



General Assembly

February Session, 2014

Raised Bill No. 5438

LCO No. 1388



Referred to Committee on HOUSING

Introduced by:
(HSG)

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

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

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) As used in this
2 section:

3 (1) "Certified applicator" means an individual who is certified, in
4 accordance with section 22a-54 of the general statutes, by the
5 Commissioner of Energy and Environmental Protection to perform
6 application within this state of a pesticide or class of pesticides;

7 (2) "Bed bug" means the common bed bug (*Cimex lectularius*);

8 (3) "Bed bug detection team" means a scent detection canine team
9 that holds a current, independent, third-party certification in
10 accordance with the guidelines for Minimum Standards for Canine
11 Bed Bug Detection Team Certification established by the National Pest
12 Management Association;

13 (4) "Landlord", "owner", "person" and "tenant" shall have the same
14 meanings as in section 47a-1 of the general statutes;

15 (5) "Qualified inspector" means a certified applicator, local health
16 department official or bed bug detection team retained by a landlord
17 to conduct an inspection for an infestation of bed bugs; and

18 (6) "Pest control agent" means a person who is a certified applicator
19 or who is otherwise specially licensed or qualified to treat bed bug
20 infestations.

21 (b) (1) A tenant shall promptly notify a landlord orally or in writing
22 when the tenant knows or reasonably suspects that the tenant's
23 dwelling unit is infested with bed bugs. Not later than five business
24 days after receiving such notice, the landlord shall obtain an inspection
25 by a qualified inspector of the dwelling unit and any contiguous unit
26 of which the landlord is an owner, lessor or sublessor, and may enter
27 any such dwelling unit or contiguous unit for the purpose of
28 conducting such inspection as provided in subdivision (2) of this
29 subsection. If the qualified inspector determines that any such
30 dwelling unit or contiguous unit is infested with bed bugs, the
31 landlord shall, not later than five business days after the date of the
32 inspection, take reasonable measures, as determined by such qualified
33 inspector, to effectively treat the bed bug infestation, including treating
34 or retaining the services of a pest control agent to treat the dwelling
35 unit and any contiguous unit of which the landlord is an owner, lessor
36 or sublessor. No landlord shall apply any pesticide or class of
37 pesticides for the purpose of treating a bed bug infestation unless such
38 landlord is a certified applicator. Except as otherwise provided in this
39 section, the landlord shall be responsible for all costs associated with
40 inspection for and treatment of a bed bug infestation.

41 (2) (A) Upon reasonable written or oral notice to a tenant in
42 accordance with the provisions of section 47a-16 of the general statutes
43 that a landlord, qualified inspector or pest control agent must enter a

44 dwelling unit for the purpose of conducting an inspection for, or
45 treating an infestation of, bed bugs, a tenant shall not unreasonably
46 withhold access to the dwelling unit. Any entry to a dwelling unit shall
47 be made in accordance with the provisions of section 47a-16 of the
48 general statutes.

49 (B) A qualified inspector may initially conduct a visual and manual
50 inspection of the tenant's bedding and upholstered furniture. The
51 qualified inspector may inspect items other than bedding and
52 upholstered furniture when such qualified inspector determines that
53 such an inspection is necessary and reasonable. If the qualified
54 inspector finds bed bugs in the dwelling unit or in any contiguous unit
55 of which the landlord is an owner, lessor or sublessor, such qualified
56 inspector may have such additional access to the tenant's personal
57 belongings as the qualified inspector determines is necessary and
58 reasonable. A tenant shall comply with reasonable measures to permit
59 the inspection and treatment of a bed bug infestation as determined by
60 the landlord and qualified inspector or pest control agent, and such
61 tenant shall be responsible for all costs associated with preparing a
62 dwelling unit for such inspection and treatment. The tenant's knowing
63 and unreasonable failure to comply with such bed bug inspection and
64 treatment measures shall result in the tenant being held liable for those
65 bed bug treatments of the dwelling unit and contiguous units arising
66 from such failure.

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

73 (3) (A) A landlord shall offer to make reasonable assistance available
74 to a tenant who is not physically able to comply with preparation for
75 any bed bug inspection or treatment measures that are the tenant's

76 responsibility under this section. The landlord shall disclose to the
77 tenant the cost, if any, of providing such assistance to the tenant. The
78 landlord may, at the landlord's discretion, charge the tenant a
79 reasonable amount for any such assistance, provided such charge is
80 subject to a reasonable repayment schedule not to exceed six months,
81 unless the landlord and tenant agree to one or more extensions of such
82 repayment schedule. A tenant's failure to agree to any such charges or
83 repayment schedule shall not relieve the landlord of the duty to treat
84 the dwelling unit.

85 (B) A tenant's failure to make any payment required pursuant to a
86 repayment schedule shall not be the basis for a summary process
87 action instituted pursuant to chapter 832 of the general statutes. At the
88 termination of a tenancy, a landlord may deduct any remaining
89 payments owed under a repayment schedule from a security deposit
90 in accordance with the provisions of section 47a-21 of the general
91 statutes.

92 (C) Nothing in this section shall be construed to require a landlord
93 to provide a tenant with alternative lodging or to pay to replace the
94 tenant's personal property. Nothing in this section shall be construed
95 to preempt or restrict application of the provisions of chapter 814c of
96 the general statutes or any other state or federal law concerning
97 reasonable accommodations for persons with disabilities.

98 (c) No landlord shall offer for rent a dwelling unit that the landlord
99 knows or reasonably suspects is infested with bed bugs. Before renting
100 a dwelling unit, a landlord shall disclose to a prospective tenant
101 whether the unit the landlord is offering for rent or any contiguous
102 unit of which the landlord is an owner, lessor or sublessor (1) is
103 currently infested with bed bugs, or (2) has been treated for such an
104 infestation, provided no such disclosure shall be required if a pest
105 control agent has determined that such treatment has been completed
106 and sixty days have elapsed since the landlord received written notice
107 of such determination. Upon request from a tenant or prospective

108 tenant, a landlord shall disclose the last date on which the dwelling
109 unit being rented or offered for rent was inspected for, and found to be
110 free of, a bed bug infestation.

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

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

140 (3) In any action of summary process under chapter 832 of the
141 general statutes, there shall be a rebuttable presumption that such
142 action was commenced in retaliation against the tenant if the tenant
143 asserted the tenant's rights pursuant to this section less than six
144 months before the commencement of such action. The rebuttable
145 presumption of retaliation shall not apply if the action of summary
146 process is brought for failure to pay rent or for causing substantial
147 damage to the premises. A landlord shall retain all rights to defend a
148 claim of retaliation as set forth in section 47a-20a of the general
149 statutes.

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

154 Sec. 2. Subsections (a) and (b) of section 47a-14h of the general
155 statutes are repealed and the following is substituted in lieu thereof
156 (*Effective October 1, 2014*):

157 (a) Any tenant who claims that [his] the landlord has failed to
158 perform his or her legal duties, as required by section 47a-7, [or]
159 subdivisions (1) to (13), inclusive, of subsection (a) of section 21-82 or
160 section 1 of this act, may institute an action in the superior court
161 having jurisdiction over housing matters in the judicial district in
162 which [he] such tenant resides to obtain the relief authorized by this
163 section and sections 47a-20, [and] 47a-68, and section 1 of this act. No
164 tenant may institute an action under this section if a valid notice to quit
165 possession or occupancy based upon nonpayment of rent has been
166 served on [him] such tenant prior to [his] the institution of an action
167 under this section or if a valid notice to quit possession or occupancy
168 based on any other ground has been served on [him] such tenant prior
169 to [his] such tenant making the complaint to the agency referred to in
170 subsection (b) of this section, provided any such notice to quit is still
171 effective.

172 (b) The action shall be instituted by filing a complaint, under oath,
173 with the clerk of the court. The complaint shall allege (1) the name of
174 the tenant; (2) the name of the landlord; (3) the address of the
175 premises; (4) the nature of the alleged violation of section 47a-7,
176 subsection (a) of section 21-82 or section 1 of this act; and (5) the dates
177 when rent is due under the rental agreement and the amount due on
178 such dates. The complaint shall also allege that at least twenty-one
179 days prior to the date on which the complaint is filed, the tenant made
180 a complaint concerning the premises to the municipal agency, in the
181 municipality where the premises are located, responsible for
182 enforcement of the housing code or, if no housing code exists, of the
183 public health code, or to the agency responsible for enforcement of the
184 code or ordinance alleged to have been violated, or to another
185 municipal agency which referred such complaint to the municipal
186 agency responsible for enforcement of such code or ordinance. In the
187 case of a mobile manufactured home located in a mobile manufactured
188 home park, such complaint may be made to the Commissioner of
189 Consumer Protection. The entry fee shall be twenty-five dollars, which
190 may be waived in accordance with section 52-259b. Such entry fee shall
191 be a taxable cost of the action. If, on the same day, more than one
192 tenant from the same building or complex institutes an action under
193 this section and pays the entry fee for such action, unless such fee is
194 waived, the actions shall be treated as a single action. No recognizance
195 or bond shall be required.

196 Sec. 3. (NEW) (*Effective October 1, 2014*) The Connecticut
197 Agricultural Experiment Station, in consultation with the Department
198 of Public Health and the Department of Energy and Environmental
199 Protection, shall, within available appropriations, develop and publish
200 guidelines that identify effective and least burdensome methods of
201 investigating and treating bed bug infestations.

<p>This act shall take effect as follows and shall amend the following sections:</p>

Section 1	<i>October 1, 2014</i>	New section
Sec. 2	<i>October 1, 2014</i>	47a-14h(a) and (b)
Sec. 3	<i>October 1, 2014</i>	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.]