

The Fight for \$15 in Maryland: Local Officials Should Prepare to Protect Local Democracy

- Legislators in Annapolis will again consider whether to raise the state's minimum wage to \$15 an hour in the 2019 legislative session.
- Maryland's local officials should be aware that **the state minimum wage bill brings with it potentially significant consequences for the future of local authority and local democracy** in the state.
- State legislators may seek to revoke counties' and cities' long-standing power to enact a local minimum wage.
- **In Maryland, local home rule has allowed counties and cities to adopt a wide range of local policies** addressing things like the minimum wage,¹ consumer protection,² landlord-tenant protection,³ local business licensing,⁴ food safety,⁵ taxicabs,⁶ air pollution,⁷ smoking,⁸ and discrimination.⁹
- **Any effort to prevent local governments in Maryland from adopting a higher local minimum wage should be seen as part of a broader trend and threat to local democracy.**
- Nationwide, **local governments have seen a rapid rise in preemption laws over an expanding range of issues.** Together, these laws have begun to erode home rule in significant ways.¹⁰
- **State preemption laws have also taken on a newly extreme and punitive approach** that, in some cases, even impose personal liability on local legislators or threaten the revocation of state funding for local governments.¹¹
- Separate from a local official's or local government's position on whether to raise the minimum wage, **Maryland's local officials should be prepared to defend their long-standing home rule powers and tradition of innovative and responsive local democracy.**
- The risks of not defending local authority in the current environment are arguably higher than ever before.

Endnotes

¹ See, e.g., Montgomery County Code, ch. 27, art. XI (Minimum Wage); Prince George's County Code, subtit. 13A, div. 2 (Minimum Wage).

² See, e.g., Anne Arundel County Code, art. 10, tit. 8 (Consumer Protection); Baltimore County Code, art. 13, tit. 10 (Miscellaneous Provisions and Consumer Protection); Montgomery County Code, ch. 11 (Consumer Protection).

³ See, e.g., Anne Arundel County Code, art. 10, tit. 9 (Landlord and Tenant Rights); Calvert County Code, ch. 75 (Minimum Livability Code); Carroll County Code, tit. XVII, ch. 171 (Livability Code); Charles County Code, ch. 81 (Minimum Livability Code); Talbot County Code, ch. 88 (Minimum Livability Code); Montgomery County Code, ch. 29 (Landlord-Tenant Relations).

⁴ See, e.g., Anne Arundel County Code, art. 11 (Licenses); Baltimore County Code, art. 21 (Permits, Licenses, and Business Regulation); Carroll County Code, tit. XI, ch. 110 (Business Licensing); tit. 6 (Licenses); Harford County Code, ch. 157 (Licenses and Permits); Montgomery County Code, ch. 30 (Licensing and Regulations Generally); Prince George's County Code, subtit. 5 (Businesses and Licenses).

⁵ See, e.g., Anne Arundel County Code, art. 11, tit. 6 (Food Service Facilities); Baltimore County Code, art. 21, tit. 8 (Food Trucks); Prince George's County Code, subtit. 12, div. 2 (Food Service Facilities).

⁶ See, e.g., Anne Arundel County Code, art. 11, tit. 15 (Taxicabs); Baltimore County Code, art. 21, tit. 17 (Vehicles for Hire); Wicomico County Code, ch. 205 (Taxicabs); Harford County Code, ch. 232 (Taxicabs); Talbot County Code, ch. 174 (Taxicabs); Montgomery County Code, ch. 53 (Taxicabs); Prince George's County Code, subtit. 20 (Taxicabs and Limousines).

⁷ See, e.g., Baltimore County, art. 13, tit. 2 (Air Pollution); Harford County Code, ch. 109, § 109-12 (Air Quality Control); Prince George's County Code, subtit. 19, div. 1 (Air Pollution).

⁸ See, e.g., Baltimore County Code, art. 13, tit. 8 (Smoking in Public Places); Harford County Code, ch. 149, art. II (Smoking and Sale of Tobacco Products in County Buildings); Talbot County Code, ch. 159 (Smoking and Tobacco Products); Montgomery County Code, ch. 24, art. II (Smoking, Tobacco, and Nicotine).

⁹ See, e.g., Baltimore County Code, art. 29, tit. 2 (Human Relations, Prohibited Practices); Harford County Code, ch. 95 (Discriminatory Practices); Montgomery County Code, ch. 27, art. I (Commission on Human Rights).

¹⁰ See National Employment Law Project, *The Fight for \$15 in Maryland: Local Officials Should Prepare to Protect Local Democracy* (Jan. 2019).

¹¹ *Id.*