

STATE OF NEW YORK

3813

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to establishing a municipal identity card program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general municipal law is amended by adding a new
2 section 99-x to read as follows:

3 § 99-x. Municipal identity card. 1. As used in this section, the
4 following terms shall have the following meanings:

5 (a) "municipality" shall mean any county, town, city or village within
6 this state except any city having a population of one million or more.

7 (b) "office" shall mean the office of new Americans within the depart-
8 ment of state.

9 (c) "municipal identity card" shall mean an identification card issued
10 by the office of new Americans pursuant to subdivision three of this
11 section.

12 (d) "resident" shall mean a person over the age of fourteen who can
13 establish that he or she is a current resident of the municipality
14 pursuant to paragraph (b) of subdivision five of this section.

15 2. Any municipality, by resolution or ordinance, may authorize the
16 issuance of municipal identity cards.

17 3. Municipal identity cards shall be distributed through the depart-
18 ment of state, office of new Americans. The office shall promulgate all
19 rules and regulations necessary to effectuate the purposes of this
20 section. The office shall designate access sites where applications for
21 such cards shall be made available for pick-up and submission and shall
22 make applications available online.

23 4. (a) The municipal identity card shall display, at a minimum, the
24 cardholder's photograph, name, date of birth, address, and an expiration
25 date, provided that the office may by rule establish procedures to

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD07766-01-9

1 protect the addresses of victims of domestic violence or alternate
2 requirements for applicants who lack a permanent address. Such card
3 shall also, at the cardholder's option, display the cardholder's self-
4 designated gender. Such identity card shall be designed in a manner to
5 deter fraud.

6 (b) The municipal identity card shall be available to any resident of
7 the authorizing municipality, provided that such resident is able to
8 meet the requirements for establishing his or her identity and residency
9 set forth in subdivision five of this section and rules adopted by the
10 office pursuant to this section, including any restrictions the office
11 deems appropriate for the protection of minors.

12 (c) The municipal identity card shall be issued to applicants free of
13 charge.

14 5. In order to obtain a municipal identity card an applicant must
15 establish proof of identity and proof of residency within the munici-
16 pality as follows:

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

- 19 (i) a U.S. or foreign passport;
- 20 (ii) a U.S. state driver's license;
- 21 (iii) a U.S. state identification card;
- 22 (iv) a U.S. permanent resident card;
- 23 (v) a consular identification card;
- 24 (vi) a photo identification card with name, address, date of birth,
25 and expiration date issued by another country to its citizens or
26 nationals as an alternative to a passport for re-entry to the issuing
27 country;
- 28 (vii) a certified copy of U.S. or foreign birth certificate;
- 29 (viii) a Social Security card;
- 30 (ix) a national identification card with photo, name, address, date of
31 birth, and expiration date;
- 32 (x) a foreign driver's license;
- 33 (xi) a U.S. or foreign military identification card;
- 34 (xii) a current visa issued by a government agency;
- 35 (xiii) a U.S. individual taxpayer identification number (ITIN) author-
36 ization letter;
- 37 (xiv) an electronic benefit transfer (EBT) card; or
- 38 (xv) any other documentation that the office deems acceptable.
- 39 (xvi) The office may by rule determine the weight to be given to each
40 type of document provided in this paragraph, and require that an appli-
41 cant produce more than one document to establish identity.

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

- 48 (i) a utility bill;
- 49 (ii) a current residential property lease;
- 50 (iii) a local property tax statement dated within one year of the date
51 it is submitted;
- 52 (iv) a local real property mortgage payment receipt;
- 53 (v) a bank account statement;
- 54 (vi) proof that the applicant has a minor child currently enrolled in
55 a school located within the municipality;
- 56 (vii) an employment pay stub;

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

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

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

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

9 (xii) written verification issued by a hospital, health clinic or
10 social services agency located within the municipality confirming at
11 least fifteen days residency; or

12 (xiii) any other documentation that the office deems acceptable.

13 (xiv) The office may by rule determine the weight to be given to each
14 type of document provided in this paragraph, and require that an appli-
15 cant produce more than one document to establish residency. The office
16 shall by rule create alternative methods by which individuals who are
17 homeless can establish residency in the municipality notwithstanding the
18 lack of fixed address.

19 6. (a) Once every quarter the office shall destroy copies of records
20 provided by applicants to prove identity or residency for a municipal
21 identity card that have been retained more than two years, except where
22 such records are required by law to be preserved as evidence for
23 purposes of litigation.

24 (b) On or before December thirty-first, two thousand twenty-one, the
25 office shall review data collected in the report described in subdivi-
26 sion nine of this section and make a determination regarding the contin-
27 uing need to retain records pursuant to paragraph (a) of this subdivi-
28 sion in order to effectively administer the municipal identity card
29 program and shall make any appropriate modifications to the policy for
30 retention of records related to the municipal identity card program.

31 (c) In the event that: (i) the office fails to make a determination on
32 or before December thirty-first, two thousand twenty-one pursuant to
33 paragraph (b) of this subdivision, or (ii) the office determines that
34 records retention is no longer necessary, then the office shall not
35 retain originals or copies of records provided by an applicant to prove
36 identity or residency for a municipal identity card for longer than the
37 time needed to review the application, and any such records in the
38 office's possession prior to such date shall be destroyed on or before
39 December thirty-first, two thousand twenty-one or, in the case of an
40 application pending on such date, as soon as practicable after a final
41 determination has been made regarding the application. Nothing in this
42 paragraph shall be construed to prevent the office from retaining
43 records where such records are required by law to be preserved as
44 evidence for purposes of litigation.

45 (d) To the maximum extent allowed by applicable federal and state law,
46 information collected about applicants for the card shall be treated as
47 confidential and may only be disclosed if:

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

51 (ii) so ordered by a court of competent jurisdiction;

52 (iii) to a requesting municipal agency for the limited purpose of
53 administering the municipal identity card program or determining or
54 facilitating the applicant's eligibility for additional benefits,
55 services, and care, provided that such disclosure is made in accordance
56 with all applicable federal and state privacy laws and regulations, and

1 subject to the further requirement that such information shall not be
2 redisclosed to any other governmental agency or entity, or third party;
3 or

4 (iv) to a law enforcement agency that serves the office a judicial
5 subpoena or judicial warrant.

6 (e) The office shall not indicate on the application forms used to
7 apply for a municipal identity card the type of records provided by an
8 applicant to establish residency or identity.

9 7. (a) All municipal agencies shall accept such card as proof of iden-
10 tity and residency for access to municipal services unless (i) such
11 acceptance is prohibited by federal or state law, (ii) additional
12 documentation is required to obtain the benefits of a federal or state
13 program, or (iii) the agency has reasonable grounds to believe that the
14 card is counterfeit, altered, or improperly issued, or the individual
15 presenting the card is not the individual to whom the card was issued.

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

20 (c) Municipal agencies shall not require the possession of a municipal
21 identity card where identification is not already required to obtain
22 municipal services, provided, however that agencies may require the
23 possession of a municipal identity card to obtain benefits or privileges
24 offered exclusively to those who possess a municipal identity card as an
25 incentive to apply for a municipal identity card.

26 8. The office shall identify and implement measures, including but not
27 limited to staff training, community outreach, and language assistance
28 tools, to address the needs of limited English proficient individuals in
29 the administration of the municipal identity card program.

30 9. The office shall prepare and submit one year after the effective
31 date of this section and biannually thereafter to the governor, the
32 speaker of the assembly and the temporary president of the senate a
33 report on the municipal identity card program that includes the follow-
34 ing information:

35 (a) the number of applications received by the office for the muni-
36 pal identity card disaggregated by applicant's municipality;

37 (b) the number of municipal identity cards issued;

38 (c) the number of municipal identity cards issued to minors;

39 (d) the number of requests made by municipal agencies for information
40 collected about applicants for the municipal identity card disaggregated
41 by requesting agency;

42 (e) the number of times the office shared documents submitted by
43 applicants to establish eligibility for the municipal identity card with
44 municipal agencies disaggregated by agency;

45 (f) the number of denials made to requesting agencies for information
46 collected about applicants for the municipal identity card;

47 (g) the number of municipal identity card applicants whose information
48 was disclosed to law enforcement, disaggregated by whether such disclo-
49 sure was pursuant to a judicial warrant or judicial subpoena;

50 (h) the number of occurrences of fraud or other criminal activity
51 related to issuance of the municipal identity card;

52 (i) the office's efforts to conduct outreach to prospective applicants
53 relating to the municipal identity card program;

54 (j) the office's efforts to promote acceptance of the municipal iden-
55 tity card by banks and other public and private institutions;

1 (k) the types of services, other than municipal services, for which
2 the municipal identity card is permitted as acceptable proof of identity
3 and residency; and

4 (l) any other metric the office deems appropriate, including but not
5 limited to additional measures of fraudulent or other criminal activity
6 related to the municipal identity card program.

7 § 2. This act shall take effect on the one hundred eightieth day after
8 it shall have become a law. Effective immediately, the addition, amend-
9 ment and/or repeal of any rule or regulation necessary for the implemen-
10 tation of this act on its effective date are authorized and directed to
11 be made and completed on or before such effective date.