HOUSE BILL 2760

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

By Representatives Hudgins, Wylie, Slatter, Tarleton, and Kloba

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

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

6   NEW SECTION. **Sec. 1.** A new section is added to chapter 43.185
7 RCW to read as follows:
8   (1) An owner of a covered rental dwelling unit may not use, or
9 authorize the use of, facial recognition technology and biometric
10 analytics, physical biometric recognition technology and biometric
11 analytics, or remote biometric recognition technology and biometric
12 analytics in the dwelling unit or in any building or grounds
13 containing the dwelling unit.
14   (2) By June 30, 2021, the department must submit to the relevant
15 committees of the legislature, and make available on its web site, a
16 report that describes the following information regarding covered
17 rental dwelling units for which assistance was provided under this
18 chapter or chapter 43.185A RCW:
19   (a) Any known usage of facial recognition technology and
20 biometric analytics, physical biometric recognition technology and
21 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

1 housing assistance organizations, having the legal right to lease or
2 sublease dwelling units.
3   (f) "Physical biometric recognition technology" means technology
4 that facilitates or otherwise enables an automated or semiautomated
5 process that assists in identifying an individual or capturing
6 information about an individual based on the characteristics of the
7 DNA, fingerprints, palmprints, iris, or retina of an individual.
8   (g) "Remote biometric recognition technology" means technology
9 that facilitates or otherwise enables an automated or semiautomated
10 process that assists in identifying an individual or capturing
11 information about an individual based on the characteristics of the
12 gait, voice, or other immutable characteristic of an individual
13 ascertained from a distance, or that logs those characteristics to
14 infer emotion, associations, activities, or the location of an
15 individual.

16   NEW SECTION. **Sec. 2.** A new section is added to chapter 43.185A
17 RCW to read as follows:
18   Section 1 of this act applies to this chapter.

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