



House of Representatives

General Assembly

File No. 231

January Session, 2015

Substitute House Bill No. 6757

House of Representatives, March 26, 2015

The Committee on Housing reported through REP. BUTLER of the 72nd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE DISCLOSURE OF INFORMATION OF RENTAL HOUSING PROGRAM PARTICIPANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) No person shall,
2 except for purposes directly connected with the administration of
3 programs of the Department of Housing and in accordance with the
4 regulations of the commissioner, solicit, disclose, receive or make use
5 of, or authorize, knowingly permit, participate in or acquiesce in the
6 use of, any list of the names of, or any information concerning, persons
7 applying for or receiving assistance from the Department of Housing
8 or persons participating in a program administered by said
9 department, directly or indirectly derived from the records, papers,
10 files or communications of the state or its subdivisions or agencies, or
11 acquired in the course of the performance of official duties. The
12 Commissioner of Housing shall disclose (1) to any authorized
13 representative of the Commissioner of Mental Health and Addiction
14 Services any information necessary for the implementation and

15 operation of the basic needs supplement program; (2) to any
16 authorized representative of the Commissioner of Administrative
17 Services, the Commissioner of Emergency Services and Public
18 Protection or the Commissioner of Social Services such information as
19 the Commissioner of Housing determines is directly related to and
20 necessary for the Department of Administrative Services, the
21 Department of Emergency Services and Public Protection or the
22 Department of Social Services to collect social services recoveries and
23 overpayments or amounts due as support in social services cases,
24 investigating social services fraud or locating absent parents of public
25 assistance recipients; (3) to any authorized representative of the
26 Commissioner of Children and Families necessary information
27 concerning a child or the immediate family of a child, including safety
28 net services, if (A) the Commissioner of Children and Families or the
29 Commissioner of Housing has determined that imminent danger to
30 such child's health, safety or welfare exists to obtain the services of the
31 family services programs administered by the Department of Children
32 and Families, or (B) the Commissioner of Children and Families
33 requires access to the federal Parent Locator Service established
34 pursuant to 88 Stat. 2353 (1975), 42 USC 653 in order to identify a
35 parent or putative parent of a child; (4) to any authorized
36 representative of the Commissioner of Early Childhood to carry out his
37 or her respective responsibilities under programs that regulate child
38 day care services or youth camps; (5) to a health insurance provider, in
39 IV-D support cases, as defined in subdivision (13) of subsection (b) of
40 section 46b-231 of the general statutes, information concerning a child
41 and the custodial parent of such child that is necessary to enroll such
42 child in a health insurance plan available through such provider when
43 the noncustodial parent of such child is under court order to provide
44 health insurance coverage but is unable to provide such information,
45 provided the Commissioner of Housing determines, after providing
46 prior notice of the disclosure to such custodial parent and an
47 opportunity for such parent to object, that such disclosure is in the best
48 interests of the child; (6) to any authorized representative of the
49 Department of Correction, in IV-D support cases, as defined in

50 subdivision (13) of subsection (b) of section 46b-231 of the general
51 statutes, information concerning noncustodial parents that is necessary
52 to identify inmates or parolees with IV-D support cases who may
53 benefit from Department of Correction educational, training, skill
54 building, work or rehabilitation programming that will significantly
55 increase an inmate's or parolee's ability to fulfill such inmate's support
56 obligation; (7) to any authorized representative of the Judicial Branch,
57 in IV-D support cases, as defined in subdivision (13) of subsection (b)
58 of section 46b-231 of the general statutes, information concerning
59 noncustodial parents that is necessary to: (A) Identify noncustodial
60 parents with IV-D support cases who may benefit from educational,
61 training, skill building, work or rehabilitation programming that will
62 significantly increase such parent's ability to fulfill such parent's
63 support obligation, (B) assist in the administration of the Title IV-D
64 child support program, or (C) assist in the identification of cases
65 involving family violence; (8) to any authorized representative of the
66 State Treasurer, in IV-D support cases, as defined in subdivision (13) of
67 subsection (b) of section 46b-231 of the general statutes, information
68 that is necessary to identify child support obligors who owe overdue
69 child support prior to the Treasurer's payment of such obligors' claim
70 for any property unclaimed or presumed abandoned under part III of
71 chapter 32 of the general statutes; or (9) to any authorized
72 representative of the Secretary of the Office of Policy and Management
73 any information necessary for the implementation and operation of the
74 renters rebate program established by section 12-170d of the general
75 statutes. No person shall disclose any information obtained pursuant
76 to this section, except as specified in this section. Any applicant for
77 assistance provided through the Department of Housing shall be
78 notified that, if and when such applicant receives benefits, the
79 department will be providing law enforcement officials with the
80 address of such applicant upon the request of any such official
81 pursuant to section 2 of this act.

82 (b) In IV-D support cases, as defined in subdivision (13) of
83 subsection (b) of section 46b-231 of the general statutes, in addition to
84 the prohibitions of subsection (a) of this section, no information shall

85 be released concerning the whereabouts of one party to another party
86 (1) against whom a protective order, a restraining order or a standing
87 criminal protective order with respect to the former party is in effect;
88 or (2) if the department has reason to believe that the release of the
89 information may result in physical or emotional harm to the former
90 party.

91 (c) The Commissioner of Housing shall provide written notice to a
92 person applying for or receiving assistance from the Department of
93 Housing or a person participating in a program administered by said
94 department that such person's address, telephone number and any
95 other necessary information may be provided to the Department of
96 Children and Families pursuant to subdivision (3) of subsection (a) of
97 this section.

98 Sec. 2. (NEW) (*Effective October 1, 2015*) The commissioner shall
99 disclose the current address of an applicant or recipient of benefits
100 under any program administered by the Department of Housing,
101 unless prohibited by federal law, upon the request of a federal, state or
102 local law enforcement officer if the following conditions are met:

103 (1) Such officer provides said department with the name of the
104 recipient;

105 (2) (A) Such officer notifies said department that the recipient is
106 fleeing to avoid prosecution, or custody or confinement after
107 conviction, under the laws of the place from which the individual flees,
108 for a crime, or an attempt to commit a crime, which is a felony or high
109 misdemeanor under the laws of the place from which the individual
110 flees, or violating a condition of probation or parole imposed under
111 federal or state law as a result of the commission of such a felony or
112 high misdemeanor, or (B) the recipient has information necessary for
113 such officer to conduct official duties in relation to a crime committed
114 or an attempt to commit a crime which is a felony or high
115 misdemeanor in the state in which the crime is committed or
116 attempted; and

117 (3) The location or apprehension of the recipient is within official
118 duties of such officer.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>October 1, 2015</i>	New section

Statement of Legislative Commissioners:

In Section 1(a), "said department" was changed to "the Department of Housing" for clarity.

HSG *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill has no impact by requiring the protection of confidential client information for various housing programs transferred to the Department of Housing (DOH) from the Department of Social Services (DSS) under PA 13-234.

The bill provides the same protections to program participants as provided when DSS administered the programs. DOH can enact these protections at no additional cost.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 6757*****AN ACT CONCERNING THE DISCLOSURE OF INFORMATION OF RENTAL HOUSING PROGRAM PARTICIPANTS.*****SUMMARY:**

PA 13-234 transferred certain housing programs from the Department of Social Services (DSS) to the Department of Housing (DOH). This bill establishes the same protections for program participants' personal information maintained by DOH as the law establishes for personal information maintained by DSS (CGS § 17b-90)(see BACKGROUND). The bill's provisions apply to all DOH programs, not only those transferred from DSS.

With certain exceptions, the bill prohibits anyone from releasing or using personal information about individuals applying for or receiving DOH assistance or participating in one of its programs. The bill requires the commissioner to disclose the information to specified individuals when disclosure is necessary to, among other reasons, apprehend a convicted or suspected criminal, protect a child, or operate certain programs.

EFFECTIVE DATE: October 1, 2015

PROHIBITION ON DISCLOSURE

The bill restricts disclosures of personal information about DOH program participants that are not directly connected to administering a DOH program and in accordance with DOH regulations. It generally prohibits anyone from soliciting, disclosing, receiving, or using names or other information concerning DOH program participants, or individuals applying for or receiving department assistance. It similarly prohibits anyone from authorizing, knowingly permitting, participating in, or acquiescing in the use of this information. The

prohibition applies to information that is (1) directly or indirectly derived from the records, papers, files, or communications of the state or one of its agencies or subdivisions or (2) acquired in the course of performing official duties.

In IV-D child support enforcement cases, the bill specifically prohibits the release of information about the location of one party to another party (1) if DOH has reason to believe that releasing the information may result in physical or emotional harm to the former party or (2) against whom a protective order, restraining order, or standing criminal protective order, with respect to the former party, is in effect (see BACKGROUND).

Exceptions

Unless prohibited by federal law, the bill requires the commissioner to disclose a program applicant’s or participant’s current address, upon request by a federal, state, or local law enforcement officer, when the:

1. officer provides DOH with the recipient’s name;
2. officer has the authority to arrest the recipient; and
3. (a) officer notifies DOH that the recipient is fleeing to avoid prosecution, custody, or confinement for a felony or high misdemeanor, or probation or parole violation, under the laws of the jurisdiction from which they are fleeing or (b) recipient has information necessary for the officer to conduct his or her official duties in relation to a committed or attempted felony or high misdemeanor.

In addition to requiring the disclosure of personal information to law enforcement officers as described above, the bill specifies several other required disclosures, as shown in Table 1.

Table 1: Required Disclosures

<i>Requester</i>	<i>Information</i>
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Authorized representative of the Department of Mental Health and Addiction Services commissioner	Information necessary to implement and operate the basic needs supplement program
Authorized representative of the commissioner of the Department of Administrative Services (DAS), Department of Emergency Services and Public Protection, or DSS	Information necessary to (1) collect social services recoveries, overpayments, or support or (2) investigate social services fraud or locate absent parents of public assistance recipients
Authorized representative of the Department of Children and Families (DCF) commissioner	Information on a child or his or her immediate family, including safety net services, if the (1) DCF or DOH commissioner determines that imminent danger to the child's health, safety, or welfare exists or (2) DCF commissioner requires access to the federal Parent Locator Service to identify a child's parent or putative parent
Authorized representative of the Commissioner of Early Childhood	Information necessary to carry out responsibilities under programs regulating child day care services or youth camps
Health insurance provider in IV-D child support cases	Information necessary to enroll a child in a health insurance plan when a noncustodial parent who is under court order to provide coverage is unable to provide the information, provided the DOH commissioner (1) notifies the custodial parent and provides an opportunity for him or her to object and (2) determines that disclosure is in the child's best interests
Authorized representative of the Department of Correction (DOC) in IV-D child support cases	Information concerning noncustodial parents that is necessary to identify inmates or parolees with IV-D child support cases who may benefit from DOC educational, training, skill building, work, or rehabilitation programming that will significantly increase their ability to fulfill their support obligations
Authorized representative of the Judicial Branch in IV-D child support cases	Information concerning noncustodial parents that is necessary to (1) identify noncustodial parents with IV-D child support cases who may benefit from educational, training, skill building, work or rehabilitation programming that will significantly increase their ability to fulfill their support obligations; (2) assist in administering the IV-D child support

	program; or (3) assist in identifying cases involving family violence
Authorized representative of the state treasurer in IV-D child support cases	Information necessary to identify individuals who owe overdue child support before the treasurer pays their unclaimed or abandoned property claims
Authorized representative of the Office of Policy and Management secretary	Information necessary to implement and operate the renters rebate program

Notice Requirements

The bill requires DOH to notify applicants for assistance that, if they receive benefits, the department will provide their address to law enforcement upon request. In addition, it requires the commissioner to give written notice to a person applying for or receiving DOH assistance, or participating in one of its programs, that personal information may be provided to DCF as noted above. Under this disclosure requirement, the DOH commissioner may release a person’s address, telephone number, and any other necessary information.

BACKGROUND

Programs Transferred to DOH

PA 13-234 transferred, from DSS to DOH, responsibility for administering:

1. the federal Housing Choice Voucher and Section 8 programs;
2. the rental assistance program, including the transitional and emergency rental assistance programs;
3. homelessness prevention programs, including emergency shelter services, transitional housing services, and on-site social services;
4. housing for individuals with AIDS;
5. the rent bank program;

6. the assessment and mediation program for certain families at risk of becoming homeless or in imminent danger of eviction or foreclosure;
7. the security deposit guarantee program;
8. the homefinders program; and
9. emergency rental assistance for families living in hotels and motels and eligible for the Temporary Family Assistance program.

IV-D Child Support Cases

A IV-D child support case is one in which (1) a child for whom support is sought received public assistance benefits or (2) an application for enforcement services is filed with either DSS's Bureau of Child Support Enforcement or the Judicial Branch's Support Enforcement Services unit. Title IV-D of the federal Social Security Act governs federal reimbursement for state child support enforcement programs.

COMMITTEE ACTION

Housing Committee

Joint Favorable
Yea 13 Nay 0 (03/11/2015)