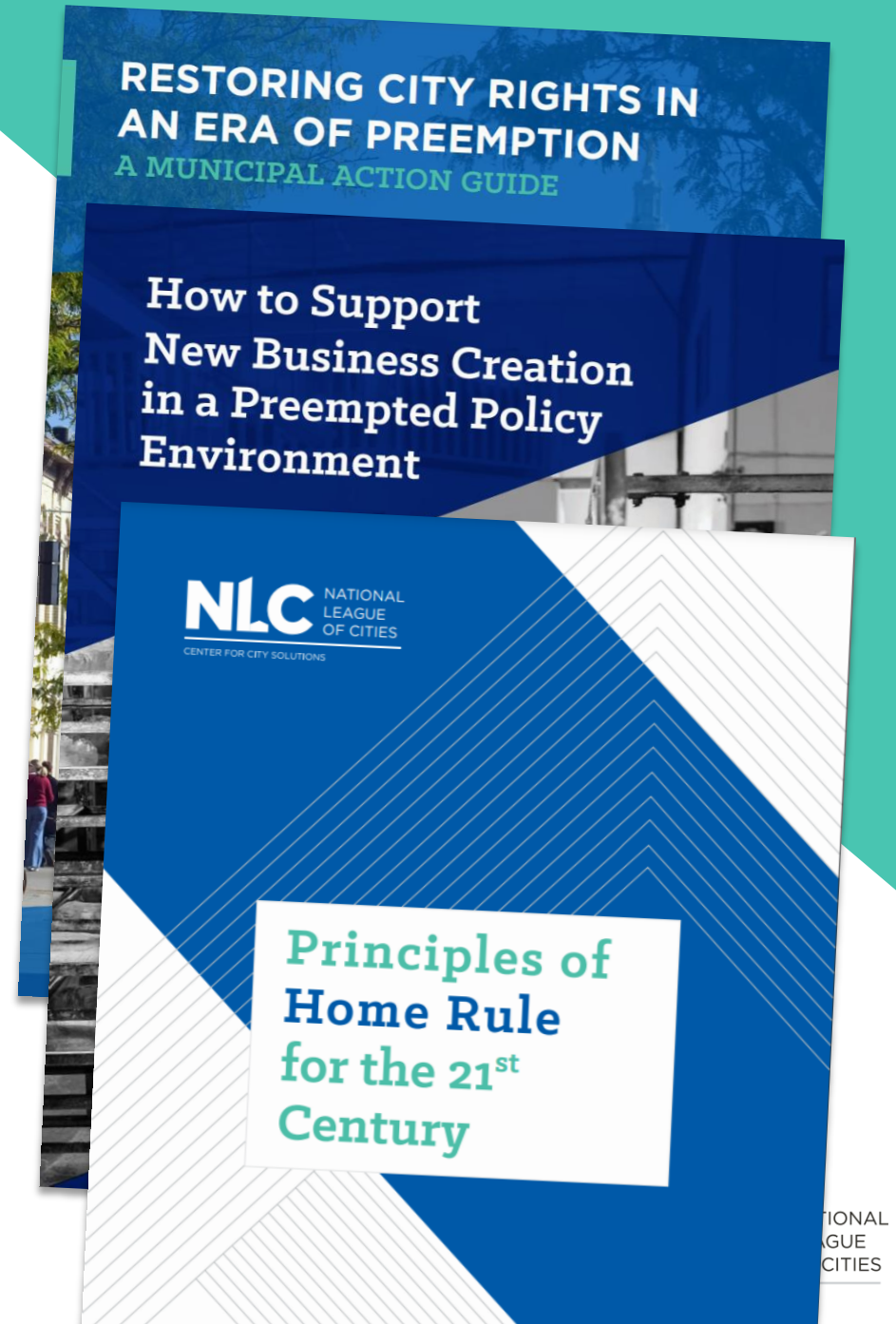
Note: These 12 policy areas represent only a fraction of the preemptive laws that restrict cities. This should not be interpreted as a comprehensive list.
Sources: Local Solutions Support Center, Economic Policy Institute, State Preemption Laws

What are some examples?

- Civil Rights Act 1964 set a *floor* for civil rights
- 25 states have set preemptive *ceilings* for minimum wage increases
- Iowa enacted its minimum wage ceiling, and *nullified* the higher minimum wage of several counties
- States seeking to ban “1619 Project” curriculum & threatening cuts to funding, as a *punitive* measure
- Arkansas & Mississippi banning transgender students from athletics

What can localities do?

- Communicate & educate
- Build broad, diverse coalitions
- Pursue litigation
- Explore alternative policy options
- Seek home rule reform



During an unprecedented time, NLC delivered
unprecedented results for our members.

\$65 billion of DIRECT aid to
EVERY city, town or village
across the country.

NLCDELIVERS

- 1. Use dedicated grants and programs first whenever possible**
 - Save Local Fiscal Recovery Funds for gaps and priorities not eligible for other federal and state assistance programs
- 2. Assess government operations AND community needs**
 - Ask valuable staff and stakeholders for help creating a comprehensive needs assessment ; be prepared to pivot
- 3. Prioritize fiscal stability and returning to work**
 - Save pet projects for earmarks
- 4. Maintain records and document success**
 - Create long-term information infrastructure for your future leaders
- 5. Your Congressional Delegation is part of your success**
 - Invite Members of Congress to re-openings, ribbon-cuttings, etc...

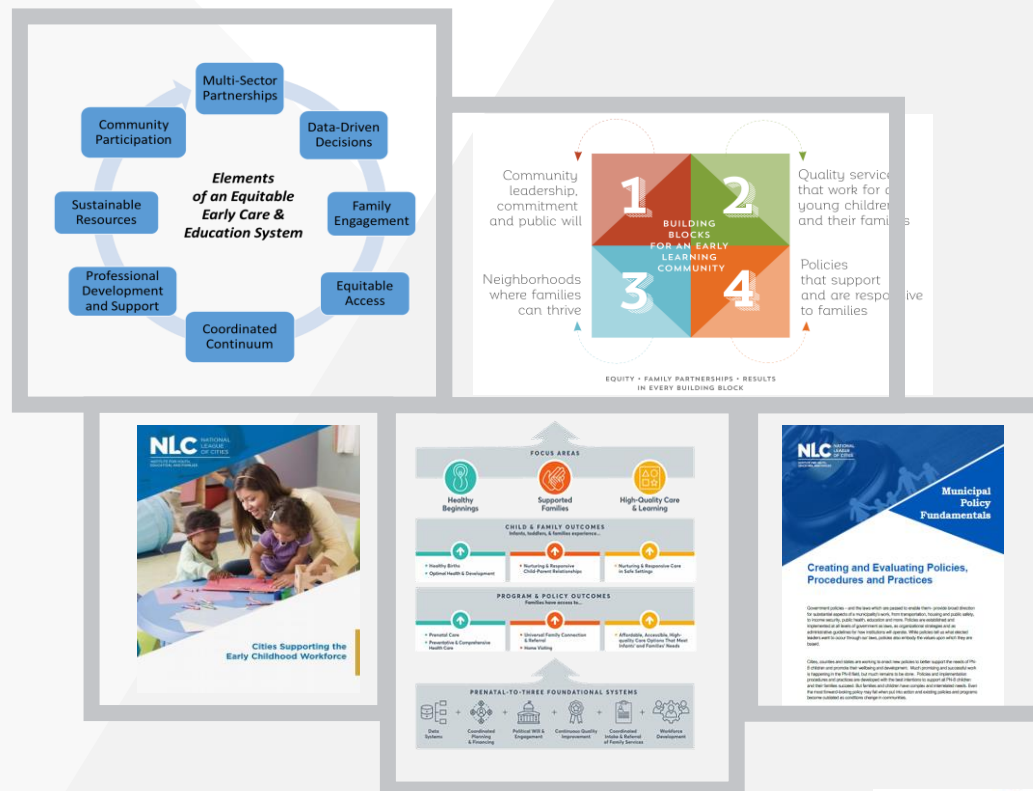
Early Childhood Success Resource, Tools and Communities of Practice

EC Network

Systems-Level

Target Areas

Leadership
Development



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Resources



City of Rochester <https://www.cityofrochester.gov/>

Office of the Mayor <https://www.cityofrochester.gov/article.aspx?id=8589934829>

Mayor Warren's 3-TO-3 Initiative <https://www.cityofrochester.gov/3to3/>

Cuyahoga County, Invest in Children <https://hhs.cuyahogacounty.us/divisions/detail/invest-in-children>

City of Cleveland, PRE4CLE <https://pre4cle.org/>

National Conference of State Legislature <https://www.ncsl.org/>

NCSL, Children and Families Program <https://www.ncsl.org/research/human-services.aspx>

NCSL, Early Care and Education Team <https://www.ncsl.org/research/human-services/early-childhood-101.aspx>

Article: Health and Services Funding in the American Rescue Plan <https://www.ncsl.org/ncsl-in-dc/publications-and-resources/health-and-human-services-provisions-in-the-american-rescue-plan-magazine2021.aspx>

NLC's Preemption Resources

What You Need to Know About Preemption <https://www.nlc.org/resource/what-you-need-to-know-about-preemption/>

New Principles of Home Rule <https://www.nlc.org/resource/new-principles-of-home-rule/>

Preemption and the COVID-19 Pandemic <https://www.nlc.org/resource/preemption-and-the-covid-19-pandemic/c/>

W.K. Kellogg Foundation wkkf.org

Truth, Racial Healing & Transformation™ <https://healourcommunities.org/>

NLC's COVID-19 Response and Relief page

<https://www.nlc.org/initiative/covid-19-pandemic-response/>

- Blog - [Local Recovery: Five Principles for ARP Implementation](#)
- Interactive – [Summary of Provisions](#)
- Interactive – [Estimated Allocations to Cities](#)
- NLC's Upcoming ARP Implementation Calls: [Friday, April 23](#).

Thank you!

**Next Early Childhood Municipal Policy
101 webinar**

August 10th 2-3 pm ET

***Financing & Resourcing Early
Childhood Success***

**Contact NLC's Early Childhood
Success team at
ECTeam@nlc.org**



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EDUCATION, AND FAMILIES