

ASSEMBLY, No. 3497

STATE OF NEW JERSEY 222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:

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District 19 (Middlesex)

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District 11 (Monmouth)

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Co-Sponsored by:

Assemblywoman Peterpaul, Assemblyman Sampson and Assemblywoman Brennan

SYNOPSIS

Prohibits certain coordination among residential rental property owners who restrict competition with respect to residential dwelling units.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/9/2026)

1 AN ACT concerning certain coordination in residential rental
2 property pricing and supplementing P.L.1970, c.73 (C.56:9-1 et
3 seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. The Legislature finds and declares that:

9 a. New Jersey is in the midst of an affordable housing crisis, as
10 demonstrated by rental housing industry data showing median rent
11 for a three-bedroom apartment increasing by 35 percent in the State
12 from 2021 through 2024 and a studio in a more urban environment
13 such as Hoboken increasing by 61 percent in the same timeframe.

14 b. Data from the United States Census Bureau indicates that
15 over 50 percent of renters in New Jersey are deemed “rent
16 burdened,” which means an individual spends more than 30 percent
17 of income on rent.

18 c. Recent national data indicates that landlords of residential
19 rental housing use property management software to collude and
20 raise residential rental housing prices, which may have contributed
21 to recent increases in the State.

22 d. Landlords engaging with the software supply real-time
23 prices and additional lease information to companies managing the
24 software, who proceed to use algorithms to fix rental prices. As a
25 result, competition decreases and typically rental prices increase.

26 e. A leading property management software company in the
27 United States hinted at the outcome of using its software by stating
28 on its website that it enables landlords to “outperform the market”
29 by two to five percent, with a company executive publicly stating
30 that the software could be responsible for rent increases of up to
31 14.5 percent.

32 f. New Jersey recognizes housing as a basic human need and
33 endeavors to expand access to affordable housing.
34

35 2. As used in this act:

36 “Consciously parallel pricing coordination” means a tacit or
37 express agreement between two or more rental property owners that
38 are not related by a business agreement or contract to raise, lower,
39 change, maintain, or manipulate pricing for the purchase or sale of
40 reasonably interchangeable products or services unless required to do
41 so in accordance with a rental cost restriction program. Actions of a
42 rental property owner related exclusively to multiple properties
43 controlled by the same property owner shall not be considered
44 consciously parallel pricing coordination.

45 “Coordinating function” means between two or more property
46 owners:

47 (1) collecting nonpublic information;

1 (2) analyzing or processing nonpublic information through use of a
2 system, software, algorithm, or other automated process; and

3 (3) recommending rental prices, lease renewal terms, or ideal
4 occupancy levels to a rental property owner.

5 “Coordinator” means any software, data analytics service, or entity
6 that performs a coordinating function for any rental property owner.

7 “Coordinator” shall not include a software, data analytics service, or
8 entity that: (1) generates or uses any report that provides rental data in
9 an aggregated manner and does not recommend rent prices, fees,
10 occupancy rates, or other rental contract terms for future leases; or (2)
11 provides or uses rental data for the purpose of conducting research,
12 statistics, testing, or training for software development. “Coordinator”
13 shall not include a government entity that sets or limits rents or sale
14 prices in accordance with a rental price restriction program.

15 “Nonpublic information” means information including but not
16 limited to prices, supply levels, security deposits, ideal occupancy
17 levels, lease contract termination, renewal dates of residential dwelling
18 units or any other material lease terms from two or more rental
19 property owners that is less than 365 days old and is not available for
20 use or purchase by the public.

21 “Rental price restriction program” means a program established to
22 restrict rent on persons of limited means, including but not limited to,
23 the federal Housing Choice Voucher (Section 8) Program, P.L.2004,
24 c.140 (C.52:27D-287.1 et al.), the “Fair Housing Act,” P.L.1985, c.222
25 (C.52:27D-301 et al.), any program administered by the New Jersey
26 Housing and Mortgage Finance Agency, a rent control or rent levelling
27 ordinance, or any other program established to limit rent identified in
28 the rules and regulations adopted pursuant to section 7 or P.L. , c.
29 (C.) (pending before the Legislature as this bill).

30 “Residential dwelling unit” means any house, apartment, accessory
31 unit, or other unit intended to be used as a primary residence in the
32 State. “Residential dwelling unit” shall not include inpatient medical
33 care, licensed long-term care, or detention or correctional facilities.
34

35 3. It shall be unlawful and a violation of the “New Jersey
36 Antitrust Act,” P.L.1970, c.73 (C.56:9-1 et seq.) for:

37 a. a rental property owner, or any agent, representative, or
38 subcontractor thereof, to subscribe to, contract with, or otherwise
39 exchange any form of consideration in return for the use of services of
40 a coordinator;

41 b. the owner of a coordinator to facilitate an agreement among
42 rental property owners that restricts competition with respect to
43 residential dwelling units, including by performing a coordinating
44 function; or

45 c. two or more rental property owners to engage in consciously
46 parallel pricing coordination.

1 (2) analyzing or processing nonpublic information through use of a
2 system, software, algorithm, or other automated process; and (3)
3 recommending rental prices, lease renewal terms, or ideal
4 occupancy levels to a rental property owner. “Nonpublic
5 information” is defined as information including but not limited to
6 prices, supply levels, security deposits, ideal occupancy levels,
7 lease contract termination, renewal dates of residential dwelling
8 units or any other material lease terms from two or more rental
9 property owners that is less than 365 days old and is not available
10 for use or purchase by the public. “Consciously parallel pricing
11 coordination” is defined to mean a tacit or express agreement
12 between two or more rental property owners to raise, lower, change,
13 maintain, or manipulate pricing for the purchase or sale of
14 reasonably interchangeable products or services unless required to
15 do so in accordance with certain governmental rental price
16 restriction programs.

17 The bill further stipulates that current enforcement provisions of
18 the New Jersey Antitrust Act will apply to violations committed
19 pursuant to this bill.

20 Lastly, the Department of Law and Public Safety, in conjunction
21 with the Department of Community Affairs, is required to develop
22 and undertake a public education program designed to inform the
23 citizens of this State of the provisions of the bill. A component of
24 this program is to include information posted on the website of each
25 department dedicated to the provisions of the bill and the steps a
26 consumer is to take if the consumer suspects a violation.