



Committee: PHP

Committee Review: At a future date

Staff: Christine Wellons, Chief Legislative Attorney

Purpose: To introduce agenda item – no vote expected

AGENDA ITEM #1B

February 10, 2026

Introduction

SUBJECT

Bill 8-26, Landlord-Tenant Relations – Prohibition Against Price Coordination and Rent-Setting Algorithms

Lead sponsor: Councilmember Jawando

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A

DESCRIPTION/ISSUE

Bill 8-26 would:

- (1) prohibit the use of algorithmic devices to establish rents or rental terms in the County;
- (2) prohibit price coordination regarding rents or rental terms in the County;
- (3) provide for the enforcement of the prohibitions; and
- (4) generally amend the law regarding landlord-tenant relations.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report

Bill 8-26

Lead Sponsor's Memorandum

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M E M O R A N D U M

February 5, 2026

TO: County Council

FROM: Christine Wellons, Chief Legislative Attorney

SUBJECT: Bill 8-26, Landlord-Tenant Relations – Prohibition Against Price Coordination and Rent-Setting Algorithms

PURPOSE: Introduction – no Council votes required

Bill 8-26, Landlord-Tenant Relations – Prohibition Against Price Coordination and Rent-Setting Algorithms, is scheduled for introduction on February 10, 2026. The Lead Sponsor is Councilmember Jawando. A public hearing is tentatively scheduled for March 10 at 1:30 p.m. The bill will be considered by the Planning, Housing, and Parks (PHP) Committee.

Bill 8-26 would:

- (1) prohibit the use of algorithmic devices to establish rents or rental terms in the County;
- (2) prohibit price coordination regarding rents or rental terms in the County;
- (3) provide for the enforcement of the prohibitions; and
- (4) generally amend the law regarding landlord-tenant relations.

BACKGROUND

As explained by Councilmember Jawando in a memorandum to colleagues: “This legislation is about promoting free markets in the rental housing market and cracking down on illegal price-fixing and collusion that results in higher rents for our residents. Specifically, the bill would prohibit the use of algorithmic devices to establish rents or rental terms in the County; prohibit price coordination regarding rents or rental terms in the County; provide for the enforcement of the prohibitions; and generally amend the law regarding landlord-tenant relations.

“As you may know, in the past few years, there has been significant litigation regarding this issue at the national and state levels. The United States Department of Justice is settling its landmark litigation against RealPage regarding these issues. In 2025, in Maryland, as you may be aware, Maryland Attorney General Anthony Brown sued RealPage and residential landlords for illegally

raising the rent on thousands of Maryland residents. And, at the state level, Delegates Palakovich Carr and Stewart have introduced similar legislation....” (internal citations omitted).

BILL SPECIFICS

Bill 8-26 would amend Chapter 29 {Landlord-Tenant Relations} to define and prohibit using or subscribing to “algorithmic devices,” or engaging in “price coordination,” when setting rents, occupancy levels, or other rental terms in the County.

In general, an *algorithmic device* would be a product or service that:

- (1) uses one or more algorithms to perform calculations;
- (2) uses data concerning historical or contemporaneous rents, rent changes, supply levels, occupancy rates, or lease or rental contract termination and renewal dates from:
 - (A) 2 or more landlords;
 - (B) public databases; or
 - (C) a combination of public databases and 2 or more landlords; and
- (3) recommends rents, fees, rental terms, or occupancy levels for a rental unit.

The general definition of *price coordination* would be:

- (1) collecting from 2 or more landlords or from public databases, with or without the exchange of money or other valuable consideration, historical or contemporaneous data concerning rents, rent changes, fees, supply levels, occupancy rates, or lease or rental contract termination and renewal dates; and
- (2) recommending rents, fees, rental terms, or occupancy levels based on the analysis or processing of the data using an algorithmic device.

The following activities would be exempt from the bill’s prohibition against algorithmic devices and price coordination:

- (1) generating or using a report, published not more than once a month, of existing rental data in an aggregated and anonymous manner, without recommending rents, fees, rental terms, or occupancy levels for future leases;
- (2) providing or using data for the purpose of establishing rent or income limits in accordance with an affordable housing program of the County, the state, or the federal government; or
- (3) the provision or use of data by a natural person who is a landlord of only one rental unit.

Each instance of violating the terms of the bill, and each day of a violation, would be a separate Class A violation. The bill would be subject to the general enforcement mechanisms under Chapter 29.

This packet contains:

Bill 8-26

Lead Sponsor's Memorandum

Circle #

1

5

Bill No. 8-26
Concerning: Landlord-Tenant Relations
- Prohibition Against Price
Coordination and Rent-Setting
Algorithms
Revised: 1/23/2026 Draft No. 1
Introduced: February 10, 2026
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Jawando

AN ACT to:

- (1) prohibit the use of algorithmic devices to establish rents or rental terms in the County;
- (2) prohibit price coordination regarding rents or rental terms in the County;
- (3) provide for the enforcement of the prohibitions; and
- (4) generally amend the law regarding landlord-tenant relations.

By adding

Chapter 29, Landlord-Tenant Relations
Section 29-53A

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 29-53A is added as follows:**

2 **29-53A. Price coordination and algorithmic devices – prohibited.**

3 (a) Definitions. For purposes of this Section, the following terms have the

4 meanings indicated.

5 Algorithmic device means a product or service that:

6 (1) uses one or more algorithms to perform calculations;

7 (2) uses data concerning historical or contemporaneous rents, rent
 8 changes, supply levels, occupancy rates, or lease or rental
 9 contract termination and renewal dates from:

10 (A) 2 or more landlords;

11 (B) public databases; or

12 (C) a combination of public databases and 2 or more landlords;
 13 and

14 (3) recommends rents, fees, rental terms, or occupancy levels for a
 15 rental unit.

16 Algorithmic device does not include:

17 (1) a periodic report, published not more than once a month, that
 18 publishes existing rental data in an aggregated and anonymous
 19 manner without recommending rental prices, fees, rental terms, or
 20 occupancy levels for future leases;

21 (2) a product or service used for the purpose of establishing rent or
 22 income limits in accordance with an affordable housing program
 23 of the County, the state, or the federal government; or

24 (3) a product or service used by a natural person who is the landlord
 25 of only one rental unit in the County.

26 Price coordination means:

- (1) collecting from 2 or more landlords or from public databases, with or without the exchange of money or other valuable consideration, historical or contemporaneous data concerning rents, rent changes, fees, supply levels, occupancy rates, or lease or rental contract termination and renewal dates; and
- (2) recommending rents, fees, rental terms, or occupancy levels based on the analysis or processing of the data using an algorithmic device.

Price coordination does not include:

- (1) generating or using a report, published not more than once a month, of existing rental data in an aggregated and anonymous manner, without recommending rents, fees, rental terms, or occupancy levels for future leases;
- (2) providing or using data for the purpose of establishing rent or income limits in accordance with an affordable housing program of the County, the state, or the federal government; or
- (3) the provision or use of data by a natural person who is a landlord of only one rental unit.

(b) *Prohibition. A landlord must not:*

- (1) use an algorithmic device regarding the rent, fees, or any other rental term for a rental unit within the County;
- (2) engage in price coordination regarding the rent, fees, or any other rental term for a rental unit within the County;
- (3) agree with any other person not to compete with respect to the rent, fees, or any other rental term for a rental unit within the County; or

(4) subscribe to or pay for an algorithmic device or price coordination services with respect to the rent, fees, or any other rental term for a rental unit within the County.

(c) Penalties and enforcement.

(1) Each violation of subsection (b) is a Class A violation.

(2) Each day that a violation of subsection (b) exists or continues constitutes a separate Class A violation.

(3) The requirements of this Section are enforceable under Section 29-8 {Enforcement procedure} and Article V {Complaints} of this Chapter.



Montgomery County Council

MEMORANDUM

February 2, 2026

TO: Montgomery County Councilmembers
FROM: Will Jawando, Councilmember At-Large 
SUBJECT: The Anti-Algorithmic Price Fixing Act

I am writing to share with you information regarding The Anti-Algorithmic Price Fixing Act, which I will introduce at next week's Council session (Feb. 10, 2026). I welcome co-sponsors.

This legislation is about promoting free markets in the rental housing market and cracking down on illegal price-fixing and collusion that results in higher rents for our residents. Specifically, the bill would prohibit the use of algorithmic devices to establish rents or rental terms in the County; prohibit price coordination regarding rents or rental terms in the County; provide for the enforcement of the prohibitions; and generally amend the law regarding landlord-tenant relations.

As you may know, in the past few years, there has been significant litigation regarding this issue at the national and state level. The United States Department of Justice is settling its landmark litigation against RealPage regarding these issues.¹ In 2025, in Maryland, as you may be aware, Maryland Attorney General Anthony Brown sued RealPage and residential landlords for illegally raising the rent on thousands of Maryland residents.² And, at the state level, Delegates Palakovich Carr and Stewart have introduced similar legislation.³ In a related vein, Governor Wes Moore has announced legislation to target dynamic pricing for groceries.⁴

While I hope that the state legislature will be successful in passing similar legislation this session, there is no time to waste. Legislatures all over the country are working to address these issues, and I hope Montgomery County (and eventually Maryland) will be part of the solution and help lead the way here in promoting freer markets and protecting our residents from price-fixing. The Office of the County Attorney has reviewed the bill and identified no legal hurdles. Please let Christine and Marisa know if you would like to co-sponsor this important bill.

¹<https://www.justice.gov/opa/pr/justice-department-requires-realpage-end-sharing-competitively-sensitive-information-and>

²<https://oag.maryland.gov/News/Pages/Attorney-General-Brown-Sues-RealPage-and-Residential-Landlords-for-Illegally-Raising-Rent-for-Thousands-of-Maryland-Residents.aspx>

³https://mgaleg.maryland.gov/2026rs/bills_noln/hb/fhb0434.pdf

⁴<https://governor.maryland.gov/news/press/pages/Governor-Moore-Announces-Legislation-to-Protect-Marylanders%E2%80%99-Pocketbooks.-Data-Privacy-at-the-Grocery-Store.aspx>