



From predatory preemption to community control

by Thomas Martinez

January 2026

Since 2017, the state of Iowa has experienced a worrying rise in **predatory preemption**. Once used sparingly, preemption, the ability of the state government to override local government decisions, is now used broadly and aggressively to target specific communities. It has been deployed across a wide range of policy areas, including labor, housing, and education, among many others. These efforts undermine the capacity of cities, counties, and school districts to successfully address problems. The overall result has been a pattern of consistently bad outcomes, leaving individuals with less money, less services, and less rights. It is clear many of these laws do not have the best interests of Iowans but rather out-of-state corporate interests. Iowans have changed our system in the past, and it is time to do so again. *Community Control*, the ability for local communities to decide what is best for their communities, is a return to a system that effectively and efficiently serves everyone who lives in Iowa.

This report provides a brief history of local control in Iowa, examines the use and defining characteristics of predatory preemption, analyzes current efforts to resist state overreach, and introduces a path toward *Community Control*.

Iowa's history of Home Rule

The Governing Machine

Imagine Iowa's system of government as a single, massive machine. Its function is simple: problems go in; policy solutions come out. Over time, our machine has been modified, expanded and rebuilt, depending on the needs and wants of Iowans.

In the late 1950s, the state faced a crisis. An ever-growing list of problems began appearing which followed an ever-expanding backlog of unresolved issues. The

consistent opinion was that too many problems were being forced through a single governing system.

This strain was compounded by the machinery of the legislature itself. Lawmakers were part-time officials with full-time obligations elsewhere. Even diligent legislators simply did not have the time or capacity to master every issue.

Malfunctioning machine

Observers soon recognized that the problem was that the legislature's agenda was overcrowded with local disputes. Zoning conflicts, personnel issues and minor questions affecting only one community. These issues consumed time and attention.

This dysfunction flowed from an archaic legal rule¹ which held that cities and counties lacked authority to solve local problems independently. This forced small disputes upward to the state.

To make matters worse, this problem also crippled local machines as they didn't have the authority to solve their own problems.

Mending the machine

During the 1960s, Iowans pursued reform. Voters adopted the [Home Rule amendments](#), granting cities and counties broad authority to manage their own affairs. The state retained oversight but no longer micromanaged local decision-making.

Local governments addressed local problems, while the state focused on issues of statewide importance. For roughly sixty years, this balance defined Iowa; both machines worked effectively and efficiently. Communities gained flexibility, and decision-making moved closer to the people. Home Rule was a practical fix to a broken system.

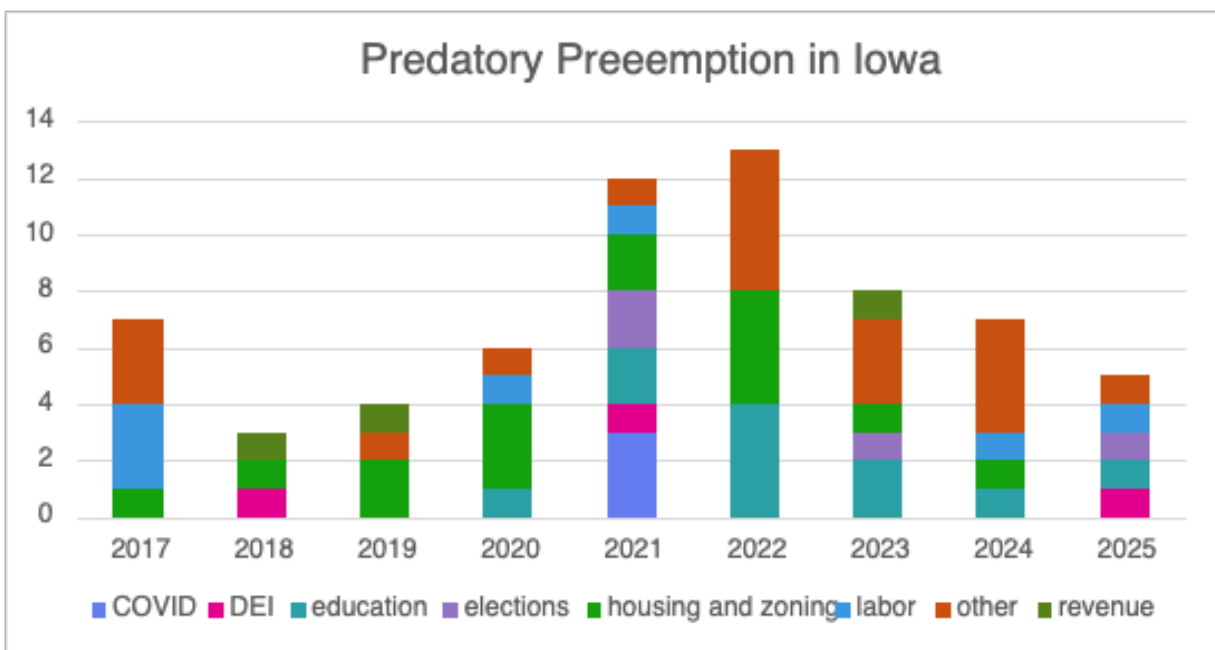
The era of *predatory preemption*

In 2017, Iowa entered a new phase: the state machine began shutting down local machines. The state started imposing restrictions that prevent local governments from fixing problems. The state did this by utilizing another somewhat obscure legal tool called [preemption](#).

Preemption allows for a higher-level government to restrict the authority of lower ones. Historically, it was used sparingly and primarily to harmonize rules. In recent years, however, preemption has been used broadly, aggressively, and to target specific communities.

The scope of predatory preemption

Iowa preemption bills passed by topic, 2017-2025



Source: Common Good Iowa analysis

In this period, the most consequential preemptions bills were focused on three areas: labor, housing and land use, and education. Here's a summary of approved preemption legislation in these areas:

Labor

Labor policy was an early target of predatory preemption and the most prominent area activity across the country. Collective bargaining rights, local minimum wages, and Public Labor Agreements have all been restricted.² These measures systematically shift power away from local employers, workers, and governments. The practical effect has meant less union power, lower wages, and fewer benefits, all under conditions of high inflation which made the cost of goods increasingly expensive.

Major Labor Bills:

- [HF 291](#) (2017) dramatically restricted collective bargaining rights for public employees, turning the state into the primary arbiter of issues that had traditionally been negotiated at the local level.
- [HF 295](#) (2017) invalidated local minimum wage ordinances in counties like Johnson, Linn, Polk, and Wapello, locking the state minimum wage in place and forbidding local governments from adopting higher standards.
- [SF 438](#) (2017) prohibited Project Labor Agreements and narrowed local discretion over workforce and safety requirements in public works projects, reducing the ability of cities and school districts to insist on certain standards in their own contracts.
- [HF 2319](#) (2024) preempts local governments from participating in guaranteed income programs
- [SF 603](#) (2025) preempts requiring apprenticeship training for contractors and adds additional restrictions, qualifications, or requirements on contractors, subcontractors, developers and apprentices.

Housing and land use

Housing and Land Use policy is one of the most fundamental locally governed areas. Cities have lost tools to regulate rental properties, short-term rentals, manufactured housing, and neighborhood design standards. These changes happen to coincide with a national housing affordability crisis. As housing costs rise, local governments face shrinking authority to respond to overcrowding, safety concerns, and skyrocketing prices, while the state struggles to satisfy local needs. Decisions once

solved by cities are increasingly mandated by the state, and everyday lowans are suffering.³

Major housing bills:

- [HF 134](#) (2017) barred cities from regulating rental occupancy based on whether tenants are related to one another, weakening a common tool used in college towns to manage the balance between student rentals and long-term residents.
- [HF 2286](#) (2018) prohibited local time-of-sale requirements that allowed cities and counties to use property transfers as leverage to enforce safety, environmental, or infrastructure standards.
- [SF 447](#) (2019) blocked cities from capping the share of single-family homes used as rentals, limiting their ability to prevent unchecked rental conversion in fragile neighborhoods.
- [HF 2641](#) (2020) restricted local authority over short-term rentals, like Airbnb.
- [SF 252](#) (2021) restricted local governments from passing or enforcing ordinances that prevent landlords from rejecting tenants who use federal housing choice vouchers
- [HF 2562](#) (2022) curtailed local discretion over manufactured housing, home businesses, building safety standards, and inspections.
- [HF 2431](#) (2022) Local governments may not: prohibit no-impact home businesses, force rezoning commercials, or require sprinklers in one- or two-unit dwellings.
- [HF 2388](#) (2024) further stripped away local power to set residential design and aesthetic requirements, effectively handing more control of neighborhood character to developers rather than residents.

Education

Education was one of the most popular fronts during the pandemic and in the post-COVID years. The legislature has imposed rules on school districts governing enrollment, facilities, student activities, health practices, and curriculum. While often framed as protecting parental rights or safety, these policies have done the exact opposite. Rather than empowering families, decision-making is moved farther away from parents and educators. These mandates were recently followed by the adoption

of vouchers in Iowa. Districts across the state are now overregulated while schools [face declining enrollment and new funding pressures](#).

Major education bills:

- [HF 228](#) (2021): The legislature prohibited school districts from using voluntary diversity plans to limit open enrollment, restricting local discretion over enrollment policies intended to promote racial or socioeconomic balance.
- [HF 2416](#) (2022): The state imposed restrictions on female-designated sports, limiting participation to students whose birth certificates identify them as biologically female. The law applies to school districts, community colleges, and regents universities, creates enforcement mechanisms through private lawsuits, and provides state-backed legal protections for institutions that comply.
- [SF 2080](#) (2022): School districts were barred from conducting invasive physical examinations or student health screenings not required by state or federal law without written parental or guardian consent.
- [HF 2412](#) (2022): Each public school district was required to establish a radon testing plan, mandating a uniform environmental health policy across districts.
- [SF 482](#) (2023): School districts were required to designate multi-occupancy restrooms and changing areas exclusively for use by individuals of the same sex, limiting local authority over facilities policies.
- [SF 496](#) (2023): The legislature enacted measures commonly referred to as “book bans” and “Don’t Say Gay” provisions, constraining how school districts manage curriculum, library materials, and classroom discussions.
- [HF 189](#) (2025): Public school districts were required to allow private-school students residing within district boundaries, or public-school students from contiguous districts, to participate in extracurricular sports if the relevant school had not offered the sport in the previous two school years.

Other challenges to local control

Local democracy:

Some preemption efforts directly restructure local governance. [Senate File 75](#) (2025), for example, forced select counties to change how officials are elected, disrupting local systems only in targeted jurisdictions.

Local revenue:

Property tax caps and levy limits have constrained cities' ability to fund basic services. Even where authority remains on paper, fiscal restrictions undermine the practical ability of local communities to govern themselves. Rising costs paired with shrinking revenue capacity create chronic strain on public services.

Origins, attempts at resistance and community responses**Out-of-state influence**

Over the past several legislative sessions, multiple bills aimed at criminalizing homelessness have been introduced and actively championed by the Cicero Institute, an out-of-state lobbying organization.⁴ These bills would impose punitive, one-size-fits-all mandates that criminalize poverty and shift costs to local governments without providing solutions. This pattern mirrors a broader national strategy in which groups from outside the state supply ready-made legislation that harms lowans. Crucially, these bills have drawn criticism from both Democrats and Republicans in the state.

Local control and eminent domain

Recent debates over whether [eminent domain](#)—the state's power to seize private property—can be used for a proposed summit carbon pipeline illustrate both the limits and the possibilities of resistance to state overreach. Despite broad public opposition to allowing private companies to exercise eminent domain, state leadership vetoed efforts intended to strengthen landowner protections. The issue exposed internal divisions within the state's governing coalition and revealed an uncommon alignment among rural conservatives, environmental advocates, and local officials around the principle of local control. At the same time, it demonstrates how state-level decision-making can override bipartisan community-based opposition, while also pointing to potential avenues for future organizing and reform.

Nonprofit responses

In the wake of predatory preemption, local businesses and nonprofits increasingly fill the gaps and are often key actors in organizing opposition. For example, after the state invalidated [Johnson County's minimum wage ordinance in 2017](#), local businesses and nonprofits mobilized to preserve higher wage standards voluntarily. These efforts demonstrate community resilience, but also its limits. Nonprofits can mitigate harm, but they cannot replace public authority. Reliance on voluntary or charitable responses underscores the costs of disabling democratic governance rather than solving policy problems.

Analysis of the local-control movement

The preemption paradox: Why resistance has fallen short

Despite broad frustration with state overreach, a sustained movement to defend local authority has struggled to coalesce. Preemption affects many policy areas and constituencies, yet opposition remains fragmented.

Iowa possesses strong foundations for local control. Yet legal constraints, resource asymmetries, fragmentation, and chilling effects have prevented sustained resistance. Left unchecked, predatory preemption allows outside interests to shape Iowa policy while undermining local democracy.

The following SWOT analysis intentionally frames preemption as a governance problem rather than a collection of isolated policy disputes. The central question is not ideology, but institutional health: who decides, who bears costs, and who is accountable when policies fail.

Strengths

- **Historical legitimacy:** Home Rule emerged as a pragmatic reform to improve governance, not a partisan project.
- **Public support:** Iowans consistently express trust in local government and skepticism toward state overreach.
- **Broad impact:** Preemption affects a wide range of policies and creates strong potential for coalition building.

- **Scholarly support:** Research consistently shows that preemption is driven more by ideology and partisan control than by necessity or effectiveness.

Weaknesses

- **Legal limits:** Courts generally uphold the state's authority to preempt, limiting litigation as a remedy.
- **Resource imbalance:** National advocacy networks supporting preemption far outmatch local governments and nonprofits.
- **Fragmentation:** Affected groups often oppose preemption in isolation because of partisan or policy differences.
- **Chilling effects:** Fear of retaliation discourages local public action even where authority technically remains.

Opportunities

- **Executive power:** The governor's veto authority is the most immediate and effective check on further preemption.
- **Coalition-building:** Diverse stakeholders share a common interest in restoring local decision-making capacity.
- **Local Creativity:** Despite constraints, local governments retain considerable discretion in the policy areas they control and remain capable of policy innovation.
- **State capacity framing:** Emphasizing policy failure and cost-shifting broadens appeal beyond partisanship.

Threats

- **Unified partisan control:** Predatory preemption remains a fast and accessible tool.
- **Policy laundering:** Out-of-state model bills and corporate interests' groups allow for fast adoption of predatory preemption.
- **Fiscal constraint:** Forced decreases in local revenue weaken local authority.
- **Targeted punishment:** Selective preemption deters local action through fear and uncertainty.

From predatory preemption to community control

From Home Rule to Community Control

The path forward requires expanding our frame from Home Rule to **community control**. Community control emphasizes not only legal authority, but the ability of residents, workers, parents, and community-based nonprofits to shape decisions affecting the lives of individuals.

This framing unifies disparate policy fights around accountability and practical problem-solving, rather than ideology or partisanship. It asks who decides, who pays, and who answers when policies fail.

Action steps to Community Control

1. Advocates should solicit promises from gubernatorial candidates to protect and expand Community Control.

Because current power structures offer limited relief, restoring local authority must be a political project. Disrupting unified control, particularly through the governor's office, is the most realistic short-term strategy. Executive resistance can halt further damage and reopen space for local governance.

2. Local lawmakers should be proactive legislators and pass bold, innovative ordinances as much as possible.

The governing crisis in the late 1950s was caused by an overload in local issues that caused a backlog of unpassed legislation. A similar result is likely to occur if local governments across the state begin to pass numerous, differentiated ordinances using the ample powers that are still available to them. Even if the state has the ability to pass preemptive legislation, it is unlikely that they will be able to individually target every ordinance. This would also put pressure on the state government's ability to pass their own legislative agenda. It is therefore important to foster courageous and forward-thinking attitudes among city councilors, county supervisors and school board members.

3. State lawmakers should begin laying groundwork to repeal all predatory preemptions since 2017 by drafting and sponsoring legislation to reverse these changes.

If lower wages, surging housing prices, and healthy public education are to be successfully pursued, local governments need to be released from current preemption measures. These issues are best solved at the local level because they are closest to the voices of the people experiencing them. Removing preemption barriers would allow local governments the ability to confront and solve problems on the community level.

4. A longer-term reform would be to adopt a constitutional amendment requiring a legislative supermajority to approve further preemption measures.

Long-term durability will require structural reform. Just as Iowa once amended its constitution to address centralized dysfunction, protecting communities from predatory preemption may ultimately require further constitutional safeguards.

Notes

¹ Dillon's Rule: local "government may engage in an activity only if it is specifically sanctioned by the state government." Local governments had to ask the state government for approval every time they wanted to work on a new problem. <https://www.nlc.org/resource/cities-101-delegation-of-power/>

² What is Collective Bargaining?

"Collective bargaining is the mechanism or process for an organized group of workers ("labor") and their employer ("management") to pursue mutual agreement over workplace issues." (<https://beta.dol.gov/policy-governance/protections-rights/unions-collective-bargaining>)

Collective bargaining allows for individuals to combine their individual leverage at the bargaining table which allows them to gain better wages and benefits.

What is a minimum wage?

"Minimum wage laws set the lowest hourly rate an employer can legally pay certain workers. " (https://www.cbpp.org/sites/default/files/atoms/files/PolicyBasics_MinimumWage.pdf)

Minimum wage helps bring up the standard of what is a fair wage. This not only boosts the amount of money going toward those earning the least but also allows for other workers to gain over leverage over their own wages.

What is a Public Labor Agreement (PLAs)?

A "project labor agreement" is when the government awards contracts for public construction projects exclusively to unionized firms. (<https://www.nrtw.org/what-is-a-project-labor-agreement-and-how-does-it-affect-workers/>)

PLAs gives cities the ability to prefer local businesses who support workers.

³ In 2023, nearly half of all renter households (49.5 percent) and almost one-quarter of owner households (23.6 percent) were housing cost burdened. The burden was especially severe among lower-income households: among those earning less than \$30,000 annually, 66.5 percent of renters and 55.0 percent of owners faced severe housing cost burdens. Across income levels, renter households consistently experienced high housing cost burdens, with rates exceeding 40 percent in every income bracket except the highest, where household incomes were \$75,000 or more. Certain groups were disproportionately affected, including renter households headed by an elderly individual or a person with a disability, where more than 55 percent experienced housing cost burdens—well above the overall renter rate of 49.5 percent—with similar disparities observed among homeowners. Geographic differences were also evident, as urban renters faced a housing cost burden rate of 49.9 percent compared to 34.3 percent among rural renters.

(https://www.congress.gov/crs_external_products/R/PDF/R48450/R48450.2.pdf)

⁴ <https://iowacapitaldispatch.com/2024/02/13/lawmakers-consider-bill-redirecting-state-funds-to-homeless-camps-parking-lots/>

<https://iowacapitaldispatch.com/2025/03/05/homelessness-bill-fails-to-pass-iowa-senate-subcommittee/>