
SUBSTITUTE SENATE BILL 5898

State of Washington 64th Legislature 2015 Regular Session

By Senate Human Services, Mental Health & Housing (originally sponsored by Senator Miloscia)

READ FIRST TIME 02/20/15.

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 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,
34 upon request, of all confidentiality and privacy policies to the
35 homeless individual regarding his or her personal identifying
36 information in a language that the homeless individual understands or
37 telephonic notice may be provided to the homeless individual in a
38 language that the homeless individual understands, as long as a
39 written copy is provided, upon request, at the first time the
40 individual is physically present at an organization with access to

1 the Washington homeless client management information system. The
2 materials identified in this section must include a statement that
3 the homeless individual has the right to instruct that personally
4 identifying information not be entered into the Washington homeless
5 client management information system. These policies must also be
6 physically posted in a prominent, visible location in all locations
7 where information for the Washington homeless client management
8 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 (i) If an unaccompanied minor appears for services at a service
19 provider that utilizes the Washington homeless client management
20 information system, the supervisor must report the minor's presence
21 to law enforcement and the minor's parents or legal guardian.

22 (ii) If the service provider is unable to reach the minor's
23 parents or legal guardian, the service provider must contact the
24 department of social and health services.

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

29 (h) The department must adopt policies governing the appropriate
30 process for destroying Washington homeless client management
31 information system paper documents containing personally identifying
32 information when the paper documents are no longer needed. The
33 policies must not conflict with any federal data requirements. A
34 homeless housing and service provider must adopt reasonable
35 safeguards to protect the security and confidentiality of personally
36 identifying information that it maintains.

37 (3) The Washington homeless client management information system
38 shall serve as an online information and referral system to enable
39 local governments and providers to connect homeless persons in the
40 database with available housing and other support services. Local

1 governments may develop or utilize a comparable referral system in
2 collaboration with victim service providers to provide housing and
3 support services for homeless individuals who have experienced
4 domestic violence, dating violence, sexual assault, or stalking.
5 Local governments shall develop a capacity for continuous case
6 management, including independent living plans, when appropriate, to
7 assist homeless persons.

8 (4) The information in the Washington homeless client management
9 information system will also provide the department with the
10 information to consolidate and analyze data about the extent and
11 nature of homelessness in Washington state(~~(, giving emphasis to~~
12 ~~information about the extent and nature of homelessness in Washington~~
13 ~~state among families with children)~~).

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

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

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

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

23 (b) In merging the information in the Washington homeless client
24 management information system with other data gathering and reporting
25 systems, all relevant agencies must adopt safeguards to protect
26 personal identifying information from redisclosure and adopt policies
27 and procedures to remove or destroy, at the earliest opportunity,
28 information that would enable individual homeless persons to be
29 identified.

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

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

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