

State of Hawaii  
Department of Human Services

December 2016

Final Report of the Act 243 Working Group on Government Identification,  
pursuant to the provisions of Act 243, Session Laws of Hawaii 2015

Act 243, Session Laws of Hawaii (SLH) 2015, Working Group (WG) Recommendations:

1. Legislature should appropriate funds to conduct, develop and implement a regular public outreach campaign to encourage individuals to obtain and maintain current government issued identification (ID) and vital records.
2. Legislature should appropriate funds to provide assistance on behalf of those elderly or disabled individuals who require assistance to maintain government issued identification and/or to correct their vital records.

**Act 243 (SLH 2015)**

In 2015 the 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. By doing so, the legislature addressed some of the obstacles that homeless individuals experienced when trying to obtain state issued identification.

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."

In 2015, the legislature also passed Act 172 (SLH 2015) 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 official purposes. The limited purpose driver's licenses is not acceptable for use for domestic air travel. The limited purpose driver's license requires satisfactory proof of identity and Hawaii residency. The main public policy and safety concern of Act 172 was to allow a person who is unable to establish proper documentation to obtain REAL ID Act identification, to have a valid driver's license and obtain motor vehicle insurance.

The Act 243 WG began its work in October 2015. A list of participating members and other public participants is attached. Based upon the conference committee report number 123 for

**Remaining issue with implementation of Act 243, SLH 2015:** Act 243 amended sections 286-304, and 286-309, Hawaii Revised Statutes, allowing identified providers, including homeless service providers, to provide written verification of a homeless individual's principal address and to verify an individual's homeless status for purposes of a fee waiver.

County examiners want some assurance that the verification letters are from a legitimate source. Currently, no definitive list of homeless services providers exists. The DHS maintains a list on its website of *state-funded* homeless service providers. However, the list of providers is not a definitive list as it does not include providers who receive private funds, federal or county government funds.

Providers want to address the circumstances relating to the individual's homelessness holistically, and not just for purposes of obtaining a fee waiver.

For providers who are not state-funded, case by case determinations have been made based upon a provider's history of providing services to the homeless population. If homeless service providers are interested in being able to provide verification letters for homeless individuals to establish a principal address or to confirm that a person is homeless for purposes of the fee waiver, please contact the Office of the Director, Department of Human Services, at 586-4994.

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 is 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. U.S. Department of Homeland Security certified Hawaii's State issued driver's licenses and identification cards as compliant as of September 4, 2013.

The WG systematically addressed issues raised during the passage of Act 243 regarding what happened to an individual's identification cards when the individual was involved in a sweep of a homeless encampment, involved with the police department or when incarcerated. The WG also discussed the essential information required to obtain government issued ID and clarified that individuals applying for public benefits did not require government issued ID. A service provider informed the WG of the complexity, costs, and time involved in obtaining necessary vital records to obtain government issued ID. For a complete discussion, see the Interim Report of the Act 243 (SLH 2015) WG submitted to the 2016 State Legislature. A copy is available at: <http://humanservices.hawaii.gov/wp-content/uploads/2016/01/Act-243-2015-Working-Group-Interim-Report.pdf>.

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.

#### Activities of the Act 243 Working Group in 2016

In its December 2015 interim report to the legislature, the WG recommended:

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 WG interim report included proposed legislation that members of the legislature introduced as HB2162 and SB2088. At some point during the session, the decision was made to consolidate all appropriations for homeless services within the executive budget (HB1700), and an agreement was reached that outreach services would include funding for services to obtain government issued identification. In Act 124 (SLH 2016)/HB1700, the legislature appropriated a one-time amount of \$12 million for homeless services to the DHS, and gave DHS the flexibility to determine how the funds would be expended. Note, the appropriation included all state funds to be used by all executive branches, including enforcement actions by Department of Transportation (DOT), Department of Public Safety (PSD) and the Department of Land & Natural Resources (DLNR).<sup>1</sup>

In November 2016, DHS began the procurement process to disperse the funds appropriated by Act 124 (SLH 2016). Included in the DHS Request for Proposals was a request for statewide legal services for approximately \$600,000 for the initial term of one and a half (1.5) years, with an expected contract period of February 1, 2017 through July 31, 2018. The RFP described that the selected agency provide legal services in association with the Outreach Program and the State Homeless Shelter Program (Shelter Program) through outreach, legal advocacy and education for those homeless individuals who needed civil legal services. The primary focus of the RFP is to provide assistance to resolve legal problems that prohibit program participants from obtaining permanent housing or will likely result in the loss of permanent housing. The activities include, but are not limited to the following:

Provider shall provide legal and financial assistance to obtain to the following vital documents:

- (1) Birth Certificate, Marriage Certificate, and/or Death Certificate;
- (2) Social Security Card; and
- (3) State Identification Card.

Provider shall provide services, which includes:

- (1) Providing legal services and guidance to obtain vital documents in order to acquire a social security card which will lead to Participants attaining a State ID card.
- (2) Identifying what is needed to obtain vital documents and identification cards.
- (3) Assisting Participants with completing applications necessary to obtain vital documents and identification cards.
- (4) Assisting Participants with filing forms with the proper government agencies.

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<sup>1</sup> A breakdown of how DHS plans to distribute the Act 124 (SLH 2016) appropriation for homeless services is included in the Homeless Services Report found at [https://humanservices.hawaii.gov/wp-content/uploads/2016/11/Section-20.1-Act-124-SLH-2016-Homeless-Services-Report\\_11-7-16-FINAL.pdf](https://humanservices.hawaii.gov/wp-content/uploads/2016/11/Section-20.1-Act-124-SLH-2016-Homeless-Services-Report_11-7-16-FINAL.pdf)

Provider shall provide SOAR<sup>2</sup> Case Management, which includes:

- (1) Assisting Participants in applying for Supplemental Security Income, Social Security Disability Insurance, and Disability Determination Services.
- (2) Assisting Participants in receiving documentation needed for the aforementioned applications.
- (3) Assisting Social Security Administration Representative and Disability Determination Services liaison to ensure rapid response and determination.

At this time, contract negotiations are underway with the successful bidder.

Additionally, DHS included a request for \$500,000 for civil legal services for homeless persons in its current budget request for state fiscal years (SFY) SFY 2018 and SFY 2019.

The 2016 legislature also passed Act 15(2016)/ [SB2934 and HB1606] that ensures that the state's driver license procedures are compliant with the REAL ID Act. DOT submitted the measure as part of the Governor's Package. While the WG did not discuss this particular measure, it did discuss the importance of the state remaining compliant with the REAL ID Act, especially for purposes of maintaining easy access to air travel by Hawaii residents.

Following the end of the 2016 legislative session, the WG met three (3) additional times to discuss the positive outcomes of the work of the WG as reflected in the legislature's appropriation, the DHS RFP for civil legal services for homeless individuals, and to discuss other pending issues.

The WG made some headway into the area of use of biometrics. At the request and urging of Representative Morikawa, the DOT explored the possibility of using stored biometric information (i.e., fingerprints) as a basis to replace valid state identification. At the last WG meeting in December, the DOT reported that counties have the capability to provide replacement identification by matching biometrics with stored biometrics. However, the use of biometrics for replacement of government issued ID is limited to ID and not to be used for other processes.

Additionally, the Social Security Administration representative informed the WG about a Social Security program that permits online replacement of a Social Security card with use of a valid driver's license or state issued ID from specified states. See: <https://www.ssa.gov/ssnumber/>.

Department of Health (DOH) also informed the group of limited services provided to elderly residents who need assistance conforming their vital records. Additional staff and funds will likely be required for DOH to assist a growing elderly and disabled population who may need

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<sup>2</sup> SOAR Case Management or SSI/SSDI Outreach, Access, and Recovery Case Management, is a program and process are designed to increase access to SSI/SSDI for eligible adults who are experiencing or at risk of homelessness and have a mental illness, medical impairment, and/or a co-occurring substance use disorder.

additional assistance with obtaining REAL ID Act compliant state issued ID as elderly convert their pre-REAL ID Act ID to REAL ID Act compliant state ID.

### Summary

Obtaining the necessary vital records to obtain government issued ID requires sufficient funds to pay for document fees. Many 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 branches of government, which may be in different states or countries.

The Act 243 (2015) WG recommended in its interim report that the legislature provide sufficient funds for civil legal services and fees for document replacement to assist individuals experiencing homelessness to obtain state issued government ID. The legislature appropriated significant funds to the DHS for homeless services, and the DHS developed a Request for Proposal to address the civil legal services needs and to cover the required document fees so homeless individuals can secure valid government issued identification. The contract for statewide civil legal services for homeless individuals is pending.

The DOT also investigated the possibility of using stored biometric information for replacement of valid government issued state ID and has found that counties have the current capacity to use stored biometric information for purposes of replacing current government issued ID.

The issue of special assistance to help special populations, in particular for the elderly population to maintain their ID remains a topic to be further developed. The DOH does provide case by case assistance to elderly individuals to correct inconsistencies in their Hawaii issued vital records. As the elderly population increases in Hawaii, the older population with inconsistent vital records may have a more difficult time obtaining current and valid government issued ID. Additional funding and program development may be required to address this potential need.

As previously recommended, it may be useful for the state to develop and implement a regular public outreach campaign to encourage residents to obtain and maintain current government issued ID and vital records.

The WG would like to reiterate that:

The primary facts that an individual has to establish to verify one's identity, obtain government ID and a Social Security Number 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>.

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Attachment: 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, 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 (retired); Katy Leung, Field Office Director; Kamana Mathur, Community Relations Officer; Christopher Robinson, 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, Highway Safety Specialist; Scott Haneberg, Motor Vehicle Safety Administrator; and

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