

Colorado Legal Services

Legal help for low-income Coloradans seeking assistance with civil legal needs

www.coloradolegalservices.org

Bed Bugs

Tenants' Rights in Colorado: Bed Bugs

What are bed bugs?

Bed bugs are small, light brown, oval-shaped insects that live on the blood of animals and humans. Adult bed bugs are about the size of an apple seed (5-7mm long). Bed bugs can be very difficult and expensive to treat.

While bed bugs are not known to spread diseases, many people react to their bites. Since they can live for long periods without eating and not everyone reacts to them, it can be nearly impossible to identify the source of a bed bug infestation.

Do you have bed bugs?

If you suspect that you have bed bugs, you should look for physical signs, such as:

- Rusty or reddish stains on bed sheets or mattresses
- Dark spots (about this size: •) that bleed on fabric like a marker
- Tiny eggs and eggshells, about 1mm in size
- Live bed bugs (look closely near the seams in your mattress)

You think you have bed bugs – what should you do?

Colorado has passed a specific set of laws, C.R.S. §§ 38-12-1001 – 1007, addressing how tenants and landlords are supposed to deal with bed bugs. The following summarizes the essential parts of those laws:

Notice to your Landlord

Colorado law now requires you to promptly notify your landlord in writing or by electronic notice (i.e. email) if you know or reasonably suspect that your apartment or the house you are renting contains bed bugs. *Click on [Word](#) or [PDF](#)* for a sample of a notice you could use. If you use electronic notice (like email, text message or online portal), you have to use the method specified in your lease. If your lease does not say how you are supposed to send notices, then you can

use whatever method your landlord has used in the past to communicate with you.

Regardless of how you send the notice, it is essential that you keep a copy of the notice and, in the case of electronic notice, proof that it was delivered to your landlord.

Inspection!

Within 96 hours (4 days) after receiving the notice, your landlord must have the unit inspected by a qualified inspector. They are allowed to enter your unit to inspect it. Your lease may say whether they need to give you notice to enter and how much time they need to give in the notice. If your lease does not say, then they must give at least a 48 hour notice ahead of time. If the inspection confirms bed bugs are present, they are also required to inspect all contiguous dwelling units as well. Your landlord is required to give you a copy of the written report within 2 business days of the inspection.

What does contiguous dwelling unit mean?

A contiguous dwelling unit is another apartment that shares a wall, ceiling or floor with your apartment. This would include the neighbors on either side of you as well as any apartments directly above and below you. In the rest of this document we will refer to these units as your immediate neighbors.

How does the inspection work?

Initially, a qualified inspector may conduct a visual and manual inspection of your bedding and upholstered furniture. If they think more inspection is necessary and reasonable, the inspector may go beyond the bedding and upholstered furniture.

If the inspector finds bed bugs in your unit or any immediate neighbor's unit, the inspector may have additional access to the tenants' personal belongings as the inspector deems necessary.

What about your belongings?

If your property is found to contain bedbugs, the inspector must advise you that the property should be removed from the unit until eradication is completed, EXCEPT if the inspector is licensed by the commissioner of agriculture, then those rules apply.

If your residence has bed bugs, you **cannot** dispose of your personal property by leaving it in the common areas

If they do not find bed bugs:

If the inspector does not find bed bugs in your or your neighbors' units, they must inform you that if you are still concerned that you can contact the local health department to report your concerns.

If they DO find bed bugs:

In most cases, if the inspector finds bed bugs in your unit or one of your neighbor's units, they must report the finding to your landlord within 24 hours. Within 5 business days of the inspection, your landlord must follow the inspector's recommended actions, including retaining a pest control agent.

Who pays for it?

Regardless of what your lease says, **your landlord is responsible for all costs** for inspecting and treating the bed bugs. However, if you fail to meet your responsibilities as a tenant, you might be responsible for paying for some of the treatments.

Your Responsibilities as a Tenant

You are required to comply with reasonable measures to permit the inspection, and you are responsible for all costs to get your unit ready for inspection.

If you knowingly and unreasonably refuse to comply with inspection and treatment, you will be responsible for costs of treating your unit and your neighbor's unit if the need to treat is because you failed to do your part. Your landlord can also get a court order giving them access to the unit to perform inspections and treatment.

Does your landlord have to provide other housing?

Colorado's bed bug law does not require a landlord to provide other housing for tenants in times of infestation. However, Colorado has a Warranty of Habitability for rental housing that provides some protections for tenants. One of the things that the Warranty of Habitability requires is that an apartment needs to be free from infestations.

Under the Warranty of Habitability, if a tenant sends their landlord a notice about a condition in their apartment that materially interferes with the tenant's life, health or safety, the landlord must, if requested, provide either a comparable unit selected by the landlord or a hotel room, selected by the landlord, at no cost to the tenant.

In the case of bed bugs, it is unlikely that a landlord would have to provide alternative housing unless your reactions are so severe that it is impossible for you to remain in your unit.

What if my landlord doesn't do what they are supposed to do?

If your landlord fails to do what they are required under the bed bug laws, they are liable to you for your actual damages. Actual damages is compensation for losses that you have suffered. This might include the cost of replacing personal items, medical expenses, lost wages if you were forced to miss work and perhaps the lost value of your apartment as a result of your landlord's failure to address the problem as required.

If you want to sue your landlord and all that you want is money damages, you can sue them in county or small claims court. [Click here](#) for more information, including court forms, locations and

instructions.

If you want a court order forcing your landlord to take care of the infestation, you will have to file a case in District Court. [Click here](#) for more information about District Courts.

You can also contact your local health department to file a complaint and ask for assistance ([click here](#) for information about CO Department of Public Health and the Environment). Depending on where you live, the health department may conduct their own investigation and issue orders for your landlord to take care of the infestation.

Can a landlord rent out unit if it has bed bugs?

If a landlord knows or suspects that a unit has bed bugs, they are not allowed to rent it out. If you are looking for an apartment and ask the potential landlord about bed bugs, the landlord must disclose to you whether the unit has contained bed bugs within the past 8 months. If asked, a landlord must also disclose the last date the unit was inspected for and found to be free of bed bugs.

This is information only and is not meant to provide legal advice or opinions. The information above is subject to change and may not include all types of income. This information is not intended to create an attorney-client relationship. An attorney client relationship may only be established through direct attorney to client communication that is confirmed by the execution of an engagement agreement.

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