



Councilmember Ben Bartlett
City of Berkeley, District 3

CONSENT CALENDAR

December 5, 2017

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett, [Kate Harrison](#), [Cheryl Davila](#), [Linda Maio](#)

Subject: Ordinance Amending the Berkeley Municipal Code to Establish Ability to Pay Provisions Regarding Parking Fines and Fees in Accordance with Guidelines Established in Assembly Bill 503

Recommendation:

Adopt the attached ordinance to amend the Berkeley Municipal Code to establish ability to pay provisions regarding parking fines and fees in accordance with guidelines established in Assembly Bill 503.

Background:

AB 503 was signed into law on October 13, 2017. AB 503 establishes uniform statewide standards for local parking authorities that wish to utilize the DMV as a collection method for unpaid parking tickets. Specifically the Bill does the following:

- It will allow persons to come into compliance with the law if they receive a citation for driving with an expired registration by permitting them to make payments according to their ability to pay. This will help prevent people from sliding into even deeper debt and crisis.
- It eliminates a municipality's authority to notify the DMV to place a hold on the DMV registration unless and until the municipality offers a payment plan option for low income car owners.
- It defines low income as persons on public assistance programs included in Government Code section 68632 (a) and those with incomes below 125% of the federal poverty level.
- It waives parking ticket late fees for low income persons if they agree to make payments and stay current with their payments.
- It establishes maximum monthly payments of \$25 a month for unpaid balances of \$300 or less.

While we enthusiastically supported the signage of AB 503, we are hopeful that Berkeley can go further than the Bill currently contemplates.

Between 2014-2016 the City had over \$5 million of outstanding debt related to parking tickets. Low income individuals cannot afford to pay these ticket amounts.

The proposed ordinance will accomplish the following:

- Review existing data as it relates to outstanding debt vs. amount collected to determine whether the amounts collected justify the cost of collections efforts. For example, data from the City of Berkeley has demonstrated that for the time period between 2014 and 2016, the City of Berkeley issued 444,184 parking tickets. The outstanding debt for that period was \$5,325,883.20.
- Review existing data as it relates to whether or not the revenue generated from parking tickets and the costs of collecting it, is sufficient to justify the fee structure. For example, parking ticket revenue for the City of Berkeley only represents approximately 5% of the City's General Fund.
- Institute a debt forgiveness program for indigent individuals who are currently in collections, under wage garnishment and/or who have had their registration withheld (see the Statewide Traffic Ticket Amnesty program (Vehicle Code § 42008.8)).
- Allow individuals with existing parking tickets on [date of signing of AB503] to petition within a specified time for an indigency determination and qualify for the waiver of parking ticket late fees as well as the payment plan option
- Extend the application for indigency determination from 60 calendar days from the issuance of a notice of parking violation to 90 days and from 10 days after the administrative hearing determination to 30 days, whichever is later. In our experience representing indigent clients who often struggle with stable housing, reliable mailing addresses and other forms of communication, such a short timeline may be hard to meet, as relevant documents are sometimes lost due to lives lived in constant transition.
- Allow payment plans for indigent individuals for unpaid parking fines and fees totaling \$500 or less, instead of a \$300 threshold as contemplated by AB503.
- Extend the maximum duration of a payment plan from 18 months to 36 months.
- In addition to participation in a government benefits plan, annual income and other metrics, consider proof of current or recent homelessness (e.g., letter documenting receipt of services from a caseworker or temporary residence in a shelter), and additional financial barriers such as current or recent incarceration and/or current or recent incarceration of a family member.
- Expand the one-time extension for individuals who have fallen out of compliance with a payment plan from 45 calendar days to 90 calendar days.
- Require the minimal amount of documents necessary to determine an individual's indigency status (e.g., pay stub and rent statement, public benefits card)

Financial Implications:

Staff time.

Contact Person:

Councilmember Ben Bartlett, (510) 981-7130

Attachments:

1: Ordinance amending the Berkeley Municipal Code to establish ability to pay provisions regarding parking fines and fees in accordance with guidelines established in Assembly Bill 503.