

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3203

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2008

The Assembly Housing and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 3203.

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

This legislation would provide for the preparation of a bedbug education document by the Department of Health and Senior Services that would be available to the public. This publication would advise tenants that their units may be subject to inspection for bedbugs and that the tenants may be responsible for certain costs related to bedbug eradication.

This bill would require owners to act to eradicate bedbugs within 10 days of receiving written notice of the presence of bedbugs in a unit. When a unit is rented for seasonal use, the owner would have only seven days to act.

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

COMMITTEE AMENDMENTS

The committee amended the bill to:

- (1) Change the findings and declarations to emphasize that bedbugs drink the blood of animals and humans.
- (2) Change the findings and declarations to emphasize that owners are in the best position to exterminate bedbugs when they have their tenants' help

- (3) Change several of the definitions to exclude common interest communities, such as co-ops and condominiums from the obligations imposed by the bill in most cases.
- (4) Changed a definition of the presence of bedbugs to resolve an ambiguity with existing regulatory language
- (5) Refine the definitions to require that treatments for the presence of bedbugs be applied to the areas where bedbugs are likely to congregate.
- (6) Define tenant behaviors that are likely to attract and foster the presence of bedbugs, and require education about these behaviors
- (7) Modify the education that tenants will receive to provide that tenants will receive informal notice that they may be subject to inspection and for costs in the event that bedbugs are present in their unit.
- (8) Remove the provision permitting property owners require a receipt for bedbug education pamphlets, and the requirement that owners display bedbug education in a conspicuous location.
- (9) Expand section 3 to require distribution of information about risky behavior by tenants that increase the likelihood of bedbug infestation
- (10) Change the inspection procedures to require landlord to give written notice of an upcoming inspection.
- (11) Permit an owner 10 days to take action to eradicate the presence of bedbugs.
- (12) Provide that a tenant may be financially responsible for interfering with inspection and eradication procedures.
- (13) Specify that only certain professionals licensed by the Department of Environmental protection may provide eradication services pursuant to the legislation.
- (14) Add a new section of the law that allows landlords to inspect, itemize and deduct the price of damages from the presence of bedbugs from a tenant's security deposit.
- (15) Broaden the penalty provision of this bill to permit a municipality to collect penalty moneys under certain circumstances.
- (16) Correct the provision permitting a local board of health to recovery the penalty for violations of this act in court.
- (17) Inserted new language to clarify that a tenant is responsible in the event that multiple eradications are necessary as a result of a failure to maintain the dwelling unit.
- (18) Put in amendatory language allowing the Department of Community Affairs to inspect for bedbugs.