

NEW YORK CITY HUMAN RESOURCES ADMINISTRATION

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? To better ensure that every New Yorker is provided with the opportunity and peace of mind that come with government-issued photo identification, the Commissioner of the New York City Department of Social Services, which includes the Human Resources Administration (HRA), which is the administering agency of the New York City Identification Card (IDNYC) Program proposes to amend Chapter 6 of Title 68 of the Rules of the City of New York to, among other things, (1) lower the minimum age to obtain the card from 14 years of age to ten years of age; and (2) allow the program, in certain limited circumstances, to accept data and electronic versions of documents in lieu of physical documents.

When and where is the hearing? The New York City Human Resources Administration will hold a public hearing on the proposed rule. The public hearing will take place at 9:30am on June 13, 2018. The hearing will be held at 125 Worth Street, 2nd Floor, in Manhattan. Please enter on Lafayette Street.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to HRA through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to IDNYCRule@hra.nyc.gov
- **Mail.** You can mail comments to:

IDNYC
One MetroTech North, 6th Floor
Brooklyn, NY 11201
Attention: Nathaniel Hobelman
- **Fax.** You can fax comments to 718-250-5916
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 929-221-7668. You can also sign up in the hearing room before the hearing begins on June 13. You can speak for up to three minutes.

Is there a deadline to submit comments? The deadline to submit comments is June 13, 2018.

What if I need assistance to participate in the hearing?

You must tell Nathaniel Hobelman if you need a foreign language interpreter, a sign language interpreter, or a reasonable accommodation of a disability at the hearing. You can tell us by mail at the address given above. You may also tell us by telephone at 929-221-7668. Advance notice is requested to allow sufficient time to make arrangements. Please tell us by June 6, 2018.

This location has the following accessibility option(s) available: This location is accessible to individuals using wheelchairs or other mobility devices. For additional requests regarding accessibility please contact Nathaniel Hobelman by mail or telephone as described above by June 6, 2018.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public on HRA's website.

What authorizes HRA to make this rule? Sections 603 and 1043 of the City Charter, Administrative Code section 3-115, and Executive Order No. 6 of 2014 authorize HRA to make this proposed rule. This proposed rule was not included in HRA's most recent regulatory agenda because it was not contemplated when HRA published the agenda.

Where can I find HRA's rules? HRA's rules are in title 68 of the Rules of the City of New York.

What laws govern the rulemaking process? HRA must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The New York City Identification Card Program (“IDNYC Card Program”), first launched in January 2015, is now in its fourth year of operations and includes over a million cardholders.

In April 2016, the program issued its first set of amendments to the rules governing the program based on its experience in its first year and recommendations from stakeholders, including applicants, advocates, IDNYC enrollment staff and members of the City Council. Now, based on additional experience and feedback, the IDNYC program proposes an additional set of amendments to Chapter 6 of the Rules of the City of New York.

These amendments would, among other things:

- **Expand the reach of the card by lowering the minimum age to obtain a card from 14 years of age to 10 years of age.** At the age of 10 or 11, many pre-teens begin walking or taking public transportation to school and other destinations by themselves. The IDNYC card would increase their safety and ease parents’ concerns because, for those under 14, it would include a required field for an emergency contact, which is optional for those 14 and over. This makes it easier for police and other first responders to help children reconnect with their parents in emergency situations. Applicants under 14 could only apply for the card with a caretaker and their cards would expire two years after issuance instead of the regular expiration date of 5 years after issuance for cardholders 14 years of age and older.
- **Allow the program, in certain limited instances, to accept data and electronic versions of documents as proof of identity and residency.**
- **Add residency documents for students living in college dormitories.**
- **Clarify IDNYC’s policy of reserving the right to not accept a document that it is unable to verify, even if it appears on a list of IDNYC-accepted documents.** This has always been the policy of IDNYC, but the amendments would add a provision explicitly stating that IDNYC reserves the right not to accept any document, or type of document, whose validity it is not able to verify.

Additionally, a number of proposed amendments, including to the section involving the opportunity for a secondary review following denial of an application, reflect or are made as a result of the program’s policy, instituted in January 2017, to no longer scan or otherwise make copies of applicants’ identity and residency documents.

HRA's authority for this rule may be found in Sections 603 and 1043 of the City Charter, Administrative Code Section 3-115, and Executive Order No. 6 of 2014.

New text is underlined.

Deleted text is [bracketed].

Section 1. Subdivision (d) of Section 6-01 of Chapter 6 of Title 68 of the Rules of the City of New York is amended to read as follows:

(d) "Caretaker" means a birth parent; adoptive parent; step parent; court-appointed guardian, custodian, or conservator; foster care parent; a sponsor of a minor appointed by the United States Department of Health and Human Services, Office of Refugee Resettlement (ORR); an employee from the New York City Administration for Children's Services (ACS), New York State Office for People with Developmental Disabilities (OPWDD), New York State Department of Health (NYS DOH), New York State Office of Mental Health (NYS OMH), New York City Department of Health and Mental Hygiene (NYC DOHMH), a designated ACS foster care agency, or an agency or facility, including a residential care facility, that is operated, licensed, certified or funded by OPWDD, NYS DOH, NYS OMH or NYC DOHMH; a cohabitant of an applicant who has been determined by OPWDD to be a person with a developmental disability; an applicant's Social Security representative payee; or such other categories of individuals that HRA may designate as caretakers in the future pursuant to subdivision (f) of section 6-07 of this title.

Section 2. Section 6-02 of Chapter 6 of Title 68 of the Rules of the City of New York is amended to read as follows:

§ 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 New York City. The card will also, at the cardholder's option, display the cardholder's self-designated gender[, designated emergency contact information], preferred language, veteran status and such additional information as HRA may in the future display. Additionally, for a cardholder under 14 years of age, the cardholder's designated emergency contact information will appear on the card. For a cardholder 14 years of age or older, the cardholder's designated emergency contact information may appear on the card at the cardholder's option.

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

(1) [The] Where an 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, the IDNYC Card will display either no address at all or a "care of" address, as described in that section. [;]

(2) [The] Where an applicant resides in a residential care program that is operated or overseen by HRA's Emergency Intervention Services for the purpose of providing shelter, services and care to survivors of domestic violence and presents a Letter from a Residential Care Program as described in the table set forth in section 6-06(c)(2) of this title, 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. [; or]

(3) [The] Where an applicant provides evidence that they [participates] participate in the New York State Address Confidentiality Program (ACP) established by New York Executive Law §108 for victims of domestic violence, 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. An applicant who participates in the ACP must still establish residency [as set forth in sections 6-06 or 6-07(e) of this title] under this chapter.

(4) Where an applicant is a college or university student who resides in housing affiliated with the school and receives mail at a central school-based location different from where the applicant resides, the IDNYC card will display the address where the applicant receives mail and the name of their school provided the applicant submits a Letter from a College or University Administrator as described in the table set forth in section 6-06(c)(1) of this title.

[(c) In the case of an applicant described in paragraph (1) of subdivision (b) of this section, the IDNYC Card may display either no address at all or 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.]

Section 3. Section 6-03 of Chapter 6 of Title 68 of the Rules of the City of New York is amended to read as follows:

§ 6-03 Eligibility and Application Process.

(a) The IDNYC Card will be available to any resident of New York City [14] ten years of age or older who:

(1) submits an application [on a form and] in a format and in a manner established by the Commissioner; and

(2) establishes identity and residency:

(A) by providing a single 4-point document from the chart set forth in section 6-04(a);

(B) [by having his or her identity and residency verified by the New York City Department of Probation pursuant to subdivision (b) of section 6-04 of this title;

(C) by having his or her identity and residency verified by the New York City Department of Education (DOE), by obtaining the consent of a parent, as that term is defined in section A-820 of the Chancellor's Regulations of the New York City Department of Education, for such verification if the applicant is younger than 18 years of age, and by meeting such additional requirements that are set forth in either subdivision (c) or (d) of section 6-04 of this title;

(D)] by providing identity documents totaling at least 3 points pursuant to section 6-05 of this title and at least one additional residency document pursuant to section 6-06 of this title; [or]

(C) pursuant to subdivisions (b), (c), (d), (e) or (f) of section 6-04 of this title; or

[(E)] (D) pursuant to the caretaker provisions set forth in section 6-07 of this title.

(b) No expired documentation will be accepted, except as provided in this chapter or where HRA makes provisions for the acceptance of expired documentation when allowing additional documents pursuant to sections 6-05(b), 6-06(b) and 6-07[(g)](f) of this title.

(c) Only original documents or copies of documents that have been certified by the original issuing agency will be accepted. Data or electronic versions of documents received from the issuing agency may be deemed to constitute an original document if HRA determines in its discretion that the data have sufficient indicia of reliability. Documents with any alterations or erasures, or that are cancelled or invalidated, will not be accepted. IDNYC reserves the right to not accept any document, or type of document, whose validity it is not able to verify and, where relying on data or electronic versions of documents, to request additional information from the applicant.

(d) Except as provided in section 6-06(a) of this title, all documents used to establish identity and residency must include the name of the individual whose identity and residency is being established. If any of the documents used to establish identity and residency bear a name that is not consistent with the one on the IDNYC application, the applicant must also present either a court order, a certificate of marriage or divorce, or another government-issued document that establishes a lawful name change.

(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] before they leave the enrollment center. IDNYC will not make copies of or digitally scan any documents used by applicants to establish identity or residency.

(f) Wherever a photo identification is required, the photo must bear a reasonable likeness to the person whose identity is being established. The person's gender identity or gender expression will not be the basis for rejection of a photo.

(g) Applicants ages ten to thirteen years of age must be accompanied at enrollment by a caretaker who must sign the application on behalf of the applicant.

Section 4. Subdivisions (b), (c), (d) and (e) of Section 6-04 of Chapter 6 of Title 68 of the Rules of the City of New York are amended to read as follows:

(b) For applicants who are clients of the New York City Department of Probation (DOP), IDNYC will accept the DOP's verification of the applicant's identity and residency, provided to IDNYC [on a form,] in a format and in a manner to be agreed upon by HRA and DOP, as sufficient proof of the applicant's identity and residency to establish eligibility for the IDNYC Card.

(c) For applicants who are students at New York City Department of Education (DOE) schools and are not applying with a caretaker pursuant to section 6-07 of this title, IDNYC will accept the DOE's verification of the applicant's identity and residency, provided to IDNYC [on a form and] in a format and in a manner to be agreed upon by HRA and DOE ("DOE verification"), and [an additional identity document] additional identity documents pursuant to section 6-05 of this title, other than a DOE transcript, as sufficient proof of the applicant's identity and residency to establish eligibility for the IDNYC card[. The additional identity document need not include photo identification if the DOE verification is provided to IDNYC at a temporary enrollment site located at the school in which the applicant is enrolled. If the DOE verification is provided to IDNYC at any other enrollment site, the additional identity document must include photo identification.], as follows:

- (1) If the DOE verification is provided to IDNYC at a temporary enrollment site located at the school in which the applicant is enrolled, IDNYC will accept any identity document listed in section 6-05. Such document need not include a photo identification.
- (2) If the DOE verification is provided to IDNYC at any other enrollment site, the applicant must also present:
- (A) a student identification card issued by the same school issuing the DOE verification; and
- (B) either:
- (i) at least one additional identity document listed in section 6-05, if the student identification card includes a photo; or
- (ii) identity documents listed in section 6-05 worth at least a total of two points, one of which must be accepted as a photo identification, if the student identification card does not include a photo.

(d) For applicants who are students at New York City Department of Education (DOE) schools and are applying with a caretaker pursuant to section 6-07 of this title, IDNYC will accept the DOE's verification of the applicant's identity and residency, provided to IDNYC [on a form and] in a format and in a manner to be agreed upon by HRA and DOE ("DOE verification"), as sufficient proof of the applicant's identity and residency to establish eligibility for the IDNYC card.

(e) For applicants who participate in the Summer Youth Employment Program (SYEP) of the New York City Department of Youth and Community Development (DYCD), IDNYC will accept [a report generated from DYCD's database in a form and format agreed upon by HRA and DYCD] DYCD's verification of the applicant's identity and residency, provided to IDNYC, in a format and in a manner to be agreed upon by HRA and DYCD, as sufficient proof of the applicant's identity and residency to establish eligibility for the IDNYC card if presented along with a photo identification pursuant to section 6-05 of this title.

Section 5. Section 6-04 of Chapter 6 of Title 68 of the Rules of the City of New York is further amended by adding a new subdivision (f) to read as follows:

(f) For applicants who are clients of the New York City Department of Social Services (DSS), IDNYC may, at the applicant's request, verify the applicant's identity and/or residency using information from systems maintained by DSS, provided such data can be accessed for purposes of such verification and, once accessed, is deemed sufficiently reliable. Such information will be worth three points toward establishing the

identity of the applicant if an original photo and related demographic data, including full name and date of birth, are available in DSS's systems; or one point toward establishing identity if only the name and date of birth, but no photo, are available in DSS's system; and one point towards establishing residency if the applicant's address is also in DSS's system.

Section 6. Subdivision (b) of Section 6-05 of Chapter 6 of Title 68 of the Rules of the City of New York is amended to read as follows:

(b) HRA may determine in the future that additional documents, including data or electronic versions of documents received from the issuing agency, may be accepted and will be afforded the value of one point toward establishing the identity of the applicant. In the event that HRA exercises its authority pursuant to this subdivision, HRA will publicize its acceptance of new documents or data, including, but not limited to, publication on the IDNYC website.

Section 7. Paragraph 3 of Subdivision (c) of Section 6-05 of Chapter 6 of Title 68 of the Rules of the City of New York is amended to read as follows:

(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	Acceptable as Proof of 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.	Yes	1	Yes, if date of birth included.
Foreign Driver's License (Not Machine Readable)	Photo identification card granting driving privileges with address, date of birth, and expiration date, that is not machine readable.	Yes	1	Yes
Foreign National Identification Card (Not Machine Readable)	National identification card with photo and date of birth or age, that is not machine readable. Must be accepted for purposes of reentry to issuing country. Includes voter registration cards which are used as national IDs.	Yes	1	Yes, if date of birth included
Foreign Military Photo Identification Card	Photo identification card issued to active duty, retiree or reservist military personnel by foreign country.	Yes	1	Yes, if date of birth included

Foreign Birth Certificate	Certificate of birth issued by current or former sovereign nation.	No	1	Yes
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.	No	1	Yes
NYS Benefit Identification Card without Photo	Welfare/Medicaid/NY Food Stamp Card, also known as an Electronic Benefit Transfer (EBT) Card or Common Identification Benefit Card (CBIC), without Photo and with date of birth.	No	1	Yes
NYC Summer Youth Employment Program Identification Card	Photo identification card issued by a community based organization that administers the NYC Summer Youth Employment Program.	Yes	1	No
U.S. School Transcript From High School or Post-Secondary School, College, or University	Official copy of academic transcript, including terms and dates attended or attending, cumulative academic record, and, if applicable, degrees awarded	No	1	[Yes, if date of birth included] <u>No</u>
Diploma from a U.S. High School, High School Equivalency Program, or U.S. Post-Secondary School, College, or University	U.S. High School Diploma, High School Equivalency Diploma granted based on General Educational Development (GED) and Test Assessing Secondary Completion (TASC) exams, or U.S. post-secondary school, college, or university diploma.	No	1	[Yes, if date of birth included] <u>No</u>
Employee, Consultant or Board Member Identification Card from Organization Located in U.S.	Photo identification card with organization name and address identifying applicant as employee, consultant, board member or as having another similar position. Includes clergy identification cards issued by a religious organization.	Yes	1	No
U.S. Union Photo ID	Card identifying holder as a member of a union that represents employees working in the United States.	Yes	1	No
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	No	1	Yes
Reduced Fare MetroCard for	Must include photo identification and be issued by Metropolitan Transportation	Yes	1	No

Seniors and People with Disabilities	Authority.			
Access-A-Ride ID Card	Photo identification card issued by Metropolitan Transportation Authority.	Yes	1	No
NYC Department of Parks and Recreation issued Recreation Center Membership Card	Photo identification card issued by the NYC Department of Parks and Recreation for Recreation Center Membership <u>when the applicant was at least 18 years old.</u>	Yes	1	No
U.S. Voter Registration Card	Voter registration card issued by any State or Territory.	Yes, if photo included.	1	No
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.	No	1	Yes
Medicare Card	Medicare identification card with name, Medicare claim number, and signature	No	1	No
U.S. Individual Taxpayer Identification Number (ITIN) Card	ITIN card (IRS Form 9844) from U.S. Internal Revenue Service (IRS), with cardholder's ITIN number, name, and signature.	No	1	No
NYS Office of Mental Health (NYS OMH) Facility Photo ID Card	Identification card issued by NYS OMH-operated psychiatric facility, with name and photo.	Yes	1	No

Section 8. Section 6-06 of Chapter 6 of Title 68 of the Rules of the City of New York is amended to read as follows:

§ 6-06 Proof of Residency.

(a) Except as provided in paragraph (2) of subdivision (c) of this section, in subdivision (d) of 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) or a document authorized by subdivision (b) of this section displaying the applicant's residential street address located in New York City. The document must display the applicant's name, except where the document displays the name of the applicant's spouse or domestic partner and the applicant presents: (i) a certificate of marriage, civil union or domestic partnership or birth certificate that demonstrates the relationship to the spouse or domestic partner; and (ii) an attestation signed by the spouse or domestic partner, on a form and in a format established by the Commissioner, that the applicant resides with the spouse.

(b) HRA may determine in the future that additional documents, including data and electronic versions of documents received from the issuing agency, may be accepted and will be afforded the value of one point toward establishing the residency of the applicant. In the event that HRA exercises its authority pursuant to this subdivision,

HRA will publicize its acceptance of the new documents or data, including on the IDNYC website.

(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 or Statement	Must be dated no more than 60 days prior to the date submitted and include home address of applicant. Includes account summary sheets and account statements.	1	Yes
Residential Property Lease or Sublease	Must be a current lease. All leases must include name of applicant, address of the unit rented, term of the lease, amount of rent, terms regarding utilities, and contact information for the lessor. If the phone number of the lessor does not appear on the lease, then the applicant must provide the phone number separately	1	Yes
Local Property Tax Statement	Property tax statement including home address, dated no more than one year prior to the date submitted.	1	Yes
Property Mortgage Payment Receipt	Mortgage payment receipt including home address, dated no more than 60 days prior to the date submitted	1	Yes
Banking, Financial or Credit Card Account Bill, Statement or Notice	Bill, statement or notice from credit card company, bank or other financial institution. Must be dated no more than 60 days prior to the date submitted and include home address. Includes bank account statements, credit card statements, credit union account statements, account summary sheets, loan statements, and notices from banks and credit unions confirming the opening of an account. Other types of banking, financial, or credit card documents will be accepted only as provided under §6-06(b) of this title.	1	Yes
Employment Pay Stub	Must include employer's name, applicant's home address and be dated no more than 60 days prior to date submitted	1	Yes
Statement, bill, or record from health institution	Statement, bill, or record from any hospital or clinic operated by the NYC Health and Hospitals Corporation, or a Federally Qualified Health Center, or a public or private hospital located in New York City. Must include <u>account or patient identification number and</u> home address of applicant and be dated no more than one year prior to date submitted.	1	Yes
Jury Summons or Court Order Issued by New York State Court	Must be dated no more than 60 days prior to the date submitted and include home address.	1	Yes

(including NYC Courts such as Housing Court, Family Court and Surrogate's Court) or Federal Court			
IRS Forms W-2, 1099-MISC, 1095-A, 1095-B and 1095-C	Must include employer's name, applicant's home address. Accepted through April 15 of the year following the tax year on the form.	1	Yes
Letter or Document Issued by the U.S. Internal Revenue Service (IRS), or the NYS Department of Taxation and Finance (DTF)	Letter or document issued by IRS or DTF, addressed to applicant, regarding applicant's personal tax status. Examples include tax return transcript, statement of tax or refund due, or refund check. Must be dated no more than one year prior to the date submitted.	1	Yes
Tax Return with Proof of Filing	U.S. federal, state, or local tax return submitted with proof of filing such as IRS Tax Return Transcript, NYS Department of Taxation and Finance account summary, NYC Department of Finance proof of property tax payment history, or other satisfactory proof of filing. Filing date must be no more than one year prior to the date submitted.	1	Yes
Insurance Bill, Statement or Record (homeowner's, life, renter's, automobile, or health insurance)	Insurance bill, statement or record including home address and dated no more than 60 days prior to the date submitted.	1	Yes
Letter from Homeless Shelter that receives City Funding	Signed letter from executive-level official at homeless shelter receiving City funding stating that applicant has been a current resident for at least 15 days and that the shelter allows residents to remain in residence for longer than 30 days. Must be dated no more than 60 days prior to the date submitted.	1	Yes
Letter from Residential Care Facility operated, certified, or funded by NYS Office for People with Developmental Disabilities (OPWDD), NYS Department of Health (NYS DOH), New York State Office of Mental Health (OMH), or NYC Department of Health and Mental Hygiene (NYC DOHMH)	Signed letter from an executive-level official at a residential care facility located in New York City and operated, <u>licensed</u> , certified, or funded by OPWDD, NYS DOH, NYS OMH or NYC DOHMH, establishing the applicant's residence at the facility. Must be dated no more than 60 days prior to the date submitted. <u>Acceptable only when applicant is accompanied by a caretaker who is an employee of the facility issuing the letter.</u>	1	Yes
Letter from New York City Housing Authority (NYCHA)	Signed letter from manager of 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	Yes
NYCHA Lease	NYCHA document listing applicant as lessee	1	Yes

Addendum and Rent Notice	and/or authorized tenant of NYCHA residential unit. Must be dated no more than one year prior to the date submitted.		
Letter from Head Start, Early Learn, Preschool, Elementary, Intermediate or High School located in New York City or any NYC Department of Education (DOE) School Where Applicant's Child is Enrolled	Signed letter from principal or executive official or the principal or executive official's designee at a public, private, or parochial Head Start, Early Learn, preschool, elementary, intermediate or high school located in New York City or any DOE school where applicant's child is a currently enrolled student. Letter must confirm student's home address and be dated no more than 60 days prior to the date submitted. Applicant must also provide proof of relationship to the student named in the letter, using one of the documents listed in Section 6-07(b).	1	Yes
Letter from Private or Parochial Intermediate or High School located in New York City Where Applicant is Enrolled	Signed letter from principal or executive official or the principal or executive official's designee at a private or parochial intermediate or high school located in New York City where applicant is a currently enrolled student. Letter must confirm home address and be dated no more than 60 days prior to the date submitted. Schools may require parental consent to issue such a letter for a student younger than age 18. <u>Applicant must present a student identification card from the school issuing the letter.</u> (Applicant students wishing to have the DOE assist them with establishing residency may do so via section 6-03[(c)(2)(A)-(D)](a)(2)(C) of this title.)	1	Yes
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. <u>Acceptable only when applicant is accompanied by a caretaker who is an employee of the facility issuing the letter.</u>	1	Yes
United States Postal Service (USPS) Change of Address Confirmation	Must be addressed to applicant at the same address that appears on the IDNYC application. Must be dated no more than 60 days prior to the date submitted.	1	Yes
NYC Housing Preservation and Development (HPD) Section 8 Rent Breakdown Form	Must be dated within no more than one year prior to the date submitted and include home address.	1	Yes
[HRA "Response to Request for a Budget Calculation Report"] <u>Case Composition Summary Report Generated from the New York State</u>	[Letter in response to request for budget calculation, including case] <u>Case composition summary report generated from the New York State Welfare Management System</u> with current home address. Must be dated no more than 60 days prior to the date submitted.	1	Yes

<u>Welfare Management System</u>			
New York State Office of Mental Health (OMH) Facility Inpatient Photo ID Card	Inpatient identification card issued by NYS OMH-operated psychiatric facility, with name, photo and facility address.	1	Yes
"Verification of Release" form issued by the U.S. Department of Health and Human Services, Office of Refugee Resettlement, Division of Children's Services	<p>"Verification of Release" document from U.S. Department of Health and Human Services, Office of Refugee Resettlement (ORR), including photo, date of birth, and name and address of applicant's sponsor. Includes Form ORR UAC/R-1, Form ORR R-535, and any form used by ORR for verifying release.</p> <p>Must be dated no more than one year prior to date submitted.</p>	1	Yes
U.S. Immigration and Customs Enforcement (ICE) Order of Supervision	Order of Supervision issued by U.S. Immigration and Customs Enforcement (ICE), dated no more than one year prior to the date submitted and including current home address. May be issued by U.S. ICE as Form I-220B.	1	Yes
New York State Interim Driver's License, Learner's Permit, or Non-Driver's Identification Card	Interim driver's license, learner's permit, or non-driver's identification card, issued by NYS Department of Motor Vehicles, with current home address.	1	Yes
Notice of Decision or Determination of Developmental Disability issued by NYS Office for People with Developmental Disabilities (OPWDD)	Notice of decision or determination issued by OPWDD establishing that applicant qualifies for care. Must include applicant's home address and be dated no more than one year prior to the date submitted.	1	Yes
Residency Confirmation Letter for United Nations (UN) Diplomats and Their Families	Residency Confirmation Letter for UN Diplomats and Families Issued by the U.S. Department of State, UN, or a Country's Permanent Mission to the UN. Must include applicant's home address and be dated no more than 60 days prior to the date submitted.	1	Yes
<u>College / University Housing Agreement</u>	<p><u>Agreement issued by an institution of higher education located in New York City, in letter, lease, or other format. Must indicate that applicant is permitted to reside in housing affiliated with the institution; and must include applicant's name, the street address of the residence, and the dates during which the student may reside there.</u></p> <p><u>The document must be presented with a student photo ID from the institution issuing the agreement.</u></p>	<u>1</u>	<u>Yes</u>
<u>Letter from College or University</u>	<u>Signed letter from a school administrator indicating that the applicant: (i) is enrolled as a student at the school; (ii) resides in housing in</u>	<u>1</u>	<u>Yes</u>

<u>Administrator</u>	<p><u>New York City that is affiliated with the school; (iii) receives mail at a central school-based location different from where the applicant resides; and (iv) the post office box and/or street address where applicant's mail is delivered.</u></p> <p><u>This document must be presented with a student photo ID from the institution issuing the letter.</u></p> <p><u>The IDNYC card will display the name of the school and the address where the applicant receives mail.</u></p>		
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(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 New York City 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. <u>No address will appear on the card.</u>	1	No
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. <u>No address will appear on the card.</u>	1	No
Letter Issued by a Hospital or Health Clinic Located in New York City	Signed letter from executive-level official at 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	1	No

	<p>submitted.</p> <p><u>No address will appear on the card.</u></p>		
<p>Letter Issued by Nonprofit Organization or Religious Institution</p>	<p>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.</p> <p>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 prior to the date submitted.</p> <p>The card issued will indicate the address is "Care of" the organization that has written the letter.</p>	1	Yes
<p><u>Letter from a Residential Care Program</u></p>	<p><u>Signed letter from an executive-level official at a residential care program located within New York City which is funded, administered, and/or overseen by the NYC HRA-Emergency & Intervention Services - Office of Domestic Violence. The letter must indicate that the applicant has resided in New York City for at least 15 days; has security concerns about a home address appearing on his/her IDNYC card; and that s/he is permitted to receive mail at a Post Office Box affiliated with the program. The letter must be dated no more than 30 days prior to the date submitted.</u></p> <p><u>The card issues will display the P.O. Box or no address at all.</u></p>	<u>1</u>	<u>Yes</u>

(d) IDNYC will also accept the following as proof of residency and address worth one point:

- (1) Verification from the New York City Housing Authority (NYCHA), provided in a format and in a manner to be agreed upon by HRA and NYCHA: (1) that the applicant resides in NYCHA housing; and (2) of the applicant's address;

(2) Verification from the New York City Department of Finance (DOF), in a format and in a manner to be agreed upon by HRA and DOF: (1) that the applicant is enrolled in the Senior Citizen Rent Increase Exemption programs (SCRIE programs, and (2) of the applicant's address.

Section 9. Paragraphs 1 and 2 of Subdivision (b) of Section 6-07 of Chapter 6 of Title 68 of the Rules of the City of New York is amended to read as follows:

(1) The following documents, in addition to those set forth in paragraph (2) of this subdivision, will demonstrate proof of relationship between an applicant age 21 or younger and his or her caretaker:

Document	Description	Acceptable as Proof of Date of Birth?
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.	Yes
Where Caretaker is Parent: Adoption Decree, Certificate of Adoption or NYS Department of Health (NYS DOH) Report of Adoption	Applicant's adoption decree, certificate of adoption or NYS DOH Report of Adoption, displaying caretaker's name as parent.	Yes
Where Caretaker is Parent: Acknowledgment of Paternity Form issued by NYC Department of Health and Mental Hygiene (DOHMH), and NYS Office of Temporary and Disability Assistance (OTDA)	Form LDSS-4418 displaying caretaker's name as parent of the applicant	Yes
Where Caretaker is Parent: Court Order of Paternity/Filiation	Court order establishing caretaker as applicant's legal parent.	Yes
Where Caretaker is Court-Appointed Guardian: Court Decree	Court decree displaying caretaker's name as legal guardian.	Yes
<u>Where Caretaker is Foster Parent:</u> (1) <u>Signed letter from ACS Foster Care Agency;</u> <u>AND</u> (2) <u>Foster Parent License</u>	<u>Two documents (both are required)</u> (1) <u>Signed letter from ACS Foster Care Agency on agency letterhead naming the Caretaker as the Applicant's foster parent; and</u> (2) <u>The Caretaker's Foster Parent License</u>	<u>Yes</u>
Where Caretaker is [Foster-Care	Signed letter from executive-level official at ACS or	Yes

Parent or] Employee of ACS or of ACS Foster Care Agency: Letter from ACS or ACS Foster Care Agency	ACS designated NYC foster care agency establishing relationship of youth applicant to [foster parent or] agency. Must be dated no more than 60 days prior to the date submitted. If the caretaker is an employee of ACS or an ACS designated foster care agency, then the letter; <u>(1) must also authorize the employee to represent the agency and accompany the applicant at the IDNYC enrollment site and (2) will be accepted only if the caretaker also presents employee ID issued by ACS or the designated agency.</u>	
Where Caretaker is Adult Sponsor of Minor Appointed by U.S. Department of Health and Human Services, Office of Refugee Resettlement: U.S. Department of Health and Human Services "Verification of Release" form	"Verification of Release" document from U.S. Department of Health and Human Services, Office of Refugee Resettlement, Division of Children's Services including photo, date of birth, and name and address of child's adult sponsor. Includes Form ORR UAC/R-1, Form ORR R-535, and any form used by ORR to verify release.	Yes
Where Caretaker is Stepparent: (1) Applicant's Birth Certificate [and] <u>AND</u> (2) Stepparent's Marriage Certificate	<u>Two documents (both are required)</u> Applicant's birth certificate, in addition to the caretaker's certificate of marriage, civil union or domestic partnership showing that the caretaker is married to, or the domestic partner of, a parent named on applicant's birth certificate. 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.	Yes

(2) The following documents will establish proof of relationship between an applicant of any age and his or her caretaker:

Document	Description	Acceptable as Proof of Date of Birth?
Where Caretaker is Applicant's Court-Appointed Guardian, Custodian or Conservator: Court Order	Court order from a court located in the United States appointing the Caretaker as applicant's legal guardian, custodian or conservator.	Yes
Where Caretaker is Cohabitant of Developmentally Disabled Applicant: (1) Notice of Decision or Determination (NOD) of Developmental Disability issued by the New York State Office for People with Developmental Disabilities (OPWDD) <u>AND</u> (2) Proof of Residency for Caretaker and Applicant	(1) Notice of Decision or Determination of Developmental Disability issued by OPWDD establishing that applicant qualifies for care, and (2) Either a residency document from section 6-06 of this title showing that the caretaker resides at the address on the NOD, or if applicant no longer resides at the address on the NOD, residency documents from section 6-06 showing that applicant and caretaker currently reside at same address. This provision does not apply to an applicant living in a residential care facility.	Yes (<u>Notice of Decision may be used to establish date of birth</u>)

<p>Where Caretaker is Residential Care Facility Employee: Signed Letter</p>	<p>Signed letter from an executive-level official at a residential care facility located in New York City and operated, <u>licensed</u>, certified, or funded by OPWDD, NYS DOH, NYS OMH, or NYC DOHMH, establishing the applicant's residence at the facility. Must be dated no more than 60 days prior to the date submitted <u>and must authorize the employee to represent the agency and accompany the applicant at the IDNYC enrollment site.</u> <u>Accepted only if caretaker also presents employee ID issued by the facility.</u></p>	<p>Yes</p>
<p>Where an individual Caretaker is applicant's Social Security Representative Payee: Letter from Social Security Administration (SSA) establishing Representative Payee status</p>	<p>Letter from SSA establishing that the Caretaker is the applicant's Social Security representative payee. The letter must be dated no more than one year prior to the date submitted</p>	<p>Yes</p>
<p>Where Caretaker is an employee [or other representative] of an organization that is applicant's Social Security Representative Payee (RP): (1) Letter from Social Security Administration (SSA) establishing RP status; AND (2) Letter from executive-level official from the RP organization</p>	<p>Two letters (both are required): (1) Letter from SSA establishing that the organization is the applicant's Social Security Representative Payee, dated no more than one year prior to the date submitted; and (2) An additional letter signed by an executive-level official from the representative payee organization establishing that its employee [or representative] is authorized to represent the organization with respect to the applicant's IDNYC application. This letter must be dated no more than 60 days prior to the date submitted <u>and must authorize the employee to represent the organization and accompany the applicant at the IDNYC enrollment site.</u> <u>Accepted only if caretaker also presents employee ID issued by the organization.</u></p>	<p>Yes (<u>Letter from SSA may be used to establish date of birth</u>)</p>
<p>Where Caretaker is an Employee of the NYS Office for People with Developmental Disabilities (OPWDD) NYS Department of Health (DOH), NYS Office of Mental Health (NYS OMH) or NYC Department of Health and Mental Hygiene (NYC DOHMH) or an Agency or Facility that is Licensed, Certified or Funded by OPWDD, NYS DOH, NYS OMH or NYC DOHMH: Signed Letter</p>	<p>Signed letter from executive-level official at OPWDD, NYS DOH, NYS OMH or NYC DOHMH or an agency or facility that is operated, licensed, certified or funded by one of those agencies, establishing relationship of applicant to the agency or facility. Must be dated no more than 60 days prior to the date submitted <u>and must authorize the employee to represent the agency or facility and accompany the applicant at the IDNYC enrollment site.</u> <u>Accepted only if caretaker also presents employee ID issued by the agency or facility.</u></p>	<p>Yes</p>

Section 10. Section 6-10 of Chapter 6 of Title 68 of the Rules of the City of New York is amended to read as follows:

§ 6-10 Expiration and Renewal.

(a) The IDNYC Card will be valid for five years from the date of application approval, except that cards issued to individuals under 14 years of age will expire two years from date of application approval.

(b) In order for an individual to receive a renewal card, the individual must present 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. If the address on the card is not the applicant's current address, the applicant must establish residency pursuant to section 6-04, 6-06 or 6-07 of this title, as applicable.

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

Section 11. Section 6-11 of Chapter 6 of Title 68 of the Rules of the City of New York is amended to read as follows:

§ 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) (a) 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)] (1) 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)] (2) So ordered by a court of competent jurisdiction;

[(iii)] (3) 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)] (4) To a law enforcement agency that serves the administering agency a judicial subpoena or judicial warrant.

[(e)] (b) HRA will not indicate on the IDNYC Card application forms the type of records provided by an applicant to establish residency or identity.

Section 12. Section 6-12 of Chapter 6 of Title 68 of the Rules of the City of New York is repealed and a new section 6-12 is added to read as follows:

§ 6-12 Secondary Review Conferences and Reapplications Following Denial of IDNYC Card Applications.

(a) An applicant who has been denied an IDNYC Card may request a secondary review of their eligibility for the card by submitting a review request, in a manner established by the Commissioner, to the IDNYC Card Program within 30 days of issuance of the denial.

(b) The secondary review will consist of a conference at which a designee of the Executive Director of the IDNYC program will review the applicant's documents and eligibility for the card and the applicant will have the opportunity to reapply for the card. Secondary reviews will be offered only at specially designated enrollment centers.

(c) The IDNYC program will offer the applicant a date, time, and location for the review conference that is within 30 days of receipt of the request. If the date, time, and location offered are not convenient for the applicant, the program will work with the applicant to find another date, time, and location, but cannot guarantee that the conference will take place within 30 days of the request.

(d) If the applicant chooses to reapply following the review conference, IDNYC staff will notify the applicant of its determination on the application by mail. If IDNYC does not issue a determination within 30 days of the date of the conference, then the determination that triggered the review request shall become the final decision on the application.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of IDNYC rules

REFERENCE NUMBER: HRA-18

RULEMAKING AGENCY: Human Resources Administration

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Geraldine Sweeney
Mayor's Office of Operations

May 8, 2018
Date

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of IDNYC rules

REFERENCE NUMBER: 2018 HRA 043

RULEMAKING AGENCY: Human Resources Administration

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: May 8, 2018