

FILE NO. 081376

ORDINANCE NO. 279-08

1 [Municipal Identification Cards]

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3 **Ordinance amending Section 95.2 of the Administrative Code to revise the**
4 **documentation requirements for proof of identity and proof of residency for municipal**
5 **identification card applicants.**

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. The San Francisco Administrative Code is hereby amended by amending
11 Section 95.2 to read as follows:

12 Sec. 95.2. Municipal Identification Cards

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

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

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

17 (3) "Director" shall mean the County Clerk.

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

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

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

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

8 (c) Applications.

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

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

14 (i) One of the following documents containing both the applicant's photograph and date of
15 birth ~~except that if the document does not contain the photograph of the applicant, he or she must also~~
16 ~~present a photo identification:~~ a U.S. or foreign passport; a U.S. driver's license; a U.S. state
17 identification card; a U.S. Permanent Resident Card (commonly known as a "Green Card"); a
18 consular identification ("CID") card; ~~a certified copy of a U.S. or foreign birth certificate; a Social~~
19 ~~Security card;~~ or a photo identification card issued by another country to its citizens or
20 nationals that meets the requirements of San Francisco Administrative Code Section 95.1(a).
21 Notwithstanding the above, ~~W~~where the applicant is aged ~~twelve~~ thirteen or under, he or she ~~need~~
22 not may in the alternative present photo identification in addition to a certified copy of a U.S. or
23 foreign birth certificate or Social Security card to establish identity under this subsection; or
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1 (ii) Two of the following documents, provided that at least one form of identification
2 shall display the applicant's photograph and date of birth: a national identification card with
3 photo, name, address, date of birth, and expiration date; a foreign driver's license; ~~a U.S. or~~
4 ~~foreign voter registration card~~; a U.S. or foreign military identification card; a current visa issued
5 by a government agency; a U.S. Individual Taxpayer Identification Number (ITIN)
6 authorization letter ~~accompanied by an identification with a photograph~~; ~~an employee identification~~
7 ~~card, which shall include a union membership card~~; an identification card issued by a California
8 educational institution, including elementary, middle, secondary, and post-secondary schools;
9 a certified copy of a U.S. or foreign birth certificate; a Social Security card. An applicant may not
10 satisfy the two document requirement imposed by this subsection (ii) by providing only an employee
11 identification card and a school identification card. Notwithstanding the above, where the applicant is
12 aged thirteen or under, he or she may in the alternative present an official medical record and/or
13 official school record to establish identity under this subsection, provided that at least one of the two
14 forms of identification presented shall display the applicant's date of birth.

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

19 (B) Proof of Residency. In order to establish residency, each applicant must present
20 one of the following items, provided that the item includes both the applicant's name and a
21 residential address located within the City: a utility bill dated within the last thirty days; ~~a rental~~
22 ~~agreement or rent receipt confirming at least fifteen days of occupancy within the last thirty days~~; ~~a~~
23 ~~written verification homeless residency verification form~~ issued by a homeless shelter that receives
24 City funding or an original document issued by a health or social services agency confirming at least
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1 fifteen days residency within the last thirty days; written verification issued by a hospital, health
2 clinic, or social services agency that receives City funding confirming at least fifteen days residency
3 within the last thirty days; a local property tax statement or mortgage payment receipt ~~received~~
4 dated within the last ~~ninety~~ thirty days; a bank account statement ~~received~~ dated within the last
5 ~~ninety~~ thirty days; proof of a minor currently enrolled in a City ~~public~~ school; a current San
6 Francisco Golf Resident Card; an employment pay stub dated within the last thirty days; a written
7 ruling, order or notice from the Residential Rent Stabilization and Arbitration Board dated within the
8 last thirty days; a jury summons or court order issued by a state or federal court dated within the last
9 thirty days; a federal or state income tax or refund statement dated within the last thirty days; an
10 insurance bill (homeowner's, renter's, health, life or automobile insurance) dated within the last thirty
11 days. If an original certified copy of a marriage certificate is presented at the time of application, an
12 applicant may prove residency using documents bearing the name of his or her spouse.

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

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

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

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

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

8 (d) Implementation. The Director is authorized to adopt rules and regulations not
9 inconsistent with this Section in order to implement and administer the issuance of Municipal
10 Identification Cards. The Director shall consult with the Immigrant Rights Administrator, under
11 the supervision of the City Administrator, and with other relevant departments in developing
12 such rules and regulations. The Director shall require applicants to declare the information
13 provided in their applications under penalty of perjury. The Immigrant Rights Administrator
14 shall be responsible for coordinating with the Agency and other City Departments the
15 promotion of the Cards and the development of multiple uses for the Cards.

16 (e) Fees. The Director shall charge an application fee of \$15.00 per Card for adults and
17 \$5.00 per Card for minors and seniors who present proof of age in a form to be determined by
18 the Director. Such fees shall not exceed the administrative costs reasonably associated with
19 the production of the Cards. The Director shall by regulation provide for reduced application
20 fees, up to and including complete waiver of the fee, for low-income applicants who present
21 proof of income status in a form to be determined by the Director.

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

5 Other than requiring the City and Entities That Receive City Funds to accept the Card
6 as proof of identification and City residency, this Section is not intended to replace any other
7 existing requirements for issuance of other forms of identification in connection with the
8 administration of City benefits and services. The requirements of this Section do not apply
9 under circumstances where (1) a Federal or State statute, administrative regulation or
10 directive, or court decision requires the City or Entity That Receives City Funds to obtain
11 different identification or proof of residence, (2) a Federal or State statute or administrative
12 regulation or directive preempts local regulation of identification or residency requirements, or
13 (3) the City or Entity That Receives City Funds would be unable to comply with a condition
14 imposed by a funding source, which would cause the City or such Entity to lose funds from
15 that source.


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

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

22 (hi) Provisions of Ordinance Not Severable. The Board of Supervisors intends that all
23 the provisions of this ordinance function as an interdependent whole. If a court rules that the
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1 City may not implement or enforce any provision of this ordinance, then all City officers and
2 employees shall henceforth cease implementing and enforcing all provisions of this ordinance.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: 
7 Francesca Gessner
8 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 081376

Date Passed:

Ordinance amending Section 95.2 of the Administrative Code to revise the documentation requirements for proof of identity and proof of residency for municipal identification card applicants.

November 4, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 2 - Alioto-Pier, Elsbernd

November 18, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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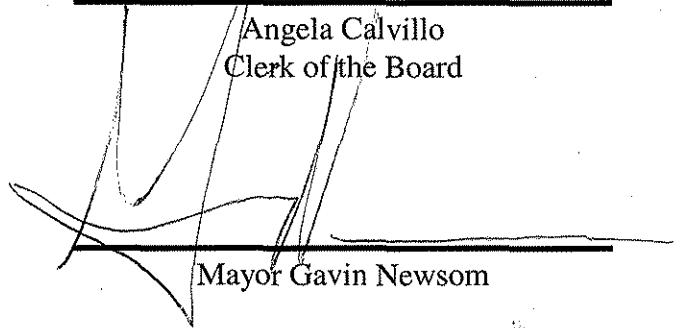
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on November 18, 2008 by the Board of Supervisors of the City and County of San Francisco.

11/25/2008

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom