

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

January 31, 2024
Date

Committee on Transportation, Housing & Local Government.

After consideration on the merits, the Committee recommends the following:

HB24-1057 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike lines 4 through 7 and substitute:

2 "(a) Has been the subject of lawsuits that allege such products
3 pose a heightened risk of anticompetitive conduct, price fixing, and
4 collusion, all of which allegedly result in higher rents for residential
5 tenants; and

6 (b) Allegedly poses the risk that landlords will outsource pricing
7 decisions,".

8 Page 2, line 22, strike "DEVICE." and substitute "DEVICE THAT USES,
9 INCORPORATES, OR WAS TRAINED WITH NONPUBLIC COMPETITOR DATA.".

10 Page 3, strike line 5 and substitute:

11 "(3) AS USED IN THIS SECTION:

12 (a) "ALGORITHMIC DEVICE" MEANS A".

13 Page 3, line 12, strike "(a)" and substitute "(I)".

14 Page 3, strike lines 14 and 15 and substitute:

15 "(II) DOES NOT INCLUDE:

16 (A) ANY REPORT PUBLISHED PERIODICALLY, BUT NO MORE
17 FREQUENTLY THAN MONTHLY, BY A TRADE ASSOCIATION THAT RECEIVES
18 RENTER DATA AND PUBLISHES IT IN AN AGGREGATED AND ANONYMOUS
19 MANNER; OR

20 (B) A PRODUCT USED FOR THE PURPOSE OF ESTABLISHING RENT OR
21 INCOME LIMITS IN ACCORDANCE WITH THE AFFORDABLE HOUSING

1 PROGRAM GUIDELINES OF A LOCAL GOVERNMENT, THE STATE, THE
2 FEDERAL GOVERNMENT, OR OTHER POLITICAL SUBDIVISION.

3 (b) "NONPUBLIC COMPETITOR DATA" MEANS INFORMATION THAT
4 IS NOT WIDELY AVAILABLE OR EASILY ACCESSIBLE TO THE PUBLIC,
5 INCLUDING INFORMATION ABOUT ACTUAL RENT PRICES, OCCUPANCY
6 RATES, LEASE START AND END DATES, AND SIMILAR DATA, REGARDLESS OF
7 WHETHER THE DATA ARE ATTRIBUTABLE TO A SPECIFIC COMPETITOR OR
8 ANONYMIZED, AND THAT IS DERIVED FROM OR OTHERWISE PROVIDED BY
9 ANOTHER PERSON THAT COMPETES IN THE SAME MARKET AS A PERSON, OR
10 A RELATED MARKET.

11 (c) "RENT" MEANS THE TOTAL AMOUNT OF RENT, INCLUDING
12 CONCESSIONS AND FEES, THAT A RESIDENTIAL TENANT IS REQUIRED TO
13 PAY PURSUANT TO A RENTAL AGREEMENT."

14 Page 3, line 21, after "VIOLATES" insert "OR ASSISTS ANOTHER PERSON IN
15 VIOLATING".

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