MEMORANDUM

To: DC

From: JS

Re: Bedbug Legislation

Date: September 30, 2013

* Many of the bed bug laws or rules are "legacy" statutes or regulations, ranging from 30 to 90 plus years old
* Laws and rules focus on bed bug infestations in a variety of specific settings:
  + Multifamily housing
    - Arizona
    - Florida
    - Maine
    - New York
  + Vacation homes
    - South Dakota
  + Trains
    - Illinois
  + Hotels
    - Kansas
    - Nevada
    - Minnesota
    - Ohio
    - West Virginia
  + Schools
    - New York
  + Migrant labor camps
    - Iowa
  + Laws in Arizona and Texas deem bed bugs a public health nuisance
  + Arizona, Hawaii, Illinois, Maine, and New York bed bug laws (particularly vital to NYC) were passed or enacted since bed bug populations rebounded 10 plus years ago
  + Legislation on bed bugs pending by state:
    - Massachusetts
    - North Carolina

States who have passed bed-bug legislation:

| **State** | **Statute Citation** | **Summary** |
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| Alabama | Ala. Admin. Code § 420-3-11-.12 Construction, Maintenance, and Operation of Hotels -Insect and Rodent Control. | Sets effective measures intended to minimize the presence of rodents, flies, cockroaches, bedbugs and other insects on the premises. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents. |
| Arizona | A.R.S. § 36-601 – Public Nuisances Dangerous to Public Health. | Lists the presence of bedbugs in any public sleeping accommodations a public nuisance dangerous to the public health. |
|  | A.R.S. § 9-500.31 Prohibition on adopting landlord tenant bedbug control requirements. | Prohibits cities and towns from regulating landlord-tenant bedbug controls. Cities and towns may regulate the disposal of items infested with bedbugs. |
|  | A.R.S. § 11-269.11 Prohibition on adopting landlord tenant bedbug control requirements. | Boards of Supervisors may not regulate landlord tenant bedbug controls, however Boards may regulate the disposal of items infested with bedbugs. |
|  | A.R.S. § 33-1319 Bedbug control; landlord and tenant obligations; definitions. | A landlord may not knowingly rent a unit to a tenant that has a bedbug infestation. Tenants may not knowingly bring materials that have been infested with bedbugs into a rental unit. Landlords must provide tenants with educational materials related to bedbugs. |
| California | 25 CCR § 40 Bedding. State Housing and Community Development- Bedding | Beds in apartments and hotels that supply beds and bedding to renters must ensure that all bedding is clean and free of bedbugs. Linens must be changed before a new occupier occupies the unit. Hotel bedding must be changed before each new guest arrives. |
| Florida | West's F.S.A. § 83.5. Landlord’s Obligation to Maintain Premises. | Requires landlords make reasonable provisions for the extermination of bedbugs in rental property. |
| Illinois | 610 ILCS 85/1 to 85/4. Railroad Sanitation Act. | Requires railcars that will be occupied by the public be free from bedbugs. Requires regular cleaning and inspection of railcars. Provides for penalties. |
| Iowa | I.C.A. § 138.13. Migrant Labor Camps- Conditions for Permit. | Requires that migrant labor camps establish bedbug control measures in order to be permitted. |
| Kansas | K.A.R. 4-27-5 2 Lodging Establishments Imminent health hazard. | Classifies bedbugs as an imminent health hazard. Requires licensees of lodging establishments to cease operations of areas affected by an imminent health hazard and to notify authorities of its presence within 12 hours of discovery. |
|  | K.A.R. 4-27-9 Guest rooms. Lodging Establishments. | Licensees may not rent guest rooms which have been infested by bedbugs. The licensee must report the infestation to the authorities within one business day of discovery. |
| Maine | 14 M.R.S.A. § 6021-A Rental Property- Treatment of Bedbug Infestation. | Establishes landlord and tenant duties in the event of a bedbug infestation in rental property. Provides for remedies. |
| Michigan | Mich. Admin. Code R. 400.57 Family Services Administration- Inspection and Licensing- County Infirmaries. Care of residents. | Requires county infirmaries to implement procedures to prevent bedbug infestations and to take proper steps to eradicate existing infestations. |
| Minnesota | Minnesota Rules 4625.1700. Lodging Establishments. INSECT AND RODENT CONTROL | Requires hotels, motels, lodging houses, and other like facilities to be constructed and equipped to prevent bedbug infestations. Allows such facilities to use licensed exterminators in certain circumstances. |
|  | Minnesota Rules 4665.2300. Supervised Living Facilities. INSECT AND RODENT CONTROL | Requires supervised living facilities to be constructed and equipped to prevent bedbug infestations. Allows exterminators to be used when necessary to eradicate pests. |
| Nebraska | Neb. Admin. R. & Regs. Tit. 175, Ch. 2, § 004 Regulations and Standards Governing Boarding Homes. SANITATION | Requires boarding homes to be constructed and equipped to prevent bedbug and pest infestations. Allows exterminators to be used to eradicate pests when necessary. |
|  | Neb. Admin. R. & Regs. Tit. 175, Ch. 3, § 004. Health Care Facilities and Services. HEALTH AND SAFETY REQUIREMENTS – GENERAL | Requires health care facilities to be constructed and equipped to prevent bedbug and pest infestations. Allows exterminators to be used to eradicate pests when necessary. |
| Nevada | N.R.S. 447.030. Public Accommodations -Extermination of Vermin. | Requires that any room in any hotel which is infested with vermin or bedbugs or similar things be thoroughly fumigated, disinfected and renovated until such vermin or bedbugs or other similar things are entirely exterminated. |
|  | NAC Chapter 444. Sanitation Labor Camps- General. | Requires proper measures to be taken to prevent bedbug and pest infestation in a camp. |
| New York | McKinney's Education Law § 920. Public Schools; Infestation of Bedbugs. | Requires principals of public schools to provide parents with information about any bedbug infestations, including information on how to prevent the spread of the infestation. Requires the school infestation be addressed in the most effective and safe manner. |
| Ohio | R.C. § 3731.13. Hotels and Single Room Occupancy Facilities- bedding, floors, and carpets must be kept sanitary. | Prohibits bedding which is infested with vermin or bedbugs from being used on any bed in any hotel. |
| Oregon | OR ADC § 333-030-0070 Organizational Camp Rules- Insect and Rodent Control. | Sets measures to keep camp grounds, buildings and structures used or intended for human habitation clean and maintained to prevent harborage and infestation of insects, rodents and vermin. |
|  | 2013 Or. Laws, Chap. #19 § 1 Bedbugs; confidentiality of pest control reports. | Requires that specific information reported by pest control operators to a public health authority must be maintained confidentially. |
| Pennsylvania | 7 Pa. Code § 82.15 Seasonal Farm Labor Camps General Provisions. Insect and rodent control. | Seasonal Farm Labor must have effective measures in place to prevent and eliminate infestations of bedbugs and pests. |
| Rhode Island | R.I. Admin. Code 25-3-24:7 Rules and Regulations Relating to Pesticides. CATEGORIES FOR COMMERCIAL APPLICATORS | Commercial pesticide applicators who use restricted pesticides to eliminate bedbugs and a variety of other pests must be certified. |
| South Dakota | Administrative Rules of South Dakota 44:02:08:05. Lodging and Food Service; Vacation Homes - Vermin control. | Vacation homes must be constructed, equipped, and maintained to prevent infestations of bedbugs and other pests. The facility may be required to hire a professional exterminator to eradicate pests under certain circumstances. |
| Texas | V.T.C.A., Health & Safety Code § 341.01. Nuisances and General Sanitation. | Lists the presence of bedbugs in any public sleeping accommodations a public health nuisance. |
| Utah | U.A.C. R392-200 Design, Construction, Operation, Sanitation, and Safety of Schools. | Requires schools implement measures designed to prevent the infestation of bedbugs and other pests. |
| West Virginia | W. Va. Code, § 16-6-16. Hotels and Restaurants – Bedbugs. | Requires that in every hotel, any room infected with vermin or bedbugs shall be fumigated, disinfected and renovated until said vermin or bedbugs are extirpated. |
| Wisconsin | Wis. Adm. Code s DHS 190.08 Institution Sanitation DHS- Physical environment. | Requires institutions to take all necessary measures to eradicate bedbug and pest infestations. Requires institutions to take measures to prevent the poisoning of people and animals. |

Source: <http://www.ncsl.org/issues-research/env-res/state-bedbug-laws.aspx>

Other states that have passed legislation:

* New Jersey
  + Bill 2543 requires any “alternative residential facility” to have a bed bug maintenance plan set in place with a licensed pest control expert and have an administrative policy for a response if bed bugs are found. Alternative residential facilities include: hospitals, nursing homes, rooming houses, homeless shelters, residential care facilities, hotels or housing offering single room occupancy.
* New Hampshire
  + bed bug infestations violate the state’s minimum housing quality standards
  + H.B. 482 outlines landlord and resident responsibilities in remediation efforts
* The National Pest Management Association has compiled state specific bed bug laws and rules for some states into one document of: <http://www.pestworld.org/media/3309/statebedbuglawsasofaug262011_2_.pdf>

Prevention of bed bugs in D.C.:

* D.C. has put up ways to prevent bed bugs, how to treat them if you have them and other general facts about them on their Department of Health website. <http://www.doh.wa.gov/CommunityandEnvironment/Pests/BedBugs.aspx>
* National Bed Bug Summit held on April 14and 15, 2009 in Arlington, VA
* 2nd National Bed Bug Summit held on February 1 and 2, 2011 in Washington, DC
  + Brought 7 different government agencies together including:
    - EPA
    - CDC
    - NIH
    - USDA
    - Dept. of Defense
  + The goal of the summit was to review the current bed bug problem and identify and prioritize further actions to address the problem
  + Objectives of summit:
    - Discuss progress since the last summit from a variety of perspectives, including:
      * government (federal, state, local)
      * research
      * housing industry
      * pest management industry
    - Identify knowledge gaps and barriers to effective, community-wide bed bug control
    - Propose next steps in addressing knowledge gaps and eliminating barriers
    - Prioritize next steps that can be used by various sectors in developing strategies
  + Video talking about summit <http://www.c-spanvideo.org/program/297828-5>
* In D.C., the responsibility of bed bugs depends on the type of rental and other circumstances:
  + Single family rental
    - Tenants responsible
    - Landlord responsible if infestation occurred before the lease started, or if the infestation is caused by structural defects and/or by their failing to keep the building in "reasonably insect-proof condition."
    - If landlord is responsible call Department of Consumer and Regulatory Affairs for an inspection:
      * Looks for maintenance defects
      * clutter in the basement or crawlspace that could hide infestations
  + Apartments/ Leased Condos
    - tenants are responsible for exterminating an insect infestation
    - Landlords are responsible in this scenario if the infestation occurred before the lease started, or if the single infestation is caused by structural defects and/or by the landlord failing to keep the building in "reasonably insect-proof condition."
    - Call the Department of Consumer and Regulatory Affairs for an inspection if you're unsure if your apartment is the building's only infested unit, or if you think the landlord is at fault.
      * Inspector will check with other tenants, especially adjacent units and will check surrounding common areas
      * If two or more apartments are infested, the landlord probably would be responsible for extermination in all of them, but DCRA will make final determination
    - Landlords are always responsible for extermination in common areas
    - If common areas plus a single apartment are infested, the landlord is responsible for extermination in the common area and probably in the unit as well
* Citations
  + Two sets of regulations on the books that define landlord-tenant extermination responsibilities:
    - D.C. Municipal Regulations Rule [14-805](http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=14-805):
      * 805.1 The occupant of any single-family dwelling shall keep the premises free from vermin, rodents, and rodent harborage.
      * 805.2 The occupant of any habitation in a two-family or multiple dwelling shall be responsible for the extermination of vermin and rodents whenever his or her habitation is the only one infested, except as provided otherwise in § 805.3.
      * 805.3 If an infestation of a single habitation is caused by failure of the owner or licensee to maintain a residential building in a rodent-proof or reasonably insect-proof condition, the exterminating shall be done by the owner or licensee.
      * 805.4 The owner or licensee of a two-family or multiple dwelling shall keep the common space in that residential building free from vermin and rodents, and rodent harborages.
      * 805.5 The extermination of vermin and rodents shall be done by the owner or licensee whenever infestation exists in two (2) or more of the habitations in two-family or multiple dwellings.
    - The 2006 International Property Maintenance Code ([Section 308](http://publicecodes.citation.com/icod/ipmc/2006f2/icod_ipmc_2006f2_3_sec008.htm?bu=IC-P-2006-000010&bu2=IC-P-2006-000019)), adopted as D.C.'s Property Maintenance Code in the [2008 DCMR 12A Building Code Supplement](http://www.google.com/url?url=http://os.dc.gov/os/lib/os/info/odai/title_12/dcmr_12a_building_code_supplement.pdf&rct=j&sa=U&ei=yX-4TNOhNMT_lgf5g8j0DA&ved=0CBEQFjAA&q=12a+dcmr&usg=AFQjCNFdqPnkxG4KTdrzhZ-7P8ZqrSUjcw&cad=rja), Section 101.4.5. IMPC Section 308:
      * 308.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

* + - * 308.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

* + - * 308.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.
      * 308.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.
      * 308.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.
      * Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.
  + DCRA Mike Rupert said either of the regulations may be invoked by city inspectors to determine landlord-tenant extermination responsibilities for a particular case.