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SENATE BILL 5898

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State of Washington

64th Legislature

2015 Regular Session

By Senator Miloscia

Read first time 02/09/15. Referred to Committee on Human Services,  
Mental Health & Housing.

1 AN ACT Relating to the Washington homeless client management  
2 information system; amending RCW 43.185C.100 and 43.185C.180;  
3 reenacting and amending RCW 43.185C.010; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) Individuals who have experienced domestic violence and others  
7 experiencing homelessness need to be informed about the privacy and  
8 extent of the disclosure of their own personal information as a  
9 matter of fairness to enable them to make informed decisions about  
10 their safety, privacy, and confidentiality.

11 (2) Personally identifying information about homeless individuals  
12 that is improperly shared or released may do significant harm to a  
13 homeless person's interests in privacy, safety, financial, or other  
14 interests.

15 (3) Individuals who have experienced domestic violence and their  
16 children frequently utilize a broad range of services and housing  
17 supports in addition to domestic violence shelters and community-  
18 based domestic violence programs.

19 (4) To retain the trust and confidence of homeless individuals,  
20 the state, local governments, and homeless housing and service  
21 providers have an interest in assuring that personally identifying

1 information is not improperly disclosed and in having clear and  
2 certain rules for the disclosure of personally identifying  
3 information.

4 **Sec. 2.** RCW 43.185C.010 and 2009 c 565 s 40 are each reenacted  
5 and amended to read as follows:

6 The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

8 (1) "Community action agency" means a nonprofit private or public  
9 organization established under the economic opportunity act of 1964.

10 (2) "Department" means the department of commerce.

11 (3) "Director" means the director of the department of commerce.

12 (4) "Home security fund account" means the state treasury account  
13 receiving the state's portion of income from revenue from the sources  
14 established by RCW 36.22.179, RCW 36.22.1791, and all other sources  
15 directed to the homeless housing and assistance program.

16 (5) "Homeless housing grant program" means the vehicle by which  
17 competitive grants are awarded by the department, utilizing moneys  
18 from the home security fund account, to local governments for  
19 programs directly related to housing homeless individuals and  
20 families, addressing the root causes of homelessness, preventing  
21 homelessness, collecting data on homeless individuals, and other  
22 efforts directly related to housing homeless persons.

23 (6) "Homeless housing plan" means the ten-year plan developed by  
24 the county or other local government to address housing for homeless  
25 persons.

26 (7) "Homeless housing program" means the program authorized under  
27 this chapter as administered by the department at the state level and  
28 by the local government or its designated subcontractor at the local  
29 level.

30 (8) "Homeless housing strategic plan" means the ten-year plan  
31 developed by the department, in consultation with the interagency  
32 council on homelessness and the affordable housing advisory board.

33 (9) "Homeless person" means an individual living outside or in a  
34 building not meant for human habitation or which they have no legal  
35 right to occupy, in an emergency shelter, or in a temporary housing  
36 program which may include a transitional and supportive housing  
37 program if habitation time limits exist. This definition includes  
38 substance abusers, people with mental illness, and sex offenders who  
39 are homeless.

1 (10) "Housing authority" means any of the public corporations  
2 created by chapter 35.82 RCW.

3 (11) "Housing continuum" means the progression of individuals  
4 along a housing-focused continuum with homelessness at one end and  
5 homeownership at the other.

6 (12) "Interagency council on homelessness" means a committee  
7 appointed by the governor and consisting of, at least, policy level  
8 representatives of the following entities: (a) The department of  
9 commerce; (b) the department of corrections; (c) the department of  
10 social and health services; (d) the department of veterans affairs;  
11 and (e) the department of health.

12 (13) "Local government" means a county government in the state of  
13 Washington or a city government, if the legislative authority of the  
14 city affirmatively elects to accept the responsibility for housing  
15 homeless persons within its borders.

16 (14) "Local homeless housing task force" means a voluntary local  
17 committee created to advise a local government on the creation of a  
18 local homeless housing plan and participate in a local homeless  
19 housing program. It must include a representative of the county, a  
20 representative of the largest city located within the county, at  
21 least one homeless or formerly homeless person, such other members as  
22 may be required to maintain eligibility for federal funding related  
23 to housing programs and services and if feasible, a representative of  
24 a private nonprofit organization with experience in low-income  
25 housing.

26 (15) "Long-term private or public housing" means subsidized and  
27 unsubsidized rental or owner-occupied housing in which there is no  
28 established time limit for habitation of less than two years.

29 (16) "Performance measurement" means the process of comparing  
30 specific measures of success against ultimate and interim goals.

31 (17) "Personally identifying information" or "personal  
32 information" means individually identifying information for or about  
33 an individual, including:

34 (a) A first and last name;

35 (b) A home or other physical address;

36 (c) Contact information, including a postal, email, or internet  
37 protocol address, or telephone or facsimile number;

38 (d) A social security number; or

39 (e) Any other information, including date of birth, racial or  
40 ethnic background, or religious affiliation, that, in combination

1 with any other nonpersonally identifying information, would serve to  
2 identify any individual or would likely disclose the location of a  
3 victim of domestic violence, dating violence, sexual assault, or  
4 stalking.

5 (18) "Washington homeless census" means an annual statewide  
6 census conducted as a collaborative effort by towns, cities,  
7 counties, community-based organizations, and state agencies, with the  
8 technical support and coordination of the department, to count and  
9 collect data on all homeless individuals in Washington.

10 ~~((18))~~ (19) "Washington homeless client management information  
11 system" means a database of information about homeless individuals in  
12 the state used to coordinate resources to assist homeless clients to  
13 obtain and retain housing and reach greater levels of self-  
14 sufficiency or economic independence when appropriate, depending upon  
15 their individual situations.

16 **Sec. 3.** RCW 43.185C.100 and 2005 c 484 s 14 are each amended to  
17 read as follows:

18 The department shall provide technical assistance to any  
19 participating local government or its designated subcontractor at the  
20 local level that requests such assistance. Technical assistance  
21 activities may include:

22 (1) ~~((Assisting local governments))~~ Providing assistance to  
23 identify appropriate parties to participate on local homeless housing  
24 task forces;

25 (2) ~~((Assisting local governments))~~ Providing assistance to  
26 identify appropriate service providers with which the local  
27 governments may subcontract for service provision and development  
28 activities, when necessary;

29 (3) ~~((Assisting local governments))~~ Providing assistance to  
30 implement or expand homeless census programs to meet homeless housing  
31 program requirements;

32 (4) ~~((Assisting))~~ Providing assistance in the identification of  
33 "best practices" from other areas;

34 (5) ~~((Assisting))~~ Providing assistance in identifying additional  
35 funding sources for specific projects; ~~((and))~~

36 (6) Providing assistance to implement confidentiality and privacy  
37 policies and protocols relating to personal information collected and  
38 maintained about homeless individuals and families; and

39 (7) Training local government and subcontractor staff.

1       **Sec. 4.** RCW 43.185C.180 and 2011 c 239 s 1 are each amended to  
2 read as follows:

3       (1) In order to improve services for the homeless, the  
4 department, within amounts appropriated by the legislature for this  
5 specific purpose, shall implement the Washington homeless client  
6 management information system for the ongoing collection and updates  
7 of information about all homeless individuals in the state.

8       (2) Information about homeless individuals for the Washington  
9 homeless client management information system shall come from the  
10 Washington homeless census and from state agencies and community  
11 organizations providing services to homeless individuals and  
12 families.

13       (a) Personally identifying information about a homeless  
14 individual(~~s~~) for the Washington homeless client management  
15 information system may only be collected after ~~((having obtained~~  
16 ~~informed, reasonably time limited (i) written consent from the~~  
17 ~~homeless individual to whom the information relates, or (ii)~~  
18 ~~telephonic consent from the homeless individual, provided that~~  
19 ~~written consent is obtained at the first time the individual is~~  
20 ~~physically present at an organization with access to the Washington~~  
21 ~~homeless client management information system. Safeguards consistent~~  
22 ~~with federal requirements on data collection must be in place to~~  
23 ~~protect homeless individuals' rights regarding their personally~~  
24 ~~identifying information.~~

25       ~~(b) Data collection under this subsection shall be done in a~~  
26 ~~manner consistent with federally informed consent guidelines~~  
27 ~~regarding human research which, at a minimum, require that~~  
28 ~~individuals receive)) the homeless individual has been provided the~~  
29 ~~following information or, in the case of telephonic acknowledgment,~~  
30 ~~the homeless individual has been provided the following information~~  
31 ~~the first time the individual is physically present at an~~  
32 ~~organization with access to the Washington homeless client management~~  
33 ~~information system:~~

34       (i) Information about the expected duration of ~~((their))~~ his or  
35 her participation in the Washington homeless client management  
36 information system;

37       (ii) ~~((An explanation of whom to contact for answers to pertinent~~  
38 ~~questions about the data collection and their rights regarding their~~  
39 ~~personal identifying information;~~

1 ~~(iii))~~ An explanation of the nature of the personally  
2 identifying information and the institutions or agencies and persons  
3 or class of persons to whom the personally identifying information is  
4 to be disclosed, and to what extent the information may be accessed,  
5 including under subsection (5) of this section;

6 (iii) An explanation that the homeless individual has a right to  
7 request that his or her personally identifying information not be  
8 shared;

9 (iv) An explanation that the homeless individual has a right to  
10 have his or her personally identifying information promptly removed  
11 from the homeless client management information system and  
12 information about the procedure to have such information removed;

13 (v) An explanation that the homeless individual will not  
14 experience adverse consequences including, but not limited to, the  
15 denial of services or provision of lesser services;

16 (vi) An explanation regarding whom to contact (~~in the event of~~  
17 injury to the individual related to)) with complaints or concerns  
18 about the Washington homeless client management information system;

19 ~~((iv) A description of any reasonably foreseeable risks to the~~  
20 ~~homeless individual;)) and~~

21 ~~((v))~~ (vii) A statement describing the extent to which  
22 confidentiality of records identifying the individual will be  
23 maintained.

24 ~~((e))~~ (b) Personally identifying information about homeless  
25 individuals must not be shared with the Washington homeless client  
26 management information system when a homeless individual has  
27 requested that his or her personally identifying information not be  
28 shared.

29 (c) Safeguards consistent with federal requirements on data  
30 collection must be in place to protect homeless individuals' rights  
31 regarding their personally identifying information.

32 (d) Homeless housing and service organizations providing services  
33 to homeless individuals and families must provide a written copy of  
34 all confidentiality and privacy policies to the homeless individual  
35 regarding his or her personal identifying information in a language  
36 that the homeless individual understands or telephonic notice may be  
37 provided to the homeless individual in a language that the homeless  
38 individual understands, as long as a written copy is provided at the  
39 first time the individual is physically present at an organization  
40 with access to the Washington homeless client management information

1 system. The materials identified in this section must include a  
2 statement that the homeless individual has the right to instruct that  
3 personally identifying information not be entered into the Washington  
4 homeless client management information system. In addition to  
5 providing a written copy of all confidentiality and privacy policies,  
6 these policies must also be physically posted in a prominent, visible  
7 location in all locations where information for the Washington  
8 homeless client management information system is collected.

9 (e) Protocols for data collection and management must be  
10 developed by the department in consultation with, but not limited to,  
11 a statewide membership organization comprised of homeless housing  
12 organizations, a statewide membership organization comprised of a  
13 majority of community-based victim service organizations, and other  
14 privacy and confidentiality experts.

15 (f) Any person thirteen years of age or older may give consent  
16 for the collection of his or her own personally identifying  
17 information under this section.

18 (g) The disclosure of personally identifying information under  
19 this subsection (2) does not constitute a waiver of any privacy or  
20 confidentiality rights a homeless individual has under other  
21 statutes, the rules of evidence, or common law.

22 (h) The department must adopt policies governing the appropriate  
23 process for destroying Washington homeless client management  
24 information system paper documents containing personally identifying  
25 information when the paper documents are no longer needed. The  
26 policies must not conflict with any federal data requirements. A  
27 homeless housing and service provider must adopt reasonable  
28 safeguards to protect the security and confidentiality of personally  
29 identifying information that it maintains.

30 (3) The Washington homeless client management information system  
31 shall serve as an online information and referral system to enable  
32 local governments and providers to connect homeless persons in the  
33 database with available housing and other support services. Local  
34 governments may develop or utilize a comparable referral system in  
35 collaboration with victim service providers to provide housing and  
36 support services for homeless individuals who have experienced  
37 domestic violence, dating violence, sexual assault, or stalking.  
38 Local governments shall develop a capacity for continuous case  
39 management, including independent living plans, when appropriate, to  
40 assist homeless persons.

1 (4) The information in the Washington homeless client management  
2 information system will also provide the department with the  
3 information to consolidate and analyze data about the extent and  
4 nature of homelessness in Washington state(~~(, giving emphasis to~~  
5 ~~information about the extent and nature of homelessness in Washington~~  
6 ~~state among families with children)~~).

7 (5)(a) The system may be merged with other data gathering and  
8 reporting systems and shall:

9 ~~((a))~~ (i) Protect the right of privacy of individuals;

10 ~~((b))~~ (ii) Provide for consultation and collaboration with all  
11 relevant state agencies including the department of social and health  
12 services, experts, and community organizations involved in the  
13 delivery of services to homeless persons; and

14 ~~((c))~~ (iii) Include related information held or gathered by  
15 other state agencies.

16 (b) In merging the information in the Washington homeless client  
17 management information system with other data gathering and reporting  
18 systems, all relevant agencies must adopt safeguards to protect  
19 personal identifying information from redisclosure and adopt policies  
20 and procedures to remove or destroy, at the earliest opportunity,  
21 information that would enable individual homeless persons to be  
22 identified.

23 (6) Within amounts appropriated by the legislature, for this  
24 specific purpose, the department shall evaluate the information  
25 gathered and disseminate the analysis and the evaluation broadly,  
26 using appropriate computer networks as well as written reports.

27 (7) The Washington homeless client management information system  
28 shall be implemented by December 31, 2009, and updated with new  
29 homeless client information at least annually.

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