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:

Section 1. (NEW) (Effective October 1, 2013) (a) As used in this section: (1) "Certified applicator" means an individual who is certified, in accordance with section 22a-54 of the general statutes, by the Commissioner of Energy and Environmental Protection to perform application within this state of a pesticide or class of pesticides; (2) "bed bug" means the common bed bug (Cimex lectularius); (3) "bed bug detection team" means a scent detection canine team that holds a current, independent, third-party certification in accordance with the guidelines for Minimum Standards for Canine Bed Bug Detection Team Certification established by the National Pest Management Association; (4) "landlord", "owner", "person" and "tenant" shall have the same meanings as in section 47a-1 of the general statutes; (5) "qualified inspector" means a certified applicator, local health department official or bed bug detection team retained by a landlord to conduct an inspection for an infestation of bed bugs; and (6) "pest control agent" means a person who is a certified applicator or who is otherwise specially licensed or qualified to treat bed bug infestations.

(b) (1) A tenant shall promptly notify a landlord orally or in writing when the tenant knows or reasonably suspects that the tenant's
dwelling unit is infested with bed bugs. Not later than five business days after receiving such notice, the landlord shall obtain an inspection of the dwelling unit and contiguous units by a qualified inspector and may enter a dwelling unit for the purpose of conducting such inspection as provided in subdivision (2) of this subsection. If the qualified inspector determines that the dwelling unit is infested with bed bugs, the landlord shall, not later than five business days after the date of the inspection, take reasonable measures, as determined by such qualified inspector, to effectively treat the bed bug infestation, including, without limitation, treating the contiguous units and retaining the services of a pest control agent. No landlord shall apply any pesticide or class of pesticides for the purpose of treating a bed bug infestation unless such landlord is a certified applicator. Except as otherwise provided in this section, the landlord shall be responsible for all costs associated with inspection for and treatment of a bed bug infestation.

(2) (A) Upon reasonable written or oral notice to a tenant in accordance with the provisions of section 47a-16 of the general statutes that a landlord, qualified inspector or pest control agent must enter a dwelling unit for the purpose of conducting an inspection for, or treating an infestation of, bed bugs, a tenant shall not unreasonably withhold access to the dwelling unit. Any entry to a dwelling unit shall be made in accordance with the provisions of section 47a-16 of the general statutes.

(B) A qualified inspector may initially conduct a visual and manual inspection of the tenant's bedding and upholstered furniture. The qualified inspector may inspect items other than bedding and upholstered furniture when such qualified inspector determines that such an inspection is necessary and reasonable. If the qualified inspector finds bed bugs in the dwelling unit or in a contiguous unit, such qualified inspector may have such additional access to the tenant's personal belongings as the qualified inspector determines is necessary and reasonable. A tenant shall comply with reasonable
measures to permit the inspection and treatment of a bed bug infestation as set forth by the landlord and qualified inspector or pest control agent, and such tenant shall be responsible for all costs associated with preparing a dwelling unit for such inspection and treatment. The tenant's knowing and unreasonable failure to comply with such bed bug inspection and treatment measures shall result in the tenant being held liable for those bed bug treatments of the dwelling unit arising from such failure.

(C) Whenever any furniture, clothing, equipment or personal property belonging to a tenant is found to be infested with bed bugs, such furniture, clothing, equipment or personal property shall not be removed from the dwelling unit until a pest control agent determines that a bed bug treatment has been completed, or until the landlord approves of such removal.

(3) (A) A landlord shall offer to make reasonable assistance available to a tenant who is not able to comply with preparation for any bed bug inspection or treatment measures that are the tenant's responsibility under this section. The landlord shall disclose to the tenant the cost, if any, to assist the tenant with preparing the dwelling unit for inspection or treatment. The landlord may, at the landlord's discretion, charge the tenant a reasonable amount for any such assistance, provided such charge is subject to a reasonable repayment schedule not to exceed six months, unless the landlord and tenant agree to one or more extensions of such repayment schedule. A tenant's failure to agree to any such charges or repayment schedule shall not relieve the landlord of the duty to treat the dwelling unit.

(B) A tenant's failure to make any payment required pursuant to a repayment schedule shall not be the basis for a summary process action instituted pursuant to chapter 832 of the general statutes. At the termination of a tenancy, a landlord may deduct any remaining payments owed under a repayment schedule from a security deposit in accordance with the provisions of section 47a-21 of the general statutes.
(C) Nothing in this section shall be construed to require a landlord to provide a tenant with alternative lodging or to pay to replace the tenant’s personal property. Nothing in this section shall be construed to preempt or restrict application of the provisions of chapter 814c of the general statutes or any other state or federal law concerning reasonable accommodations for persons with disabilities.

(c) No landlord shall offer for rent a dwelling unit that the landlord knows or reasonably suspects is infested with bed bugs. Before renting a dwelling unit, a landlord shall disclose to a prospective tenant whether the unit the landlord is offering for rent or any contiguous unit (1) is currently infested with bed bugs, or (2) has been treated for such infestation, provided no such disclosure shall be required if a pest control agent has determined that such treatment has been completed and sixty days have elapsed since the landlord received written notice of such determination. Upon request from a tenant or prospective tenant, a landlord shall disclose the last date on which the dwelling unit being rented or offered for rent was inspected for, and found to be free of, a bed bug infestation.

(d) (1) The failure of any landlord to comply with the provisions of this section shall constitute a rebuttable presumption that such landlord has failed to comply with the provisions of subdivisions (1) and (2) of subsection (a) of section 47a-7 of the general statutes and the tenant may proceed as provided in section 47a-12 of the general statutes or section 47a-14h of the general statutes, as amended by this act. Any landlord who fails to comply with the provisions of this section shall be liable to the tenant for reasonable attorneys’ fees and the greater of two hundred fifty dollars or the tenant’s actual damages.

(2) A landlord may apply to the Superior Court to obtain injunctive relief in accordance with section 47a-18 of the general statutes and to obtain such other relief as may be appropriate against a tenant who (A) refuses to provide reasonable access to a dwelling unit, (B) fails to comply with reasonable requests for inspection or treatment of a dwelling unit, or (C) fails to implement reasonable inspection and
treatment measures required pursuant to subsection (b) of this section. The entry fee for such an action shall be the same as the entry fee for a small claims case. If a court finds that a tenant has unreasonably failed to comply with this section, the court may issue a temporary order or interim relief to carry out the provisions of this section, including, but not limited to: (i) Granting the landlord access to the dwelling unit for the purposes set forth in this section; (ii) granting the landlord the right to engage in bed bug inspection and treatment measures; and (iii) requiring the tenant to comply with specific bed bug inspection and treatment measures or assessing the tenant with costs and damages related to the tenant's noncompliance. Any order granting a landlord access to a dwelling unit shall be served upon the tenant at least twenty-four hours before a landlord, qualified inspector or pest control agent enters the dwelling unit.

(3) In any action of summary process under chapter 832 of the general statutes, there shall be a rebuttable presumption that such action was commenced in retaliation against the tenant if the tenant asserted the tenant's rights pursuant to this section less than six months before the commencement of such action. The rebuttable presumption of retaliation shall not apply (A) unless the tenant asserted the tenant's rights pursuant to this section prior to being served with a valid notice to quit possession or occupancy, or (B) if the action of summary process is brought for failure to pay rent or for causing substantial damage to the premises. A landlord shall retain all rights to defend a claim of retaliation as set forth in section 47a-20a of the general statutes.

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

Sec. 2. Subsection (a) of section 47a-14h of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2013):
(a) Any tenant who claims that [his] the landlord has failed to perform his or her legal duties, as required by section 47a-7, [or] subdivisions (1) to (13), inclusive, of subsection (a) of section 21-82, or section 1 of this act, may institute an action in the superior court having jurisdiction over housing matters in the judicial district in which [he] such tenant resides to obtain the relief authorized by this section and sections 47a-20, [and] 47a-68, and section 1 of this act. No tenant may institute an action under this section if a valid notice to quit possession or occupancy based upon nonpayment of rent has been served on [him] such tenant prior to [his] the institution of an action under this section or if a valid notice to quit possession or occupancy based on any other ground has been served on [him] such tenant prior to [his] such tenant making the complaint to the agency referred to in subsection (b) of this section, provided any such notice to quit is still effective.

Sec. 3. (NEW) (Effective October 1, 2013) The Connecticut Agricultural Experiment Station, in consultation with the Department of Public Health and the Department of Energy and Environmental Protection, shall, within available appropriations, develop and publish guidelines that identify effective and least burdensome methods of investigating and treating bed bug infestations.

This act shall take effect as follows and shall amend the following sections:

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<tr>
<th>Section</th>
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<tbody>
<tr>
<td>Sec. 1</td>
<td>October 1, 2013</td>
<td>New section</td>
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<tr>
<td>Sec. 2</td>
<td>October 1, 2013</td>
<td>47a-14h(a)</td>
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<td>Sec. 3</td>
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HSG Joint Favorable Subst.

PH Joint Favorable