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Local Shelter to Give Up Funding Rather than Turn Over Data on Abuse Victims

By Mackensize Carpenter, *Pittsburgh Post-Gazette*

A Pittsburgh domestic violence shelter says it is prepared to forgo hundreds of thousands of dollars in federal funding rather than comply with a new regulation by the U.S. Department of Housing and Urban Development that, shelter officials say, would violate state confidentiality laws protecting abuse victims.

The decision, made last week by the executive board of the Women's Center and Shelter of Greater Pittsburgh, comes at a time when domestic violence-related homicides have spiked to an all time high of 18 in Pennsylvania so far this year, said Shirl Regan, the shelter's director, adding urgency to the need to protect victims' privacy.

About \$230,000 of HUD money used to provide emergency shelter is at stake, about 7.6 percent of the agency's \$3 million budget.

"We're going to be desperate without that money, but we have no choice but to obey state law," she said.

Moreover, Regan said, it's not federal officials who are requiring the shelter to follow the new HUD rule instead of the state law, but Allegheny County officials who administer HUD funds and are insisting on compliance. Several meetings between the county and shelter officials have ended without a resolution, she said, although discussions are continuing.

The new regulation, which takes effect this month, is part of a new program called the Homeless Management Information System, or HMIS, designed to track more accurately the number of homeless people using government services.

It requires service providers receiving HUD money – homeless shelters, transitional and permanent housing programs, and domestic violence shelters – to enter 14 pieces of information about their clients, including name, social security number, address and other data, as a condition of funding.

But language in the federal regulations also exempts domestic violence agencies from HMIS participation if state law provides additional confidentiality protections, said Amy Sousa, a policy specialist with the Pennsylvania Coalition Against Domestic Violence.

“The HUD regulation clearly says you have to abide by state confidentiality laws, and that says to us that Pennsylvania’s confidential privilege trumps the disclosure of any information to the HMIS database about a domestic violence survivor without her consent,” said Sousa.

Pennsylvania’s confidentiality law, she noted, is one of the strictest in the country, providing an “absolute” protection of abuse victims. It orders domestic violence counselors or advocates “not to testify or otherwise disclose confidential communications made to or by the counselor or advocate by or to a victim” unless the victim waives the privilege in writing.

Karen Blumen, a spokeswoman for Allegheny County’s Human Services Department, said the county’s legal advisers were reviewing that language, but that, for now, the county intends to require HUD-funded providers to comply with the regulation. She stressed that additional safeguards have been enacted to protect the privacy of shelter residents.

“We are very sensitive to these confidentiality issues and the fact that a breach can compromise not only a woman’s safety but even her life,” Blumen said.

Still, county officials believe it is important to include information about domestic violence shelter clients in the HMIS database along with others receiving HUD services so that more accurate numbers will “enable us to serve our clients better and maximize use of HUD funding.”

Regan said she spoke yesterday with Michael Roanhouse, the top HUD official in charge of the HMIS system, who told her that domestic violence shelters can be exempted if their state confidentiality laws prohibit them from disclosing information.

Lara Sebolt, housing program administrator for the Human Services Department, said every effort is being made to give shelters time to comply, even though training of other providers – mainly homeless shelters – begins next week.

She added that the county will ensure that “if a woman enters a shelter, and information about her is entered into the HMIS system, that woman’s name will never be identified with being in a domestic violence shelter.”

It may never get to that point, however, said Regan.

“No matter how well protected the information is once it gets to the county, the issue is, under the law, I can’t give them the information,” she said.

She also noted that 52 rural counties, which are banding together to establish their own HMIS system to be administered by the state’s Department of Community and Economic Development, have reached an agreement with state officials to exempt domestic

violence shelters. Under the agreement, the only information about a client entered into the HMIS database will be demographic – such as age, gender or number of children.

“If they can do it, why can’t Allegheny County?” said Regan.

“It is so important to protect confidentiality and provide services to these women. I’ve already had women tell me they would not use our services if they had to give us permission to turn this information over to the county.”

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