



## City of Phoenix

The Honorable Kris Mayes  
Attorney General of Arizona  
2005 N Central Ave  
Phoenix, Arizona 85004

RE: Investigative Report No. 22-002 Against the City of Tucson "Source of Income" Housing Ordinance

Attorney General Mayes,

On September 27, 2022, the City of Tucson amended its fair housing code to prohibit source of income discrimination ("the Ordinance"). Tucson's City Attorney advised, after careful analysis, that the Ordinance was fully within the City's authority.

As elected council members representing Phoenix, the largest city in Arizona, we are writing to ask that you reconsider the conclusions of Former Attorney General Brnovich's Investigative Report No. 22-002 against the City of Tucson. This report takes the position that the Ordinance is preempted by state law.

As Attorney General, we understand that you have the authority to reconsider your predecessor's legal opinions (*See, e.g. 1986 Ariz. Op. Att'y Gen. 125 (1986) (reconsidering prior opinion); 1984 Ariz. Op. Att'y Gen. 70 (1984) (same)*). You may also determine the violation has been resolved and that the Ordinance is not preempted.

Furthermore, because an "Attorney General's opinions are advisory only and are not binding on courts of law," we believe the City of Phoenix is not precluded from adopting a Source of Income Discrimination Ordinance. We also do not believe this opinion dictates the outcome of any potential future SB 1487 challenges to a Phoenix Ordinance. (*State v. Deddens, 542 P.2d 1124, 1127 (Ariz. 1975) (en banc)*).

Not only is the Ordinance within the City's authority, but it also addresses a problem all too common in housing discrimination. The practice of considering a source of income is often utilized to discriminate against renters who would use housing vouchers, as well as other sources of income such as Social Security disability, and foster family credits.

Allowing the denial of tenants based on their source of income goes against the fundamental civil right to fair housing. The City of Tucson is well within their rights to pass a statute prohibiting this practice.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate Gallego".

Mayor Kate Gallego  
City of Phoenix

A handwritten signature in black ink, appearing to read "Yassamin Ansari".

Vice Mayor Yassamin Ansari  
City of Phoenix – Council District 7



Ann O'Brien  
City of Phoenix Councilmember – District 1



Debra Stark  
City of Phoenix Councilmember – District 3



Laura Pastor  
City of Phoenix Councilmember – District 4



Betty Guardado  
City of Phoenix Councilmember – District 5



Sal DiCiccio  
City of Phoenix Councilmember – District 6



Carlos Garcia  
City of Phoenix Councilmember – District 8