



March 13, 2026

SENT VIA EMAIL

Mayor Roxanna Valenzuela
City of South Tucson
1601 South Sixth Avenue
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Subj: Permit Freedom Act Obligations

Dear Mayor Valenzuela:

We understand that the City of South Tucson has refused to grant a permit to Mr. Marv Kirchler following his initial approval from the City's Planning and Zoning Commission and subsequent application for a billboard permit. We write to inform you of the City's legal obligations under Arizona's Permit Freedom Act.

In 2023, the Arizona Legislature passed the Permit Freedom Act,¹ codified at A.R.S. § 9-843. Since that time, the Act has been credited with reducing permit timelines across the state² and leading to more objective permitting criteria for developers.³

The Act requires municipalities to “specify in clear and unambiguous language the criteria for granting [a] license or permit” for “any activity that changes the use, appearance or density of a structure or land.” A.R.S. § 9-843(A). Once a complete application has been submitted, municipalities have sixty (60) days to approve or deny it, or “the submittal is deemed approved.” A.R.S. § 9-843(B).

If a submittal is incomplete, the municipality must provide notice to the applicant that complies with the requirements of both A.R.S. §§ 9-495 and 9-835.

¹ House Bill 2019 (2023), <https://www.azleg.gov/legtext/56leg/1r/bills/hb2019s.pdf>.

² *The Permit Freedom Act: A Proven Solution to America's Housing Crisis*, Goldwater Inst. (May 29, 2025), <https://www.goldwaterinstitute.org/the-permit-freedom-act-a-proven-solution-to-americas-housing-crisis/>.

³ Jon Riches, *Property Rights Victory! Prescott Hotel Greenlighted Thanks to Goldwater's Permit Freedom Act*, Goldwater Inst. (Nov. 13, 2025), <https://www.goldwaterinstitute.org/property-rights-victory-prescott-hotel-greenlighted-thanks-to-goldwaters-permit-freedom-act/>.

Section 9-495 requires a city to provide to the applicant “the name, telephone number and email address of the employee who is authorized and able to provide information about” the denial of an application for a permit or license issued by the city. A.R.S. § 9-495(A). That employee must reply within five business days. A.R.S. § 9-495(B). Additionally, cities and towns are supposed to “print a notice of the requirements of this section on all applications for a permit, license or other authorization that is issued by the city or town.” A.R.S. § 9-495(C). *See also* A.R.S. § 9-834(H) (requiring municipalities to “prominently print the provisions” of that statute “on all license applications”).⁴

Section 9-835 provides even greater detail for how a municipality should handle licensing or permitting applications. Municipalities must set time frames for reviewing the completeness of applications, reviewing the substance of those applications, and for approving or denying applications. A.R.S. § 9-835(A)–(C). Upon finishing its administrative completeness review, a municipality must issue written or electronic notice of either completeness or any deficiencies. A.R.S. § 9-835(D). Any list of deficiencies must be comprehensive. A.R.S. § 9-835(E). All time frames are suspended while the applicant addresses deficiencies. *Id.* Failure to issue proper written or electronic notice of completeness or deficiencies results in the application being deemed administratively complete. A.R.S. § 9-835(F). If the municipality provides notice and the applicant does not respond within fifteen (15) days, the application may be considered withdrawn. *Id.* Similar exchanges may occur during the substantive review process if additional deficiencies are identified. A.R.S. § 9-835(G).

Municipalities must provide additional details upon denying an application, including:

1. Justification for the denial or withdrawal with references to the statutes, ordinances, codes or substantive policy statements on which the denial or withdrawal is based.
2. An explanation of the applicant’s right to appeal the denial or withdrawal. The explanation shall include the number of working days in which the applicant must file a protest challenging the denial or withdrawal and the name and telephone number of a municipal contact person who can answer questions regarding the appeals process.
3. An explanation of the applicant’s right to resubmit the application, the total amount of fees that will be assessed if the applicant resubmits the application and the method in which those fees were calculated.

⁴ It does not appear that the City is complying with its statutory notice obligations under either A.R.S. §§ 9-495 or 9-834 for its permitting and licensing applications, including on its new Permit Portal, which took effect March 2, 2026. *See* https://southtucson_permit.portal.iworq.net/portalhome/southtucson_permit. *See also* City of South Tucson Permit Application (2023), <https://www.southtucsonaz.gov/media/5686>.

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A.R.S. § 9-835(J). The statute also provides for the refunding of application and permit fees if certain criteria are not met. A.R.S. § 9-835(K). Resubmittal fees are limited to fifty percent of the original application fees that have not been refunded to the applicant, with limited exceptions. A.R.S. § 9-835(M).

In the event of litigation over a license or permit denial, Arizona courts will not defer to any determination made by the municipality and will determine whether the municipality's approval criteria language is clear and unambiguous. A.R.S. § 9-843(C).

In this case, we understand there may be factual disputes regarding Mr. Kirchler's permit application, including the location of the billboard. Nevertheless, as the City addresses those matters with the applicant, it must comply with the statutory requirements outlined above. Failure to do so could expose the City to litigation, result in the automatic approval of Mr. Kirchler's permit application pursuant to the Act, and trigger additional legal protections under Arizona's regulatory bill of rights and related statutes. *E.g.*, A.R.S. §§ 9-832, 9-834.

Should you have any questions regarding the City's legal obligations under the Permit Freedom Act, please do not hesitate to contact me at pjackson@goldwaterinstitute.org or by calling our main office at 602-462-5000.

Sincerely,



Parker Jackson
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