

5-27-10

Late Backup

ORDINANCE NO.

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

5
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

7
8 PART 1. City Code Section 15-9-23 is deleted in its entirety and a new Section 15-9-23
9 is added to read:

10 § 15-9-23 MEDICALLY VULNERABLE RESIDENTS

11
12 (A) The City shall maintain a list of residential service addresses that have a
13 Medically Vulnerable resident. A Medically Vulnerable resident has a
14 documented condition as defined below:

- 15
16 (1) LIFE SUPPORT means the resident is sustained by a life support
17 system that has been registered with and approved by the City and
18 that requires uninterrupted electric or water service. The
19 resident's need for the system must be certified by a licensed
20 physician as essential to sustain the life of the resident, and
21 include but are not limited to devices such as an iron lung,
22 ventilator, feeding pump, kidney dialysis machine, aerosol tent,
23 apnea monitor, blood pump, compressor/concentrator, electric
24 nerve stimulator, extremity pump, hospital bed, hemodialysis
25 machine, oxygen concentrator, pressure pump, pressure pad, and
26 respirator;
27
28 (2) CRITICAL ILLNESS means the resident is being treated by a
29 licensed physician for paraplegia, hemiplegia, quadriplegia,
30 multiple sclerosis or scleroderma, and such medical condition
31 requires heating or air conditioning; and,
32
33 (3) SERIOUS ILLNESS means the resident is being treated by a
34 licensed physician for a disease or ailment of long duration or
35 frequent recurrence where bodily function or organs would be
36 seriously impaired without heating or air conditioning.
37
38

15-9-109-3

1 (B) For a service address to be listed as having a Medically Vulnerable
2 resident, the Medically Vulnerable resident, or a duly authorized
3 guardian or representative, must complete, sign, and provide to the City,
4 and the City must approve, an application including the following:

- 5
- 6 (1) a signed certification by a licensed physician of the qualifying
7 medical condition, including but not limited to the length of time
8 the condition is expected to exist;
- 9 (2) authorization by the Medically Vulnerable resident, or a duly
10 authorized guardian or representative, for the City to verify the
11 physician's certification and other information in the application;
- 12 (3) authorization for on-site verifications at the service address by
13 City personnel at reasonable times or during emergencies;
- 14 (4) designation of a contact person (including name, address, and
15 phone number) authorized to receive communications or other
16 utility related information from the City on behalf of the
17 Medically Vulnerable resident; and
- 18 (5) such other information the City may deem necessary to approve
19 the application.
- 20

21 (C) Life Support and Critical Illness residents, or a duly authorized guardian
22 or representative, must reapply under Subsection (B) of this section on
23 an annual basis to maintain Medically Vulnerable Status, while Serious
24 Illness residents, or a duly authorized guardian or representative, must
25 reapply after every two months. Failure to reapply shall result in
26 removal from the Medically Vulnerable list.

27

28 (D) If at the time of application the utility account for the service address or
29 for the Medically Vulnerable resident has a balance past-due, the
30 customer must pay the balance due or enter into a deferred payment
31 agreement under Section 15-9-144 in order for the residence to be placed
32 on the Medically Vulnerable list.

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34 (E) Regardless of the City's awareness of a Medically Vulnerable resident's
35 condition or presence at a service address, the limitation of liability and
36 release set forth in Section 15-9-7 applies to a Medically Vulnerable
37 resident.

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

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

4
5 (1) the average temperature is 32 degrees Fahrenheit or below
6 or the average daily temperature is predicted to be 32
7 degrees Fahrenheit or below for more than 24 consecutive
8 hours during the winter; or
9

10 (2) states the actual heat index for the then current day and the
11 forecasted heat index for the following day is or will be 102
12 degrees Fahrenheit or above, in which case the moratorium
13 shall be put into effect the day following the current day.
14 ~~[the temperature is at or above 100 degrees Fahrenheit for~~
15 ~~five consecutive days and the temperature is forecast to~~
16 ~~reach or exceed 100 degrees Fahrenheit for the next five~~
17 ~~days.]~~
18

19 (B) If the City places an extreme weather condition moratorium, it is not
20 required to restore previously disconnected utility service unless the
21 customer complies with this chapter.
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23 **PART 3.** City Code Section 15-9-110 is deleted in its entirety and a new Section 15-9-
24 110 is added to read:

25
26 **§15-9-110 RESTRICTIONS FOR MEDICALLY VULNERABLE**
27 **RESIDENTS**
28

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

1
2 **PART 4.** This ordinance takes effect on _____
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5 **PASSED AND APPROVED**
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9 _____, 2010

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10 Lee Leffingwell
11 Mayor
12

13 **APPROVED:** _____
14 David Allan Smith
15 City Attorney
16

ATTEST: _____
Shirley A. Gentry
City Clerk