

NEW YORK CITY HUMAN RESOURCES ADMINISTRATION

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? In order to ensure that every New Yorker is provided with the opportunity and peace of mind that comes with government issued photo identification, the Commissioner of the New York City Human Resources Administration (HRA), as the administering agency of the New York City Identification Card Program (Municipal ID Card Program) proposes to add Chapter 8 to Title 68 of the Rules of the City of New York to implement the program and set forth details regarding the program.

When and where is the Hearing? HRA will hold a public hearing on the proposed rule. The public hearing will take place at **5:00PM** on **October 8, 2014**. The hearing will be held at **1 Centre Street, Mezzanine, New York, NY 10007**.

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

- **Website.** You can submit comments to HRA through the NYC rules website: <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to **MunicipalIDRule@cityhall.nyc.gov**. Please include "Municipal ID Card" in the subject line of your email.
- **Mail.** You can mail written comments to:
Attn: Mayor's Office of Immigrant Affairs
253 Broadway, 14th Fl.
New York, NY 10007
- **Hearing.** You can speak at the public hearing. Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak at the beginning of the hearing. You can speak for up to two minutes.

Is there a deadline to submit written comments? The deadline to submit written comments is **October 7, 2014**.

What if I need assistance to participate in the Hearing? If you need an interpreter or if you need a reasonable accommodation for a disability at the Hearing, please let us know. You can call us at (929) 221-7367, email us at **MunicipalIDRule@cityhall.nyc.gov** or tell us by mail at:

Attn: Mayor's Office of Immigrant Affairs
253 Broadway, 14th Fl.
New York, NY 10007

You must tell us by **October 1, 2014**.

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 made at the public hearing 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, Local Law No. 35 of 2014 and Mayor Bill de Blasio's Executive Order No. 6 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 rules 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.¹

¹ In following the process set forth in New York City Charter § 1043, HRA does not waive its right to take the position that any future action, requirement or procedure, or any part thereof, does not meet the definition of a rule under New York City Charter § 1041 and is not subject to this process.

Statement of Basis and Purpose of Proposed Rule

On July 10, 2014, Mayor de Blasio signed Local Law No. 35 of 2014, establishing the New York City Identification Card Program (“Municipal ID 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 Municipal ID Card Program. In accordance with Local Law No. 35 and Executive Order No. 6, HRA now proposes to add Chapter 8 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 Municipal ID 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 create a language access implementation plan, including but not limited to staff training, community outreach, and language assistance tools, to address the needs of limited English proficient (LEP) individuals in the administration of the Municipal ID Card Program. 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 Municipal ID Card Program and will provide guidance to critical stakeholders and applicants interested in obtaining the Municipal ID Card.

Specifically, the rule:

- Establishes that the Municipal ID 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; and
- Establishes security and privacy protections that safeguard information collected for issuing the identification card to protect against identity theft and fraud.

Proposed Rule

Title 68 of the Rules of the City of New York is amended by adding a new Chapter 8 to read as follows (new material is underlined):

Chapter 8 Municipal ID Card Program

§ 8-01. Definitions

(a) "Municipal ID 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) "Resident" has the same meaning as provided in section 3-115(a) of the Administrative Code of the City of New York.

(c) "Caretaker" means a birth parent, adoptive parent, legal guardian, legal custodian, foster-care parent, or agency caseworker from a designated Administration for Children Services (ACS) foster care agency.

(d) "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.

(e) "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.

(f) "Territories" means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands.

§ 8-02. The Municipal ID Card

(a) The Municipal ID 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 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 Municipal ID Card will not display a home address in the following circumstances:

(1) The applicant provides evidence of residency pursuant to section 8-06(c)(2);

(2) The applicant resides in a residential care program certified by the New York State Office of Temporary and Disability Assistance and operated by a not-for-profit organization in accordance with the regulations of that Department for the purpose of providing emergency shelter, services and care to victims 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 who resides in a residential program for victims of domestic violence or who participates in the New York State Address Confidentiality Program, the Municipal ID Card will display either a P.O. Box associated with the applicable program or no address at all, depending on the applicant's preference.

§ 8-03. Eligibility and Application Process

The Municipal ID 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 8-04 through 8-07 below by providing documents from the charts set forth at Sections 8-04 through 8-07 that total at least four points. No expired documentation will be accepted, except as provided in Section 8-05(c)(1) with respect to expired Municipal ID Cards, which will be accepted if submitted within 60 days of the date of expiration. Except as provided with respect to birth certificates in Sections 8-05(c)(2), 8-05(c)(3), and 8-07(3), original documents must be presented. For birth certificates, either the original certificate or a copy certified by the original issuing agency must be presented. Applicants must present their documents in person at an access 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.

§ 8-04. 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 are photo identification cards that include the date of birth of the applicant and display the applicant's current residential address in New York City.

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

<u>Document</u>	<u>Description</u>	<u>Acceptable as Photo ID?</u>	<u>Point Value for Proof of ID & Residency</u>	<u>Date of Birth</u>
<u>New York State (NYS) Department of Motor Vehicles Driver's License or Learner's Permit</u>	<u>New York State Driver's License or Learner's Permit with name, a current NYC address, date of birth, photo and expiration date issued by DMV.</u>	<u>Yes</u>	<u>4</u>	<u>Yes</u>

<u>NYS Department of Motor Vehicles Identification Card</u>	<u>Photo identification card with name, a current NYC address, date of birth, and expiration date issued by NYS DMV.</u>	<u>Yes</u>	<u>4</u>	<u>Yes</u>
<u>NYC Pistol Permit</u>	<u>NYPD issued pistol permit including name, current home address and photo of applicant and dated within one year.</u>	<u>Yes</u>	<u>4</u>	<u>Yes</u>

§ 8-05. 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 chart set forth in Section 8-05(c)(1) below that in aggregate total at least three points;
- (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):

<u>Document</u>	<u>Description</u>	<u>Acceptable as Photo ID?</u>	<u>Point Value for Proof of ID</u>	<u>Date of Birth</u>
<u>U.S. Passport or U.S. Passport Card</u>	<u>U.S. passport or passport card.</u>	<u>Yes</u>	<u>3</u>	<u>Yes</u>
<u>Foreign Passport</u>	<u>A machine readable Foreign Passport.</u>	<u>Yes</u>	<u>3</u>	<u>Yes</u>
<u>NYS Professional or Vocational Identification Card</u>	<u>Photo Identification card issued by the New York State Department of Motor Vehicles with name, profession, license number, DMV ID number, expiration date, NYC address.</u>	<u>Yes</u>	<u>3</u>	<u>No</u>
<u>U.S. State Driver's License or Learner's Permit Photo ID</u>	<u>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 name, address, date of birth, and expiration date.</u>	<u>Yes</u>	<u>3</u>	<u>Yes</u>
<u>U.S. State Identification Card</u>	<u>Photo identification card issued by U.S. state (other than New York State Identification Card with current New York</u>	<u>Yes</u>	<u>3</u>	<u>Yes</u>

	<u>City address) or territory with name, address, date of birth, and expiration date.</u>			
<u>U.S. Permanent Resident Card</u>	<u>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.</u>	<u>Yes</u>	<u>3</u>	<u>Yes</u>
<u>NYS Electronic Benefit Transfer (EBT) Card / Common Benefit Information Card (CBIC) with Photo</u>	<u>Welfare / Medicaid / NY Food Stamp Card with Photo.</u>	<u>Yes</u>	<u>3</u>	<u>Yes</u>
<u>Common Access Card</u>	<u>Department of Defense issued photo identification card with name, date of birth, date of issuance, expiration date, blood type, and DOD identification number for active duty, retiree or reservist military personnel only.</u>	<u>Yes</u>	<u>3</u>	<u>Yes</u>
<u>Current U.S. Work Permit</u>	<u>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.</u>	<u>Yes</u>	<u>3</u>	<u>Yes</u>
<u>Certificate of Citizenship/ Naturalization</u>	<u>U.S. Certificate of Citizenship (N-560, N-561 or N-645); Certificate of Naturalization (N-550, N-570 or N-578).</u>	<u>Yes</u>	<u>3</u>	<u>Yes</u>
<u>U.S. Federal Government issued photo ID</u>	<u>A photo identification card with name, address, date of birth, and expiration date issued by federal government.</u>	<u>Yes</u>	<u>3</u>	<u>Yes</u>
<u>U.S. Tribal ID</u>	<u>A U.S. Tribal photo ID with photo, name, address, signature, date of birth, and expiration date.</u>	<u>Yes</u>	<u>3</u>	<u>Yes</u>
<u>NYC Municipal ID Card</u>	<u>A Municipal ID Card with an expiration date no more than 60 days from the date submitted</u>	<u>Yes</u>	<u>3</u>	<u>Yes</u>

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

<u>Document</u>	<u>Description</u>	<u>Acceptable as Photo ID?</u>	<u>Point Value for Proof of ID</u>	<u>Date of Birth</u>
<u>Foreign Passport</u>	<u>Foreign Passport that is not machine readable.</u>	<u>Yes</u>	<u>2</u>	<u>Yes</u>

<u>Consular Identification Card</u>	<u>Photo identification card with name, address, date of birth, expiration date issued by foreign governments recognized by the U.S. to their citizens, who are outside the issuing country.</u>	<u>Yes</u>	<u>2</u>	<u>Yes</u>
<u>U.S. Federal, State, or Local Government Employee ID</u>	<u>Valid federal, state or local government employee photo ID card.</u>	<u>Yes</u>	<u>2</u>	<u>Some</u>
<u>U.S. Birth Certificate or Certified Copy</u>	<u>Showing first and last name, 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.</u>	<u>No</u>	<u>2</u>	<u>Yes</u>
<u>Visa Issued by U.S. State Department</u>	<u>U.S. State Department issued immigrant or non-immigrant visa with photo identification.</u>	<u>Yes</u>	<u>2</u>	<u>Yes</u>
<u>Foreign Driver's License</u>	<u>Machine readable photo identification card granting driving privileges with name, address, date of birth, expiration date.</u>	<u>Yes</u>	<u>2</u>	<u>Yes</u>
<u>Foreign National Identification Card</u>	<u>Machine readable national identification card with photo, name, address, date of birth, expiration date. Must be accepted for purposes of re-entry to issuing country.</u>	<u>Yes</u>	<u>2</u>	<u>Yes</u>
<u>Social Security Card</u>	<u>All three types of Social Security Cards (unrestricted and restricted). A social security card issued by the U.S. Social Security Administration, including the card that enables the holder to work without restriction, the card that permits individuals who have authorization from the Department of Homeland Security to work on a temporary basis, and the card marked "not valid for employment."</u>	<u>No</u>	<u>2</u>	<u>No</u>
<u>U.S. Individual Taxpayer Identification Number Authorization Letter</u>	<u>Letter from Internal Revenue Service (IRS) assigning ITIN number to applicant.</u>	<u>No</u>	<u>2</u>	<u>No</u>
<u>U.S. Uniformed Services ID</u>	<u>Photo identification card with name, date of birth, expiration date issued to military retiree or military family member to access military service benefits or privileges.</u>	<u>Yes</u>	<u>2</u>	<u>Yes</u>

<u>Approval Notice Issued by U.S. Citizenship and Immigration Services</u>	<u>Notice from U.S. Citizenship and Immigration Services (USCIS) approving applicant for an immigration benefit 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, and Deferred Action for Childhood Arrivals, and Naturalization.</u>	<u>No</u>	<u>2</u>	<u>No</u>
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(3) The following documents are worth one point toward establishing the identity of the applicant:

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

	<u>be accepted. All birth certificates issued prior to that date have been invalidated by Puerto Rico law.</u>			
<u>NYS Benefits Card without Photo</u>	<u>Welfare/Medicaid/NY Food Stamp Card without Photo.</u>	<u>No</u>	<u>1</u>	<u>Yes</u>
<u>NYC Summer Youth Employment Program Identification Card</u>	<u>Photo identification card issued by a community based organization that administers the NYC Summer Youth Employment Program.</u>	<u>Yes</u>	<u>1</u>	<u>No</u>
<u>Official U.S. School Record or Transcript</u>	<u>Must be original copy; academic transcript, including name, date of birth, terms and dates attended or attending the high school or post-secondary school, cumulative academic record, and, if applicable, degrees awarded.</u>	<u>No</u>	<u>1</u>	<u>Some</u>
<u>U.S. High School Diploma or High School Equivalency Diploma</u>	<u>U.S. High School Diploma or High School Equivalency Diploma (also known as GED).</u>	<u>No</u>	<u>1</u>	<u>Some</u>
<u>Employee Identification Card from Employer Located in U.S.</u>	<u>Employee photo identification card with employer name and address.</u>	<u>Yes</u>	<u>1</u>	<u>No</u>
<u>U.S. Union Photo ID</u>	<u>Card identifying holder as a member of a union that represents employees working in the United States.</u>	<u>Yes</u>	<u>1</u>	<u>No</u>
<u>Certificate of marriage, domestic partnership or civil union</u>	<u>Certificate must include name of the applicant.</u>	<u>No</u>	<u>1</u>	<u>Yes</u>
<u>Reduced Fare MetroCard for Seniors and People with Disabilities</u>	<u>Must include photo identification and be issued by Metropolitan Transportation Authority.</u>	<u>Yes</u>	<u>1</u>	<u>No</u>
<u>U.S Voter Registration Card</u>	<u>Voter registration card with name, address, date of birth from any State or Territory.</u>	<u>No</u>	<u>1</u>	<u>No</u>
<u>Selective Service Registration Card</u>	<u>A card issued by the U.S. Selective Service System to men ages 18-25, who have registered with the Selective Service.</u>	<u>No</u>	<u>1</u>	<u>Yes</u>

§ 8-06. Proof of Residency

- (a) Except as otherwise provided in this section or in Sections 8-04 or 8-07, in order to establish residency, an applicant will be required to produce a document from Section 8-06(c)(1) displaying the applicant’s name and a residential street address located in New York City.
- (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:

<u>Document</u>	<u>Description</u>	<u>Point Value for Proof of Residency</u>	<u>Acceptable as Proof of Address</u>
<u>Cable, Phone, or Utility Bill</u>	<u>Must be dated no more than 60 days from date submitted and include name and home address of applicant.</u>	<u>1</u>	<u>Yes</u>
<u>Residential Property Lease</u>	<u>Current lease including name of applicant. Hand written leases will not be accepted.</u>	<u>1</u>	<u>Yes</u>
<u>Local Property Tax Statement</u>	<u>Property tax statement including name of the applicant and dated within one year of the date submitted.</u>	<u>1</u>	<u>Yes</u>
<u>Property Mortgage Payment Receipt</u>	<u>Mortgage payment receipt must include name of applicant and be dated within one year of the date submitted.</u>	<u>1</u>	<u>Yes</u>
<u>Bank Account Statement</u>	<u>Must be dated no more than 60 days from date submitted and include name and home address of applicant.</u>	<u>1</u>	<u>Yes</u>
<u>Employment Pay Stub</u>	<u>Must be dated no more than 60 days from date submitted and include name and home address of applicant.</u>	<u>1</u>	<u>Yes</u>
<u>Jury Summons or Court Order Issued by New York State or Federal Court</u>	<u>Must be dated no more than 60 days from date submitted and include name and home address of applicant.</u>	<u>1</u>	<u>Yes</u>
<u>Federal, State, or City Income Tax or Refund</u>	<u>Tax or Refund Statement including applicant name and home address and dated within one</u>	<u>1</u>	<u>Yes</u>

<u>Statement</u>	<u>year.</u>		
<u>Insurance Bill (homeowner's, life, renter's, automobile, or health insurance)</u>	<u>Insurance bill or statement including name and home address of applicant and dated no more than 60 days from date submitted.</u>	<u>1</u>	<u>Yes</u>
<u>Letter from Homeless Shelter that receives City Funding</u>	<u>Signed letter from executive official at homeless shelter receiving City funding must indicate applicant is current resident and has been for at least 15 days and the shelter allows residents to remain for longer than 30 days.</u>	<u>1</u>	<u>Yes</u>
<u>Letter from New York City Housing Authority</u>	<u>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 from date submitted.</u>	<u>1</u>	<u>Yes</u>
<u>Letter from Intermediate or High School</u>	<u>Signed letter from principal or the principal's designee at a public, private, or parochial intermediate or high school where applicant is a currently enrolled student that confirms home address, dated no more than 60 days from date submitted. The Department of Education requires parental consent to issue such a letter for a student below age 18.</u>	<u>1</u>	<u>Yes</u>
<u>Letter from NYC Administration for Children Services Foster Care Agency</u>	<u>Signed letter from executive level official at ACS designated NYC foster care agency establishing residency of foster youth applicant, dated no more than 60 days from date submitted.</u>	<u>1</u>	<u>Yes</u>
<u>NYS DMV Vehicle Registration</u>	<u>NYS DMV Vehicle registration including name and home address of applicant and dated within one year from date submitted.</u>	<u>1</u>	<u>Yes</u>
<u>NYS DMV Certificate of Title</u>	<u>NYS DMV Certificate of Title must include name and home address of applicant and be dated within one year from date submitted.</u>	<u>1</u>	<u>Yes</u>

<u>Approval Notice from U.S. Citizenship and Immigration Services</u>	<u>Notice from U.S. Citizenship and Immigration Services (USCIS) approving applicant for an immigration benefit that lists home address of the applicant and is dated within past two years from date submitted. Examples of immigration benefits include Employment Authorization Documents, Adjustment of Status, Temporary Protected Status, and Deferred Action for Childhood Arrivals, and Naturalization.</u>	<u>1</u>	<u>Yes</u>
<u>NYC Voter Registration Card</u>	<u>Must have name and address of the individual. No date is required.</u>	<u>1</u>	<u>Yes</u>

(2) The following documents are worth one point and establish residency for individuals without a stable address. When applicants submit one of these documents for proof of residency, no address will appear on the card except as provided in Section 8-02(b):

<u>Document</u>	<u>Description</u>	<u>Point Value for Proof of Residency</u>	<u>Acceptable as Proof of Address</u>
<u>Letter Issued by City Agency, Non-Profit Organization, or Religious Institution Located within City of New York Serving Homeless Individuals</u>	<u>Signed letter from executive-level official from a City agency, nonprofit organization or religious institutions that provides services to homeless individuals. The letter must indicate applicant has resided in New York City for at least 15 days and lacks stable address; letter must be dated within 30 days of application.</u>	<u>1</u>	<u>No</u>
<u>Letter Issued by City Agency, Nonprofit Organization, or Religious Institution that Provides Services to Victims of Domestic Violence</u>	<u>Signed letter from executive-level official from a City agency, nonprofit organization, or religious institution that provides services to victims of domestic violence. The letter must indicate applicant has resided in New York City for at least 15 days and has security concerns about an address appearing on their Municipal ID; letter must be dated within 30 days of application.</u>	<u>1</u>	<u>No</u>
<u>Letter Issued by a Hospital or Health Clinic Located in City of New York</u>	<u>Signed letter from official at hospital or health clinic must indicate applicant has had at least 15 days of residency at their facility over the previous 60 day period, and be dated within 30 days of the application.</u>	<u>1</u>	<u>No</u>

§ 8-07. Applicants Under Age 21

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 a Municipal ID 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 list set forth in Section 8-05(b);

(b) The applicant and caretaker must demonstrate proof of relationship by providing at least one of the following documents:

<u>Document</u>	<u>Description</u>	<u>Date of Birth of Applicant</u>
<u>Applicant's Birth Certificate or Certified Copy</u>	<u>Applicant's birth certificate with parent's or guardian's name on it. 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>	<u>Yes</u>
<u>Adoption Decree</u>	<u>Child's adoption decree with parent's name</u>	<u>Yes</u>
<u>Court Decree</u>	<u>Court decree that lists guardian name</u>	<u>Yes</u>
<u>Letter from NYC Administration for Children Services Foster Care Agency</u>	<u>Signed letter from executive official at ACS designated NYC foster care agency establishing relationship of youth applicant to foster parent or agency caseworker</u>	<u>Yes</u>
<u>Tax Return</u>	<u>Recent tax return listing the minor by name as a dependent. Must be accompanied with parent's or guardian's photo ID</u>	<u>Yes</u>

(c) At least one of the documents provided pursuant to Section 8-07(a) or 8-07(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 that includes a photo identification; and

(e) The applicant's residency must be established by: (i) the applicant establishing residency in accordance with Section 8-06 above or (ii) the caretaker establishing residency for the applicant by establishing the caretaker's own residency in accordance with Section 8-06 above and providing an attestation that the applicant resides with the caretaker.

§ 8-08. Reporting Name Changes and Changes of Address

Individuals who have been issued a Municipal ID Card must report name changes and changes of address within 30 days of such changes.

§ 8-09. Fees

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

(b) HRA will charge a \$10.00 fee for the replacement of an unexpired card except where:

- (1) the individual requests a replacement card in order to update their address information within 30 days of the change of address;
- (2) the individual requests the replacement card in order to update the individual's name on the card within 30 days of the name change; or
- (3) the individual requests a replacement card to update the individual's gender on the card.

(c) HRA will waive the fees set forth in Section 8-09(b) on behalf of individuals who submit a self-attestation indicating that they cannot afford the cost.

§ 8-10. Expiration and Renewal

(a) The 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) a Municipal ID 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 8-04 or 8-06 above.

(c) An individual whose card expired more than 60 days ago, or whose card has expired less than 60 days ago, but does not present the card with their application for renewal, will be treated as a new applicant.

§ 8-11. Confidentiality of Municipal ID Card Eligibility Information

(a) Once every quarter HRA will destroy copies of records provided by applicants to prove identity or residency for a Municipal ID 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 of the City of New York and make a determination regarding the continuing need to retain records pursuant to Section 3-115(e)(1) of such code and will make any appropriate modifications to the policy for retention of records related to the Municipal ID 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 of the City of New York, 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 Municipal ID 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 subsection 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 Municipal ID 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 Municipal ID Card application forms the type of records provided by an applicant to establish residency or identity.

**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: Municipal ID Card Program

REFERENCE NUMBER: 2014 RG 068

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: September 4, 2014

**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: Municipal ID Card Program

REFERENCE NUMBER: HRA-4

RULEMAKING AGENCY: Human Resources Administration (HRA)

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/ Hunter Gradie
Mayor's Office of Operations

September 4, 2014
Date