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Arizona State Senate

February 19, 2024

Hon. Kris Mayes
Arizona Attorney General
2005 North Central Avenue
Phoenix, Arizona 85004

Re: Request for Attorney General Opinion

Dear Attorney General Mayes,

On December 5th, 2023, the Gila County Board of Supervisors passed Ordinance No. 2023-08, regulating vacation and short-term rental uses. A.R.S § 11-269.17 limits the authority of counties to regulate vacation and short-term rentals but allows counties to regulate such rentals for certain purposes. The ordinance aims to regulate vacation and short-term rental uses within the county's unincorporated areas. According to A.R.S § 11-269.17, owners of vacation and short-term rentals must obtain and retain a local regulatory permit or license. As a condition of issuance, the application for the permit or license may require an applicant to provide a fee. This fee cannot exceed the actual cost of issuing the permit or license, or \$250, whichever is less.

However, A.R.S § 11-269.17 does not appear to provide clear guidance on issues relating to the actual cost of issuing the permit or license. Accordingly, pursuant to A.R.S § 11-269.17(B)(5)(f), I respectfully request a formal legal opinion on the following questions.

1. Under Arizona law, is a county required to calculate the actual cost of issuing the permit or license before charging the \$250 fee?
2. Under Arizona law, are the costs of employee labor a permissible inclusion in the actual cost?

Thank you for your consideration of this request.

Respectfully,

Wendy Rogers

Wendy Rogers, Lt Col USAF (ret)
Senator LD7 Flagstaff Arizona