



## Legislation Text

File #: 16-0801, Version: 1

**ORDINANCE AMENDING AND SUPPLEMENTING TITLE II, CHAPTER 32 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, BY AMENDING THE CITY OF NEWARK IDENTIFICATION PROGRAM ADMINISTERING DEPARTMENT FROM THE DEPARTMENT OF HEALTH AND COMMUNITY WELLNESS TO THE OFFICE OF THE MAYOR AND AGENCIES.**

**WHEREAS**, the City of Newark desires to restructure and reorganize departments and offices within the City of Newark in order to establish and promote a more efficient and effective municipal government; and

**WHEREAS**, the Mayor and the Business Administrator of the City of Newark believe it is in the best interest of the City of Newark to amend the Department of Administration by transferring the duties and responsibilities of the City of Newark Identification Program from the Department of Health and Community Wellness to the Office of the Mayor and Agencies.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

[Note: Underlined and bold text represents additions and strikethroughs represent deletions.]

### **CHAPTER 32- CITY OF NEWARK IDENTIFICATION CARD PROGRAM**

#### **2:32-1. PROGRAM ESTABLISHED.**

The City of Newark hereby establishes a City of Newark Identification Card Program, which shall be issued to individuals who can prove their identity and residency, in accordance with the terms of this ordinance, which shall be liberally interpreted.

#### **2:32-2. ADMINISTERING OFFICE DEPARTMENT.**

a. The Department of Health and Community Wellness **Office of the Mayor** (hereafter referred to as the Administering **Office** Department) shall be designated as the **office** department to administer the Newark Identification Card Program.

b. The Administering **Office** Department shall issue such policies and procedures necessary to effectuate the purposes of this chapter; including, the designation of access sites (including at least one site within each of the five (5) wards of the City of Newark), where applications for such cards shall be made available for pick-up and submission. The Department of Administration, Office of Information Technology shall also make the applications available online.

#### **2:32-3. DEFINITIONS.**

**City of Newark Municipal Identification (I.D.) Card or Newark Identification Card** shall mean an identification card

issued by the City of Newark that shall, at a minimum, display the card holder's photograph, name, date of birth, address, signature, issuance and expiration date. Such card shall also, at the cardholder's option; display the cardholder's self-designated gender. Such identification card shall be designed in a manner to deter fraud.

**Resident** shall mean a person who can establish that he or she is a current resident of the City of Newark.

**City** unless otherwise identified shall solely mean City of Newark.

**Care of Organization** shall mean City agency, hospital, private or public shelter, non-profit organization, or religious institution in Newark, New Jersey serving homeless individuals or survivors of domestic violence.

**Care Address** shall mean authorized use of address by City agency, hospital, private or public shelter, non-profit organization, or religious institution in Newark, New Jersey serving homeless individuals or survivors of domestic violence.

**Care Address Letter** shall mean a letter from a City agency, hospital, non-profit organization, private or public shelter, or religious institution in Newark, New Jersey authorizing use of address. Letter must indicate applicant has received services from the entity for past 15 days and may use entity's address for mailing purposes (dated within 15 days). Address on card will be "Care Of" the organization.

#### **2:32-4. ISSUANCE OF NEWARK IDENTIFICATION CARDS; DISPLAY; TERM; FEE.**

a. The City of Newark Identification Card shall be available to any resident of the City of Newark regardless of his or her race, color, creed, age, national origin, alienage, or citizenship status, gender, 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 chapter and of any applicable policies and procedures established by the Administering **Office**. ~~Department~~.

b. The Newark Identification Card shall display at minimum the applicant's full name, photograph, address, date of birth, signature, card issue and expiration dates. The administering agency shall, through policy and procedure it establishes as required by this chapter, create guidelines to protect the addresses of victims of domestic violence or alternate requirements for applicants who lack a permanent address. Such card shall also, at the cardholder's option; display the cardholder's self-designated gender. Such identification card shall be designed in a manner to deter fraud **which may include: bar codes, serial numbers, watermarks, City Seal, and other security protections to deter fraud.**

c. The City of Newark Identification Card is valid for two (2) years from date of issuance. Residents age fourteen (14) or over may apply for a card. Relocation out of the City, invalidates the City of Newark Identification Card and shall be returned to the City for destruction.

d. The fee for the issuance of the City of Newark Identification Card shall be \$15.00 for adults and \$7.00 for children, veterans, disabled and senior citizens. Renewal of card shall be \$15.00 and change of information shall be \$7.00. The Administrator may adopt rules permitting residents who cannot afford to pay such fee(s) to make a hardship application and to be granted a full or partial waiver of the fee. The Administrator may in full or in part waive the fee for the Newark Municipal Identification Card, if an applicant can establish a hardship exemption. Applicants may file for a hardship exception waiver during application's intake process. In order for an applicant to be granted a hardship waiver, the applicant must demonstrate and have proof of one of the following circumstances:

1. Applicant is currently homeless; or
2. Applicant has proof of eviction within the last 3 months; or
3. Applicant has recently experienced reported domestic violence; or
4. Applicant has proof of substantial debt caused by medical expenses within the last 12 months; or

5. Applicant is currently unemployed; or
6. Applicant has filed for bankruptcy within the last 6 months; or
7. Applicant currently receives one of the following: Supplemental Nutrition Assistance program, or SSI, or TANF, or Food stamps. The applicant should provide proof in the form of a letter, notice or other official document containing the name of the agency granting the benefit, the name of the recipient of the benefit and the name of the benefit received; or
8. Applicant's current household income is at or below 150% of the federal poverty level.

#### **2:32-5. PROOF OF RESIDENCY AND IDENTITY.**

In order to obtain a City of Newark Identification Card an applicant must establish their identity and residency within the City of Newark as follows:

a. *Proof of Identity.* The Newark Identification Card Program will use a point system to determine if applicants are able to prove identity and residency in Newark, New Jersey. In order to establish identity, an applicant shall be required to produce one or more of the following documents: a U.S. or foreign passport, a U.S. driver's license; a U.S. state identification card; a 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 certified copy of U. S. or foreign birth certificate; a Social Security card; a national identification card with photo, name, address, date of birth, and expiration date; a foreign driver's license; a U.S. or foreign military identification card; a current visa issued by a government agency; a U.S. Individual Taxpayer Identification Number (ITIN) authorization letter; an Electronic Benefit Transfer (EBT) card; or any other documentation that the (administering agency) deems acceptable. If the individual is a minor, proof must be furnished on behalf of said minor by the individual's parents or legal guardian or by a court of competent jurisdiction. The administering agency shall, through the policy and procedure it establishes, create a point system to ensure uniformity and non-biased requirements by which individuals may establish identity and residency. The Administrating **Office Agency** through its policies and procedures, shall determine the weight to be given to each type of document provided in this paragraph, and require that at a minimum an applicant produce more than one document to establish identity.

b. *Proof of Residency.* In order to establish residency, an applicant must present one or more of the following items showing both the applicant's name and residential address located within the City: a utility bill; a local property tax statement or 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 state or federal court; a federal or state income tax or refund statement; an insurance bill (homeowner's renter's, health, life, or automobile insurance); written Care Address Letter confirming residency; and any other document the Administering **Office Department** determines is acceptable which shall be set forth in its policies and procedures it promulgates. The Administrator shall create through its policies and procedures alternative methods to establish residency, notwithstanding the lack of fixed address. The Administrator may consider a care address acceptable for the homeless and domestic violence applicants.

#### **2:32-6. ACCEPTANCE OF CARDS BY CITY AND OTHER INSTITUTIONS.**

All City of Newark departments shall accept the Newark Municipal Identification Card as proof of identity and residence for access to City services and benefits unless such acceptance is prohibited by federal or state law or unless the department or authority has reason to suspect fraud by the purported cardholder. The City of Newark shall take reasonable efforts to promote the acceptance of the card by banks and other public and private institutions and publicize the benefits associated with the Newark Identification Cards.

#### **2:32-7. CONFIDENTIALITY.**

The records relating to the application and issuance of the City of Newark identification cards shall be maintained

in accordance with law. The City of Newark shall make best efforts to protect the confidentiality of all municipal card applicants to the maximum extent allowable by federal and state law. The City of Newark shall not disclose personal information obtained from an applicant for a Newark Municipal Identification card to any individual, public, or private entity, unless required by a court of competent jurisdiction, or authorized in writing by the individual to whom such information pertains, or when such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian; when so ordered by a court of competent jurisdiction; to a requesting City department for the limited purpose of administering the program or determining or facilitating the applicant's eligibility for additional benefits or services or care and provided that such disclosure is made in accordance with all applicable federal and state privacy laws and regulations.

The City of Newark administering office agency shall not retain original or copies of documents provided by an applicant to prove identity or residency when applying for a Newark Municipal Identification Card.

#### **2:32-8. DISCLAIMER.**

The City of Newark is providing the Newark Identification Card for identification and access to services provided by the City of Newark. The City does not act as guarantor or warrantor either of the information provided by the applicant for the Newark Identification Card or of/against acts, criminal or otherwise committed by the individual(s) while possessing or using the Newark Identification Card. The City does not waive any of its protections afforded under Federal, state or local laws, including but not limited to the immunities under the New Jersey Torts Claims Act, N.J.S.A.: 59:1-1 et seq., by processing or issuing the Newark Identification Card.

#### **2:32-9. REPORTS TO MAYOR AND COUNCIL.**

The Administering Office Department shall submit a report to the Office of the City Clerk Mayor and the City of Newark Municipal Council on the status of the Newark Identification Card Program on a yearly basis **which shall be immediately available to the Municipal Council and the Business Administrator.** ~~or at the request of the Business Administrator Mayor and/or Municipal Council~~

#### **2:32-10. VIOLATIONS AND PENALTIES.**

Altering or intentionally damaging the Newark Municipal Identification Card, using another person's Newark Municipal Identification Card, or allowing the cardholder's Newark Municipal Identification Card to be used by another person may result in confiscation of the card and is in violation of N.J.S.A. 2C: 28-7. Submission of false documents to obtain Newark Municipal Identification Card is a violation of N.J.S.A. 2C: 21-2.1(c) and making false statements to obtain Newark Municipal Identification is a violation of N.J.S.A. 2C: 21- 4 and punishable by law.

Except as otherwise expressly provided for Title 1, Section 1:1-9, any person who violates any provision of this chapter shall, upon conviction thereof, be punished by one or more of the following penalties: (1) a fine not exceeding one thousand (\$1,000.00) dollars; (2) imprisonment for any term not exceeding ninety (90) days; or (3) a period of community services not exceeding ninety (90) days. Separate offenses shall be deemed committed on each day during or on which a violation occurs or continues.

**Section 2:** Any prior ordinances or parts thereof inconsistent herewith are hereby repealed.

**Section 3:** If any part of this Ordinance is declared unconstitutional or illegal, the remaining provisions shall continue in full force and effect.

**Section 4:** This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

### **STATEMENT**

Ordinance amending the Department of Administration by transferring the duties and responsibilities of

the City of Newark Identification Program from the Department of Health and Community Wellness to the Office of the Mayor.