Overview of State & Local Bed Bug Legislation

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Second National Bed Bug Summit

Washington, DC

February 1, 2011

Primary Drivers/Concerns of Policy Makers

- Affordability/Accountability/Identifying who is responsible for paying for mitigating bed bug infestations and replacing associated loss/destruction of possessions
- Protecting hospitality industry and tourism revenue
- Providing additional tools to combat bed bugs
- Right to Know/Disclosure
- Sanitation related issues (i.e. wrapping discarded mattresses, treating used mattresses & furniture)

Quick Overview

- Legislative bodies in Alabama, Arizona, Connecticut, Illinois, Maine, New Hampshire, New Jersey, New York, Ohio, Pennsylvania and South Carolina have considered bed bug legislation in 2010-11
- IL, ME & NY all adopted bed bug related laws last year
- Municipalities have also addressed or are looking at issue – Jersey City, San Francisco, New York City, Boston, Cincinnati, Detroit, Yonkers, NY; Ocean City, MD; Bellevue, KY etc.

New Jersey & Maine

- On the heels of Jersey City 2008 ordinance, a New Jersey state assemblywoman from Jersey City introduced legislation regarding bed bug infestations in multi-family housing
- Consideration of bill involved numerous stakeholders including legislators, New Jersey Pest Management Association, New Jersey Apartment Association, tenants groups, etc
- Legislation assigns various duties and responsibilities to landlord, tenant, and pest management professional & has served as a model for bills introduced in Alabama, Arizona, Maine, and Pennsylvania
- Then-Maine Governor John Baldacci signed comprehensive bed bug legislation into law in April 2010

Maine Bed Bug Law

- **Landlord must:**
  - **Inspect the unit for bed bugs within five days of being notified by tenant of possibility of infestation**
  - **Contact a "pest control agent" within 10 days of determining there is an infestation**
  - **Take reasonable measures to effectively identify and treat bed bug infestation as determined by pest control agent**
  - **Employ a pest control agent that carries current liability insurance to promptly treat infestation**

Maine Bed Bug Law

- **Before renting a dwelling unit, a landlord shall disclose to a prospective tenant if an adjacent unit is currently infested with or being treated for bed bugs**
- **If requested, the landlord must inform prospective tenant of the last date the unit or an adjacent unit was inspected for and found to be free of bed bugs**
- **Landlord may not offer for rent a dwelling unit the landlord knows or suspects is infested with bed bugs**

Maine Bed Bug Law

- **Tenants must:**
  - **Promptly notify a landlord when the tenant knows of or suspects an infestation of bed bugs in the tenant's unit**
  - **Grant landlord and pest control agent access to the unit**
  - **Comply with reasonable measures to eliminate and control a bed bug infestation as set forth by the landlord and pest control agent or risk being financially responsible for all pest control treatments of dwelling unit arising from the tenant's failure to comply**

Maine Bed Bug Law

- **Pest control agent**
  - **Initial inspection of unit may include only a visual and manual inspection of tenant's bedding and upholstered furniture**
  - **Items other than bedding and upholstered furniture may be inspected when pest control agent considers such inspection is reasonable**
  - **Pest control agent may have additional access to tenant's personal belongings if bed bugs are discovered in unit or adjoining unit**

New York

- In late August 2010, New York Governor David Paterson signed bills requiring New York City schools to notify parents of bed bug infestations and New York City landlords to inform incoming tenants of the property's bedbug infestation history for the previous year regarding the premises rented by the tenant and the building in which the premises are located.
- Soon after New York State Division of Housing & Community Renewal developed a Disclosure of Bed Bug Infestation History Form

Illinois Bed Bug Legislation

- **In late July 2010 Illinois Governor Pat Quinn signed legislation directing the Department of Public Health's Structural Pest Control Advisory Council to convene a subcommittee to develop a report to the General Assembly by December 31, 2011 with recommendations on the prevention, management, and control of bed bug infestations**

Ohio

- In October 2009 the Ohio Department of Agriculture submitted an emergency/Section 18 request to EPA seeking authorization to permit the use of propoxur products, classified as restricted use pesticides, limited to use for control of bed bugs in residential single or multiple unit dwellings, apartments, hotels office buildings, modes of transportation, and commercial industrial buildings in Ohio
- Retreatment limited to every 14 days
- EPA denied request in June 2010, although various other use patterns still being examined
- In January 2011 Ohio Bed Bug Workgroup submits final report & recommendations

Hawaii Adds Bed Bugs to State Real Estate Disclosure Form

- **Included in the November 2010 Hawaii Association of Realtor Seller's Real Property Disclosure Statement is a question about bed bugs.**
- **Has there been any sign of, or are you aware of any pest problems (e.g., roaches, fleas, bedbugs, mites, ticks, ants, rats, etc.)?**

Kansas & Florida Administrative Action

- Kansas rulemaking adopted in October 2007 requires lodging establishments to report the presence of bed bugs to the Department of Agriculture within one business day upon discovery or receipt of a guest complaint
- All infestations must be treated by a licensed pest control operator
- In August 2009 Florida Department of Business & Professional Regulation's Division of Hotels & Restaurants takes more aggressive approach to inspecting hotels for bed bug infestations
- Previously Division inspectors were expressly prohibited from entering a room suspected to be infested for fear of spreading the pests
- If inspectors determine room is infested hotel will not be allowed to rent the room until the problem has been resolved & inspectors verify the room is free of bed bugs

Other Bed Bug Related Legislation

- **Connecticut S 540 - Protects the public by developing strategies to combat the spread of bed bugs.**
- **New Hampshire H 75 - Establishes a commission to study bed bugs in New Hampshire**
- **New Jersey S 283 - Require PCOs to provide warranty after extermination of bed bugs at residential properties**
- **New Jersey S 2483/A 3261- Requires Department of Education to, in conjunction with NPMA and Dept of Health & Senior Services, develop a fact sheet about bedbugs & post it on its website**

Other Bed Bug Related Legislation

- New Jersey S 2543 – Requires alternative residential facilities such as hotels, nursing homes, homeless shelters and health care facilities to enter into bedbug eradication contracts with PMPs & develop an administrative policy concerning the facility's response in the event that bedbugs are detected on the premises
- New Jersey S 277 - Requires certain sanitation procedures for mattresses and product labeling regarding such procedures
- New Jersey A 3705/S 2595 - Requires persons who transport, store, or sell secondhand mattresses to encase mattresses with protective materials
- New York S 1286/A 1482 – Establish tax credit for personal property replacement as a result of bed bug infestation

Other Bed Bug Legislation

- New York A 11701 (2010) - Requires insurers who underwrite property and casualty policies in the state to cover costs associated with bedbug infestations
- Ohio H.B. 201 (2009/2010) - Establishes Bed Bug Awareness, Education, and Prevention Program
- Ohio S.B. 45 (2009/2010) - Include bed bugs in definition of "vermin"
- Pennsylvania SB 1493 (2010) - Relates to bedbug eradication; providing for duty to eradicate, for notification, for administration and enforcement by local boards or departments of health, for inspections, for duties of the Department of Agriculture and for informational brochures; and imposing a civil penalty
- South Carolina S 355 - Bedbug Prevention and Sanitation Act

Congressional Interest/ Activity

- **Congressional Bed Bug Forum – November 18, 2010**
- **Federal legislation - 111th Congress**
  - **Congress – H.R. 2248 – Don't Let the Bed Bugs Bite Act of 2009**
  - **H.R. 6383 – Bed Bug Prevention & Mitigation Pilot Program Act of 2010**

Recommended Steps

- **Authorization of federal bed bug research funding program similar to those established for Formosan termites, red imported fire ants and countless agricultural pests**
- **Approve new/additional products into the marketplace**
- **Protect consumers/More closely scrutinize claims made about bed bug products/services**