CLIENT ALERTS & INSIGHTS

The DOJ's Lawsuit Against RealPage: Unpacking the Allegations and Implications for the Rental Market

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The U.S. Department of Justice (DOJ) and eight state attorneys general have filed a lawsuit against real estate software company RealPage, alleging that its algorithmic pricing system has contributed to widespread price-fixing among landlords, harming millions of American renters. RealPage is an American company that provides property management software for multifamily, commercial, single-family and vacation rental housing industries. The lawsuit underscores growing concerns over the use of artificial intelligence (AI) and algorithmic decision-making in critical markets, including housing.

The Core Allegations

The DOJ's antitrust suit centers on RealPage's YieldStar software, a tool used by landlords and property managers to set rental prices. The software analyzes various data points, including local market trends, vacancy rates and rental history, to recommend what landlords should be charging in rent. However, the DOJ contends that the software goes beyond merely providing recommendations; it allegedly encourages and facilitates collusion among landlords, leading to artificially inflated rents.

According to the DOJ, RealPage's software enables landlords to coordinate pricing strategies in a manner that violates federal antitrust laws. By relying on the same algorithmic recommendations, landlords can collectively set higher prices, effectively reducing competition and harming renters. The lawsuit argues that this practice constitutes illegal price-fixing and has contributed to the ongoing housing affordability crisis in the United States.

The Broader Implications

The lawsuit against RealPage raises broader questions about the role of AI and algorithmic decision-making in markets that impact millions of people. While algorithms can enhance efficiency and optimize pricing, they can also create unintended consequences when used inappropriately or without adequate oversight.

In the case of RealPage, the DOJ alleges that the company's software has created a de facto cartel among landlords, where competition is stifled, and renters bear the brunt of the consequences. This case could set a precedent for how AI-driven tools are regulated, especially in sectors like housing.

RealPage's Response

In response to the lawsuit, RealPage has denied any wrongdoing, arguing that its software simply helps landlords make data-driven decisions in a competitive market. The company claims its tools are designed to reflect market conditions and optimize occupancy rates, not to engage in price-fixing. RealPage also asserts that its software provides valuable insights that help landlords manage properties more efficiently, ultimately benefiting tenants by ensuring the long-term viability of rental properties.

Despite these claims, the DOJ's lawsuit highlights the need for greater scrutiny of algorithmic pricing tools, especially when they have the potential to impact millions of people. As the case unfolds, it will likely spark a broader debate about the ethical and legal implications of AI in the rental market and other industries.

The Path Forward

The outcome of the DOJ's lawsuit against RealPage could have far-reaching implications for the rental market and the regulation of AI-driven pricing tools. If the court rules in favor of the DOJ, it could lead to increased regulation of similar technologies, particularly in markets where consumers are vulnerable to price manipulation.

In the meantime, renters, landlords and policymakers alike will be watching this case closely. For landlords and property managers, it serves as a reminder of the legal risks associated with relying too heavily on algorithmic tools without considering their broader impact.

As AI continues to permeate various aspects of daily life, cases like this one will likely become more common, prompting ongoing discussions about the balance between innovation, competition and consumer protection. The RealPage lawsuit may be the first of many legal challenges that seek to define the boundaries of algorithmic pricing and its role in the modern economy.

For more information, contact a member of Benesch's Real Estate or Artificial Intelligence groups.

Kelly D. Noll at knoll@beneschlaw.com or 216.363.4506.