

Federal and State Laws Impacting Data Sharing

Homelessness

Federal Laws

12 U.S.C. §5201 et seq.

24 CFR Parts 91, 576, 580, and 583

The federal government provides funding to prevent homelessness and to help states and local governments provide housing and other services to homeless persons to move them into permanent housing and productive citizens. In 2009, Congress passed the Helping Families Save Their Homes Act and the Homeless Emergency Assistance and Rapid Transition Housing Act (HEARTH),¹ amending and clarifying the Homeless Management Information System (HMIS). Housing and homeless information is confidential and personally identifiable information cannot be shared unless permitted. But it is with HMIS that state and local governments share data with other systems, which is encouraged by the U.S. Housing and Urban Development (HUD). In the HMIS Implementation Guide published by HUD, the federal government states that the benefits of an HMIS are available through interagency data sharing. To reduce duplicative client intakes and provide opportunities to improve case management and service coordination, HMIS must support interagency data sharing and the Guide states that these objectives are important to achieve permanent housing for all persons.²

HMIS requires universal data elements and program-specific data elements.³ These data elements are further evidence of the need to partner with other agencies and systems to treat the client in a “total person” manner to help solve the homelessness situation.⁴ The Program-Specific Data Elements that are required for federal reporting include elements that may be used by more than one federal funder program and are common across federal agencies:

- Income and Sources
- Non-Cash Benefits
- Health Insurance
- Physical Disability
- Developmental Disability
- Chronic Health Condition
- HIV/AIDS⁵
- Mental health problem
- Substance Abuse⁶
- Domestic Violence

¹ 12 U.S.C. §5201 et seq.

² Center for Social Policy, Aspen Systems Corporation, U.S. Department of Housing and Urban Development. *Homeless Management Information Systems: Implementation Guide*. September 2002

³ HMIS Data and Technical Standards, HUD Exchange. 2017.

⁴ The universal data elements include name, Social Security Number, date of birth, race, ethnicity, gender, veteran status, disabling condition, project start date, project exit date, destination, relationship to head of household, client location, housing move-in date, living situation.

⁵ Consent would have to include specific language required to share information regarding HIV/AIDS

⁶ Consent would have to include specific language required by applicable federal law

- Contact
- Date of engagement
- Bed-Night Date
- Housing Assessment Disposition

Additionally, the service array that HUD is providing for homeless projects indicate the need to work with and share information with other agencies and systems. These project services include:

1. Street outreach, reimbursing for case management, emergency health services, emergency mental health services, transportation and services for special populations (e.g. youth, persons living with HIV/AIDS, victim services)⁷
2. Emergency shelter, essential services including case management, child care, education, employment assistance and job training, outpatient health services, life skills training, mental health and substance use disorder services, and services for special populations⁸

HMIS ensures the confidentiality of identifiable personal information.⁹ Protected personal information is defined as any information about a living homeless individual that identifies, either directly or indirectly, a specific individual, or can be manipulated by a reasonably foreseeable method to identify a specific individual or can be linked with other available information to identify a specific individual.¹⁰ This is accomplished with written client consents for the data sharing. The HUD HMIS Manual provides several potential data sharing functions (without requiring specifics as to the content of the data sharing agreements or the client consent form). Those specifics include:

- Blanket sharing or flexible data sharing. A blanket sharing function discloses a complete client record to other agencies. Flexible data sharing capacity allows clients to identify which part or parts of a client's file they would like disclosed and to specify individual programs with whom to share the information.
- Real-time capacity for agencies to share client information and jointly manage services for a client.
- Capability for one agency to electronically send a client referral or client information with complete client intake information to another agency.¹¹

Again, the federal regulations provide permissible HMIS uses and disclosures of protected personal information. These include the following:

- To provide or coordinate services to an individual
- For functions related to payment or reimbursement of services
- Administrative functions (e.g. legal, audit, personnel, oversight and management functions)
- For creating de-identified protected personal information (e.g. research).
- Required by law

⁷ 24 CFR §576.101

⁸ 24 CFR §576.102

⁹ 24 CFR §580.35

¹⁰ Federal Register, July 30, 2004, pg. 45928

¹¹ Center for Social Policy, Aspen Systems Corporation, U.S. Department of Housing and Urban Development. *Homeless Management Information Systems: Implementation Guide*, at 18. September 2002.

- To avert a serious threat to health or safety
- Victims of abuse, neglect or domestic violence
- Academic research purpose
- Law enforcement purposes¹²

State Laws

SB 896 (October 1, 2013)

Connecticut's homeless person's bill of rights guarantees that the rights, privacy and property of homeless persons are adequately safeguarded and protected under the laws of the state. In the law, "homeless person" is defined as any person who does not have a fixed or regular residence and who may live on the street or outdoors, or in a homeless shelter or another temporary residence.

Each homeless person has the right to:

1. Move freely in public spaces, including on public sidewalks, in public parks, on public transportation and in public buildings without harassment or intimidation from law enforcement officers in the same manner as other persons
2. Have equal opportunities in employment
3. Receive emergency medical care
4. Register to vote and to vote
5. Have person information protected
6. Have a reasonable expectation of privacy in his or her personal property
7. Receive equal treatment by state and municipal agencies.

In addition, there are some additional provisions that are found in state law relative to the release of homeless program information related to sex offenders, domestic violence victims, and participants in the State RAP.¹³

¹² Federal Register, July 30, 2004, pp. 45918-45919,

¹³ CT Gen State §138a and b