NAR Issue Summaries

Technologies / Data Privacy and Security

NAR Committee:

Federal Technology Policy Committee

What is the fundamental issue?

Congress must enact a national data privacy law to replace the current patchwork of state requirements with clear, consistent standards that protect consumer data while supporting small businesses that drive jobs and economic growth.

I am a real estate professional. What does this mean for my business?

Consumers often share sensitive personal information in real estate transactions, and real estate professionals are already subject to federal and state laws, as well as professional standards, governing its use and protection. However, a growing patchwork of state privacy laws creates uncertainty and often imposes unclear and inconsistent obligations across jurisdictions—adding compliance burdens without clear consumer benefit.

A national data privacy law could provide clearer, more consistent rules while recognizing that much of the information used in real estate transactions is public or transaction-related and is used in accordance with consumer direction. At the same time, depending on its design, such a law could impose additional legal or operational burdens—particularly on smaller brokerages, associations, and multiple listing services (MLS)—that may not meaningfully enhance consumer protections given existing safeguards. NAR supports a balanced approach that strengthens consumer protections without disproportionately impacting small businesses.

NAR Policy:

Supports national data privacy legislation that provides strong consumer protections and establishes clear, uniform guidance and reasonable enforcement without unduly burdening small businesses.

Opposition Arguments:

Supporters of a national data privacy law argue that many states lack clear, adequate consumer data protections. Opponents often agree on the need for broad federal preemption of state laws—replacing the current patchwork—but emphasize that compliance requirements must be workable, consistent with legitimate business practices, and not open the door to frivolous litigation through a new private right of action.

Legislative/Regulatory Status/Outlook

On April 21, 2026, the House Energy & Commerce Privacy Working Group introduced the SECURE Data Act

(H.R. 8413), modeled after consumer data privacy laws adopted by 19 states.

The bill would:

- Establish consumer rights, including notice, access, correction, deletion, portability, and opt-out rights
- Limit how businesses collect, use, and share personal data
- Provide for enforcement by the Federal Trade Commission and state attorneys general, with a 45-day opportunity to cure

On October 1, 2026, NAR sent a letter of support urging the House Energy and Commerce Committee to advance the bill. NAR supports the bill because it extends meaningful consumer protections nationwide and replaces the current patchwork of state laws without imposing duplicative or unnecessary burdens on small businesses. NAR also worked to ensure the bill includes thresholds and exemptions that keep MLSs from being treated like data brokers and reflect that real estate transactions are already heavily regulated under state and federal law.

As the bill moves forward, NAR will continue educating members of Congress and working to preserve the sharing of property information essential to real estate transactions.

Current Legislation/Regulation (bill number or regulation)

HR 8413 - SECURE Data Act

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