

# Late Backup

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CITY CODE CHAPTER 15-9 REGARDING UTILITY DEFERRED PAYMENT AGREEMENTS AND THE PROVISION AND RESTORATION OF UTILITY SERVICE, AND PROVIDING FOR EMERGENCY PASSAGE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Subsection (C) of City Code Section 15-9-31 (*Utility Service Provided*) is amended to read:

- (C) The City may refuse to provide utility service to a service address if the applicant owes money to the City for utility service previously provided to the applicant. The City [~~may agree to~~] shall provide utility service under this section if the applicant has entered into a deferred payment agreement.

**PART 2.** City Code Section 15-9-112 (*Restoration of Service*) is amended to add a new Subsection (D) to read:

- (D) If a residential customer participates in or meets the qualifications for the utility's customer assistance program, the City shall restore disconnected utility service if the customer enters into a deferred payment agreement, which shall not require a reconnection fee or pre-payment of a deposit as a condition for the agreement.

**PART 3.** City Code Section 15-9-144 (*Deferred Payment Agreement*) is amended to add new Subsections (D), (E), and (F) to read:

**§ 15-9-144 DEFERRED PAYMENT AGREEMENT.**

- (D) A deferred payment agreement shall allow a residential customer to make reasonable and equal monthly payments toward past due balances.
- (1) Except as provided by subsection (E), equal payment installments over a repayment period of 24 months shall be presumed to be reasonable if a residential customer is unable to meet the payment arrangements as proposed under existing guidelines.

1 (2) The first equal installment under a deferred payment agreement shall  
2 be due as a down payment.

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4 (E) A deferred payment agreement with a residential customer who participates  
5 in or qualifies for the City's customer assistance program shall not require a  
6 monthly payment that exceeds 5% of the U.S. Department of Health and  
7 Human Services poverty guideline for a single person household.

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9 (F) The utility shall renegotiate a deferred payment agreement if the customer  
10 can demonstrate a bona fide need for payment relief arising during the term  
11 of the agreement, such as:

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13 (1) a serious illness or injury suffered by the customer or a member of the  
14 customer's household;

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16 (2) loss of employment;

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18 (3) economic loss due to natural disaster;

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20 (4) domestic violence against the customer;

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22 (5) a commitment by an independent program to assist the customer with  
23 payment that requires terms other than those in the deferred payment  
24 agreement;

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26 (6) qualification for the utility's customer assistance program, even if the  
27 customer is denied access because of lack of program funds.

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29 (G) The deferred payment terms and conditions set forth in this section are  
30 minimum standards to protect residential customers. This section does not  
31 prohibit the utility from providing different repayment terms if the customer  
32 consents to those terms.

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34 **PART 4.** Council finds that the need to implement immediate relief regarding deferred  
35 payment agreements constitutes an emergency. Because of this emergency, this ordinance  
36 takes effect immediately on its passage for the immediate preservation of the public  
37 peace, health, and safety.

**PASSED AND APPROVED**

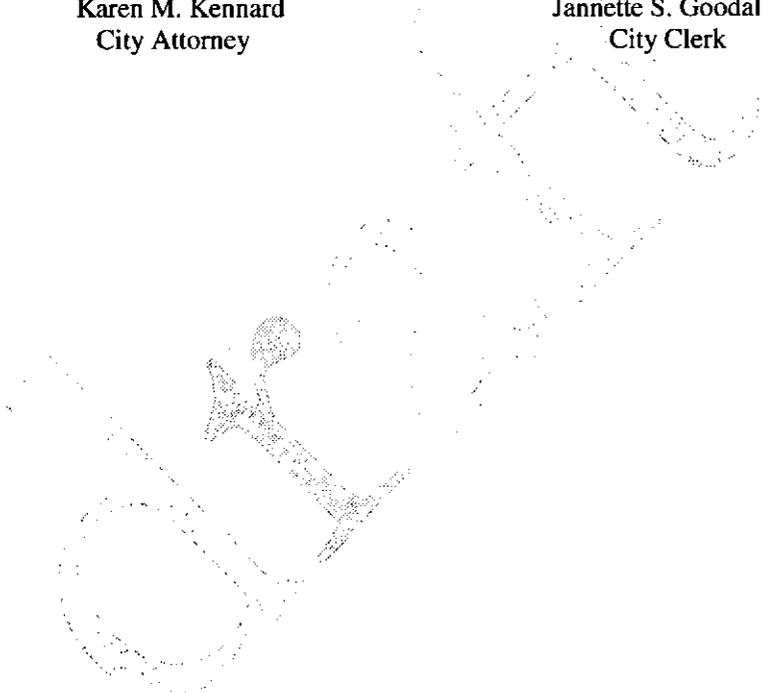
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\_\_\_\_\_, 2013

\_\_\_\_\_  
Lee Leffingwell  
Mayor

**APPROVED:** \_\_\_\_\_  
Karen M. Kennard  
City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk



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