

Bond Case Briefs

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Fix the City, Inc. v. City of Los Angeles

Court of Appeal, Second District, California - February 27, 2026 - Cal.Rptr.3d - 2026 WL 554572

Non-profit organization brought action against city and city council seeking writ and declaratory relief, challenging validity of city administrative code section authorizing mayoral declarations of local housing and homelessness emergencies and claiming ordinance violated California Emergency Services Act (CESA) and city administrative code.

The Superior Court, Los Angeles County, sustained demurrer without leave to amend and dismissed the case. Organization appealed.

The Court of Appeal held that:

- City administrative code section did not conflict with CESA;
- CESA did not preempt the administrative code; and
- Other provisions of administrative code do not invalidate the homelessness emergency code section.

City administrative code section conferring various mayoral powers upon declaration of a local housing and/or homelessness emergency concerned a “municipal affair,” requiring analysis of whether actual conflict existed between state law and local law, in determination whether mayor’s declaration of local emergency concerning unhoused city residents was invalidated by California Emergency Services Act (CESA) governing who may proclaim a local emergency and for how long, because the code section governed city’s own response to conditions exclusively within its territory and provided powers to its executive, the mayor, to address those conditions.

No actual conflict existed between city administrative code section conferring various mayoral powers upon declaration of a local housing and/or homelessness emergency, and sections of California Emergency Services Act (CESA) governing who may proclaim a local emergency and for how long, and thus, city was empowered to enact the ordinance and take action regarding unhoused city residents; CESA focused on emergencies which a political subdivision could proclaim as conditions of disaster or of extreme peril to safety of persons or property, caused by specific events like floods and fires that were beyond control of political subdivision’s resources, while code section governed specific type of emergency arising from housing shortage and/or homelessness, specific and limited to the city, and provided mayor with different powers.

California Emergency Services Act (CESA), which governed who may proclaim a local emergency and for how long, did not preempt charter city’s municipal code provision, conferring various mayoral powers upon declaration of a local housing and/or homelessness emergency; Legislature had not expressed intent in CESA to occupy field of local governmental response to emergency or harmful conditions within local borders, particularly with regard to charter cities and their constitutional authority to regulate their own affairs, nor did CESA so fully and completely cover the area of emergency declarations as to clearly indicate that it had become exclusively a matter of state

concern, and constitutional provision authorized local governments to enact ordinances allowing for declaration of local emergency.

Charter city administrative code section conferring various mayoral powers upon declaration of a local housing and/or homelessness emergency was valid under city administrative code section generally defining local emergencies, such that city and mayor were empowered to take action regarding unhoused city residents; the two provisions did not conflict, as city council either understood conditions upon which an emergency could be declared under homelessness emergency section to constitute an “occurrence” as that term was used in the general provision, or intended to establish an additio