

## **Testimony on Proposed Rule Implementing NYC ID Program, Chapter 8, Title 68 of the Rules of the City of New York**

**Submitted to  
New York City Human Resources Administration**

**Submitted by  
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Good morning, my name is Bertha Alisia Guerrero and I am the Director of National Advocacy at the Hispanic Federation (HF). Commissioner Banks and members of the administration, on behalf of HF, I thank you for bringing us together today and affording us the opportunity to express comments and suggestions on the proposed rule regarding the implementation of the NYC ID program.

HF is the premier Latino membership organization in the nation founded to address the many inequities confronting Latinos and the nonprofits that serve them. For more than 20 years, Hispanic Federation has provided grants, administered human services and coordinated advocacy for our broad network of agencies that serve more than 2 million Latinos in areas of health, education, economic empowerment, immigration and civic engagement.

I would like to start off by stating that HF strongly supports this program and the following recommendations are meant to enhance the great work, thoughtfulness and attention to detail that the administration has executed in creating this rule.

### **Expand Acceptable Documents for Identity and Residency Verification**

Hispanic Federation proposes the following additions be included as acceptable proof of identification:

- Add "Foreign National Voter Registration ID Card" to its list of identity documents that receive two points toward the three points needed to prove identity.

- Assign the following documents one point toward proof of identity (note that the NYS Dept. of Motor Vehicles assigns one point to several of these items, for the purpose of issuing NYS driver's licenses and non-driver IDs):
  - Pay stub with name\*
  - Bank or credit union account statement\*
  - ATM or credit card\*
  - Canceled check\*
  - Utility bill\*
  - Health insurance or prescription card\*
  - Life insurance policy\*
  - Check casher card with signature\*
  - MTA Reduced-fare Metro Cards (photo)
  - NYC Parks ID (photo)
  - DFTA ID/Barcode Cards (photo)
  - Medicare and SSA Cards (though no picture)
  - Library cards

*\*NYS DMV currently assigns these items one point towards proof of identity needed to obtain a NYS driver's license or NYS non-driver's ID.*

As of now, the proposed rule does not allow for expired documents to be accepted, except for NYC IDs within 60 days of expiration. To ensure the success of the NYC ID program, it is important that the Human Resources Administration (HRA) accept certain forms of expired documentation. Many NYC ID applicants rely on consular IDs or passports from countries that either do not maintain an active local consulate or charge high fees for document renewal as forms of identification.

The Federation proposes that HRA accept government-issued IDs that have expired within 5 years of the date of the NYC ID application for proof of identity. Such expired documents should be assigned one or two points toward the three points required for proof of identity to obtain the NYC ID. Several DMVs throughout the country accept expired documents toward proof of identity to issue identification cards and driver's licenses. New York, Washington, Colorado and Georgia are examples of states that accept documents ranging from 1 to 10 years of expiration. Since other state agencies that must comply with the REAL ID Act accept forms of expired documentation, HF recommends that HRA accept expired forms of documentation under the NYC ID program.

Hispanic Federation also suggests that additional forms of documentation be added to the list of acceptable forms of proof of residency. Many New Yorkers face various challenges to proving residency, such as individuals who are not listed on their leases, those who pay rent in cash or share their address with other people. To assist individuals in these situations, HF recommends

that the following forms of documents are added to the list of acceptable forms of proof of residency:

- Mail received at an address with the stamp of the USPS.
- Notarized letter from landlord or lease-holder affirming the individual's home address, if the individual's name is not on a lease.
- Notarized letter from a community-based organization that receives NYC funding, affirming that the individual is known to the organization and resides at his/her stated address.
- Notarized employer letter affirming that worker is a NYC resident.

### **Enhance Privacy Protections for NYC ID Card Applicants**

We acknowledge the incorporation of privacy protections within the proposed rule. Hispanic Federation recommends that the following suggestions are incorporated into the final rule to enhance the existing privacy protections.

HRA should provide notice to any NYC ID cardholder whose information is requested by an outside entity. HRA should also plead confidentiality and withhold requested information in any case where the NYC ID cardholder does not grant permission for disclosure and the request is not related to suspected fraud by or against the cardholder. A similar provision exists within the regulations governing the Department of Social Services. In order for the Department of Social Services to release an individual's information, the department must seek the permission of the individual whose records are being requested, even when that information is being subpoenaed by a court. This provision directs the department to plead confidentiality in response to any subpoena for records where the purpose is not directly related to the administration of public assistance or the welfare of a child. We recommend that HRA adopt a similar provision within its rules regarding the NYC ID program.

In addition, regulations should require the redaction of all information not necessary for the verification of identity or residency in any document retained by the municipal ID card program. Furthermore, regulations should contain language stipulating that to disclose an individual's information would be an unwarranted invasion of personal privacy. It is important that HRA is clear and explicit in its policy regarding privacy concerns. For this reason, Hispanic Federation urges HRA to include the regulation of its facial recognition/duplicate image search in its final rule to ensure that this information is protected. It should state how HRA will limit sharing/access of photos and facial recognition in the NYC ID database with FBI, NYPD or any other local, state or national databases.

## **Adopt Policy Prohibiting Arrests Based on Administrative Warrants**

In order to protect and enhance interactions between community members and NYPD, HF recommends that HRA enact a policy clarifying that NYPD will not arrest individuals on the basis of an outstanding administrative warrant alone. Since the NYPD has agreed to accept the municipal ID in cases where they would issue a summons in lieu of arrest, it would be critical for immigrant communities to be protected from being brought into the precinct in cases where an ICE administrative warrant appears during a warrant check. Various municipalities and states, including the District of Columbia, Chicago, New Haven, Fairfax County, and Chapel Hill have passed policies that prohibit police from arresting or detaining individuals based on administrative warrants of removal or arrest entered by ICE into the National Crime Information Center.

Additionally, to ensure that all officers are knowledgeable of this policy and that officers accept the NYC ID in cases where they would issue a summons in lieu of arrest, we recommend that all officers undergo a training on the NYC ID, or at least go over the NYC ID at their shift briefing sessions.

Thank you for your time and attention to these important issues. It is our hope that making these modifications to HRA's already strong and inclusive regulations will ensure that the NYC ID program is a success.