

BUILDING IDENTITY



A Toolkit for Designing and Implementing
a Successful Municipal ID Program

Acknowledgements

This toolkit reflects the deep knowledge and expertise of dozens of advocates and community members who have been personally involved in starting municipal ID card programs in their own cities. CPD is especially grateful to the members of the IDNYC coalition, whose work formed the basis for much of this report. In particular, Make the Road New York, the Immigrant Defense Project, the New Economy Project, New York Legal Assistance Group, the New York Civil Liberties Union, and Picture the Homeless provided invaluable support. CPD would also like to thank SEIU 32BJ for sharing insights and feedback. Finally, this toolkit would not have been possible without Olena Savytska and Julina Guo, who conducted significant research for this project and assisted with early drafting for several sections.

ABOUT THE CENTER FOR POPULAR DEMOCRACY



The **Center for Popular Democracy** (CPD) works to create equity, opportunity and a dynamic democracy in partnership with high-impact base-building organizations, organizing alliances, and progressive unions. CPD strengthens our collective capacity to envision and win an innovative pro-worker, pro-immigrant, racial and economic justice agenda.

Cover photo: In the summer of 2012, in a tribute to the Freedom Rides of the civil rights movement, dozens of undocumented youth rode the "undocubus" through some of the most anti-immigrant states in the southern U.S. in protest of mass deportation and family separation. Throughout the tour they engaged in direct action, including civil disobedience, to bring attention to the situation of immigrant communities living in this country without documentation. Their rallying cry was "No Papers, No Fear!"

Building Identity: A Toolkit for Designing and Implementing a Successful Municipal ID Program

Introduction

For many residents, municipal ID cards provide meaningful access to civic and economic life that they simply would not otherwise have. Municipal IDs are identification cards issued by, or with the approval of, local governments (cities or counties). They feature the photo of the cardholder, along with other basic identifying information such as address and date of birth. The benefits tied to a municipal ID card vary depending on the locality, but typically all government agencies and officials (including the police) will accept the card as proof of identity in any interaction with a community member. In some cases they may also provide the cardholder with benefits at local businesses, museums, and entertainment venues. Although available to all residents of a city, the cards are particularly valuable for the most vulnerable community members—undocumented immigrants, the homeless, foster youth, the elderly, formerly incarcerated individuals, and others who may have difficulty obtaining and retaining other government-issued ID.

In February 2014, the Center for Popular Democracy released *Who We Are*,¹ a report surveying the 6municipal ID card programs then in effect in the United States. Since then, communities have mobilized to win municipal ID programs in New York City;² Newark, NJ;³ Hartford, CT;⁴ and Johnson County, IA.⁵ These new programs build on the successes and lessons learned from cities that pioneered the municipal ID concept, and take the idea to new levels—both in terms of scale and scope. For example, New York City’s program, “IDNYC,” has enrolled over 215,000 people in the first six months of operation, and has established partnerships with more than 30 local cultural institutions. Several additional campaigns are also underway in places as diverse as Phoenix, AZ;⁶ Charlotte, NC;⁷ and Austin, TX.⁸

Several factors make municipal ID such a popular local policy strategy. First, it is a simple and cost-effective way to make a meaningful difference in the daily lives of community members. Without the right form of ID, a person may not be able to open a bank account or cash a check, see a doctor at a hospital, register their child for school, apply for public benefits, file a complaint with the police department, borrow a book from a library, vote in an election, or even collect a package from the post office. Municipal ID removes all of these barriers with a single stroke. Second, municipal ID can be a powerful symbol of inclusion and welcome towards marginalized community members. In all municipal ID cities, undocumented immigrants are now able to report crime without fear that the ID they present will provoke a call to immigration authorities. In New York and San Francisco, thanks to municipal ID, transgender residents now have ID cards that correctly reflect their gender identity. In New York City, Newark and Hartford, homeless residents will be able to access government issued ID without having to have a stable address. Lastly, at a time of total stagnation when it comes to



federal law and policy on immigrant rights, economic inequality and racial justice, municipal ID is one way for local policy makers both to fill the vacuum left by Congress, and to begin empowering their constituents to demand the broader systemic change that is so desperately needed.

For a municipal ID card program to fulfill its potential for positive change in the life of the individual as well as the life of the community, the program must be *inclusive* (available and accessible to all), *protective* (of cardholders' freedom and privacy), and *expansive* (in the range of services and benefits it provides). The purpose of this toolkit is to support communities, advocates and policy makers to design and implement municipal ID programs that meet those three criteria. In compiling the best practices outlined here, we relied on the experiences of those directly involved in the creation of municipal ID card programs, as well as the expertise of advocates with particular training in areas of relevance to these card programs (such as financial access, or privacy protection). There are three appendices to the toolkit. Appendix A contains a model municipal ID bill compiling all of the recommendations presented here into legislative language. Appendix B contains the text of all the municipal ID ordinances enacted to date. And Appendix C contains documents useful for advocating with banks to accept municipal IDs.

TOP TEN BEST PRACTICES FOR MUNICIPAL ID CARD PROGRAMS

- 1. Work with the community members and local advocates to develop and implement the program.** Local governments should make sure that those who most stand to benefit from the card are involved in the program from the beginning and that they are regularly consulted about how it is running and how it can be improved.
- 2. Adopt the ID as the official ID card of the municipality.** Even if the program is administered by a third party (whether a private company or a non-profit) the card should be officially recognized by the city and should bear the city seal.
- 3. Require all city agencies and offices to accept the card.** It is preferable to do this through legislation, but an executive order could also accomplish this.
- 4. Avoid attaching a pre-paid debit card to the ID.** Instead develop partnerships with financial institutions to open broader access to services for cardholders.
- 5. Allow cardholders to designate a gender of their choice.** And also include the option to have no gender displayed on the card.
- 6. Establish a broad and flexible list of documents to prove identity and residency.** Ensure that the municipal ID is easier to obtain than state issued ID.
- 7. Include alternative methods for proving residency for homeless individuals and survivors of domestic violence.**
- 8. Include card features that will attract a wide range of applicants.** Benefits at local businesses and cultural venues, prescription drug discounts, partnerships with public transportation can all help make the card more attractive.
- 9. Conduct trainings with the local police to ensure that they will accept the municipal ID in the field.** And incorporate the municipal ID into the patrol manual.
- 10. Prohibit the retention of application documents.** The costs of data retention far outweigh the benefits.

1. Establishing the Program

Most municipal ID card programs are established by an act of the local legislature, which lays out the parameters of the program—giving it a loose statutory framework while leaving some details of implementation to the administering agency. It is also possible to set up an ID program through a community-based organization (this is how the Mercer County ID came into existence), or through an executive order by the governing administration.⁹ There are several advantages to creating the program through ordinance. A statutorily-created program is much harder to dismantle than a program enacted through executive order, which can simply be rescinded by a new administration, or through a community organization, which can run out of funding or change priorities at any time. Creating the program through legislation also allows for control over certain aspects of the program. For example, several jurisdictions have written special accommodations for homeless and transgender applicants into their municipal ID bills (see *infra*, section 5 on eligibility requirements, and section 7 on gender). Others have included in the text of the legislation a minimum list of documents that the city must accept as proof of identity and residency. Most municipal ID bills also include language requiring all city officials to accept the card as proof of identity and residency. Putting these requirements into an ordinance that has the force of law also creates a mechanism for accountability and enforcement—the protection of vulnerable groups is not left up to the discretion of the program administrator, and the acceptance of the card is not left up to the discretion of individual city officials. Another benefit of establishing municipal ID by ordinance is that it allows the local government to ensure that there is no conflict between the local ID program and federal law (see *infra*, section 3 on interaction with federal law). Finally, a statutorily created municipal ID program will be perceived as more legitimate both by cardholders and by local businesses, and will help the card gain currency in the community.

Community Engagement

Though the ideal method of establishing a municipal ID card program is through legislation, the program should not be designed exclusively by government officials. Of all the recommendations offered in this report, perhaps the most important one is that policy makers should develop their municipal ID card programs in direct and ongoing consultation with those the program is intended to serve. No two municipal ID card programs will be exactly alike because no two cities are exactly alike. In some communities the biggest urgency might be for unbanked residents to gain access to financial institutions. In another locality it might be for improved relations between police and immigrant residents. Without the involvement of those in the community who most need and most stand to benefit from a municipal ID card, the program may be poorly designed to meet the relevant needs and provide the relevant benefits. In New York City, a broad coalition of advocates and stakeholders worked closely with the City Council to draft the IDNYC bill, and met regularly with Mayor de Blasio's administration after the bill passed to consult about matters related to implementation. Deep community involvement not only ensures that the ID program will be responsive to community needs, but helps to secure buy-in from influential groups and individuals who can help build the credibility of the program and increase enrollment. Although municipal ID was initially devised as a strategy for helping immigrant communities, cities with ID card programs have come to understand the importance of designing a program that will have appeal to as broad a cross section of the population as possible. An ID card that is viewed as an “immigrant card” risks ending up as a scarlet letter, and leaving immigrants no better off than they are relying on their foreign documents.

Some of the key constituencies that can benefit from, and should be included in the design and implementation of, a municipal ID card program include:



Immigrants

Most cities in the United States have a significant immigrant population, some portion of which is undocumented or under-documented. These immigrants make critical contributions to the civic and economic life, but often live in fear as a result of a lack of documentation. Undocumented people often have no valid ID to present to any local authority, cannot sign leases or open bank accounts, enter their children's schools, and fear contact with government even if they qualify for particular benefits or need to report a crime. The hurdles that undocumented immigrants face were the inspiration for the original municipal ID card program – the Elm City ID in New Haven, CT. The needs of immigrant communities may vary widely from place to place, so it will be important for cities considering municipal ID to survey their immigrant communities as early as possible in the program design process.

Transgender residents

Transgender people are especially likely to face practical or financial obstacles to obtaining a government issued ID that reflects the gender with which they identify. This results in discrimination and harassment, as well as under-employment and reduced opportunities for transgender people. Transgender residents can educate local policy makers about the particular obstacles they face locally, and can provide recommendations about how to implement municipal ID so as to reach and serve the transgender community. All staff who help to administer a municipal ID card program, especially those who have in person contact with card applicants, should receive mandatory training on working with LGBTQ communities (see *infra*, section 7, on gender).

Homeless residents

A municipal ID card may also be attractive to many homeless residents, and to the many people with transient, changing living situations. Many homeless people do not have identification, or have

identification that local police and local business do not accept. Often the primary form of ID that a homeless person has is an Electronic Benefit Transfer card (EBT card), which does not include an address. Homeless residents and their advocates can advise policy makers on establishing alternative address requirements for homeless individuals (for example by allowing applicants to use the address of a shelter or lawyer, or social services agency) (see *infra*, section 5, on eligibility requirements for more information on homeless inclusion).

Seniors

Eighteen percent of all seniors do not have picture ID.¹⁰ Especially in cities, many seniors who do not drive do not have an incentive to go through the difficult and expensive process of compiling the documentation necessary to obtain a state issued photo ID. Oftentimes, seniors rely on Medicare or social security cards as forms of identification. Although acceptable in many contexts, these forms of ID lack a photographic image and address, which limits their usefulness. Since seniors, especially low income seniors, are a group especially in need of government services, a municipal ID card program should be designed to address any gaps in accessibility particular to local seniors.

Youth

Young people, especially those with unstable home environments, often have trouble obtaining IDs either because of the cost or because they do not have access to necessary documents. Youth of color are often targeted by police, and having valid ID can help them avoid being detained or issued a summons. A municipal ID card program that is designed to be accessible to youth can also be a way to connect youth with supportive services – such as afterschool programs, job search and training programs, and English language learning. Some jurisdictions also include emergency contact information on their cards, a feature that is particularly appealing to parents.

Returning residents

Residents returning to their communities after a period of incarceration often have difficulty obtaining government-issued ID, which in turn creates obstacles to securing housing, employment and city services. Cities should consult constituents who have returned from prison about the potential usefulness of a municipal ID card for returning residents, and considering integrating issuance of the municipal ID card into regular re-entry practices. Prison discharge papers should be accepted as proof of identity for the purposes of applying for the ID. All staff who help to administer a municipal ID card program, especially those who have in person contact with card applicants, should receive cultural competency training around working with the re-entry population.

Privacy advocates

Any new government program that involves collecting the personal information of especially vulnerable community members triggers privacy concerns. Policy makers should consult with local privacy advocates and civil rights organizations early in the design process to ensure that unnecessary document retention is minimal, and that the ID program is structured to limit the number of people who have access to program records. (See *infra*, section 4, for more information on privacy protections.)

2. Administering the Program

Establishing a municipal ID card program through local ordinance does not necessarily mean that the program will be run by the local government. There are currently three models of administration among existing municipal ID card programs.

Government-run programs

Where possible, having the municipal ID card program run directly by the local government will usually be ideal. Administration by a city or county agency allows for close control and oversight of program operations, and for smoother integration of the ID with other city services, and better communication about ID use and acceptance with other government offices and agencies that will be interacting with card holders.

New Haven, San Francisco, New York City, and Newark all currently run their ID programs through a designated city agency. In each, the city also collaborates closely with key community organizations and stakeholders to ensure broad access of the program.

Private vendor programs

As of now there are two cities—Richmond, CA and Oakland, CA—whose programs are run by a private company. Both cities use a single company, known as SF Global, which offers a pre-paid debit card option with its ID cards and lobbies aggressively in cities considering municipal ID.¹¹ (See *infra*, section 9, for more information on pre-paid debit cards and best practices in the area of financial access.) One of the main reasons that cities consider the third party vendor option is cost. Funding municipal ID can be challenging especially in smaller cities with more conservative local governments. Contracting out can appear attractive because it can allow cities to avoid some of the initial expense and work of program set-up and administration.



But the private vendor shortcut has drawbacks.¹² The stability of a city's ID card program should not be made dependent on the long-term viability of a single private company. Working with a third party vendor can also be logically difficult. In Oakland there were significant delays between the adoption of the ordinance creating the program and the start of card issuance. In Richmond, no cards have yet been issued at all because the contract with SF Global has yet to be finalized.¹³

Lastly, working with a third-party vendor raises privacy concerns. Although municipal ID cards work best when they are used by all residents, in practice these are programs that serve large numbers of low-income people, people of color, and immigrants—many of whom are especially vulnerable to exploitation. Custody of their sensitive personal information should not be entrusted to a private company whose business practices are not approved or monitored by the city.

One alternative for cities that want to pursue the third party vendor option is to partner with a local credit union. Credit unions typically have good relationships and reputations in the community, and they are not motivated by profit. They are locally rooted institutions that are physically present in the city and accountable to the residents they serve. Credit unions can connect municipal ID program participants with holistic financial services (checking accounts, savings accounts, credit services). Phoenix, AZ, is currently in the process of developing a municipal ID card program that would be run through a local credit union—one that has earned the trust of the immigrant community there.

Programs run by community organizations

A third model for administering municipal ID is exemplified by Mercer County, NJ, where a community organization—Latin American Legal Defense and Education Fund (LALDEF)—is in charge of administering the program.¹⁴ In 2008 LALDEF convened the Tremendously Trenton Coalition (TTC), which included the Trenton Fire and Police Departments, the Trenton Public Schools, several community churches, civic associations, businesses such as CVS pharmacies, and a legal services organization. TTC's mission was to integrate immigrant populations into the community and support immigrant community leaders. In 2009, TTC and LALDEF launched an ID program in Trenton, New Jersey and within a year had issued more than 1,000 IDs. LALDEF then approached police and city leaders in Princeton, and by 2010 had expanded the ID to Princeton. Within months, other local governments in Mercer County also began to recognize it. Now the ID is used county-wide, and LALDEF has issued more than 5,500 CIDs. The cost of running the program is more than covered by ID card fees.¹⁵

The Mercer County ID is currently the only municipal ID program run by a community organization and it is one of the most successful programs in the country. One of the big advantages the Mercer ID had at the outset was the reputation and strong relationships that LALDEF maintains both within the community and among the different government entities whose buy-in was necessary to the success of the program. The only downside to the Mercer County model is that it may not be easily replicable in all localities. LALDEF started the ID card program amongst its own members and slowly built cooperation with the government agencies and with the business community. Not all communities will have an organization with the capacity to build a program in this way, and not all local government agencies will—without a legal requirement—voluntarily collaborate with community members to sustain it.

In theory, a city could decide to use one or more community-based organizations as the contractors for the administration of the card program. In adopting such a model, it would be important for cities to ensure that the designated organizations not only had the staff capacity and infrastructure to handle demand for the card, but that such organizations were known and respected in the community, and able to reach a large and diverse segment of the population across geography and demographics.

3. Interaction with Federal Law

There is no federal law prohibiting a municipal government from issuing its own ID cards.¹⁶ Municipal ID cards fall squarely within long recognized local “police powers,” giving municipalities the authority to enact laws for the welfare of their residents.¹⁷

Nor does any provision or set of provisions in federal law pre-empt the municipal ID concept. To be preempted, a state or municipal law must either occupy an area of law in which the federal government has exclusive power, or conflict with federal law in such a way as to make adherence to both federal and local law impossible.¹⁸ Although municipal ID card legislation does typically contain language explicitly extending card benefits regardless of immigration status, none of the municipal ID laws in effect today effect the operation or enforcement of federal immigration law itself. There is nothing in any existing municipal ID legislation that attempts to regulate immigration, or that interferes with the execution of immigration policy. Municipal ID card programs are offered to all residents of a city, not exclusively to the undocumented population. The only court to rule on municipal ID so far found San Francisco’s municipal ID card program *not* preempted by federal law.¹⁹

Nor are municipal IDs preempted by the federal REAL ID Act.²⁰ The REAL ID Act requires states to obtain proof of legal immigration status before issuing an ID, if the state ID is to be used for federal purposes.²¹ None of the current municipal ID card programs do seek to have their IDs accepted for federal purposes, and most jurisdictions have been clear in their outreach and education about the card that it is not an acceptable form of ID for travel, or for any other federal purpose.

Finally, municipal IDs are legally unproblematic under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, which bars state and local governments from providing “state and local public benefits” to unlawfully present noncitizens unless the state enacts legislation that “affirmatively provides” for their eligibility. ID cards do not count as benefits under the PRWORA definition, which includes as “any grant, contract, loan, professional license, or commercial license provided by an agency of a state or local government or by appropriated funds of a state or local government,” or “any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a state or local government or by appropriated funds of a state or local government.”²² Although a municipal ID card may be helpful to residents in securing benefits to which they are already entitled, it does not confer any new benefits not already available to an individual under existing law.



4. Privacy

For a municipal ID card program to be successful, residents need to know that they are not putting their own security, or the security of those they love, at risk. Immigrants, and other groups that have a history of being targeted by unjust law enforcement practices may not be willing to apply for a municipal ID card if they believe their personal information may be shared with local or federal law enforcement agencies. For undocumented immigrants in particular, it will be an extreme deterrent to participation in the municipal ID card program if the community believes that such participation could subject them to scrutiny by Immigration and Customs Enforcement (ICE), and possibly lead to detention or deportation.

Understanding these fears, the vast majority of municipal ID card programs around the country have prohibited the copying or retention of documents presented to prove identity or residency. In New Haven, San Francisco, and Mercer County, NJ, municipal ID card programs have run smoothly for years without copying or retaining personal documents of applicants. San Francisco, and—more recently—Newark and Hartford, have included language in their municipal ID legislation forbidding the retention of any underlying application documents, including copies, in the administration of the program.²³

The only city-run municipal ID card program that stores applicants' personal documents is IDNYC. The New York City municipal ID law does include protections for the documents it retains (such as requiring a subpoena for third parties to access data, destroying stored information after two years). Some local advocates remain concerned that the IDNYC database (which keeps copies of documents such as birth certificates, drivers' licenses, utility bills, etc.,) is vulnerable in the event of litigation by federal law enforcement or by private anti-immigrant groups. There is also some concern that the database may be accessed through extrajudicial processes, such as those available to the federal government under the USA PATRIOT Act, and through collaborations between local governments and federal law enforcement agencies.

The other two cities that do retain copies of underlying application documents are Richmond and Oakland, in California. As described above, both of these cities contract their municipal ID programs out to a third party vendor, SF Global, which offers the option of attaching a pre-paid debit card function to the municipal ID card. In order to comply with banking regulations that govern debit cards, SF Global is required to keep copies of documents for five years (see *infra*, section 9, for a fuller discussion of the debit card option and financial access more generally). Given that there are other, more comprehensive, methods of using municipal ID to broaden financial access for unbanked communities, the convenience of the debit card option is likely not worth the privacy trade-off in most localities.

Unfortunately, the fears that immigrant communities have when it comes to sharing their personal information with local government are well founded. For example, states that have passed laws allowing undocumented immigrants to obtain drivers' licenses have found that ICE has accessed the database to track down immigrants to detain and deport. The Department of Homeland Security is currently fighting litigation initiated by immigrants who are concerned about how ICE is using the DMV records.²⁴ And the concerns are not just about law enforcement abuse. For example, in New Haven, anti-immigrant groups sought to use the state's freedom of information law to obtain the list of those enrolled in the Elm City municipal ID program, intending to turn the records over to ICE.²⁵ Ultimately, the state agency denied the request. Connecticut's Freedom of Information Commission upheld the decision, specifically citing pervasive violence and threats to the immigrant community.²⁶

Because there is no way to guarantee that information retained in the administration of the program will not end up in the hands of federal immigration authorities (or in the hands of private actors motivated by anti-immigrant animus), it is crucial that cities retain no information beyond that which



is necessary to the administration of the program. In addition to the risk that retained documents will be shared and used in ways that the city never intended, there is also the deterrent effect that the retention of documents will have in communities that most need the municipal ID card. Whether or not it is actually likely that an individual will come to the attention of ICE through the sharing of information obtained through municipal ID, the knowledge that such an outcome is even possible will be a serious factor for any person considering applying for the card.

There is often no need to keep copies of application documents. In most cities, program staff are trained in document review. Applicants present their proof of identity and residency, staff members authenticate the documents there on site and then return them to the applicant. The only information that the administering agency keeps on file is the information contained in the application form. This information, though less sensitive, should also be closely protected. The number of staff who have access to it should be limited, and the database in which it is stored should not be linked to any other databases.

If a city feels it must keep copies of underlying application documents, there are ways to mitigate the potential harms to applicants, including: limiting the types of documents that may be retained; redacting non-essential information; requiring a judicial warrant for disclosure of retained documents; requiring that retained documents be destroyed after a period of time; requiring the city to issue a public report every quarter listing all requests for access to the data that it has received from any third party and an account of how each request was handled.²⁷

The best way to ensure the privacy of municipal ID card program participants is to write protections into the enacting legislation that (1) prohibit retention of underlying application documents (or copies thereof) altogether, and (2) prohibit disclosure of information about municipal ID card applicants to any public or private entity. It is important that the law be clear that this includes not only data contained on application forms, but also the fact of any individual having submitted an application at all. The model legislation contained in Appendix 1 of this report includes provisions designed to do both of these things.

5. Eligibility Requirements

All municipal ID card programs require that applicants prove identity and residency, but programs differ in the kinds of proof they accept in each of these categories. Eligibility requirements are one of the most important aspects of any municipal ID card because they determine how accessible the ID card will be to community members who have difficulty obtaining other forms of government issued ID. While it is essential for the legitimacy of the card that cities do verify identity and residency, cities should ensure that they accept as many different kinds of documentation in as many different combinations as possible. If a municipal ID is nearly as restrictive as state-issued IDs in its application requirements, the program will end up shutting out the very people it intends to benefit most.

Cities should survey their populations early in the program design process to find out what kinds of documentation people tend to have access to, and what types are more difficult to obtain. This will vary from place to place depending on such factors in the local population as age, nationality, immigration status, and degree of contact with the criminal justice system, as well as geographic factors such as accessibility of foreign consulates and the quality of public transportation. In addition to developing as expansive a list as possible, cities should be flexible in how applicants may combine those documents to reach a threshold level of proof in both the identity and residency categories. IDNYC, for example, uses a point system similar to what is in effect at many state DMVs.²⁸

Lastly, cities should take special steps to address the burdens that homeless individuals and victims of domestic violence often face in proving residency. Applicants should be permitted to use the home address of a local family member, or the address of a local shelter, social service agency, or legal service provider as their municipal ID card address.

For documents submitted to prove identity, cities should accept documentation expired as long as 10 years ago.²⁹ Passports and drivers licenses, for example, that have expired for travel purposes or for driving certification purposes, are not necessarily a less legitimate proof of the individual's identity, as long as the applicant still resembles the photographic image on the ID.³⁰ For documents submitted to prove identity, municipal ID programs typically require that those documents not be more than 60 days old.

Suggested document list for proof of identity:

(Not all of the documents in this list need be given equal weight. Cities should allow for applicants to combine several different forms of documentation to prove identity.)

- U.S. or foreign passport
- U.S. state driver's license
- U.S. state identification card
- U.S. permanent resident card
- Consular identification card
- Photo identification card with name, address, date of birth, and expiration date issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country
- Foreign birth certificate

- Birth certificate of applicant's child, issued by a State or Territory, or a locality of a State or Territory, or by the U.S. State Department, listing applicant as birth parent.
- Social Security card
- Foreign national identification card
- Foreign driver's license
- U.S. or foreign military identification card
- Current visa issued by a government agency
- U.S. individual taxpayer identification number (ITIN) authorization letter
- Certificate of naturalization
- Current U.S. Employment Authorization Document (EAD) or work permit issued by U.S. Citizenship and Immigration Services (USCIS) with date of birth and expiration date
- A U.S. Tribal photo ID with photo, address, signature, date of birth, and expiration date.
- Photo ID issued by an accredited U.S. educational institution
- U.S. school transcript from high school or post-secondary school
- U. S. high school diploma, high school equivalency diploma, or U.S. post-secondary school, college or university diploma.
- Employee Identification Card from Employer Located in U.S.
- U.S. Union photo ID
- U.S. voter registration card
- Selective Service registration card
- Prison discharge papers
- Certificate of marriage, domestic partnership, civil union, divorce or dissolution of marriage, domestic partnership or civil union
- Electronic benefit transfer (EBT) card
- Municipal ID (Applicants should be able to rely on a current or expired municipal ID card to prove identity to obtain a new one.)

Suggested document list for proof of residency:

(Not all of the documents in this list need be given equal weight. Cities should allow for applicants to combine several different forms of documentation to prove residency.)

- Utility bill
- Current residential property lease
- Local property tax statement dated within one year of the date it is submitted.

- Local real property mortgage payment receipt
- Bank account statement
- Proof that the applicant has a minor child currently enrolled in a school located within the city.
- Employment pay stub
- Jury summons or court order issued by a federal or state court.
- Federal or state income tax or refund statement dated within one year of the date it is submitted.
- Insurance bill (homeowner, renter, health, life, or automobile insurance)
- Written verification issued by a homeless shelter that receives city funding confirming at least fifteen days residency.
- Written verification issued by a hospital, health clinic, religious organization or social services agency located within the city confirming at least fifteen days residency.

The enacting legislation for the municipal ID card program should set out a minimum set of documents that the city MUST accept as proof of identity and residency, but should leave it up to the administering agency to expand that list at its discretion. Program staff should regularly evaluate whether the list of accepted documents is appropriately tailored to the needs of the community, and should adapt and update the list of accepted documents periodically.

6. Security

Municipal ID cards should be designed, and programs implemented, in such a way as to prevent fraud and misused. There are three main components to card security:

Card design

One of the simplest ways to prevent fraud is by making the card difficult to counterfeit. Cities have incorporated a range of design features to accomplish this, including:

- Card is made of certain stock thickness and material
- Card stock inventory is laser engraved with a serial number
- Fine-line pattern background
- Embedded watermark
- Foil stamp of city seal
- Ultraviolet Ink
- Holograms
- Tamper-proof magnetic stripe
- Tamper-proof signature pane

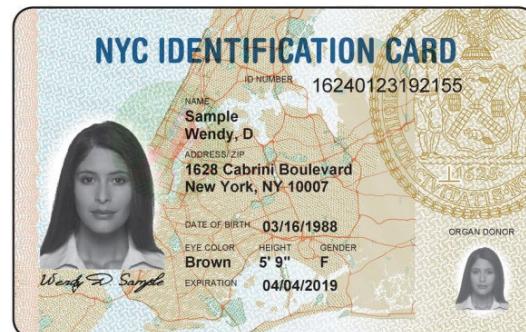
Document authentication

The document authentication process is another important component of card security. Staff should be trained in document review and provided with the necessary equipment and information to evaluate document authenticity.³¹ In New Haven staff received training from foreign consulates on authenticating foreign documents, and they are provided with a reference guide depicting and describing the range of documents that they may encounter.³²

Penalties for misuse

Cities may also deter fraud by establishing penalties for misuse in the enacting legislation. It is not necessary or advisable for cities to establish criminal penalties, and municipal ID card fraud will likely already be covered by existing fraud statutes in the state criminal code. If a city chooses to attach penalties to card misuse, those penalties should civil penalties, punishable by small fine. Hartford's legislation permits, but does not require, the city to punish misuse with a fine of \$100. The model legislation contained in Appendix A of this report includes language based on Hartford's ordinance. Community members may also wish to advocate for a program with no designated penalties, as in the enacting legislation for IDNYC. This option is also acceptable, although including a civil penalty may help to deter prosecution under the criminal law fraud provisions.

Notably, there have been almost no instances of suspected fraud in any of the jurisdictions that currently run municipal ID card programs. When IDNYC released its first quarterly report to the City Council in March 2015, there were only two instances of possible fraud detected among more than 100,000 processed applications.³³



7. Gender

For transgender people, the difficulty of obtaining ID that reflects a person's preferred name and gender identity means that many transgender people do not feel safe or comfortable using an ID card. Presenting a mismatched ID when applying for a job or for housing, when interacting with police or simply trying to enter an office building can mean harassment, humiliation, or violence. Many of transgender individuals are forced to rely on fake IDs or completely avoid activities that require showing an ID that "outs" them as transgender. Some refuse to carry any ID at all. This problem results in less employment and fewer opportunities for transgender people, driving transgender people into underground economies where ID is not required, and perpetuates the risk of violence or arrest.

One of the innovations of the San Francisco ID was the option for cardholders to choose the gender with which they identify, regardless of the gender indicated on their supporting application documents. This aspect of the program led to wide adoption rates in the transgender community. IDNYC expanded this feature to allow applicants to choose the gender with which they identify, or to choose not to have gender displayed on the card at all.

Recommendations for transgender inclusion

- Municipal ID card programs should establish and clear and easy means by which a holder of a municipal card or new applicant will be able to change the name on their municipal identification card.
- For card-holders who later change their name or applicants whose application documentation might not reflect a legal name change, providing proof of a legal name change to the administering agency should be adequate documentation to change the name on an existing municipal identity card or to use a name on a new municipal ID card.
- All applicants should be allowed to self-attest to the gender marker included on the face of their ID card.
- All applicants should be allowed to choose to have no gender displayed on their ID card.
- All staff administering the ID card program should receive mandatory training on working with LGBTQ communities to ensure that LGBTQ communities can safely access services and identification cards.
- Fee waivers should be available for applicants who are homeless or receive any form of government assistance.

8. Law Enforcement Participation

In many cities, especially large urban centers, one of the primary potential benefits of a municipal ID card program will be improved relationship between the community and the local police. New Haven Assistant Chief of Police Luiz Casanova remarked that, "The New Haven Resident Card has been very helpful from a law enforcement perspective. Since the card was introduced, crime reporting has increased in Fair Haven, yet there were double-digit drops in every category of crime. Overall, the card has improved interactions between police and undocumented residents, and has played an important role in building relationships and respect."³⁴

Individuals who do not have ID are often afraid to report crime, or to solicit the help of local police in any situation. Not having a valid ID to present when stopped by law enforcement can mean

being arrested and jailed for violations that would otherwise be handled with a court summons. It is important that cities invest the necessary time and resource to fully integrated the municipal ID card with law enforcement policies and practices. Municipal ID legislation should explicitly mention local police among the agencies that are required to accept ID. The city should conduct trainings with police on the new ID, and practices around the ID should be incorporated into police manuals and regular training procedures going forward.

9. Financial access

One of the most exciting aspects of municipal ID as a policy strategy is its potential to expand financial access across communities that traditionally have large numbers of unbanked people, and who tend to have difficulty obtaining credit cards and other financial services. With the right design and implementation, a municipal ID card can help immigrants, young people, and others who frequently face barriers to meeting banks' ID requirements, get access to safe, regulated and affordable financial services and credit.

The best way to approach the financial access component of a card program is to work with banks, credit unions, money transfer companies and other financial services providers to ensure that those entities accept the municipal ID as proof of identity and residency.

Regulations require banks to verify (at a minimum) a customer's name, date of birth, address, and an identification number—which may be taken from a taxpayer identification number, a passport, an alien identification card, or any other government-issued document indicating nationality or residence and bearing a photograph or similar safeguard.³⁵ All of the government issued municipal ID cards in circulation today conform to this standard, and there is nothing else in the current federal regulatory scheme to prevent banks from accepting municipal ID cards as a means of proving identity. Several cities have already secured the cooperation of local banks to ensure that residents will be able to rely on their municipal ID cards to access services. Four banks and eight credit unions currently accept IDNYC for the purpose of opening a bank account.³⁶ San Francisco has worked out agreements with six credit unions, which now accept their card.³⁷ In New Haven, the Elm City ID is accepted by Bank of America, Citi Bank, Chase, and Sovereign Bank.³⁸ As municipal ID programs become more and more common and financial institutions become more familiar with city-issued cards, the list of banks that accept them should grow and will likely start to include many of the larger financial institutions.



Another way that some cities are using municipal ID to address the needs of their unbanked community members is by attaching a pre-paid debit card (a Mastercard) to the ID. As mentioned above, SF Global is currently the only company, providing this service in the municipal ID context. SF Global administers the municipal ID programs in Oakland (where the pre-paid debit card program is up and running) and in Richmond (where no IDs have yet been issued). One of the concerns that many community members have with this model is that there are significant fees associated with the Oakland card.³⁹ As of August 2013, SF Global charged \$.75 for each debit transaction, a flat monthly charge of \$2.99, a \$1.75 fee for calling customer service, and \$1.50 for an in-network ATM withdrawal.⁴⁰ Consumers Union has characterized these transaction fees as unacceptably high and noted that the service falls below the standards of traditional bank services.⁴¹ As the New Economy Project has pointed out, cities “risk real reputational harm by affiliating with the prepaid debit card industry, and should not through a municipal ID program effectively steer people to products that are not fully regulated.”⁴² “Cities like Oakland, California, that have added a prepaid debit function to their municipal IDs—as well as numerous states that pay unemployment and other benefits on prepaid cards—have not avoided these pitfalls, and have received extensive negative publicity as a result. Also, the prepaid card industry is coming under increased scrutiny by regulators and enforcement agencies, given the poor consumer protections and host of security issues associated with prepaid debit cards, which are particularly vulnerable to fraud. In fact, some banks and prepaid card companies are exiting the business for these reasons.”⁴³

Furthermore, pre-paid debit card users are poorly protected by federal regulations. Money loaded onto pre-paid debit cards might or might not be fully FDIC-insured, depending on how the card program is set up. By contrast, the federal government fully insures all bank and credit union accounts up to \$250,000. Bank and credit union accounts are also covered by federal protections (Electronic Funds Transfer Act and Regulation E), which provide important error resolution and other rights to accountholders if funds are lost or stolen. These protections do not apply to general-purpose reloadable prepaid cards. Cardholders receive protections only if prepaid card companies voluntarily offer them. As a result, resolving fraud is typically more difficult with prepaid cards than with a bank or credit union account. Compounding the problem, prepaid card users do not have access to in-person assistance to resolve disputes; customer service typically consists of foreign call centers where representatives read from scripts.⁴⁴

A further problem with the pre-paid debit card model is that by attaching a debit card function, cities trigger regulations that set a much higher threshold for proof of identity and residency than that set by most cities running municipal ID card programs. In fact the document requirements associated with pre-paid debit cards are in some cases more restrictive than typical state drivers license laws, and will likely exclude large portions of the population that municipal ID is designed to serve. The regulations governing pre-paid debit cards may also require vendors retain copies of a cardholder’s underlying application documents for five years, which—as discussed above in section 4—is a practice that raises serious privacy concerns. Although information retained by debit card companies is protected to some extent by confidentiality provisions in the federal financial regulations, it is not at all clear what the outcome would be of litigation by a government or private entity to gain access to such a database.

For all these reasons, advocates strongly discourage the use of the pre-paid debit card option in concert with municipal ID card programs.

10. Benefits and Incentives

One of the ways that cities are working to ensure broad participation in their municipal ID card programs is by attaching various features, benefits and incentives to their cards that go beyond access to government services, and that help to pull in people who do have access to other forms of government issued ID. Some examples include:

- Discounts at benefits cultural institutions
- Discounts at benefits at local businesses
- Ability to use the municipal ID as a transportation card
- Ability to use the municipal ID as a prescription discount card
- Ability to use the municipal ID as a library card
- Ability to use the municipal ID for access to city parks or recreation centers
- Inclusion of emergency contact information
- Inclusion of medical information (such as allergies or conditions such as diabetes)
- Ability to self-designate as an organ donor
- Waiver of municipal ID card application fee for some period of time after initial launch (In New York City, IDNYC is free for the first year.)

11. Costs

The costs of running a municipal ID card program vary widely depending on the size of the city and method chosen for administering the program. By far the biggest cost of running a municipal ID card program is staffing. In some locations, existing staff receive additional training in document review. In other locations, new employees have been hired to staff the program. There is usually a slightly heavier initial outlay cost for things like card design, purchase of the necessary materials to produce the cards, and outreach and advertising about the program.

New Haven's Elm City Resident Card (ECRC), launched in 2007, is administered by the Office of New Haven Residents.⁴⁵ The program relies on private funding as well as revenue generated from card application fees (\$10 for adults, \$5 for children).⁴⁶ The annual expenditures for the program for the 2008-2009 year were \$200,672, while card fees and credit amounted to \$49,862—for an annual budget of approximately \$150,000.⁴⁷

San Francisco's City ID program, launched in 2009, is administered by the City Clerk's Office.⁴⁸ This program had startup costs of \$828,000, excluding rent, in its first year.⁴⁹ Its ongoing annual cost is \$323,000.⁵⁰ The fee for the card is currently \$15, or \$5 for low income residents. City ID Card revenue was about \$39,000 for FY13-14, covering about 10% of the annual operating costs.⁵¹

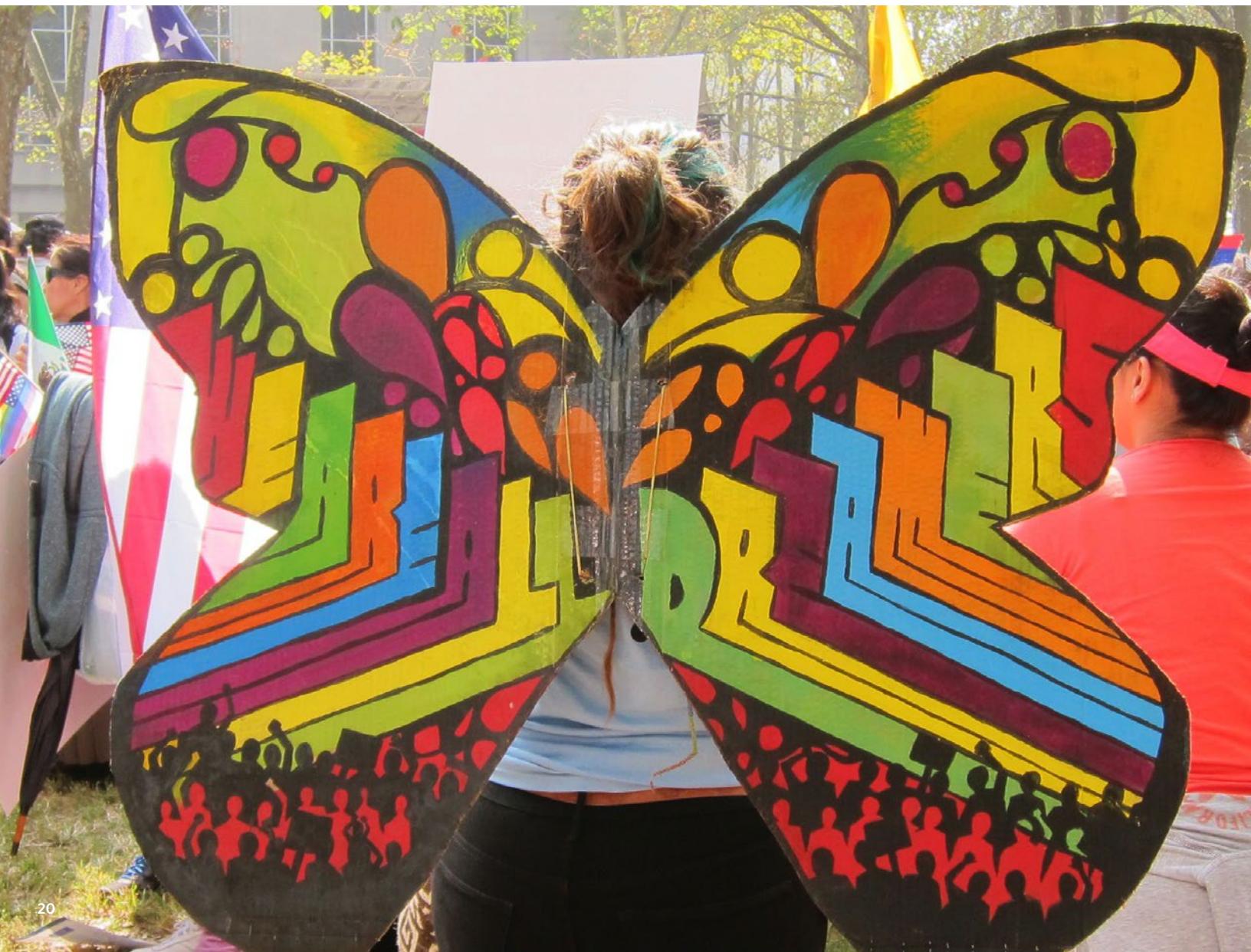
In Mercer County, the initial expenses of the ID program were a set of donated, used laptops, ID making software, ID printer, blank cards and ribbon cartridges, which together cost approximately \$2,000. LALDEF recouped its investment within a month, by charging \$10 a card (which is waived in cases of economic hardship).⁵² Annual operating costs are now approximately \$1,100, excluding administrative supervision.⁵³ The program relies on 100% volunteer staff.⁵⁴ LALDEF also helps to

reduce costs and demands on volunteer time by offering ID application processing at community events.⁵⁵ This model could also be adapted by government run programs, both to reduce costs and to build partnership with community based organizations and those they serve.

By far the most expensive program so far is IDNYC, which received an initial allocation of \$8 million, plus an additional \$5 million after enrollment far exceeded expectations.⁵⁶ Although New York City has invested heavily in the launch of IDNYC, it is not necessary to spend millions of dollars to run a successful municipal ID card program. New York City's investment reflects its unique size and spread, and smaller cities like those described above should be able to reach a similar proportion of their residents with a much small investment.

Conclusion

Municipal ID cards are taking hold in cities across the country as a strategy to promote community inclusion, financial access, and improved relationships between residents and local government. As more cities establish their programs and include new innovations, we are discovering more about strategies to adopt, and pitfalls to avoid. This toolkit is an overview of what we have learned to date, though the coming months and years will surely take municipal ID to new levels. Every city is different, and not all of the recommendations laid out here will work for every locality.



Notes

- 1 *Who We Are: Municipal ID Cards as a Local Strategy to Promote Belonging and Shared Community Identity.* Center for Popular Democracy, February 2014. Available at: <http://populardemocracy.org/news/who-we-are-municipal-id-cards-local-strategy-promote-belonging-and-shared-community-identity>.
- 2 The IDNYC website is available at: <http://www1.nyc.gov/site/idnyc/index.page>
- 3 *Newark ID cards bring immigrants out of the shadows.* New Jersey Star Ledger, June 1, 2015. Available at: http://www.nj.com/opinion/index.ssf/2015/06/newark_id_cards_bring_immigrants_out_of_the_shadow.html
- 4 *Hartford Municipal ID Program to Begin in September.* Hartford Courant, June 9, 2015. Available at: <http://www.courant.com/community/hartford/hc-hartford-municipal-ids-0610-20150609-story.html>
- 5 *Cities sign on to community ID; details come into focus.* Iowa City Press-Citizen, June 10, 2015. Available at: <http://www.press-citizen.com/story/news/local/2015/06/10/coralville-north-liberty-community-cards/71033404/>
- 6 *Phoenix to study feasibility of city ID cards.* April 23, 2015. Phoenix News Times. Available at: <http://www.phoenixnewtimes.com/news/phoenix-to-study-feasibility-of-city-id-cards-7287582>
- 7 *Charlotte city ID plan undaunted by state opposition.* Charlotte Observer, June 22, 2015. Available at: <http://www.charlotteobserver.com/news/local/article25118758.html>
- 8 *Documenting the Undocumented.* The Austin Chronicle. August 22, 2014. Available at: <http://www.austinchronicle.com/news/2014-08-22/documenting-the-undocumented/>
- 9 None of the municipal ID card programs currently in existence were created by executive order. Whether a mayor or other executive would have the power to enact a municipal ID card program administratively would depend on the division of powers between the legislature and the executive in the given locality.
- 10 *Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification.* The Brennan Center for Justice. November, 2006. Available at: http://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf
- 11 For example, a representative of SF Global attended a hearing on municipal ID in Hartford, on May 18, 2015, and testified about the benefits of attaching a pre-paid debit card to the ID. In her testimony she announced her upcoming visits to several other cities, including Chicago and New Haven, to provide information to policy makers about the debit card option.
- 12 SF Global is currently the only company in the municipal ID business. In both Oakland and Richmond there was only one other company that bid for the contract, and SF Global was deemed vastly more qualified in both cases.
- 13 Officials involved in Los Angeles's planned municipal ID program have reported that the process of issuing and awaiting responses to LA's RFP for a prepaid debit card provider took more than a year, garnered no viable proposals, and ultimately stymied the program's rollout. *Eight Reasons why NYC Should Not Add a Prepaid Debit Function to Its Forthcoming Municipal ID Program.* New Economy Project Fact Sheet, May 2014. On file with author.
- 14 Olena Savitska interview with Maria Juega, LALDEF, April 6, 2015.
- 15 Id.
- 16 See Kate M. Manuel & Michal John Garcia, *Unlawfully Present Aliens, Driver's Licenses, and Other State-Issued ID: Select Legal Issues*, Cong. Research Serv. 20-21 (Mar. 28, 2014), available at: <http://www.fas.org/sgp/crs/misc/R43452.pdf>.
- 17 *Arizona v. United States*, 132 U.S. 2492, 2501 (2012).
- 18 Id., at 2501.
- 19 *Langfeld v. City of San Francisco*, Order Sustaining Respondents' and Intervenors Demurrer (Cal. Sup. Ct. May 13, 2008).
- 20 P.L. 109-13, Div. B, §202, 119 Stat. 312-315 (May 11, 2005) (codified, as amended, at 49 U.S.C. §30301 note).
- 21 P.L. 109-13, Div. B, at §202(b)(2)(B).
- 22 8 U.S.C. §1621(c)(1)(A), (B).
- 23 See Appendix B of this report for the full text of the San Francisco, Newark and Hartford legislation.
- 24 *Lawsuit Over Immigrant License Data*, New York Times, December 17, 2014. Available at: <http://www.nytimes.com/aponline/2014/12/17/us/ap-us-immigration-driver-databases.html>
- 25 *Courage in Elm City*. New York Times. May 22, 2008. Available at: <http://www.nytimes.com/2008/05/22/opinion/22thu3.html?scp=3&sq=Elm%20City%20Resident%20Card%20&st=cse>

- 26 *City may keep names of ID-card holders private, FOIC rules.* Yale Daily News. June 26, 2008. Available at: <http://yaledailynews.com/blog/2008/06/26/city-may-keep-names-of-id-card-holders-private-foic-rules/>
- 27 New York City incorporated many of these protections into the enacting legislation for IDNYC. See text of the bill in Appendix B of this report.
- 28 A copy of the IDNYC point system is included in Appendix B of this report.
- 29 Accepting expired documents as proof of ID is quite common. For example the states of Georgia, Washington, Colorado, and New York all accept expired IDs (from between 1 and 10 years expired) as proof of identity by drivers license applicants.
- 30 For example the new municipal ID card legislation in Hartford, CT, stipulates that the city should accept documents expired up to 5 years for proof of identity. See Appendix B of this report for the full text of that ordinance.
- 31 In most cities, staff simply inspect documents on site using methods taught during authentication training. But larger cities may wish to invest in passport readers to make the process quicker.
- 32 Elm City Resident Card Information packet, City of New Haven. On file with author.
- 33 Katie Honan, *Two Instances of Possible Fraud Among 100K Applications in NYC ID Program*. DNAInfo. April 2, 2015. Available at: <http://www.dnainfo.com/new-york/20150402/corona/2-instances-of-possible-fraud-among-100k-applications-nyc-id-program>
- 34 *New Haven Marks Fifth Anniversary of Elm City Resident Card, City of New Haven, Connecticut*, CITY OF NEW HAVEN, (July 24, 2012), available at: <http://www.cityofnewhaven.com/Mayor/ReadMore.asp?ID=%7B434764C9-2C6B-4BB3-8241-2C024F621FC1%7D>.
- 35 31 C.F.R. 1020.220. See also, Letter from the Board of Governors of the Federal Reserve System, April 30, 2015. Appendix C of this report.
- 36 <http://www1.nyc.gov/site/idnyc/benefits/banks-and-credit-unions.page>
- 37 <http://www.sfgov2.org/index.aspx?page=114>
- 38 Elm City Resident Card Information Packet. Shared by City of New Haven with Center for Popular Democracy, on file with report authors.
- 39 *How Oakland fouled up ID card plan*. SFGate, March 21, 2013. Available at: <http://www.sfgate.com/bayarea/johnson/article/How-Oakland-fouled-up-ID-card-plan-4374916.php>
- 40 *Oakland's Debit-ID Cards That Aim to Help Unbanked, Immigrants Catching On*, GOVERNING, Aug. 8, 2013, Available at: <http://www.governing.com/blogs/view/gov-are-municipal-ID-cards-the-best-way-to-bank-the-unbanked.html>.
- 41 Letter from Mishelle Jun of the Consumers Union to Denise Belser of the National League of Cities (May 3, 2013), available at: http://consumersunion.org/wp-content/uploads/2013/05/NLC_Ltr_5_13.pdf. SF Global's business model depends on the fees they charge through the pre-paid debit cards they offer. Although the debit card is presented as an "option" that program participants are free to refuse, SF Global has an obvious incentive to encourage applicants to elect to sign up for the card. The potential for coercion and exploitation is high, especially given that SF Global control over the administration of the municipal ID program and the entire application process.
- 42 *Eight Reasons why NYC Should Not Add a Prepaid Debit Function to Its Forthcoming Municipal ID Program*. New Economy Project Fact Sheet, May 2014. On file with author.
- 43 Id.
- 44 Id.
- 45 Elm City Resident Card Information packet, City of New Haven. On file with author.
- 46 Id.
- 47 Id.
- 48 <http://www.sfgov2.org/index.aspx?page=110>
- 49 Olena Savitska interview with San Francisco County Clerk's Office, April 7, 2015.
- 50 Id.
- 51 Id.
- 52 Olena Savitska interview with Maria Juega, LALDEF, April 6, 2015.
- 53 Id.
- 54 Id.
- 55 The Mercer County ID is paid for entirely through application fees.
- 56 *Immigrant Identification Card: New York City Adds \$5 Million For Staffing In ID Application Rush*. International Business Times. February 10, 2015. Available at: <http://www.ibtimes.com/immigrant-identification-card-new-york-city-adds-5-million-staffing-id-application-1811768>

Appendix 1: Model Legislation

AN ACT CONCERNING THE CREATION OF A MUNICIPAL ID CARD PROGRAM

SECTION 1. LEGISLATIVE INTENT

- A. The legislature finds that many residents of [municipality] are unable to obtain government-issued identification that is required to fully participate in [municipality's] rich society. This barrier leaves thousands of individuals — including immigrants, homeless people, transgender people, senior citizens and young people, formerly incarcerated people — without access to critical services, benefits, and cultural, educational, and civic opportunities. It is the intent of the legislature to build [municipality's] standing as a welcoming and inclusive center for all residents, without regard to a person's race, national origin, religion, sex, sexual orientation, gender identity, disability, or immigration, housing, or financial status. Further, it is the intent of the legislature that the municipal identification card should affirm the gender identity and resident status of all [municipality] residents.
- B. [Municipality] offers an array of cultural, educational, and civic opportunities meant to be accessible to all members of our community. The legislature intends to create a municipal identification card that can be used to expand access and incorporate more members of [municipality's] diverse community into the rich fabric of civic life.
- C. By authorizing the creation of this program, the legislature does not intend to expand identification requirements for access to basic services or exercise of constitutional rights. The program should not be used as a proxy to require individuals to produce government-issued identification to access services and benefits where such identification is not presently required, such as registering to vote, casting a ballot, or accessing government buildings.
- D. The legislature further recognizes that transgender and gender non-conforming individuals may have particular challenges in obtaining identification cards that reflect their gender identity, due to stigma and burdensome administrative policies for changing gender on other identification documents. This increases the likelihood they will experience discrimination in seeking employment or housing, or otherwise participating cultural or civic life. It is our intention to make the program affirming to transgender residents by allowing for applicants to obtain identification that reflects their gender identity, regardless of assigned birth sex or gender designation on previously-issued identity documents.
- E. Finally, legislature seeks to preserve the safety and privacy of all [municipality] residents. It is the intent of the legislature that personal data gathered during the application process should be destroyed or maintained confidentially.

SECTION 2. DEFINITIONS

- A. “[Municipality] ID Card” shall mean an identification card issued by the [municipality] that shall, at a minimum, display the cardholder’s photograph, name, date of birth, address, and an expiration date. Such card shall also, at the cardholder’s option, display the cardholder’s self-designated gender. Such identification card shall be designed in a manner to deter fraud.
- B. “Resident” shall mean a person who can establish that he or she is a current resident of [municipality] pursuant to Section 5 of this Act.

SECTION 3. MUNICIPAL IDENTITY CARD PROGRAM

The [designated administrative office or agency] shall administer the municipal identity card program and shall promulgate all rules necessary to effectuate the purposes of this subchapter. Such office shall make applications for such card available for pick-up and submission at any agency or office where there is substantial contact with the public and shall also make applications available on-line.

SECTION 4. ISSUANCE OF MUNICIPAL IDENTITY CARDS

- A. The [Municipality] ID Card shall be available to any resident of [Municipality], regardless of his or her race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status, any lawful source of income, housing status, status as a victim of domestic violence or status as a victim of sex offenses or stalking, or conviction or arrest record, provided that such resident is able to meet the requirements for establishing his or her identity and residency set forth in this section.
- B. [Administering office/agency] shall establish a reasonable application fee for municipal identity cards and adopt rules permitting residents who cannot afford to pay such fee to receive a full or partial waiver.

SECTION 5. MUNICIPAL IDENTITY CARD ELIGIBILITY

- A. Proof of identity. In order to obtain a [Municipality] ID card an applicant must establish proof of identity and proof of residency within the city as follows:
 - (1) Proof of identity. In order to establish identity, an applicant shall be required to produce one or more of the following documents, current or expired not more than 5 years prior to the date of the [Municipality] ID card application:
 - (i) a U.S. or foreign passport;
 - (ii) a U.S. state driver's license;
 - (iii) a U.S. state identification card;
 - (iv) a U.S. permanent resident card;
 - (v) a consular identification card;
 - (vi) a photo identification card with name, address, date of birth, and expiration date issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country;
 - (vii) a certified copy of U.S. or foreign birth certificate;
 - (viii) a Social Security card;
 - (ix) a national identification card with photo, name, address, date of birth, and expiration date;
 - (x) a foreign driver's license;
 - (xi) a U.S. or foreign military identification card;
 - (xii) a current visa issued by a government agency;
 - (xiii) a U.S. individual taxpayer identification number (ITIN) authorization letter;

- (xiv) an electronic benefit transfer (EBT) card; or
 - (xv) any other documentation that the administering agency deems acceptable.
 - (xvi) [Administering office/agency] may determine by rule the weight to be given to each type of document, and may require that an applicant produce more than one document to establish identity.
- B. Proof of Residency. In order to establish residency, an applicant shall be required to produce one or more of the following items each of which must show the applicant's name and residential address located within the city and must be dated no more than sixty days prior to the date such document is presented, except as otherwise indicated in this paragraph:
- (i) a utility bill;
 - (ii) a current residential property lease;
 - (iii) a local property tax statement dated within one year of the date it is submitted;
 - (iv) a local real property mortgage payment receipt;
 - (v) a bank account statement;
 - (vi) proof that the applicant has a minor child currently enrolled in a school located within the city;
 - (vii) an employment pay stub;
 - (viii) a jury summons or court order issued by a federal or state court;
 - (ix) a federal or state income tax or refund statement dated within one year of the date it is submitted;
 - (x) an insurance bill (homeowner, renter, health, life, or automobile insurance);
 - (xi) written verification issued by a homeless shelter that receives city funding confirming at least fifteen days residency;
 - (xii) written verification issued by a hospital, health clinic or social services agency located within [municipality] confirming at least fifteen days residency; or
 - (xiii) Any other documentation that [administering office/agency] deems acceptable.
 - (xiv) [Administering office/agency] may determine the weight to be given to each type of document, and may require that an applicant produce more than one document to establish residency.
 - (xv) [Administering office/agency] shall create alternative methods by which individuals who are homeless can establish residency notwithstanding the lack of fixed address.

SECTION 6. CONFIDENTIALITY OF MUNICIPAL ID CARD APPLICATION INFORMATION.

- A. [Municipality] shall not retain originals or copies of records provided by an applicant to prove identity or residency for a municipal identity card.
- B. [Municipality] shall not disclose information about municipal ID card applicants to any public or private entity or individual, including federal, state, or city immigration or law enforcement entities. In the event of litigation, [Municipality] shall defend against the disclosure of such information to

the maximum extend possible under the law. This protection shall extend to the municipal ID card application forms, information contained on those forms or obtained through the card application process, to the lists of individuals who hold or have applied for a [Municipality] ID card, and to the fact of any individual's participation in the ID card program.

SECTION 7. ACCESS TO SERVICES

- A. All municipal agencies and offices, and all municipal employees, including law enforcement officers, shall accept such card as proof of identity and residency.
- B. [Municipality] shall seek to expand the benefits associated with the municipal identity card, including encouraging eligible persons to apply for the card and promoting the acceptance of the municipal identity card by banks and other public and private institutions.
- C. [Municipality] agencies and officers shall not require the possession of a municipal identity card where identification is not already required to obtain city services. Provided, however that agencies may require the possession of a municipal identity card to obtain benefits or privileges offered exclusively to those who possess a municipal identity card as an incentive to apply for a municipal identity card.

SECTION 8. LANGUAGE ASSISTANCE SERVICES

[Municipality] shall, consistent with all federal, state and local laws, provide language assistance to applicants for the municipal identity cards to facilitate access thereto. [Administering office/agency] shall identify and implement measures, including but not limited to staff training, community outreach, and language assistance tools, to address the needs of limited English proficient individuals in the administration of the municipal identity card program.

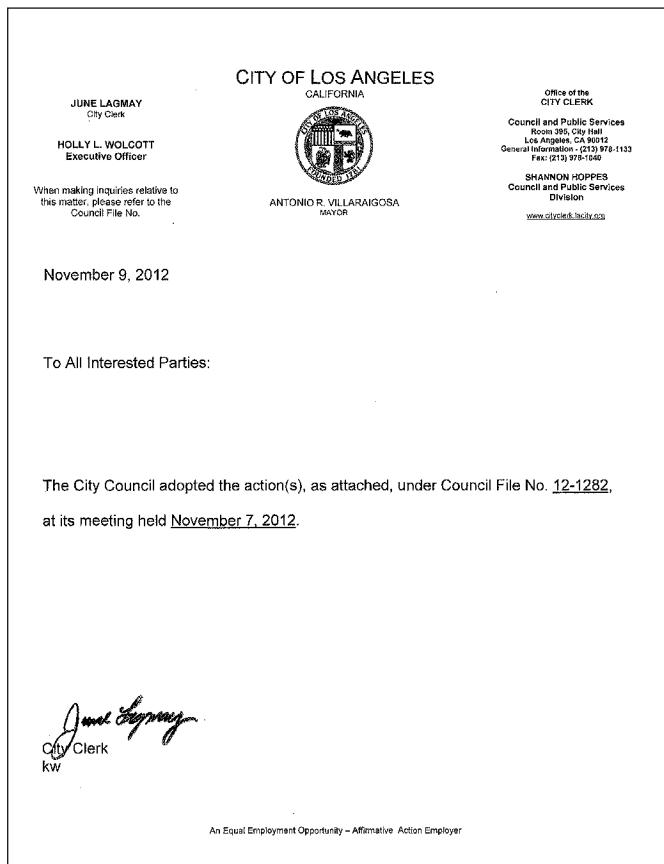
SECTION 9: COUNTERFEIT AND FRAUDULENT CARDS

It is a violation of [name of municipal code] under this section for any person or entity to undertake any of the following acts. A fine of no more than \$100 may be imposed for each violation.

- A. To knowingly present false information in the course of applying for a [Municipality] ID card,
- B. To alter, copy, or replicate a [Municipality] ID card without the authority of the [name of municipality], or
- C. To use the [Municipality] ID card issued to another person, with the intent to cause a third person or entity to believe the holder of the card is the person to whom the card was issued.

Appendix 2: City Ordinances

LOS ANGELES, CA



7

File No. 12-1282

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your **ARTS, PARKS, HEALTH AND AGING COMMITTEE**
reports as follows:

ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to integrating financial literacy efforts at the City's libraries and the creation of a Universal City Services Card for Los Angeles that combines a library card and a debit card function.

Recommendations for Council action, as initiated by Motion (Alarcón - Wesson):

- AUTHORIZE the release of a Request for Proposals (RFP) subject to City Attorney review to solicit proposals to implement the City Service Card according to the guiding principles as detailed in the October 15, 2012 Community Development Department (CDD) report as attached to the Council file.
- INSTRUCT the CDD to report back in 90 days with the results of the RFP, as detailed above in Recommendation No. 1, final program design and recommendations for implementation.
- INSTRUCT the Library Department to report back in 90 days with a detailed plan for implementing the financial literacy program.

Fiscal Impact Statement: Neither the City Administrative Officer or the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: Yes
Against Proposal: Granada Hills North Neighborhood Council

SUMMARY

On October 16, 2012, your Committee considered a Motion (Alarcón - Wesson) relative to integrating financial literacy efforts at the City's libraries and the creation of a Universal City Services Card for Los Angeles that combines a library card and a debit card function. Additionally, an October 15, 2012 CDD report was submitted subsequent to the release of the agenda for the October 16, 2012 meeting of the Arts, Parks, Health and Aging (APHA) Committee and this was also considered. According to the Motion, the Library system is particularly well poised to harness technology to improve service delivery. With the advent of the Internet as the dominant mode of accessing information and as books are increasingly read in digital form, the role of libraries is rapidly shifting. As a result, libraries in Los Angeles and across the world must re-imagine the role of a library branch in promoting access to information and literacy in the 21st Century.

Promoting an expanded understanding of literacy to meet the demands of a 21st Century citizenry is a large undertaking. One natural avenue to begin with, given the recent economic crisis, is to focus on integrating some of the City's current financial literacy efforts managed by the CDD with a physical presence at Library branches in order to serve as a point of access for

Angelinos throughout the City. The City's promotion of free VITA (Volunteer Income Tax Assistance) tax preparation services for low and moderate-income households, for instance, are a natural fit with the physical presence of libraries throughout our communities. Additionally, the Library Department and CDD should explore the potential to create a "Universal City Services Card" that would combine the use of a library card with a debit card and Work Source Center function, similar to what the Cities of Oakland, California and New Haven, Connecticut have implemented. In the future, the Card can be expanded to add functionalities of additional Departments, and in the short term the card can be used as a tangible focus to begin coordinating financial literacy offerings at our Libraries and harnessing new technology to improve services for our constituents.

According to the CDD, Libraries serve as the hub in communities across the city, are free and open to all, offer a wealth of information in all formats (print, digital, audiovisual), provide public access to technology and expert staff to guide the public to the best resources for their needs. Acknowledging that both the Library Department and the CDD have the potential to reach a significant number of city residents each year, the motion further moved to instruct the CDD to prepare a report on how the city could integrate financial literacy efforts across all Libraries and to outline the process for creating a City Service Card for Los Angeles residents. The card will offer multiple components that will include a library card with banking functions to bank the unbanked, and as a form of identification.

A growing number of cities across the country are creating a "City Service Card". The City Service Card is a step forward in strengthening benefits for students, the elderly, the homeless, immigrants, and transgender individuals who currently lack acceptable forms of financial tools. Without access to financial institutions, many of these city residents are unable to open bank accounts, which lead them to seek higher cost alternative financial services that are often predatory and can present higher risks to their personal safety. In other cities, anyone living in the jurisdiction and able to provide proof of residency based on criteria developed by the city would be eligible for a City Service Card.

Although close to a dozen cities have issued a City Service Card, only two cities are including an optional prepaid debit card feature; Oakland and Richmond, California. The CDD staff has been in contact with staff from the City of Oakland to learn how Oakland's process has evolved and recommends that the Los Angeles City Service Card be closely modeled after the product being offered there, with modifications deemed necessary to meet the needs of the City. The CDD further recommends that the Los Angeles City Service Card also adopt the basic principles for prepaid debit cards as introduced by the Cities for Financial Empowerment Coalition, which the City of Los Angeles is a member of. The Oakland model appears to be the most secure and Economically feasible.

The Oakland Municipal ID card program will be managed in its entirety by a third-party and will be connected directly to a financial institution. This will ensure that the cardholder's personal information will be maintained private through the Right to Financial Privacy Act. Additionally, Oakland's model does not require the city to pay for the implementation and management of the ID/prepaid debit card program. The program is sustained by revenue from sale of the card and nominal fees charged to cardholders that opt to activate the prepaid debit card function. In Oakland, the card will be issued at an authorized city site with proof of identity and residency. Third-party staff will verify documentation, collect fees, and take resident's picture and input resident's name, address, date of birth, phone number, and identification information into a

Page 2 of 3

secure web-based program. Staff will forward the online application to the issuing-bank, where the card is manufactured and mailed directly to the resident in 7-10 business days. If desired, the resident can call a customer service center to activate the debit component and load cash onto the card at participating businesses, load centers, and/or via direct deposit.

After further consideration and having provided an opportunity for public comment, the Committee moved to recommended approval of the recommendations contained in the October 15, 2012 CDD report and detailed above in Recommendation Nos. 1 and 2. Also, the Committee moved to instruct the Library Department to report to Committee in 90 days with a plan for implementing the financial literacy program. This matter is now submitted to Council for its consideration.

Respectfully submitted,
ARTS, PARKS, HEALTH AND AGING COMMITTEE

Dick Alarcon

ADOPTED
as amended
NOV 7 2012
see attached Motion
LOS ANGELES CITY COUNCIL

FORTHWITH

MEMBER	VOTE
ALARCON	YES
LAROONG	YES
REYES	YES

ARL
12-1282_rpt_spba_10-16-12.doc

Not Official Until Council Acts
Page 3 of 3

LOS ANGELES, CA continued

MOTION

I HEREBY MOVE that Council ADOPT the following recommendation relative to integrating financial literacy efforts at the City's libraries and the creation of a Universal City Services Card for Los Angeles that combines a library card and a debit card function (Item No. 7, Council file No. 12-1282):

INSTRUCT the City Administrative Officer to review the responses to the Request for Proposals to ensure the program is entirely cost neutral to the City.

PRESENTED BY _____
PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY _____
RICHARD ALARCON
Councilmember, 7th District

November 7, 2012
CF 12-1282

ADOPTED

NOV 7 2012

LOS ANGELES CITY COUNCIL

FORTHWITH

OAKLAND, CA

FILED
OFFICE OF THE CITY CLERK
OAKLAND

09 MAY 14 PM 3:51

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

INTRODUCED BY VICE-MAYOR IGNACIO DE LA FUENTE &
COUNCILMEMBER JEAN QUAN

ORDINANCE AMENDING CHAPTER 2.34, TITLE 2, OF THE OAKLAND MUNICIPAL CODE AUTHORIZING A MUNICIPAL IDENTIFICATION CARD PROGRAM TO PROVIDE FOR THE ISSUANCE OF MUNICIPAL IDENTIFICATION CARDS TO RESIDENTS OF THE CITY OF OAKLAND FOR THE PURPOSES OF IMPROVING PUBLIC SAFETY, INCREASING CIVIC PARTICIPATION, AND SUPPORTING LOCAL COMMERCE

WHEREAS, many Oakland residents—including but not limited to immigrants, children and students, the homeless, transgender, the indigent, the disabled and elderly, runaway youth and adult survivors of domestic violence, and others—currently suffer from the lack of official identification, which restricts their access to law enforcement, financial institutions, jobs, housing, and home and workplace protections; and

WHEREAS, many marginalized communities lack a valid form of identification and without identification are afraid to report crimes to the police; and

WHEREAS, those who lack a valid form of identification are also often afraid to report labor and housing violations—such as blighted properties, slum landlords, and workplace health, safety, and wage violations—to the appropriate authorities; and

WHEREAS, without appropriate identification, it is difficult to open bank accounts, and immigrants carrying large amounts of cash are therefore specifically targeted for robbery and other violent crimes; and

WHEREAS, lack of a valid form of identification translates into limited access to financial institutions and fear of police and other city officials, thus resulting in decreased participation in the formal city economy and other civic matters; and

WHEREAS, an Oakland Municipal ID Card will make it easier for all residents to participate in local and regional commerce—by opening a bank account, establishing credit, and accessing loans and the housing market; and

ORDINANCE – MUNICIPAL IDENTIFICATION CARDS

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WHEREAS, the Oakland Municipal ID Card will fill a void by providing an official form of personal identification for the many Oakland residents who currently lack one; and

WHEREAS, the Cities of New Haven, Connecticut and San Francisco, California have implemented such municipal ID programs and have reported an increase in reporting of crimes in those cities; and

WHEREAS, the Oakland Municipal ID Card will be unique to the City of Oakland and will be produced with the highest privacy and security measures built in to protect the public safety and against counterfeit reproduction; and

WHEREAS, the City wishes to take appropriate measures—including but not limited to implementing meaningful benefits and uses for the Oakland Municipal ID Card and developing substantial partnerships for its dissemination—to ensure that the card is widely used and thereby of the greatest benefit to its residents and the aforementioned marginalized populations; and

WHEREAS, the City wishes to create a reliable form of identification for all of its residents; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1 That the City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2 That the following provisions are hereby added to Chapter 2.34 of Title 2 – Administration and Personnel, of the Oakland Municipal Code, to read as follows:

2.34.020. Municipal Identification Cards - Definitions

For purposes of Sections 2.34.020 through 2.34.090, the following definitions shall apply.

"City" shall mean the City of Oakland, or any department, board, commission or agency thereof.

"Municipal Identification Card" shall mean an identification card issued by the City of Oakland that shall display, including but not limited to, the cardholder's name, photograph, address, date of birth, and an expiration date.

"Program Administrator" shall mean the City Clerk or such other City Department or Agency that the City Administrator may designate.

ORDINANCE – MUNICIPAL IDENTIFICATION CARDS

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"Resident" shall mean a person who can demonstrate that he or she has been present in the City of Oakland for at least fifteen continuous days and who presents "proof of residency" as specified in Section 2.34.040(A)(2).

2.34.030 Issuance and Purpose of Municipal Identification Cards

A. Upon request, the Program Administrator shall issue a Municipal Identification Card to any Resident who meets the application requirements set forth below, Section 2.34.040 and pays the applicable fee. The Card shall bear the seal of the City, and the Program Administrator shall cause the Card to be produced in a form intended to thwart replication or counterfeiting. Cards shall be valid for a maximum of two years from the date of issuance as long as residence in the City is maintained during that time. Card holders shall surrender their Municipal Identification Card upon moving residence out of the City of Oakland.

B. It is the City's intent that Municipal Identification Cards will provide residents with a means of proving their residency in the City of Oakland, for the purpose of accessing City programs, services and activities, and providing identification to law enforcement.

2.34.040 Applications

A. To obtain a Municipal Identification Card, a Resident shall complete an application, under penalty of perjury, requiring proof of identity and proof of residence within the City. Upon receipt of both the proof of identity and residency that this Section specifies, and the applicable fee, the Program Administrator shall issue a Card to the applicant.

1. Proof of Identity: In order to establish identity, each applicant must present either:

- a. One of the following documents containing both the applicant's photograph and date of birth: a U.S. or foreign passport; a U.S. driver's license; a U.S. state identification card; a U.S. Permanent Resident Card (commonly known as a "Green Card"); a consular identification ("CID") card; or a photo identification card issued by another country to its citizens or nationals that meets the requirements of Section 2.34.010(A). Notwithstanding the above, if the applicant is thirteen years of age or younger, he or she, as an alternative, may present a certified copy of a U.S. or foreign birth certificate to establish identity under this subsection; or b. Two of the following documents, provided that at least one form of identification shall display the applicant's photograph and date of birth: a national identification card with photo, name, address, date of birth, and expiration date; a foreign driver's license; a U.S. or foreign military

ORDINANCE – MUNICIPAL IDENTIFICATION CARDS

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identification card; a current visa issued by a government agency; a U.S. Individual Taxpayer Identification Number (ITIN) authorization letter; an identification card issued by a California educational institution, including elementary, middle, secondary, and post-secondary schools, a certified copy of a U.S. or foreign birth certificate; a court order issued by a state or federal court to verify a person's identity; or a Social Security card. Notwithstanding the above, where the applicant is aged thirteen or under, he or she may in the alternative present an official medical record and/or official school record to establish identity under this subsection, provided that at least one of the two forms of identification presented shall display the applicant's date of birth.

2. Proof of Residency.

a. In order to establish residency, each applicant must present one of the following items, provided that the item includes both the applicant's name and a residential address located within the City: a utility bill dated within the last thirty days; a written verification issued by a homeless shelter that receives City funding confirming at least fifteen days residency within the last thirty days; written verification issued by a hospital health clinic, or social services agency that receives City funding, confirming at least fifteen days residency within the last thirty days; a local property tax statement or mortgage payment receipt dated within the last thirty days; a bank account statement dated within the last thirty days; proof of a minor currently enrolled in a City school; an employment pay stub dated within the last thirty days; a written ruling, order or notice from the Oakland Rent Adjustment Board dated within the last thirty days; a jury summons or court order issued by a state or federal court dated within the last thirty days; a federal or state income tax or refund statement dated within the last thirty days; or an insurance bill (homeowner's, renter's, health, life or automobile insurance) dated within the last thirty days. If a certified copy of a marriage certificate is presented at the time of application, an applicant may prove residency using documents bearing the name of his or her spouse.

b. The Program Administrator may by regulation provide that if an applicant is thirteen years of age or younger, cannot produce any of the items set forth in this Subsection (A)(2) to prove residency, a parent or legal guardian may verify the applicant's residency, provided that the parent or guardian himself or herself would be eligible for a Municipal Identification Card.

OAKLAND, CA continued**ORDINANCE – MUNICIPAL IDENTIFICATION CARDS**

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3. The Program Administrator may by regulation provide for acceptance of additional forms of proof of identity and/or proof of residency, provided that the Program Administrator determines that such forms of proof are:
- issued by a governmental entity, or
 - issued by an entity that takes reasonable steps to verify the identity and/or residency of the individual to whom the item is issued, or
 - of a type that is normally accepted as proof of identity and/or proof of residency in the ordinary course of business.
- B. An application submitted on behalf of a minor must be completed by such minor's parent or legal guardian.
- C. The City shall keep confidential to the maximum extent permitted by applicable laws, the name and other identifying information of persons applying for and receiving Municipal Identification Cards. The City shall cause the applications to be produced in a form that allows applicants to state their privacy preferences. The City shall not retain records of applicants' residential addresses.

2.34.050 Implementation

The Program Administrator is authorized to adopt rules and regulations not inconsistent with this Section, subject to approval as to form and legality by the City Attorney, in order to implement and administer the issuance of Municipal Identification Cards. The City shall require applicants to declare the information provided in their applications under penalty of perjury.

2.34.060 Fees

The City shall charge a fee for each application submitted. Such fees shall not exceed the administrative costs reasonably associated with the production of the Cards. The Program Administrator shall, by regulation, provide for reduced application fees, up to and including complete waiver of the fee, for low-income applicants who present proof of income status in a form to be determined by the Program Administrator. The Fee will be set and published in the Master Fee Schedule.

2.34.070 Acceptance by City Departments

- A. When requiring members of the public to provide identification or proof of residency in the City, each City department shall accept a Municipal Identification Card as valid identification and as valid proof of residency in the City, unless such City department has reasonable grounds for determining that the card is counterfeit, altered, or improperly issued to the card holder, or that the individual presenting the card is not the individual to whom it was issued.

ORDINANCE – MUNICIPAL IDENTIFICATION CARDS

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- B. Other than requiring the City to accept the Card as proof of identification and City residency, this Section is not intended to replace any other existing requirements for issuance of other forms of identification in connection with the administration of City benefits and services. The requirements of this Section do not apply under circumstances where (1) a Federal or State statute, administrative regulation or directive, or court decision requires the City to obtain different identification or proof of residence, (2) a Federal or State statute or administrative regulation or directive preempts local regulation of identification or residency requirements, or (3) the City would be unable to comply with a condition imposed by a funding source, which would cause the City to lose funds from that source.

2.34.080 City Undertaking Limited to Promotion of General Welfare

In undertaking the adoption and enforcement of this ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

2.34.090 Counterfeit and Fraudulent Cards

It is a misdemeanor violation of this Code, as specified in Chapter 1.28, for any person or entity to do any of the following acts:

- To knowingly present false information to the City in the course of applying for a Municipal Identification Card.
- To alter, copy, or replicate a Municipal Identification Card without the authority of the City.
- To Use the Municipal Identification Card issued to another person, with the intent to cause a third person or entity to believe the holder of the card is the person to whom the card was issued.

Section 3. Non-Severability

The City Council intends that all the provisions of this ordinance function as an interdependent whole. If a court of competent jurisdiction rules that the City may not implement or enforce any provision of this ordinance, then all City officers and employees shall henceforth cease implementing and enforcing all provisions of this ordinance.

ORDINANCE – MUNICIPAL IDENTIFICATION CARDS

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Section 4. This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes on final adoption as provided by Section 216 of the City Charter; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 200_____

PASSED BY THE FOLLOWING VOTE:

AYES: BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER

NOES:

ABSENT:

ABSTENTION:

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____

ORDINANCE AMENDING CHAPTER 2.34.020, TITLE 2, OF THE OAKLAND MUNICIPAL CODE AUTHORIZING A MUNICIPAL IDENTIFICATION CARD PROGRAM TO PROVIDE FOR THE ISSUANCE OF MUNICIPAL IDENTIFICATION CARDS TO RESIDENTS OF THE CITY OF OAKLAND FOR THE PURPOSES OF IMPROVING PUBLIC SAFETY, INCREASING CIVIC PARTICIPATION, AND SUPPORTING LOCAL COMMERCE**NOTICE AND DIGEST**

This Ordinance amends Oakland Municipal Code Chapter 2.34, Title 2, and establishes a Municipal Identification Card, issued by the City of Oakland to City residents.

RICHMOND, VA

ORDINANCE NO. 16-11 N.S.

ORDINANCE AMENDING CHAPTER 2.64, ARTICLE II, OF THE RICHMOND MUNICIPAL CODE AUTHORIZING A MUNICIPAL IDENTIFICATION PROGRAM TO PROVIDE FOR THE ISSUANCE OF MUNICIPAL IDENTIFICATION CARDS TO RESIDENTS OF THE CITY OF RICHMOND FOR THE PURPOSES OF IMPROVING PUBLIC SAFETY, INCREASING CIVIC PARTICIPATION, AND SUPPORTING LOCAL COMMERCE

WHEREAS, many Richmond residents – including but not limited to immigrants, children and students, the homeless, transgender, the indigent, the disabled and elderly, runaway youth and adult survivors of domestic violence, and others – currently suffer from the lack of official identification, which restricts their access to law enforcement, financial institutions, jobs, housing, and home and workplace protections; and

WHEREAS, many marginalized communities lack a valid form of identification and without identification are afraid to report crimes to the police; and

WHEREAS, those who lack a valid form of identification are also often afraid to report labor and housing violations – such as blighted properties, slum landlords, and workplace health, safety, and wage violations – to the appropriate authorities; and

WHEREAS, without appropriate identification, it is difficult to open bank accounts, and immigrants carrying large amounts of cash are therefore specifically targeted for robbery and other violent crimes; and

WHEREAS, lack of a valid form of identification translates into limited access to financial institutions and fear of police and other city officials, thus resulting in decreased participation in the formal city economy and other civic matters; and

WHEREAS, a Richmond Municipal Identification Card will make it easier for all residents to participate in local and regional commerce – by opening a bank account, establishing credit, and accessing loans and the housing market; and

WHEREAS, the Richmond Municipal Identification Card will fill a void by providing an official form of personal identification for the many Richmond residents who currently lack one; and

WHEREAS, the Municipal Identification Card will unify the Richmond community, make it safer and more secure, benefit the local economy, and facilitate participation in public and private City activities; and

WHEREAS, the Cities of New Haven, Connecticut and San Francisco, California have implemented such municipal ID programs and have reported an increase in reporting of crimes in those cities; and

WHEREAS, the City of Oakland, California approved a Municipal Identification Card program in November 2010 and has selected a vendor to implement it; and

WHEREAS, the Richmond Municipal ID Card will be unique to the City of Richmond and will be produced with the highest privacy and security measures built in to protect the public safety and against counterfeit reproduction; and

WHEREAS, the City wishes to take appropriate measures – including but not limited to implementing meaningful benefits and uses for the Richmond Municipal Identification Card and developing substantial partnerships for its implementation – to ensure that the card is widely

used and thereby of the greatest benefit to its residents and the aforementioned marginalized populations; and

WHEREAS, the City wishes to create a reliable form of identification for all its residents; and

WHEREAS, the City wishes to administer its Municipal Identification Card program at no net cost to the City; and

WHEREAS, the City desires and anticipates that the Municipal Identification Card program will be operated by a Third Party Administrator selected through an expedited Request for Qualifications (RFQ) issued by the City Manager, in compliance with the requirements set forth in Section 5 of this Ordinance; and

WHEREAS, the City Council wishes to emphasize that vendors responding to the RFQ – like those who respond to any RFQ – are eligible for any applicable bid discounts or bonuses available under Richmond's Business Opportunity Ordinance, Richmond Municipal Code Chapter 2.50; and

WHEREAS, the City Council has considered the application of the California Environmental Quality Act (CEQA) to the implementation and administration of the Municipal ID Card Ordinance set forth below;

NOW, THEREFORE, BE IT RESOLVED, that in compliance with the CEQA, the Council of the City of Richmond finds that the approval of Chapter 2.64 described below is not a project and is therefore exempt from CEQA; and be it

FURTHER RESOLVED THAT the council of the city of Richmond does ordain as follows:

Section 1. That the City Council finds and determines the foregoing recitals to be true and correct and hereby makes them part of this Ordinance.

Section 2. That the following provisions are hereby added to Chapter 2.64 of Title II, Administration and City Government, of the Richmond Municipal Code, to read as follows:

2.64.010 Municipal Identification Cards – Definitions

For purposes of Sections 2.64.010 through 2.64.090, the following definitions shall apply.

“City” shall mean the City of Richmond, or any department, board, commission or agency thereof.

“Municipal Identification Card” shall mean an identification card issued by the City of Richmond that shall display, including but not limited to, the cardholder’s name, photograph, address, date of birth, and an expiration date.

“Program Administrator” shall mean the City Manager or such other City Department or Agency that the City Manager may designate, who shall be responsible for coordinating with the Third Party Administrator selected to implement and administer the Municipal Identification Card program.

“Resident” shall mean a person who can demonstrate that he or she has been present in the City of Richmond for at least fifteen continuous days and who presents “proof of residency” as specified in Section 2.64.030 (A) (2)

“Third Party Administrator” shall mean the vendor selected through an expedited Request for Qualifications (“RFQ”) issued by the City Manager to implement and

RICHMOND, VA *continued*

administer the Municipal Identification Card program at no net cost to the City, its divisions, subdivisions, or agencies.

2.64.020 Issuance and Purpose of Municipal Identification Cards

- A. Upon request, the Program Administrator shall issue a Municipal Identification Card to any Resident who meets the application requirements set forth below in Section 2.64.030 and pays the applicable fee. The Card shall bear the seal of the City, and the Program Administrator shall cause the Card to be produced in a form intended to thwart replication or counterfeiting. Cards shall be valid for a maximum of two years from the date of issuance as long as residence in the City is maintained during that time. Card holders shall surrender their Municipal Identification Card upon moving residence out of the City of Richmond.
- B. It is the City's intent that Municipal Identification Cards will provide residents with a means of proving their residency in the City of Richmond, for the purpose of accessing City programs, services and activities, as well as helping to substantiate their identity to law enforcement personnel..

2.64.030 Applications

- A. To obtain a Municipal Identification Card, a Resident shall complete an application, under penalty of perjury, requiring proof of identity and proof of residence within the City. Upon receipt of both the proof of identity and residency that this Section specifies, and of the applicable fee, the Program Administrator or his or her designee shall issue a Card to the applicant.
 - 1. **Proof of Identity.** To establish identity, each applicant must present either:
 - a. One of the following documents containing both the applicant's photograph and date of birth: a U.S. or foreign passport; a driver license issued by any state or territory of the United States; a state identification card issued by any state or territory of the United States; a U.S. Permanent Resident Card (commonly known as "Green Card"); a consular identification ("CID," in some instances referred to as a "Matricula Consular") card; or a photo identification card issued by another country to its citizens or nationals that meets the following requirements:
 - i. The issuing country authorizes the use of the card as an alternative to a passport for re-entry into the issuing country; and
 - ii. The card has a photograph of the person and the person's date of birth; and
 - iii. The card meets standards established by the Program Administrator to ensure that (1) the applicant was required to provide reliable identifying information in order to obtain the card and (2) the card has features reasonably designed to protect against fraud and counterfeit reproduction.
- In determining whether the identification meets these requirements, the Program Administrator or his or her designee

may use standards adopted by the National Notary Association or the California Association of Notaries for this purpose.

Notwithstanding the above, if the applicant is thirteen years of age or younger, he or she may present a certified copy of a U.S. or foreign birth certificate to establish identity under this subsection; or

- b. Two of the following documents, provided that at least one form of identification shall display the applicant's photograph and date of birth: a national identification card with photo, name address, date of birth, and expiration date; a foreign driver's license; a U.S. or foreign military identification card; a current visa issued by a government agency; a U.S. Individual Taxpayer Identification Number (ITIN) authorization letter; an identification card issued by a California educational institution, including elementary, middle, secondary, and post secondary schools; a certified copy of a U.S. or foreign birth certificate; a court order issued by a state or federal court to verify a person's identity; or a Social Security card. Notwithstanding the above, where the applicant is age thirteen or under, he or she may present an official medical record and/or official school record to establish identity under this subsection, provided that at least one of the two forms of identification presented shall display the applicant's date of birth.

2. Proof of Residence

- a. To establish residency, each applicant must present one of the following items, provided that the item includes both the applicant's name and a residential address located within the City; a utility bill dated within the last thirty days; a written verification confirming at least fifteen days residency within the last thirty days issued by a homeless shelter that: (a) is operated by the State or County, (b) holds a business license with the City of Richmond, or (c) meets criteria established by the City Manager by regulation;; written verification issued by a hospital health clinic, or social services agency that: (a) is operated by the State or County, (b) holds a business license with the City of Richmond, or (c) meets criteria established by the City Manager by regulation;; a local property tax statement or mortgage payment receipt dated within the last thirty days; proof of a minor currently enrolled in a school in the City of Richmond; an employment pay stub dated within the last thirty days; a jury summons or court order issued by a state or federal court dated within the last thirty days; a federal or state income tax or refund statement dated within the last thirty days; or an insurance bill (homeowner's, renter's, health, life or automobile insurance) dated within the last thirty days. If a certified copy of a marriage certificate is presented at the time of application, and applicant may prove residency using documents bearing the name of his or her spouse.
- b. The Program Administrator may by regulation provide that if an applicant is thirteen years of age or younger, cannot produce any of the items set forth in this Subsection (A) (2) to prove residency, a parent or legal guardian may verify the applicant's residency,

RICHMOND, VA *continued*

<p>provided that the parent or guardian would be eligible for a Municipal identification Card.</p> <p>3. The Program Administrator may by regulation provide for acceptance of additional form of proof of identity and/or proof of residency, provided that the Program Administrator determines that such forms of proof are:</p> <ul style="list-style-type: none"> a. issued by a government entity; b. issued by an entity that takes reasonable steps to verify the identity and/or residency of the individual to whom the item is issued; or c. of a type that is normally accepted as proof of identity and/or proof of residency in the ordinary course of business. <p>B. An application submitted on behalf of a minor must be completed by the minor's parent or legal guardian.</p> <p>C. The City shall keep confidential to the maximum extent permitted by applicable laws, the name and other identifying information of persons applying for and receiving Municipal Identification Cards. The City shall cause the applications to be produced in a form that allows applicants to state their privacy preferences. The City shall not retain records of applicants' residential addresses.</p>
<p>2.64.040 Implementation</p> <p>The Program Administrator or his or her designee is authorized to adopt rules and regulations not inconsistent with this Section, subject to approval as to form and legality by the City Attorney, in order to implement and administer the issuance of Municipal Identification Cards. These regulations shall specifically include a process for waiving the fee set forth in Section 2.64.050, upon proof of indigence.</p> <p>2.64.050 Fees</p> <p>A fee shall be charged for each Municipal Identification Card issued. The City Council shall set the maximum amount that may be charged per card by resolution.</p> <p>2.64.060 Acceptance by City Departments</p> <p>A. When requiring members of the public to provide identification or proof of residency in the City, each City department shall accept a Municipal Identification Card as a valid identification and as valid proof of residency in the City, unless such City department has reasonable grounds for determining that the card is counterfeit, altered, or improperly issued to the card holder, or that the individual presenting the card is not the individual to whom it was issued. In addition the Municipal Identification Card, , the City of Richmond Police Department may use other forms of identification and processes as necessary to substantiate the identification of a person.</p> <p>B. Other than requiring the City to accept the Card as proof of identification and City residency, this Section is not intended to replace any other existing requirements for issuance of other forms of identification in connection with the administration of City benefits and services. The requirements of this Section do not apply under circumstances where (1) a Federal or State statute or administrative regulation or directive, or court decision requires the City to obtain different identification or proof of residence, (2) a Federal or State statute or administrative regulation or directive preempts local regulation of identification or residency requirements, or (3) the City would be unable to comply with a condition imposed by a funding</p>

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<p>source, which would cause the City to lose funds from that source. A Municipal Identification Card may not be used in place of the identification required by Richmond Municipal Code Chapters 7.68 (Taxicabs) or 7.102 (Medical Marijuana Collectives).</p> <p>2.64.070 Card Holders' Responsibilities</p> <p>A card holder must notify the Program Administrator within 14 calendar days of any change in address within the City of Richmond. Upon receipt of notification, the Program Administrator shall issue a notice of new address to be carried with the Municipal Identification Card.</p> <p>If a card holder no longer intends to reside within the City of Richmond, or expects to reside outside the City for a period of more than 90 consecutive days, the card holder must relinquish the identification card, by mailing the card to the Program Administrator with an acknowledgement of intent to reside elsewhere.</p> <p>2.64.080 City Undertaking Limited to Promotion of General Welfare</p> <p>In undertaking the adoption and enforcement of this ordinance, the City is assuming an undertaking only to promote the general welfare. The City does not assume, nor does it impose on its officers and employees, any obligation for which the City or any of its officers or employees could be found liable in the event of breach of that obligation to any person who claims that such breach proximately caused injury.</p> <p>2.64.090 Counterfeit and Fraudulent Cards</p> <p>It is a misdemeanor violation of this Code, as specified in Chapter 1.04, for any person or entity to do any of the following acts:</p> <ul style="list-style-type: none"> A. To knowingly present false information to the City in the course of applying for a Municipal Identification Card; B. To alter, copy, or replicate a Municipal Identification Card without the authority of the City; or C. To use the Municipal Identification Card issued to another person, with the intent to cause a third person or entity to believe the holder of the card is the person to whom the card was issued. <p>Section 3 Severability</p> <p>If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.</p> <p>Section 4 Third Party Administrator Selection</p> <p>The Richmond City Council directs the City Manager or his or her designee to issue an expedited RFQ for the development of a Richmond Municipal Identification program no later than 90 days of the passage of this Ordinance, with the caveat that the program be fully cost-covered to the greatest extent possible with no subsidy from the City, even if it means that the City out-sources all aspects of the program to a Third Party Administrator. The City Manager shall make all reasonable efforts to issue the RFQ before the 90 day</p>

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RICHMOND, VA *continued*

deadline. The RFQ shall include, but need not be limited to, the following mandatory requirements and criteria:

- A. That the Municipal Identification Card include a magnetic stripe on the obverse that will allow storage of information for the purposes of:
 - 1. Verifying that the information printed on the face of the card relating to the user's full legal name, date of birth, residential address, photo, Identification number, expiration date, and the user's signature coincides with the information provided at the time of registration.
 - 2. Allowing use of the cards, at the applicant's option, as a standard pre-paid debit card.
 - 3. Allowing use of the card, at the applicant's option, for storage of the user's medical history and information relating to special medical treatment requirements, if the Third Party Administrator can demonstrate to the satisfaction of the City Manager or his or her designee that such information can be stored in a manner that is secure and not-discoverable by persons other than first responders, medical care providers, and other individuals or entities entitled to receive confidential medical information.
- B. That all information about the resident required by the application (including, but not limited to the applicant's full legal name, date of birth, residential address, photo, Identification number, expiration date, and the applicant's signature) will be entered into a secure database maintained by the Third Party administrator that issued the card. All information stored in this database shall be subject to all applicable state and federal laws relating to disclosure, privacy, national security, and financial crimes.
- C. That with respect to the Municipal Identification Cards, the prospective Third Party Administrator will implement Department of Homeland Security standards for Level 1 security features for national and state identification cards.
- D. That the prospective Third Party Administrator will train the Richmond Police Department and any other City or County department with a need to verify the authenticity of the Municipal Identification Cards, regarding all security features of the card, so that cards may be authenticated easily, and department members may access the database information regarding the user.
- E. That the prospective Third Party Administrator, and any card issuers engaged by the Third Party Administrator, demonstrate the ability to comply at a minimum with the requirements of Section 326 of the USA PATRIOT Act (Pub. L. 107-56), and the federal regulations promulgated pursuant to that section, and pursuant to the Bank Protection Act of 1968 (12 Code Fed. Regs. 326).
- F. ~~That residents shall pay no more than \$15 per card for adults, and no more than \$10 per card for children. The prospective Third Party Administrator shall propose a method for permitting the waiver of these costs upon proof of indigency.~~
- FG. That in the event a user activates the pre-paid debit card function, the maximum allowable transaction fees shall be as follows:

Account maintenance (monthly)	\$0.99
Domestic ATM Withdrawal	\$1.50
ATM Balance Inquiry	\$0.60
ATM Denial Fee	\$0.60

Page 7 of 9

Point of Sale (POS) Purchase Denial or Return	\$0.50
Inactive Account Fee Monthly <i>[for card not used for 4 months]</i>	\$1.00
Funds Transfer To Replacement Card	\$1.00
Domestic card-to-card Transfer	\$2.00
International Signature card ATM withdrawal	\$3.50
International Remittance	\$5.00
Load at Merchant	\$2.95
Mobile Maintenance (only if chosen)	\$1.00
Statement issuance via U.S. mail or fax (only if requested)	\$4.95

In no event shall any fee charged by the prospective Third Party Administrator exceed \$5.00. Any increase of these rates must be approved by the City Council. The City Council may amend these rates if the RFQ yields no acceptable bids.

- GH. That the prospective Third Party Administrator shall agree to share revenue with merchants and other agencies accepted to perform cash loading into the card. The commission on loads shall be at least \$1.00 per load.
- HJ. That the prospective Third Party Administrator demonstrate that the financial institutions that will provide the debit-card services described herein is financially stable and a safe and secure entity for the placement of funds, and that the debit card users will have access to local banks and ATMs.
- I. That the prospective Third Party Administrator shall demonstrate how it will train users in the use of the pre-paid debit card function. The trainings should be adapted to the particular concerns of residents. Police officers, City administrators, and merchants.
- J. That the prospective Third Party Administrator shall demonstrate how it will provide access to cardholder information in a way that allows Richmond Police Dispatchers to substantiate the identity of the cardholder when requested by police officers in the field.

Section 5 Effective Date

This ordinance shall not become effective, and the Municipal Identification Card program described herein shall not be implemented, unless and until the Finance Director – after selection of a Third Party Administrator and thorough review of the Administrator's implementation plan – certifies to the City Council that the implementation and administration of the Program will be operated at no net cost to the City or any of its divisions, subdivisions, or agencies. This ordinance shall become effective immediately upon Council acceptance of the Finance Director's findings. The City Council may approve the contract with the Third Party Administrator at the same meeting at which the Finance Director certifies that the program will be cost-neutral for the City.

Page 8 of 9

RICHMOND, VA *continued*

First read at a regular meeting of the City Council of the City of Richmond held on July 5, 2011, and finally passed and adopted at a joint meeting thereof held July 19, 2011, by the following vote:

AYES: Councilmembers Bates, Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
Clerk of the City of Richmond
(SEAL)

Approved:

GAYLE MC LAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Ordinance No. 16-11 N.S., finally passed and adopted by the City Council of the City of Richmond at a joint meeting held on July 19, 2011.

SAN FRANCISCO, CA continued

1 account statement received within the last ninety days, proof of a minor currently enrolled in a City
 2 public school, a current San Francisco Golf Resident Card.

3 The Director may by regulation provide that where an applicant aged twelve or
 4 younger cannot produce any of the items set forth in this subsection (c)(1)(B) in order to prove
 5 residency, a parent or legal guardian may verify the applicant's residency, provided that the
 6 parent or guardian himself or herself would be eligible for a Municipal Identification Card.

7 (C) The Director may by regulation provide for acceptance of additional
 8 forms of proof of identity and/or proof of residency, provided that the Director determines that
 9 such forms of proof are:

10 (i) issued by a governmental entity, or
 11 (ii) issued by an entity that takes reasonable steps to verify the
 12 identity and/or residency of the individual to whom the item is issued, or
 13 (iii) of a type that is normally accepted as proof of identity and/or
 14 proof of residency in the ordinary course of business.

15 (2) An application submitted on behalf of a minor must be completed by such minor's
 16 parent or legal guardian.
 17 (3) The Agency shall keep confidential, to the maximum extent permitted by applicable
 18 laws, the name and other identifying information of persons applying for and receiving Municipal
 19 Identification Cards. The Director shall cause the applications to be produced in a form that
 20 allows applicants to state their privacy preferences. The Agency shall not retain records of
 21 applicants' residential addresses.

22 (d) **Implementation.** The Director is authorized to adopt rules and regulations not inconsistent
 23 with this Section in order to implement and administer the issuance of Municipal Identification Cards.
 24 The Director shall consult with the Immigrant Rights Administrator, under the supervision of the City
 25

Supervisors Ammiano, Sandoval, Peskin, Daly, McGoldrick, Mirkarimi, Duffy
BOARD OF SUPERVISORS

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<http://government.gessnerboard.supervisor.sanfrancisco.ca.gov/11-7.doc>

1 *Administrator, and with other relevant departments in developing such rules and regulations. The*
 2 *Director shall require applicants to declare the information provided in their applications under*
 3 *penalty of perjury. The Immigrant Rights Administrator shall be responsible for coordinating with the*
 4 *Agency and other City Departments the promotion of the Cards and the development of multiple uses*
 5 *for the Cards.*

6 *(e) Fees. The Director shall charge an application fee of \$15.00 per Card for adults and \$5.00*
 7 *per Card for minors and seniors who present proof of age in a form to be determined by the Director.*
 8 *Such fees shall not exceed the administrative costs reasonably associated with the production of the*
 9 *Cards. The Director shall by regulation provide for reduced application fees, up to and*
 10 *including complete waiver of the fee, for low-income applicants who present proof of income*
 11 *status in a form to be determined by the Director.*

12 *(f) Acceptance by City Departments and Entities That Receive City Funds. When rendering*
 13 *members of the public to provide identification or proof of residency in the City, each City department*
 14 *and any Entity That Receives City Funds shall accept a Municipal Identification Card as valid*
 15 *identification and as valid proof of residency in the City, unless such City department or Entity has*
 16 *reasonable grounds for determining that the card is counterfeit, altered, or improperly issued to the*
 17 *card holder, or that the individual presenting the card is not the individual to whom it was*
 18 *issued.*

19 *Other than requiring the City and Entities That Receive City Funds to accept the Card as proof*
 20 *of identification and City residency, this Section is not intended to replace any other existing*
 21 *requirements for issuance of other forms of identification in connection with the administration of City*
 22 *benefits and services. The requirements of this Section do not apply under circumstances where (1) a*
 23 *federal or State statute, administrative regulation or directive, or court decision requires the City or*
 24 *Entity That Receives City Funds to obtain different identification or proof of residence; (2) a federal or*
 25

Supervisors Ammiano, Sandoval, Peskin, Daly, McGoldrick, Mirkarimi, Duffy
BOARD OF SUPERVISORS

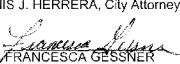
Page 6
11/7/2007
<http://government.gessnerboard.supervisor.sanfrancisco.ca.gov/11-7.doc>

1 *State statute or administrative regulation or directive preempts local regulation of identification or*
 2 *residency requirements, or (3) the City or Entity That Receives City Funds would be unable to comply*
 3 *with a condition imposed by a funding source which would cause the City or such Entity to lose funds*
 4 *from that source.*

5 *(g) Operative Date. This ordinance shall become operative nine months after its effective date.*
 6 *(h) City Undertaking Limited to Promotion of General Welfare. In undertaking the*
 7 *enforcement of this ordinance, the City is assuming an undertaking only to promote the general*
 8 *welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of*
 9 *which it is liable in money damages to any person who claims that such breach proximately caused*
 10 *injury.*

11 *(i) Provisions of Ordinance Not Severable. The Board of Supervisors intends that*
 12 *all the provisions of this ordinance function as an interdependent whole. If a court rules that*
 13 *the City may not implement or enforce any provision of this ordinance, then all City officers*
 14 *and employees shall henceforth cease implementing and enforcing all provisions of this*
 15 *ordinance.*

16 APPROVED AS TO FORM.
 17 DENNIS J. HERRERA, City Attorney

18 By: 
 19 FRANCESCA GESSNER
 20 Deputy City Attorney

Supervisors Ammiano, Sandoval, Peskin, Daly, McGoldrick, Mirkarimi, Duffy
BOARD OF SUPERVISORS

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City and County of San Francisco
 City Hall
 118 Columbus Avenue
 San Francisco, CA 94102-4689

Tails
Ordinance

File Number:	071353	Date Passed:	11/7/2007
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Ordinance adding Section 95.2 to the San Francisco Administrative Code authorizing the County Clerk to issue municipal identification cards upon request to residents of the City and County of San Francisco.

November 13, 2007 Board of Supervisors — PASSED ON FIRST READING
 Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
 Nays: 1 - Elsbernd

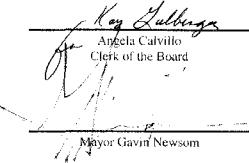
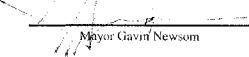
November 20, 2007 Board of Supervisors — FINALLY PASSED
 Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
 Nays: 1 - Elsbernd

City and County of San Francisco

I

Printed at 9:31 AM on 11/21/07

SAN FRANCISCO, CA continued

File No. 071333	I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 20, 2007 by the Board of Supervisors of the City and County of San Francisco.	
 _____ Date Approved		Angela Calvillo Clerk of the Board
 _____ Mayor Gavin Newsom		
<p>File No. 071333 City and County of San Francisco Tolls Report</p> <p>Printed at 9:31 AM on 11/21/07</p>		

NEW YORK, NY

Int. No. 253

By Council Members Dromm, Menchaca, Cabrera, Chin, Eugene, Ferreras, Koo, Lancman, Levine, Mendez, Reynoso, Richards, Rose, Palma, Rosenthal, Rodriguez, Espinal, Lander, Johnson, Levin, Miller, Kallos, Van Bramer and Torres

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a New York city identity card program.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new subchapter 4, to read as follows:

Subchapter 4. New York City Identity Card

§3-132. Definitions

a. "New York City Identity Card" shall mean an identification card issued by the city of New York that shall, at a minimum, display the cardholder's photograph, name, date of birth, address, and an expiration date. Such card shall also, at the cardholder's option, display the cardholder's self-designated gender. Such identification card shall be designed in a manner to deter fraud.

b. "Resident" shall mean person who can establish that he or she is a current resident of the city of New York pursuant to section 3-135 of this subchapter.

c. The terms "national origin," "alienage or citizenship status," "gender," "sexual orientation," "disability," "partnership status," "source of income," "victim of domestic violence," "housing status," and "victim of sex offenses or stalking," shall have the same meanings in this subchapter as set forth in title 8 of the administrative code of the city of New York.

§3-133. New York city identity card program

card: a photo identification card with name, address, date of birth, and expiration date issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country; a certified copy of U.S. or foreign birth certificate; a Social Security card; a national identification card with photo, name, address, date of birth, and expiration date; a foreign driver's license; a U.S. or foreign military identification card; a current visa issued by a government agency; a U.S. Individual Taxpayer Identification Number (ITIN) authorization letter; an Electronic Benefit Transfer (EBT) card; or any other documentation that the mayor's office of operations deems acceptable. The mayor's office of operations may by rule determine the weight to be given to each type of document and require that an applicant produce more than one document to establish identity.

(ii) Proof of residency. In order to establish residency, an applicant must present one or more of the following items, dated no earlier than 60 days prior to the date such document is presented showing both the applicant's name and residential address located within the city: a utility bill; a local property tax statement or mortgage payment receipt; a bank account statement; proof that the applicant has a minor child currently enrolled in a school located within the city; an employment pay stub; a jury summons or court order issued by a state or federal court; a federal or state income tax or refund statement; an insurance bill (homeowner's, renter's, health, life, or automobile insurance); written verification issued by a homeless shelter that receives city funding confirming at least 15 days residency; written verification issued by a hospital, health clinic or social services agency that receives city funding confirming at least 15 days residency; or any other documentation that the mayor's office of operations deems acceptable. The mayor's office of operations may by rule determine the weight to be given to each type of document, and require that an applicant produce more than one document to establish residency. The mayor's

The mayor's office of operations shall administer the New York city identity card program and shall promulgate all rules necessary to effectuate the purposes of this subchapter. Such office shall make applications for such card available for pick-up and submission at any agency or office where there is substantial contact with the public and shall also make applications available on-line.

§3-134. Issuance of New York city identity cards

a. The New York city identity card shall be available to any resident of the city of New York, regardless of his or her race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status, any lawful source of income, housing status, status as a victim of domestic violence or status as a victim of sex offenses or stalking, or conviction or arrest record, provided that such resident is able to meet the requirements for establishing his or her identity and residency as set forth in section 3-135 of this subchapter and of any applicable rule adopted by the mayor's office of operations pursuant to this subchapter.

b. The mayor's office of operations shall establish a reasonable fee for applications for a New York city identity card and adopt rules permitting residents who cannot afford to pay such fee to receive a full or partial waiver.

§3-135. New York city identity card eligibility

a. In order to obtain a New York city identity card an applicant must establish identity and residency within the city as follows:

(i) Proof of identity. In order to establish identity an applicant shall be required to produce one or more of the following documents: a U.S. or foreign passport; a U.S. driver's license; a U.S. state identification card; a U.S. permanent resident card; a consular identification

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office of operations shall by rule create alternative methods by which individuals who are homeless can establish residency in the city notwithstanding the lack of fixed address.

§3-136. Confidentiality of New York city identity card eligibility information

a. The city shall not retain originals or copies of records provided by an applicant to prove identity or residency for a New York city identity card.

b. To the maximum extent allowed by applicable federal and state law, information collected about applicants for the card shall be treated as confidential and shall not be disclosed to government entities or private parties unless such disclosure is:

(i) Authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian; or

(ii) So ordered by a court of competent jurisdiction.

§3-137. Access to services

a. All city agencies shall accept such card as proof of identity and residency for access to city services unless such acceptance is prohibited by state or federal law or unless the agency has reasonable grounds to believe that the individual presenting the card is not the individual to whom the card was issued.

b. The city shall seek to expand the benefits associated with the New York city identity card, including encouraging eligible persons to apply for the card and promoting the acceptance of the New York city identity card by banks and other public and private institutions.

c. City agencies shall not require the possession of a New York city identity card where identification is not already required to obtain city services.

§3-138. Language assistance services

4

NEW YORK, NY *continued*

The city shall, consistent with all federal, state and local laws, provide language assistance to applicants for the New York city identity cards to facilitate access thereto.

§3-139. Penalties

It shall be a misdemeanor for any person to knowingly present false information in the course of applying for such card, or to use such a card issued to another person with the intent to cause a third person to believe that the holder of the card is the person to whom such card was issued.

§2. This local law shall take effect six months after its enactment.

4/9/14
11:27 AM

NEW YORK, NY

NOTICE OF ADOPTION OF RULE

Pursuant to the power vested in me as Commissioner of the New York City Human Resources Administration ("HRA") by Mayor de Blasio's Executive Order Number 6, designating HRA as the administering agency of the New York City Identification Card Program ("IDNYC Card Program"), I hereby adopt the following rule to be added as Chapter 6 of Title 68 of the Official Compilation of the Rules of the City of New York.

Dated: November 26, 2014
New York, New York

/s/
Steven Banks
Commissioner
NYC Human Resources Administration

1

Statement of Basis and Purpose of Rule

On July 10, 2014, Mayor de Blasio signed Local Law No. 35 of 2014, establishing the New York City Identification Card Program ("IDNYC Card Program") to ensure that every New Yorker is provided with the opportunity and peace of mind that comes with possessing a government issued photo identification. On August 4, 2014, the Mayor issued Executive Order No. 6, designating the New York City Human Resources Administration (HRA) as the administering agency of the IDNYC Card Program. HRA published a proposed rule concerning the program on September 5, 2014 and a public hearing was held on October 8, 2014. In accordance with Local Law No. 35 (now codified as New York City Administrative Code Section 3-115) and Executive Order No. 6, HRA now adds Chapter 6 to Title 68 of the Rules of the City of New York to implement the program and set forth more details regarding the program.

The need for the City of New York to create an additional form of government issued photo identification is significant, as approximately half of New York City residents age 16 and over do not have a New York State Driver's License. The IDNYC Card will better connect more New Yorkers, regardless of immigration status, homeless status, or gender identity, to public and private sector services, programs and benefits.

The City of New York will launch a citywide public awareness and community engagement campaign to effectively educate New Yorkers about how to apply for this card and the value it will offer to cardholders. The City of New York will address the needs of limited English proficient (LEP) individuals in the administration of the IDNYC Card Program through, among other things, staff training, community outreach, and the use of language assistance tools. The City of New York will also provide accommodations to applicants with disabilities to promote access to the card for all New Yorkers.

This rule establishes requirements to implement the IDNYC Card Program and provides guidance to critical stakeholders and applicants interested in obtaining the IDNYC Card. The proposed rule was identified as the "Municipal ID Card Program." The name of the program has been changed to the "IDNYC Card Program," and the final rule reflects this change.

Specifically, the rule:

- Establishes that the IDNYC Card will be provided to applicants free of charge;
- Establishes that cards will expire after five years;
- Creates a mechanism for homeless New Yorkers without a permanent address to obtain a card;
- Sets the minimum age to apply for the card at 14 years of age;
- Provides protections to survivors of domestic violence;
- Sets forth the documents with which applicants may demonstrate identity and residency and the weight each document will have;
- Establishes that cardholders who change their residential address, gender, or name should update the information appearing on the card within 10 days of the change;

2

- Establishes privacy protections that safeguard information collected for issuing the identification card to protect against identity theft and fraud;
- Provides that an applicant who has been denied an IDNYC Card may seek review of this denial by submitting a review request to the Executive Director of the IDNYC Card program within 30 days of issuance of the denial.

Rule

Title 68 of the Rules of the City of New York is amended by adding a new Chapter 6 to read as follows:

Chapter 6. IDNYC Card Program

§ 6-01. Definitions.

For the purposes of this chapter:

- (a) "IDNYC Card" has the same meaning as "New York City identity card," as provided in section 3-115(a) of the Administrative Code of the City of New York.
- (b) "HRA" means the New York City Human Resources Administration.
- (c) "Resident" has the same meaning as provided in section 3-115(a) of the Administrative Code of the City of New York.
- (d) "Caretaker" means a birth parent, adoptive parent, legal guardian, legal custodian, foster care parent, executive-level official or agency caseworker from Administration for Children Services (ACS) or a designated ACS foster care agency.
- (e) "Individual who lacks a stable residence" means a person who lacks permanent housing, who may live on the streets, in a vehicle or abandoned building, or reside at a location where there is a maximum stay of 30 days or less.
- (f) "State" means any of the 50 states of the United States, and shall also be deemed to include the District of Columbia, and any of the territories of the United States.
- (g) "Territories" means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands.
- (h) "Machine readable" means a document with data that can be verified by electronic means by the IDNYC Card Program application system.

§ 6-02. The IDNYC Card

- (a) The IDNYC Card will display the cardholder's photograph, name, date of birth, an expiration date, signature, eye color, height, identification number, and, except as provided in this section, a street address located within the City of New York. The card will also, at the cardholder's

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option, display the cardholder's self-designated gender, designated emergency contact information, preferred language and such additional information as HRA may in the future display.

(b) The IDNYC Card will not display a home address in the following circumstances:

(1) The applicant is an individual who lacks a stable residence or is a survivor of domestic violence and provides evidence of residency pursuant to section 6-06(c)(2) of this title.

(2) The applicant resides in a residential care program certified by the New York State Office of Temporary and Disability Assistance (OTDA) and operated by a nonprofit organization in accordance with the regulations of OTDA for the purpose of providing emergency shelter, services and care to survivors of domestic violence; or

(3) The applicant participates in the New York State Address Confidentiality Program established by New York Executive Law § 108 for victims of domestic violence.

(c) In the case of an applicant described in paragraph (1) of subdivision (b) of this section, the IDNYC Card may display a "care of" address in the form of the name and address of an entity that meets the requirements listed in the last entry of the table set forth in section 6-06(c)(2) of this title. To request a card that displays a "care of" address, the applicant must submit a signed letter from an executive-level official from such entity stating that: (1) the applicant currently receives services from the entity, and (2) the applicant may use the entity's address for mailing purposes.

(d) In the case of an applicant described in paragraphs (2) or (3) of subdivision (b) of this section, the IDNYC Card will display either a P.O. Box associated with the applicable program or no address at all, depending on the applicant's preference.

§ 6-03. Eligibility and Application Process

(a) The IDNYC Card will be available to any resident of the City of New York over 14 years of age who establishes identity and residency as set forth in sections 6-04 through 6-07 of this title by submitting an application on a form and in a format established by the Commissioner, and by providing documents from the charts set forth in Sections 6-04 through 6-07 that total the requisite number of points as set forth in those sections.

(b) No expired documentation will be accepted, except as provided in section 6-05(c)(1) pertaining to expired IDNYC Cards that have expired no more than 60 days from the date submitted, and section 6-05(c)(2) pertaining to expired machine readable U.S. or foreign passports that have expired no more than three years from the date submitted.

(c) Only original documents or copies of documents that have been certified by the original issuing agency will be accepted.

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NEW YORK, NY continued

(d) All documents used to establish identity and residency must include the name of the individual whose identity and residency is being established. At least one of the documents used to establish identity must include the current name of the individual whose identity is being established.

(e) Applicants must present documents in person at an enrollment site designated by HRA in accordance with section 3-115(b)(2) of the Administrative Code of the City of New York. Applicants who provide original documents that are not in English may also provide certified English translations, but are not required to do so. Original documents will be returned immediately to the applicant once they are digitally scanned.

§ 6-04. Proof of Identity and Residency

An applicant may provide a single document that is worth the four points needed to establish both identity and residency. The documents listed below meet this four point requirement, provided that they include a photo of the applicant, the date of birth of the applicant, and the applicant's current residential address in New York City.

The following documents are worth four points and establish identity and residency:

Document	Description	Acceptable as Photo ID?	Point Value for Proof of ID & Residency	Date of Birth
New York State (NYS) Department of Motor Vehicles (DMV) Driver's License or Learner's Permit	New York State Driver's License or Learner's Permit with current home address, date of birth, photo and expiration date issued by NYS DMV.	Yes	4	Yes
NYS DMV Identification Card	Photo identification card with current home address, date of birth, and expiration date issued by NYS DMV.	Yes	4	Yes
New York City "NYC" Handout License	New York City Police Department (NYPD) issued Handout License including current home address and photo of applicant and dated within one year.	Yes	4	Yes

§ 6-05. Proof of Identity

(a) Except as otherwise provided in this chapter, in order to establish identity, an applicant will be required to meet the following criteria:

- (1) An applicant must provide documents from the charts set forth in section 6-05(c) below that in aggregate total at least three points:

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(2) An applicant must provide photo identification; and

(3) One of the documents submitted must contain the applicant's date of birth.

(b) HRA may determine in the future that additional documents may be accepted and will be afforded the value of one point toward establishing the identity of the applicant.

(c) (1) The following documents establish the identity of the applicant (3 points):

Document	Description	Acceptable as Photo ID?	Point Value for Proof of ID	Date of Birth
U.S. Passport or U.S. Passport Card	U.S. passport or passport card.	Yes	3	Yes
Foreign Passport	A machine readable Foreign Passport.	Yes	3	Yes
U.S. State Driver's License or Learner's Permit Photo ID	Photo identification card issued by U.S. state (other than New York State Driver's license with current New York City address) or territory granting driving privileges, with address, date of birth, and expiration date.	Yes	3	Yes
U.S. State Identification Card	Photo identification card issued by U.S. state (other than New York State Identification Card with current New York City address) or territory with address, date of birth, and expiration date.	Yes	3	Yes
U.S. Permanent Resident Card	Alien registration card (I-551), also known as a permanent resident or green card. Unexpired I-551 stamps in passport also accepted for permanent residents awaiting issuance of their green cards.	Yes	3	Yes
NYS Electronic Benefit Transfer (EBT) Card / Common Benefit Information Card (CBIC) with Photo	Welfare / Medicaid / NY Food Stamp Card with Photo with date of birth.	Yes	3	Yes
Common Access Card	Department of Defense (DOD) issued photo identification card with date of birth, date of issuance, expiration date, blood type, and DOD identification number, issued to active duty, retiree or reservist military personnel only.	Yes	3	Yes

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Current U.S. Work Permit	Employment Authorization Document (EAD) or work permit issued by U.S. Citizenship and Immigration Services (USCIS) that proves that the holder is authorized to work in the U.S. with date of birth, and expiration date.	Yes	3	Yes
Certificate of Citizenship/Naturalization	U.S. Certificate of Citizenship (N-560 or N-561); Certificate of Naturalization (N-550, N-570 or N-568).	Yes	3	Yes
U.S. Federal Government issued photo ID	A photo identification card with address, date of birth, and expiration date, issued by U.S. federal government.	Yes	3	Yes
U.S. Tribal ID	A U.S. Tribal photo ID with photo, address, signature, date of birth, and expiration date.	Yes	3	Yes
IDNYC Card	A current IDNYC Card or an expired IDNYC Card with an expiration date 60 days or less before the date submitted	Yes	3	Yes

(2) The following documents are worth two points toward establishing the identity of the applicant:

Document	Description	Acceptable as Photo ID?	Point Value for Proof of ID	Date of Birth
Foreign Passport	Foreign Passport that is not machine readable.	Yes	2	Yes
Expired U.S. or Foreign Passport	Expired U.S. or Foreign Passport that is machine readable and has expired within three years of date submitted	Yes	2	Yes
Consular Identification Card	Photo identification card with address, date of birth, and expiration date, issued by foreign governments recognized by the U.S. to their citizens, who are outside the issuing country.	Yes	2	Yes
U.S. Federal, State, or Local Government Employee ID	Federal, state or local government employee photo ID card.	Yes	2	No

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NYS Professional or Vocational Identification Card	Photo Identification card issued by the New York State Department of Motor Vehicles with profession, license number, DMV ID number, expiration date, and NYC address.	Yes	2	No
U.S. Birth Certificate	Certificate of birth issued by a State or Territory, or a locality of a State or Territory, or by the U.S. State Department, including Consular Report of Birth Abroad. A birth certificate issued in Puerto Rico prior to July 1, 2010 will not be accepted. All birth certificates issued prior to that date have been invalidated by Puerto Rican law.	No	2	Yes
Visa Issued by U.S. State Department	U.S. State Department issued immigrant or non-immigrant visa with photo identification.	Yes	2	Yes
Foreign Driver's License	Machine readable photo identification card granting driving privileges with address, date of birth, and expiration date.	Yes	2	Yes
Foreign National Identification Card	Machine readable national identification card with photo, address, date of birth, and expiration date. Must be accepted for purposes of re-entry to issuing country.	Yes	2	Yes
Social Security Card	The following types of Social Security Cards (unrestricted and restricted) issued by the U.S. Social Security Administration will be accepted: (i) a card that enables the holder to work without restriction; (ii) a card that permits an individual with authorization from the Department of Homeland Security to work on a temporary basis; and (iii) a card marked "not valid for employment."	No	2	No
U.S. Individual Taxpayer Identification Number Authorization Letter	Letter from U.S. Internal Revenue Service (IRS) assigning ITIN number to applicant with date of birth.	No	2	No
U.S. Uniformed Services ID	Photo identification card with date of birth and expiration date issued to military retiree or military family member to access military service benefits or privileges.	Yes	2	Yes

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NYC Mobile Food Vending Unit License	NYC Department of Health and Mental Hygiene issued mobile food vending unit license, with photo, license number and expiration date.	<u>Yes</u>	2	<u>No</u>
Approval Notice Issued by U.S. Citizenship and Immigration Services (USCIS)	Notice from USCIS approving applicant for adjustment of status that either is currently valid or does not have an expiration date. Examples of immigration benefits include Employment Authorization Documents, Adjustment of Status, Temporary Protected Status, Deferred Action for Childhood Arrivals, and Naturalization.	<u>No</u>	2	<u>No</u>

(3) The following documents are worth one point toward establishing the identity of the applicant:

Document	Description	Acceptable as Photo ID?	Point Value for Proof of ID	Date of Birth
Educational Institution ID Card: middle, secondary, post-secondary schools, colleges and universities	Photo ID issued by an accredited U.S. educational institution, including New York City Department of Education and CUNY schools.	<u>Yes</u>	1	<u>Some</u>
Foreign Driver's License	Photo identification card granting driving privileges with address, date of birth, and expiration date, that is not machine readable.	<u>Yes</u>	1	<u>Yes</u>
Foreign National Identification Card	National identification card with photo, address, date of birth, and expiration date, that is not machine readable. Must be accepted for purposes of reentry to issuing country.	<u>Yes</u>	1	<u>Yes</u>
Foreign Military Photo Identification Card	Photo identification card with date of birth and expiration date issued to active duty, retiree or reservist military personnel by foreign country.	<u>Yes</u>	1	<u>Yes</u>
Foreign Birth Certificate	Certificate of birth issued by current or former sovereign nation.	<u>No</u>	1	<u>Yes</u>

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U.S. Birth Certificate of Applicant's Child	Birth certificate of applicant's child, issued by a State or Territory, or a locality of a State or Territory, or by the U.S. State Department, including Consular Report of Birth Abroad listing applicant as birth parent. A birth certificate issued in Puerto Rico prior to July 1, 2010 will not be accepted. All birth certificates issued prior to that date have been invalidated by Puerto Rico law.	<u>No</u>	1	<u>Yes</u>
NYS Benefits Card without Photo	Welfare/Medicaid/NY Food Stamp Card without Photo and with date of birth.	<u>No</u>	1	<u>Yes</u>
NYC Summer Youth Employment Program Identification Card	Photo identification card issued by a community based organization that administers the NYC Summer Youth Employment Program.	<u>Yes</u>	1	<u>No</u>
U.S. School Transcript From High School or Post-Secondary School	Academic transcript, including date of birth, terms and dates attended or attending, cumulative academic record, and, if applicable, degrees awarded.	<u>No</u>	1	<u>Some</u>
U.S. High School Diploma, High School Equivalency Diploma or U.S. Post-Secondary School, College, or University Diploma	U.S. High School Diploma, High School Equivalency Diploma (accepted based on General Educational Development (GED) and Test Assessing Secondary Completion (TASC) exams), or U.S. post-secondary school, college, or university diploma.	<u>No</u>	1	<u>Some</u>
Employee Identification Card from Employer Located in U.S.	Employee photo identification card, including clergy identification cards, with employer name and address.	<u>Yes</u>	1	<u>No</u>
U.S. Union Photo ID	Card identifying holder as a member of a union that represents employees working in the United States.	<u>Yes</u>	1	<u>No</u>
Certificate of marriage, domestic partnership, civil union, divorce or dissolution of marriage, domestic partnership or civil union	Certificate of marriage, domestic partnership, civil union, divorce or dissolution of marriage, domestic partnership or civil union	<u>No</u>	1	<u>Yes</u>

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Reduced Fare MetroCard for Seniors and People with Disabilities	Must include photo identification and be issued by Metropolitan Transportation Authority.	<u>Yes</u>	1	<u>No</u>
Access-A-Ride ID Card	Photo identification card issued by Metropolitan Transportation Authority.	<u>Yes</u>	1	<u>No</u>
NYC Department of Parks and Recreation issued Recreation Center Membership Card	Photo identification card with expiration date issued by the NYC Department of Parks and Recreation for Recreation Center Membership.	<u>Yes</u>	1	<u>No</u>
U.S. Voter Registration Card	Voter registration card with address, and date of birth, issued by any State or Territory.	<u>No</u>	1	<u>No</u>
Selective Service Registration Card	A card issued by the U.S. Selective Service System to men ages 18-25, who have registered with the Selective Service.	<u>No</u>	1	<u>Yes</u>

§ 6-06. Proof of Residency

(a) Except as otherwise provided in this section or in sections 6-04 or 6-07 of this title, in order to establish residency, an applicant will be required to produce a document from section 6-06(c)(1) displaying the applicant's residential street address located in New York City. All documents must display the applicant's name.

(b) HRA may determine in the future that additional documents may be accepted and will be afforded the value of one point toward establishing the residency of the applicant.

(c)(1) The following documents are worth one point and establish residency. The address on the document will be shown on the card, except as provided in section 6-02(b) of this title:

Document	Description	Point Value for Proof of Residency	Acceptable as Proof of Address
Cable, Phone, or Utility Bill	Must be dated no more than 60 days prior to the date submitted and include home address of applicant.	1	<u>Yes</u>
Residential Property	Must be a current lease. Handwritten leases must include name and address of the owner.	1	<u>Yes</u>

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Lease	address of the unit rented, term of the lease, amount of rent, terms regarding utilities, and contact information for the owner.	<u>1</u>	<u>Yes</u>
Local Property Tax Statement	Property tax statement including home address, dated within one year of the date submitted.	<u>1</u>	<u>Yes</u>
Property Mortgage Payment Receipt	Mortgage payment receipt including home address, dated no more than sixty days prior to the date submitted.	<u>1</u>	<u>Yes</u>
Bank Account Statement	Must be dated no more than 60 days from date submitted and include home address.	<u>1</u>	<u>Yes</u>
Employment Pay Stub	Must be dated no more than 60 days prior to date submitted and include home address.	<u>1</u>	<u>Yes</u>
Statement, bill, or record from designated health institution	Statement, bill, or record from the NYC Health and Hospitals Corporation's HHC Options program, or a Federally Qualified Health Center, including home address of applicant and dated no more than one year from date submitted.	<u>1</u>	<u>Yes</u>
Jury Summons or Court Order Issued by New York State Court or Federal Court	Must be dated no more than 60 days prior to the date submitted and include home address.	<u>1</u>	<u>Yes</u>
Federal, State, or City Income Tax or Refund Statement	Tax or Refund Statement including home address and dated within one year of the date submitted.	<u>1</u>	<u>Yes</u>
Insurance Bill or Statement (homeowner's, life, renter's, automobile, or health insurance)	Insurance bill or statement including home address and dated no more than 60 days prior to the date submitted.	<u>1</u>	<u>Yes</u>
Letter from Homeless Shelter that receives City Funding	Signed letter from executive official at homeless shelter receiving City funding stating that applicant has been a current resident for at least 15 days and the shelter allows residents to remain in residence for longer than 30 days.	<u>1</u>	<u>Yes</u>

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Letter from New York City Housing Authority	Signed letter from manager of NYC Housing Authority (NYCHA) residential development, indicating that applicant is listed on the current lease or is otherwise authorized by NYCHA to reside in the apartment, dated no more than 60 days prior to the date submitted.	1	<u>Yes</u>
Letter from Elementary, Intermediate School or High School or NYC Department of Education District 79 School	Signed letter from principal or the principal's designee at a public, private, or parochial elementary, intermediate or high school or a NYC Department of Education District 79 school where applicant or applicant's child is a currently enrolled student that confirms home address, dated no more than 60 days prior to the date submitted. The NYC Department of Education requires parental consent to issue such a letter for a student younger than age 16.	1	<u>Yes</u>
Letter from NYC Administration for Children's Services (ACS) Foster Care Agency	Signed letter from executive level official at ACS or ACS designated NYC foster care agency establishing residency of foster youth applicant, dated no more than 60 days prior to the date submitted.	1	<u>Yes</u>
(2) The following documents are worth one point and establish residency for an individual who lacks a stable residence or is a survivor of domestic violence, as applicable. When applicants submit one of these documents for proof of residency, no home address will appear on the card except as provided in this paragraph and in subdivisions (c) and (d) of section 6-02:			
Document	Description	Point Value for Proof of Residency	Acceptable as Proof of Address
Letter Issued by New York City Agency, Nonprofit Organization or Religious Institution Located within City of New York Serving Homeless Individuals	Signed letter from executive-level official from a City agency, nonprofit organization or religious institution that provides services to homeless individuals. The letter must indicate applicant has resided in New York City for at least 15 days and lacks a stable residence; letter must be dated no more than 30 days prior to the date submitted.	1	<u>No</u>
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(b) The applicant and caretaker must demonstrate proof of relationship by providing at least one of the following documents:			
Document	Description	Date of Birth of Applicant	
Where Caretaker is Parent: Applicant's Birth Certificate	Applicant's birth certificate displaying caretaker's name as parent. A birth certificate issued in Puerto Rico prior to July 1, 2010 will not be accepted. All birth certificates issued prior to that date have been invalidated by Puerto Rico law.	<u>Yes</u>	
Where Caretaker is Parent: Adoption Decree	Applicant's adoption decree displaying caretaker's name as parent.	<u>Yes</u>	
Where Caretaker is Legal Guardian: Court Decree	Court decree displaying caretaker's name as legal guardian.	<u>Yes</u>	
Where Caretaker is Foster-Care Parent, ACS Executive-Level official or ACS Foster Care Agency Caseworker; Letter from NYC Administration for Children's Services Foster Care Agency	Signed letter from executive-level official at ACS or ACS designated NYC foster care agency establishing relationship of youth applicant to foster parent or agency caseworker	<u>Yes</u>	
Where Caretaker is Parent: U.S. Tax Return	Tax return listing the applicant by name as a dependent of the caretaker filed with the U.S. Internal Revenue Service and dated within five years of submission.	<u>Yes</u>	
(c) At least one of the documents provided pursuant to section 6-07(a) or 6-07(b) above must include the applicant's date of birth;			
(d) The caretaker must demonstrate proof of the caretaker's own identity worth at least three points from the lists set forth in section 6-05(c), including a photo identification; and			
(e) The applicant's residency must be established by: (i) the applicant establishing residency in accordance with section 6-06 above or (ii) the caretaker establishing residency for the applicant			

Letter Issued by New York City Agency, Nonprofit Organization, or Religious Institution that Provides Services to Survivors of Domestic Violence	Signed letter from executive-level official from a New York City agency, nonprofit organization, or religious institution that provides services to survivors of domestic violence. The letter must indicate that applicant has resided in New York City for at least 15 days and has security concerns about an address appearing on the IDNYC Card; letter must be dated no more than 30 days prior to the date submitted.	1	<u>No</u>
Letter Issued by a Hospital or Health Clinic Located in City of New York	Signed letter from executive-level official at a hospital or health clinic indicating that applicant has resided at the facility for at least 15 days over the previous 60 day period; letter must be dated no more than 30 days prior to the date submitted.	1	<u>No</u>
Letter Issued by Nonprofit Organization or Religious Institution Located within City of New York Serving Homeless Individuals or Survivors of Domestic Violence indicating "Care Of" Address	Signed letter from executive-level official from a nonprofit organization or religious institution that provides services to homeless individuals or survivors of domestic violence. The organization must currently receive City funding. To establish use of the nonprofit organization's or religious institution's address for mailing purposes, the letter must indicate that: (1) the applicant has received services from the entity for the past 60 days, (2) the applicant may use the entity's address for mailing purposes, and (3) the applicant lacks a stable address or has security concerns about an address appearing on the IDNYC Card. The letter must be dated no more than 14 days from the date submitted. The card issued will indicate the address is "Care Of" the organization that has written the letter.	1	<u>Yes</u>
S 6-07. Applicants Age 21 and Younger			

Applicants who are 21 years of age or younger are not required to provide photo identification if accompanied by a caretaker who can demonstrate proof of a relationship to the applicant. For HRA to issue an IDNYC Card to such an applicant without photo identification, each of the following criteria must be met:

- (a) The applicant must provide documents worth a total of at least two points from the proof of identity lists set forth in section 6-05(c);

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by establishing the caretaker's own residency in accordance with section 6-06 above and providing an attestation, on a form and in a format established by the Commissioner, that the applicant resides with the caretaker.

S 6-08. Reporting Name Changes and Changes of Address

- (a) An individual issued an IDNYC Card must report a change of name, address or gender within 10 days of such change.

(b) After a change to an individual's name, address or gender, an individual who has notified HRA of such change may obtain a new IDNYC Card by bringing the outdated card to an IDNYC enrollment location.

S 6-09. Fees

- (a) HRA will not charge a fee to an applicant in connection with the issuance of an applicant's first IDNYC Card.

(b) HRA will charge a \$10.00 fee for the replacement of an unexpired card except where the individual requests a replacement card in order to update the address, name, or gender and brings the outdated IDNYC Card to an IDNYC enrollment location.

(c) HRA will waive the fee set forth in section 6-09(b) on behalf of individuals who submit a self-attestation indicating that they cannot afford the cost of such fee.

S 6-10. Expiration and Renewal

- (a) The IDNYC Card will be valid for five years from the date of application approval.

(b) In order for an individual to receive a renewal card, the individual must present (i) an IDNYC Card that is active or has expired no more than 60 days prior to the date of the application for a renewal card and (ii) documents sufficient to establish residency as set forth in section 6-04 or 6-06 above, as applicable. Alternatively, if the individual is age 21 or under and accompanied by a caretaker who demonstrates proof of the caretaker's own identity worth at least three points from the lists set forth in section 6-05(c), including a photo identification, and the individual and the caretaker present documents sufficient to establish their relationship as set forth in section 6-05(b), the caretaker may establish the individual's continued residency by establishing the caretaker's own residency in accordance with section 6-06 above and providing an attestation that the individual resides with the caretaker.

- (c) An individual who presents an IDNYC Card that has expired for more than 60 days or who fails to present an IDNYC Card at the time of renewal, will be treated as a new applicant.

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NEW YORK, NY *continued*

§ 6-11. Confidentiality of IDNYC Card Eligibility Information

- (a) Once every quarter HRA will destroy copies of records provided by applicants to prove identity or residency for an IDNYC Card that have been retained more than two years, except where such records are required by law to be preserved as evidence for purposes of litigation.
- (b) On or before December 31, 2016, HRA will review data collected in the report described in section 3-115(h) of the Administrative Code and make a determination regarding the continuing need to retain records pursuant to section 3-115(e)(1) of such code in order to effectively administer the IDNYC Card Program and will make any appropriate modifications to the policy for retention of records related to the IDNYC Card Program.
- (c) In the event that: (i) HRA fails to make a determination on or before December 31, 2016 pursuant to section 3-115(e)(2) of the Administrative Code, or (ii) HRA determines that records retention is no longer necessary, then HRA will not retain originals or copies of records provided by an applicant to prove identity or residency for a IDNYC Card for longer than the time needed to review the application, and any such records in HRA's possession prior to such date will be destroyed on or before December 31, 2016 or, in the case of an application pending on such date, as soon as practicable after a final determination has been made regarding the application. Nothing in this subdivision will be construed to prevent HRA from retaining records where such records are required by law to be preserved as evidence for purposes of litigation.
- (d) Information collected about applicants for the card will be treated as confidential to the maximum extent allowable by applicable federal and state law and may only be disclosed if:
- (i) Authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian;
 - (ii) So ordered by a court of competent jurisdiction;
 - (iii) To a requesting city agency for the limited purpose of administering the IDNYC Card Program or determining or facilitating the applicant's eligibility for additional benefits, services, and care, provided that such disclosure is made in accordance with all applicable federal and state privacy laws and regulations, and subject to the further requirement that such information will not be redisclosed to any other governmental agency or entity, or third party; or
 - (iv) To a law enforcement agency that serves the administering agency a judicial subpoena or judicial warrant.
- (e) HRA will not indicate on the IDNYC Card application forms the type of records provided by an applicant to establish residency or identity.

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§ 6-12. Review of Denial of IDNYC Card Applications

- (a) An applicant who has been denied an IDNYC Card may seek review of the denial determination by submitting a review request, on a form and in a format established by the Commissioner, to the IDNYC Card Program within 30 days of issuance of the denial.

(b) The Executive Director of the IDNYC Card Program or his or her designee shall review and respond in writing to all review requests within 30 days of receipt. The Executive Director or his or her designee will have the power to reverse or uphold the determination under review.

(c) If the Executive Director or his or her designee does not issue a response to the review request within 30 days of receipt by the IDNYC Card Program, then the determination under review shall become the final decision on the application.

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NEWARK, NJ

FORM DRAFT 4-1 MAY 06 2015 SPBF-g 050515

Ordinance
of the
City of Newark, N.J.

MAY 06 2015 Date Mayor MAY 21 2015 Date Reassumed
Public Hearing To Council
160-2015 2nd May and Paul Pinto
Approved as to Form and Legality on Basis of Passes Set Forth
Corporation Counsel
Council Member presents the following Ordinance:

AN ORDINANCE CREATING A NEW CITY OF NEWARK IDENTIFICATION CARD PROGRAM; REPEALING THE GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED AND FURTHER REPEALING ORDINANCE 65 FD, SEPTEMBER 15, 1993.

WHEREAS, there is a recognition that many residents within the City of Newark often times do not have access to various forms of identification and thus have difficulty obtaining services such as banking accounts, access to health care services, as well as public/government buildings, and;

WHEREAS, there are also many undocumented immigrant residents who are unable to produce acceptable documentation and thus, as a result thereof, have great difficulty obtaining services;

WHEREAS, it has also been documented in New Haven, Connecticut, that there was a dramatic decrease in robberies/armored robberies against undocumented immigrant workers after the implementation of city identification cards in New Haven, Connecticut; and

WHEREAS, the availability of City identification cards will be helpful to displaced youth in addition to many residents and immigrants; and

WHEREAS, the Municipal Council in conjunction with the Mayor of the City of Newark believe the availability of City identification cards will be positive and productive for so many residents within the City of Newark.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

Section 1. The Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, shall include the following:

The City of Newark hereby establishes a City of Newark Identification Card Program, which shall be issued to individuals who can prove their identity and residency, in accordance with the terms of this ordinance, which shall be liberally interpreted.

I. Administering Department.

a. The Department of Health and Community Wellness (hereinafter referred to as the Administering Department) shall be designated as the department to administer the Newark Identification Card Program.

b. The Administering Department shall issue such policies and procedures necessary to effectuate the purposes of this ordinance, including, the designation of access sites (including at least one site within each of the five (5) wards of the City of Newark), where applications for such cards shall be made available for pick-up and submission. The Department of

15-0894

FORM DRAFT 4-1 MAY 20 2015 SPBF-g 050515

No. G.P.S.F.C. Page 2 of 2 Date MAY 20 2015

Administration, Office of Information Technology shall also make the applications available online.

II. Definitions.

"City of Newark Municipal Identification (I.D.) Card" or "Newark Identification Card" shall mean a card issued by the City of Newark that shall, at a minimum, display the card holder's photograph, name, date of birth, address, signature, issuance and expiration date. Such card shall also, at the cardholder's option; display the cardholder's self-designated gender. Such identification card shall be designed in a manner to deter fraud.

"Resident" shall mean a person who can establish that he or she is a current resident of the City of Newark.

"City" unless otherwise identified shall solely mean City of Newark.

"Care of Organization" City Agency, hospital, private or public shelter, non-profit organization, or religious institution in Newark, New Jersey serving homeless individuals or survivors of domestic violence.

"Care Address" Authorized use of address by City Agency, hospital, private or public shelter, non-profit organization, or religious institution in Newark, New Jersey serving homeless individuals or survivors of domestic violence.

"Care Address Letter" A letter from a City Agency, hospital, non-profit organization, private or public shelter, or religious institution in Newark, New Jersey authorizing use of address. Letter must indicate applicant has received services from the entity for past 15 days and may use entity's address for mailing purposes (dated within 15 days). Address on card will be "Care Of" the organization.

III. Issuance of Newark Identification Cards; Display; Term; Fee

a. The City of Newark Identification Card shall be available to any resident of the City of Newark regardless of his or her race, color, creed, age, national origin, alienage, or citizenship status, gender, sexual orientation, disability, marital status, partnership status, any lawful source of income, housing status, status as a victim of domestic violence or status as a victim of sex offenses or stalking, or conviction or arrest record, provided that such resident is able to meet the requirements for establishing his or her identity and residency as set forth in this ordinance and of any applicable policies and procedures established by the Administering Department.

b. The Newark Identification Card shall display at minimum the applicant's full name, photograph, address, date of birth, signature, card issue and expiration dates. The administering agency shall, through policy and procedure it establishes as required by this ordinance, create guidelines to protect the addresses of victims of domestic violence or alternates requirements for applicants who seek a permanent address. Such card shall also, at the cardholder's option; display the cardholder's self-designated gender. Such identification card shall be designed in a manner to deter fraud which may

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include: bar codes, serial numbers, watermarks, City Seal, and other security protections to deter fraud.

c. The City of Newark Identification Card is valid for two (2) years from date of issuance. Residents age fourteen (14) or over may apply for a card. Relocation out of the City, invalidates the City of Newark Identification Card and shall be returned to the City for destruction.

d. The fee for the issuance of the City of Newark Identification Card shall be \$15.00 for adults and \$7.00 for children, veterans, disabled and senior citizens. Renewal of card shall be \$15.00 and change of information shall be \$7.00. The Administering may adopt rules permitting residents who cannot afford to pay such fee(s) to make a hardship application and to be granted a full or partial waiver. The Administering may in full or part waive the fee for the Newark Municipal Identification Card if an applicant can establish a hardship exemption. Applicants may file for a hardship exemption waiver during application's intake process. In order for an applicant to be granted a hardship waiver, the applicant must demonstrate and have proof of one of the following circumstances:

- i. Applicant is currently homeless; or
- ii. Applicant has proof of eviction within the last 3 months; or
- iii. Applicant has recently experienced reported domestic violence; or
- iv. Applicant has proof of substantial debt caused by medical expenses within the last 12 months; or
- v. Applicant is currently unemployed; or
- vi. Applicant has filed for bankruptcy within the last 6 months; or
- vii. Applicant currently receives one of the following: Supplemental Nutrition Assistance program, or SSI, or TANF, or Food stamps. The applicant should provide proof in the form of a letter, notice or other official document containing the name of the agency granting the benefit, the name of the recipient of the benefit and the name of the benefit received; or
- viii. Applicant's current household income is at or below 160% of the federal poverty level.

IV. Proof of Residency and Identity.

In order to obtain a City of Newark Identification Card an applicant must establish their identity and residency within the City of Newark as follows:

e. Proof of Identity. The Newark Identification Card Program will use a point system to determine if applicants are able to prove identity and residency in Newark, New Jersey. In order to establish identity, an applicant shall be required to produce one or more of the following documents: a U.S. or foreign passport; a U.S. driver's license; a U.S. state identification card; a U.S. permanent resident card; a consular identification card; a photo identification card with name, address, date of birth, and expiration date issued by another

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country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country; a certified copy of U. S. or foreign birth certificate; a Social Security card; a national identification card with photo, name, address, date of birth, and expiration date; a current driver's license; a U.S. or foreign military identification card; a current visa issued by a government agency; a U.S. Individual Taxpayer Identification Number (ITIN) authorization letter; an Electronic Benefit Transfer (EBT) card; or any other documentation that the (administering agency) deems acceptable. If the individual is a minor, proof must be furnished on behalf of said minor by the individual's parents or legal guardian or by a court of competent jurisdiction. The administering agency shall, through the policy and procedure it establishes, create a point system to ensure uniformly and non-biased requirements by which individuals may establish identity and residency. The Administering Agency through its policies and procedures, shall determine the weight to be given to each type of document provided in this paragraph, and require that at an minimum an applicant produce more than one document to establish identity.

b. Proof of Residency. In order to establish residency, an applicant must present one or more of the following items showing both the applicant's name and residential address located within the City: a utility bill; a local property tax statement or mortgage payment receipt; a bank account statement; proof that the applicant has a minor child currently enrolled in a school located within the city; an employment pay stub; a jury summons or court order issued by a state or federal court; a federal or state income tax or refund statement; an insurance bill (homeowner's, renter's, health, life, or automobile insurance); written Care Address Letter confirming residency; and any other document the Administering Department determines is acceptable which shall be set forth in its policies and procedures it promulgates. The Administrator shall create through its policies and procedures alternative methods to establish residency, notwithstanding the lack of fixed address. The Administrator may consider a care address acceptable for the homeless and domestic violence applicants.

V. All City of Newark departments shall accept the Newark Municipal Identification Card as proof of identity and residence for access to city services and benefits unless such acceptance is prohibited by federal or state law or unless the department or authority has reason to suspect fraud by the purported cardholder. The City of Newark shall take reasonable efforts to promote the acceptance of the card by banks and other public and private institutions and publicize the benefits associated with the Newark Identification Cards.

VI. Confidentiality.

The records relating to the application and issuance of the City of Newark identification cards shall be maintained in accordance with law. The City of Newark shall make best efforts to protect the confidentiality of all municipal card applicants to the maximum extent allowable by federal and state law. The City of Newark shall not disclose personal information obtained from an applicant for a Newark Municipal Identification card to any individual, public, or private entity, unless required by a court of competent jurisdiction, or authorized in writing by the individual to whom such information pertains, or when such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian; when so ordered by a court of competent jurisdiction; to a requesting

15-0894

NEWARK, NJ *continued*

FORM OHD-A-1500-04-R, 2014 Reg. Rev.

SPSF-g 083016

SF-g 080615

No. G.P.S.F. G

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MAY 20 2015
Date

1 City department for the limited purpose of administering the program or
2 determining or facilitating the applicant's eligibility for additional benefits or
3 services or care and provided that such disclosure is made in accordance with
4 all applicable federal and state privacy laws and regulations.

5 The City of Newark administering agency shall not retain original or copies of
6 documents provided by an applicant to prove identity or residency when
7 applying for a Newark Municipal Identification Card.

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13 **VII. Disclaimer**

14 The City of Newark is providing the Newark Identification Card for identification
15 and access to services provided by the City of Newark. This City does not act
16 as guarantor or warrantee either of the information provided by the applicant for
17 the Newark Identification Card or offagainst acts, criminal or otherwise
18 committed by the individual(s) while possessing or using the Newark
19 Identification Card. The City does not waive any of its protections afforded
20 under Federal, state or local law, including but not limited to the immunities
21 under the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq., by processing
22 or issuing the Newark Identification Card.

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28 **VIII. The Administering Department shall submit a report to the Mayor and**
29 **the City of Newark Municipal Council on the status of the Newark Identification**
30 **Card Program on a yearly basis or at the request of the Mayor and/or Municipal**
31 **Council.**

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34 **IX. Violations and Penalties**

35 Altering or intentionally damaging the Newark Municipal Identification Card,
36 using another person's Newark Municipal Identification Card, or allowing the
37 cardholder's Newark Municipal Identification Card to be used by another person
38 may result in confiscation of the card and is in violation of N.J.S.A. 2C: 28-7.
39 Submission of false documents to obtain Newark Municipal Identification Card
40 is a violation of N.J.S.A. 2C: 21-2.1(c) and making false statements to obtain
41 Newark Municipal Identification is a violation of N.J.S.A. 2C: 21- 4 and
42 punishable by law.

43 Except as otherwise expressly provided for Section 1, Part IX, any person who
44 violates any provision of this ordinance shall, upon conviction thereof, be
45 punished by one or more of the following penalties: (1) a fine not exceeding one
46 thousand (\$1,000.00) dollars; (2) imprisonment for any term not exceeding
47 ninety (90) days; or (3) a period of community service not exceeding ninety
48 (90) days. Separate offenses shall be deemed committed on each day during or
49 on which a violation occurs or continues.

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58 **Section 2 Ordinance 6-S&Fb, September 15, 1993 is hereby repealed in its**
59 **entirety.**

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69 **Section 3. If any portion of this ordinance shall be deemed unenforceable by**
70 **a court of competent jurisdiction, the remainder of the ordinance shall remain in full**
71 **force and effect.**

15-0504

HARTFORD, CT

Introduced by: Mayor Pedro Segarra

**HEADING
AND
PURPOSE**

AN ORDINANCE AMENDING CHAPTER 2 OF THE HARTFORD MUNICIPAL CODE TO ADD ARTICLE XXII RE MUNICIPAL IDENTIFICATION CARD PROGRAM

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

April 27, 2015

Be It Ordained by the Court of Common Council of the City of Hartford that Chapter 2 of the Hartford Municipal Code is hereby amended to add Article XXII to read as follows.

ARTICLE XXII – MUNICIPAL IDENTIFICATION CARD PROGRAM

Sec. 2-930. – Establishment and Purpose

The City of Hartford shall create a Hartford municipal identification card for the purpose of improving the quality of life for residents, enhancing the City's reputation as a welcoming and inclusive community, assisting unbanked and underbanked residents to become part of the mainstream economy, and promoting a sense of shared identity for those who live in Connecticut's capital city.

Sec. 2-931 - Definitions

Program Administrator shall mean the City department or office designated by the Mayor to administer the Hartford municipal identification card program.

Hartford City ID Card shall mean an identification card issued by the City of Hartford pursuant to Section 2-933.

Resident shall mean a person who can establish that he or she is a current resident of the city of Hartford pursuant to Section 2-934.

Third Party Administrator shall mean the vendor selected through a competitive procurement process to administer the Hartford City ID Card program at no net cost to the City of Hartford.

Sec. 2-932 - Program Administration

A. The Mayor shall designate a Program Administrator to administer the Hartford City ID Card program. The Program Administrator shall coordinate with and oversee the work of the Third Party Administrator in implementation of the program.

B. The Third Party Administrator shall develop and promulgate all rules necessary to carry out the program and shall implement the program. The Third Party Administrator shall designate access sites where persons may pick up and submit applications for ID cards and shall also

make applications available on-line. The Third Party Administrator, consistent with all federal, state, and local laws, shall provide language assistance to applicants for the Hartford City ID Cards to facilitate access thereto. The Third Party Administrator shall identify and implement measures to address the needs of limited English proficient individuals in the administration of the Hartford City ID Card program. Such measures shall include, but shall not be limited to, staff training, community outreach, and language assistance tools. The Third Party Administrator shall be responsible for negotiating and entering into contracts with banking institutions in order to offer the option of using the ID Card as a standard pre-paid debit card.

Sec. 2-933 - Issuance

A. **Card Design:** The Hartford City Card shall display, at a minimum, the cardholder's photograph, name, date of birth, address, an expiration date that is not more than five years from the date of issuance, and, at the cardholder's option, gender identity. The Card shall be designed in such a manner as to allow the use of the Card, at the cardholder's option, as a standard, pre-paid debit card. The Card shall be designed in such a manner as to deter fraud. The Third Party Administrator may, by rule, establish procedures to protect the addresses of victims of domestic violence or alternate requirements for applicants who lack a permanent address.

B. **Availability:** The Hartford City ID Card shall be available to any resident of Hartford without regard to race, color, creed, age, gender, sexual orientation, national origin, citizenship status, marital or partnership status, disability, lawful source of income, housing status, arrest or conviction record, or status as a victim of domestic violence or of sex offenses or stalking, provided that such resident is able to meet the requirements for establishing his or her identity and residency as set forth in Section 2-934.

C. **Fee:** The fees for issuance of a Hartford City ID Card shall be \$15 for adults and \$10 for children 17 years and younger. The Third Party Administrator may adopt rules permitting residents who cannot afford to pay such fee to be granted a full or partial waiver of the fee.

Sec. 2-934 – Eligibility

A. **Requirements:** In order to obtain a Hartford City ID Card, an applicant must establish proof of identity and proof of Hartford residency.

B. **Documentation of Identity:** In order to establish identity, an applicant shall be required to produce one or more of the following documents. Such documents shall be current or expired not more than five (5) years prior to the date of the application. The Third Party Administrator may determine, by rule, the weight to be given each document and may require that an applicant produce more than one document to establish identity. Such rule shall be approved in advance by the Program Administrator.

- United States or foreign passport
- U.S. or foreign driver's license
- U.S. state identification card
- Social Security card

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- Certified copy of a U.S. or foreign birth certificate
- U.S. or foreign military identification card
- Current visa issued by a government agency
- United States permanent resident card
- U.S. individual taxpayer identification number (ITIN) authorization letter
- Electronic Benefit Transfer (EBT) card
- Consular identification card
- Photo identification card with name, address, date of birth, and expiration date which has been issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country
- National identification card with photograph, name, address, date of birth, and expiration date
- Any other documentation that the Third Party Administrator deems acceptable, subject to approval by the Program Administrator.

C. **Documentation of Residency:** In order to establish residency, an applicant shall be required to produce one or more of the following documents, each of which must show the applicant's name and residential address located within the city and must be dated no more than sixty days prior to the date such document is presented, except as otherwise indicated in this section. The Third Party Administrator, with the approval of the Program Administrator, may determine, by rule, the weight to be given each document and may require that an applicant produce more than one document to establish residency. The Third Party Administrator shall create alternative methods by which individuals who are homeless can establish residency, notwithstanding the lack of fixed address. Such methods shall be subject to approval by the Program Administrator.

- Utility bill
- Current residential property lease
- Hartford property tax statement dated not more than one year prior to the date application is submitted
- Mortgage payment receipt for real property located within Hartford
- Bank account statement
- Employment pay stub
- Jury summons or court order issued by a federal or state court
- Federal or state income tax or refund statement dated not more than one year prior to the date of application
- Bill for homeowner, renter, health, life, or automobile insurance
- Written verification issued by a homeless shelter located in Hartford confirming at least fifteen days residency
- Written verification issued by a hospital, health clinic, or social services agency located in Hartford confirming at least fifteen days residency
- Any other documentation that the Third Party Administrator deems acceptable, subject to approval by the Program Administrator.

Sec. 2-935 - Confidentiality of Information

A. **Retention of Documentation:** Neither the City of Hartford nor its Third Party Administrator shall retain originals or copies of records provided by an applicant to prove identity or residency when applying for a Hartford City ID Card.

B. **Disclosure:** The City of Hartford shall not disclose personal information, obtained from applicant for a Hartford City ID Card, to any public or private entity or individual, including federal, state, or city immigration or law enforcement entities, unless required to do so by federal or state law.

Sec. 2-936 - Access to Services

A. All City of Hartford agencies and officers shall accept the Hartford City ID Card as proof of identity and residency unless such acceptance is prohibited by state or federal law or unless the agency or officer has reasonable grounds to believe that the individual presenting the card is not the individual to whom the card was issued.

B. The City of Hartford shall seek to expand the benefits associated with the Hartford City ID Card, including encouraging eligible persons to apply for the card and promoting the acceptance of the Card by banks, public and private institutions, businesses, and other entities.

C. No City of Hartford agency or officer shall require the possession of a Hartford City ID Card where or when identification is not already required to obtain City services. However, agencies may require the possession of the Card to obtain benefits or privileges that are offered exclusively to those possessing a Hartford City ID Card, as an incentive to apply for such Card.

Sec. 2-937 - Counterfeit and Fraudulent Cards

It is a violation of this section of the Municipal Code for any person or entity to do any of the following acts. A fine of \$100 may be imposed for each violation.

- i. To knowingly present false information in the course of applying for a Hartford City ID Card.
- ii. To alter, copy, or replicate a Hartford City ID Card without the authority of the City of Hartford, or
- iii. To use the Hartford City ID Card issued to another person, with the intent to cause a third person or entity to believe the holder of the Card is the person to whom the card was issued.

This ordinance shall take effect upon approval by the Court of Common Council.

Appendix 3: Financial Inclusion

REGULATORY GUIDANCE—IDNYC

**Board of Governors of the Federal Reserve System
Federal Deposit Insurance Corporation
Financial Crimes Enforcement Network
Office of the Comptroller of the Currency**

April 30, 2015

Commissioner Julie Menin
New York City
Department of Consumers Affairs
42 Broadway
New York, New York 10004

Commissioner Nisha Agarwal
New York City
Mayor's Office of Immigrant Affairs
City Hall
New York, New York 10007

Michael P. Smith
President and CEO
New York Bankers Association
99 Park Avenue, 4th Floor
New York, New York 10016

Dear Commissioners Menin and Agarwal and Mr. Smith:

The Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, and the Financial Crimes Enforcement Network (collectively, the "Agencies") are in receipt of your letter dated November 25, 2014, regarding the newly instituted New York City Municipal Identification Card ("ID Card")¹ and whether it can be used to verify identity under the customer identification program ("CIP") requirements when opening bank accounts. In addition, you are seeking guidance as to whether the ID Card's number may be used as an identification number for non-U.S. persons, and whether banks can rely on the ID Cards to open accounts when certain cards are issued without an address.¹

The Agencies recognize the importance of ensuring public access to financial services in an environment that promotes trust and confidence. At the same time, supervisory requirements address oversight for compliance with the Bank Secrecy Act (BSA), which requires banks to

¹ A limited number of cards will be issued without a residential address to individuals who can otherwise demonstrate identity and residence in New York City, but who are domestic violence survivors or homeless individuals.

adopt and implement a BSA/Anti-Money Laundering (AML) Compliance Program. One important component of a BSA/AML Compliance Program is a bank's CIP.

The CIP rule, 31 C.F.R. 1020.220, requires a bank to have procedures in place to identify its customers at account opening by obtaining at a minimum the customer's name, date of birth, address, and identification number, and to verify the customer's identity using documentary or non-documentary means. For a U.S. person, the identification number is their taxpayer identification number. For a non-U.S. person, their identification number may be from a passport, alien identification card, or any other government-issued document evidencing nationality or residence and bearing a photograph or similar safeguard.

The rule also requires the bank to obtain from an individual customer a residential or business street address. For ID Cards issued without an address, the rule permits the individual customer to provide a residential or street address of next of kin or of another contact individual.

Banks using documentary methods to verify a customer's identity must have procedures in place that set forth the documents the bank will rely on to verify a customer's identity. The CIP rule neither endorses nor prohibits a bank from accepting particular types of government identification cards. Indeed, a bank's procedures may permit any unexpired, government-issued identification evidencing nationality or residence and bearing a photograph or similar safeguard. Ultimately, each bank's management must determine which forms of documentation are acceptable in meeting such requirements.² Other forms of identification may be used, alone or in combination, provided the bank is able to form a reasonable belief that it knows the true identity of the customer. See, Interagency Interpretive Guidance on Customer Identification Program Requirements under Section 326 of the USA PATRIOT Act, 2005 FAQs: Final CIP Rule, April 28, 2005. Therefore, a bank may accept the ID Card as a means of documentary verification as provided in the bank's CIP procedures. Since the ID Card is a government-issued document, its number may be used as an identification number for non-U.S. persons, provided the ID Card evidences residence in New York City and bears a photograph or similar safeguard.

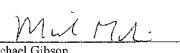
Because the rule is risk-based, the bank must assess the risk presented by the customer. In some cases, the bank may determine that more information than the ID Card is necessary to verify the customer's identity.

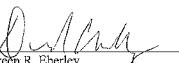
In addition to satisfying CIP requirements, the bank should also assess the AML risks posed by the customer, and conduct appropriate due diligence to manage those risks. Please note that this letter only applies to the CIP requirements under the BSA and does not alter any other recordkeeping or reporting requirements calling for additional information, such as a taxpayer identification number.

² A bank need not establish the accuracy of every element of identifying information or document obtained, but the institution must verify enough information to form a reasonable belief that it knows the true identity of the customer.

This letter represents the views of the Agencies. We hope you find this information helpful.

Sincerely,


Michael Gibson
Director
Banking Supervision and Regulation
Board of Governors of the
Federal Reserve System


Doreen R. Eberley
Director
Division of Risk Management Supervision
Federal Deposit Insurance Corporation


Jamil El-Hindi
Acting Deputy Director
Financial Crimes Enforcement Network


Jennifer C. Kelly
Senior Deputy Comptroller and
Chief National Bank Examiner
Office of the Comptroller of the Currency

NCUA OPINION



National Credit Union Administration

November 24, 2014

SENT BY ELECTRONIC MAIL,
AND FIRST CLASS MAIL.

Cathleen A. Mahon, President & CEO
Deyanira Del Rio, Board Chair
National Federation of Community Development Credit Unions
39 Broadway Avenue
Suite 2140
New York, New York 10006

Re: Customer Identification Programs

Dear Mses. Mahon and Del Rio:

Your correspondence dated August 1, 2014 and October 20, 2014 requested NCUA guidance clarifying whether an identification card issued under New York City's Municipal ID Program (a "Municipal ID") will suffice for credit unions' customer identification programs ("CIP") governing opening new member accounts. Your more recent correspondence specifically requested clarification of my initial response letter dated August 22, 2014 with respect to whether "credit unions may, for non-U.S. citizens, accept the identification number from [Municipal IDs] for the purpose of opening accounts."

The "CIP Rule" found in the regulations of the Financial Crimes Enforcement Network at 31 C.F.R. § 1020.220, describes procedures for the establishment of accounts for both "U.S. persons," which for natural persons refers to U.S. citizens, and for "non-U.S. persons," which for natural persons means non-U.S. citizens.⁵ As I have previously indicated, under the CIP Rule a credit union "must include risk based procedures for verifying the identity of each customer to the extent reasonable and practical," such that the credit union has a reasonable belief that it knows the true identity of each member.⁶ Language in the CIP Rule indicates that a credit union's verification of identity through documentation may include the review of an "unexpired, government-issued identification evidencing nationality or residence and bearing a photograph or similar safeguard..."⁷ Previously published guidance states that even non-government-issued identification may be used, as long as it can enable the financial institution to "form a reasonable belief that it knows the true identity of the customer."⁸

⁵ 31 C.F.R. § 1010.100(e)(ii).

⁶ 31 C.F.R. § 1020.220(a)(2).

⁷ 31 C.F.R. § 1020.220(a)(2)(G)(A)(1).

⁸ Financial Crimes Enforcement Network, *Guidance on Customer Identification Regulations - F.A.Q.: Final CIP Rule*, 31 C.F.R. § 103.121(b)(2)(ii) – Customer verification (April 28, 2005), at #2, available at http://www.fincen.gov/statutes_regs/guidance/pdf/finalciprule.pdf.

1775 Duke Street - Alexandria, VA 22314-3428 - 703-518-6300

Mses. Mahon and Del Rio
November 24, 2014
Page 2

As indicated in my previous response, for "U.S. persons," identity verification is initially tied to a taxpayer identification number ("TIN") rather than a particular form of identification.⁹ A TIN would have to be confirmed by the credit union before opening a new account for a U.S. person using a Municipal ID.¹⁰ For non-U.S. persons, the CIP Rule allows a new account to be opened where the applicant can establish name, date of birth, address, and also provide an identification number, the last of which may be provided using any one (or more) of the following: a passport number with country of issuance; an alien identification card number; or the number and country of issuance of any other government-issued document evidencing nationality or residence and bearing a photo or similar safeguard.¹¹

Accordingly, an unexpired Municipal ID, which you described to include data found in other forms of government-issued identification such as name, photo, date of birth, address, and signature, would contain the elements required by the CIP Rule for a primary source of identification in opening a new account for either U.S. or non-U.S. persons.¹²

In the process of implementing the CIP Rule, Treasury indicated it will "ensure that [information relating to the security and reliability of identification cards] is collected and shared with the financial community to assist them in verifying the identity of their customers."¹³ You should also seek the input of Treasury regarding the use of Municipal ID, as that agency would be in the best position to clarify its interpretation of the use of government-issued identification by any U.S. financial institution for CIP purposes.

Sincerely,

Michael J. McKenna
General Counsel

OGC/DPF:bhs
SSIC 3247
GC#14-0801

cc: Director, Office of Examination and Insurance
Director, Office of Small Credit Union Initiatives

⁹ 31 C.F.R. § 1020.220(a)(2)(G)(A)(4)(i).

¹⁰ Alternative procedures can be put in place for account applicants that have applied but not yet received a TIN at the time of account opening. 31 C.F.R. § 1020.220(a)(2)(X)(B).

¹¹ 31 C.F.R. § 1020.220(a)(2)(X)(A)(4)(ii).

¹² Using the documentary approach described in 31 C.F.R. § 1020.220(a)(2)(i).

¹³ Customer Identification Programs for Financial Institutions, 68 Fed. Reg. 55336 at III (Comments received Sep. 25, 2003), available at <http://www.gpo.gov/fdsys/pkg/FR-2003-09-25/html/03-24276.htm>.







*It is time to bring
the 11 million
out of the shadows
and into the light*





populardemocracy.org