


Local Governments in the Age of Preemption*

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Abstract The state preemption of local laws is an important issue in state-local intergovernmental affairs. However, much of the literature focuses on explaining how preemptions come about or what their impacts are. This essay takes a different approach by concentrating on the conditions under which preemption may (or may not) be justified. It does so through the lens of the Decentralization Theorem and the Second Generation Theory of Fiscal Federalism. Using these tools, a series of theoretical propositions about when preemption is justified are created. The key considerations are the localized costs of policy spillovers versus the cost of state centralization. Overall, the “New Preemption” that is popular today is rarely justified, while more targeted preemptions can be justified on a case-by-case basis.

Keywords intergovernmental relations, preemption, local autonomy

State preemption of local laws, while not a new issue, has seen a significant surge post-2010. The nature of these new preemptions, notably broader and more restrictive, poses intriguing challenges to scholars studying the role of local governments in this transformed landscape of intergovernmental relations. Preemptions impose restrictions on various local actors, primarily but not exclusively municipalities, regarding their implementation of local services or the provision of such services in the first place. These range from relatively minor, requiring data collection, for instance, to highly restrictive, such as removing the ability to provide a service.

This paper addresses the conditions under which such preemptions are justified. This endeavor necessarily means exploring what local governments are more broadly in the U.S. intergovernmental system. This is a challenging task. As Bowman (2017) explains, “[t]here are 50 systems of state-local government in the United States, and although they share many similarities, each has its own genesis and evolution...” This essay primarily focuses on the similarities to make general claims; however, significant state-specific nuance to this topic may be glossed over.

The United States has approximately 90,000 local governments, outnumbering states 1,800 to one. However, the number of local governments ignores the power disparities between the two kinds of actors. While local governments are numerous, their power derives solely from their parent state, which often retains exclusive power to reorganize or alter the powers of local government at will (Miller and Cox 2014). Beginning in the Progressive Era, many states allowed their local governments to expand their powers, providing new public services, gaining access to new methods of revenue generation, and allowing for locally-driven reorganization that changed the powers of local elected officials or the adoption of home rule. This occurred at a time when states played a relatively minor role in the state-local landscape. Beginning at least in the 1970s, some states began to reverse this trend (Bowman and Kearney 2012),

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eliminating or significantly altering some powers, a trend that continues to this day (Goodman, Hatch, and McDonald 2021).

The changing nature of local governments relative to their parent state is of some import. If states remove the ability to provide a service from local governments, what happens to that service? Presumably, residents demanded that service by electing officials who favored it or through public comment. How do local governments operate when prohibited from doing things that residents demand? Perhaps as important, what are the effects of removing policy variation between local governments? Combining the prior two, what are local governments when they are forced by preemption to be practically the same as all of the other local governments in a state? Just as important for state-local intergovernmental relations, when is this action by the state justified?

This essay proceeds as follows. First, the literature on state-local relations generally is examined to provide a theoretical basis. Next, Oates's (1972) Decentralization Theorem is explored as a potential way to think about how state-local power should be distributed and what deviations occur from the theoretical distribution of powers/services. The following sections examine the various theoretical traditions in economics, political science, and public administration on how local governments operate to inform a conversation about how local service provision and governance systems change under restrictive preemption. Finally, concluding thoughts are offered.

Background

Foundationally, Miller and Cox (2014) explains there are two competing views on the relationship between the state and the local. The first is that local government are *creatures of the state*, a legal subdivision of the state government's authority and subject to the whims of the state. The state is sovereign. Local governments are "offspring" of the sovereign but are not sovereign themselves (Oakerson and Parks 1989). The maximalist version of this approach is "Dillion's Rule," where local governments have no express powers, only those directly delegated to them by the state (Richardson 2011).

Alternatively, local governments are *creatures of the citizen*, a manifestation of the free association of people. As Oakerson and Parks (1989) note, the vast majority of local governments in the United States were not created by state action, rather by the initiative of local residents. Local governments are endogenous to an area rather than being exogenously imposed by the state (Oakerson and Parks 1989). While local governments may be the offspring of the sovereign state, they are conceived and nurtured by residents. U.S. legal doctrine holds that local governments are creatures of the state (to varying degrees depending on home rule powers granted),¹ though, Miller and Cox (2014) note, "there are times when we want our local governments to be 'creatures of the state' and other times when we expect them to behave as 'creatures of the citizen.'" This creates a tension that is difficult to resolve.

These two notions imply different ways that economic life is organized, particularly in urban areas. Under the former (*creatures of the state*), urban areas exist as an economic manifestation, and local governments are layered on top. Local governments bring some semblance of order to the chaos of the free market and implement the economic goals of the state, such that they exist. This implies that if the current collection of local governments in an urban area is unsuccessful in implementing the state's economic goals, they can and should be reorganized, perhaps radically, to achieve said goals. Under the latter (*creatures of the citizen*), local governments are a manifestation of the free association of people overcoming a collective action problem, and local economies are generated as a result. The competition between local governments produces efficient provision of public services (Tiebout 1956) and furthers the economic growth of urban areas (Goodman 2021). The state forcibly reorganizing local governments or altering their powers away from what is demanded locally introduces inefficiencies into economic system, leading to potentially lower economic growth.

The two perspectives also imply radically different views on democracy, particularly local democracy. Whose voice is important? And how are such voices heard? Dahl (1982) outlines five criteria for pluralist democracy. 1) The individual citizen preferences, expressed through voting, should be equally weighted. Citizens should have adequate

1. See "Hunter v. Pittsburgh" (1907) as an example.

avenues for 2) effective participation and 3) understanding of policy issues. 4) Citizens should have final control over the agenda, deciding which issues are important and which are not. 5) The demos should include all adult subject to its laws. If local governments are *creatures of the state*, the relevant demos is all state residents and the other four criteria naturally flow from this perspective. As long as citizens can vote equally, have a say in and understand the relevant policy issues, and control the final agenda, state intervention in local issues is pluralistically democratic. The constellation of independent organizations, including but not limited to local governments, serve to prevent or stem domination by the state. However, if local governments are *creatures of the citizen*, they are more akin to the city-state that Dahl (1982) describes where the demos is composed of local residents only. The other, potentially neighboring city-states are not relevant. Therefore, the other four criteria only apply to the local and state intervention is unjustified. This is most similar to the two-step constitutional choice outlined in Oakerson and Parks (1989) – the state provides the building blocks for participation; however, all other choices are conducted locally with only local voices being relevant.

Miller and Cox (2014) note that there is no theory of local government that helps to navigate these tensions. The two perspectives exist simultaneously. However, the existing tension is informed by two trends. First, modern governance, particularly in the United States, is inherently decentralized with little observed appetite to revert to a more centralized form (Hooghe and Marks 2003). Local governments of all kinds continue to proliferate in the U.S. (Goodman 2019). However, second, states continue to centralize authority away from local governments (Bowman and Kearney 2012). While local governments proliferate, their powers shrink. The preceding discussion demonstrates that there are arguments on both sides about how and when centralization or decentralization of authority and decision making should occur—the state has one perspective and the local has another with few means to resolve the tension. In the next section, I explore one potential method for resolving this conflict.

Decentralization Theorem

One theoretical way to consider how powers are assigned to various state-local government actors² is through Oates (1972) decentralization theorem, quoted below.

For a public good – the consumption of which is defined over geographic subsets of the total population, and for which the costs of providing each level of output of the good in each jurisdiction are the same for the central or the respective local government – it will always be more efficient (or at least as efficient) for local governments to provide the Pareto-efficient levels of output for their respective jurisdictions than for the central government to provide any specified and uniform level of output across all jurisdictions.

To Oates, if a public good or service is “local,” primarily paid for and consumed by the residents of a particular jurisdiction, the responsibility for that service should lay with the local jurisdiction. In this way, the decisions about the appropriate level of service provision are held by the government responsible for providing the service. If there are spillovers in service provision, i.e., residents from outside the jurisdiction also consume a good or service, the jurisdiction will likely underprovide the service, as the providing jurisdiction does not account for the external demand. In this case, higher levels of government, primarily but not exclusively state governments, should provide subsidies to encourage the efficient level of service provision. If purely local functions are efficient, one should expect significant variation in the level of service provision across space, as demand for any particular function or the ability to pay for it is not likely uniform across space.

For services whose scope is significantly larger than “local” or whose impacts are more extensive than “local,” service provision should be assigned to higher levels of government consistent with their geographic size. The classic example is military defense. Localities can provide such a public good; however, they likely cannot do it efficiently. National defense has significant spillovers when not offered at the full geographic scope of the nation; localities have incentives

2. This is also known as “functional assignment.”

to provide less than the optimal level of provision and free-ride off their neighbors. Taken to the extreme, all localities will act in this way, and national defense is underprovided across all localities.

Complicating matters further is the propositions from the Second Generation Theory of Fiscal Federalism (SGT) (Oates 2005). Different than the first generation theory that the decentralization theorem is derived from, the central legislature is not assumed to be seeking the common good (largely efficient outcomes). Rather, central legislatures have their own objective function and are seeking to maximize it. This may lead states to centralize certain functions because it maximizes their own political objective function (Riverstone-Newell 2017) rather than the welfare of their constituents. Besley and Coate (2003) argue that will introduce inefficiencies into the state-local system, and those inefficiencies must be weighed against the inefficiencies introduced by spillovers from local provision.

The above is one of the classic free-rider examples; however, an illustrative example can be applied to a “local” function, the regulation of zoning. In the American context, zoning is often considered a purely local function; however, it has become increasingly clear that providing adequate land for housing has implications for geographies larger than a single locality (Einstein, Glick, and Palmer 2019). Accommodating metropolitan-level population growth relies on a constellation of localities collectively authorizing enough housing construction to house new residents. By relying on localities to provide this function, only the demand of current residents is accounted for when making land use decisions, likely leading to significantly fewer housing units produced in a single jurisdiction than is necessary to accommodate their pro-rated portion of regional demand. The assumption may be that “other” localities will pick up the slack, a free-riding argument. If all or many localities operate under similar assumptions and incorporate only current resident demand, metropolitan-level housing production will fall well below the rates necessary to accommodate new residents. The effect of this raises house prices to where supply (low) equals demand (high), increasing the value of existing homes, and likely locking in this effect since current residents significantly benefit. While the regulation of zoning may appear purely local, the inefficiency of the provision of housing makes it of more regional concern, thereby justifying the assignment of that function to a higher level of government (states). States or regional could implement a geographically expansive zoning law; however, the lessons from SGT caution us against failing to consider inefficiencies that may be introduced by state-wide zoning. If a state systematically chooses winners and losers in allocating housing, the social and economic cost of such an arrangement may outweigh the costs from spillovers.

This is one example; however, the same logic can be used for nearly any governmental function—how local is the function, what regional spillovers exist to justify assigning it to a higher level of government, and will the state use its central power in a way that makes thing worse than the status quo?

Local Policy Variation: Efficiency & Responsiveness

There are two schools of thought about the virtues of significant numbers of local actors (i.e., extreme policy variation) versus a more limited number of them. The political economy approach suggests that the proliferation of local governments and the resultant increase in policy variation leads to more efficient and responsive governmental units (Ostrom 1972). The metropolitan reform tradition suggests the same outcomes; however, the means of achieving those outcomes differ significantly—mainly through reducing the number of local governmental units and, therefore, local policy variation (Lyons and Lowery 1989).

Public Choice’s claims about separating “production” from “provision” is a crucial differentiator between the two traditions—a nod to the Decentralization Theorem’s concerns about spillovers and scale. Production refers to the delivery of public services, while provision relates to the decisions made about the appropriate level of service provision. Under public choice theory, production does not need to be conducted by the provisioning government, and production is often outsourced to other local actors, both public and private, to increase the efficiency of service provision. This action likely happens only for the most observable and/or measurable services; however, it is a crucial linkage between the decentralization theory and public choice theory.

Public choice theory also assumes that a proliferation of local government units increases the responsiveness of those governments. The opportunities for resident input are increased through small local units (smaller populations

per local government) and the increase in the number of elected officials. This suggests that as the number of avenues for local input are increased, the likelihood of local policy reflecting the policy preferences of residents is increased.

The combination of these two effects predicts extreme local policy variation. Tiebout (1956) suggests that the competition between local units for mobile residents will lead them to both provide an efficient level of public services and, collectively, provide a wide breadth of such public service bundles such that every potential mover has the ability to completely satisfy their preferences.³ The assumption of completely free movement is unrealistic (Whiteman 1983); however, there is limited evidence of a “race to the bottom” induced by trying to radically lower costs (Donahue 1997). In general, the mechanism outlined by Tiebout has been demonstrated to be roughly true.

The metropolitan reform tradition, largely associated with public administration scholars from the middle of the 20th century, posits that fewer local government units will increase efficiency with at least as good responsiveness. This efficiency results from eliminating duplicative functions, primarily back office-type activities, and increased geographic scale. Lyons and Lowery (1989) find that while many residents in Kentucky are misinformed about their local government, residents in more consolidated areas (primarily Lexington) had smaller errors than residents in more fragmented areas. These results suggest that residents in areas with fewer and larger local governments can be more informed about what their local government is doing.

By definition, a more consolidated local government landscape will offer less local policy variation. Taken to the extreme (complete regional consolidation), metropolitan policy variation trends toward zero, with all residents in a metro area receiving similar levels of public services. Importantly, functional consolidation is complete in that all local public services are delivered by a singular unit, with no consideration given to the service or its features. This starkly contrasts Public Choice theory (and, by association, decentralization theory), where the type of good or service is a relevant factor in producing the good or service. In a sense, a completely consolidated local government system is more akin to a fully preempted metropolitan area—a concept explored in the next section

Is Preemption Justified?

The preceding sections provide guidance when examining different preemptions used in various states. Fundamentally and flowing from SGT, the costs of preemption (as a form of centralization) must be weighed against the cost of local policy variation. Goodman, Hatch, and McDonald (2021) define preemption as “the use of coercive methods to substitute state priorities for local policy-making” and is consistent with Besley and Coate (2003) explanation of a central legislature maximizing their political objective function at the expense of local policy variation. Preemption comes in several forms, some of which could be justified when local costs are larger than the costs of centralization.

I first begin with the categories of preemption that are likely unjustified under any condition. These “new” preemptions (Goodman, Hatch, and McDonald 2021) are typified by several, potentially overlapping features. So called “vacuum” preemptions remove a regulation or service delivery responsibility from local governments without any concurrent state (or other local) provision. As Riverstone-Newell (2017) suggests, these kinds of preemptions attempt to eliminate any local policy innovation, including those with limited or no spillovers, and typically without regard for the costs imposed. A closely aligned type of preemption, the blanket preemption, expands upon the vacuum preemption by extending its reach to nearly any activity a local government might engage in. Taken together, these preemptions essentially make all local governments within a state uniform, suppressing any policy variation, and making (municipal) local government an administrative arm of the state. As such, they implement the will of the state without regard for local preferences; the extreme embodiment of local governments as *creatures of the state*. Preemptions in this area often contain punitive measures to ensure compliance. These can cover local elected or administrative officials and can include removal from office, personal fines, and potentially imprisonment (Briffault 2018).

I argue these kinds of preemption are unjustified because they are largely implemented without regard for the nature of the local service and/or the costs imposed by centralization (including those costs imposed by doing nothing).

3. Theoretically, the socially efficient number of local governments is equal to the number of potential movers.

These preemptions are imposed to maximize a political objective, typically an anti-urban objective. These kinds of preemptions are often reactionary to a city-specific context. It is possible in rare cases that the local spillover costs are so large that such an action is justified; however, none immediately present themselves. As such, these kinds of preemptions fail any of the tests set forth by decentralization theory or SGT and cannot be justified under such theoretical propositions.

An area where preemption may be justified is on a targeted basis, where local variation in policy outcomes creates significant local costs. I outline one such case, local zoning, in the preceding section; however, there are likely more. In almost all instances, these preemptions require careful analysis of the local context to understand whether such a preemption is warranted. In the zoning example, preemption may be warranted in housing-constrained states like California but entirely inappropriate in states with adequate housing production. Nuance in both analysis and crafting the appropriate policy response is required. Given the assumptions of SGT about the political incentives of state actors, it is unclear if this can reasonably occur.

However, such targeted preemptions are likely not justified when little to no local spillovers exist, therefore presenting few local costs, and the costs of centralization are high, i.e., expressly limiting useful policy variation. This kind of preemption is complicated by two additional features of preemptions. Preemptions can either set policy floors, establishing a minimum level of service required by state law that local governments are free to exceed. These are known as *floor preemptions*. Preemptions can also set policy ceilings, establishing a maximum level of provision that a local government may not exceed and, in some instances, may fall well below of. These types of preemptions are referred to as *ceiling preemptions*. The former, floor preemptions, do little to hinder local policy variation. These kinds of preemptions often act to ensure a minimum level of local government service provision that the state has a vested interest in seeing provided. The response to the COVID19 pandemic provides an example. Many state governors wished to establish policy floors related to pandemic response, with local governments free to enact more stringent policies related to masking, vaccinations, etc (McDonald, Goodman, and Hatch 2020). These floors ensured a minimum response, while allowing for some local variation in preferences for intensity of response. An example of a ceiling preemption is Massachusetts's Proposition 2 1/2 (or similar assessment or rate tax and expenditure limits).⁴ Prop 2 1/2 limits the property tax levy to no more than 2.5 percent of assessed value of the taxing jurisdiction. Local taxing jurisdictions are free to adopt levy below the 2.5 percent maximum; however, exceeding the limit requires either statutory reductions in rates until the 2.5 percent maximum is achieved or a local referendum, requiring a 2/3rds super majority to pass, to approve the higher levy. Proposition 2 1/2 immediately presented a binding policy ceiling for slow growing communities who were unable to increase their total assessed value quickly enough to stay below the 2.5 percent levy limit (Hale 1993). However, for faster growing localities, whose property tax based was expanding quickly, the ceiling did not bind and they adopted property tax levies below the 2.5 percent ceiling.

Floor preemptions limit policy variation from below, establishing a baseline that some local governments may perceive as too high. Meanwhile, ceiling preemptions limit policy variation from above, limiting policy variation for those local government who may wish to exceed the ceiling. There are clear instances where either could be justified. Floor preemptions, such as public education standards, are easily justified. The state has a vested interest in having a broadly education populous and establishing a policy floor (partially) achieves this outcome. Some localities may wish to provide less schooling; however, due to the mobility of individuals and state-level economic development goals, this lower level of service provision is unacceptable. Similarly, policy ceilings, such as the establishment of maximum speed limits for vehicle travel on certain kinds of public roadways, are justifiable. High speed vehicle travel where it is not appropriate creates numerous safety spillovers that the state must manage. Localities are free to set lower speed limits consistent with the usage of the road, but may not exceed the maximum speed allowable under state law.

It is more easily conceived that there are compelling reasons for floor preemptions, given the state's interest in providing a baseline policy outcome for all residents. The costs of centralization are likely low or nonexistent, while the

4. Proposition 2 1/2 is an atypical type of preemption, adopted via a popular referendum, in the full accounting of preemptions. However, adoptions of tax and expenditure limitations (TEs) in this manner is relatively common. See Goodman, Hatch, and McDonald (2021), Epoch 1 for a further explanation of TEL as preemptions.

benefits of local policy variation may be close to zero—indeed, the local costs may be significant. Ceiling preemptions present a more problematic case. By artificially limiting local policy variation from above without a compelling case for local spillovers, the satisfaction of local demand for services breaks down. The decentralization theorem suggests no compelling case for state intervention. Several of Dahl's (1982) criteria for pluralistic democracy are violated. In particular, the relevant demos is something other than the local residents.

Discussion & Conclusions

This essay sets out to achieve two goals. First, to explain criteria that can be used to justify (or disqualify) the usage of state preemption of local laws. This is achieved through an exploration of Oates's (1972) Decentralization Theorem and a further expansion on the Second Generation Theory (SGT) of Fiscal Federalism. These two related theoretical lenses are used to examine the conditions under which preemption may be justified. Second, it outlines the potential consequences of such preemptions in terms of eliminating local policy variation. The extant literature has argued over whether more or fewer local governments (and, therefore, more or less policy variation) are good or bad for metropolitan areas. This essay briefly examines this literature with an eye toward what a completely consolidated local government landscape might look like—one in which there is zero local policy variation. If Public Choice theory is to be believed, this will result in a less efficient and more costly local public sector because the primary means of competition for residents, altering tax and spending bundles, is eliminated.

Overall, the different types of preemption offer differing approaches to their justification or disqualification. So called “new” preemptions, ones typified by completely eliminating the ability of local governments to enact certain policies, are only justified when the costs of spillovers generated outweigh the costs of centralization. An example of local zoning ordinances in housing constrained areas is offered. It is expected these kinds of preemptions, when justified, are used sparingly. Ignoring politics, the argument for the wholesale removal of policy authority from local governments must be unassailable. Otherwise, there is no justification for such action.

The two remaining targets preemption types, floor and ceiling preemptions, are more complicated. Floor preemptions are likely the easiest to justify since they set policy minimums that the state has a vested interest in achieving, particularly if local spillovers are high. Targeted ceiling preemptions, common among tax and expenditure limitations and other long standing forms of preemption, are less justifiable. The extent to which the policy ceiling binds is the concern. There may be a state-level political incentive to set the ceiling too low, stifling useful policy variation at the local level. Again, this may be justified if spillovers are high; however, these are likely less common when setting ceilings.

This essay has some clear limitations. Preemptions should be analyzed within the context that they are imposed (Goodman and Hatch 2023). Preemptions are imposed in a specific time and place. The analysis presented is intentionally without context so as to be generalizable; however, there may be preemption-specific contexts that override the policy prescriptions contained within. As with many state-local intergovernmental issues, careful analysis is required.

The policy implications are clear. Preemption is a tool in the state's toolbox for how it deals with complex intergovernmental issues. States are well within their legal rights to exercise such powers; however, they do so at their own peril. Indiscriminantly preempted local governments can lead to a less vibrant and possibly more expensive local public sector—one that the state directly created and for which it may be blamed. Targeted preemptions can be welfare enhancing, such that they internalize the negative effects of localized spillovers; however, such actions should only be undertaken after careful weighing of the costs imposed by localized spillovers versus the costs of centralizing the service. It is unclear exactly how much analysis occurs during debates about preempting local government's authority.

Future research should examine the specific contexts in which these propositions do and do not hold. These kinds of analyses will provide state policymakers the tools to understand when their actions can be justified. And provide policy activists the information necessary to push back against unjustified preemptions.

References

- Besley, Timothy, and Stephen Coate. 2003. "Centralized versus Decentralized Provision of Local Public Goods: A Political Economy Approach." *Journal of Public Economics* 87 (12): 2611–2637.
- Bowman, Ann O'M. 2017. "The State-Local Government(s) Conundrum: Power and Design." *The Journal of Politics* 79 (4): 1119–1129.
- Bowman, Ann O'M., and Richard C. Kearney. 2012. "Are U.S. Cities Losing Power and Authority? Perceptions of Local Government Actors." *Urban Affairs Review* 48 (4): 528–546.
- Briffault, Richard. 2018. "The Challenge of the New Preemption." *Stanford Law Review* 70 (6): 1995–2027.
- Dahl, Robert. 1982. *Dilemmas of Pluralist Democracy*. New Haven, CT: Yale University Press.
- Donahue, John D. 1997. "Tiebout? Or Not Tiebout? The Market Metaphor and America's Devolution Debate." *Journal of Economic Perspectives* 11, no. 4 (1997): 73–82.
- Einstein, Katherine Levine, David M. Glick, and Maxwell Palmer. 2019. *Neighborhood Defenders: Participatory Politics and America's Housing Crisis*. Cambridge, UK: Cambridge University Press.
- Goodman, Christopher B. 2019. "Local Government Fragmentation: What Do We Know?" *State & Local Government Review* 51 (2): 134–144.
- . 2021. "Political Fragmentation and Economic Growth in U.S. Metropolitan Areas." *Journal of Urban Affairs* 43 (9): 1355–1376.
- Goodman, Christopher B., and Megan E. Hatch. 2023. "State preemption and affordable housing policy." *Urban Studies* 60 (6): 1048–1065.
- Goodman, Christopher B., Megan E. Hatch, and Bruce D. McDonald. 2021. "State Preemption of Local Laws: Origins and Modern Trends." *Perspectives on Public Management and Governance* 4 (2): 146–158.
- Hale, Dennis. 1993. "Proposition 2 1/2 a Decade Later: The Ambiguous Legacy of Tax Reform in Massachusetts." *State & Local Government Review* 25 (2): 117–129.
- Hooghe, Liesbet, and Gary Marks. 2003. "Unraveling the Central State, But How? Types of Multi-Level Governance." *American Political Science Review* 97 (2): 233–243.
- "Hunter v. Pittsburgh." 1907. 207 U.S. 161 (1907).
- Lyons, W. E., and David Lowery. 1989. "Governmental Fragmentation Versus Consolidation: Five Public-Choice Myths about How to Create Informed, Involved, and Happy Citizens." *Public Administration Review* 49 (6): 533–543.
- McDonald, Bruce D., Christopher B. Goodman, and Megan E. Hatch. 2020. "Tensions in State-Local Intergovernmental Response to Emergencies: The Case of COVID-19." *State and Local Government Review* 52 (3): 186–194.
- Miller, David Y., and Raymond Cox. 2014. *Governing the Metropolitan Region: America's New Frontier*. New York, NY: Routledge.
- Oakerson, Ronald J., and Roger B. Parks. 1989. "Local Government Constitutions: A Different View of Metropolitan Governance." *The American Review of Public Administration* 19 (4): 279–294.
- Oates, Wallace E. 1972. *Fiscal Federalism*. New York, NY: Harcourt Brace Jovanovich, Inc.
- . 2005. "Toward A Second-Generation Theory of Fiscal Federalism." *International Tax and Public Finance* 12 (4): 349–373.
- Ostrom, Elinor. 1972. "Metropolitan Reform: Propositions Derived from Two Traditions." *Social Science Quarterly* 53 (3): 474–493.
- Richardson, Jesse J. 2011. "Dillon's Rule is From Mars, Home Rule is From Venus: Local Government Autonomy and the Rules of Statutory Construction." *Publius: The Journal of Federalism* 41 (4): 662–685.
- Riverstone-Newell, Lori. 2017. "The Rise of State Preemption Laws in Response to Local Policy Innovation." *Publius: The Journal of Federalism* 47 (3): 403–425.
- Tiebout, Charles M. 1956. "A Pure Theory of Local Expenditures." *The Journal of Political Economy* 64 (5): 416–424.
- Whiteman, J. 1983. "Deconstructing the Tiebout Hypothesis." *Environment & Planning D: Society & Space* 1 (3): 339–353.