

The Preventing the Algorithmic Facilitation of Rental Housing Cartels Act of 2024

Section 1. Short Title.

Section 1 designates the Act as the “Preventing the Algorithmic Facilitation of Rental Housing Cartels Act of 2024.”

Section 2. Definitions.

Section 2 defines terms such as “consciously parallel pricing coordination,” “coordinating function,” “coordinator,” “residential dwelling unit,” and “rental property owner.”

“Consciously parallel pricing coordination” means an agreement between two rental property owners to raise, lower, change, or maintain pricing for the sale of interchangeable products or services.

“Coordinating function” means collecting historical or contemporaneous pricing and supply information from two or more rental property owners; processing such information using a system, software, or computational process; and making price, occupancy, or lease term recommendations from that information using such processes.

“Coordinator” means anyone providing a service that performs a coordinating function, including rental property owners for their own benefit.

“Residential dwelling unit” means any housing, apartment, accessory unit or any other unit intended to be used as a primary residence, and does not include inpatient or other long-term care facilities or correctional facilities.

“Rental property owner” means any individual, corporation, partnership, association, joint-stock company, trust, or unincorporated organization that owns real property and leases or rents such property in the form of four or more residential dwelling units.

Section 3. Unlawful Conduct.

Section 3(a)(1) makes it unlawful for rental property owners to contract for the services of a coordinator, and designates such arrangements as *per se* violations of the Sherman Act.

Section 3(a)(2) makes unlawful the practice of coordinating price, supply, and other rental housing information among two or more rental property owners.

Section 3(a)(3) makes it unlawful for two or more coordinators to merge if such a merger creates an appreciable risk of materially lessening competition.

Section 4. Enforcement.

Section 4 allows the Federal Trade Commission, the Attorney General of the United States, state attorneys general, and harmed individuals to sue for violations of this Act. In addition, subsection (b)(3) allows individual plaintiffs to invalidate any pre-dispute arbitration agreement or pre-dispute joint action waiver that would prevent their bringing a suit under this Act.

Section 5. Relationship to State and Local Laws.

Section 5 makes the Act preemptive of state and local laws that do not explicitly supplement the Act. State and local laws that do supplement the Act are not preempted.

Section 6. Severability.

Section 6 ensures that if any part of the Act is held unconstitutional, the remaining constitutional provisions of the Act shall not be affected.