

Potential Penalties for Non-Compliance to a State Law.

When a city enforces an ordinance that conflicts with state law, the overarching consequence is **preemption**, meaning the state law generally takes precedence and renders the local ordinance **void** or unenforceable. The specific consequences for the jurisdiction and its residents often include:

Legal and Judicial Consequences

- **Invalidation of the Ordinance:** Courts can strike down local laws if they duplicate, contradict, or enter a field "fully occupied" by state legislation.
- **Lawsuits:** Jurisdictions may be sued by advocates, developers, or the state itself. For example, California cities have been sued for non-compliant housing elements, leading to court-ordered compliance.
- **Loss of Local Control:** Courts may suspend a locality's authority to issue building permits or grant zoning changes if they refuse to align with state law.
- **Attorney Fees:** If a city loses a legal challenge regarding a conflicting ordinance, it may be forced to pay the opposing party's legal costs.

Financial and Administrative Consequences

- **Loss of State Funding:** State agencies, such as the California Infrastructure and Economic Development Bank, may withhold grants or loans from non-compliant jurisdictions.
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- **Administrative Chaos:** Conflicting laws create a "legal grey area" for law enforcement and city officials, leading to confusion over which standard to **cite** during stops or inspections.

Exceptions: Charter Cities vs. General Law Cities

The severity of these consequences can depend on the city's legal structure:

- **General Law Cities:** These cities are strictly bound by state law; any conflict usually results in the ordinance being immediately void.
- **Charter Cities:** Under the "municipal affairs" doctrine, charter cities (like many in California) may have constitutional authority to govern local matters (e.g., local elections or taxation) even if they conflict with state law, provided the matter is not deemed one of "statewide concern".

SB 634 explicitly states that this law is of statewide importance and is therefore binding on Charter Cities as well as General City Laws