

WENDY ROGERS
SENATE ELECTIONS CHAIR
1700 WEST WASHINGTON, SENATE
PHOENIX, ARIZONA 85007-284
PHONE: (602) 926-3042
wrogers@azleg.gov
DISTRICT 7



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Arizona State Senate

March 25, 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 February 19, 2024, I requested an Attorney General opinion regarding Ordinance No. 2023-08, passed by the Gila County Board of Supervisors on December 5, 2023 (the "Ordinance"), which regulates vacation and short-term rental uses. As a supplement to that request, I have identified another question regarding this ordinance, for which I request an opinion.

A.R.S. § 11-269.17 limits the authority of counties to regulate vacation and short-term rentals except for certain limited purposes. Among other things, A.R.S. 11-269.17(B)(2) specifies that county regulations for vacation and short-term rentals must be applied in the same manner as those for other properties classified under sections 42-12003 and 42-12004.

The Ordinance appears to conflict with A.R.S. 11-269.17(B)(2). As required by the Ordinance, vacation and short-term rentals must undergo regular pest control treatments (3.6.7), place collection containers before 6:00 p.m. on the day before collection (3.6.2), display a map of the floor plan (3.6.5), adhere to an occupancy limit of two people per bedroom (3.6.10), and comply with additional regulations. These requirements, however, do not apply to properties classified under sections 42-12003 and 42-12004.

Accordingly, pursuant to A.R.S. § 41-193(A)(7), I respectfully request a formal legal opinion on whether the Ordinance conflicts with A.R.S. 11-269.17(B)(2).

Thank you for your consideration of this request.

Wendy Rogers

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