



# LOCAL CONTROL PREEMPTION

Proposed legislation to remove local control from home-rule charter cities and nullify all existing municipal nondiscrimination provisions.

Local governments throughout the state have enacted ordinances that address local issues with local solutions, including passing nondiscrimination ordinances that prohibit discrimination based on attributes such as race, sex, color, ethnicity, national origin, age, familial status, marital status, military status, sexual orientation, disability, gender identity and expression, religion, pregnancy, genetic information and student status. Removing local control would restrict the ability of local elected officials to pass or enforce ordinances, rules, or regulations that are not identical to state protections, and restricting local governments to only protecting the attributes covered under state law: race, color, national origin, religion, sex, familial status, disability, age or genetic information.

### **Facts:**

- Local elected officials are in the best position to know the best solutions to local problems. Since 1909, the State of Texas has granted cities with a population of greater than 5,000 broad discretion to make local decisions under the “home-rule charter city” provision of the state constitution. Legislation undoing this would be a significant change to over a century of Texas tradition. In addition to nondiscrimination ordinances, any other local ordinance that deals with a subject covered by state law could be affected, including: plastic bag use, tree ordinances, fracking bans, land use restrictions, sight line and building height restrictions.
- San Antonio (1,469,845), Dallas (1,300,092), Austin (931,820), Fort Worth (833,319), and Plano (283,558) have ordinances that provide some protection against discrimination based on sexual orientation and gender identity or expression. An additional 7 cities have rules, orders, or regulations that provide some level of protection to city employees: Houston (2,296,224), El Paso (681,124), Arlington (368,125), Corpus Christi (324,074), Brownsville (183,887), Mesquite (144,788), and Waco (132,356). The 8,949,212 residents of those cities (32.6% of Texans) would be stripped of those protections.
- Sometimes issues that need to be addressed in one city are not problems in others. Austin, with a large student population and a housing shortage, has protections against housing discrimination based on student status. Very few other cities experience housing discrimination against students at a level severe enough to warrant city intervention. A statewide law addressing the issue would make no sense. It’s a local solution to a local problem that this legislation would disallow.
- Veteran status is not a protected attribute under state law, but ordinances in San Antonio and Plano protect our veterans from discrimination in housing, employment and public accommodations. If the state legislature is unwilling to protect the people who’ve risked everything for our freedoms, the least they can do is continue to allow cities to protect our heroes.

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