



General Assembly

Amendment

February Session, 2016

LCO No. 5124



Offered by:

REP. BUTLER, 72nd Dist.
REP. KUPCHICK, 132nd Dist.
REP. REBIMBAS, 70th Dist.

To: House Bill No. 5335

File No. 228

Cal. No. 171

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2016*) (a) As used in this
4 section:

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

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

10 (3) "Bed bug detection team" means a scent detection canine team
11 that holds a current, independent, third-party certification in

12 accordance with the guidelines for Minimum Standards for Canine
13 Bed Bug Detection Team Certification established by the National Pest
14 Management Association;

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

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

20 (6) "Pest control agent" means a person who is a certified applicator
21 or who is otherwise specially licensed or qualified to treat bed bug
22 infestations; and

23 (7) "Dwelling unit" means a unit other than a single-family
24 unattached unit that is occupied as a home or residence for one or
25 more persons.

26 (b) (1) A tenant shall promptly notify a landlord orally or in writing
27 when the tenant knows or reasonably suspects that the tenant's
28 dwelling unit is infested with bed bugs. Not later than five business
29 days after receiving such notice, the landlord shall inspect or obtain an
30 inspection by a qualified inspector of the dwelling unit and any
31 contiguous unit of which the landlord is an owner, lessor or sublessor,
32 and may enter any such dwelling unit or contiguous unit for the
33 purpose of conducting such inspection as provided in subdivision (2)
34 (A) of this subsection. If the landlord conducts the inspection, the
35 landlord must provide written notice to the tenant within two days
36 indicating whether or not the unit is infested with bed bugs. The notice
37 shall inform the tenant that, if the tenant is still concerned that the unit
38 is infested with bed bugs, the tenant may contact the local health
39 department and shall provide relevant contact information on said
40 notice. If the inspection determines that any such dwelling unit or
41 contiguous unit is infested with bed bugs, the landlord shall, not later
42 than five business days after the date of the inspection, take reasonable
43 measures, as determined by such qualified inspector, to effectively

44 treat the bed bug infestation, including treating or retaining the
45 services of a pest control agent to treat the dwelling unit and any
46 contiguous unit of which the landlord is an owner, lessor or sublessor,
47 except the landlord may first attempt to effectively treat such
48 infestation. If the landlord treats such bed bug infestation without
49 retaining the services of a pest control agent, the landlord shall first
50 vacuum the areas to be treated and shall, not later than five business
51 days after the date of such treatment, obtain an inspection of any
52 treated unit by a qualified inspector. If the qualified inspector
53 determines that any such unit is not infested with bed bugs, the
54 qualified inspector shall provide the landlord with a written
55 certification of such determination. If the qualified inspector
56 determines that any such unit is infested with bed bugs, the landlord
57 shall, not later than five business days after the date of such inspection,
58 retain the services of a pest control agent. Except as otherwise
59 provided in this section, the landlord shall be responsible for all costs
60 associated with inspection for and treatment of a bed bug infestation.
61 Nothing in this section shall be construed to preclude a tenant from
62 contacting any agency at any time concerning an infestation of bed
63 bugs.

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

72 (B) The landlord or qualified inspector may initially conduct a
73 visual and manual inspection of the tenant's bedding and upholstered
74 furniture. The landlord or qualified inspector may inspect items other
75 than bedding and upholstered furniture when such landlord or
76 qualified inspector determines that such an inspection is necessary and
77 reasonable. If the landlord or qualified inspector finds bed bugs in the

78 dwelling unit or in any contiguous unit of which the landlord is an
79 owner, lessor or sublessor, such landlord or qualified inspector may
80 have such additional access to the tenant's personal belongings as the
81 landlord or qualified inspector determines is necessary and reasonable.
82 A tenant shall comply with reasonable measures to permit the
83 inspection and treatment of a bed bug infestation as determined by the
84 landlord and qualified inspector or pest control agent, and such tenant
85 shall be responsible for all costs associated with preparing a dwelling
86 unit for such inspection and treatment. The tenant's knowing and
87 unreasonable failure to comply with such bed bug inspection and
88 treatment measures shall result in the tenant being held liable for those
89 bed bug treatments of the dwelling unit and contiguous units arising
90 from such failure.

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

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

109 (B) A tenant's failure to make any payment required pursuant to a
110 repayment schedule shall not be the basis for a summary process

111 action initiated pursuant to chapter 832 of the general statutes. At the
112 termination of a tenancy, a landlord may deduct any remaining
113 payments owed under a repayment schedule from a security deposit
114 in accordance with the provisions of section 47a-21 of the general
115 statutes.

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

122 (c) No landlord shall offer for rent a dwelling unit that the landlord
123 knows or reasonably suspects is infested with bed bugs. Before renting
124 a dwelling unit, a landlord shall disclose to a prospective tenant
125 whether the unit the landlord is offering for rent or any contiguous
126 unit of which the landlord is an owner, lessor or sublessor is currently
127 infested with bed bugs. Upon request from a tenant or prospective
128 tenant, a landlord shall disclose the last date on which the dwelling
129 unit being rented or offered for rent was inspected for, and found to be
130 free of, a bed bug infestation.

131 (d) (1) If any landlord fails to comply with the provisions of this
132 section, then any tenant may proceed as provided in section 47a-12 of
133 the general statutes or section 47a-14h of the general statutes, as
134 amended by this act. Any landlord who fails to comply with the
135 provisions of this section shall be liable to the tenant for reasonable
136 attorneys' fees and the greater of two hundred fifty dollars or the
137 tenant's actual damages.

138 (2) A landlord may apply to the Superior Court to obtain injunctive
139 relief in accordance with section 47a-18 of the general statutes and to
140 obtain such other relief as may be appropriate against a tenant who (A)
141 refuses to provide reasonable access to a dwelling unit, (B) fails to
142 comply with reasonable requests for inspection or treatment of a

143 dwelling unit, or (C) fails to implement reasonable inspection and
144 treatment measures required pursuant to subsection (b) of this section.
145 The entry fee for such an action shall be the same as the entry fee for a
146 small claims case. If a court finds that a tenant has unreasonably failed
147 to comply with this section, the court may issue a temporary order or
148 interim relief to carry out the provisions of this section, including, but
149 not limited to: (i) Granting the landlord access to the dwelling unit for
150 the purposes set forth in this section; (ii) granting the landlord the right
151 to engage in bed bug inspection and treatment measures; and (iii)
152 requiring the tenant to comply with specific bed bug inspection and
153 treatment measures or assessing the tenant with costs and damages
154 related to the tenant's noncompliance. Any order granting a landlord
155 access to a dwelling unit shall be served upon the tenant at least
156 twenty-four hours before a landlord, qualified inspector or pest control
157 agent enters the dwelling unit.

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

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

165 (a) Any tenant who claims that [his] the landlord has failed to
166 perform his or her legal duties, as required by section 47a-7, [or]
167 subdivisions (1) to (13), inclusive, of subsection (a) of section 21-82 or
168 section 1 of this act, may institute an action in the superior court
169 having jurisdiction over housing matters in the judicial district in
170 which [he] such tenant resides to obtain the relief authorized by this
171 section, [and] sections 47a-20 and 47a-68 and section 1 of this act. No
172 tenant may institute an action under this section if a valid notice to quit
173 possession or occupancy based upon nonpayment of rent has been
174 served on [him] such tenant prior to [his] the institution of an action
175 under this section or if a valid notice to quit possession or occupancy

176 based on any other ground has been served on [him] such tenant prior
177 to [his] such tenant making the complaint to the agency referred to in
178 subsection (b) of this section, provided any such notice to quit is still
179 effective.

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

204 Sec. 3. (NEW) (*Effective October 1, 2016*) The Connecticut
205 Agricultural Experiment Station, in consultation with the Department
206 of Public Health and the Department of Energy and Environmental
207 Protection, shall, within available appropriations, develop and publish
208 best practices and guidelines that identify the most effective and least
209 burdensome methods of investigating and treating bed bug

210 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