


Councilmember Brianne K. Nadeau

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To create regulations that govern the removal of bedbugs, to require landlords to provide notice to tenants sharing party walls, floors and ceilings of units infested with bedbugs; to require owners of multiple dwelling units to provide a 12 month history for a dwelling of prior infestations before the signing of a lease to require landlords and pest control operators to report to the Department of Consumer and Regulatory Affairs any outbreak of bedbugs; to permit the Department of Consumer and Regulatory Affairs to inspect any dwelling where there is a sworn statement by a licensed exterminator of a likely suspicion of a bedbug infestation; to create a fund for homeowners to receive assistance with their efforts to abate an infestation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bedbug Control Act of 2019".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Department" means the Department of Consumer and Regulatory Affairs.

(2) "Eradication" means the elimination of bedbugs and insect pests from any premises through the use of traps, poisons, fumigations, heat, or any other method of extermination.

(3) "Harborage" means any condition which provides shelter or protection from bedbugs or insects pests.

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39 (4) "Insect pests" means insects and other pests, including the members of class
40 insecta, including houseflies, bees, cockroaches, moths, silverfish, beetles, ants, termites,
41 hornets, mosquitoes, and wasps, and such members of the phylum arthropoda as spiders,
42 centipedes and wood lice.

43 Sec. 3. Owner's duty to eradicate bedbugs.

44 (a) The owner or non-tenant occupant in control of a dwelling shall keep the premises free
45 from infestations of bedbugs or other insects, and free from any condition conducive to bedbug
46 and other insect life.

47 (b) When any premises are subject to infestation by bedbugs or other insects, the owner
48 or non-tenant occupant in control shall apply continuous eradication measures until the bedbugs
49 or other insects are eradicated.

50 (c) When the Department of Consumer and Regulatory Affairs ("the Department") makes
51 the determination that any premises are infested by bedbugs or other insect pests, it shall order
52 such eradication measures as the Department deems necessary.

53 Sec. 4. Notice for tenants of infestation history.

54 (a) An owner shall furnish to each tenant signing a lease, a notice in a form promulgated
55 or approved by the Department that sets forth the bedbug infestation history of the premises for
56 the previous year regarding the dwelling unit rented by the tenant and the building in which the
57 premises are located.

58 (b) Upon written complaint, in a form promulgated or approved by the Department, by
59 the tenant that they were not furnished with a copy of the notice required pursuant to subsection
60 (a) of this section, the Department shall order the owner to furnish the notice.

61 (c) An owner of multiple dwelling units shall:

62 (1) Provide each tenant, upon commencement of a new lease and with each
63 renewal lease, or

64 (2) Post in a prominent public location within such multiple dwelling the
65 following:

66 (A) A copy of the most recent electronic form submitted pursuant to
67 section 5(a); and

68 (B) A notice, in a form promulgated or approved by the Department that
69 provides information about the prevention, detection and removal of bedbugs and other insect
70 infestations.

71 Sec. 5. Reporting bedbug infestations.

72 (a) An owner of a multiple dwelling shall annually report to the Department, on an
73 electronic form established by the Department, the following information about such multiple
74 dwelling in the case of an infestation:

75 (1) The street address;

76 (2) The number of dwelling units;

77 (3) The number of dwelling units, as reported or otherwise known to the owner,
78 that had a bedbug infestation during the previous year;

79 (4) The number of dwelling units, as reported or otherwise known to the owner, in
80 which eradication measures were employed during the previous year for a pest infestation;

81 (5) What specific eradication methods were employed in each dwelling unit;

82 (6) The number of dwelling units reported in section 4 that had a bedbug
83 infestation after such eradication measures were employed in such units; and

84 (7) Certification that a copy of the form will be given to each tenant within such multiple
85 dwelling, upon each lease renewal or the commencement of a new lease used since the previous
86 filing with the Department of such form.

87 (b) If such a form is posted in a prominent location within the building, an owner of a
88 multiple dwelling shall maintain a record that a copy of such form was prominently posted
89 within 60 days of the filing of the information with the Department.

90 (c) If a new owner of a multiple dwelling does not have access to the bedbug infestation
91 history of the premises for the previous year, the owner shall attempt to obtain this information
92 for each dwelling unit from the tenant or prior owner, including whether eradication measures
93 were employed during the previous year for a bedbug infestation.

94 (d) For each multiple dwelling, the Department shall make the information contained in
95 the most recent electronic form submitted pursuant to the subdivision (a) of this section,
96 including the date such form was submitted, publicly available on its website no later than 30
97 days after receipt of such form.

98 (e) Within two working days of receiving a tenant's complaint of bedbugs, the owner,
99 operator, or property manager shall provide the tenant a copy of the documented complaint and
100 begin remediation of the infestation;

101 (f) Within two (2) working days of learning of a bedbug infestation, the owner, operator,
102 or property manager of a multiple dwelling unit shall inform any tenant of a dwelling sharing a
103 party wall, floor, or ceiling of the infested unit of a complaint of bedbugs and is required to
104 schedule an inspection of the dwelling for infestation following written notice provided to the
105 tenant at least 48 hours in advance of the scheduled inspection.

106 (g) The Department shall report to Council annually the state of infestations in the
107 District and shall include the following:

108 (1) The type of insect pest;

109 (2) The total number of outbreaks and by type of dwelling;

110 (3) The number of repeated outbreaks in a dwelling;

111 (4) The type of remediation used;

112 (5) Any report of owner, tenant or non-tenant occupant in control of non-
113 compliance affecting abatement;

114 (6) Fines that are levied against the owner and tenant or non-tenant occupant in
115 control; and

116 (7) Recommendations for abatement of infestations.

117 Sec. 6. Right of Inspection.

118 (a) The Department shall be responsible for monitoring the control and elimination of
119 bedbugs and other pests in the District that serve as vectors for disease, including but not limited
120 to:

121 (1) The inspection of bedbugs in public and private housing or other public
122 locations;

123 (2) The conducting of surveys of locations; and

124 (3) The coordination of public outreach, education and enforcement efforts
125 relating to bedbug control and infestation avoidance.

126 (b) The Department shall have the right to inspect any dwelling for bedbugs or other
127 insect pests that threaten the health of the public, where there is a report made to the Department

128 by the owner, tenant, or non-tenant occupant in control of a property sharing a party wall, floor
129 or ceiling if:

130 (1) There is documented evidence of at least 3 infestations within a 2-year period
131 of the complaining party's dwelling; and

132 (2) An affidavit by a licensed exterminator that the suspected source of the
133 infestation is outside the complaining party's dwelling and is likely in the dwelling of another
134 party.

135 (c) Upon a finding of bedbug or insect pest infestation, the Department shall require the
136 owner, property manager, or non-tenant occupant in control to immediately remediate the
137 infestation;

138 (d) Following the 3rd confirmed bedbug infestation in a property within two years, the
139 tenant or non-tenant occupant in control must submit to 4 quarterly inspections of their property
140 for the 12 months after the bedbugs have been exterminated.

141 (e) The Department shall promulgate regulations and fines to support methods of
142 abatement to promote optimal eradication.

143 Sec. 7. Bedbug Remediation Assistance Fund.

144 (a) There is established within the General Fund of the District of Columbia a nonlapsing
145 Bedbug Remediation Assistance Fund ("Fund") to be administered by the Mayor, in consultation
146 with the Department of Consumer and Regulatory Affairs ("DCRA").

147 (b) The purpose of the Fund shall be to provide grants to eligible District homeowners up
148 to \$500 to assist them in the remediation of bedbug or insect infestation in their private property.

149 (c) Payments to eligible homeowners are subject to appropriation and the availability of
150 funds. This act does not establish a right to funds on the part of any person.

151 (d) To be eligible for a grant issued pursuant to subsection (b) of this section, an applicant
152 shall:

153 (1) Be a resident of the District;

154 (2) Own or be a non-tenant occupant in control of the premises in question;

155 (3) Live in his or her home as the principal place of residence more than 50% of
156 the calendar year; and

157 (3) Be current on District taxes, or participating in a payment plan for delinquent
158 District taxes.

159 (e) The Mayor shall develop an application form specific to the Fund, which shall require
160 only the information needed to determine eligibility for the Fund.

161 (f) The Department shall inform residents of the Fund when notifying residents of a
162 finding of infestation and the estimated costs for remediation.

163 (g)(1) Within 30 days after the receipt of a completed application, the Mayor shall
164 provide written notification to the applicant of approval or denial of the applicant's application to
165 the Fund.

166 (2) If the application is denied, the notification shall include the reason for the
167 denial and the process for reconsideration.

168 (h) The District shall provide financial assistance to a homeowner who meets the
169 eligibility requirements of paragraph (d) of this section with the following income restrictions
170 per household:

171 (1) The District shall pay for 60% of the remediation costs for households with
172 incomes between 50% to 80% of the area median income for a household of like size in the

173 Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the
174 United States Department of Housing and Urban Development.

175 (2) Financial assistance made available through the Fund shall be limited to costs
176 up to \$500 per qualifying residence.

177 (i) A homeowner or non-tenant occupant in control shall provide as evidence of
178 eligibility:

179 (1) A current mortgage statement;

180 (2) Proof of household income;

181 (3) Proof of payment of property taxes;

182 (4) Proof of payment of income taxes;

183 (5) Proof of homeowners' insurance; and

184 (6) Any other comparable documentation proving household income and
185 ownership as determined by DCRA.

186 Sec. 8. Fiscal impact statement.

187 The Council adopts the fiscal impact statement in the committee report as the fiscal
188 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
189 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

190 Sec. 9. Effective date.

191 This act shall take effect after approval by the Mayor (or in the event of veto by the
192 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
193 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
194 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
195 Columbia Register.