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**UPDATED EMERGENCY RULES AND REGULATIONS                      No. 2021-01**

**Regarding Resumption of Utility Disconnection and Payment Plans for Delinquent Non-Telecommunications Utility Accounts**

To all persons take notice:

That for the protection of life, health, safety and property as affected by reason of the Novel Coronavirus 2019 (COVID-19), which resulted in my declaration of a "local emergency" under the authority of Chapter 2, Article IX of the Code of the City of Fort Collins, (the "City") and which declaration of local emergency was filed with the City Clerk and with the Colorado Division of Emergency Management on March 13, 2020, and extended by City Council adoption of Resolution 2020-030 on March 20, 2020, I have hereby established, under the authority of City Code §2-671(a)(6)a, the following rules and regulations:

- 1) **Waiver of Late and Reconnection Fees for Delinquent Non-Telecommunications Utility Accounts:** As presented to City Council on March 16, 2021, in accordance with the Governor's executive order D 2021 074 (extending D 2020 098), Fort Collins Utility Services will continue to waive late and reconnection fees for delinquent non-telecommunications utility accounts until July 1, 2021.
- 2) **Disconnection for Delinquent Utility Accounts:** Commencing on May 12, 2021, and until further notice, Utility Services will resume service disconnections for delinquent utility accounts, including telecommunications utility accounts.
- 3) **Notice of Disconnection Per City Code:** Utility Services will adhere to the notice procedures set forth in the City Code regarding disconnecting utility services, based on residential and commercial customer account payment delinquency.
- 4) **Waiver of Code Requirement for Payment in Full to Reconnect:** Reconnecting non-telecommunications utility services will occur as set forth below, conditioned on partial customer payment, notwithstanding that City Code §26-713(e) otherwise requires payment in full before reconnection. Reconnection of telecommunication services shall occur as set forth in City Code Article VIII, Chapter 26.
- 5) **Process to Prevent Disconnection or Reconnect Utility Services:**
  - a) To prevent disconnection or to reconnect non-telecommunication utility services, a customer may:
    - 1) Pay account balance in full; or
    - 2) Begin a payment plan for past due amounts, approved by the applicable property owner, landlord, or property manager, to be completed in calendar year 2021, under which the customer shall:

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- a) Pay
    - i) the current month's account charges in full, and stay current on monthly charges during the payment plan period; and
    - ii) a portion of the past due balance, based on the number of months left in 2021, e.g., plans beginning in May require payment of 13% of due balance, those started in August require 20%, etc.; and
  - b) Agree to pay in full all account balances by December 31, 2021; and
  - c) Be subject to disconnection and becoming ineligible for a further payment arrangement under this Emergency Rule, if the customer fails to make a payment when due under a payment plan, unless otherwise provided in City Code.
- b) Utility Services Customer Service Representatives will provide affected customers with information about available financial assistance programs and payment options.
- 6) **Duration of Emergency Rule:** This Emergency Rule waiving the City Code requirement for payment in full to prevent disconnection or permit reconnect of non-telecommunication utility services is intended to continue notwithstanding any expiration or termination of the declared local emergency, and shall expire on December 31, 2021, unless extended and such extension is ratified by City Council.
- 7) **Dissemination of Emergency Rule:** Pursuant to City Code §2-671(e), the rules and regulations set forth herein shall be disseminated to local radio and television stations and to a newspaper having a general circulation within the City. A knowing violation of these rules and regulations shall be a misdemeanor punishable under City Code §1-15.
- 8) **Purpose of Emergency Rule and Finding:** I find that this Emergency Rule is reasonable and necessary to promote public safety and support economic recovery in light of the COVID-19 Pandemic. This Emergency Rule and Regulation promotes the health, safety and welfare of the public because it will provide a way for the City's utility services customers to pay delinquent utility accounts, assisting in the economic recover of the City by bolstering the physical and economic health of residents.

DATED this 24 day of May, A.D. 2021.

DocuSigned by:

  
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Darin Atteberry, City Manager