# STATE OF NEW YORK

10020

# IN ASSEMBLY

May 1, 2024

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Housing

AN ACT to amend the general business law, in relation to prohibiting the use of algorithmic pricing by a landlord for the purpose of determining the amount of rent to charge a residential tenant

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. The general business law is amended by adding a new section 344 to read as follows:

**§ 344. Use of pricing algorithmic in setting rent amount prohibited. 1. For the purposes of this section, the following terms shall have the following meanings:**

**(a) "Pricing algorithm" shall mean any computational process, including a computational process derived from machine learning or other artificial intelligence techniques, that processes data to recommend or set a price or commercial term that is in or affecting interstate or foreign commerce.**

**(b) "Coordinator" shall mean any operator of a software or data analytics service that performs a coordinating function for any landlord, including a landlord performing a coordinating function for such landlord's own benefit.**

**(c) "Nonpublic competitor data":**

**(i) shall mean nonpublic data that is derived from or otherwise provided by another person that competes in the same market as a person, or a related market; and**

**(ii) does not include information distributed, reported, or otherwise communicated in a way that does not reveal any underlying data from a competitor, such as narrative industry reports, news reports, business commentaries, or generalized industry survey results.**

**(d) "Nonpublic data" shall mean information that is not widely available or easily accessible to the public, including information about actual rent prices, occupancy rates, lease start and end dates, and similar data, regardless of whether such data is attributable to a specific competitor or anonymized.**

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD14977-02-4

2. (a) In setting the amount of rent to be charged to a tenant for the occupancy of a residential premises, including determining any change in the amount of rent to be charged for the renewed occupancy of a residential premises, a landlord shall not employ, use, or rely upon, or cause another person to employ, use, or rely upon, an algorithmic pricing that uses, incorporates, or was trained with nonpublic competitor data.

(b) A coordinator shall not facilitate an agreement among landlords to not compete regarding the renting of residential premises.

3. (a) A landlord shall not share a tenant's personal data with any third party without such tenant's written consent.

(b) A landlord shall disclose to each tenant:

(i) the categories of personal data processed by the landlord and by any processor who processes personal data on behalf of such landlord;

(ii) the sources from which personal data is collected;

(iii) the purposes for processing personal data;

(iv) the landlord's retention period for each category of personal data that such landlord processes or which is processed on such landlord's behalf, or if that is not possible, the criteria used to determine such retention period; and

(v) the identity of each third party to whom the landlord disclosed, shared, transferred, or sold personal data, and for each identified third party:

(A) the categories of personal data being shared, disclosed, transferred, or sold to the third party;

(B) the purposes for which personal data is being shared, disclosed, transferred, or sold to the third party;

(C) the third party's retention period for each category of personal data processed by such third party or processed on such third party's behalf, or if that is not possible, the criteria used to determine such retention period; and

(D) whether the third party uses the personal data for targeted advertising.

4. In addition to any action brought by the attorney general under this article, a tenant injured by a violation of this section may bring an action to recover damages. A court may also award attorneys' fees to a prevailing plaintiff tenant.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to any rental agreement that is executed on or after the effective date of this act.