

**REPORT TO THE TWENTY-EIGHTH HAWAII STATE LEGISLATURE 2016**

**INTERIM REPORT OF THE ACT 243 WORKING GROUP, IN ACCORDANCE WITH  
THE PROVISIONS OF ACT 243, SESSION LAWS OF HAWAII 2015**

**DEPARTMENT OF HUMAN SERVICES  
December 2015**

INTERIM REPORT TO THE TWENTY-EIGHTH HAWAII STATE LEGISLATURE, IN ACCORDANCE WITH PROVISIONS OF ACT 243, SESSION LAWS OF HAWAII (SLH) 2015, RELATING TO IDENTIFICATION CARDS

Act 243 (2015) Working Group (WG) Recommendations:

1. The Legislature should appropriate funds for necessary services, fees and costs associated with obtaining vital records, to assist citizens and lawfully present non-citizen homeless individuals with obtaining necessary documentation to obtain a State civil identification (ID) card.
2. Legislature should appropriate funds to conduct develop and implement a regular public outreach campaign to encourage individuals to obtain and maintain current government issued ID and vital records.

Act 243 (2015) & Other Identification Related Legislation

The Twenty-Eighth Hawaii State Legislature passed Act 243, SLH 2015, which provided a statutory process by which a homeless individual may establish a principal address and request a fee waiver from the examiner of drivers to obtain an original or renewal ID card.

Act 243 also established "a working group to be placed in the department of human services for administrative purposes that shall conduct research and develop a plan to enable individuals in the State who are unable to produce documentation required for a state civil ID card to obtain satisfactory documentary evidence." Further, "[t]he working group shall submit an interim report to the legislature no later than twenty days prior to the convening of the regular session of 2016."

The Act 243 WG began its work in October 2015. A list of participating members and other public participants is attached as Exhibit 1. Based upon the conference committee report number 123 for the underlying Senate Bill 273 (2015), the WG agreed to limit the purpose of the WG to developing a plan to enable *homeless individuals* in the state to obtain satisfactory documentary evidence.

The WG recognizes that to access basic needs, such as housing and employment, and for an individual to fully participate in modern society, it has become essential for individuals to have the ability to establish one's identity and obtain and maintain valid government issued ID.

Further, government agencies and other private entities rely upon valid government issued ID and other vital records to verify identity, guard against fraud and other wrongdoing, and for purposes of national security.

In response to the terrorist acts of September 11, 2001, and the recommendations of the 9/11 Commission, Congress enacted the REAL ID Act of 2005, Public Law 109–13. The REAL ID Act established minimum security standards for license issuance and production and prohibits federal agencies from accepting for certain purposes driver's licenses and ID cards from states

not meeting the REAL ID Act's minimum standards. The specific purposes of the REAL ID Act are: accessing federal facilities, entering nuclear power plants, and, no sooner than 2016, boarding federally regulated commercial aircraft. At this time, the State of Hawaii has established the necessary minimum security standards and is in compliance with the REAL ID Act.

On January 8, 2016, Secretary Jeh C. Johnson, U.S. Department of Homeland Security, announced the schedule for the final phase of the implementation of the REAL ID Act relating to commercial air travel. The most relevant dates effecting all citizens are the following:

- **Starting January 22, 2018**, passengers with a driver's license issued by a state that is still not compliant with the REAL ID Act (and has not been granted an extension) will need to show an alternative form of acceptable ID for domestic air travel to board their flight. Passengers with driver's licenses issued by a state that is compliant with REAL ID (or a state that has been issued an extension) will still be able to use their driver's licenses or ID cards.
- **Starting October 1, 2020**, every air traveler will need a REAL ID-compliant license, or another acceptable form of ID, for domestic air travel.

"The overall goal of the REAL ID Act passed by Congress is to prevent the fraudulent issuance and use of driver's licenses and identification cards, thereby ensuring the safety and security of the American public. Given today's threat environment, this requirement is as relevant now as it was when the 9/11 Commission recommended it." Secretary Jeh C. Johnson, U.S. Department of Homeland Security, January 8, 2016.

In 2015, the Legislature of the State of Hawaii passed Act 172 that created a limited purpose driver's license, limited purpose provisional driver's license, and limited purpose instruction permit. However, the limited purpose driver's licenses, limited purpose provisional driver's licenses, and limited purpose instruction permits are not acceptable for federal ID and voting purposes. It is not acceptable for use for domestic air travel. The limited purpose driver's license requires satisfactory proof of identity and Hawaii residency.

#### Activities and findings of the Act 243 WG

The WG conducted informal inquiry regarding issues that homeless individuals face in replacing government issued ID. Working group members met and addressed issues identified in written testimony submitted in response to underlying Senate Bill 273 (2015).

#### Do the Honolulu Police Department, State Department of Public Safety, and the City & County of Honolulu retain or destroy government issued ID?

- Agencies reported that each agency does not retain or destroy government issued ID. The Department of Public Safety reported that if an inmate enters state custody

with personal ID, the ID is treated like other personal property; it is retained and returned to the inmate at time of release. Inmates may choose to send their personal ID out of the facility for safekeeping. Also, while in custody, the Department issues a photo ID to inmates upon intake; it is the only ID the inmate may have in their possession while in custody. The City & County of Honolulu reported that if government issued ID is found at a site (for example, following a sweep), staff attempt to return the ID to the address listed on the ID, or the ID is held for 30 days as is other property and may be retrieved by the individual.

Can a photo be added to the Electronic Benefits Transfer (EBT) card issued by the DHS?

- EBT cards are often issued without government issued ID. Adding a photo to the EBT card would delay access to Supplemental Nutrition Assistance Program (SNAP) and financial benefits as the cards are handed out to applicants; applicants are given an additional period of time to provide information regarding their identity. Also, DHS does not know the administrative costs and additional processes required to add a photo to the card. However, see insert below regarding use of Medicaid cards by the Social Security Administration.

Are photo copies of certified documents acceptable to verify information required to obtain a state issued ID card?

- No, the Department of Transportation still requires *certified* copies of the vital records.

The primary facts that an individual has to establish to verify one's identity, obtain government ID and a Social Security Number (SSN) are: date of birth, U.S. citizenship or date of lawful entry into the U.S., and legal name. There are a variety of government agency resources and websites that provide information regarding required documentation to apply for government issued ID:

- The City & County of Honolulu provides an interactive web application to assist individuals with preparing their application for government issued ID, see <http://www2.honolulu.gov/documentguide/>.
- The State of Hawaii Department of Transportation provides an informative webpage detailing the government issued ID process and how to obtain vital records to apply for ID, see <http://hidot.hawaii.gov/hawaiistateid/>.
- The Social Security Administration (SSA) also provides an informative webpage on how to replace vital records, see <https://www.usa.gov/replace-vital-documents>.

Social Security Administration can accept a health insurance card as proof of identity. The health insurance card must show the person's legal name, an issuance or expiration date to ensure the card is current, and it must have either a photograph or biographical information (date of birth, age, or parents' names). However, in certain cases, for example those involving non-U.S. citizens, additional documents may be required.

**Recommendation:** If the State's Medicaid cards contained the required information, the SSA could use Hawaii's Medicaid cards as part of its ability to issue replacement Social Security cards.

**DHS:** DHS will investigate the administrative cost and other program issues involved in adding relevant information to the Medicaid card so State Medicaid cards may be relied upon by the SSA.

- The United States Department of Homeland Security, U.S. Citizenship & Immigration Services, provides training opportunities to government and other agencies to keep government and agency workers up to date with information to identify valid immigration documents.

Services providers described barriers different populations face in trying to obtain government issued ID:

- The Legal Aid Society of Hawaii, a civil legal services corporation, provided contextual information and a brief description of the process involved in obtaining new or replacement ID for individuals who have experienced homelessness. For example, Legal Aid assisted a client who had been homeless for many years. The individual was offered a job, but could not become employed because the person did not have appropriate ID. It took nearly 9 months to obtain the individual's birth certificate from New York State and to obtain State issued ID. In another case, an individual who had been married and divorced 4 times sought Legal Aid's assistance to replace ID. Legal Aid was required to track down the series of name changes to obtain replacement ID.

Document Replacement Fees: For many homeless individuals, vital documents are often located out-of-state and the cost for replacement can range from \$12.50 - \$50.00 per document. After receipt of the vital records, the cost is either \$6.00 for a replacement state ID which has not expired, \$40.00 for new ID or for one that has expired.

For residents from one of the Compact of Free Association (COFA) states replacing immigration documentation, which allows employment, may cost \$330 to replace. Until valid entry documents are provided, these individuals are unable to work lawfully.

Limited funds are available to individuals to pay for document fees. Legal Aid applies to other service providers for the funds on behalf of the individual. However, the amount of funds available is limited per month, so there are times when individuals have to wait for funds to become available. At any time, Legal Aid estimates that its homeless outreach team has 10-20 birth certificate requests awaiting payment approval from other providers (some requests for funds may pend for more than 3 months).

Oahu based services, 30-40 per month: Requests for services to Legal Aid have been limited to Oahu based individuals. Legal Aid receives cases through its general intake line or through its homeless outreach project. Between these 2 projects, Legal Aid assists between 30-40 people a month with ID issues.

Needs of Different populations: Based upon Legal Aid's staff experience, they provided additional information:

1. Elderly: Legal Aid believes there may be seniors who are not able to renew their IDs since the passage of the Real ID. Many of the seniors don't have matching names on their documentation, the reason: when parents registered for SSN cards, parents used informal names as opposed to legal names, and at the time the SSA did *not* required proof of the name. For example, one client had "Johnny" on his SSN card, and for his entire life went by that name. However, when Legal Aid obtained his birth certificate it stated another name, which was handwritten by a midwife and difficult to discern.

See section 19-22-306, Hawaii Administrative Rules, regarding the exceptions process for persons unable to present all necessary documents. A specific provision exists regarding applicants who are 50 years of age or older. These rules apply to the issuance of driver's licenses and the counties use the same standards for the issuance of State ID cards. Department of Transportation, State of Hawaii.

***Caveat:*** Effort should be made to rectify inconsistencies in one's vital records and avoid perpetuating the errors. Department of Health, State of Hawaii.

2. Released prisoners: Legal Aid staff estimate approximately 10% of cases are released prisoners; however, staff only become aware of this fact if the individual disclosed that they were previously incarcerated. Staff believe this may be a higher number.

The Social Security Administration has a Memorandum of Understanding (MOU) in place with the Federal Detention Center, Honolulu, to assist inmates prior to their release. It is important to note that this MOU only covers current inmates; once someone has been released, the facility can no longer apply for a Social Security card on their behalf. Social Security Administration.

3. Homeless from mainland: Individuals who arrive within the year are considered by homeless services providers to be from the mainland and make up approximately 20% of requests for services.
4. Homeless from Hawaii: Individuals that have lived in Hawaii for more than a year and need birth certificates from out of state, or were born in Hawaii, are the majority of people who need assistance. Legal Aid estimates about 63% of requests come from this group. That being said, most of the birth certificates requested are for out-of-state documents. Staff estimate only 15% require Hawaii vital records.
5. COFA who enter as minors and they need to establish State ID: Legal Aid reports that less than 1% of requests come from minors who are COFA citizens.
6. COFA in general, difficulties obtaining vital records: Legal Aid estimates about 10% of individuals request services. Most COFA migrants know to go to the local consulate office to request birth certificates and renew passports. Many have trouble with replacing their immigration paperwork because they are unable to come up with the funds to pay for the replacements. Legal Aid does not receive many requests for this service.
7. Minors: In speaking with Hale Kipa, a social services agency that serves minors, obtaining government ID is an issue. Legal Aid is concerned that minors may be relying upon an internet website that may not be reliable and which charges \$75 per document. Legal Aid estimates approximately 5% of its requests are related to minors.
8. Individuals who may not have a registered birth certificate: This is rare, maybe only 1% of requests.

9. Homeless individuals in general: Legal Aid identified that a big issue for homeless individuals is the lack of a return mailing address: Where are vital record requests mailed once requested? Legal Aid staff estimate 70% of requests go to mainland vital records offices, 5% go to the U.S. Department of State for U.S. citizens born abroad, and about 25% are requested from the Hawaii Department of Health. Certificates are primarily returned to the LASH staff attorney, who then has to locate the individual. New York requires that the documents be mailed directly to the individual and in that case, individuals have mail slots with individual service providers, such as Caravan, Waianae Community Outreach, or individuals have permission to use their psychologist's address, and the Institute for Human Services (IHS) permits individuals to use its address as well, so long as they are in the shelter.
- The Domestic Violence Action Center (DVAC), a domestic violence service provider, reported the following information:

Alaka'i (advocacy program at DVAC) currently has a total of 226 clients. Approximately 33% are immigrants (75 clients-Filipino being the largest ethnicity, followed by Japanese).

Approximately 35 clients (47%) of DVAC's immigrant clients needed a State ID at one point while working with their DVAC advocates. Abusive partners will often take away important documents such as passports, IDs, birth certificates etc. Abusers are aware that when survivors are forced to leave without their vital documents, the options available to survivors become limited.

## Summary

Obtaining the necessary vital records to obtain government issued ID requires sufficient funds to pay for document fees. Individuals who have experienced homelessness and those who are otherwise vulnerable, require assistance to navigate and access their government issued vital records. Depending upon the circumstances, the process to obtain proof of identity may be lengthy and include multiple requests to different jurisdictions and branches of government.

The Act 243 WG finds that it is in the State's interest that vulnerable populations, such as the elderly, low income individuals, individuals experiencing homelessness, recently released prisoners, and other vulnerable individuals, be able to maintain current government issued ID. Further, based upon the information provided by service providers, many requests for assistance come from individuals experiencing homelessness or domestic violence who require vital records from other states or countries. In addition to accessing basic needs, such as housing and employment, obtaining valid government ID and re-establishing the individual's ability to travel by air may assist the individual to reunite with their supportive family or community members who may be out of state, establish stability and regain their self-sufficiency.



The Act 243 WG recommends the following:

1. The Legislature should appropriate funds for necessary services, fees and costs associated with obtaining vital records, to assist citizens and lawfully present non-citizen homeless individuals with obtaining necessary documentation to obtain a state civil ID card.
2. Legislature should appropriate funds to conduct develop and implement a regular public outreach campaign to encourage individuals to obtain and maintain current government issued ID and vital records.

The Act 243 WG provides the attached proposed legislation for the Legislature's consideration. See the attached Exhibit 2.

EXHIBIT 1: Act 243 Working Group members and other participants

**Working Group Members:**

**County of Hawaii**, Naomi O'Dell, Vehicle Registration & Licensing Division;

**City & County of Honolulu**: Ricky S. Akase, Chief Licensing Examiner & Inspector; Galen Onouye, Motor Vehicle Licensing & Permits, Randall Young, Motor Vehicle Licensing & Permits

**County of Kauai**: Michael Drake, Supervising License Examiner;

**County of Maui**: Laurie Kealiinohomoku, Lito Vila, Motor Vehicle & Licensing;

**Department of Health (DOH)**: Alvin T. Onaka, Ph.D., State Registrar & Chief;

**Department of Human Services (DHS)**: Pankaj Bhanot, Deputy Director, R. Malia Taum-Deenik, Project Specialist;

**Department of Labor & Industrial Relations/Office of Community Services (DLIR/OCS)**:

Rona Suzuki, Executive Director, Joy Kobayashi, Program Specialist;

**Maui Homeless Alliance**, Maude Cumming, Executive Director, Maui Family Life Center;

**United States Citizenship & Immigration Services (USCIS)**: Darlene Kutara, Community Relations Officer; Katy Leung, Field Office Director.

**United States Social Security Administration**: Christina Seu, District Manager Honolulu, Malia A. Taylor, Assistant District Manager, Robert Nishida, Operations Supervisor.

**Public members:**

**Governor's Coordinator on Homelessness**: Scott Morishige, Jasmine Choy, intern;

**Hawaii State Legislature**: Representative Dee Morikawa, Chair of the House Committee on Human Services;

**Department of Transportation (DOT)**: Dennis Kamimura; Scott Haneberg;

**Legal Aid Society of Hawaii**: Janet Kelly, JD.

\_\_\_\_.B. NO. \_\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO GOVERNMENT ISSUED IDENTIFICATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that to access basic  
2 needs and fully participate in modern society, it is essential  
3 for individuals to have the ability to establish one's identity  
4 and obtain and maintain valid government issued identification.

5           The legislature further finds that government agencies and  
6 other private entities rely upon valid government issued  
7 identification or other vital records to verify identity and  
8 guard against fraud and other wrong doing.

9           In response to the terrorist acts of September 11, 2001,  
10 and the recommendations of the 9/11 Commission, Congress enacted  
11 the REAL ID Act of 2005, Public Law 109-13. The REAL ID Act  
12 established minimum security standards for license issuance and  
13 production and prohibits Federal agencies from accepting for  
14 certain purposes driver's licenses and identification cards from  
15 states not meeting the REAL ID Act's minimum standards. The  
16 specific purposes covered by the REAL ID Act are: accessing

1 Federal facilities, entering nuclear power plants, and, no  
2 sooner than 2016, boarding federally regulated commercial  
3 aircraft.

4 The State of Hawaii has established the necessary minimum  
5 security standards and is in compliance with the REAL ID Act.

6 In 2015, the legislature of the State of Hawaii passed Act  
7 172 that created a limited purpose driver's license, limited  
8 purpose provisional driver's license, and limited purpose  
9 instruction permit. However, the limited purpose driver's  
10 licenses, limited purpose provisional driver's licenses, and  
11 limited purpose instruction permits are not acceptable for  
12 federal identification and voting purposes. The limited purpose  
13 driver's license requires satisfactory proof of identity and  
14 Hawaii residency.

15 In 2015, the legislature of the State of Hawaii also passed  
16 Act 243 that provided a statutory process by which a homeless  
17 individual may establish a principle address and request a fee  
18 waiver from the examiner of drivers to obtain an original or  
19 renewal identification card.

20 Act 243 (2015) also created a working group "to conduct  
21 research and develop a plan to enable individuals in the State  
22 who are unable to produce documentation required for a state  
23 civil identification card to obtain satisfactory documentary  
24 evidence." Working group members met and clarified issues that

1 were presented in the written testimony submitted to the  
2 legislature for the underlying Senate Bill 273. The working  
3 group conducted informal research regarding issues that homeless  
4 individuals face in replacing government issued identification.

5 Service providers reported that homeless individuals lack  
6 sufficient funds to pay fees required to obtain replacement  
7 documentation required for the government issued identification;  
8 the most common request for document replacement assistance are  
9 from individuals from the U.S. mainland; for certain individuals  
10 who have mental health or substance abuse histories, tracking  
11 down basic information such as their current name or place of  
12 birth may be a lengthy process; because verification processes  
13 have changed, there may be a growing population of elderly that  
14 will have difficulty updating their government issued  
15 identification; and lastly, individuals often require legal  
16 assistance to navigate the processes of different jurisdictions  
17 and access systems.

18 The legislature finds that it is in the State's interest  
19 that vulnerable populations, such as the elderly, low income  
20 individuals, individuals experiencing homelessness, recently  
21 released prisoners, and other vulnerable individuals, be able to  
22 maintain current government issued identification.

23 The purpose of this Act is to appropriate general funds to  
24 the department of human services, homeless programs office, to

1 develop or expand homeless services to include assistance and  
2 public outreach for individuals to obtain and maintain  
3 government issued identification.

4 SECTION 2. There is appropriated out of the general  
5 revenues of the State of Hawaii the sum of \$\_\_\_\_\_ or so  
6 much thereof as may be necessary for fiscal year 2016-2017.

7 The sum appropriated shall be expended by the department of  
8 human services for the purposes of this Act.

9 SECTION 4. This Act, upon its approval, shall take effect  
10 on July 1, 2016.

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INTRODUCED BY: \_\_\_\_\_

13

BY REQUEST

**Report Title:**

Government issued identification

**Description:**

Appropriates funds to the Department of Human Services Homeless Programs Office for services to obtain government issued identification.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*