

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 3203

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 15, 2009

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

This bill, as amended by the committee, requires owners of multiple dwellings to maintain 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 financial liability upon a landlord who does not take prompt action upon written notice that bedbugs have infested a property.

This legislation provides for the preparation of a bedbug education document by the Department of Health and Senior Services. The legislation would require multiple dwelling owners to provide tenants with this pamphlet within 90 days after the department makes it available to the public. Owners of multiple dwellings are required to deliver this pamphlet to tenants, who are required to sign an acknowledgment that they received this document. If an owner is unable to obtain a signature, the owner shall be deemed in compliance with the delivery requirement if two attempts are made to deliver the pamphlet, one of which shall be by certified or registered mail. The pamphlet 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 publication would also set forth the legal rights and responsibilities of both owners and tenants imposed by this legislation.

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. This bill also requires the owner of a multiple dwelling to provide the tenant with notice prior to entering the unit for purposes of inspecting for or eradicating bedbugs.

This legislation also would require a local board of health to act on the owner's behalf to eradicate the presence bedbugs when an owner 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) Require the bedbug education pamphlet to enumerate the legal rights and responsibilities imposed on multiple dwelling owners and tenants by this legislation.
- (2) Require the education pamphlet to advise tenants that it is the responsibility of the owner of a multiple dwelling to keep the premises free of bedbugs, and that there are potential financial consequences to the tenant for a failure to properly maintain the unit and for interfering with the multiple dwelling owner's access to the unit.
- (3) Require the owners of a multiple dwellings to provide the bedbug education pamphlet to tenants within 90 days after the department makes the pamphlet available.
- (4) Permit landlords to deliver the bedbug education pamphlet by mail or in person to tenants and to deem an owner in compliance with a delivery requirement after two good-faith attempts to deliver.
- (5) Insert a statement in the pamphlet notifying tenants of their duty to notify the owner of the presence of bedbugs in the unit.
- (6) Require an owner to give tenants 48 hours' notice that access is required to a unit for purposes of eradicating the presence of bedbugs.
- (7) Require an owner to satisfy the pamphlet-delivery requirement before charging certain expenses to tenants or deducting certain expenses from tenants' security deposits.
- (8) Clarify when a landlord must begin the eradication process.