



Bill number: 240823

Introduced by: O'Rourke

Cosponsor(s): Philips, Gauthier, Thomas, Jones, Landau, Brooks, Harrity, Driscoll, Squilla, Bass, Ahmad

Assigned committee: Housing, Neighborhood Development and The Homeless

Date introduced: 09/26/2024

Fiscal Note

Overview

This bill would prohibit anti-competitive rental practices for residential rental units and be subject to penalties, if violated. It is anticipated that there would be no fiscal impact resulting from the enactment of this legislation.

Legislative Summary

This bill would prohibit the following conduct:

- Individuals would be prohibited from entering into an agreement with others to avoid competing on rental prices, fees or any other rental terms for residential units in the City.
- Individuals would be prohibited from participating in price coordination for residential rental units in the City. They would be prohibited from recommending rental prices, fees, rental terms, or occupancy levels to a real estate lessor. This would include through sale, licensing or provision of any service or product that facilitates this form of coordination.
- Individuals would be prohibited from facilitating an agreement between two or more parties to avoid competition regarding rental prices, fees or any other rental terms for residential units in the City.
- Individuals would be prohibited from subscribing to, or contracting or paying for, services that involve price coordination or facilitating an agreement to avoid competition regarding any residential rental terms.

Enforcement

Individuals negatively impacted by a violation of this Section may bring a civil action in a court of competent jurisdiction.

This bill would give authority to an agency, designated by the Mayor, to investigate violations of this Section, including through the issuance of subpoenas. The City, through the Law Department, may file an action in the name of the City in any court of competent jurisdiction against any person or persons alleged to have violated this Section.

Remedies

Remedies in a judicial action include injunctive relief and damages, which may be calculated based on actual damages or as statutory damages of \$1,000-\$2,000 per violation. Private plaintiffs may be entitled to a damages award at three times the value of their actual damages.

Fines

In any action filed by the City, civil penalties would be \$2,000 per violation.

Statute of Limitation

A claim must be filed in court within four years from the date when a reasonably diligent person would have discovered the violation.

Proposed Effective Date

This legislation would be effective immediately after enactment.

Fiscal Impact Analysis

It is anticipated that there would be no fiscal impact resulting from the enactment of this legislation.

Legislative History

Not applicable

Prepared by: Policy and Fiscal Analyst Unit, Mayor's Office of Legislative Affairs

Date: 10/02/2024

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