



General Assembly

**Substitute Bill No. 5438**

February Session, 2014



**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, except the landlord may first attempt to treat such  
37 infestation. If the landlord treats such bed bug infestation without  
38 retaining the services of a pest control agent, the landlord shall first  
39 vacuum the areas to be treated and shall, not later than five business  
40 days after the date of such treatment, obtain an inspection of any  
41 treated unit by a qualified inspector. If the qualified inspector  
42 determines that any such unit is not infested with bed bugs, the  
43 qualified inspector shall provide the landlord with a written  
44 certification of such determination. If the qualified inspector  
45 determines that any such unit is infested with bed bugs, the landlord  
46 shall, not later than five business days after the date of such inspection,  
47 retain the services of a pest control agent. Except as otherwise  
48 provided in this section, the landlord shall be responsible for all costs  
49 associated with inspection for and treatment of a bed bug infestation.

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

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

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

82 (3) (A) A landlord shall offer to make reasonable assistance available

83 to a tenant who is not physically able to comply with preparation for  
84 any bed bug inspection or treatment measures that are the tenant's  
85 responsibility under this section. The landlord shall disclose to the  
86 tenant the cost, if any, of providing such assistance to the tenant. The  
87 landlord may, at the landlord's discretion, charge the tenant a  
88 reasonable amount for any such assistance, provided such charge is  
89 subject to a reasonable repayment schedule not to exceed six months,  
90 unless the landlord and tenant agree to one or more extensions of such  
91 repayment schedule. A tenant's failure to agree to any such charges or  
92 repayment schedule shall not relieve the landlord of the duty to treat  
93 the dwelling unit.

94 (B) A tenant's failure to make any payment required pursuant to a  
95 repayment schedule shall not be the basis for a summary process  
96 action instituted pursuant to chapter 832 of the general statutes. At the  
97 termination of a tenancy, a landlord may deduct any remaining  
98 payments owed under a repayment schedule from a security deposit  
99 in accordance with the provisions of section 47a-21 of the general  
100 statutes.

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

107 (c) No landlord shall offer for rent a dwelling unit that the landlord  
108 knows or reasonably suspects is infested with bed bugs. Before renting  
109 a dwelling unit, a landlord shall disclose to a prospective tenant  
110 whether the unit the landlord is offering for rent or any contiguous  
111 unit of which the landlord is an owner, lessor or sublessor is currently  
112 infested with bed bugs. Upon request from a tenant or prospective  
113 tenant, a landlord shall disclose the last date on which the dwelling  
114 unit being rented or offered for rent was inspected for, and found to be  
115 free of, a bed bug infestation.

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

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

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

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

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

167 (b) The action shall be instituted by filing a complaint, under oath,  
168 with the clerk of the court. The complaint shall allege (1) the name of  
169 the tenant; (2) the name of the landlord; (3) the address of the  
170 premises; (4) the nature of the alleged violation of section 47a-7,  
171 subsection (a) of section 21-82 or section 1 of this act; and (5) the dates  
172 when rent is due under the rental agreement and the amount due on  
173 such dates. The complaint shall also allege that at least twenty-one  
174 days prior to the date on which the complaint is filed, the tenant made  
175 a complaint concerning the premises to the municipal agency, in the  
176 municipality where the premises are located, responsible for  
177 enforcement of the housing code or, if no housing code exists, of the  
178 public health code, or to the agency responsible for enforcement of the  
179 code or ordinance alleged to have been violated, or to another  
180 municipal agency which referred such complaint to the municipal  
181 agency responsible for enforcement of such code or ordinance. In the

182 case of a mobile manufactured home located in a mobile manufactured  
183 home park, such complaint may be made to the Commissioner of  
184 Consumer Protection. The entry fee shall be twenty-five dollars, which  
185 may be waived in accordance with section 52-259b. Such entry fee shall  
186 be a taxable cost of the action. If, on the same day, more than one  
187 tenant from the same building or complex institutes an action under  
188 this section and pays the entry fee for such action, unless such fee is  
189 waived, the actions shall be treated as a single action. No recognizance  
190 or bond shall be required.

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

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

**HSG**      *Joint Favorable Subst.*