

PUB 7580 STATE AND LOCAL GOVERNMENT

Fall 2025, Oakes Hall 221

Tuesday, 3:35 – 5:10pm

Instructor: Professor Guanchi Zhang

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Office Hours

I will hold drop-in office hours on Tuesdays during the semester from 2:00 to 3:00 p.m. I am also available to meet by appointment, either in person or on Teams. Please email me to set up an appointment.

Required Materials

Assigned readings are listed in the syllabus below. The reading is primarily drawn from Frug, Ford, Baron, and Anderson Local Government Law (7th ed. 2022), abbreviated here as FFBA. This book will be supplemented with materials located on the Modules link of the Canvas class website. I may issue an updated version of this syllabus to account for the pace of our discussions and final reading assignments.

Learning Objectives

1. Examine theoretical debates about local powers, including centralization versus decentralization, public versus private governance, democratic versus functionalist approaches
2. Master fundamental doctrines including Dillon's Rule, home rule, preemption, the Commerce Clause, and Tenth Amendment that set the constitutional framework governing federal-state-local relations
3. Examine how inter-local legal structures such as annexation, school district boundaries, exclusionary zoning affect racial and economic inequality
4. Understand the legal frameworks governing core local functions, such as public finance, land use, and economic development
5. Apply both legal doctrine and policy analysis to address contemporary state and local government challenges

Evaluation

Class participation (20%). As a small-size class, class participation will greatly contribute towards the final grade. This includes coming to class with questions and comments and engaging with other's points during class. We will have several class debates over the course of the semester. You can also utilize alternative modes of participation and Question Parking Lot to participate (see Class Commitments section).

Legal memo (30%). Imagine you are a legal advisor in a mayor's office. Your task is to write a concise legal memorandum (approximately 5 pages) on a current legal issue impacting your local government. Find a real-world event/incident from news articles within the last one year and use it as the background of your memo. Your memo should include a brief statement of the facts, a clear articulation of the legal issue(s), a thorough legal analysis, and a conclusion offering practical advice or insights. Maintain a professional tone, use formal legal language, and ensure proper citation of sources. The memo is due at the end of the semester.

Response papers or a long paper (50%). Each student can choose between submitting FOUR response papers of approximately 5 pages each, or ONE longer research paper project (e.g. ~20 pages or more).

If you opt for response papers, you can pick which weeks you would like to submit a response paper. A response paper can be:

1. **General weekly reflection** – Analysis and critique of assigned readings, possibly incorporating relevant experiences or observations

2. **Discussion topic response** – Focused analysis of specific weekly discussion topics: The Private City Próspera (9/2), DC Takeover (9/30), Staten Island's Secession (10/21), Homelessness Regulation (11/18).

Response papers will be due via email by 11:59pm Monday night, the night before class. As part of the evaluation process, I may ask follow-up questions about your paper during class discussion, which will contribute to your overall grade for that assignment.

If you pursue a longer paper, please get in touch with me to discuss possible topics by September 9. We will discuss topics, and a reasonable timeline for your paper. I am available to work with you on advanced writing requirements and independent research projects.

Class Commitments

Attendance. Students should plan to attend class regularly. If there is an emergency or a personal situation that might affect your attendance and your ability to keep up with the material, please get in touch. The attendance policy is explained in more detail in the Vermont Law and Graduate School Student Handbook §II(A). Failure to attend class will have a detrimental effect on your understanding of the material and your grade. It could also result in a grade of F-Wd.

Participation and Engagement. This class depends on everyone's willingness to engage with one another and participate. I strongly encourage each of you to come to class with questions, comments, and reactions, and to engage with one another's points throughout our discussions. You are also welcome to utilize Question Parking Lot (see below).

For those of you who seek an alternative or supplemental mode of participation, I welcome you to share interesting materials that are directly relevant to our class. These might include: newspaper, magazine, blog, or scholarly articles; artwork, plays or literature; pieces of music; or other materials. Please use the Canvas section "Discussions" to post your materials and comments.

Question Parking Lot. Have a question? The Question Parking Lot is your space to explore and discuss! Located in the Canvas Discussion section, this forum welcomes all types of questions - whether they're follow-ups from class discussions or discoveries from your own independent research driven by curiosity. Feel free to interact with your classmates' posts and engage in deeper discussions. I will regularly check the questions outside of class hours.

Use of Generative AI. You are permitted to utilize Generative AI tools for completing writing assignments. However, students should disclose the use of any Generative AI tool with prompt log and output. This includes prompt log, software output, final submission, and explanation of changes made, all being attached to submission. The instructor reserves the right to ask follow-up questions to ensure the student's understanding of the subject matter aligns with the quality of the written submission and may adjust the grade accordingly. The failure to comply with these rules may lead to Honor Code violations.

Mutual Respect and Consideration. We will be engaging some contentious questions over the course of the semester. I ask all of us to engage in these discussions in a spirit of shared respect and consideration for the different life experiences and viewpoints represented in the room.

Recording and Accommodation. This course's materials, including all written content, recordings, and website content, are protected by copyright. This includes any recordings made by the professor, students, or others during class sessions. These materials are restricted to enrolled students' personal use and may not be shared or distributed. Recording of class sessions is not permitted without prior written permission from the professor.

If you would like to request accommodation, please review our Disability Policy at Vermont Law and Graduate School at: <https://www.vermontlaw.edu/community/students/academic-success/accommodations>. If you have questions, please contact Associate Dean of Diversity, Equity, and Inclusion, Siu Tip Lim.

Syllabus & Assignments

This syllabus provides an overview of the major topics and readings we'll cover during the quarter. I may issue an updated version of this syllabus to account for the pace of our discussions and final reading assignments.

Date	Topic	Readings & Assignments	
8/26	Economic, Democratic, and Egalitarian Theories of Local Power	-FFBA 1-23 (Calvino, Tocqueville (skim), Madison (skim), <i>Romer</i>) -FFBA 99-120 (Calvino, Tiebout, Nozick, Buchanan, Michelman, Young)	-In preparation for class, think about the descriptions of local power from these theorists. Do they resonate with your views and experience? Be prepared to discuss your understanding of these theories and counterarguments for them. -As you take notes on these cases, put yourself in the place of a local official. What advice for governing would you take from each theorist?
9/2	The Forms of Local Power: Cities, Counties, HOAs, CIDs, Special Districts	-FFBA 28-30 (City as a Public or Private Entity) -FFBA 37-42 (<i>Rajneeshpuram</i>)	-This material is a practical introduction to the complex landscape of local governments, but it is also a chance to start observing a deeper question: Are local governments public or

		<p>-FFBA 64-89 (Ellickson, McKenzie, Miller, <i>Ball v. James</i>)</p> <p>The For-Profit City That Might Come Crashing Down. LINK</p>	<p>private entities? What kinds of rules push them in one direction or another? In what ways are Miller's "cities by contract" more "private" than a historic city like Los Angeles? In what ways are they not?</p> <p>- Get prepared for a class discussion on Próspera (in the NYT article). Is Próspera a good idea or not? Why? Remember to utilize the theories and cases from the first two weeks.</p>
9/9	The City-State Relationship as a Matter of Federal Law and State Law	<p>-FFBA 127-40 (<i>Hunter, New York, Barron</i>)</p> <p>-FFBA 140-143 (Dillon), 149-55 (<i>Olesen, Abbott Labs, Morris</i>)</p>	<p>-Consider how these major cases (plus <i>Romer</i>) portray local government power as defined by the U.S. Constitution and federalism.</p> <p>-Dillon's rule is best understood as a rule of statutory construction for reading state laws. What is that rule, in your own words?</p> <p>-Abbott Labs and Morris's article introduce you to a powerful tool of local government authority in California, Bus. & Prof. Code, § 17200 et seq. What does this law allow some local governments to do? What's the argument for empowering LGs in this way?</p>
9/16	Home Rule Power: Initiative & Shield	<p>-Initiative: FFBA 155-59, 168-173 (Intro, <i>New Mexicans for Free Enterprise</i>)</p> <p>-Shield: FFBA 175-187 (<i>New Orleans Campaign, Telluride</i>)</p> <p>- FFBA 244-247 (National League of Cities, Principles of Home Rule for the 21st Century)</p>	<p>- After reading the NLC Principles, revisit the earlier cases to more closely observe what problems the NLC authors are trying to solve. If a state adopted these principles, how might these cases come out differently?</p>
9/23	State Preemption	<p>-Old preemption: FFBA 195-205 (<i>Holt's Cigar, AFS v. Oakland</i>)</p>	<p>-If you were "operationalizing" these cases for yourself as a future lawyer for a city government, what method would you use for analyzing</p>

		<p>- New Preemption: FFBA 205-225 (<i>Florida Carry Inc.</i>, Briffault, Schragger)</p>	<p>preemption? Look back at Telluride for this purpose as well.</p> <p>-As you read Florida Carry, look for examples of the “new preemption” features that Briffault describes.</p>
9/30	The City-Federal Relationship	<p>-FFBA 247-268 (<i>Nat’l League, Garcia, Printz, Barron</i>), 285-292 (Note, Barron)</p> <p>-FFBA 314 (Calvino)</p> <p>-The Federal takeover of DC municipal functions (on Canvas)</p>	<p>-Notice ways that the federal government works within and works around state law to direct local governments. We will not have time in class to undertake a deep analysis of the background federalism principles here; instead, focus on the mechanics of federal lawmaking here and the major arguments to block or permit federal law.</p> <p>-Get prepared for a class discussion on the federal government’s attempt to assume direct control over some DC municipal functions. What are the legal limits on such intervention? Consider how the District’s unique constitutional status as a federal district shapes these legal dynamics. As you prepare for discussion, connect this scenario to the doctrines and cases we’ve learned in previous weeks.</p>
10/7	Cities and their Suburbs	<p>-FFBA 337-365 (Hall, Jackson, Jackson, Ford, Mumford, Baxandall)</p> <p>- FFBA 367-371 (Weir)</p> <p>Today’s suburbs are symbolic of America’s rising diversity: A 2020 census portrait. LINK</p> <p>As Major Cities Struggle to Rebound, Remote Work Continues to Shift Population Growth. LINK</p>	<p>-Think back to Nozick and our other Class 1 readings as you engage with the first group of theorists. Do you think suburbs are different from “cities?” If so, does the difference provide justifications for treating them differently?</p> <p>- Read Weir’s article and two latest coverages on suburbs. How have suburbs changed in recent decades? Does that influence your answer to the first question?</p>

10/21	City Formation, Annexation, and Secession	<p>-Incorporation: FFBA 378-385, 388-393) (Briffault, Miller, <i>Bd of Supervisors</i>)</p> <p>-Annexation: FFBA 433-444 (Intro, <i>Lockport</i>, Rusk)</p> <p>-Secession & Dissolution: FFBA 444-457 (Intro, <i>City of Herriman</i>, Note, Frug), 458-462 (Anderson)</p> <p>Why Staten Island's secession fever won't break anytime soon. LINK</p>	<p>-What kind of rules of incorporation and annexation reflect a more privatized view of municipalities? Which rules and policies make them accountable to state or regional interests?</p> <p>-Incorporation is often used as a defense to annexation. Why might states give or withhold the power for an annexing municipality to override a defensive incorporation?</p> <p>-Secession and dissolution are making a comeback in the US right now. Here too, what kinds of rules for secession favor self-determination/private power?</p> <p>- Be prepared for a discussion on Staten Island's secession attempt. Should state laws be designed to make the secession of communities like Staten Island easier or harder? What are your proposed designs?</p>
10/28	Segregation and (Re)distribution	<p>-FFBA 462-481 (<i>Arlington Heights</i>, <i>Mt. Laurel</i>, Note), 483-496 (Cashin, Ford, Note)</p> <p>- FFBA 504-511 (<i>Rodriguez</i>)</p>	<p>- These cases consider circumstances where individual federal and state constitutional rights might serve as a check on local power. In what circumstances do individual rights overcome local authority? Where do they fail to do so? Why?</p> <p>- Read Mt. Laurel as if you were a city attorney for that town. What arguments would you make on behalf of your zoning laws, without resorting to racist or classist arguments? Now reconsider Mt. Laurel as if you were a city attorney for the high-poverty city of Camden nearby. What are you and your constituents' interests in this case?</p>

			- Have you seen the impact of <i>Rodriguez</i> and <i>Milliken</i> in your own life and education?
11/4	Local Governments Financing	<p>-FFBA 703-719 (<i>Nordlinger, Schwartz, Reynolds, Frug & Barron, TIF</i>)</p> <p>- FFBA 723-727 (Burge)</p> <p>- Skim LAO, “An Initial Look at Effects of the COVID-19 Pandemic on Local Government Fiscal Condition” LINK</p> <p>-Play around with the Lincoln Institute of Land Policy’s state-by-state visualization tool for local finance. LINK</p>	<p>-Use the general readings in FFBA to get your bearings on local finance, then drop down into one state to see the mechanics with more specificity. The LAO materials will give you a sense of where LGs get funding and the kinds of transactions they rely on. Take some notes on COVID-19 budget impacts.</p> <p>- Using the Lincoln Institute of Land Policy’s visualization tool, research the property tax system in your home state (or another state of interest).</p>
11/11	Guest talk: Professor Rick Su on local government and immigration	278-285 (<i>El Ceniño</i>), FFBA 879-884 (<i>Lozano</i>), 892-894 (Su)	TBD
11/18	Local Governments as Regulators	<p>-FFBA 630-637 (<i>Belle Terre</i>), 646-650 (Note), 657-668 (Warner, Ford)</p> <p>- City of Grants Pass v. Johnson (excerpt, on Canvas)</p> <p>-FFBA 674 (Calvino)</p>	<p>-This class is our chance to look squarely at local governments’ power over land use and how it can generate outsized influence beyond their boundaries.</p> <p>- Be prepared for a class discussion on <i>Grants Pass</i>. If you are general counsel to a business that is impacted by a tent encampment like in <i>Grants Pass</i>, and you were asked to argue in favor of a regulation similar to that of Oregon that prohibits outdoor camping, how would you respond? If you are the outside counsel of a local homeless shelter, would you argue for or against a prohibition on outdoor camping</p>
11/25	Cities and the World	-FFBA 830- 836 (Sassen), 843-853 (<i>Kelo, Kaur</i>)	- How do cities evolve in the era of globalization? What are the legal opportunities and challenges that local

			governments face on those matters?
12/2	TBD	-FFBA 962-963 (Calvino)	