

# Legal Assistance Resource Center of Connecticut, Inc.

44 Capitol Avenue, Suite 301 ♦ Hartford, Connecticut 06106  
(860) 278-5688 x203 ♦ cell (860) 836-6355 ♦ fax (860) 278-2957 ♦ RPodolsky@LARCC.org

## **S.B. 334, H.B. 5619, H.B. 5521 -- Bedbugs**

Housing Committee public hearing -- February 19, 2013

Testimony of Raphael L. Podolsky

**Recommended Committee action: SUPPORT IN CONCEPT**

These bills call on the legislature to spell out the responsibilities of landlords and tenants in dealing with bedbug infestations. We support these bills in concept, but it makes a big difference what the drafted versions actually say. Existing law already allocates extermination responsibilities -- it is the landlord's duty to eradicate pests and the tenant's duty to cooperate -- and provides remedies for both landlords and tenants. Expanding on the meaning of these duties in the context of bedbugs is helpful to all parties -- landlords, tenants, municipalities, and exterminators. It is important, however, that any more detailed articulation of duties be fair, reasonable, and workable.

Under existing law, the landlord is required to comply with all health and safety codes and to do what is necessary to put and keep premises in a fit and habitable condition. See C.G.S. 47a-7(a)(1) and (2). Tenants are required to comply with all obligations put on them by health and safety codes and to keep their apartments as clean and safe as the condition of the premises permits. See C.G.S. 47a-11(a) and (b). Any more detailed allocation contained in a final bill should follow these principles:

- A solution to the bedbug problem cannot be based on fault. It is widely recognized that bedbugs travel easily, that the source of a bedbug infestation is not always easy to identify, and that their entrance into an apartment is not necessarily the fault of the tenant who lives there. They can be picked up as easily by a middle class couple staying in a hotel or bed-and-breakfast as by a low-income person riding the bus. Solutions, including how costs are met, should not be based on false assumptions about fault.
- Any solution should be structured around stopping the spread of bedbugs and eradicating the ones already in place. In practice, extermination can only be accomplished by the landlord and his agents.
- Tenants cannot be expected to do things that they realistically are not able to do. For example, the law should recognize that not all tenants can adequately prepare an apartment for extermination. Apartment preparation may present special problems for tenants who are elderly, disabled, blind, or have other physical or emotional conditions that limit their capabilities. In regard to persons

(continued on reverse side)

with disabilities, the Fair Housing Act requires the landlord to make reasonable accommodation for the disability. The law must also recognize that some tenants will be unable to afford the costs associated with eradicating bedbug infestations.

- Tenants have important privacy rights that should be respected.

Any bill approved by the Committee should be guided by these principles.