

1 [Municipal Identification Cards]

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3 **Ordinance adding Section 95.2 to the San Francisco Administrative Code authorizing**
4 **the County Clerk to issue municipal identification cards upon request to residents of**
5 **the City and County of San Francisco.**

6 Note: Additions are *single-underline italics Times New Roman*;
7 deletions are *strikethrough italics Times New Roman*.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. Findings.

11 (a) Many residents of the City and County of San Francisco – such as children and
12 youth, the elderly, homeless, immigrants, students, and transgender individuals – lack official
13 government-issued identification. Without an accepted form of identification, these City
14 residents are not able to participate in local commerce and other forms of civic engagement
15 such as opening a bank account or obtaining a library card.

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

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1 (c) A San Francisco identification card would serve to reduce the impact of the above
2 conditions, improve public safety, and enable all of San Francisco's residents to participate
3 more fully in and become an integral part of the life of the community. A municipal
4 identification card would encourage crime reporting and witness cooperation, both key
5 elements in building a safer community. Such cards would also enable more City residents to
6 open bank accounts; join the public library; access parks or other public facilities; and receive
7 resident discounts at City golf courses, the zoo and arts institutions. The card could have
8 multiple use options, for example functioning as a public transportation pass, library card,
9 resident golf card, and parking meter card all in one. The cards would also benefit children
10 and youth who become lost and normally possess no identification or emergency contact
11 information and elderly citizens who no longer drive and therefore no longer possess a valid
12 driver's license. Accordingly, it is in the best interests of its residents for the City and County
13 of San Francisco to issue its own municipal identification card.

14 Section 2. The San Francisco Administrative Code is hereby amended by adding
15 Section 95.2, to read as follows:

16 **SEC. 95.2. MUNICIPAL IDENTIFICATION CARDS**

17 *(a) Definitions. For purposes of this Section, the following definitions apply.*

18 *(1) "Agency" shall mean the Office of the County Clerk.*

19 *(2) "City" shall mean the City and County of San Francisco, or any department, board,*
20 *commission or agency thereof.*

21 *(3) "Director" shall mean the County Clerk.*

22 *(4) "Entity That Receives City Funds" shall mean any recipient of a contract, grant*
23 *agreement, or loan agreement from the City and County of San Francisco.*

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1 (5) "Municipal Identification Card" shall mean an identification card issued by the City
2 and County of San Francisco that shall display, including but not limited to, the cardholder's name,
3 photograph, date of birth, and an expiration date. The card shall not identify the cardholder's
4 gender.

5 (6) "Resident" shall mean a person who can demonstrate that he or she has been
6 present in the City and County of San Francisco for at least fifteen continuous days and who presents
7 "proof of residency" as specified in subsection (c)(1)(B).

8 (b) Issuance of Municipal Identification Cards. Upon request, the Agency shall issue a
9 Municipal Identification Card to any Resident who meets the application requirements set forth below
10 in subsection (c). The Card shall bear the seal of the City and the Director shall cause the Card to be
11 produced in a form intended to thwart replication or counterfeit.

12 (c) Applications.

13 (1) To obtain a Municipal Identification Card, a Resident shall complete an application
14 requiring proof of identity and proof of residence within the City. Upon receipt of the proof of identity
15 and residency that this Section specifies, the Agency shall issue a Card to the applicant.

16 (A) Proof of Identity. In order to establish identity, each applicant must present
17 either:

18 (i) One of the following documents, except that if the document does not
19 contain the photograph of the applicant, he or she must also present a photo identification: a U.S. or
20 foreign passport; a U.S. driver's license; a U.S. state identification card; a U.S. Permanent Resident
21 Card (commonly known as a "Green Card"); a consular identification ("CID") card; a certified copy of
22 a U.S. or foreign birth certificate; a social security card; or a photo identification card issued by
23 another country to its citizens or nationals that meets the requirements of San Francisco Administrative
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1 Code Section 95.1(a). Where the applicant is aged twelve or under, he or she need not present photo
2 identification in addition to a birth certificate or social security card; or

3 (ii) Two of the following documents, provided that at least one form of
4 identification shall display the applicant's photograph: a national identification card with photo, name,
5 address, date of birth, and expiration date; a foreign driver's license; a U.S. or foreign voter
6 registration card; a U.S. or foreign military identification card; a current visa issued by a government
7 agency; a U.S. Individual Taxpayer Identification Number (ITIN) authorization letter accompanied by
8 an identification with a photograph; an employee identification card, which shall include a union
9 membership card; an identification card issued by a California educational institution, including
10 elementary, middle, secondary, and post-secondary schools. An applicant may not satisfy the two-
11 document requirement imposed by this subsection (ii) by providing only an employee
12 identification card and a school identification card.

13 (iii) The Director may by regulation provide that where an
14 applicant aged twelve or younger cannot produce a birth certificate or social security card, a
15 parent or legal guardian may verify the applicant's identity, provided that the parent or
16 guardian himself or herself would be eligible for a Municipal Identification Card.

17 (B) Proof of Residency. In order to establish residency, each applicant must
18 present one of the following items, provided that the item includes both the applicant's name and a
19 residential address located within the City: a utility bill dated within the last thirty days; a rental
20 agreement or rent receipt confirming at least fifteen days of occupancy within the last thirty days; a
21 homeless residency verification form issued by a homeless shelter or an original document issued by a
22 health or social services agency confirming at least fifteen days residency within the last thirty days; a
23 local property tax statement or mortgage payment receipt received within the last ninety days; a bank

1 account statement received within the last ninety days; proof of a minor currently enrolled in a City
2 public school; a current San Francisco Golf Resident Card.

3 The Director may by regulation provide that where an applicant aged twelve or
4 younger cannot produce any of the items set forth in this subsection (c)(1)(B) in order to prove
5 residency, a parent or legal guardian may verify the applicant's residency, provided that the
6 parent or guardian himself or herself would be eligible for a Municipal Identification Card.

7 (C) The Director may by regulation provide for acceptance of additional
8 forms of proof of identity and/or proof of residency, provided that the Director determines that
9 such forms of proof are:

- 10 (i) issued by a governmental entity, or
11 (ii) issued by an entity that takes reasonable steps to verify the
12 identity and/or residency of the individual to whom the item is issued, or
13 (iii) of a type that is normally accepted as proof of identity and/or
14 proof of residency in the ordinary course of business.

15 (2) An application submitted on behalf of a minor must be completed by such minor's
16 parent or legal guardian.

17 (3) The Agency shall keep confidential, to the maximum extent permitted by applicable
18 laws, the name and other identifying information of persons applying for and receiving Municipal
19 Identification Cards. The Director shall cause the applications to be produced in a form that
20 allows applicants to state their privacy preferences. The Agency shall not retain records of
21 applicants' residential addresses.

22 (d) **Implementation.** The Director is authorized to adopt rules and regulations not inconsistent
23 with this Section in order to implement and administer the issuance of Municipal Identification Cards.
24 The Director shall consult with the Immigrant Rights Administrator, under the supervision of the City
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1 Administrator, and with other relevant departments in developing such rules and regulations. The
2 Director shall require applicants to declare the information provided in their applications under
3 penalty of perjury. The Immigrant Rights Administrator shall be responsible for coordinating with the
4 Agency and other City Departments the promotion of the Cards and the development of multiple uses
5 for the Cards.

6 (e) Fees. The Director shall charge an application fee of \$15.00 per Card for adults and \$5.00
7 per Card for minors and seniors who present proof of age in a form to be determined by the Director.
8 Such fees shall not exceed the administrative costs reasonably associated with the production of the
9 Cards. The Director shall by regulation provide for reduced application fees, up to and
10 including complete waiver of the fee, for low-income applicants who present proof of income
11 status in a form to be determined by the Director.

12 (f) Acceptance by City Departments and Entities That Receive City Funds. When requiring
13 members of the public to provide identification or proof of residency in the City, each City department
14 and any Entity That Receives City Funds shall accept a Municipal Identification Card as valid
15 identification and as valid proof of residency in the City, unless such City department or Entity has
16 reasonable grounds for determining that the card is counterfeit, altered, or improperly issued to the
17 card holder, or that the individual presenting the card is not the individual to whom it was
18 issued.

19 Other than requiring the City and Entities That Receive City Funds to accept the Card as proof
20 of identification and City residency, this Section is not intended to replace any other existing
21 requirements for issuance of other forms of identification in connection with the administration of City
22 benefits and services. The requirements of this Section do not apply under circumstances where (1) a
23 federal or State statute, administrative regulation or directive, or court decision requires the City or
24 Entity That Receives City Funds to obtain different identification or proof of residence, (2) a federal or

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1 State statute or administrative regulation or directive preempts local regulation of identification or
2 residency requirements, or (3) the City or Entity That Receives City Funds would be unable to comply
3 with a condition imposed by a funding source, which would cause the City or such Entity to lose funds
4 from that source.

5 (g) **Operative Date.** This ordinance shall become operative nine months after its effective date.

6 (h) **City Undertaking Limited to Promotion of General Welfare.** In undertaking the
7 enforcement of this ordinance, the City is assuming an undertaking only to promote the general
8 welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of
9 which it is liable in money damages to any person who claims that such breach proximately caused
10 injury.

11 (i) **Provisions of Ordinance Not Severable.** The Board of Supervisors intends that
12 all the provisions of this ordinance function as an interdependent whole. If a court rules that
13 the City may not implement or enforce any provision of this ordinance, then all City officers
14 and employees shall henceforth cease implementing and enforcing all provisions of this
15 ordinance.

16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By: _____
19 FRANCESCA GESSNER
20 Deputy City Attorney