

117TH CONGRESS
1ST SESSION

H. R. 1107

To amend the Communications Act of 1934 to ensure the ability to enforce State and local law relating to leasing and renting of real property, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2021

Mr. CASE (for himself, Mr. NORMAN, Mr. FITZPATRICK, Mr. KAHELE, and Mr. PETERS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to ensure the ability to enforce State and local law relating to leasing and renting of real property, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Local Au-
5 thority and Neighborhoods Act” or the “PLAN Act”.

1 **SEC. 2. ENSURING ABILITY TO ENFORCE STATE AND LOCAL**
2 **LAW RELATING TO LEASING AND RENTING**
3 **OF REAL PROPERTY.**

4 (a) NO EFFECT OF COMMUNICATIONS LAW ON
5 CLAIMS REGARDING LEASE OR RENTAL OF REAL PROP-
6 erty.—Section 230(c) of the Communications Act of
7 1934 (47 U.S.C. 230(c)) is amended by adding at the end
8 the following:

9 “(3) NO EFFECT ON CLAIMS REGARDING LEASE
10 OR RENTAL OF REAL PROPERTY.—

11 “(A) IN GENERAL.—Paragraph (1) shall
12 not apply to any claim in a civil action under
13 State law asserted after the date of enactment
14 of this paragraph against a provider of an
15 interactive computer service if—

16 “(i) the claimant alleges that the pro-
17 vider facilitated the lease or rental of real
18 property in a circumstance in which a law
19 or contractual agreement restricts the lease
20 or rental;

21 “(ii) the claimant, or an authorized
22 agent of the claimant, provided written no-
23 tice to the provider, or a designated agent
24 of the provider, that the lease or rental of
25 the real property described in clause (i)

1 would violate a law or contractual agree-
2 ment; and

3 “(iii) the provider facilitated the lease
4 or rental of the real property described in
5 clause (i) after receiving the notice under
6 clause (ii).

7 “(B) WRITTEN NOTICE.—For purposes of
8 subparagraph (A)(ii), written notice provided by
9 a claimant, or an authorized agent thereof, to
10 a provider of an interactive computer service, or
11 a designated agent thereof, shall include sub-
12 stantially the following:

13 “(i) Reasonable identification of the
14 real property for which the provider is al-
15 legedly facilitating the lease or rental in a
16 circumstance in which a law or contractual
17 agreement restricts the lease or rental.

18 “(ii) Identification of the law or con-
19 tractual agreement that restricts the lease
20 or rental of real property facilitated by the
21 provider.

22 “(iii) A statement that describes the
23 manner in which the lease or rental of real
24 property violates a law or contractual
25 agreement.

1 “(iv) Information reasonably sufficient
2 to permit the provider to contact the claim-
3 ant or agent thereof, as applicable, such as
4 an address, a telephone number, and, if
5 available, an electronic mail address.

6 “(v) A statement that the claimant or
7 agent thereof, as applicable, has a good
8 faith belief that the lease or rental of the
9 real property—

10 “(I) would violate a law or con-
11 tractual agreement; and

12 “(II) is not authorized by the
13 claimant.

14 “(vi) A statement, under penalty of
15 perjury—

16 “(I) that the information in the
17 notice is accurate; and

18 “(II) if the notice is provided by
19 an agent of the claimant, that the
20 agent is authorized to act on behalf of
21 the claimant.

22 “(vii) A physical or electronic signa-
23 ture of the claimant or authorized agent,
24 as applicable.”.

1 (b) NO EFFECT OF COMMUNICATIONS LAW ON REAL
2 PROPERTY LEASING OR RENTAL REQUIREMENTS AND
3 PROTECTION OF PROPERTY RIGHTS.—Section 230(e) of
4 the Communications Act of 1934 (47 U.S.C. 230(e)) is
5 amended by adding at the end the following:

6 “(6) NO EFFECT ON REAL PROPERTY LEASING
7 OR RENTAL REQUIREMENTS AND PROTECTION OF
8 PROPERTY RIGHTS.—Nothing in this section (other
9 than subsection (c)(2)(A)) shall be construed to pre-
10 vent any State or unit of local government from en-
11 forcing a law that restricts any provider of an inter-
12 active computer service from booking a transaction
13 for the lease or rental of real property or providing
14 ancillary services for such a transaction.”.

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