



General Assembly

Amendment

February Session, 2016

LCO No. 5064



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; and

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.

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

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

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

69 (B) A qualified inspector may initially conduct a visual and manual
70 inspection of the tenant's bedding and upholstered furniture. The
71 qualified inspector may inspect items other than bedding and
72 upholstered furniture when such qualified inspector determines that
73 such an inspection is necessary and reasonable. If the qualified
74 inspector finds bed bugs in the dwelling unit or in any contiguous unit
75 of which the landlord is an owner, lessor or sublessor, such qualified
76 inspector may have such additional access to the tenant's personal
77 belongings as the qualified inspector determines is necessary and

78 reasonable. A tenant shall comply with reasonable measures to permit
79 the inspection and treatment of a bed bug infestation as determined by
80 the landlord and qualified inspector or pest control agent, and such
81 tenant shall be responsible for all costs associated with preparing a
82 dwelling unit for such inspection and treatment. The tenant's knowing
83 and unreasonable failure to comply with such bed bug inspection and
84 treatment measures shall result in the tenant being held liable for those
85 bed bug treatments of the dwelling unit and contiguous units arising
86 from such failure.

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

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

105 (B) A tenant's failure to make any payment required pursuant to a
106 repayment schedule shall not be the basis for a summary process
107 action initiated pursuant to chapter 832 of the general statutes. At the
108 termination of a tenancy, a landlord may deduct any remaining
109 payments owed under a repayment schedule from a security deposit
110 in accordance with the provisions of section 47a-21 of the general

111 statutes.

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

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

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

134 (2) A landlord may apply to the Superior Court to obtain injunctive
135 relief in accordance with section 47a-18 of the general statutes and to
136 obtain such other relief as may be appropriate against a tenant who (A)
137 refuses to provide reasonable access to a dwelling unit, (B) fails to
138 comply with reasonable requests for inspection or treatment of a
139 dwelling unit, or (C) fails to implement reasonable inspection and
140 treatment measures required pursuant to subsection (b) of this section.
141 The entry fee for such an action shall be the same as the entry fee for a
142 small claims case. If a court finds that a tenant has unreasonably failed

143 to comply with this section, the court may issue a temporary order or
144 interim relief to carry out the provisions of this section, including, but
145 not limited to: (i) Granting the landlord access to the dwelling unit for
146 the purposes set forth in this section; (ii) granting the landlord the right
147 to engage in bed bug inspection and treatment measures; and (iii)
148 requiring the tenant to comply with specific bed bug inspection and
149 treatment measures or assessing the tenant with costs and damages
150 related to the tenant's noncompliance. Any order granting a landlord
151 access to a dwelling unit shall be served upon the tenant at least
152 twenty-four hours before a landlord, qualified inspector or pest control
153 agent enters the dwelling unit.

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

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

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

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

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