



BED BUGS MEET THE LAW

An Explanation of Public Act 16-51, the New Landlord-Tenant Bed Bug Law



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Presented at Bed Bugs Meet the Law, CCABB Forum X

Frank H. Netter School of Medicine, Quinnipiac University, November 8, 2016

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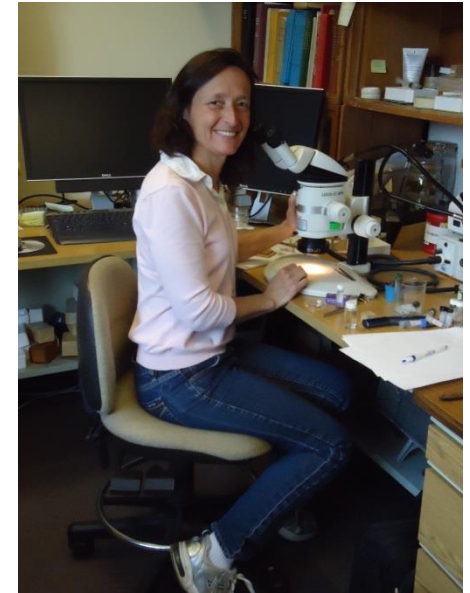
This presentation includes important general principles of law regarding building, health and safety code administration and enforcement. It is not intended to be used as legal advice, nor is it exhaustive in the areas referenced.

Questions of law on legal remedies, or proper administration and enforcement in your jurisdiction should be directed to your legal counsel.

The CT Coalition Against Bed Bugs



CCABB was founded in 2008 as an informal group of state officials and industry representatives seeking to answer the many calls for training, management, education and research on bed bugs in CT. It formalized in 2009 as a board under the leadership of Dr. Gale Ridge of the CT Agricultural Experiment Station (CAES), and consists of representatives of the CAES and well as of the CT Dept. of Public Health, the CT Dept. of Energy and Environmental Protection, The CT Chief State's Attorney-Housing Matters, a local health director and two pest control industry representatives.



CCABB has held nine (9) educational forums on bed bugs to date, many of which are available for viewing on the CCABB website:

<http://www.ct.gov/caes/cwp/view.asp?a=2826&q=437580&caesNav=|>

The CT Coalition Against Bed Bugs



<http://www.ct.gov/caes/cwp/view.asp?a=2826&q=437580&caesNav=1>

There are great and abundant resources on bed bug management available on the CCABB website covering the following areas and more:

- ✓ Basic training videos
- ✓ Health Dept. Bed Bug ID guide
- ✓ Scientific products and efficacy reports
- ✓ CT bed bug Pest Management Professionals 2016 List
- ✓ Guidance for Shelters, Schools, Day Cares and Recycling Industries
- ✓ Best practice management guides

✓ **All free**



The New Landlord-Tenant Bed Bug Legislation

CT Bed Bug Public Act 16-51

- ✓ Establishes a framework to identify and treat bed bug infestations in residential rental properties, including public housing but excluding detached, single family homes.
- ✓ 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.

CT Bed Bug Public Act 16-51

- *Title:*

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

- *Effective Date:*

October 1, 2016

CT Bed Bug Public Act 16-51

- Definitions – Section 1.(a)(1-7):
 - Certified applicator
 - Bed bug
 - Bed bug detection team
 - Landlord, owner, person and tenant
 - Qualified inspector
 - Pest control agent
 - Dwelling unit

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- Tenant's (T's) obligation to report
(Section 1.(b)(1) of the Act)
 - T shall promptly notify the Landlord (LL) orally or in writing when T knows or reasonably suspects the T's unit is infested with bed bugs (BB).

CT Bed Bug Public Act 16-51

- Landlord's (LL's) obligations and entry rights upon report by T of BB infestation in T's unit
(Section 1.(b)(1) of the Act, cont.)
 - Not later than five (5) business days after receipt of said notice from T, LL shall inspect or obtain an inspection by a qualified inspector, of the T's unit and any contiguous unit LL owns, leases or subleases.
 - IMPORTANT NOTES (see also slide 15 below):
 - LL or qualified inspector may only enter the T's unit and any contiguous unit to it that LL owns, leases or subleases with T's consent, a court order or under circumstances of emergency per the Act and CGS §47a-16.
 - If T unreasonably refuses entry after 24 hours or more notice, LL and qualified inspector are prohibited from entry unless it is required under circumstances of emergency. Otherwise, LL must petition a court and obtain an order for entry per CGS §47a-18.

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- LL's obligations if LL conducts the inspection
(Section 1.(b)(1) of the Act, cont.)
 - If the LL conducts the inspection, LL must provide written notice to T within two (2) days indicating whether or not there is a BB infestation.
 - If bedbugs are found, must arrange for treatment or treat (in accordance with Slide 11).
 - The notice shall inform the T that if the T is still concerned about the unit being infested with BBs, they can contact the local health department and shall contain the relevant contact information.

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- LL's obligations if BB infestation is determined to exist in T's unit or contiguous unit
(Section 1.(b)(1) of the Act, cont.)
 - LL shall take reasonable measures not later than five (5) business days after the date of inspection to effectively treat the BB infestation.
 - Measures are as determined by a qualified inspector and include treating or retaining a pest control agent to treat the T's and any contiguous unit owned or leased by the LL, except...
 - the Act does allow the LL a first attempt to effectively treat the BB infestation, but it must still be with measures as determined by a qualified inspector, and must be inspected within 5 days after by a qualified inspector.

CT Bed Bug Public Act 16-51

- LL's obligations if LL makes first attempt to treat

(Section 1.(b)(1) of the Act, cont.)

- LL who attempts to treat first without retaining a qualified inspector shall
 - first vacuum the areas to be treated. This is not a BB treatment, but a mandatory pre-treatment measure.
 - obtain an inspection of any treated unit by a qualified inspector within five (5) business days after treatment.

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- Qualified inspector's report to LL after first attempt to treat by LL

(Section 1.(b)(1) of the Act, cont.)

- If the qualified inspector determines after inspection that any unit is not infested with BBs, they shall provide the LL written certification stating such determination.
- If the qualified inspector determines that any such unit is infested with BBs, the LL shall within five (5) days of such inspection, retain the services of a pest control agent.

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- LL's obligations to pay

(Section 1.(b)(1) of the Act, cont.)

- Except as set forth in Section 1.(b)(2)(A) (described on slide below), LL shall be responsible for all costs associated with inspection and treatment of BB infestation.

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- T is not precluded from contacting any agency
(Section 1.(b)(1) of the Act, cont.)
 - Nothing in this section of the Act precludes a T from contacting any agency at any time concerning an infestation of BBs.
 - Note: Section 1.(d)(3) of the Act (slide 34) states:
 - The remedies in the Act shall be in addition to any other remedies at law, or in equity, to any person.
 - Section 1 of the Act shall not be construed to limit or restrict the authority of any state or local housing or health code enforcement agency.

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- Right of entry into T's unit by LL, qualified inspector or pest control agent for inspection or treatment.

(Section 1.(b)(2)(A) of the Act)

- Requires reasonable (generally = 24 hours) written or oral notice to the T, and that all entries shall be in accordance with CGS §47a-16.
- Requires that T not unreasonably withhold access after reasonable notice. If T withholds access unreasonably, LL's relief is to petition and obtain a court order for entry through CGS §47a-18, per Section 1.(d)(2) of the Act.
- (See also slides 8 above and 31, 32 and 33 below).

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- Scope of initial inspection by LL or qualified inspector

(Section 1.(b)(2)(B) of the Act)

- LL or qualified inspector may conduct a limited visual and manual inspection of the T's bedding and upholstered furniture only.
- If the LL or qualified inspector determines it necessary and reasonable, items other than bedding and upholstered furniture may be inspected. Otherwise, further inspection is prohibited by the Act.

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- Scope of further inspection by LL or qualified inspector upon finding BBs in unit
(Section 1.(b)(2)(B) of the Act)
 - If BBs are found in any unit owned, leased or subleased by the LL, the LL or qualified inspector may have such additional access to the tenant's personal belongings as the LL or qualified inspector determines is necessary and reasonable.

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- T's obligation to allow access for inspection and treatment

(Section 1.(b)(2)(B) of the Act)

- T shall comply with reasonable measures to permit the inspection and treatment of a BB infestation as determined by the LL and qualified inspector or by the pest control agent.

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- T's obligation to pay for costs associated with preparing unit for inspection and treatment
(Section 1.(b)(2)(B) of the Act)
 - T shall be responsible for all costs associated with preparing a dwelling unit for inspection and treatment as determined by LL and qualified inspector or pest control agent.

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- T's knowing and unreasonable failure to comply – LL's remedy

(Section 1.(b)(2)(B) of the Act)

- T's knowing and unreasonable failure to comply with such BB inspection and treatment measures shall result in the T being held liable for those BB treatments of the dwelling unit and contiguous units arising from such failure.
 - Note: For this provision to apply, the tenant's failure to comply must be both unreasonable and deliberate and not merely negligent or out of ignorance.
 - Note: T's failure, even unreasonably, does not relieve the LL's obligation to treat.

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- Restriction on moving infested items

(Section 1.(b)(2)(C) of the Act)

- BB infested furniture, clothing, equipment or personal property belonging to a T shall not be removed from the dwelling unit until a pest control agent determines that a BB treatment has been completed, or until the LL approves of such removal.

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- LL's obligation to offer reasonable assistance
(Section 1.(b)(3)(A) of the Act)
 - The LL shall offer to make reasonable assistance available to a tenant who is not physically able to comply with preparation for any BB inspection or treatment measures that are T's responsibility.
 - The LL shall disclose to the tenant the cost, if any, of the assistance.
 - Landlord may charge for such preparation assistance as long as the amount charged is reasonable.

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- LL's offer a repayment schedule

(Section 1.(b)(3)(A) of the Act, cont.)

– If the LL chooses to charge a reasonable amount to assist the tenant, the LL shall offer a reasonable repayment schedule not to exceed 6 months, unless one or more extensions are agreed.

- Note: The installment payments, which must be reasonable in light of the tenant's ability to pay, will not necessarily be sufficient to cover the entire reasonable cost of preparation assistance but may be supplemented by other means of collection

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- LL's obligation to treat notwithstanding T's failure to agree or to pay costs

(Section 1.(b)(3)(A) of the Act, cont.)

- A T's failure to agree to any reasonable assistance charge or repayment schedule shall not relieve the LL of the duty to treat the dwelling unit.

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- T's failure to agree or to pay costs not a basis for a summary process (eviction) action
(Section 1.(b)(3)(B) of the Act)
 - A T's failure to make a payment required pursuant to a payment schedule shall not be the basis of a summary process (eviction) action pursuant to CGS Chapter 832 (CGS §47a-23, et seq.)

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- LL may deduct unpaid payment schedule amounts from security deposit

(Section 1.(b)(3)(B) of the Act, cont.)

- Upon termination of the tenancy, a LL may deduct any repayment schedule amounts still owed from the security deposit per CGS §47a-21.

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- LL not required by the Act to relocate or pay for personal belongings of the T
(Section 1.(b)(3)(C) of the Act)
 - Nothing in the Act shall be construed to require a LL to provide a T with alternative lodging or to replace a T's personal property.
 - Nothing in the Act preempts or restricts application of any state or federal law concerning reasonable accommodations for persons with disabilities.
 - Note: fair housing law prevents a landlord from charging for a reasonable accommodation for a person with a disability unless the accommodation imposes “an undue financial and administrative burden” on the landlord.

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- LL duty not to rent unit with known or reasonably suspected BB

(Section 1.(c) of the Act)

- LL shall not offer for rent a dwelling unit that the LL knows or reasonably suspects is infested with BBs.

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- LL duty to disclose before renting a unit with known or reasonably suspected BB

(Section 1.(c) of the Act, cont.)

- Before renting a dwelling unit, LL shall disclose to a prospective T whether the unit or any contiguous unit the LL owns or leases is infested with BBs
- Upon request of a T or prospective T, a LL shall disclose the last date on which the dwelling unit being rented or offered for rent was inspected for and found to be BB infestation free.

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- T remedy for LL failure to comply with the Act (Section 1.(d)(1) of the Act)
 - Allows T to proceed under CGS §47a-12 and §47a-14h against a LL who fails to comply with any portion of Section 1. of the Act.
 - A LL who fails to comply with any provision of Section 1. of the Act shall be liable to the T for reasonable attorneys fees and the greater of two hundred fifty dollars (\$250) or the tenant's actual damages.
 - This remedy is additional to T's remedy of contacting the appropriate municipal code agency for assistance (see slides 9 and 34).

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- LL remedy for T's unreasonable acts

(Section 1.(d)(2) of the Act)

- Allows LL to obtain injunctive relief (a court order) in accordance with CGS §47a-18 against a T who
 - refuses to provide reasonable access
 - fails to comply with reasonable requests for inspection or treatment of a dwelling unit **or**
 - fails to implement reasonable inspection or treatment measures required pursuant to subsection (b) of Section 1. of the Act.

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- LL remedy for T's unreasonable acts
(Section 1.(d)(2) of the Act, cont.)
 - Filing fee same as for small claims case
 - If a court finds that a T has unreasonably failed to comply with the Act, it may issue a temporary order or interim relief to:
 - grant access to LL for purposes of the section
 - grant the LL the right to engage in BB inspection and treatment measures **and**
 - require the T to comply with specific BB inspection and treatment measures or pay for cost of noncompliance.

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- LL obligation to serve T notice of court order
(Section 1.(d)(2) of the Act, cont.)
 - Any court order granting a LL access shall be served upon the T at least twenty-four (24) hours before a LL, qualified inspector or pest control agent enters the T's unit.

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- Remedies in the Act are not exclusive

(Section 1.(d)(3) of the Act, cont.)

- The remedies in the Act shall be in addition to any other remedies at law, or in equity, to any person.
- Section 1 of the Act shall not be construed to limit or restrict the authority of any state or local housing or health code enforcement agency.
 - This means that a code enforcement agency order may be issued and enforced, if authorized by law, even if contrary to this Act.

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- T remedy to LL's failure to comply to the Act added to CGS §47a-14h

(Section 2.(a) and (b) of the Act)

- Allows Ts, if they wish, to use the payment-into-court remedies of CGS 47a-14h, if otherwise applicable.
- T may commence the action a minimum of twenty-one (21) days after making a complaint to a municipal agency responsible for enforcement.

CT Bed Bug Public Act 16-51

- CAES to publish best practices and guidelines
(Section 3. of the Act)
 - Mandates that the CT Agricultural Experiment Station, in consult with the Dept. of Public Health and the Dept. of Energy and Environmental Protection shall develop and publish best practices and guidelines to identify the most effective and least burdensome methods of investigating and treating BB infestations.



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