



DC Driver's License and Identification Card Laws and Regulations: Current Issues and Proposed Changes

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I. Current Laws and Regulations

There are two types of driver’s licenses and identification cards currently available to District of Columbia residents – REAL IDs and Limited Purpose Credentials. The REAL ID Act of 2005 established federal requirements for the issuance of identification cards that can be used to enter federal buildings and nuclear power plants, as well as board flights.¹ As a result, states had to update their ID laws to be compliant. The DC Council gave the Mayor the power to issue federally accepted IDs and driver’s licenses in 2006.² In 2013, the Council passed legislation to create Limited Purpose Credentials (LPCs), IDs and driver’s licenses that function the same as REAL IDs, but cannot be used for federal purposes.³ On May 1, 2014, the DC Department of Motor Vehicles (DMV) began issuing both REAL IDs and Limited Purpose Credentials. There are currently 21 states, including DC and Puerto Rico, that have passed legislation to allow residents who cannot prove lawful presence in the country to obtain IDs and/or driver’s licenses; 20 already issue these LPCs, with Minnesota beginning implementation on October 1st, 2023.⁴

Current Requirements to Obtain REAL IDs and LPCs in DC:

REAL IDs	Limited Purpose Credentials
<u>Documents</u> Proof of Identity Proof of Social Security Number Proof of Lawful Presence Proof of Current DC Residency (2 documents)	<u>Documents</u> Proof of Identity Proof of Social Security Number Ineligibility Proof of 6-month DC Residency (2 documents) Proof of Current DC Residency (2 documents)
<u>Residency Time</u> None	<u>Residency Time</u> Six months

II. Issues and Proposed Changes

Currently, DC ID laws are too restrictive – with strict eligibility requirements for Limited Purpose Credentials leaving hundreds of residents ineligible for any form of ID, and an ever-shrinking list of acceptable proof of residency documents resulting in many housing insecure individuals unable to prove residency. In addition, District residents applying for LPCs must contend with one of the most limited lists of acceptable proof of identity documents out of the 21 states that allow similar IDs; this, coupled with the six-month residency requirement, leave countless immigrants unable to access the ID that was created to benefit them. In this memo, we propose

¹ REAL ID Act of 2005, H.R.418, 109th Congress (2005).

² Department of Motor Vehicles Service and Safety Amendment Act of 2006, D.C. Law 16-279.

³ Driver’s Safety Amendment Act of 2013, D.C. Law 20-62.

⁴ CA, CO, CT, DE, DC, HI, MD, MA, MN, NV, NJ, NM, NY, OR, PR, RI, UT, VT, VA, WA. Throughout this memo we make comparisons to the laws and regulations of these 21 states, which includes DC and Puerto Rico. We have also included comparisons to three municipalities – New York City, Chicago, and Philadelphia.

multiple reforms to District laws and regulations that will allow and expand access to IDs and driver's licenses for some of the most vulnerable communities in DC.

A. Residents Must Have a Social Security Number or Certify Ineligibility to Obtain ID in DC

Currently, REAL IDs are available to DC residents who have a social security number (SSN) and can prove lawful presence in the US. On the other hand, LPCs are available to DC residents who 1) have not been assigned a social security number, 2) have been assigned a social security number but cannot establish legal presence in the United States at the time of application, or 3) are ineligible to obtain a social security number.⁵ Where "have been assigned a [SSN] but cannot establish legal presence" refers to "individuals who had been assigned a social security number but who are no longer eligible for a social security number".⁶

i. Residents with valid social security numbers who cannot prove lawful presence are excluded

The requirement that individuals certify that they do not currently have a SSN excludes individuals who do have a valid SSN but do not have the documents to prove their current legal immigration status. For example, green card holders have SSNs that do not expire, even though a green card must be renewed every 10 years. An expired green card does not mean the holder has fallen out of permanent resident status. They therefore have a SSN and lawful status but cannot prove it. This also applies to individuals with lost or damaged green cards and certificates of naturalization.

Individuals with valid SSNs and legal status cannot obtain a REAL IDs if their proof of lawful status documents are lost, damaged, or expired.⁷ At the same time, they cannot apply for an LPC, as the DMV's computer system will recognize their valid SSN and refuse to issue an applicant an LPC, even if they produce an accepted proof of identity document, like a foreign passport. This results in hundreds of District residents being ineligible for all forms of identification.

Unfortunately, the situation is further complicated when individuals apply to replace their green cards because they have to present valid state-issued ID to the U.S. Citizenship and Immigration Services (USCIS) in order to complete the application process.⁸ If they don't have a valid state-issued ID, they can't get a green card and if they don't have a valid green card, the DC DMV will not issue them a valid ID — a Catch-22 that can have devastating impacts on a person's life. Out of the 21 states that have a version of Limited Purpose Credentials, 10 do not require an applicant to be ineligible for a SSN to obtain one.⁹

⁵ D.C. Code § 50-1401.05(a)(2)

⁶ DC Council. Committee on Transportation and the Environment. Committee Report: Driver's Safety Clarification Amendment Act of 2014 (Bill 20-694). Page 2.

⁷ 6 CFR §§ 37.11(g)

⁸ www.uscis.gov/forms/filing-guidance/preparing-for-your-biometric-services-appointment

⁹ HI, MA, MN, NV, NJ, NM, NY, OR, VT, WA. And NYC, CHI, PHL. Links to state and municipality requirements used for comparison can be found in SECTION IV of this memo.

ii. *Residents with valid social security numbers but no federally accepted proof of identity documents are excluded*

The federally determined proof of identity standards to obtain a REAL ID present a barrier to individuals who have valid SSNs but are unable to produce the required documents.¹⁰ For example, an individual who is not currently in possession of the identity documents they need to meet the strict REAL ID standards, but has documents that meet LPC proof of identity standards (e.g., military identification card or consular card) would be unable to obtain either. Many unhoused or housing insecure people don't keep their most important documents on their person and therefore can have trouble accessing them. Additionally, documents are easily lost or destroyed as a result of evictions from houses or encampments. The result of this is, again, hundreds of DC residents who are unable to obtain any form of identification.

iii. ***Proposal: Extend the six-month temporary limited purpose credential to two years***

Since the pandemic began, USCIS processing times for the renewal of green cards and Employment Authorization Documents ("EADs") have experienced unprecedented backlogs. Currently, the average processing time for a green card renewal is 19.5 months, and the average processing time for an EAD renewal is 18 months.¹¹ These delays pose challenges to residents who have filed applications to renew their expired immigration documents with USCIS but are unable to apply for LPCs because their immigration documents are expired and they cannot be used as proof of identity.

On February 1st, 2022, in response to advocacy from immigrant-rights advocates, the Mayor's Office directed the DMV to begin issuing six-month temporary credentials for LPC applicants who could produce an I-797 Notice of Action demonstrating that they had applied for renewed immigration documents with USCIS.¹² While this is a step in the right direction, it does not go far enough in alleviating the burden for the immigrant community. As the average processing times show, six months represents only a fraction of the time it takes for an application for a replacement immigration document to process with USCIS. As a result, often six-month temporary credentials expire long before immigrants receive their renewed immigration document. Additionally, when immigrants have to reapply for or renew an ID two to four times over the course of two years, while waiting for their green card or work permit approvals, it results in a disparate financial impact on them because each time they have to pay for a new ID. By extending the six-month temporary credential to two years, the DMV can help alleviate the burden on LPC holders who are stuck in limbo due to unprecedented USCIS backlogs.

¹⁰ 6 CFR §§ 37.11(c)

¹¹ USCIS. [Check Case Processing Times](#). Last accessed September 12, 2023.

¹² "This is a concern because residents cannot renew their driver's licenses without a new work permit and this could lead to possibly the loss of a job or eviction. We looked into this issue and to address this concern the DMV is presently issuing six month credentials to individuals who are able to show they have a renewal pending with the USCIS." Email communication from Cristina Sacco, Executive Office of the Mayor. Received Feb 1st, 2022.

iv. **Proposal:** Any DC resident should be able to obtain an LPC

A more comprehensive change would be to allow any DC resident to obtain an LPC. There is no legal reason to prohibit someone from obtaining an LPC instead of a REAL ID. If an individual has no need or desire to enter a federal building or nuclear power plant or board an airplane, why should they be made to apply for a REAL ID? In fact, as many as 34 states already allow residents to choose whether they want a REAL or standard (non-REAL) ID.¹³ This change would be greatly beneficial to many District residents who are US citizens or have lawful immigration status who would otherwise fall through the cracks caused by current laws and regulations that have resulted in hundreds of people to be ineligible for all forms of DC identification.

B. Limited Purpose Credentials Have A Six-Month Residency Requirement, Unlike REAL IDs

Currently, Limited Purpose Credentials have a six month residency requirement.¹⁴ This residency time requirement is inconsistent with DC law – 1) REAL IDs do not have the same requirement,¹⁵ 2) it is not a requirement to access public benefits,¹⁶ and 3) it is not a requirement to vote.¹⁷ Additionally, now that noncitizen residents of the District can vote in local elections, many immigrants will be able to vote after residing in DC for 30 days but not be able to obtain an ID for another five months.¹⁸

By imposing a six-month residency requirement on IDs meant for immigrants who are undocumented or otherwise unable to prove lawful status, it suggests that DC expects these communities to commit fraud at higher rates than residents who are eligible for REAL IDs. However, there is no evidence to support this proposition. In fact, in response to a Freedom of Information Act (FOIA) Request for “information about data collected regarding instances of fraud related to residency proofs provided to obtain a DC Real ID or Limited Purpose Credential”, the DMV was unable to provide any data because “no record was found responsive to said request”.¹⁹ Furthermore, research shows that immigrants commit less crimes than citizens, with undocumented immigrants committing fewer crimes than immigrants with status.²⁰

Finally, current regulations require LPC applicants to provide two documents to prove six-month residency. This is in addition to the two documents needed to prove current DC residency. This

¹³ AL, AK, AZ, AR, CA, ID, IL, KY, LA, ME, MA, MN, MO, MT, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, TN, VT, VA, WA, WV, WI. NYC, CHI, and PHL provide a municipal ID that any resident can obtain.

¹⁴ D.C. Code § 50–1401.05(a)(2)

¹⁵ D.C. Code § 50–1401.03; D.C. Mun. Regs. tit. 18, § 103 (2022)

¹⁶ D.C. Code § 4–205.03

¹⁷ D.C. Code § 1–1001.02(2)(C)

¹⁸ Local Resident Voting Rights Amendment Act of 2022, D.C. Law 24-242.

¹⁹ Washington, Pamela B. “Re: Freedom of Information Act Request, received May 31, 2023, 2023-FOIA-06468”. Received by Tracy Davis. June 23, 2023.

²⁰ Light, M. T., He, J., & Robey, J. P. (2020). [Comparing crime rates between undocumented immigrants, legal immigrants, and native-born US citizens in Texas](#). Proceedings of the National Academy of Sciences, 117(51), 32340–32347.

means LPC applicants, who are all immigrants, need to provide a total of four proof of residency documents to obtain ID, an insurmountable barrier for many.

i. Proposal: Remove the six month residency requirement for LPCs

The District’s residency time requirement for LPCs is inconsistent with larger DC law and there is no evidence that it’s in any way necessary. Applicants for REAL ID face no waiting-period requirement to establish residency. Instead, they only need to present two residency documents. Ultimately, the six-month residency requirement places an unnecessary burden on immigrant residents. It clearly discriminates against DC residents based on their immigration status and therefore has a disparate impact on Black and brown communities. For these reasons, it must be removed.

Currently, 12 states and three major cities that offer Limited Purpose Credentials do not have residency waiting-period requirements.²¹ Our review of DMV policy in 50 states and several cities and territories demonstrates that nearly all jurisdictions have no residency waiting-period requirements for their REAL or standard (i.e., credentials offered to citizens that do not want to obtain REAL ID) IDs.

C. Proof of Identity Requirements to Obtain Limited Purpose Credentials Are Too Strict²²

Currently, many DC residents who are immigrants are unable to obtain Limited Purpose Credentials because of strict eligibility requirements and regulations that limit the documents an applicant can present to satisfy proof of identification. The District’s proof of identity requirements are some of the most restrictive out of the 21 states, including DC and Puerto Rico, that offer LPCs, leaving many residents who are immigrants without driver’s licenses or any form of identification.

Currently accepted documents - 18 DCMR § 114 (2022)
<u>Primary sources (one required):</u> <ul style="list-style-type: none">• Original valid, unexpired passport;• Original valid unexpired Consular Identification Card issued by Mexico, Guatemala, Ecuador or any other country approved by the Department of Motor Vehicles;• Unexpired United States military or dependent identification card;• Certified copy of birth certificate; or• For an identification card only, Department of Motor Vehicles’ approved letter with picture from the Court Services and Offender Supervision Agency (CSOSA) or DC Department of Corrections certifying identity and date of birth.

²¹ CA, HI, MA, MN, NV, NJ, NM, NY, OR, UT, VT, WA. And NYC, CHI, PHL.

²² A more comprehensive analysis on this issue can be found in our memo “Proposed Changes to DC Limited Purpose Credential Law”. bit.ly/lpc-memo

Secondary sources (two required if no primary source):

- Certified copy of foreign jurisdiction issued birth certificate;
- Foreign jurisdiction issued driver license or identification card;
- Certified school record; or
- Any other documents adopted as acceptable by the Department of Motor Vehicles through written approval.

Recently arrived asylum-seekers are a prime example of a community that suffers from the overly restrictive LPC laws and regulations. Most have had their documents (i.e., passport, birth certificate) confiscated by Customs and Border Protection (CBP) and/or Immigration and Customs Enforcement (ICE); if their documents are ever returned it will only be after the culmination of their immigration case which can last over ten years.²³ Therefore, to prove their identity, many asylum-seekers only have photos or copies of documents from their home countries, expired documents that were not confiscated, or federally issued immigration documents.

To rectify this issue, DC DMV employees regularly advise immigrants to get new passports or consular cards from their embassies, which: 1) is not possible for migrants who come from countries the US does not have consular relations with (e.g. Venezuela and Iran) or who are stateless; 2) immigration attorneys regularly advise asylum-seekers to not have contact with their embassies or consulates because it could be used against them in their asylum hearings as they must prove they are actually seeking protection from their countries of origin; 3) embassies and consulates often function poorly and are unresponsive; and 4) most embassies require an applicant to have a government issued ID to apply for a passport and will not make an exception if a person's documents have been confiscated. So, even if asylum-seekers can contact their embassies without jeopardizing their asylum cases, they are stuck in a bureaucratic Catch-22 in which they cannot get a passport without an ID and cannot get an ID without a passport.

Unaccompanied migrant children who arrive in the District without guardians, after being released from Office of Refugee Resettlement (ORR) custody, are another group who are unable to obtain ID because they also often lack the required documents for proof of identity.²⁴

²³ However, immigrants and attorneys report that immigration authorities rarely, if ever, return confiscated documents, even at the culmination of a case.

²⁴ Kids In Need of Defense (2022). [Expanding Unaccompanied Immigrant Children's Access to State and Municipal Identification Cards & Driver's Licenses](#).

Without ID, immigrants face many barriers to self-sufficiency, including the inability to:

- Drive legally: Many migrants have to drive without a license to be able to work and support their families, this puts them in a precarious position and negatively impacts public safety.²⁵
- Open bank accounts: Banks require ID to open an account. This makes it harder for them to save money and therefore become self-sustainable.
- Sign leases: Many landlords require ID to rent an apartment and sign leases. Without IDs the pool of housing available to low-income residents becomes smaller than it already is.
- Obtain marriage certificates: The DC Marriage Bureau requires a US ID or a passport to procure a marriage certificate. So, many migrants cannot get married in DC. This is an issue in some asylum cases where it may be beneficial to get married before submitting an application so a spouse can be a dependent.
- Obtain birth certificates: Mothers who don't meet the ID requirements struggle to get birth certificates for their newborns through Vital Records. Currently, there are 15+ babies born to recently arrived migrant parents in DC without birth certificates. Additionally, when couples are not married, fathers without ID require a notary to be added to the birth certificate.
- Access community resources: Certain community resources, such as adult education programs, food, libraries, community centers, and more, require identification and/or proof of residency to access their services, which are especially critical for recently arrived migrants.
- Complete applications for immigration relief: Without state-issued ID, migrants are unable to move forward with their applications for immigration relief. After applying for pathways to immigration status such as asylum, migrants must attend an appointment to provide biometrics information to the Department of Homeland Security (DHS). However, the USCIS requires that the applicant present a state-issued ID to complete this appointment. If biometrics are not completed, the application is forfeited.

*i. **Proposal:** Expand the list of foreign documents that can be used as primary sources for proof of identity to obtain an LPC, include expired documents and photocopies*

The current list of acceptable proofs of identity to obtain an LPC is too restrictive, leaving countless DC residents who are immigrants without IDs. DC should expand the list of acceptable proofs of identity to include:

1. Foreign Birth Certificates, Driver's Licenses, and Municipal IDs as primary sources
These are also common state-issued documents that immigrants possess and therefore should be accepted. Additionally, sometimes asylum-seekers only have their passport and birth certificates confiscated by CBP, accepting driver's licenses and other municipal

²⁵ According to a recent study, licensing undocumented immigrants can reduce the share of fatalities related to hit and runs by 20% to 50%. Expanding LPC access will improve the safety of all DC residents. Amuedo-Dorantes, C. & Dziadula, E. (2023). [How Does Granting Driving Privileges to Undocumented Migrants Affect Traffic Fatalities?](#) The Center for Growth and Opportunity at Utah State University.

IDs as primary sources will allow them to obtain LPCs in the absence of the confiscated documents. DC should also allow foreign birth certificates as primary sources, which would be consistent with the policy for US birth certificates. Currently, six out of the 21 states allow foreign birth certificates, driver's licenses, or other ID as primary proof of identification to obtain an LPC.²⁶

2. Foreign documents expired within the past 5 years as primary sources

Asylum-seekers who have had their identity documents confiscated at the border sometimes still possess expired documents. Additionally, as previously mentioned, many undocumented immigrants and asylum-seekers are unable to renew their passports and other foreign IDs after they arrive in the US and therefore may only be able to provide expired documents. Currently, 11 out of the 21 states allow expired foreign documents as primary proof of identification to obtain an LPC.²⁷

3. Photocopies of Foreign Passports as secondary sources

Asylum-seekers who have had their identity documents confiscated at the border sometimes still have photocopies of their passports. New York City allows photocopies of foreign passports to serve as proof of identification to obtain their municipal ID.

ii. **Proposal:** *Include federally issued immigration documents as sources for proof of identity to obtain an LPC²⁸*

The Department of Homeland Security considers federally issued immigration documents as acceptable forms of identification, as they have name, date of birth, photo, and other biographic and biometric information. These documents can be used to travel and gain access to federal government buildings. However, the DC DMV, as well as other local agencies, do not accept immigration paperwork as a form of identification. DC should expand the list of acceptable proofs of identity to include the following immigration documents:

Primary sources (with photo ID):

- [Form I-220A](#): Order of Release on Recognizance
- [Form I-220B](#): Order of Supervision
- [Form I-94 with photo](#): DHS Arrival/ Departure Record or Parole document
- [Form I-385](#): Notice to Report or Alien Booking Record
- [Office of Refugee Resettlement \(ORR\) Verification of Release Form](#)
- [Form I-766](#), not expired more than 5 years: Employment Authorization Card
- [Form I-327](#): Permit to Reenter the United States
- [Border Crossing Card](#)

²⁶ HI, MN, NJ, NM, UT, VA

²⁷ CO, CT, HI, IL, MN, NJ, NY, OR, RI, VA, WA. Municipalities: NYC, CHI, PHL

²⁸ For a breakdown on why each immigration document listed below is important to accept as proof of identity and for a list of other states and municipalities that accept them read our memo "Proposed Changes to DC Limited Purpose Credential Law". bit.ly/lpc-memo

- [ICE check-in log](#)
- [Form I-571](#): Refugee Travel Document
- [Form I-551](#), not expired more than 5 years: Permanent Resident Card

Secondary sources (without photo ID):

- [Form I-862](#): Notice to Appear (NTA)
- [Form I-94 without photo](#): DHS Arrival/Departure Record or Parole Document
- [Form I-797](#): Notice of Action
- [Form I-589](#), with proof of submission or Notice of Action: Application for Asylum and for Withholding of Removal
- [Form I-765](#), with proof of submission or Notice of Action: Application for Employment Authorization
- [Form DS-2019](#): Certificate of Eligibility for Exchange Visitor
- [Form I-20](#): Certificate of Eligibility for Non-Immigrant Student Status

iii. **Proposal:** *Include photocopies of any accepted proof of identity document obtained through a Freedom of Information Act Request as sources for proof of identity to obtain an LPC*

Identity documents such as passports, identification cards, legal permanent resident cards, and certificates of naturalization are kept within records of different government agencies, such as USCIS or the State Department. DC residents should be able to present records of these identification documents if accompanied by verification that they were released to the applicant as part of a Freedom of Information Act Request.

D. **Proof of Residency Requirements to Obtain Any Form of Identification Are Too Strict**

Currently, many DC residents are unable to obtain any form of identification because the list of acceptable proof of residency documents, which is the same for LPCs and REAL IDs, is extremely limited. Critically, six of the nine eligible document categories (bill statements, deeds, unexpired leases, property tax statements, and unexpired insurance policy statements) assume that a resident has stable housing and/or has the personal wealth to access such resources. Many District residents, regardless of immigration status, do not have access to the financial resources necessary to purchase property, enter formal leases, or register for utility accounts.

The effect of such a limited list is that it excludes poor and low-income residents and those experiencing housing instability from establishing their residency. As a result, Black and brown District residents, who experience higher rates of poverty,²⁹ face a disparate impact because they are disproportionately unable to obtain identification.

²⁹ D.C. Policy Center for the DC Council Office of Racial Equity (2021). [D.C. Racial Equity Profile for Economic Outcomes](#).

Currently accepted documents³⁰ - 18 DCMR § 103.4 (2022)

- (1) Utility (water, gas, electric, oil, or cable), home security system, or automobile or personal loan bill, issued within the last sixty (60) days;
- (2) Telephone bill, issued within the last sixty (60) days;
- (3) Deed, settlement agreement, or mortgage statement;
- (4) Unexpired lease, sublease, or rental agreement (may be a photocopy). If a sublease is being submitted, the lease must also be provided;
- (5) District of Columbia property tax bill or tax assessment issued within the last 12 months
- (6) Unexpired homeowner's or renter's insurance policy;
- (7) Official mail received from a federal or District of Columbia agency, other than the District of Columbia Department of Motor Vehicles, within the last sixty (60) days or a change of address notification from the U.S. Postal Service;
- (8) Repealed;
- (9) *Proof of DC Residency Certification (below)*
- (10) For an identification card only, a Department of Motor Vehicles' approved letter with a picture from the Court Services and Offender Supervision Agency (CSOSA), District of Columbia Department of Corrections or U.S. Probation Office issued within the last sixty (60) days certifying residence address. A second document is not required.
- (11) For an identification card only, a District of Columbia Department of Motor Vehicles' approved letter from a certified social service provider.
- (12) Any other documents deemed acceptable by the Director through written approval.
- (13) Documentation and a form approved by the Department of Motor Vehicles and received pursuant to the Address Confidentiality Program authorized by the Address Confidentiality Act of 2018, effective July 3, 2018.

Proof of DC Residency Certification form requirements (j)

- (1) If unable to provide two (2) of the documents listed in Subparagraphs (1)-(7) of this paragraph, submit a District of Columbia Department of Motor Vehicles Proof of Residency form signed by the person owning or renting the residence where the applicant resides and a copy of this person's unexpired District of Columbia driver license or identification card as well as two (2) of the documents listed in Subparagraphs (1)-(7) of this paragraph in the name of the person owning or renting the residence as follows:
 - (A) One (1) of the proof of residency documents set forth in either Subparagraph (1), (2), (6) or (7) of this paragraph; and
 - (B) One (1) of the proof of residency documents set forth in either Subparagraph (3), (4) or (5) of this paragraph. If the document provided is a sublease, the lease must name the certifier as the sublessor;

³⁰ These are the requirements for REAL IDs, the LPC requirements (18 DCMR § 114.5) list the same documents, some in a different order.

(2) A person certifying residency under this Subparagraph (9), may only submit a certification three (3) times in a twelve (12) month period, unless it is for a “family member”. “Family member” shall mean a person’s spouse, domestic partner, as that term is defined in D.C. Official Code § 32-701(3), parent, or child (whether natural, adopted, or foster). If a Proof of Residency form is used for a “family member”, documentation, as determined by the Director, showing the relationship must also be submitted.

i. Proposal: Require only one proof of residency document for LPCs

Limited Purpose Credentials require two documents to prove current DC residency, and two more to prove six-month residency. While two proofs of residency are required by federal law to obtain a REAL ID, there is no reason to require it for LPCs. It is also inconsistent with other parts of DC law, for example accessing homeless services only requires one document to prove residency.³¹ 18 out of the 35 states that offer their residents the option of obtaining either a standard or REAL ID require only one document to prove residency for the standard ID versus the two documents required for REAL ID, per federal law.³²

ii. Proposal: Expand the list of acceptable proof of residency documents for LPCs and REAL IDs

DC should expand the list of residency proof to include the following documents, which are accepted by the DMVs of other jurisdictions:

- Medical Documents (Medical bill issued within the last 60 days, Certified medical record not older than one year, Current medical, vision, or dental insurance card)³³
- Financial Statements (Bank, Credit card, loan statement issued within the last 60 days)³⁴
- Employment Documentation (Paycheck, Paystub, W-2 or 1099 Form, Pension or Retirement statement issued within the last 60 days)³⁵
- School Records (Transcript, Report card, Tuition bill or payment receipt from DC educational institution, issued within the last 6 months)³⁶
- Rent receipt issued within the last 60 days (not handwritten)³⁷
- Statement from Department of Human Services issued within the last 60 days³⁸

³¹ D.C. Code § 4-751.01(32)(A)(iii)

³² AK, CA, IL, KY, LA, ME, MA, MO, NH, NJ, NY, NC, OH, OK, OR, SC, WA.

³³ E.g., California accepts medical documents, including but not limited to medical, dental and vision insurance, medical records and bills, as proof of residency.

³⁴ E.g., Oregon accepts “any document issued by a financial institution that includes your residence address”, including loan agreements and statements, as proof of residency.

³⁵ E.g., New York accepts pay stubs, W-2 and 1099 tax forms, retirement statements as proof of residency.

³⁶ E.g., Illinois accepts school and college transcripts and report cards, tuition invoices as proof of residency.

³⁷ E.g., Oregon accepts “monthly rental receipt or letter from a hotel, motel, campground or recreational vehicle park that permits extended stays” as proof of residency.

³⁸ E.g., New York accepts Welfare Benefit Statements as proof of residency.

- Statement from the Social Security Administration issued within the last 60 days³⁹
- Federal or DC tax return not older than one year⁴⁰
- U.S. Postal Service change of address confirmation received within the last 60 days⁴⁰
- Voter Registration Card⁴⁰

iii. *Proposal: Expand the list of acceptable documents and remove the proof of relationship requirement from the Proof of DC Residency Certification form for LPCs and REAL IDs*

The DMV offers a Proof of DC Residency Certification form for residents who cannot supply their own proof of residency documents. A Proof of Residency Certificate must:

“Be signed within the last 60 days by the certifier residing at the residence **and** [include] a copy of the certifier's unexpired DC Driver license or DC identification card **and** two proof of residency documents (one primary and one secondary) in the certifier's name, and proof of relationship document if certifying for a qualified family member.”

The Proof of Residency Certificate is inaccessible to many vulnerable residents. Many residents do not cohabitate with an individual who can supply a valid DC ID and proof of residency documents, which are difficult to access for the reasons outlined in Proposal D(ii), above.

Proof of relationship documents are similarly inaccessible. Family members of poor and low-income residents and residents without legal immigration status family members report a frequent inability to meet the DMV's proof of relationship requirement. Many immigrants, especially those who have recently arrived, are unlikely to possess birth certificates, marriage certificates, and adoption records. Additionally, low income, housing insecure, and Black and brown residents continue to face systematic barriers to obtaining necessary vital records.^{41 42} This lack of access to vital documentation can result in a multi-generational, snow-balling effect. For example, a recently arrived migrant mother who cannot get an ID due to DC's restrictive laws will likely be unable to obtain a birth certificate for her child because of her lack of ID. Her child will then have difficulty obtaining identification in the future without a birth certificate. The effect of the current law is that multiple generations may be disenfranchised from obtaining vital documents.

³⁹ E.g., New York and Illinois accept Social Security statements as proof of residency.

⁴⁰ Many states accept tax returns, U.S. Postal Services change of address confirmation letters, and voter registration cards as proof of residency, including California, New York, Illinois, and Oregon.

⁴¹ Movement Advancement Project (2022). [The ID Divide: How Barriers to ID Impact Different Communities and Impact Us All](#).

⁴² Marginalized groups have historically been excluded from accessing vital documents. A recent study on the link between restrictive ID policies and lack of access to health resources found that “[o]lder Black adults born during the Jim Crow era may have never received a birth certificate that verifies their identities or US citizenship.” Lebron et al. (2018) [Restrictive ID Policies: Implications for Health Equity](#). Journal of Immigration and Minority Health. 20(2), 255–260.

Moreover, the proof of relationship requirement discriminates based on family composition. It does not accommodate non-nuclear families and does not consider the reality of many immigrant households, which are more likely to be composed of extended family members. As a result, the current Proof of Residency Certificate form disparately impacts Black and brown residents by excluding applicants whose family members cannot supply proof of relationship documents. Given the unnecessary restrictions it places on non-nuclear families, DC should amend the Proof of Residency Certificate to eliminate the proof of relationship requirement altogether. The DMV should also improve accessibility by eliminating the requirement that a certifier show one primary and one secondary document to prove residency. Instead, the certifier should be able to present any two documents from the expanded list of accepted residency proofs, as outlined in Proposal D(ii).

III. Conclusion

Current DC laws and regulations pertaining to driver's licenses and IDs are too restrictive, leaving countless District residents unable to obtain any form of identification. Furthermore, these laws have disparate impact on poor, low-income, unhoused, housing insecure, immigrant, and Black and brown residents. In this memo, we propose multiple reforms to DC law and regulations that will expand access to identification to some of the most vulnerable communities in District.

IV. Acknowledgements

This memo was a collaboration between [Migrant Solidarity Mutual Aid](#), [DC Volunteer Lawyers Project](#), and [Bread for the City](#). It was prepared by Madhvi Venkatraman, Michaela Lovejoy, and Tracy Davis. For questions, please contact the authors at madhvi.v@gmail.com, mlovejoy@dcvlp.org, and tdavis@breadforthecity.org.

V. References for State and Municipality Comparisons

A. Limited Purpose Credentials

States

- California: www.dmv.ca.gov/portal/file/ab-60-user-friendly-guide-english-pdf/
- Colorado: dmv.colorado.gov/sites/dmv/files/documents/DR_2300C_2022.pdf
- Connecticut: portal.ct.gov/-/media/DMV/20/29/DI4pdf.pdf
- Delaware: www.dmv.de.gov/DriverServices/drivers_license/DPC/index.shtml
- District of Columbia: mv.dc.gov/node/1115407
- Hawaii:
 - hidot.hawaii.gov/highways/files/2019/11/Limited-Purpose-DL-Info-and-FAQ-Pamphlet-2019-11-13.pdf
 - www.hawaiicounty.gov/departments/finance/vehicle-registration-licensing/limited-purpose-instruction-permit-provisional-driver-license-and-driver-s-license/limited-purpose-license-additional-required-documents
- Illinois: www.ilsos.gov/publications/pdf_publications/dsd_tvdl17.pdf
- Maryland: mva.maryland.gov/drivers/Pages/non-compliant-drivers-licenses.aspx
- Massachusetts:
www.mass.gov/doc/standard-drivers-license-acceptable-id-checklist/download
- Minnesota: www.ilcm.org/latest-news/frequently-asked-questions-drivers-licenses-for-all/
- Nevada: dmv.nv.gov/dlresidency.htm
- New Jersey: www.state.nj.us/mvc/pdf/license/Standard_License_Sheet_Engl.pdf
- New Mexico:
www.mvd.newmexico.gov/wp-content/uploads/2023/05/RevisedStandardacceptabledocs3.10.23.pdf
- New York: dmv.ny.gov/forms/id44.pdf
- Oregon: www.oregon.gov/odot/DMV/Pages/DriverID/IDProof.aspx
- Puerto Rico: cesco.turnospr.com/
- Rhode Island: dmv.ri.gov/licenses-permits-ids/drivers-privilege-cards-faqs
- Utah: dld.utah.gov/wp-content/uploads/sites/17/2023/04/DLD-335-English-REV-4.23-.pdf
- Vermont: dmv.vermont.gov/sites/dmv/files/documents/VL-021-License_Application.pdf
- Virginia: www.dmv.virginia.gov/webdoc/pdf/dmv309.pdf

Municipalities

- New York City: www.nyc.gov/site/idnyc/card/documentation.page
- Chicago:
www.chicityclerk.com/sites/default/files/EN_Document%20Guide%3AResidency.pdf
- Philadelphia: www.getphlcityid.com/Home/Calculator

B. Standard and REAL IDs

- Alabama: www.alea.gov/dps/driver-license/document-requirements-and-fees
 - www.alea.gov/dps/driver-license/star-id/star-id-document-list
- Alaska: doa.alaska.gov/dmv/akol/pdfs/Standard%20Alaska%20Checklist.pdf
 - doa.alaska.gov/dmv/akol/pdfs/AK%20Real%20ID%20req%20docs.pdf
- Arizona: apps.azdot.gov/files/mvd/mvd-forms-lib/40-5144.pdf
- Arkansas: appengine.egov.com/apps/ar/DFA/RealID
- California: www.dmv.ca.gov/portal/file/residency-documents-list-pdf/
- Colorado: dmv.colorado.gov/documents
- Connecticut: portal.ct.gov/dmv/-/media/DMV/selectct/SelectIDaccptdocs3pdf.pdf
- Delaware:
www.dmv.de.gov/DriverServices/drivers_license/secureID/index.shtml#horizontalTab2
- District of Columbia: dmv.dc.gov/node/1115502
- Florida: www.flhsmv.gov/driver-licenses-id-cards/what-to-bring/u-s-citizen/
- Georgia: dds.georgia.gov/georgia-licenseid/general-license-topics/real-id
- Hawaii:
hidot.hawaii.gov/highways/files/2021/06/Acceptable-Documents-for-a-REAL-ID-Compliant-Star-DL-SID-Print-Button-2021-06-18.pdf
- Idaho: itd.idaho.gov/StarCard/materials-kit.html
- Illinois: www.ilsos.gov/publications/pdf_publications/dsd_x173.pdf
- Indiana: www.in.gov/bmv/files/BMV_Documentation_List.pdf
- Iowa: iowadot.gov/getthereyourway/pdfs/Immigrant-Refugee-Resources.pdf
- Kansas: www.ksrevenue.gov/dovproof.html
- Kentucky: drive.ky.gov/RealID/Pages/Difference_Between.aspx
- Louisiana: public.powerdms.com/LADPSC/documents/368113
 - www.expresslane.org/drivers/personal-driver-s-licenses/real-id/
- Maine: www.maine.gov/sos/bmv/licenses/residency.html
- Maryland: mva.maryland.gov/Pages/realid.aspx
- Massachusetts: www.mass.gov/doc/acceptable-forms-of-identification/download
- Michigan: www.michigan.gov/sos/all-services/first-time-license-or-id
- Minnesota:
 - dps.mn.gov/divisions/dvs/forms-documents/Documents/Minnesota_Drivers_Manual.pdf
 - dps.mn.gov/divisions/dvs/forms-documents/Documents/REALID%20Handout%2012-2022.pdf
- Mississippi: www.driverservicebureau.dps.ms.gov/node/303
- Missouri: dor.mo.gov/forms/REAL%20ID-Compliant.pdf
- Montana: dojmt.gov/driving/driver-licensing/#DLID22
 - mtrealid.gov/required-docs/
- Nebraska: dmv.nebraska.gov/sites/dmv.nebraska.gov/files/doc/dls/verificationdocs.pdf
- Nevada: dmv.nv.gov/dlresidency.htm

- New Hampshire
 - www.dmv.nh.gov/sites/g/files/ehbemt416/files/inline-documents/dsmv634b.pdf
 - www.dmv.nh.gov/sites/g/files/ehbemt416/files/inline-documents/sonh/dsmv634a.pdf
- New Jersey: www.nj.gov/mvc/realid/pdf/26.pdf
 - www.state.nj.us/mvc/pdf/license/Standard_License_Sheet_Engl.pdf
- New Mexico: www.mvd.newmexico.gov/nm-drivers-licenses-ids/
- New York: dmv.ny.gov/driver-license/driver-licenses-and-green-light-law
 - dmv.ny.gov/forms/id44.pdf
- North Carolina: www.ncdot.gov/dmv/license-id/driver-licenses/new-drivers/Pages/default.aspx
- North Dakota: www.dot.nd.gov/divisions/driverslicense/idrequirements.htm
 - www.dot.nd.gov/divisions/driverslicense/docs/real-id-checklist.pdf
- Ohio: publicsafety.ohio.gov/static/bmv2424.pdf
 - publicsafety.ohio.gov/static/bmv2430.pdf
- Oklahoma: oklahoma.gov/service/all-pages/required-documents.html
 - oklahoma.gov/service/sokonline/online-real-id-checklist.html
- Oregon: www.oregon.gov/odot/Forms/DMV/7479.pdf
 - www.oregon.gov/odot/DMV/docs/Proof_Identity_DOB_Full_Legal_Name_ResAddress.pdf
- Pennsylvania: www.dmv.pa.gov/REALID/Pages/REAL-ID-Document-Check.aspx
 - www.dmv.pa.gov/Driver-Services/Driver-Licensing/pages/get-driver-license.aspx
- Puerto Rico: www.dtop.pr.gov/real-id
 - docs.pr.gov/files/cesco/Documentos%20Esenciales/DTOP-DIS-255%20Solicitud%20para%20Certificado%20de%20Licencia%20para%20Conducir%20Vehiculos%20de%20Motor%20CATEGORIA%20DE%20APRENDIZAJE%20Rev.%2016oct2019.pdf
- Rhode Island: dmv.ri.gov/licenses-permits-ids/state-id
 - dmv.ri.gov/licenses-permits-ids/real-id
- South Carolina: www.scdmvonline.com/Driver-Services/Drivers-License
- South Dakota: dps.sd.gov/application/files/6816/8812/8212/Document_Requirements_2023.pdf
- Tennessee: www.tn.gov/content/tn/safety/driver-services.html#documents
 - www.tn.gov/trealid/requirements.html
- Texas: www.dps.texas.gov/section/driver-license/how-apply-texas-driver-license
- Utah: dld.utah.gov/wp-content/uploads/sites/17/2023/04/DLD-335-English-REV-4.23-.pdf
- Vermont: dmv.vermont.gov/licenses/identity-documents/vermont-residency
 - dmv.vermont.gov/sites/dmv/files/documents/VL-011-License_Comparisons.pdf
- Virginia: www.dmv.virginia.gov/sites/default/files/forms/dmv141.pdf
 - www.dmv.virginia.gov/licenses-ids/real-id

- Washington: www.dol.wa.gov/id-cards/real-id
 - www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/391C083F-F95C-9709-F065-F891F88B8A36/9349en_how-to-apply-for-drivers-license-no-ss-number.pdf
- West Virginia: transportation.wv.gov/DMV/Drivers/Pages/Drivers-Licenses.aspx
- Wisconsin: wisconsin.gov/Pages/dmv/license-drivers/how-to-apply/residency.aspx
- Wyoming: www.dot.state.wy.us/files/live/sites/wydot/files/shared/Driver_Services/Forms/Document%20requirements%2020220721a.pdf