



**California Apartment Association**  
980 Ninth Street, Suite 1430  
Sacramento, CA 95814

May 16, 2025

Mayor Catherine Way  
City Manager Dan Schwarz  
City Attorney Sky Woodruff  
City of Larkspur  
400 Magnolia Avenue  
Larkspur, CA 94939

**RE: Demand for Rent Registry Compliance by Larkspur Property Owners**

Dear Mayor Way, City Manager Schwarz, and City Attorney Woodruff,

The California Apartment Association (CAA) represents local housing providers and operators that supply safe, high-quality rental housing to Larkspur residents. In addition to representing members' interests in the legislative forum, CAA and its affiliate organizations are also active in monitoring and engaging in legal actions that affect rental housing providers.

We write to express deep and serious concerns regarding recent letters sent by the City of Larkspur to rental property owners demanding compliance with a purported requirement to register rental units in a citywide rental registry.

These letters assert that the City's Rent Stabilization Ordinance requires rental housing providers to complete and submit detailed information for each rental unit — including sensitive information such as initial rent, current rent, maximum allowable rent, resident move-in date, and date of most recent rent increase. The letter threatens property owners with enforcement action if they fail to comply.

Respectfully, these demands and threats of enforcement are without legal foundation. Nowhere in Chapter 6.20 of the Larkspur Municipal Code — the City's Rent Stabilization Ordinance — is there any provision mandating, or even authorizing, the establishment of a rental registry. The ordinance is clear and the mandate to establish a rental registry cited in your correspondence simply does not exist. The demand that property owners register their units — and the assertion that failure to do so violates the law — is entirely unsupported by the ordinance's text.

With respect to the threat of enforcement action against property owners who fail to comply with the demand to register their units, Section 6.20.100 of the ordinance states that it is unlawful "for any person to violate or fail to comply **with any provision of this chapter**" [emphasis added]. Since the chapter includes no provision requiring rental unit registration, failure to comply with the City's rent registry demand cannot be considered a violation. To claim otherwise is to conjure up legal obligations and accompanying punishments not found in the municipal code.

Similarly troubling is the City's assertion that owners of exempt properties must file claims of exemption, or else they will be subject to provisions of the ordinance. This assertion too is made despite no such requirement appearing in the text of Section 6.20.070, which provides that "the provisions of this chapter regulating the amount of rent that a residential real property owner may charge shall not apply" to specified property types, without any pre-condition noted.

The California Constitution, Article XI, section 7, grants cities the power to adopt and enforce local ordinances not in conflict with general laws. However, that power presumes the existence of a valid ordinance or regulation. The City of Larkspur has neither adopted an ordinance nor, to our knowledge, even a resolution authorizing the creation or enforcement of a rental registry. The City's demands for compliance and threats of enforcement are, therefore, in direct conflict with this foundational principle and are ultra vires.

The City's own municipal code in Section 1.01.030 confirms that only duly codified ordinances have the force of law: "This code consists of **all** of the regulatory and penal ordinances and certain of the administrative ordinances of the City of Larkspur, California, codified pursuant to the laws of the State of California" [emphasis added]. While the City Manager is empowered to "enforce all laws and ordinances of the City" (see Section 2.20.030), this authority does not include creating legal obligations not grounded in existing law. If the City believes the establishment of a costly, administratively burdensome rental registry is prudent, the City Manager is duty-bound to "recommend to the City Council for adoption such measures and ordinances as they deem necessary or expedient" (see Section 2.20.040). A rental registry requirement that is not included in the Larkspur Municipal Code cannot, therefore, be lawfully enforced under the City's own code.

Case law has made clear that a city may not use administrative action to expand its powers beyond those which are authorized by ordinance. In *San Bernardino Valley Audubon Society v. City of Moreno Valley* (1996) 44 Cal.App.4th 593, 603, the Court of Appeal held: "It is fundamental in our law that an administrative agency may not, under the guise of its rule-making power, abridge or enlarge its authority or act beyond the powers given to it by the statute which is the source of its power." The City's current actions clearly run afoul of this well-established doctrine.

In addition to exceeding the City's authority under its own municipal code and state constitutional limitations, this action raises serious due process concerns under the state and federal Constitutions. See Cal. Const. Art. I, Sec. 3(b)(4) and U.S. Const. amend. V. The implication that noncompliance with this phantom registry could subject property owners to not only civil penalties but also criminal enforcement is alarming and patently unjust.

**Accordingly, we call upon the City to:**

- 1. Immediately cease all enforcement threats related to the purported rental registry requirement; and,**
- 2. Rescind the letters sent to property owners demanding compliance with the unauthorized registry.**

If you contend that the City's actions are proper, we request that you provide a formal response identifying the specific ordinance or other lawful authority that you claim authorizes this registry requirement and associated enforcement.

We look forward to your timely response.

Sincerely,



Whitney L. Prout  
Executive Vice President of Legal Affairs  
California Apartment Association