



# House of Representatives

General Assembly

**File No. 228**

February Session, 2016

House Bill No. 5335

*House of Representatives, March 29, 2016*

The Committee on Housing reported through REP. BUTLER of the 72nd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***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, 2016*) (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" 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 effectively treat  
37 such 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 initiated 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) If any landlord fails to comply with the provisions of this  
117 section, then any tenant may proceed as provided in section 47a-12 of  
118 the general statutes or section 47a-14h of the general statutes, as  
119 amended by this act. Any landlord who fails to comply with the  
120 provisions of this section shall be liable to the tenant for reasonable  
121 attorneys' fees and the greater of two hundred fifty dollars or the  
122 tenant's actual damages.

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

143 (3) The remedies in this section shall be in addition to any other  
144 remedies available at law, or in equity, to any person. This section shall

145 not be construed to limit or restrict the authority of any state or local  
146 housing or health code enforcement agency.

147 Sec. 2. Subsections (a) and (b) of section 47a-14h of the general  
148 statutes are repealed and the following is substituted in lieu thereof  
149 (*Effective October 1, 2016*):

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

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

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

189       Sec. 3. (NEW) (*Effective October 1, 2016*) The Connecticut  
 190 Agricultural Experiment Station, in consultation with the Department  
 191 of Public Health and the Department of Energy and Environmental  
 192 Protection, shall, within available appropriations, develop and publish  
 193 best practices and guidelines that identify the most effective and least  
 194 burdensome methods of investigating and treating bed bug  
 195 infestations.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	New section
Sec. 2	<i>October 1, 2016</i>	47a-14h(a) and (b)
Sec. 3	<i>October 1, 2016</i>	New section

**HSG**       *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which establishes a framework for identifying and treating bed bug infestations in residential rental properties, has no fiscal impact. The provision regulates the responsibilities that both the landlords and tenants have if such infestations occur.

The bill (also) has no fiscal impact by requiring the Agricultural Experiment Station (AES) to develop and publish guidelines on investigating and treating bed bug infestation within available appropriations. The agency currently produces information guides addressing bed bugs, which is available on the AES website.

***The Out Years******State Impact:*** None***Municipal Impact:*** None



**OLR Bill Analysis****HB 5335*****AN ACT CONCERNING THE RIGHTS AND RESPONSIBILITIES OF LANDLORDS AND TENANTS REGARDING THE TREATMENT OF BED BUG INFESTATIONS.*****SUMMARY:**

This bill establishes a framework to identify and treat bed bug infestations in residential rental properties, including public housing. It sets separate duties and responsibilities for landlords and tenants, including notice, inspection, and treatment requirements. It also gives landlords and tenants remedies when the other party fails to comply with these duties and responsibilities.

The bill requires landlords to retain a third-party inspector if tenants report that they know or suspect their unit is infested with bed bugs. It requires landlords to hire and pay a pest control agent to treat bed bug infestations if they are unable to successfully treat the infestation themselves. If a landlord treats the infestation him or herself, a third-party inspector must confirm the treatment's success. However, the bill makes tenants financially responsible for subsequent treatment costs of their unit and contiguous units if they knowingly and unreasonably fail to comply with treatment measures. It also prohibits landlords from renting units that they know or suspect are infested with bed bugs.

The bill requires the Connecticut Agricultural Experiment Station, in consultation with the departments of Public Health and Energy and Environmental Protection (DEEP), within available appropriations, to develop and publish guidelines and best practices identifying the most effective and least burdensome ways to investigate and treat bed bug infestations.

The bill also makes technical and conforming changes to the statute allowing tenants to enforce a landlord's duties (CGS § 47a-14h).

EFFECTIVE DATE: October 1, 2016

## **DEFINITIONS**

The bill defines “certified applicator” as an individual who is certified by DEEP to apply pesticides. A “pest control agent” is a certified applicator or person otherwise specially licensed or qualified to treat bed bug infestations. “Bed bug detection team” means a scent detection canine team that holds a current, independent, third-party certification according to standards set by the National Pest Management Association. A “qualified inspector” is a certified applicator, local health department official, or bed bug detection team. “Bed bug” refers to the species *Cimex lectularius*, the common bed bug.

## **LANDLORD'S DUTIES**

By law, landlords must comply with building and housing codes materially affecting health and safety and keep units in fit and habitable condition (CGS § 47a-7). Under the bill, landlords must:

1. provide reasonable written or oral notice to a tenant before entering a unit for bed bug inspection or control purposes;
2. pay for the inspection and treatment of a bed bug infestation;
3. have the unit and contiguous units inspected by a qualified inspector within five business days of receiving notice from a tenant that his or her unit may be infested;
4. if the inspection reveals an infestation, take reasonable measures to treat it within five business days after the inspection, including treating contiguous units;
5. offer assistance to tenants who cannot physically comply with preparation for inspection or treatment procedures, for which the landlords may charge a reasonable amount;

6. offer reasonable accommodations to people with disabilities in compliance with state and federal disability laws;
7. refrain from offering a unit for rent if they know or reasonably suspect it is infested;
8. disclose to prospective tenants whether the rental unit or a contiguous unit is currently infested; and
9. upon request from a current or prospective tenant, disclose the last date the rental unit was inspected for bed bugs and found free of infestation.

The bill specifies that a landlord's rights and duties, as they relate to contiguous units, apply only if the landlord owns, leases, or subleases the contiguous unit.

Under the bill, a landlord may hire a pest control agent or self-treat an infestation. If a landlord chooses to do the latter, he or she must:

1. vacuum areas to be treated before treatment;
2. within five business days after the treatment, have a qualified inspector inspect the unit;
3. obtain written certification from the inspector that the unit is no longer infested; and
4. hire a pest control agent within five business days after the inspection if the inspector determines the treatment was not effective.

### **TENANT'S DUTIES**

Under the bill, tenants must:

1. promptly notify their landlord, orally or in writing, when they know or suspect their unit is infested with bed bugs;
2. not unreasonably deny access to their unit after receiving

reasonable notice of intent to enter;

3. cover the costs associated with preparing the unit for inspection and treatment (e.g., moving furniture or laundering clothing);
4. comply with reasonable measures, as determined by the landlord and qualified inspector or pest control agent, to eliminate and control the infestation, or pay additional costs arising from noncompliance; and
5. not move infested material from their unit until treatment is complete or the landlord gives them permission to do so.

### **INSPECTIONS AND TREATMENT**

Landlords, qualified inspectors, and pest control agents must enter units in accordance with existing law on entry into rental units. That is, landlords must (1) provide reasonable notice of their intent to enter and (2) have the tenant's consent to enter, unless there is an emergency, court order, extended absence, or abandonment.

Under the bill, qualified inspectors may visually or manually inspect a tenant's bedding and upholstered furniture during an inspection. They may also inspect other items, including personal belongings, when they deem it necessary and reasonable, including when they find bed bugs in the unit or in a contiguous unit.

#### ***Preparing Unit for Inspection and Treatment***

The bill requires landlords to assist tenants who are physically unable to comply with their responsibility under the bill to prepare their unit. Landlords must disclose the cost of assistance. They may charge tenants a reasonable amount for the assistance and set a repayment schedule of up to six months, unless both parties agree to an extension. If a tenant fails to make a required payment, the landlord can deduct the amount owed from the tenant's security deposit at the end of the tenancy, but cannot initiate summary process (eviction) proceedings against the tenant on that basis. Under the bill, the landlord must treat the infested unit, even if the tenant does not agree

to the charges or repayment schedule.

Tenants who unreasonably fail to comply with inspection and treatment procedures are financially responsible for the cost of additional treatments of their unit and contiguous units.

### ***Duties Regarding Tenant Relocation***

Under the bill, landlords are not responsible for (1) providing tenants with alternative accommodations during treatment or (2) replacing tenants' personal property. However, under the state's Uniform Relocation Assistance Act, landlords may be liable for costs related to relocating tenants displaced by code enforcement activity, such as code enforcement related to a bed bug infestation (CGS § 8-266 et seq.).

## **REMEDIES**

In addition to the bill's remedies below, aggrieved landlords and tenants may pursue any other remedies available in law or equity. The bill does not restrict the authority of state or local housing or health code enforcement agencies.

### ***Tenant's Remedies***

If a landlord fails to comply with the bill, tenants may follow existing procedures for (1) asking the court for relief, including rent abatement or an order to comply or (2) terminating the rental agreement after giving the landlord notice of the breach and 15 days to comply (CGS §§ 47a-12 and 47a-14h). Noncompliant landlords are additionally liable for a \$250 fine or actual damages, whichever is greater, plus reasonable attorney's fees.

### ***Landlord's Remedies***

If tenants unreasonably refuse to give a landlord, qualified inspector, or pest control agent access to their unit, a landlord may ask the court to provide relief under an existing law that authorizes courts to (1) compel access or terminate the rental agreement and (2) hold tenants responsible for actual damages, including attorney's fees (CGS

§ 47a-18).

The bill additionally specifies that a landlord may, if a tenant refuses access or fails to comply with inspection or treatment procedures or control measures, ask the court to:

1. grant the landlord access to the unit to carry out bed bug inspection or treatment measures;
2. grant the landlord the right to carry out such inspection and treatment; and
3. require the tenant to comply with inspection or control measures or charge him or her for the costs of noncompliance.

Under the bill, the fee for initiating such an action is the same as for a small claims case (i.e., \$90).

Any order granting the landlord, qualified inspector, or pest control agent access to the premises must be served on the tenant at least 24 hours before entry.

**COMMITTEE ACTION**

Housing Committee

Joint Favorable

Yea 10    Nay 1    (03/08/2016)