

House Bill 1520

By: Representatives Miller of the 62<sup>nd</sup>, Draper of the 90<sup>th</sup>, Jackson of the 68<sup>th</sup>, Campbell of the 35<sup>th</sup>, Cummings of the 39<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia  
2 Annotated, relating to the "Fair Business Practices Act of 1975," so as to prohibit certain  
3 practices by landlords and coordinators involving the use of nonpublic competitor data to  
4 influence rental price and occupancy decisions; to provide for annual certification and record  
5 retention; to provide for enforcement; to provide for a short title; to provide for legislative  
6 findings and intent; to provide for an effective date and applicability; to provide for related  
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Rental Pricing Integrity Act."

11 **SECTION 2.**

12 The General Assembly finds that fair competition in residential rental markets protects  
13 consumers from artificially inflated housing costs and that the use of nonpublic competitor  
14 data in coordinated pricing systems may undermine independent market competition. It is

15 the intent of the General Assembly to promote transparency, accountability, and fair  
16 competition in residential rental pricing.

17 **SECTION 3.**

18 Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,  
19 relating to the "Fair Business Practices Act of 1975," is amended in subsection (b) of Code  
20 Section 10-1-393, relating to unfair or deceptive practices in consumer transactions unlawful  
21 and examples, by striking "and" at the end of paragraph (36), replacing the period at the end  
22 of paragraph (37) with "; and", and by adding a new paragraph to read as follows:

23 "(38) Failure to comply with the provisions of Code Section 10-1-393.22 regarding rent  
24 pricing for residential properties."

25 **SECTION 4.**

26 Said part is further amended by adding a new Code section to read as follows:

27 "10-1-393.22.

28 (a) As used in this Code section, the term:

29 (1) 'Algorithmic rent-setting tool' means any system, software, data analytics platform,  
30 or computational process that:

31 (A) Analyzes rental market data; and

32 (B) Generates rental price or occupancy recommendations for residential property.

33 (2) 'Coordinator' means any person that sells, licenses, or operates an algorithmic  
34 rent-setting tool to or on behalf of a landlord.

35 (3) 'Landlord' means the owner, lessor, or sublessor of a residential property or any agent  
36 thereof, including, but not limited to, a property manager.

37 (4) 'Nonpublic competitor data' means rental market data of a landlord that is not  
38 publicly available.

39 (5) 'Rental market data' means rental pricing, occupancy, lease term, concession,  
40 renewal, or supply data relating to residential property, or any data derived therefrom.

41 (6) 'Residential property' means any building, structure, or portion thereof which is used  
42 or intended for use as a dwelling.

43 (b) Without otherwise limiting the definition of unfair or deceptive acts or practices under  
44 this part, it shall be unlawful for any landlord or coordinator to sell, license, operate, use,  
45 or otherwise rely on an algorithmic rent-setting tool that uses or incorporates nonpublic  
46 competitor data from two or more landlords competing in the same or a similar market to  
47 generate rental price or occupancy recommendations for residential property.

48 (c) Any landlord or coordinator that uses an algorithmic rent-setting tool shall:

49 (1) Annually certify to the Attorney General, in such form as the Attorney General may  
50 prescribe, that such tool does not use or incorporate nonpublic competitor data in  
51 violation of subsection (b) of this Code section; and

52 (2) Retain for a period of not less than five years:

53 (A) Contracts with rental pricing software vendors;

54 (B) Documentation describing data inputs used by any algorithmic rent-setting tool;

55 (C) Records of rental price recommendations generated; and

56 (D) Records sufficient to demonstrate independent pricing decisions.

57 (d) Any violation of subsection (b) or (c) of this Code section shall constitute an unfair or  
58 deceptive act or practice in the conduct of consumer transactions under this part; provided,  
59 however, that enforcement against such violations shall only be by public enforcement by  
60 the Attorney General pursuant to this part and shall not be enforceable through a private  
61 right of action under Code Section 10-1-399."

62 **SECTION 5.**

63 (a) This Act shall become effective upon its approval by the Governor or upon its becoming  
64 law without such approval.

65 (b) This Act shall apply to all rental agreements entered into on or after the effective date  
66 of this Act and to any renewals, modifications, or extensions of such agreements entered into  
67 on or after such date.

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**SECTION 6.**

69 All laws and parts of laws in conflict with this Act are repealed.