



**AGREEMENT TO WAIVE ANY CLAIMS AGAINST THE CITY
PURSUANT TO THE REGULATORY BILL OF RIGHTS
ARIZONA REVISED STATUTES § 9-831 ET. SEQ.**

This agreement (“**Agreement**”) is entered into between _____, as the applicant (“**Applicant**”) seeking a licensing, permit, approval registration or approval (“**Licensing**”) related to the use or development of _____ (“**Property**”) Activity No. _____ as required by the City of Tucson and the City of Tucson (“**City**”). The Applicant hereby agrees to waive any and all claims for any failure of the City of Tucson to comply with Licensing timeframes in conformance with the provisions of The Regulatory Bill of Rights, A.R.S. §9-831 et. seq., in exchange for which the City of Tucson (“**City**”) agrees to process licensing under its customary application process (“**Process**”).

The Applicant or authorized agent of the Applicant, has submitted an application to the City requesting that the City approve or permit a development package, plat, contemplated use, development or action described in Exhibit A. The Applicant is aware that the under the Process, he/she may be afforded multiple opportunities to alter or amend his application and to confer with city staff for advice without constraint of limited reviews or timeframes for approval imposed by the City pursuant to the requirements of The Regulatory Bill of Rights, A.R.S. §9-831 et. seq., The City’s customary review procedures and the process imposed by A.R.S. §9-831 et. seq. are compared in Exhibit B. The Applicant acknowledges prior receipt and review of Exhibit B. The Applicant desires to be afforded an opportunity to adjust plans based on his own changing development circumstances over time or based upon suggestions by staff. The Applicant believes and acknowledges that these benefits outweigh any rights or remedies that may be obtained under A.R.S. §9-831 et. seq.

By signing this Agreement, the Applicant waives any right or claim that may arise under The Regulatory Bill of Rights, A.R.S. §9-831 et. seq., including any claim that an application must be deemed complete pursuant to the requirements of A.R.S. §9-831 et. seq.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Applicant has agreed to the form of this Agreement provided and approved by the City Attorney. The Applicant has had the opportunity to consult with an attorney of the Applicant’s choice prior to entering this Agreement and enters it fully understanding that the Applicant is waiving the rights and remedies provided under The Regulatory Bill of Rights, A.R.S. §9-831 et. seq. as set forth herein.

The Applicant warrants and represents that the person or persons listed herein as the Applicant is/are the owner in fee title of any Property identified in Exhibit A. The Applicant further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon any failure to comply with A.R.S. §9-831 et. seq.

Dated this _____ day of _____, 20_____.

Applicant: _____
(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: _____
(Signature of Applicant or Authorized Representative, if applicable)

Its: _____
(Title of Individual Signing in Representative Capacity)

City of Tucson, an Arizona municipal Corporation:

By: _____
Planning & Development Services Department

This form has been approved by the City Attorney.

EXHIBIT A
ACTIVITY NO. _____

Address or Description of Property:

License sought: (Insert brief description of approval, permit or authority sought. Alternatively a proposed plat, development package or other documentation describing the approval sought may be attached and identified as EXHIBIT A)

EXHIBIT B
ACTIVITY NO. _____

REQUIREMENTS AND
CITY OF TUCSON PDSO CUSTOMARY APPLICATION PROCESS

In 2011, the Arizona Legislature passed a “Regulatory Bill of Rights” (SB 1598) requiring municipalities to establish and adhere to time frames in a broad range of permitting processes and later modified the Regulatory Bill of Rights pursuant to HB 2443. The Regulatory Bill of Rights, A.R.S. §9-831 et. Seq., Under the law cities must create an overall permitting time frame for each process, consisting of an “administrative completeness” time frame and a “substantive review” time frame. The aim of this law was to create faster, more uniform, and more transparent processes, goals which the City of Tucson Planning and Development Services Department share. However, the implementation of these time frames may have unforeseen consequences.

Under The Regulatory Bill of Rights, A.R.S. §9-831 et. Seq., the city must determine whether a permit application is complete or not during the administrative completeness time frame. If the city fails to make this determination within established time limits, the permit is deemed complete regardless of deficiencies. Similarly during the substantive review period an application must be denied or approved within the established time frame or the permit fee will be refunded.

The Regulatory Bill of Rights, A.R.S. §9-831 et. seq., process offers applicants very limited opportunities to supplement their application with additional material after submission. Moreover, changes to a permit application are limited to responses to a PDSO request. Upon proper denial, during either review period, applicants must reapply with new plans and pay another permit fee.

PDSO is committed to customer service and recognizes that applicants may not wish to be locked into formulaic standards which do not provide an adequate opportunity to submit additional requested materials and desired plan changes. Thus, PDSO offers applicants the opportunity to make permit applications according to either The Regulatory Bill of Rights, A.R.S. §9-831 et. seq., process or the customary, more flexible process City of Tucson PDSO customers are familiar with.

Under the customary PDSO process, applicants have multiple opportunities to alter or amend their application and to confer with city staff for advice. This allows the applicant to adjust plans based on their own changing development circumstances over time or on suggestions by staff. Additionally, applicants may alter their permit applications as many times as necessary during the process.

Applicants are encouraged to carefully consider which application process best meets their needs. Staff can explain the processes in more detail upon request as well as provide you a copy of The Regulatory Bill of Rights, A.R.S. §9-831 et. seq.