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**HOUSE BILL 2760**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Hudgins, Wylie, Slatter, Tarleton, Kloba, Morgan, Lekanoff, Pollet, and Santos

AN ACT Relating to prohibiting the use of biometric recognition technology and biometric analytics in certain state assisted rental dwelling units; adding a new section to chapter 43.185 RCW; and adding a new section to chapter 43.185A RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 43.185 RCW to read as follows:

(1) An owner of a covered rental dwelling unit may not use, or authorize the use of, facial recognition technology and biometric analytics, physical biometric recognition technology and biometric analytics, or remote biometric recognition technology and biometric analytics in the dwelling unit or in any building or grounds containing the dwelling unit.

(2) By June 30, 2021, the department must submit to the relevant committees of the legislature, and make available on its web site, a report that describes the following information regarding covered rental dwelling units for which assistance was provided under this chapter or chapter 43.185A RCW:

(a) Any known usage of facial recognition technology and biometric analytics, physical biometric recognition technology and biometric analytics, or remote biometric recognition technology and biometric analytics in any covered rental dwelling unit during the five years preceding the effective date of this section;

(b) The impact of those technologies and biometric analytics on the residents of those covered rental dwelling units;

(c) The purpose of installing those technologies and biometric analytics in those covered rental dwelling units;

(d) Demographic information about the residents of each covered rental dwelling unit where the usage of those technologies and biometric analytics occurred; and

(e) The potential impacts on vulnerable communities of additional usage of facial recognition technology and biometric analytics, physical biometric recognition technology and biometric analytics, or remote biometric recognition technology and biometric analytics in covered rental dwelling units, including impacts on resident privacy, civil rights, and fair housing.

(3) Subsection (1) of this section applies only to covered rental dwelling units for which assistance is awarded under this chapter or chapter 43.185A RCW after the effective date of this section.

(4) For purposes of this section:

(a) "Assistance" means any grant, loan, subsidy, contract, cooperative agreement, or other form of financial assistance, but does not include the insurance or guarantee of a loan, mortgage, or pool of loans or mortgages.

(b) "Biometric analytics" means authentication techniques that rely on measurable physical characteristics that can be automatically checked by technical systems.

(c) "Covered rental dwelling unit" means a residential dwelling unit that is made available for rental and for which assistance is provided, or that is part of a housing project for which assistance is provided, under this chapter or chapter 43.185A RCW.

(d) "Facial recognition technology" means technology that facilitates or otherwise enables an automated or semiautomated process that assists in identifying an individual based on the physical characteristics of the face of an individual, or that logs characteristics of the face, head, or body of an individual to infer emotion, associations, activities, or the location of an individual.

(e) "Owner" means any person or entity, including local governments, local housing authorities, nonprofit community or neighborhood-based organizations, federally recognized Indian tribes in the state of Washington, and regional or statewide nonprofit housing assistance organizations, having the legal right to lease or sublease dwelling units.

(f) "Physical biometric recognition technology" means technology that facilitates or otherwise enables an automated or semiautomated process that assists in identifying an individual or capturing information about an individual based on the characteristics of the DNA, fingerprints, palmprints, iris, or retina of an individual.

(g) "Remote biometric recognition technology" means technology that facilitates or otherwise enables an automated or semiautomated process that assists in identifying an individual or capturing information about an individual based on the characteristics of the gait, voice, or other immutable characteristic of an individual ascertained from a distance, or that logs those characteristics to infer emotion, associations, activities, or the location of an individual.

NEW SECTION. **Sec.**  A new section is added to chapter 43.185A RCW to read as follows:

Section 1 of this act applies to this chapter.

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