



House Bill No. 5335

Public Act No. 16-51

AN ACT CONCERNING THE RIGHTS AND RESPONSIBILITIES OF LANDLORDS AND TENANTS REGARDING THE TREATMENT OF BED BUG INFESTATIONS.¹

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

SECTION 1(a) -- DEFINITIONS

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

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

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

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

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

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

¹ Section, subsection, and subpart titles, boldface type, and underlining have been added to make the public act more readable. The text of the act, including its numbering and lettering, remains unchanged.

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

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

SECTION 1(b) - INSPECTION AND TREATMENT

Section 1(b)(1):

■ **Tenant notice to landlord:** (b) (1) A tenant shall promptly notify a landlord orally or in writing when the tenant knows or reasonably suspects that the tenant's dwelling unit is infested with bed bugs.

■ **Landlord inspection:** Not later than five business days after receiving such notice, the landlord shall inspect or obtain an inspection by a qualified inspector of the dwelling unit and any contiguous unit of which the landlord is an owner, lessor or sublessor, and may enter any such dwelling unit or contiguous unit for the purpose of conducting such inspection as provided in subparagraph (A) of subdivision (2) of this subsection. If the landlord conducts the inspection, the landlord must provide written notice to the tenant within two days indicating whether or not the unit is infested with bed bugs. The notice shall inform the tenant that, if the tenant is still concerned that the unit is infested with bed bugs, the tenant may contact the local health department and shall provide relevant contact information on said notice.

■ **Treatment for bed bugs:** If the inspection determines that any such dwelling unit or contiguous unit is infested with bed bugs, the landlord shall, not later than five business days after the date of the inspection, take reasonable measures, as determined by such qualified inspector, to effectively treat the bed bug infestation, including treating or retaining the services of a pest control agent to treat the dwelling unit and any contiguous unit of which the landlord is an owner, lessor or sublessor, except the landlord may first attempt to effectively treat such infestation. If the landlord treats such bed bug infestation without retaining the services of a pest control agent, the landlord shall first vacuum the areas to be treated and shall, not later than five business days after the date of such treatment, obtain an inspection of any treated unit by a qualified inspector. If the qualified inspector determines that any such unit is not infested with bed bugs, the qualified inspector shall provide the landlord with a written certification of such determination. If the qualified inspector determines that any such unit is infested with bed bugs, the landlord shall, not later than five business days after the date of such inspection, retain the services of a pest control agent.

■ **Landlord responsibility for inspection and treatment:** Except as otherwise provided in this section, the landlord shall be responsible for all costs associated with inspection for and treatment of a bed bug infestation.

■ **Tenant complaint to code enforcement agency:** Nothing in this section shall be construed to preclude a tenant from contacting any agency at any time concerning an infestation of bed bugs.

Section 1(b)(2):

■ **Part (A) -- Landlord entry to inspect and treat:** Upon reasonable written or oral notice to a tenant in accordance with the provisions of section 47a-16 of the general statutes that a landlord, qualified inspector or pest control agent must enter a dwelling unit for the purpose of conducting an inspection for, or treating an infestation of, bed bugs, a tenant shall not unreasonably withhold access to the dwelling unit. Any entry to a dwelling unit shall be made in accordance with the provisions of section 47a-16 of the general statutes.

■ **Part (B) -- Extent of inspection:** The landlord or qualified inspector may initially conduct a visual and manual inspection of the tenant's bedding and upholstered furniture. The landlord or qualified inspector may inspect items other than bedding and upholstered furniture when such landlord or qualified inspector determines that such an inspection is necessary and reasonable. If the landlord or qualified inspector finds bed bugs in the dwelling unit or in any contiguous unit of which the landlord is an owner, lessor or sublessor, such landlord or qualified inspector may have such additional access to the tenant's personal belongings as the landlord or qualified inspector determines is necessary and reasonable.

■ **Part (B) (continued) -- Tenant responsibility for preparation of unit for treatment:** A tenant shall comply with reasonable measures to permit the inspection and treatment of a bed bug infestation as determined by the landlord and qualified inspector or pest control agent, and such tenant shall be responsible for all costs associated with preparing a dwelling unit for such inspection and treatment. The tenant's knowing and unreasonable failure to comply with such bed bug inspection and treatment measures shall result in the tenant being held liable for those bed bug treatments of the dwelling unit and contiguous units arising from such failure.

■ **Part (C) -- Removal of furniture and personal property:** Whenever any furniture, clothing, equipment or personal property belonging to a tenant is found to be infested with bed bugs, such furniture, clothing, equipment or personal property shall not be removed from the dwelling unit until a pest control agent determines that a bed bug treatment has been completed, or until the landlord approves of such removal.

Section 1(b)(3):

■ **Part (A) -- Landlord provision of preparation assistance:** A landlord shall offer to make reasonable assistance available to a tenant who is not physically able to comply with preparation for any bed bug inspection or treatment measures that are the tenant's responsibility under this section. The landlord shall disclose to the tenant the cost, if any, of providing such assistance to the tenant. The landlord may, at the landlord's discretion, charge the tenant a reasonable amount for any such assistance, provided such charge is subject to a reasonable repayment schedule not to exceed six months, unless the landlord and tenant agree to one or more extensions of such repayment schedule. A tenant's failure to agree to any such charges or repayment schedule shall not relieve the landlord of the duty to treat the dwelling unit.

■ **Part (B) -- Limitations on eviction; other methods for collection:** A tenant's failure to make any payment required pursuant to a repayment schedule shall not be the basis for a summary process action initiated pursuant to chapter 832 of the general statutes. At the termination of a tenancy, a landlord may deduct any remaining payments owed under a repayment schedule from a security deposit in accordance with the provisions of section 47a-21 of the general statutes.

■ **Part (C) -- Alternative lodging and replacement of personal property:** Nothing in this section shall be construed to require a landlord to provide a tenant with alternative lodging or to pay to replace the tenant's personal property.

■ **Part (C) (continued) -- Reasonable accommodation:** Nothing in this section shall be construed to preempt or restrict application of the provisions of chapter 814c of the general statutes or any other state or federal law concerning reasonable accommodations for persons with disabilities.

SECTION 1(c) - DISCLOSURE OF BEDBUGS

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

SECTION 1(d) AND SECTION 2 -- REMEDIES

■ **Subsection (d)(1) -- Tenant remedies:** If any landlord fails to comply with the provisions of this section, then any tenant may proceed as provided in section 47a-12 of

the general statutes or section 47a-14h of the general statutes, as amended by this act.² Any landlord who fails to comply with the provisions of this section shall be liable to the tenant for reasonable attorneys' fees and the greater of two hundred fifty dollars or the tenant's actual damages.

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

■ **Subsection (d)(3) -- Preservation of other remedies:** The remedies in this section shall be in addition to any other remedies available at law, or in equity, to any person.

■ **Subsection (d)(3) (continued) -- Preservation of powers of code enforcement agencies:** This section shall not be construed to limit or restrict the authority of any state or local housing or health code enforcement agency.

■ **Section 2 -- Conforming changes to Section 47a-14h:** Subsections (a) and (b) of section 47a-14h of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Any tenant who claims that [his] the landlord has failed to perform his or her legal duties, as required by section 47a-7, [or] subdivisions (1) to (13), inclusive, of subsection (a) of section 21-82 or section 1 of this act, may institute an action in the superior court having jurisdiction over housing matters in the judicial district in which [he] such tenant resides to obtain the relief authorized by this section, [and] sections 47a-20 and 47a-68 and section 1 of this act. No tenant may institute an action under this section if a valid notice to quit

² Section 2 of the act makes technical conforming changes in Section 47a-14h.

possession or occupancy based upon nonpayment of rent has been served on [him] such tenant prior to [his] the institution of an action under this section or if a valid notice to quit possession or occupancy based on any other ground has been served on [him] such tenant prior to [his] such tenant making the complaint to the agency referred to in subsection (b) of this section, provided any such notice to quit is still effective.

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

SECTION 3 - BEST PRACTICES

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

Approved May 26, 2016