

Offered by Councilor Ricardo Arroyo, Bok, Breadon, Edwards Fernandes Anderson, Flaherty, Lara, Louijeune, Mejia, Murphy, Worrell and Flynn



## CITY OF BOSTON IN CITY COUNCIL

### ORDINANCE CREATING A MUNICIPAL IDENTIFICATION CARD IN THE CITY OF BOSTON

- WHEREAS:** In 2018, the City of Boston released a feasibility study to assess the demand for a City of Boston municipal ID card in partnership with UMass Boston and the Triage Group; *and*
- WHEREAS:** The 2018 feasibility study found that the most popular features desired by Boston residents included free or reduced fares on the T, reduced or free entry to Boston museums, the ability to use as a T pass and library card, access to City programs and services, and discounts at small businesses and grocery stores; *and*
- WHEREAS:** The ability to provide proof of identity is a basic necessity that is taken for granted by individuals that benefit from the privilege of race, class, and citizenship; *and*
- WHEREAS:** An average resident is asked to provide photo identification at numerous points of sale and service on a daily basis including opening a bank account, cashing a check, applying for a job, borrowing a book from the library, and countless other basic services; *and*
- WHEREAS:** The difficulty in obtaining a government-issued photo identification is most likely to affect elderly, African-Americans, Latinx, immigrant, unhoused, disabled, formerly incarcerated, transgender, and low-income residents, who are also most likely to need the services that require a form of identification; *and*
- WHEREAS:** The communities that face the highest barriers to obtaining government-issued photo identification are also the most likely to be asked to display their ID in situations where it is not required; *and*
- WHEREAS:** Barriers to obtaining government-issued photo identification range from high costs of collecting necessary documentation to errors on official documents and lack of transportation to an ID-issuing office; *and*
- WHEREAS:** While the Work and Family Mobility Act is under debate at the state legislature and would allow undocumented residents to receive state-issued ID cards or driver's licenses, a municipal program could provide more flexibility to applicants; *and*

**WHEREAS:** Offering a municipal ID to residents of Boston, regardless of their immigration status, would allow the City of Boston to make a powerful statement of welcome and inclusion, bolstering its status as a sanctuary city; *and*

**WHEREAS:** Municipal ID programs in New York City, Chicago, Oakland, Los Angeles, Trenton, Washington D.C., Princeton, San Francisco, and New Haven have all seen widespread success; *and*

**WHEREAS:** The City of Boston can choose to fill this gap by developing a municipal ID program that not only requires less documentation than state or federal IDs, but also provides more benefits and incentives to participants, allowing for the protection of privacy of its users; **NOW THEREFORE**

***Be it ordained by the City Council of Boston as follows:***

That the City of Boston Code, Ordinances be amended in Chapter VI by adding the following after 6-11:

## **6-12: Ordinance Creating a Municipal Identification Card in the City of Boston**

### Section 1. Purpose

The purpose of this ordinance is to provide a means of identification and proof of residency to the residents of Boston, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, partnership status, parental status, military status, source of income, credit history, criminal record or criminal history, housing status, or status as a victim of domestic violence. The ordinance is designed to protect the privacy and prevent surveillance of Boston residents through issuance or use of the Boston ID Card, while allowing the maximum number of Boston residents to hold an identification and proof of residency card. The Boston ID Card program may also include partnerships with, but not limited to, the Boston Public Library, the Massachusetts Bay Transportation Authority, local museums, local businesses, as well as be recognized by all City of Boston departments, agencies, and commissions as a valid form of identification and proof of residency.

### Section 2. Definitions

For the purposes of this Section, the following definitions shall apply:

“Administering Agency” means the city department or agency that shall administer the Boston identification card program.

“Applicant” means a person who applies for a City of Boston Identification Card.

“City of Boston ID” means an identification card issued by the City of Boston that displays information that includes, but is not limited to, the Applicant’s name, photograph, date of birth, an expiration date, and at the Applicant’s option, display the cardholder’s self-designated gender. The City of Boston ID shall be designed in a manner to deter fraud.

“Program” means the program to administer and issue the City of Boston ID.

“Resident” means a person who can establish that they are a current resident of the City of Boston pursuant to Section 5 of this ordinance.

### Section 3. Administration

1. The Administering Agency shall implement and administer the Program, and shall promulgate all rules necessary to effectuate the purposes of this legislation.
2. The Administering Agency is authorized to enter into agreements necessary to effectuate the Program, and, in connection with agreements entered into under this Section, to enter into and execute all such other instruments and to perform any and all acts, including the allocation and expenditure of duly appropriated funds, as shall be necessary or advisable in connection with the implementation of such agreements and any renewals thereto.

### Section 4. Application

1. The City of Boston ID shall be available to any Applicant regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, partnership status, parental status, military status, source of income, credit history, criminal record or criminal history, housing status, or status as a victim of domestic violence, provided that the Applicant completes an application on a form provided by the Administering Agency, and fulfills the requirements for proving identity and residency in the City of Boston as set forth in rules promulgated by the Administering Agency. The Administering Agency shall provide by rule an option for victims of domestic violence to designate an alternative address, and alternative methods by which individuals who are homeless can establish residency notwithstanding the lack of fixed address.
2. In order to obtain a City of Boston ID, an applicant must establish proof of identity and proof of residency within the city as follows:
  - a. Proof of identity:
    - i. a US or foreign passport;
    - ii. a US state driver’s license;

- iii. a US state identification card;
  - iv. a US 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 US 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 US or foreign military identification card;
  - xii. a current visa issued by a government agency;
  - xiii. a US 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.
- b. Proof of residency:
- 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 Boston confirming at least fifteen days residency; or
  - xiii. any other documentation that the Administering Agency deems acceptable.

3. The Administering Agency shall establish alternative methods by which individuals who are homeless can establish residency in the city notwithstanding the lack of fixed address.
4. The Administering Agency shall also designate access sites, including at least one site located in each neighborhood of the City of Boston, and establish mobile units where application for the Boston ID card shall be made available for pick-up and submission.

#### Section 5. Confidentiality

The Administering Agency shall keep all information submitted by an Applicant for a City of Boston ID confidential to the maximum extent permitted by law. The Administering Agency shall review, but not collect, documents provided by an Applicant as proof of identity and residence. In relation to an application for a City of Boston ID, the Administering Agency shall not maintain a record of an Applicant's address or telephone number. Information collected about applicants for the card shall be treated as confidential.

#### Section 6. Recognition of City of Boston ID Card as Valid Identification

1. When requiring members of the public to provide identification or proof of residency, every department and agency of the City of Boston shall accept the City of Boston ID created by this section as valid identification and as valid proof of residency for access to city services in the City of Boston, unless the department has reason to believe that the City of Boston ID is counterfeit, altered, improperly issued, or that the person presenting the City of Boston ID is not the person 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 Boston city identity card where identification is not already required to obtain city services, provided, however that agencies may require the possession of a Boston city identity card to obtain benefits or privileges offered exclusively to those who possess a Boston city identity card as an incentive to apply for a Boston city identity card.

#### Section 7. Language Assistance Services

The Administering Agency, in consultation with the mayor's Office of New Bostonians (or any successive office) and the Office of Language and Communication Access, 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 Boston city identity program.

## Section 8. Reporting

1. The Administering Agency shall prepare and submit to the Mayor and the City Council a report on the Boston city identity card program that includes the following information:
  - a. the number of applications received by the city for the Boston city identity card disaggregated by applicant neighborhood of residence;
  - b. the number of Boston city identity cards issued;
  - c. the number of Boston city identity card applicants whose information was disclosed to law enforcement, disaggregated by the type of judicial warrant or judicial subpoena;
  - d. the number of occurrences of fraud or other criminal activity related to issuance of the Boston city identity card;
  - e. the city's efforts to conduct outreach to prospective applicants relating to the Boston identity card program;
  - f. the city's efforts to promote acceptance of the Boston city identity card by banks and other public and private institutions; and
  - g. the types of services, other than city services, for which the Boston city identity card is permitted as acceptable proof of identity and residency.
2. Such a report shall be submitted one year following passage of this ordinance, and every three months thereafter.

## Section 9. Fees

The application for a City of Boston ID will be free of charge, and the Administering Agency shall not collect any fees related to the application, processing, or manufacturing of the ID card.

## Section 10. Severability

The provisions in this ordinance are severable. If any part or provision of this ordinance, or the application of this ordinance to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall continue to have full force and effect.

## Section 11. Effective Date

This ordinance shall be in full force and effect upon passage and approval. Upon becoming effective, the Administering Agency is authorized to implement the Program in a graduated manner, with full implementation to be achieved by January 1, 2023.

**Filed in Council: April 6, 2022**