



April 13, 2026

Honorable April Tabor, Secretary
Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Mail Stop H-144 (Annex R)
Washington, DC 20580

Re: Unfair or Deceptive Rental Housing Fee Practices ANPRM, Project No. R207011

Dear Secretary Tabor:

The undersigned coalition of 27 Attorneys General (“Attorneys General”) submit these comments in response to the Federal Trade Commission’s Advanced Notice of Proposed Rulemaking on Unfair or Deceptive Rental Housing Fee Practices (“ANPR”).¹ As the enforcers of state consumer protection laws within our respective jurisdictions, we appreciate the opportunity to offer our perspective on the ANPR and the growing problem of unfair or deceptive rental fee practices. Consumer experience underscores that unfair and deceptive rental fee practices are harmful and undermine competition in rental housing. In response, many States have already taken action to protect consumers through regulation and enforcement. We commend the FTC’s initiative to address unfair and deceptive fee practices that harm renters nationwide, and we urge the Commission to commence proposed rulemaking that sets a clear minimum federal standard while preserving the longstanding regulatory authority of States in this space.

- I. In the States’ Experience, Unfair and Deceptive Rental Fee Practices Harm Consumers and Undermine Competition in the Rental Housing Market.

Housing affordability is a significant concern across the country, particularly for consumers who rent their homes. The number of consumers who are cost-burdened by rent (spending more than 30% of their income) has continued to grow annually, reaching an all-time high in 2024.² When landlords or property managers aggravate the housing

¹ Advanced Notice of Proposed Rulemaking on Unfair or Deceptive Rental Housing Fee Practices, 91 Fed. Reg. 12,325 (Mar. 13, 2026) (“ANPR”).

² Peyton Whitney, Housing Unaffordability Soared to New Highs in 2024, Joint Ctr. for Hous. Stud. of Harvard Univ. (Feb. 4, 2026), <https://www.jchs.harvard.edu/blog/housing-unaffordability-soared-new-highs-2024>

affordability problem by engaging in conduct that hides the true cost of rent or imposes fees which are unfairly or deceptively structured, their conduct harms consumers and undermines competition.

The collective experience of the States is that many consumers experience a “bait-and-switch” when applying for, or entering into, residential housing leases. Some landlords or property managers bait consumers with advertisements and statements promising low monthly rents, and they fail to disclose mandatory fees and charges that make the true monthly rent much higher. Often consumers learn of these mandatory fees and charges late in the application process, or—worse still—only when they are asked to sign a rental agreement or after they receive their first bill for monthly rent. Such bait-and-switch pricing tactics harm consumers and leave them with little recourse because the consumers already have typically expended significant time and resources finding a place to live and paying an application fee (where such fees are permitted by state law). As a result, many consumers are unlikely or unable to restart their housing search at that juncture.

Such bait-and-switch tactics also undermine competition in the rental housing marketplace. Unfair or deceptive rental fee practices make it harder for landlords and property managers to understand and compete on price and services, inhibiting competition and giving dishonest businesses an advantage over honest businesses. Landlords and property managers that disclose the true monthly rent to applicants and prospective applicants are at a competitive disadvantage relative to dishonest landlords or property managers who take advantage of consumers’ limited ability to prosecute consumer protection violations to hide the true monthly cost of housing. When compliant companies must compete with companies who break the law, competition and consumers suffer.

Unfair and deceptive rental fee practices already pose a significant problem for consumers and for competition in the rental housing marketplace. But in the States’ collective experience, that problem seems to have intensified in recent years. This makes the proposed rulemaking especially important and timely.

II. The Actions States Have Already Taken to Address Unfair or Deceptive Rental Housing Fee Practices Underscore the Importance of the Issue.

States are already taking significant steps to curb unfair or deceptive rental fee practices, including enacting limits on application and screening charges, restrictions on late fees and regulations governing add-on charges for services and amenities. These efforts reflect a broad bipartisan recognition that deceptive fees distort market competition, impair consumer choice, and exacerbate barriers to securing and maintaining housing, particularly at a time when housing affordability remains a serious concern nationwide.

Examples of state legislation addressing unfair or deceptive rental fee practices include, but are not limited to, the following:

- Application and Tenant Screening Fee Caps: California caps screening fees to cover actual costs of the screening report at \$30; Connecticut, New Mexico and the District

of Columbia at \$50 (with an annual adjustment for inflation in D.C.); and Maryland at \$25. Vermont and Massachusetts prohibit application fees entirely.³ New Jersey recently passed legislation limiting rental application fees to \$50, effective May 1, 2026.⁴ Maine caps application fees at the actual cost of one screening process.⁵

- Late Fee Caps: Colorado, Connecticut, Minnesota, Nevada, New Mexico, New York, Oregon, Utah, and Virginia impose caps on late fees, typically ranging from 4-10% of rent with grace periods of 3-15 days.⁶
- Fee Disclosure Requirements: Several States including Idaho, Massachusetts, Minnesota, New Mexico, Oregon, Rhode Island, and Virginia, and the District of Columbia, require landlords to disclose all mandatory and optional fees prior to requiring tenant screening information, a tenant signing the lease or submitting payment.⁷
- Convenience Fees: In Nevada, Rhode Island, and Virginia, landlords must provide tenants with a method to pay rent that does not involve an additional processing fee.⁸

These examples demonstrate the prevalence of concerns about rental fee practices across the country and show that States have taken varied approaches when setting substantive standards in accordance with their particular markets and policy preferences.

Many States have also brought enforcement actions against landlords and property managers that impose rental housing fees in ways that are allegedly unfair, deceptive, or unlawful, including by collecting excessive late fees under state law,⁹ charging illegal or

³ Cal Civ. Code § 1950.6; Conn. Gen. Stat. § 47a-4d; N.M. Stat. Ann. § 47-8-19.2; [D.C. Code § 42-3505.10\(b\)](#); Md. Code Ann., Real Prop. § 8-213; Vt. Stat. Ann. tit. 9, § 4456a; Mass. G.L. c. 186, § 15B(1)(b)

⁴ A. 4899, 2024-2025 Reg. Sess. (N.J. 2024) (amended).

⁵ 14 M.R.S.A. § 6030-H.

⁶ Colo. Rev. Stat. Ann. § 38-12-105; Conn. Gen. Stat. § 47a-4; S.F. 3492, Minn. Stat. § 504B.177; Nev. Rev. Stat. Ann. § 118A.21; N.Y. Real Prop. Law § 238-a; Or. Rev. Stat. § 90.260; Utah Code Ann. § 57-22-4; Va. Code Ann. § 55.1-1204; D.C. Code § 42-3505.31; 14 M.R.S.A. § 6028.

⁷ Idaho Code Ann. § 55-314; 940 Mass. Code. Regs. 38.00; Minn. Stat. § 504B.120; N.M. Stat. Ann. § 47-8-19.1; Or. Rev. Stat. § 90.302.; R.I. Gen. Laws § 34-18-15; Va. Code Ann. § 55.1-1204.1; D.C. Code § 42-3505.10(a)(1); 14 M.R.S.A. § 6030-J.

⁸ Nev. Rev. Stat. Ann. § 118A.200; R.I. Gen. Laws § 34-18-61; Va. Code Ann. § 55.1-1204.

⁹ *Commonwealth v. Joseph John et al.*, 2025 WL 3636268 (Pa. C.P. Fayette) (finding a Defendants' late fee requirements unconscionable and in violation of the *Pennsylvania Unfair Trade Practices Act and Consumer Protection Law*, 73 P.S. § 201-1 *et seq.*). See also Press Release, Anthony G. Brown, Maryland Attorney General, Attorney General Brown Announces Settlement with Real Property Management Capital (Aug. 31, 2023) <https://oag.maryland.gov/News/Documents/2023/083123a.pdf>; Press Release, Josh Kaul, Wisconsin Attorney General, Attorney General Kaul, DATCP Launch FAQ Page for Those Impacted by Settlement with Milwaukee Landlord Berrada Properties Management (Feb. 20, 2025), https://www.wisdoj.gov/PressReleases/2.20.25_Berrada_Update.pdf.

undisclosed application and screening fees¹⁰ or unlawful late fees,¹¹ improperly and arbitrarily deducting “administrative fees” from security deposits in violation of state law,¹² imposing a “moveout coordination fee” without disclosing the fee in the lease,¹³ and failing to clearly and conspicuously disclose fees prior to the submission of an application.¹⁴ State actions also challenge instances where a landlord inflates maintenance and repair costs taken out of a consumer’s security deposit in violation of state law,¹⁵ and automatic and retaliatory legal fee provisions buried within lease addenda and imposed on consumers who filed complaints to their State Attorney General,¹⁶ practices that amplify the impact of unaffordable rental housing.

States also routinely conduct outreach and education for consumers about their rights, including for rental housing. Offices are developing educational materials that advise consumers about the prevalence of these fees and how they may be able to respond.¹⁷ A federal rule that sets a clear baseline for unfair and deceptive conduct will aid the States in educating consumers and rental housing providers.

III. The Commission Should Proceed With Rulemaking That Addresses Unfair or Deceptive Rental Housing Fees and Preserves States’ Regulatory Authority.

As noted by the Commission and demonstrated by the breadth of state legislation and enforcement activity addressing unfair and deceptive rental housing fee practices, there is a strong need to combat such practices as the problem continues to grow. State enforcement experience demonstrates both the pervasiveness of the problem and the difficulty of addressing it through state law alone, particularly where large corporate landlords and property managers operate across multiple jurisdictions. The undersigned Attorneys General

¹⁰ Press Release, Peter F. Neronha, Rhode Island Attorney General, Attorney General Neronha announces \$213,000 settlement with national real estate management corporation (Apr. 16, 2025), <https://riag.ri.gov/press-releases/attorney-general-neronha-announces-213000-settlement-national-real-estate-management>.

¹¹ Press Release, Letitia James, New York Attorney General, Attorney General James Stops Predatory Landlord From Violating Albany College Students’ Housing Rights (Apr. 21, 2025), <https://ag.ny.gov/press-release/2025/attorney-general-james-stops-predatory-landlord-violating-albany-college>

¹² The Pennsylvania Office of Attorney General has brought a series of enforcement actions against landlords for these “administrative fee” practices. See, e.g., Commonwealth of Pennsylvania v. Legacy Realty & Property Management, LLC, No. 2019-2412 (Pa. C.P. Centre) (Consent Petition entered September 22, 2023); Commonwealth v. McKinney Properties, Inc., No. 2022-287 (Pa. C.P. Centre Assurance of Voluntary Compliance filed on Feb. 8, 2022).; see also Stipulated Final Consent Judgment at 10, State v. Populum Real Estate Holdings, LLC, No. 2024CV30023 (Colo. Dist. Ct. Jan. 8, 2024) (limiting unwarranted charges deducted from tenants’ security deposits).

¹³ Populum at 63-67.

¹⁴ FTC and State of Colorado v. Greystar Real Estate Partners, LLC, No. 25-cv-00165 (D. Colo. Stipulated Final Order entered on Dec. 12, 2025), https://www.ftc.gov/system/files/ftc_gov/pdf/Greystar-Order_0.pdf.

¹⁵ Commonwealth v. A.R. Building Company, Inc., No. 23-013110 (Pa. C.P. Allegheny, Consent Petition entered on August 21, 2024); City of Cincinnati v. Vinebrook Homes, LLC (Jan. 18, 2023), <https://www.scribd.com/document/620563275/Cincinnati-vs-VineBrook-Complaint>.

¹⁶ Commonwealth v. Creshem Valley Realty Co., L.P., No. 230701198 (Pa. C.P. Philadelphia, Complaint filed on July 13, 2023).

¹⁷ Press Release, Brian Schwalb, District of Columbia Attorney General, Attorney General Brian Schwalb Issues Consumer Alert on Rental Fees & Protections for DC Renters (Jan. 19, 2024), <https://oag.dc.gov/release/attorney-general-schwalb-issues-consumer-alert-1>.

therefore urge the Commission to proceed with a proposed rulemaking to address unfair or deceptive rental housing fee practices.

We support rulemaking by the Commission that would require clear disclosure of the total cost of rental housing, including mandatory fees, in advertisements and listings, and that would specifically prohibit unfair and deceptive conduct regarding the nature, purpose, or amount of any rental fees, including fees for services that the landlord is legally required to provide. A federal rule establishing clear, consistent minimum standards, including requiring transparency, would promote consumer price comparison, enhance fair competition, strengthen ongoing state enforcement efforts, and provide meaningful protections for consumers across the country.

At the same time, any proposed rulemaking must preserve the authority of States to discharge their longstanding role in protecting consumers. Residential rental markets traditionally have been regulated and supervised by the States, and such markets often vary based on conditions that are specific to each State and region. Rulemaking should not displace States' substantive policy decisions to regulate and address certain aspects of landlord-tenant relationships. Accordingly, while federal rulemaking can and should establish certain clear minimum standards nationwide for unfair or deceptive rental housing fee practices, that process must also recognize the States' authority to address these issues consistent with each State's needs.

* * *

The undersigned State Attorneys General strongly endorse the Commission's effort to establish baseline, nationwide protections against unfair and deceptive rental housing fee practices through this proposed Rule. We look forward to continuing to work together with the Commission in our shared mission to protect consumers.

Respectfully submitted,



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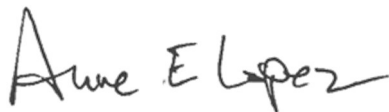
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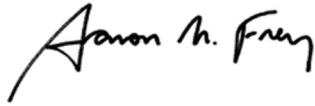
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