

ASSEMBLY, No. 3203

STATE OF NEW JERSEY 213th LEGISLATURE

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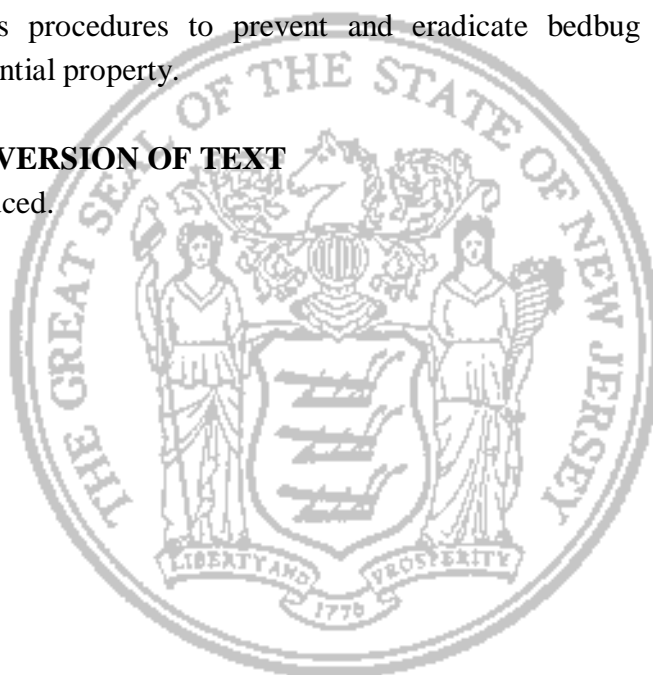
Assemblywoman Vainieri Huttle

SYNOPSIS

Establishes procedures to prevent and eradicate bedbug infestations in certain residential property.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/18/2008)

1 AN ACT concerning bedbug infestations in residential dwellings and
2 supplementing and amending Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. (New section) The Legislature finds and declares that:

8 a. Populations of the common bedbug, *Cimex lectularius*, have
9 increased by 500 percent in the past few years.

10 b. A bedbug infestation is a uniquely hard to exterminate threat
11 to the health and habitability of a dwelling because tiny adult
12 bedbugs are able to hide deep in mattresses and walls, and their
13 food source is the occupants of a dwelling.

14 c. Bedbugs leave signs of their presence in bedding and in a
15 dwelling that are visible to the naked eye, making education of a
16 dwelling occupant a critical aspect of prevention.

17 d. Bedbugs feed on human blood, and present a public health
18 risk.

19 e. Bedbugs travel through the ventilation systems in multi-unit
20 establishments, causing exponential infestations.

21 f. The owner of a multiple dwelling is in the best position to
22 coordinate the extermination bedbug infestations in that multiple
23 dwelling.

24 g. The common bedbug is a public nuisance and it is a matter of
25 public welfare to protect New Jersey citizens' health from this pest.

26

27 2. (New section) For purposes of this act:

28 "Bedbug" means an insect of the species "*Cimex lectularius*,"
29 commonly referred to as a bedbug.

30 "Commissioner" means the Commissioner of Health and Senior
31 Services.

32 "Department" means the Department of Health and Senior
33 Services.

34 "Dwelling" or "multiple dwelling" means a multiple dwelling as
35 defined in section 3 of the "Hotel and Multiple Dwelling Law,"
36 P.L.1967, c.76 (C.55:13A-3).

37 "Eradicate" means the process required to eliminate an
38 infestation of bedbugs by poisoning, spraying, fumigating, trapping,
39 or by any other recognized and lawful pest-elimination methods,
40 including repeated applications of any treatment.

41 "Infestation" means the presence of bedbugs in numbers large
42 enough to be noticeable, harmful, or threatening to the occupants of
43 a dwelling unit.

44 "Local board" or "local board of health" means the board of
45 health of any municipality or the boards, bodies or officers in such

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 municipality lawfully exercising any of the powers of a local board
2 of health under the laws governing such municipality.

3 "Local health officer" means any duly appointed health officer
4 employed by the local board of health as described in R.S.26:3-19.

5 "Owner" means the owner as defined in section 3 of the "Hotel
6 and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-3).

7

8 3. (New section) a. The department, in consultation with the
9 Department of Community Affairs, shall, as soon as practicable and
10 annually thereafter, prepare a pamphlet that describes bedbugs and
11 explains how bedbug infestations spread. This pamphlet may
12 contain any information that the commissioner deems necessary and
13 may be revised by the department whenever new information
14 concerning bedbugs becomes available. The pamphlet shall contain
15 the following information:

16 (1) Measures that may be taken to prevent and control bedbug
17 infestations in a residential setting, including professional
18 extermination, cleaning the dwelling space and mattresses, and
19 laundering bedclothes, and clothing;

20 (2) Specific facts about the bedbug, including its appearance and
21 breeding habits; and

22 (3) The State's guidelines and regulations for disinfecting,
23 labeling, and reselling mattresses.

24 b. The department shall make the pamphlet available at no cost
25 to the public, in a form suitable for distributing pursuant to the
26 provisions of this act. The department shall make the pamphlet
27 available in both the English and Spanish languages. The
28 department shall post the pamphlet on the department's Internet
29 website, in an easily printable format. The pamphlet shall serve as
30 an informational document only, and nothing therein shall be
31 construed as binding on or affecting a judicial determination related
32 to this act. The pamphlet shall not be deemed to be medical advice.

33 c. Within 30 days after the department has made the pamphlet
34 available to the public, every owner of a multiple dwelling shall
35 provide each occupied dwelling unit in the multiple dwelling with a
36 copy of the pamphlet, and thereafter every owner of a multiple
37 dwelling shall provide a copy of the current pamphlet to each new
38 tenant at or prior to the time the tenant assumes occupancy of the
39 dwelling. In addition, every owner of a multiple dwelling shall
40 keep a copy of the current pamphlet conspicuously posted in one or
41 more common areas and in a manager's office, so that the pamphlet
42 is prominent and accessible to the occupants of each dwelling unit.
43 If there is no common area in the dwelling, the pamphlet shall be
44 posted in a conspicuous location in the premises, including, but not
45 limited to the walls of the front vestibule or any foyer or hallway
46 near the main entrance of the dwelling.

1 4. (New section) a. Every owner of a multiple dwelling shall be
2 responsible, at his own expense, for maintaining the multiple
3 dwelling free of an infestation of bedbugs.

4 b. Upon notice, either oral or written, from a tenant, or from the
5 local board pursuant to R.S.26:3-49, of an infestation of bedbugs in
6 any dwelling unit, an owner shall immediately, at his own expense,

7 (1) eradicate the infestation of bedbugs in the dwelling unit;

8 (2) ascertain whether other dwelling units or common areas are
9 infested with bedbugs; and

10 (3) eradicate any remaining infestation in other dwelling units or
11 common areas.

12 c. When an infestation of bedbugs is found to exist in two or
13 more dwelling units, or in a common area, the owner of the multiple
14 dwelling shall provide notice that there is a risk of an infestation of
15 multiple units to each occupant of the multiple dwelling by causing
16 written notice to be delivered to each dwelling unit in the multiple
17 dwelling.

18

19 5. (New section) a. The tenant may notify the local board and
20 the owner of a multiple dwelling of any failure of the multiple
21 dwelling to be kept in a condition free of an infestation of bedbugs.

22 b. If, following notice, either oral or written, from a tenant, or
23 from the local board pursuant to R.S.26:3-49, the owner of a
24 multiple dwelling does not eradicate an infestation of bedbugs
25 pursuant to section 4 of P.L. , c. (C.) (pending before the
26 Legislature as this bill), the local health officer shall act as an agent
27 for the owner of a multiple dwelling to engage a qualified insect
28 exterminator or insect management professional at a usual and
29 customary price in the area to eradicate the infestation of bedbugs.

30 c. Any exterminator or insect management professional who
31 provides services to eradicate an infestation in accordance with
32 subsection a. of this section may bill the owner of a multiple
33 dwelling directly. The local board may adopt an ordinance, similar
34 to an ordinance adopted pursuant to section 6 of P.L.1962, c.66
35 (C.40:48-2.12f), providing that the municipality shall pay the costs
36 of eradication of an infestation of bedbugs, and that the costs shall
37 be charged against the multiple dwelling premises, and shall be a
38 lien against the premises. The owner of the multiple dwelling shall
39 reimburse the local health officer or local board for the actual costs
40 incurred for any eradication of an infestation of bedbugs.

41

42 6. (New section) a. Any owner of a multiple dwelling whose
43 negligence or failure to act results in action by the local health
44 officer pursuant to section 5 of P.L. , c. (C.) (pending
45 before the Legislature as this bill) shall be liable for a civil penalty
46 of not more than \$300 for each affected dwelling unit and not more
47 than \$1000 for each affected common area in the multiple dwelling.

1 Such penalty shall be recoverable by and in the name of the local
2 board of health.

3 b. The local board or local health officer may bring an action in
4 any court of competent jurisdiction to enforce a penalty imposed
5 pursuant to subsection a. of this section. The court is empowered to
6 issue any appropriate injunctive orders, and to authorize immediate
7 collection of reimbursable costs due the local board.

8
9 7. (New section) The commissioner, in consultation with the
10 Department of Community Affairs, pursuant to the "Administrative
11 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
12 rules and regulations to effectuate the purposes of this act.

13

14 8. R.S.26:3-46 is amended to read as follows:

15 26:3-46. The local board, within its jurisdiction, shall examine
16 into and prohibit any nuisance, offensive matter, foul or noxious
17 odors, gases or vapors, water in which mosquito larvae breed, and
18 all causes of ill health or disease, including bedbugs, which may be
19 known to the board or brought to its attention, which, in its
20 opinion, are injurious to the health of the inhabitants therein, and
21 shall cause the same to be removed and abated at the expense of
22 the owner.

23 (cf: R.S.26:3-46)

24

25 9. R.S.26:3-49 is amended to read as follows:

26 26:3-49. Whenever any nuisance, noxious gases or vapors, water
27 in which mosquito larvae breed, or cause of ill health or disease is
28 found on private property, the local board shall notify the owner to
29 remove and abate the same, at his own expense, within such time
30 as the board may specify. A duplicate of the notice shall be left
31 with one or more of the tenants or occupants. Whenever any
32 infestation of bedbugs is found in a multiple dwelling, the local
33 board shall notify the owner to eradicate the infestation, at his own
34 expense, immediately.

35 If the owner resides out of the state or cannot be so notified
36 speedily, a notice left at the house or premises with the tenant or
37 occupant, or posted on the premises, shall suffice.

38 In the event that an owner does not eradicate an infestation of
39 bedbugs immediately following notice pursuant to this section, the
40 local board of health is authorized to act as an agent for the
41 landlord, pursuant to section 5 of P.L. , c. (C.), for purposes
42 of eradicating the infestation.

43 (cf: R.S.26:3-49)

44

45 10. R.S.26:3-54 is amended to read as follows:

46 26:3-54. The local board may recover, by a civil action, the
47 expenses incurred in such removal and abatement from any person
48 who shall have caused or allowed such nuisance, source of foulness,

1 water in which mosquito larvae breed, or cause of sickness,
2 hazardous to the public health to exist, or from any owner, tenant,
3 or occupant of premises who, after notice as herein provided, shall
4 fail to remove and abate the same within the time specified in the
5 notice. The local board may recover, by a civil action, the
6 expenses incurred in eradication of an infestation of bedbugs,
7 pursuant to section 5 of P.L. , c. (C.), from the owner of a
8 multiple dwelling who, after notice, failed to eradicate the
9 infestation of bedbugs.
10 (cf: P.L.1953, c.26, s.14)
11

12 11. This act shall take effect immediately.
13
14

15 STATEMENT
16

17 This bill makes landlords entirely responsible for maintaining a
18 safe and clean living environment free of an infestation of bedbugs.
19 This legislation provides that property owners are responsible for
20 maintaining multiple dwellings free of bedbug infestations, and
21 must remove bedbugs at their own expense when they become
22 aware of an infestation in a multiple dwelling. The legislation
23 imposes a financial penalty upon a landlord who does not take
24 immediate action upon notice that bedbugs have infested a property.

25 If enacted, this legislation would require a local board of health
26 to act on the landlord's behalf to exterminate bedbugs when a
27 landlord does not do so. The bill has no financial impact on
28 taxpayers because the property owner is required to reimburse the
29 board when it acts on the owner's behalf.

30 The bill also requires annual inspections of multiple dwellings
31 for bedbug infestations.