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DISTRICT 1

Arizona House of Representatives Phoenix, Arizona 85007

March 30, 2026

Via Email and U.S. Mail

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

Re: Request for S.B. 1487 Investigation – Phoenix Administrative Regulation 5.32

Dear Attorney General Mayes,

Pursuant to A.R.S. § 41-194.01, and as a current member of the Arizona House of Representatives, I respectfully request an investigation of the City of Phoenix's Administrative Regulation 5.32.¹ Specifically, I request an investigation of the following question:

Does Phoenix Administrative Regulation 5.32, which restricts the use of City-owned and City-controlled property for civil enforcement purposes unless approved by the City Manager, violate A.R.S. § 11-1051 and other applicable state and federal law?

Although the anti-commandeering doctrine—arising from the Tenth Amendment of the U.S. Constitution—prohibits the federal government from compelling states "to enact or administer a federal regulatory program,"² Arizona law independently prohibits municipalities from adopting policies that "limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law."³

The Regulation does not merely reflect passive non-cooperation. Rather, it affirmatively restricts the use of City property for core enforcement functions such as staging, processing, and operational coordination, unless expressly authorized by the City Manager. In doing so, this policy conditions federal and intergovernmental law enforcement activity on local approval, effectively placing the City Manager in a gatekeeping role over manner, timing, and feasibility of enforcement operations.

This discretionary approval structure creates a substantial risk that enforcement will be delayed, impeded, or denied altogether. Even when enforcement is not formally prohibited, the denial of access to strategically necessary municipal property can functionally limit enforcement

¹ The full text of A.R. is available at this link:

https://www.phoenix.gov/content/dam/phoenix/citymanagersite/documents/AR-City-Property-Civil-Law-Enforcement_English.pdf

² See *Printz v. United States*, 521 U.S. 898, 933 (1997); *New York v. United States*, 505 U.S. 144, 188 (1992).

³ See A.R.S. § 11-1051(A).

operations. A policy that withholds access to necessary infrastructure and subjects law enforcement activity to local discretionary approval likely satisfies the standard under A.R.S. § 11-1051(A), effectively limiting "the enforcement of federal immigration laws to less than the full extent permitted by federal law."

Further, the Regulation raises serious federal preemption concerns. While local governments are not required to affirmatively assist federal law enforcement, they may not adopt measures that interfere with or stand as an obstacle against the execution of federal law.⁴ By restricting access to City-controlled property through discretionary local approval, the Regulation risks crossing the line from permissible non-cooperation into impermissible interference with federal enforcement operations.


Importantly, the City is regulating access to physical spaces that may be essential to coordinating law enforcement activity. Where such property is necessary or strategically significant, denying its use can materially impair enforcement efforts. This risk is compounded by the absence of objective standards governing the City Manager's approval decisions. The Regulation provides no clear criteria to ensure consistent and nondiscriminatory access, materially increasing the likelihood of arbitrary or systematic denial. In practice, this structure enables the City to control whether, when, where, and how enforcement activities may proceed on City-controlled property.

For these reasons, Phoenix Administrative Regulation 5.32 is subject to review under S.B. 1487. Please review the question identified above and issue a written report within 30 days as required by A.R.S. § 41-194.01(B).

If the City repeals its unlawful Administrative Regulation, I urge you to take no further action and conclude that your investigation is moot. If you determine that the Administrative Regulation violates state law, please pursue a special action in the Arizona Supreme Court for judicial resolution of this important matter of statewide concern.

Please do not hesitate to contact me if you have any questions.

Respectfully,


Representative Quang Nguyen
Legislative District 1

⁴ See *Arizona v. United States*, 567 U.S. 387, 399-400 (2012).