

# Late Backup

Casas

Item No. 2  
April 13, 2017

## MOTION SHEET

In Part 2 of the ordinance, I move to

1. add new subsections (E), (F), (G), (H), and (I) to read as follows:

(E) A violator who has been found liable for a violation may assert a financial inability to pay the penalty. If a violator asserts a financial inability to pay the penalty, the hearing officer must make a determination of financial inability to pay. The determination must be made based on documentary evidence provided to the hearing officer.

(F) A violator claiming a financial inability to pay the penalty must have an income that does not exceed 60 percent of the HUD median family income (MFI) in the Austin-Round Rock-San Marcos area and must be a resident of the property or premises subject of the administrative citation and the sole owner of the property or premises, except that a violator may be a co-owner of the property or premises if all other co-owners cannot be located or are financially unable to pay the penalty.

(G) If the hearing officer determines that the violator does not have the financial ability to pay the penalty, the hearing officer must make the finding in writing and must reduce the penalty to an amount that is within the violator's ability to pay.

(H) A violator cannot appeal the hearing officer's determination related to the violator's financial inability to pay.

(I) A violator who has been found liable for a violation may request to pay the penalty in equal installments during the six months from the date the hearing officer issues an order. A violator must request to pay the penalty in installments within 20 calendar days from the date the hearing officer issues the order and must waive the appeal described in Section 2-13-31 (*Appeal From a Hearing*). The Code Official is authorized to grant a request to pay the penalty as described in this subsection.

2. add language in Subsections (A) and (D) to be consistent with Subsection (G) to read as follows:

(A) Except as provided in Subsections (D) and (G),

(D) Except as provided in Subsection (G),