

ORDINANCE NO. 20100527-004

AN ORDINANCE AMENDING CITY CODE CHAPTER 15-9 AS IT RELATES TO MEDICALLY VULNERABLE CUSTOMER PROTECTIONS AND THE UTILITY SERVICES DISCONNECTION MORATORIUM DURING EXTREME WEATHER CONDITIONS.

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

PART 1. City Code Section 15-9-23 is deleted in its entirety and a new Section 15-9-23 is added to read:

§ 15-9-23 MEDICALLY VULNERABLE RESIDENTS

(A) The City shall maintain a list of residential service addresses that have a Medically Vulnerable resident. A Medically Vulnerable resident has a documented condition as defined below:

- (1) LIFE SUPPORT means the resident is sustained by a life support system that has been registered with and approved by the City and that requires uninterrupted electric or water service. The resident's need for the system must be certified by a licensed physician as essential to sustain the life of the resident, and include but are not limited to devices such as an iron lung, ventilator, feeding pump, kidney dialysis machine, aerosol tent, apnea monitor, blood pump, compressor/concentrator, electric nerve stimulator, extremity pump, hospital bed, hemodialysis machine, oxygen concentrator, pressure pump, pressure pad, and respirator;
- (2) CRITICAL ILLNESS means the resident is being treated by a licensed physician for paraplegia, hemiplegia, quadriplegia, multiple sclerosis or scleroderma, and such medical condition requires heating or air conditioning; and,
- (3) SERIOUS ILLNESS means the resident is being treated by a licensed physician for a disease or ailment of long duration or frequent recurrence where bodily function or organs would be seriously impaired without heating or air conditioning.

- (B) For a service address to be listed as having a Medically Vulnerable resident, the Medically Vulnerable resident, or a duly authorized guardian or representative, must complete, sign, and provide to the City, and the City must approve, an application including the following:
- (1) a signed certification by a licensed physician of the qualifying medical condition, including but not limited to the length of time the condition is expected to exist;
 - (2) authorization by the Medically Vulnerable resident, or a duly authorized guardian or representative, for the City to verify the physician's certification and other information in the application;
 - (3) authorization for on-site verifications at the service address by City personnel at reasonable times or during emergencies;
 - (4) designation of a contact person (including name, address, and phone number) authorized to receive communications or other utility related information from the City on behalf of the Medically Vulnerable resident; and
 - (5) such other information the City may deem necessary to approve the application.
- (C) Life Support and Critical Illness residents, or a duly authorized guardian or representative, must reapply under Subsection (B) of this section on an annual basis to maintain Medically Vulnerable Status, while Serious Illness residents, or a duly authorized guardian or representative, must reapply after every two months. Failure to reapply shall result in removal from the Medically Vulnerable list.
- (D) If at the time of application the utility account for the service address or for the Medically Vulnerable resident has a balance past-due, the customer must pay the balance due or enter into a deferred payment agreement under Section 15-9-144 in order for the residence to be placed on the Medically Vulnerable list.
- (E) Regardless of the City's awareness of a Medically Vulnerable resident's condition or presence at a service address, the limitation of liability and release set forth in Section 15-9-7 applies to a Medically Vulnerable resident.

PART 2. City Code §15-9-109 is amended to read:

(A) The City [~~may~~] shall place an extreme weather moratorium on disconnecting residential utility service for nonpayment if the National Weather Service reports a temperature or temperature forecast that:

- (1) the average temperature is 32 degrees Fahrenheit or below or the average daily temperature is predicted to be 32 degrees Fahrenheit or below for more than 24 consecutive hours during the winter; or
- (2) states the actual heat index for the then current day and the forecasted heat index for the following day is or will be 102 degrees Fahrenheit or above, in which case the moratorium shall be put into effect the day following the current day. ~~[the temperature is at or above 100 degrees Fahrenheit for five consecutive days and the temperature is forecast to reach or exceed 100 degrees Fahrenheit for the next five days.]~~


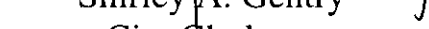
(B) If the City places an extreme weather condition moratorium, it is not required to restore previously disconnected utility service unless the customer complies with this chapter.

PART 3. City Code Section 15-9-110 is deleted in its entirety and a new Section 15-9-110 is added to read:

§15-9-110 RESTRICTIONS FOR MEDICALLY VULNERABLE RESIDENTS

- (A) After notice is first provided under Section 15-9-106 (*Notice of Service Disconnection*) the City will allow not fewer than 20 days before the City disconnects utility service at a residential service address where a Medically Vulnerable resident is listed as Life Support or Critical Illness, during which period the City shall make not fewer than two additional attempts to notify the customer named on the account, the Medically Vulnerable resident, and the Medically Vulnerable resident's designated contact that service may be disconnected. Notice under this section may be delivered by mail, hand delivery, door hanger, electronic transmission, telephone, or pre-recorded phone message.
- (B) After the notices have been provided as required in Subsection (A) of this section, the City may disconnect utility services at the residential service address.

PASSED AND APPROVED

APPROVED:  **ATTEST:** 
Karen M. Kennard
Acting City Attorney
Shirley A. Gentry
City Clerk