

118TH CONGRESS
2D SESSION

H. R. 9452

To provide antitrust exemptions for State licensed real estate brokers or their salespersons or any trade association to which they may belong regulated and licensed by States.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 3, 2024

Mr. POSEY introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide antitrust exemptions for State licensed real estate brokers or their salespersons or any trade association to which they may belong regulated and licensed by States.

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 “Common Sense Real Es-
5 tate Consumer Rights Protection Act of 2024”.

6 **SEC. 2. DECLARATION OF POLICY.**

7 Congress hereby declares that the continued regula-
8 tion and taxation by the several States of the business of

1 representing buyers and sellers in the real estate trans-
2 actions commonly understood and regulated and licensed
3 by States as the business of State licensed real estate bro-
4 kers or their salespersons or any trade association to
5 which they may belong is in the public interest, and that
6 silence on the part of the Congress shall not be construed
7 to impose any barrier to the regulation or taxation of such
8 business by the several States. All prior laws, rules, or set-
9 tlements relating to real estate brokers are null and void
10 upon passage of this bill.

11 **SEC. 3. REGULATION BY STATE LAW; FEDERAL LAW RELAT-**
12 **ING SPECIFICALLY TO SELLING AND BUYING**
13 **OF REAL PROPERTY.**

14 (a) STATE REGULATION.—The business of rep-
15 resenting buyers and sellers in the real estate transactions
16 commonly understood and regulated and licensed by
17 States as the business of State licensed real estate brokers
18 or their salespersons or any trade association to which
19 they may belong, and every person engaged therein, shall
20 be subject to the laws of the several States which relate
21 to the regulation or taxation of such business.

22 (b) FEDERAL REGULATION.—No Act of Congress
23 shall be construed to invalidate, impair, or supersede any
24 law enacted by any State for the purpose of regulating
25 the business of representing buyers and sellers in the real

1 estate transactions commonly understood and regulated
2 and licensed by States as the business of State licensed
3 real estate brokers or their salespersons or any trade asso-
4 ciation to which they may belong, or which imposes a fee
5 or tax upon such business, unless such Act specifically re-
6 lates to the business of commonly regulated and licensed
7 by States as the profession of State licensed real estate
8 brokers or their salespersons or any trade association to
9 which they may belong: *Provided*, That after the date of
10 enactment of this Act, the Act of July 2, 1890, as amend-
11 ed, known as the Sherman Act, as amended, and the Act
12 of October 15, 1914, as amended, known as the Clayton
13 Act, and the Act of September 26, 1914, known as the
14 Federal Trade Commission Act, as amended (15 U.S.C.
15 41 et seq.), shall be applicable to the business of rep-
16 resenting buyers and sellers in the real estate transactions
17 commonly understood and regulated and licensed by states
18 as the business of State licensed real estate brokers or
19 their salespersons or any trade association to which they
20 may belong to the extent that such business is not regu-
21 lated by State law.

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