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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To require the disclosure of algorithmic price fixing in the housing rental market, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. CASTOR of Florida introduced the following bill; which was referred to the Committee on _____

A BILL

To require the disclosure of algorithmic price fixing in the housing rental market, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Housing Price Trans-
5 parency Act”.

6 **SEC. 2. REQUIREMENT TO DISCLOSE ALGORITHMIC PRICE**
7 **FIXING IN THE HOUSING MARKET.**

8 (a) REQUIREMENT TO DISCLOSE ALGORITHMIC
9 PRICE FIXING.—A person that uses an algorithm to rec-

1 ommend or set prices for rental accommodation shall
2 clearly disclose that an algorithm was used to set monthly
3 rates.

4 (b) ENFORCEMENT BY FEDERAL TRADE COMMIS-
5 SION.—

6 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
7 TICES.—A violation of subsection (a) or a regulation
8 promulgated under such subsection shall be treated
9 as a violation of a regulation under section
10 18(a)(1)(B) of the Federal Trade Commission Act
11 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-
12 tive acts or practices.

13 (2) POWERS OF COMMISSION.—The Federal
14 Trade Commission shall enforce subsection (a) and
15 any regulation promulgated under such subsection in
16 the same manner, by the same means, and with the
17 same jurisdiction, powers, and duties as though all
18 applicable terms and provisions of the Federal Trade
19 Commission Act (15 U.S.C. 41 et seq.) were incor-
20 porated into and made a part of this section. Any
21 person who violates such subsection or a regulation
22 promulgated under such subsection shall be subject
23 to the penalties and entitled to the privileges and
24 immunities provided in the Federal Trade Commis-
25 sion Act.

1 (c) ACTIONS BY STATES.—

2 (1) IN GENERAL.—In any case in which the at-
3 torney general of a State, or an official or agency of
4 a State, has reason to believe that an interest of the
5 residents of such State has been or is threatened or
6 adversely affected by an act or practice in violation
7 of subsection (a) or a regulation promulgated under
8 such subsection, the State, as *parens patriae*, may
9 bring a civil action on behalf of the residents of the
10 State in an appropriate State court to—

11 (A) enjoin such act or practice;

12 (B) enforce compliance with such sub-
13 section or such regulation;

14 (C) obtain damages, restitution, or other
15 compensation on behalf of residents of the
16 State; or

17 (D) obtain such other legal and equitable
18 relief as the court may consider to be appro-
19 priate.

20 (2) NOTICE.—Before filing an action under this
21 subsection, the attorney general, official, or agency
22 of the State involved shall provide to the Federal
23 Trade Commission a written notice of such action
24 and a copy of the complaint for such action. If the
25 attorney general, official, or agency determines that

1 it is not feasible to provide the notice described in
2 this paragraph before the filing of the action, the at-
3 torney general, official, or agency shall provide writ-
4 ten notice of the action and a copy of the complaint
5 to the Federal Trade Commission immediately upon
6 the filing of the action.

7 (3) AUTHORITY OF FEDERAL TRADE COMMIS-
8 SION.—

9 (A) IN GENERAL.—On receiving notice
10 under paragraph (2) of an action under this
11 subsection, the Federal Trade Commission shall
12 have the right—

13 (i) to intervene in the action;

14 (ii) upon so intervening, to be heard
15 on all matters arising therein; and

16 (iii) to file petitions for appeal.

17 (B) LIMITATION ON STATE ACTION WHILE
18 FEDERAL ACTION IS PENDING.—If the Federal
19 Trade Commission or the Attorney General of
20 the United States has instituted a civil action
21 for violation of subsection (a) or a regulation
22 promulgated under such subsection (referred to
23 in this subparagraph as the “Federal action”),
24 no State attorney general, official, or agency
25 may bring an action under this subsection dur-

1 ing the pendency of the Federal action against
2 any defendant named in the complaint in the
3 Federal action for any violation of such sub-
4 section or regulation alleged in such complaint.

5 (4) RULE OF CONSTRUCTION.—For purposes of
6 bringing a civil action under this subsection, nothing
7 in this Act may be construed to prevent an attorney
8 general, official, or agency of a State from exercising
9 the powers conferred on the attorney general, offi-
10 cial, or agency by the laws of such State to conduct
11 investigations, administer oaths and affirmations, or
12 compel the attendance of witnesses or the production
13 of documentary and other evidence.

14 (d) PRIVATE RIGHT OF ACTION.—

15 (1) IN GENERAL.—A person injured by an act
16 or practice in violation of subsection (a) or a regula-
17 tion promulgated under such subsection may bring
18 in an appropriate district court of the United
19 States—

20 (A) an action to enjoin the violation;

21 (B) an action to recover damages for ac-
22 tual monetary loss from the violation, or to re-
23 ceive not less than \$10,000 in damages for each
24 such violation, whichever is greater; or

25 (C) both such actions.

1 (2) COSTS AND ATTORNEY’S FEES.—The court
2 shall award to a prevailing plaintiff in an action
3 under this subsection the costs of such action and
4 reasonable attorney’s fees, as determined by the
5 court.

6 (3) LIMITATION.—An action may be com-
7 menced under this subsection not later than 2 years
8 after the date on which the person first discovered
9 or had a reasonable opportunity to discover the vio-
10 lation.

11 (4) NONEXCLUSIVE REMEDY.—The remedy pro-
12 vided by this subsection shall be in addition to any
13 other remedies available to the person.

14 (e) DEFINITIONS.—In this section:

15 (1) COMMISSION.—The term “Commission”
16 means the Federal Trade Commission.

17 (2) PRICING ALGORITHM.—The term “pricing
18 algorithm” means any computational process, in-
19 cluding a computational process derived from ma-
20 chine learning or other artificial intelligence tech-
21 niques, that processes data to recommend or set a
22 price or commercial term.