



General Assembly

February Session, 2012

Raised Bill No. 190

LCO No. 1023

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Referred to Committee on Housing

Introduced by:
(HSG)

**AN ACT CONCERNING THE RIGHTS AND RESPONSIBILITIES OF
LANDLORDS AND TENANTS REGARDING BED BUG INFESTATION.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2012*) (a) As used in this
2 section: (1) "Certified applicator" means an individual who is certified
3 in accordance with section 22a-54 of the general statutes by the
4 Commissioner of Energy and Environmental Protection to perform
5 application within this state of a pesticide or class of pesticides; (2)
6 "bed bug" means the common bed bug (*Cimex lectularius*); (3)
7 "reasonable measures" means those methods commonly used and
8 accepted as being effective for eliminating or controlling bed bug
9 infestations; and (4) "landlord", "owner", "person" and "tenant" shall
10 have the same meanings as in section 47a-1 of the general statutes.

11 (b) No landlord shall offer for rent a dwelling unit that the landlord
12 knows or reasonably suspects is infested with bed bugs. Before renting
13 a dwelling unit, a landlord shall disclose to a prospective tenant, fully
14 and accurately, whether the unit the landlord is offering for rent or any
15 adjacent unit is currently infested with bed bugs or has been treated
16 for such infestation in the twelve months preceding the disclosure.

17 Upon request from a tenant or prospective tenant, a landlord shall
18 disclose the last date on which the dwelling unit being rented or
19 offered for rent was inspected for a bed bug infestation and the results
20 of such inspection.

21 (c) Upon request by a landlord, any prospective tenant shall disclose
22 in writing whether such prospective tenant is vacating a dwelling unit
23 that is infested with bed bugs. Before a prospective tenant takes
24 occupancy of a dwelling unit offered for rent by a landlord, the
25 landlord may require any prospective tenant who is vacating a
26 dwelling unit that is infested with bed bugs to take reasonable
27 measures to prevent the bed bugs from being transferred to the
28 dwelling unit being offered for rent, including, but not limited to,
29 requiring the prospective tenant to (1) wash and dry at high heat
30 clothing and other possessions for which such treatment is
31 appropriate, and (2) present proof of treatment by a certified applicator
32 of all furnishings, bedding and other items that may not be laundered.

33 (d) (1) A tenant shall promptly notify a landlord when the tenant
34 knows or reasonably suspects that the tenant's dwelling unit is infested
35 with bed bugs. A landlord shall conduct an inspection of a dwelling
36 unit not later than five days after receiving such notice and may enter a
37 dwelling unit in accordance with section 47a-16 of the general statutes
38 for the purpose of conducting such inspection. Such inspection may
39 only include a visual and manual examination of the tenant's bedding
40 and upholstered furniture. If the landlord determines that the dwelling
41 unit is infested with bed bugs, the landlord shall, not later than ten
42 days after the date of the landlord's inspection, employ a certified
43 applicator who carries current liability insurance to conduct a second
44 inspection. Such certified applicator may, upon reasonable notice to
45 the tenant, enter the tenant's dwelling and inspect the tenant's personal
46 belongings to the extent necessary to determine the extent of the
47 infestation and the method by which to control such infestation.

48 (2) A tenant shall undertake, at the tenant's expense, all reasonable

49 measures to eliminate and control a bed bug infestation that are
50 requested by the certified applicator employed by the landlord. If, in
51 the opinion of a certified applicator or a housing code enforcement
52 official, a method used to control or eliminate the bed bug infestation
53 renders a dwelling unit temporarily unsafe for habitation, the tenant
54 shall vacate the dwelling unit for the length of time prescribed by such
55 certified applicator or official. The landlord shall abate the tenant's rent
56 accordingly but shall not be liable to the tenant for damages.

57 (3) A landlord shall undertake, at the landlord's expense, all
58 reasonable measures to identify, eliminate and control a bed bug
59 infestation that are requested by the certified applicator employed by
60 the landlord. A landlord may, at the landlord's discretion, offer
61 financial assistance to a tenant who is not otherwise able to afford to
62 undertake the reasonable measures required under subdivision (2) of
63 this subsection. If the tenant agrees to receive such assistance, then the
64 landlord may charge the tenant the cost of the reasonable measures on
65 a repayment schedule not to exceed six months, except that the
66 landlord and tenant may agree to a longer repayment term.

67 (e) (1) The failure of a landlord to comply with the provisions of this
68 section shall constitute a violation of subdivisions (1) and (2) of
69 subsection (a) of section 47a-7 of the general statutes for which the
70 landlord shall be liable for damages pursuant to section 47a-12 of the
71 general statutes.

72 (2) A landlord may apply to the Superior Court to obtain injunctive
73 relief to compel any tenant who (A) refuses to provide reasonable
74 access to a dwelling unit, (B) fails to comply with reasonable requests
75 for inspection or treatment of a dwelling unit, or (C) fails to implement
76 reasonable measures requested by a certified applicator. The landlord
77 may recover actual damages, including any costs incurred as a result
78 of the tenant's failure to provide reasonable access to a dwelling unit or
79 implement reasonable measures, and reasonable attorney's fees. Any
80 order granting a landlord access to a dwelling unit must be served

81 upon the tenant at least twenty-four hours before the landlord or a
82 certified applicator employed by the landlord enters the dwelling unit.

83 (f) The remedies in this section shall be in addition to any other
84 remedies available at law, or in equity, to any person. This section shall
85 not be construed to limit or restrict the authority of any state or local
86 housing code enforcement agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	New section

Statement of Purpose:

To establish landlord and tenant rights and responsibilities regarding bed bug infestations in rental housing.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]