

Bed Bugs and the Warranty of Habitability

What are bed bugs?

Bed bugs are small, flat insects that feed on the blood of people and animals while they sleep. Mature adults are about the size of an apple seed. They are reddish-brown in color and wingless.



How can I make sure I don't move into an apartment that is already infested?

Before moving into an apartment or home, you have the right to ask the landlord...

1. Whether the unit offered contained bed bugs within the past 8 months
2. The last date the unit offered was inspected for, and found to be free of, bed bugs.

The landlord is required by law to answer these questions to the best of their ability. It is illegal for landlords to knowingly rent out a unit that has bed bugs.

What should I do if I have bed bugs?

As of January 1st, 2020, your landlord is responsible for getting your apartment inspected in the event that you find bed bugs. HOWEVER, both you and your landlord are required to follow a certain protocol by law.

Responsibility of Tenant:

1. Notify your landlord, either electronically or in paper that you suspect there are bed bugs in your home.
 - a. If you notify them electronically, you must communicate with them in the method stated in your lease. If the lease doesn't specify a method of communication, use the method your landlord has used in the past. For example: if your landlord usually texts you, text them to notify them.
 - b. You must also save a proof of delivery for your electronic notice.
2. You must comply with reasonable measures to permit bed bug inspection
3. You are responsible for all costs incurred in getting your apartment ready for inspection.

Responsibility of Landlord:

1. The landlord has 96 hours after receiving your notice to obtain an inspection from a qualified inspector. The landlord must give you a notice that the inspection is happening at least 48 hours in advance.
2. The landlord must notify you within 2 days of the results of the inspection
 - a. A lease can set a different minimum notice period.
 - b. A tenant can waive the notice requirement in their lease.
3. If the inspection of your unit confirms the presence of bed bugs, the landlord must also inspect all bordering units for bed bugs as well
4. No later than 5 business days after the inspection, the landlord shall follow the inspector's recommended course of action, including retaining a pest control agent.

5. The landlord is responsible for all costs associated with inspection for and treatment of bed bugs.

Important things to know

- If you knowingly and unreasonably fail to comply with the inspection and treatment process, you can be held liable for the cost of inspecting and treating your apartment AND the apartments bordering yours.
- You may NOT dispose of infested items in common area trash cans
- Your landlord is not required to provide you with a different place to stay during the inspection and treatment process

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