Section 1 Header

HOUSE BILL   *[bill number]*

AN ACT   prohibiting termination of a tenancy based on a tenant's failure to pay rent that was increased by certain price fixing programs.

SPONSORS: [sponsors]

COMMITTEE: [committee]

ANALYSIS

This bill prohibits evictions based upon certain vertical price fixing programs used by landlords.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT   prohibiting termination of a tenancy based on a tenant's failure to pay rent that
was increased by certain price fixing programs.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1   1 New Paragraph; Definitions; Vertical Price Fixing. Amend RSA 540:1-a by inserting after

2   paragraph IV, (h)(3) the following new paragraph:

3   V.(a) "Vertical price fixing" means any agreement between the lessor and other lessors in

4   the same supply chain, for the purpose of raising rent prices, or otherwise tampering with rent

5   prices or competitive terms; or the exchange of rent prices or competitive terms among landlords

6   with the intent to fix prices or competitive terms; or that adversely impacts prices or competitive

7   terms.

8   (b) "Agreement" means any cooperative effort between lessors whether written, verbal,

9   inferred from conduct, created by an algorithmic pricing tool or via software provided by a property

10   management company.

11   (c) "Algorithmic pricing tool" means a program or computer software marketed to

12   multiple lessors in the same supply chain that is intended to automate lessors' rental pricing process

13   and thus help landlords maximize rental income.

14   (d) "Source code" means a text listing of commands to be compiled or assembled into an

15   executable computer program.

16   2 New Paragraph; Termination of Tenancy; Vertical Price Fixing Prohibited. Amend RSA 540:2

17   by inserting after paragraph VII the following new paragraph:

18   VIII. No lessor or owner of restricted property shall terminate a tenancy solely based on a

19   tenants failure to pay rent that was increased by vertical price fixing.

20   (a) Upon a showing that rent at the commencement of an action against the tenant was

21   increased by a lessor utilizing an algorithmic pricing tool and or software provided by a property

22   management company there shall exist a prima facie presumption that the action against the tenant

23   is unlawful and shall be dismissed for vertical price fixing.

24   (b) The presumption of vertical price fixing can be rebutted by the lessor disclosing his

25   property management software records and algorithmic pricing tool records whichever or both were

26   in place when the rent was increased and showing an alternate basis for the disputed rent increase.

27   The landlord shall also produce the source code with these disclosures.

28   (c) Nothing in this section shall preclude eviction for nonpayment of rent on any grounds

29   set forth in RSA 540:2, II which are unrelated to vertical price fixing.

30   3 Effective Date. This act shall take effect January 1, 2025.