Housing, Community Development & Veterans Committee

HB 2760

Brief Description: Prohibiting the use of biometric recognition technology and biometric analytics in certain state assisted rental dwelling units.

Sponsors: Representatives Hudgins, Wylie, Slatter, Tarleton, Kloba, Morgan, Lekanoff, Pollet and Santos.

Brief Summary of Bill

- Prohibits an owner of a rental dwelling unit for which Housing Trust Fund (HTF) assistance is provided from authorizing the use of facial or physical biometric recognition technology and analytics in the dwelling unit or in any building or grounds containing the dwelling unit.

- Requires the Department of Commerce to submit a report to the Legislature on information related to the use of facial or physical biometric recognition technology in rental units for which HTF is provided.

Hearing Date: 2/4/20

Staff: Cassie Jones (786-7303).

Background:

Housing Trust Fund.
The state Housing Trust Fund (HTF), a common name for the state Housing Assistance Program, was established in 1987 as a renewable resource to meet the basic housing needs of low income and special needs citizens. The HTF is managed by the Department of Commerce (Department) to support the Department's housing programs. Through the HTF, the Department distributes funding through a competitive grant process to eligible organizations for projects that serve individuals and families with special needs, and whose income is at or below 50 percent of the median family income for the county or city where the project is located. At least 30 percent of

---

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

the HTF funding must be used for projects in rural areas. Organizations eligible to receive funding include: local governments; local housing authorities; regional support networks; nonprofit community or neighborhood-based organizations; federally recognized Indian tribes; and regional or statewide nonprofit housing assistance organizations.

Facial Recognition Technology.
Facial recognition is one of several biometric technologies which identify individuals by measuring and analyzing their physiological or behavioral characteristics. Facial recognition generally works by capturing an image, using an algorithm to create a faceprint, or a facial template, and then comparing the captured image to a database of images or a single image in a database.

Facial recognition technologies can perform a number of functions, including detecting a face in an image, estimating personal characteristics, verifying identity, and identifying an individual by matching an image of an unknown person to a database of known people. Facial recognition is used in a variety of consumer and business applications, including safety and security, secure access, marketing, and customer service. In the public sphere, it is more commonly used for law enforcement and security purposes.

Summary of Bill:

An owner of a rental dwelling unit for which HTF assistance is provided 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. This prohibition applies only to dwelling units for which HTF assistance is provided after the effective date of the act.

By June 30, 2021, the Department must submit to the relevant committees of the Legislature, and make available on its website, a report that describes the following information regarding dwellings for which HTF assistance was provided:

- 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 rental dwelling unit during the five years preceding the effective date of this section;
- the impact of those technologies and biometric analytics on the residents of those rental dwelling units;
- the purpose of installing those technologies and biometric analytics in those rental dwelling units;
- demographic information about the residents of each rental dwelling unit where the usage of those technologies and biometric analytics occurred; and
- 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 rental dwelling units, including impacts on resident privacy, civil rights, and fair housing.

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

"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.

"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.

"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.

Appropriation: None.

Fiscal Note: Requested on January 30, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.