HB1004_L.021                          Amendment No. _____
                    HB25-1004
          SENATE FLOOR AMENDMENT
Second Reading                        BY SENATOR Lundeen

1    Amend reengrossed bill, page 6, after line 13 insert:

2         "(6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
3    CONTRARY:
4         (a) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
5    A LANDLORD, PROPERTY MANAGER, OR PROPERTY MANAGEMENT
6    COMPANY FROM USING DATA THAT IT HAS INDEPENDENTLY COLLECTED OR
7    GENERATED IN THE REGULAR COURSE OF ITS BUSINESS OPERATIONS, SUCH
8    AS RENT AMOUNTS, VACANCY RATES, LEASE TERMS, AND HISTORICAL
9    PROPERTY PERFORMANCE, FOR THE PURPOSE OF CONDUCTING AN
10   INTERNAL MARKET ANALYSIS, RENT SETTING, OR FORECASTING; AND
11        (b) A PROPERTY MANAGEMENT COMPANY SHALL NOT BE
12   CONSIDERED TO BE ENGAGING IN PROHIBITED ALGORITHMIC PRICING
13   COORDINATION OR PROHIBITED USE OF AN ALGORITHMIC DEVICE UNDER
14   SUBSECTION (1) OF THIS SECTION SOLELY BECAUSE THE PROPERTY
15   MANAGEMENT COMPANY:
16        (I) GENERATES RENT ESTIMATES USING ITS OWN PORTFOLIO DATA;
17        (II) PROVIDES MARKET REPORTS OR ANALYSIS TO PROPERTY
18   OWNERS OR CLIENTS, SO LONG AS THE REPORTS ARE NOT SHARED IN A
19   MANNER INTENDED TO COORDINATE PRICING AMONG UNAFFILIATED
20   LANDLORDS; OR
21        (III) USES TOOLS OR SOFTWARE THAT ANALYZE ONLY THE
22   PROPERTY MANAGEMENT COMPANY'S OWN INTERNAL, NONSHARED DATA,
23   EVEN IF THOSE TOOLS INCLUDE ALGORITHMIC COMPONENTS.
24        (c) THE USE OF A THIRD-PARTY SOFTWARE OR SERVICE BY A
25   LANDLORD, PROPERTY MANAGER, OR PROPERTY MANAGEMENT COMPANY
26   DOES NOT VIOLATE THIS SECTION IF THE SOFTWARE OR SERVICE:
27        (I) IS LIMITED TO THE USER'S OWN DATA;
28        (II) DOES NOT AGGREGATE OR SHARE NONPUBLIC COMPETITOR
29   DATA; AND
30        (III) IS NOT USED IN A MANNER THAT RESULTS IN COORDINATION
31   OR PARALLEL CONDUCT AMONG UNAFFILIATED LANDLORDS OR
32   COMPETITORS.".

                    ** *** ** *** **