LOCAL LAW NO. 4 OF 2018

A LOCAL LAW TO ESTABLISH A MUNICIPAL IDENTIFICATION PROGRAM IN THE CITY OF POUGHKEEPSIE

SPONSORED BY COUNCILMEMBER SALEM & COUNCILMEMBER CHERRY

BE IT ENACTED, by the Common Council of the City of Poughkeepsie of the County of Dutchess as follows:

SECTION 1. LEGISLATIVE FINDINGS; INTENT & PURPOSE; AUTHORITY

A. The legislature finds that many residents of The City of Poughkeepsie are unable to obtain government-issued identification that is required to fully participate in The City of Poughkeepsie's rich society. This barrier leaves thousands of individuals — including immigrants, homeless people, transgender people, senior citizens, young people, and those who have been formerly incarcerated — without access to critical services, benefits, cultural, educational, and civic opportunities. It is the intent of the legislature to build The City of Poughkeepsie's standing as a welcoming and inclusive center for all residents, without regard to a person's race, national origin, religion, sex, sexual orientation, gender identity, disability, immigration, housing, or financial status. Further, it is the intent of the legislature that the municipal identification card should affirm the resident status of all City of Poughkeepsie residents.

B. Residents' lack of access to acceptable forms of identification also raises public safety concerns for the City. Residents without access to bank accounts often carry large amounts of money on their person or store it in their home making them targets for crime. In addition, residents who cannot produce proof of identity are often reluctant to report crimes to the police that they suffer or witness. Studies show that immigrant populations in particular are victimized by crime at rates similar to or greater than the general population but they report crime at lower rates than the general population. This under-reporting of crime poses a serious public safety problem and erodes the ability of law enforcement to function effectively in the City.

C. A City of Poughkeepsie identification card would serve to reduce the impact of the above mentioned conditions, improve public safety, and enable all City of Poughkeepsie residents to participate more fully in and become an integral part of the life of the community. A municipal identification card would encourage crime reporting and witness cooperation, both key elements in building a safer community. Such cards would also potentially enable more City residents to; open bank accounts, access parks or other public facilities, and receive resident discounts at local businesses, events, and arts institutions. The card could have multiple use options, for example functioning as a public transportation pass, library card, resident golf card, and parking meter card all in one. The cards

would also benefit children and youth who become lost and normally possess no identification or emergency contact information and elderly citizens who no longer drive and therefore no longer possess a valid driver's license. Accordingly, it is in the best interests of its residents for the City to issue its own municipal identification card.

D. By authorizing the creation of this program, the legislature does not intend to expand identification requirements for access to basic services or exercise of constitutional rights. The program should not be used as a proxy to require individuals to produce government-issued identification to access services and benefits where such identification is not presently required, such as registering to vote, casting a ballot, or accessing government buildings.

E. The legislature further recognizes that transgender and gender non-conforming individuals may have particular challenges in obtaining identification cards that reflect their gender identity, due to stigma and burdensome administrative policies for changing gender on other identification documents. This increases the likelihood they will experience discrimination in seeking employment or housing, or even prevent them from participating in cultural or civic life and so it is our intention to make the program affirming to transgender and gender non-conforming residents by not requiring a gender selection.

F. Finally, the legislature seeks to preserve the safety and privacy of all City of Poughkeepsie residents. It is the intent of the legislature that all completed applications and personal data gathered during the application process should be destroyed, besides the applicant's photograph, name, and date of birth, which should be maintained confidentially.

SECTION 2. DEFINITIONS

A. The "Poughkeepsie ID card" shall mean an identification card issued by The City of Poughkeepsie that shall, at a minimum, display the cardholder's photograph, name, date of birth, address, ID card number, and card expiration date. Such identification card shall be designed in a manner to deter fraud which may include; bar codes, serial numbers, watermarks, City Seal, or other security measures used to protect against fraud. Additionally, the card does not bestow eligibility for state or federal financial benefits, therefore significantly reducing the incentive to fraudulently obtaining an ID card.

B. "City" shall be in reference to the City of Poughkeepsie or any department, agency, board, or commission thereof.

C. "Resident" shall mean a person who can establish that he or she is a current resident of The City of Poughkeepsie pursuant to Section 5 of this Act.

SECTION 3. MUNICIPAL IDENTITY CARD PROGRAM

The City of Poughkeepsie Chamberlain's Office shall administer the municipal identity card program and shall promulgate all rules necessary as set by the Common Council to effectuate the purposes of this subchapter. Such office shall make applications for such card available for pick-up and submission at any agency or office where there is substantial contact with the public and shall also make applications available online.

SECTION 4. ISSUANCE OF MUNICIPAL IDENTITY CARDS

A. The Poughkeepsie ID Card shall be available to any resident of The City of Poughkeepsie over the age of 14, regardless of his or her race, color, creed, age, national origin, alienage or citizenship status, gender identity, sexual orientation, disability, marital status, partnership status, any lawful source of income, housing status, status as a victim of domestic violence or status as a victim of sex offenses or stalking, or conviction or arrest record, provided that such resident is able to meet the requirements for establishing his or her identity and residency as set forth in this legislation.

B. The City of Poughkeepsie shall establish an application fee for municipal identification cards of $10 for adults and $5 for people under the age of 18 or over the age of 62. For those who cannot afford to pay set fee, the City of Poughkeepsie will allow for a hardship waiver if witnessed and authenticated documentation can be produced thereby establishing difficulty to pay.

C. The Poughkeepsie ID Card shall be valid for a period of 4 years from the date of issuance, and thereafter must be renewed in order to remain active and receive benefit with a renewal fee of $5.00.

D. The Poughkeepsie ID Card program shall be implemented within 6 months of the passage of Legislation.

SECTION 5. MUNICIPAL IDENTITY CARD ELIGIBILITY

A. Eligibility: In order to obtain a Poughkeepsie ID card an applicant must complete an application and provide documentation in order to 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 attain 4 points of identification by producing at least one of the following documents from LIST ONE (4 points), current or expired not more than 5 years prior to the date of the The City of Poughkeepsie ID card application OR one document from LIST TWO (3 points) along with one document from LIST THREE (1 point).

LIST ONE (4 point documents):
U.S. or foreign passport; U.S. state driver's license; U.S. state identification card; U.S. permanent resident card; a consular identification card; 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; a national identification card with photo, name, address, date of birth, and expiration date; a foreign driver's license; U.S. or foreign military identification card; a current visa issued by a government agency.

LIST TWO (3 point documents):
U.S. Permanent Resident (Green Card); U.S. Citizenship and Naturalization Certificate; U.S. Federal Government or Tribal-issued photo ID; State Veterans ID with photo.

LIST THREE (1 point document):
Social Security Card; EBT Card; High School or College Diploma; ITIN (Individual Taxpayer Identification Number) card or authorization letter (must be accompanied by an ID with a photograph); Voter Registration Card.

(2) **Proof of Residency**: In order to establish residency, an applicant shall be required to produce at least one of the following items 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, unless otherwise indicated below:

a utility bill; a current residential property lease; a local property tax statement dated within one year of the date it is submitted; a local real property mortgage payment receipt; a bank account statement; proof that the applicant has a minor child currently enrolled in a school located within the city; an employment pay stub; a jury summons or court order issued by a federal or state court; a federal or state income tax or refund statement dated within one year of the date it is submitted; an insurance bill (homeowner, renter, health, life, or automobile insurance); written verification issued by a homeless shelter located within municipality that confirms at least fifteen days residency; written verification issued by a hospital, health clinic or social services agency located within the City of Poughkeepsie confirming at least fifteen days residency.

SECTION 6. APPEALS PROCESS

A. Hearing: Any refusal to issue a Poughkeepsie ID card or to renew a Poughkeepsie ID card made hereunder shall be by written notice issued by the City Clerk, or his/her designee, to the applicant. Said notice shall include a statement that the applicant is entitled to demand a hearing, provided that such demand is made in writing to the City Clerk, and such hearing shall be conducted within 30 days

after the applicant or licensee's request is received by the City Clerk or his/her designee.

B. Decision: Upon receipt of a demand for a hearing, the City Clerk shall transmit such request to the City Administrator, who shall appoint a hearing officer to make a report and recommendation to the City Administrator within thirty (30) days of the date of the hearing. The City Administrator shall have the final authority to uphold, reverse or modify the decision of the City Clerk, after consideration of the hearing officer's report and recommendation.

C. Demand for hearing: Any demand for a hearing must be made in writing, within 10 days after mailing notice of the refusal of the City Clerk to issue a Poughkeepsie ID card.

SECTION 7. CONFIDENTIALITY OF MUNICIPAL ID CARD APPLICATION INFORMATION & DATA.

A. The City of Poughkeepsie shall not retain originals or copies of records provided by an applicant to prove identity or residency for a Poughkeepsie ID card.

B. The City will retain the name, date of birth, card number, and expiration date for all IDs, giving the City the ability to prevent duplicates.

C. The City of Poughkeepsie shall not disclose information about Poughkeepsie ID card applicants to any public or private entity or individual, including federal, state, or city immigration or law enforcement entities. In the event of litigation, The City of Poughkeepsie shall defend against the disclosure of such information to the maximum extent possible under the law. This protection shall extend to the Poughkeepsie ID card application forms, information contained on those forms or obtained through the Poughkeepsie ID card application process, to the lists of individuals who hold or have applied for the Poughkeepsie ID card, and to the fact of any individual's participation in the Poughkeepsie ID card program.

SECTION 8. ACCESS TO SERVICES

A. All municipal agencies and offices, and all municipal employees, including law enforcement officers, shall accept the Poughkeepsie ID card as proof of identity and residency, excluding in cases where acceptance of the Poughkeepsie ID card is precluded by state or federal law.

B. The City of Poughkeepsie shall seek to promote and expand the benefits associated with the Poughkeepsie ID card and shall take reasonable efforts to promote the acceptance of the card by banks and other public and private institutions located within the City.

C. The City of Poughkeepsie agencies and officers shall not require the possession of a Poughkeepsie ID card where identification is not already required in order to obtain city services. Provided, however, that agencies may require the possession of a Poughkeepsie ID card to obtain benefits or privileges offered exclusively to those who possess a Poughkeepsie ID card as an incentive to apply for a municipal identity card.

D. The City of Poughkeepsie will administer and maintain reasonable and appropriate training for all municipal personnel, municipal offices, and law enforcement officers to ensure that the Poughkeepsie ID card is effectively accepted per intended use as is outlined in this legislation.

SECTION 9. LANGUAGE ASSISTANCE SERVICES

The City of Poughkeepsie shall, consistent with all federal, state and local laws, provide language assistance to applicants for the municipal identity cards to facilitate access thereto. The Common Council of the City of Poughkeepsie 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 successful administration of the Poughkeepsie ID card program.

SECTION 10: COUNTERFEIT AND FRAUDULENT CARDS

It is a violation of The City of Poughkeepsie ID code under this section for any person or entity to undertake any of the following acts. A fine of no more than $100 may be imposed for each violation.

A. To knowingly present false information in the course of applying for a Poughkeepsie ID card.

B. To alter, copy, or replicate a Poughkeepsie ID card without the authority of the The City of Poughkeepsie.

C. To use a Poughkeepsie ID card issued to another person, with the intent to cause a third person or entity to believe the holder of the card is the person to whom the card was issued.

SECTION 11: EFFECTIVE DATE

This Local Law shall be effective upon its filing with the Secretary of State.

SECTION 12: SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect

the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

SECTION 13: NUMBERING

It is the intention of the Common Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the city of Poughkeepsie, New York, and the sections of this ordinance may be renumbered to accomplish such intention.