IMLA
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Drowning Out Local Government

Municipal autonomy is under attack. From notorious cases--Florida's recent attempt to deprive localities of the basic authority to regulate businesses, North Carolina's banning of local LGBTQ prerogatives or Texas' defunding of 'sanctuary' cities (and threatened prosecution of their officials) come to mind--to lower-profile incursions like prohibitions against controlling plastic containers, state legislatures are inexorably depriving cities and counties of the initiative needed for effective self-government. Whether the issue is broadband, fracking, drones, zoning, transportation, marijuana, environmental control, civil rights or a host of others, city councils and their constituents increasingly find their voices ignored.

IMLA has always spoken out on behalf of municipal autonomy and is amplifying that effort in the current environment--through IMLA Executive Director Chuck Thompson's formation of a newly dedicated preemption task force, and redoubled amicus advocacy on behalf of localities battling state overreach.

Municipal Lawyer adds its support. Our July-August lead writer critiques the unequal, two-tiered regulatory environment established by Uber and the transportation network companies—driven in no small part by preemptive statewide policies. A second feature looks closely at the Miami Beach short term rental ordinance, including its massive fines for violation, in light of Florida's preemptive legislation freezing local STR laws. And our Code Enforcement article explores the critical role played by local enforcement authorities despite being undermined by centrally-mandated uniformity.

Our final feature covers a different--but no less worrisome--threat to local governments. The growing nightmare of opioid addiction, as fentanyl, oxycodone and scores of other over-prescribed pain killers reduce high-functioning workers to unreliability, presents significant pitfalls for municipal employers, and caution is required. Here, ironically, is where localities desperately need outside involvement.

IMLA will do its best to continue informing our members of developments in local government law, and to promote vigorously the rights of municipalities—including through sessions specifically devoted to preemption at our upcoming Conference in Niagara Falls. Please let us know how we can be even more effective in that endeavor.

Best regards,

Erich Eiselt