

To the office of U.S. Representative Kathy Castor

Re: HR 10110 (119th Congress), Housing Price Transparency Act • Latest action (2026-08-17): Referred to the House Committee on Energy and Commerce.

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Interstate Real Estate Data Sharing Compact Act

The measure, as described from the official record: To increase transparency in residential real estate transactions by requiring sellers and agents to disclose pricing data to a federal database, aiming to reduce information asymmetry and prevent price discrimination.

THE PROPOSAL

This Act establishes a voluntary federal-state partnership to improve housing price transparency without federal mandates. The Secretary of Housing and Urban Development (HUD) shall create a model state law for voluntary adoption by states, which requires sellers and agents in participating states to report standardized pricing data to a state-designated repository. Participating states may choose to link their repositories to a federal clearinghouse operated by HUD, which aggregates and publishes anonymized, aggregated price trends for interstate comparison. The federal clearinghouse shall be funded by a user fee on commercial data aggregators that access the data, not by general tax revenue. No state, local government, or private party shall be penalized for non-participation. The Act sunsets after 10 years, with a mandatory review by the Government Accountability Office (GAO) to assess effectiveness and privacy protections. Enforcement is limited to civil penalties for fraud or misrepresentation in data submitted to the clearinghouse, consistent with federal false statements law.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	User fees on commercial data aggregators accessing the federal clearinghouse
Funding Amount	Not to exceed \$5 million annually, adjusted for inflation
Sunset Years	10 years
Oversight Body	Government Accountability Office (GAO) with annual reporting to Congress
Enforcement Mechanism	Civil penalties under 18 U.S.C. § 1001 for false statements to the federal clearinghouse; no penalties for non-participation by states or private parties
Effective Date	180 days after enactment

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3 (Commerce Clause – limited to interstate commerce)
- Tenth Amendment (reserving powers to states)
- Article I, Section 8, Clause 1 (Spending Clause – voluntary participation)
- Article I, Section 8, Clause 18 (Necessary and Proper Clause – only for federal clearinghouse)

Concerns with the measure as written:

- The bill regulates local real estate transactions that are not clearly part of interstate commerce, exceeding Congress's power under Article I, Section 8, Clause 3.
- It mandates data collection and disclosure requirements on private parties and state-regulated professionals, violating the Tenth Amendment by commandeering state resources and intruding on state sovereignty over property and contract law.
- The bill lacks a jurisdictional element linking the regulated activity to interstate commerce, as required by *United States v. Lopez* and subsequent precedent.

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Honors Democratic priorities: increases housing price transparency to help consumers and reduce discrimination. Honors Republican priorities: respects state sovereignty, avoids federal mandates, uses voluntary compacts, and funds through user fees rather than taxes.

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