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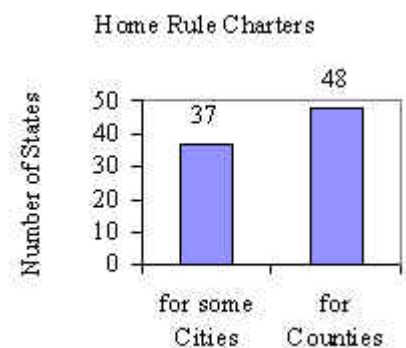
The Vermont Legislative Research Shop

Home Rule

Recently, the demand for separate functions between the levels of government—the basis for home rule—has re-emerged replacing the old idea of cooperative federalism (Hanson, 1998). The movement toward decentralized power has prompted local governments to demand greater control over local decisions. The system of Home Rule allows individual towns, cities and counties to exercise self-government as long as it stays within the boundaries of the state constitution and individual acts of the state legislature (Hanson, 1998).

States differ in eligibility standards for Home Rule charters. Some states make all cities eligible for Home Rule charters while others make it obligatory for cities to fall within a specified population range. Moreover, states may require gubernatorial or legislative approval before authorization of charters (Grant, 1968). Despite the recent rise in practice of Home Rule, the autonomy granted to local governments is not absolute and does not necessarily reduce state authority.

In 1958, 21 states had home rule charters provided for in the constitutions and 8 through legislative acts (Grant, 1968). By the 1990s 48 states had home rule provisions in some of their cities while 37 states authorized Home Rule for counties (Hanson, 1998). Recent trends have indicated that state and local relations have become less conflictual and thus a potential correlation can be made between increases in the number of Home Rule charters and improving relations between state and local governments (Hanson, 1998; Nice, 1987).



Indirectly, the delegation of local power relieves state legislatures from a significant amount of local legislation while also making sure the locals remain loyal to the state (Hanson, 1998; Adrian, 1972). Home Rule provides constituents of the localities a more direct role in policy making thereby creating both symbolic and practical benefits. Symbolically citizens feel as though they are playing a more meaningful role within the local government. Practically, it fosters civic responsibility and makes the community itself more accountable. However, Home Rule has the potential to produce negative externalities due to the increase in local control over government. In an interdependent society decisions made in one city may greatly affect what happens in another; policy spillover effects may have negative ramifications for other areas (Nice, 1987). For example as local governments begin to exercise control over welfare it may be possible for welfare-induced migration to occur. Ultimately it will be the state that determines whether the positive effects of Home Rule outweigh the negative effects.

Home Rule has not been as effective in increasing local autonomy, as many supporters would like. This mitigated success is due in large part to the inability of local law to circumvent state laws. In the event of a disagreement a genuine state interest must be present, and in most cases the courts have sided with the state. The impact of Home Rule has also been minimized by state laws limiting its use to cities or counties above a certain

population and in instances when states require approval before local governments exercise Home Rule powers (Hanson, 1998).

References

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Nice, Davis, *Federalism: The Politics of Intergovernmental Relations* (New York: St. Martin's Press, 1987).