



Legislation Text

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Int. No. 253-A

By Council Members Dromm, Menchaca, the Speaker (Council Member Mark-Viverito), Cabrera, Chin, Eugene, Ferreras, Koo, Lancman, Levine, Mendez, Reynoso, Richards, Rose, Palma, Rosenthal, Rodriguez, Espinal, Lander, Johnson, Levin, Miller, Kallos, Van Bramer, Dickens, Weprin, Barron, Crowley, Arroyo, Constantinides, Williams, Gibson, Cumbo, Cohen, Cornegy and Torres

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

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-115, to read as follows:

§3-115. New York City Identity Card

a. Definitions

“Administering Agency” shall mean the agency that the mayor designates to administer the New York city identity card program.

“New York city identity card” shall mean an identification card issued by the city of New York pursuant to subdivision b of this section.

“Resident” shall mean person who can establish that he or she is a current resident of the city of New York pursuant to paragraph two of subdivision d of this section.

b. New York city identity card program

(1) The mayor shall designate an agency to administer the New York city identity card program. The administering agency shall promulgate all rules necessary to effectuate the purposes of this subchapter.

(2) The administering agency shall designate access sites, including at least one site located within each

of the five boroughs of the city of New York, where applications for such card shall be made available for pick-up and submission. The administering agency shall also make applications available online.

c. Issuance of New York city identity cards

(1) The New York city identity card shall display, at a minimum, the cardholder's photograph, name, date of birth, address, and an expiration date, provided that the administering agency may by rule establish procedures to protect the addresses of victims of domestic violence or alternate requirements for applicants who lack a permanent address. Such card shall also, at the cardholder's option, display the cardholder's self-designated gender. Such identification card shall be designed in a manner to deter fraud.

(2) The New York city identity card shall be available to any resident of the city of New York, provided that such resident is able to meet the requirements for establishing his or her identity and residency set forth in subdivision d of this section and rules adopted by the administering agency pursuant to this section, including rules establishing a minimum age requirement for eligibility for the city identity card and any restrictions the administering agency deems appropriate for the protection of minors.

(3) The administering agency may establish a reasonable fee for applications for a New York city identity card, and if such a fee is established, shall adopt rules permitting residents who cannot afford to pay such fee to receive a full or partial waiver.

d. New York city identity card eligibility

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

(1) Proof of identity. In order to establish identity, an applicant shall be required to produce one or more of the following documents:

(i) a U.S. or foreign passport;

(ii) a U.S. state driver's license;

(iii) a U.S. state identification card;

(iv) a U.S. permanent resident card;

(v) a consular identification card;

(vi) a photo identification card with name, address, date of birth, and expiration date issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country;

(vii) a certified copy of U.S. or foreign birth certificate;

(viii) a Social Security card;

(ix) a national identification card with photo, name, address, date of birth, and expiration date;

(x) a foreign driver's license;

(xi) a U.S. or foreign military identification card;

(xii) a current visa issued by a government agency;

(xiii) a U.S. individual taxpayer identification number (ITIN) authorization letter;

(xiv) an electronic benefit transfer (EBT) card; or

(xv) any other documentation that the administering agency deems acceptable.

The administering agency may by rule determine the weight to be given to each type of document provided in this paragraph, and require that an applicant produce more than one document to establish identity.

(2) Proof of residency. In order to establish residency, an applicant shall be required to produce one or more of the following items each of which must show the applicant's name and residential address located within the city and must be dated no more than sixty days prior to the date such document is presented, except as otherwise indicated in this paragraph:

(i) a utility bill;

(ii) a current residential property lease;

(iii) a local property tax statement dated within one year of the date it is submitted;

(iv) a local real property mortgage payment receipt;

(v) a bank account statement;

(vi) proof that the applicant has a minor child currently enrolled in a school located within the city;

(vii) an employment pay stub;

(viii) a jury summons or court order issued by a federal or state court;

(ix) a federal or state income tax or refund statement dated within one year of the date it is submitted;

(x) an insurance bill (homeowner, renter, health, life, or automobile insurance);

(xi) written verification issued by a homeless shelter that receives city funding confirming at least fifteen days residency;

(xii) written verification issued by a hospital, health clinic or social services agency located within the city of New York confirming at least fifteen days residency; or

(xiii) Any other documentation that the administering agency deems acceptable.

(xiv) The administering agency may by rule determine the weight to be given to each type of document provided in this paragraph, and require that an applicant produce more than one document to establish residency. The administering agency shall by rule create alternative methods by which individuals who are homeless can establish residency in the city notwithstanding the lack of fixed address.

e. Confidentiality of New York city identity card eligibility information

(1) Once every quarter the city shall destroy copies of records provided by applicants to prove identity or residency for a New York city identity 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.

(2) On or before December 31, 2016, the administering agency shall review data collected in the report described in subdivision h of this section and make a determination regarding the continuing need to retain records pursuant to paragraph one of this subdivision in order to effectively administer the New York city identity card program and shall make any appropriate modifications to the policy for retention of records related to the New York city identity card program.

(3) In the event that: (i) the administering agency fails to make a determination on or before December

31, 2016 pursuant to paragraph (2) of this subdivision, or (ii) the administering agency determines that records retention is no longer necessary, then the city shall not retain originals or copies of records provided by an applicant to prove identity or residency for a New York city identity card for longer than the time needed to review the application, and any such records in the city's possession prior to such date shall 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 paragraph shall be construed to prevent the city from retaining records where such records are required by law to be preserved as evidence for purposes of litigation.

(4) To the maximum extent allowed by applicable federal and state law, information collected about applicants for the card shall be treated as confidential 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 New York city identity 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 shall 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.

(5) The city shall not indicate on the application forms used to apply for a New York city identity card the type of records provided by an applicant to establish residency or identity.

f. Access to services

(1) All city agencies shall accept such card as proof of identity and residency for access to city services unless (i) such acceptance is prohibited by federal or state law, (ii) additional documentation is required to obtain the benefits of a federal or state program, or (iii) the agency has reasonable grounds to believe that the card is counterfeit, altered, or improperly issued, or the individual presenting the card is not the individual to whom the card was issued.

(2) The city shall seek to encourage eligible persons to apply for the card and expand the benefits associated with the card, including, at a minimum, by promoting acceptance of the card by banks and other public and private institutions.

(3) City agencies shall not require the possession of a New York city identity card where identification is not already required to obtain city services, provided, however that agencies may require the possession of a New York city identity card to obtain benefits or privileges offered exclusively to those who possess a New York city identity card as an incentive to apply for a New York city identity card.

g. Language assistance services

The administering agency, in consultation with the mayor's office of immigrant affairs, shall identify and implement measures, including but not limited to staff training, community outreach, and language assistance tools, to address the needs of limited English proficient individuals in the administration of the New York city identity card program.

h. Reporting

The administering agency shall prepare and submit to the mayor and the speaker of the city council a report on the New York city identity card program that includes the following information:

(1) the number of applications received by the city for the New York city identity card disaggregated by applicant borough of residency;

(2) the number of New York city identity cards issued;

(3) the number of New York city identity cards issued to minors;

(4) the number of requests made by city agencies for information collected about applicants for the New York city identity card disaggregated by requesting agency;

(5) the number of times the administering agency shared documents submitted by applicants to establish eligibility for the New York city identity card with other city agencies disaggregated by agency;

(6) the number of denials made to requesting agencies for information collected about applicants for the New York city identity card;

(7) the number of New York city identity card applicants whose information was disclosed to law enforcement, disaggregated by whether such disclosure was pursuant to a judicial warrant or judicial subpoena;

(8) the number of occurrences of fraud or other criminal activity related to issuance of the New York city identity card;

(9) the city's efforts to conduct outreach to prospective applicants relating to the New York city identity card program;

(10) the city's efforts to promote acceptance of the New York city identity card by banks and other public and private institutions;

(11) the types of services, other than city services, for which the New York city identity card is permitted as acceptable proof of identity and residency; and

(12) any other metric the administering agency deems appropriate, including but not limited to additional measures of fraudulent or other criminal activity related to the New York city identity card program.

Such report shall be submitted on March 31, 2015 and every three months thereafter.

§2. This local law shall take effect six months after its enactment, provided that the administering agency, as defined in section 3-115 of the administrative code of the city of New York as added by section 1 of this local law, may take such measures as are necessary for the implementation of this local law, including the promulgating of rules, prior to such date.

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