

## MEMORANDUM

TO: Regional Steering Committee on Homelessness and Housing  
FROM: HomeBase  
RE: Real ID Act  
DATE: July 29, 2005

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### RSC Prior Work on this Topic

The REAL ID Act was enacted in December 2004 and repeals the drivers license provisions of the Intelligence Reform and Terrorism Prevention Act. (Pub. L. 108-458, § 712). At that time, we reported to the RSC that these provisions would have improved the security and uniformity of state issued driver's licenses but would have done so through a collaborative effort among federal and state government officials, including representatives of vulnerable applicant groups such as the homeless and impoverished persons and immigrants.

### Current Status

However, on May 11, 2005, President Bush signed the REAL ID Act into law which now imposes federal standards for state issued driver's licenses. This has effectively terminated the consultative process in favor of federally mandated standards that disregard the concerns of state government and any potentially adverse effects on vulnerable applicant groups. The REAL ID Act will make it much more difficult for homeless people to obtain the identification necessary to get jobs, access services, and avoid arbitrary police action.

The Act mandates that states may not issue driver's licenses unless an applicant provides, at a minimum, **each** of the following:

- i. a photo identity document (unless a non-photo document provides both the person's name and date of birth),
- ii. documentation of the person's date of birth,
- iii. proof of the person's social security number (or verification that the person is not eligible),
- iv. documentation showing the person's name and address of principal residence, and
- v. documentation of the person's lawful status in the United States

The states must verify the accuracy and authenticity of these documents with the agencies that issued the documents before they may issue a driver's license. Additional requirements mandated on the states include capturing digital images of an applicant's documents, retaining paper copies of documents for up to seven years and images up to ten years, and limiting the validity of driver's licenses to not more than eight years.

If a state fails to implement these standards **within three years**, federal agencies may not accept the licenses issued by that state for any official purposes. In California, as in all other states, the Department of Motor Vehicles (DMV) will be responsible for enforcing these standards.

## Action Steps

As of June 2005, regulations have not been issued to spell out the number and forms of documentation that will be required for driver's license and identification card applicants. These guidelines will be determined in the near future. In order to influence the implementation of the REAL ID Act, you can do the following:

- Contact your members of Congress and let them know about the potential problems homeless people will have getting identification cards under the standards in the REAL ID Act. Members of Congress may be able to influence the federal agencies that will be developing the regulations.
- Contact your representatives on state government, such as your Governor and state legislators, to let them know about the potential problems with the REAL ID Act. State governments can be a powerful ally, as some states have concerns about the fiscal and management implications of the REAL ID Act.

*HomeBase will continue to develop this analysis and monitor developments on behalf of the RSC. For further information, please contact Laxmi Raman Rees at 415-788-7961, ext. 320, or via e-mail at [laxmi@homebaseccc.org](mailto:laxmi@homebaseccc.org).*

