

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

**AN ORDINANCE AMENDING CITY CODE CHAPTER 15-9 REGARDING DEFERRED PAYMENT ARRANGEMENTS FOR UTILITY ACCOUNTS AND APPROVING DEFERRED PAYMENT GUIDELINES.**

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

**PART 1.** City Code Section 15-9-144 is repealed and replaced with a new Section 15-9-144 that reads:

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

- ~~[(A) Based upon guidelines adopted pursuant to this section, the City shall allow a customer to make deferred payments on an active account under a deferred payment arrangement.~~
- ~~(B) The guidelines shall address the conditions under which a deferred payment arrangement is eligible for renegotiation or reinstatement. The guidelines shall also address the down payment amount and the duration of a payment arrangement.~~
- ~~(C) The guidelines shall consider the following factors in determining the reasonableness of the down payment amount and the duration of an agreement:~~
- ~~(1) the size and age of the outstanding balance;~~
  - ~~(2) the customer's payment history and performance under any previous deferred payment arrangements employment; and~~
  - ~~(3) any other relevant factors concerning the circumstances of the customer.~~
- ~~(D) For residential customers who participate in or qualify for the City's customer assistance program, the deferred payment arrangement shall not require a monthly payment that exceeds five percent of the U.S. Department of Health and Human Services monthly poverty guideline for a single person household.~~

1 ~~(E) A deferred payment arrangement shall provide that service shall not be~~  
2 ~~terminated if the customer is current with payments on an established~~  
3 ~~payment arrangement.]~~  
4

5 (A) The City shall adopt uniform guidelines for collections and deferred  
6 payment agreements.  
7

8 (B) The City may agree to allow a customer to make deferred payments on a  
9 utility service account. A deferred payment agreement shall allow a  
10 residential customer to make reasonable payments toward past due balances  
11 according to guidelines approved by the City Council.  
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13 (C) A customer with a past-due balance on an active account may apply to the  
14 City for a deferred payment agreement.  
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16 (D) A deferred payment agreement with a residential customer who participates  
17 in or qualifies for the City's customer assistance program shall not require a  
18 monthly payment that exceeds 5% of the U.S. Department of Health and  
19 Human Services poverty guideline for a single person household. The 5%  
20 maximum applies even if a qualified customer is denied access to the  
21 program because of a lack of funding.  
22

23 (E) The utility shall renegotiate a deferred payment agreement if the customer  
24 can demonstrate a bona fide need for payment relief arising during the term  
25 of the agreement, such as:  
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27 (1) a serious illness or injury suffered by the customer or a member of the  
28 customer's household;  
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30 (2) loss of employment or deportation;  
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32 (3) economic loss due to natural disaster;  
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34 (4) domestic violence against the customer; or  
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36 (5) a commitment by an independent program to assist the customer with  
37 payment that requires terms other than those in the deferred payment  
38 agreement.  
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40 (F) The deferred payment terms and conditions set forth in this section are  
41 minimum standards to protect residential customers. This section does not

prohibit the utility from providing different repayment terms if the customer consents to those terms.

**PART 2.** The deferred payment guidelines attached as Exhibit A are approved.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2015.

**PASSED AND APPROVED**

\_\_\_\_\_, 2015

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Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Anne L. Morgan Jannette S. Goodall  
Interim City Attorney City Clerk