



# STATE PREEMPTION: REVERSING PROGRESS

In the absence of state and federal protections, cities have taken steps to protect LGBTQ people and others from discrimination at work, in access to housing, and in public spaces. State laws that “preempt” or block such local protections threaten equality and economic growth.

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## TEXAS COMMUNITIES VALUE EQUALITY

Texans believe that no one should have to worry about being fired from a job, evicted from an apartment, or turned away at the corner store because of who you are or whom you love. That’s why, according to a recent poll, **64% of Texans support non-discrimination laws** for lesbian, gay, bisexual, transgender and queer people. But state and federal lawmakers have yet to act.

**Six Texas cities representing 5.6 million Texans have stepped up to fill the gap** by updating their local laws to include some measure of protection for LGBTQ people and others within their jurisdictions. These non-discrimination ordinances are tailored to community values and local needs. For example, San Antonio’s ordinance includes veterans because of the number of military families in the city. Austin’s ordinance prohibits housing discrimination against students to address a unique problem in that city. Seven more cities representing 3.4 million Texans have non-discrimination rules protecting municipal workers.

**State preemption threatens to nullify these local solutions** and tie the hands of city leaders to address community needs. If that happens, the more than **9**

**million residents** of those cities—31% of the state’s population—would be **stripped of protections they have come to count on**, in some cases for years. Any other local ordinance that deals with a subject covered by state law could also be affected, including: paid sick time, minimum wage requirements, land use restrictions, and sight line and building height restrictions.

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## **LOCAL CONTROL IS AN ECONOMIC IMPERATIVE**

As the engines of innovation and growth in our state, cities play a critical role in the state’s economy. Studies show that cities with non-discrimination ordinances are **better positioned to attract talent, tourism, and investment**. For example, in soliciting proposals from cities for its “HQ2,” Amazon prioritized locations that could demonstrate “the presence and support of a diverse population.”

Texas cities with local non-discrimination protections are among the fastest growing communities in the state—and the country. Preemption of local control would make Texas cities less competitive, with negative consequences for the whole state. And **rolling back existing protections could create an economic backlash** like the one that cost North Carolina billions when it passed HB 2. Texas can’t afford to make the same mistake.

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## **LOCAL LEADERS KNOW BEST**

Local control—the idea that **power is best exercised by to those closest to the people**—is a cornerstone of democracy. Since 1912, the Texas constitution has granted cities with a population of greater than 5,000 people broad discretion to make local decisions. It’s the job of state lawmakers to establish *minimum protections* for the good of all Texans below which local governments may not fall. But when cities use their discretion to *exceed state standards*, state lawmakers have no business interfering.

## **OPPOSE STATE PREEMPTION OF LOCAL CONTROL**