

REFERENCE TITLE: rental price fixing; algorithmic pricing

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2490

Introduced by
Representative De Los Santos

AN ACT

AMENDING TITLE 44, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 27; RELATING TO TRADE PRACTICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, chapter 9, Arizona Revised Statutes, is
3 amended by adding article 27, to read:

4 ARTICLE 27. PRICE REGULATIONS

5 44-1383. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "ALGORITHM" MEANS A COMPUTATIONAL PROCESS THAT USES A SET OF
8 RULES TO DEFINE A SEQUENCE OF OPERATIONS.

9 2. "ALGORITHMIC DEVICE":

10 (a) MEANS A COMPUTATIONAL PROCESS, MACHINE PROGRAM OR SOFTWARE
11 THAT USES ONE OR MORE ALGORITHMS, INCLUDING A COMPUTATIONAL PROCESS
12 DERIVED FROM MACHINE LEARNING OR OTHER ARTIFICIAL INTELLIGENCE TECHNIQUES,
13 THAT PROCESSES OR CALCULATES NONPUBLIC COMPETITOR DATA TO ADVISE A
14 LANDLORD ON HOW MUCH RENT TO CHARGE.

15 (b) DOES NOT INCLUDE A REPORT PUBLISHED PERIODICALLY BY A TRADE
16 ASSOCIATION THAT RECEIVES RENTER DATA IN AN AGGREGATED AND ANONYMOUS
17 MANNER. FOR THE PURPOSES OF THIS SUBDIVISION, PERIODIC REPORT DOES NOT
18 INCLUDE REPORTS PUBLISHED THAT ARE PUBLISHED MORE THAN ONE TIME PER MONTH.

19 3. "COORDINATING FUNCTION" MEANS THE ABILITY TO:

20 (a) COLLECT THE FOLLOWING INFORMATION FROM TWO OR MORE PERSONS:

21 (i) HISTORICAL PRICES.

22 (ii) CONTEMPORARY PRICES.

23 (iii) SUPPLY LEVELS.

24 (iv) CONTRACT TERMINATION.

25 (v) RENEWAL DATES FROM TWO OR MORE PERSONS.

26 (b) ANALYZE OR PROCESS INFORMATION PROVIDED IN SUBDIVISION OF THIS
27 PARAGRAPH BY USING A SYSTEM, SOFTWARE OR PROCESS THAT COMPUTES INFORMATION
28 OR USES INFORMATION TO TRAIN AN ALGORITHM.

29 (c) RECOMMEND ANY OF THE FOLLOWING:

30 (i) PRICES.

31 (ii) SUPPLY.

32 (iii) OUTPUT.

33 (iv) CONTRACT RENEWAL TERMS.

34 (v) OTHER CONTRACTUAL OR COMMERCIAL TERMS.

35 4. "COORDINATOR" MEANS A PERSON THAT SELLS, LICENSES THE USE OF OR
36 OPERATES AND SELLS THE OUTPUT THAT IS GENERATED FROM AN ALGORITHMIC DEVICE
37 THAT PERFORMS A COORDINATING FUNCTION FOR A RESIDENTIAL RENTAL PROPERTY
38 LANDLORD.

39 5. "DWELLING UNIT" HAS THE SAME MEANING PRESCRIBED IN SECTION
40 33-1310.

41 6. "LANDLORD" HAS THE SAME MEANING PRESCRIBED IN SECTION 33-1310 OR
42 33-1409.

43 7. "NONPUBLIC COMPETITOR DATA":

44 (a) MEANS INFORMATION THAT IS NOT WIDELY AVAILABLE OR EASILY
45 ACCESSIBLE TO THE PUBLIC.

- 1 (b) INCLUDES ANY OF THE FOLLOWING:
- 2 (i) ACTUAL RENTAL PRICES.
- 3 (ii) ORIGINAL RENTAL PRICE OFFERS.
- 4 (iii) REBATES AND DISCOUNTS OFFERED AND ACCEPTED.
- 5 (iv) ADDITIONAL CHARGES FOR AMENITIES OR ANY OTHER FEES THAT MAY BE
- 6 ASSESSED.
- 7 (v) RENTAL AVAILABILITY.
- 8 (vi) OCCUPANCY RATES.
- 9 (vii) LEASE START AND END DATES.
- 10 (viii) ANY OTHER SIMILAR DATA REGARDLESS OF WHETHER THE INFORMATION
- 11 IS RELATED TO A SPECIFIC COMPETITOR OR ANONYMIZED.
- 12 (ix) INFORMATION THAT IS PROVIDED BY ANOTHER PERSON THAT COMPETES
- 13 IN THE SAME MARKET OR RELATED MARKET.

14 8. "RENT" MEANS PAYMENTS MADE TO A LANDLORD OR THE LANDLORD'S

15 DESIGNED AGENT IN FULL CONSIDERATION FOR THE RENTED PREMISES.

16 9. "RENTAL AGREEMENT" MEANS ANY ORAL OR WRITTEN AGREEMENT BETWEEN A

17 LANDLORD AND A TENANT FOR THE USE AND OCCUPANCY OF RESIDENTIAL RENTAL

18 PROPERTY.

19 10. "RESIDENTIAL RENTAL PROPERTY":

20 (a) HAS THE SAME MEANING PRESCRIBED IN SECTION 33-1901.

21 (b) INCLUDES ANY OF THE FOLLOWING:

22 (i) DWELLING UNITS.

23 (ii) MOBILE HOME SPACES.

24 (iii) RECREATIONAL VEHICLE SPACES.

25 11. "TENANT" MEANS THE PERSON ENTERING INTO A RENTAL AGREEMENT WITH

26 A LANDLORD.

27 44-1383.01. Algorithmic device use prohibited; attorney

28 general; enforcement; applicability

29 A. A COORDINATOR OR A LANDLORD OF RESIDENTIAL RENTAL PROPERTY MAY

30 NOT USE AN ALGORITHMIC DEVICE THAT USES NONPUBLIC COMPETITOR DATA TO

31 PERFORM A COORDINATING FUNCTION OF RESIDENTIAL RENTAL PROPERTY TO:

32 1. FACILITATE AN AGREEMENT BETWEEN TWO OR MORE LANDLORDS TO NOT

33 COMPETE FOR RESIDENTIAL AGREEMENTS.

34 2. SET OR ADJUST ANY OF THE FOLLOWING:

35 (a) RENTAL PRICES.

36 (b) RENEWAL TERMS.

37 (c) OCCUPANCY LEVELS.

38 (d) ANY OTHER TERM OR CONDITION THAT AFFECTS RESIDENTIAL RENTAL

39 PROPERTY.

40 B. THE USE OF AN ALGORITHMIC DEVICE IN VIOLATION OF THIS SECTION

41 CREATES A REBUTTABLE PRESUMPTION OF A CONTRACT OR CONSPIRACY TO RESTRAIN

42 TRADE OR COMMERCE:

43 1. AS AGAINST A COORDINATOR WHEN:

44 (a) THE COORDINATOR KNEW OR HAD REASON TO KNOW THAT ONE OR MORE OF

45 THE COORDINATOR'S CUSTOMERS COMPETED AS LANDLORDS IN THE SAME OR RELATED

1 MARKET AND INTENDED THAT THE ALGORITHMIC DEVICE OR THE ALGORITHMIC
2 DEVICE'S OUTPUT BE USED IN THAT MARKET.

3 (b) TWO OR MORE OF THE COORDINATOR'S CUSTOMERS ACTUALLY COMPETED AS
4 LANDLORDS IN THE SAME OR RELATED MARKET AND USED THE ALGORITHMIC DEVICE OR
5 THE ALGORITHMIC DEVICE'S OUTPUT.

6 2. AS AGAINST A LANDLORD, WHEN TWO OR MORE LANDLORDS USED THE SAME
7 ALGORITHMIC DEVICE OR THE ALGORITHMIC DEVICE'S OUTPUT WITHIN THE SAME OR
8 RELATED MARKET.

9 C. A PRESUMPTION PURSUANT TO SUBSECTION B OF THIS SECTION IS
10 REBUTTABLE BY CLEAR AND CONVINCING EVIDENCE ON A SHOWING THAT THE
11 COORDINATOR OR LANDLORD LACKED KNOWLEDGE AND COULD NOT HAVE REASONABLY
12 KNOWN THAT THE ALGORITHMIC DEVICE USED NONPUBLIC COMPETITOR DATA.

13 D. AN ACT OR PRACTICE IN VIOLATION OF THIS ARTICLE IS AN UNLAWFUL
14 PRACTICE UNDER SECTION 44-1522. THE ATTORNEY GENERAL MAY INVESTIGATE AND
15 TAKE APPROPRIATE ACTION AS PRESCRIBED BY CHAPTER 10, ARTICLE 7 OF THIS
16 TITLE.

17 E. THE PROVISIONS OF THIS ARTICLE ARE CUMULATIVE AND IN ADDITION TO
18 ALL OTHER RIGHTS, REMEDIES AND PENALTIES THAT MAY EXIST AT LAW OR IN
19 EQUITY.

20 F. THIS SECTION APPLIES TO:

21 1. A LANDLORD THAT HAS ANY COMBINATION OF FIVE OR MORE DWELLING
22 UNITS, MOBILE HOME SPACES OR RECREATIONAL VEHICLE SPACES THAT ARE RENTED
23 OR OFFERED FOR RENT AT ANY ONE TIME.

24 2. A COORDINATOR THAT EITHER SELLS OR LICENSES THE USE OF OR
25 OPERATES AND SELLS THE OUTPUT FROM AN ALGORITHMIC DEVICE TO ANY LANDLORD.

26 G. THIS ARTICLE DOES NOT APPLY TO:

27 1. THE USE OF AN ALGORITHMIC DEVICE THAT IS EXCLUSIVELY USED IN A
28 FEDERAL, STATE OR LOCAL GOVERNMENT SPONSORED HOUSING PROGRAM.

29 2. PUBLIC HOUSING PURSUANT TO TITLE 36, CHAPTER 12.

30 3. A LANDLORD WITH NOT MORE THAN FOUR OF ANY OF THE FOLLOWING:

31 (a) DWELLING UNITS.

32 (b) MOBILE HOME SPACES.

33 (c) RECREATIONAL VEHICLE SPACES.

34 4. A DORMITORY OR OTHER RESIDENTIAL PROPERTY THAT IS OWNED BY A
35 PUBLIC OR PRIVATE EDUCATIONAL OR TRAINING INSTITUTION.

36 5. OCCUPANCY BY A MEMBER OF A FRATERNAL OR SOCIAL ORGANIZATION.

37 6. TRANSIENT OCCUPANCY IN A HOTEL, MOTEL OR RECREATIONAL LODGING.