

Resolution to Amend the Non-Discrimination Ordinance

To End Discrimination Against Individuals Based on Their Use of a Government-Issued Identification Card as Valid Identification

WHEREAS, the City of Ann Arbor has charged the Human Rights Commission with the responsibility of advising City Council and the City Administrator on issues of equity, combating discrimination, and upholding the civil and human rights of all residents, and

WHEREAS in 2008 without analyzing the identity and residency documents available to or easily accessed by members of its marginalized communities, the State of Michigan implemented restrictive policies governing eligibility for a state ID card, that 1) explicitly exclude undocumented individuals from the identification system and 2) reduced the available options for qualifying for a State ID to the production of a narrow, rigid list of documents, and

WHEREAS, one of the restrictive ID policies affecting citizens is a catch 22 where a birth certificate is required to obtain a government-issued State ID or drivers license but you need a government-issued photo ID card to obtain your birth certificate, and

WHEREAS multiple studies show that an estimated 11% of all American citizens lack ID. That's over 12 million citizens across the country and the same studies show that those without ID come disproportionately from marginalized communities: 18% of all elderly lack ID; 25% of all African Americans lack ID; 20% of Latinos; and 18% of those making less than \$35,000 a year, and

WHEREAS, members of the undocumented community are now explicitly excluded from obtaining a State of Michigan ID card or drivers license and individuals who are housing insecure lack the type of documents required to prove state residency, and

WHEREAS, during this same period, federal and state governments implemented regulatory restrictions and encouraged the adoption of corporate policies that prevent those without a government-issued ID from accessing an unprecedented array of basic resources and services upon which the entire community relies for wellbeing and support, and

WHEREAS access to resources as fundamental as housing, employment, food pantries, rehabilitation centers and nursing homes and even to a previously established bank account is reserved for individuals with government-issued ID. This process has been described as the conversion of necessities into privileges, and

WHEREAS, in 2015 the Government of Washtenaw County launched an accessible government ID program that 1) verifies the identity and residency of County residents, 2) provides government-issued ID cards to those who qualify and 3) strives to remedy the human rights violations inherent in denying anyone access to fundamental goods; and;

WHEREAS, the Washtenaw ID card is available to all County residents who meet the eligibility requirements without regard to immigration status or housing status, and

WHEREAS, The City of Detroit developed a similar program in 2016 and issues local government ID cards followed by Kalamazoo County in 2017; and

WHEREAS, federal, state and local government-issued identity credentials all establish the identity, residency and date of birth of ID card applicants and capture a contemporaneous image; and

WHEREAS, local government-issued ID cards fulfill the regulatory purpose of all US government-issued ID cards, and

- 1) Meet the federal government requirement to prove identity for I-9 employment eligibility;
- 2) Meet identification requirements under liquor control code MCL 436.170; ie. Is a bona fide picture identification that establishes the identity and age of the individual.
- 3) Meet the know your customer, customer identification protocol and customer due diligence requirements to open a bank account under the Patriot Act and Anti Money Laundering Act; The two basic mandatory KYC documents are proof of identity with a photograph and a proof of address. There are no federal requirements that limit the documents acceptable to prove identity;
- 4) Meet the ID requirements to sign general contracts and leases; and

WHEREAS, a number of health care providers, restaurants, banks and other entities persist in refusing service to certain qualified individuals even though they provide valid government-issued ID as proof of identity and residency, and

WHEREAS, in 1978 Ann Arbor resolved an analogous denial of human rights in the area of affordable housing when it amended the City's Non-Discrimination Ordinance to prohibit source of income discrimination and ensure affordable housing to low and moderate income residents. At that time, landlords refused to rent to low and moderate income individuals despite their verified ability to pay, discriminating against those whose source of income included a housing subsidy, and

WHEREAS, in 2023, Ann Arbor faces a similar deprivation of human rights except that the pervasive requirement to prove your identity has expanded the harm caused by ID discrimination. Today, businesses regularly refuse to serve individuals based on their use of government-issued ID, refusing to accept the government-issued ID card as valid identification, and

WHEREAS, Ann Arbor's Non-Discrimination Ordinance is the Municipal rule of law that seeks to protect and promote the inherent, equal and inalienable dignity of all individuals and cultural communities within the City; and

WHEREAS, the human rights of those whose government-issued ID cards are treated as invalid can be protected by amending the City's Non-Discrimination Ordinance to include a definition of a Government-issued identification card and mandate their acceptance as valid identification unless 1) there are reasonable grounds to believe the ID is fraudulent in some way or 2) federal law, state law or a valid Court order requires the individual to obtain different identification; and

¹ This Resolution was approved at the Ann Arbor Human Rights Commission Meeting on January 11, 2023.

NOW THEREFORE, THE ANN ARBOR HUMAN RIGHTS COMMISSION DOES HEREBY RECOMMEND:

- 1) That City Council vote to amend the Ann Arbor Non Discrimination Ordinance as follows:
- 2) Add “Government-Issued Identification Card” to the list of classes protected by the City’s Non-Discrimination Ordinance
- 3) Add the Following Definition of a “Government-issued Identification Card”

Government-Issued Identification Card: An identification document displaying an individual’s photograph and identifying information issued by a Federal, State, or local government (including a Washtenaw County Identification Card) to an individual for the purpose of identification of that individual.

- 4) Add the following to the List of Prohibited Practices in the Non-Discrimination Ordinance:

No person shall discriminate against individuals based on their use of a Government-Issued Identification Card and shall accept Government-Issued Identification Cards as valid identification unless:

- a) There are reasonable grounds for determining that the card is counterfeit, altered, or improperly issued to the card holder or that the individual presenting the card is not the individual to whom it was issued, or
- b) Federal law, State law, or a valid Court order requires the person to obtain different identification