
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 908 Session of
2011

INTRODUCED BY FARNESE, TARTAGLIONE, RAFFERTY, LEACH, COSTA,
HUGHES AND FONTANA, APRIL 4, 2011

REFERRED TO URBAN AFFAIRS AND HOUSING, APRIL 4, 2011

AN ACT

1 Relating to bedbug eradication; providing for duty to eradicate,
2 for notification, for administration and enforcement by local
3 boards or departments of health, for inspections, for duties
4 of the Department of Agriculture and for informational
5 brochures; and imposing a civil penalty.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Bedbug
10 Eradication Act.

11 Section 2. Declaration of policy.

12 The General Assembly finds and declares as follows:

13 (1) Populations of the common bedbug, *Cimex Lectularius*,
14 have increased by 500% in the past several years.

15 (2) A bedbug infestation is a unique and hard-to-
16 exterminate threat to the health and habitability of the
17 residences of this Commonwealth's citizens and a threat to
18 the economic well-being of the temporary accommodation
19 industry in this Commonwealth.

1 (3) Bedbugs leave signs of their presence in bedding and
2 in the residences and accommodations that are visible to the
3 naked eye, making education of affected persons a critical
4 aspect of prevention.

5 (4) Bedbugs feed on the blood of humans and their pets
6 and present a public welfare risk.

7 (5) Bedbugs travel through ventilation systems in
8 multiunit buildings and hotels, causing the rapid
9 distribution and a consequential increase in number of
10 bedbugs throughout the structure.

11 (6) The owners of multiunit buildings and hotels, with
12 the cooperation of tenants and guests, are in the best
13 position to coordinate the eradication of bedbug populations
14 in the multiunit buildings or hotels.

15 (7) Bedbugs are a public nuisance, and it is a matter of
16 public welfare to protect the citizens of this Commonwealth
17 from this insect.

18 (8) Tenants of multiunit buildings should be educated
19 and vigilant concerning the prevention and identification of
20 bedbug infestation in their homes.

21 Section 3. Definitions.

22 The following words and phrases when used in this act shall
23 have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 "Appropriate enforcement agency." The local health board or
26 department of health for the municipality where the hotel or
27 multiunit building is located, or the Department of Agriculture
28 if no local health board or department of health exists for the
29 municipality where the hotel or multiunit building is located.

30 "Bedbug." An insect of the family Cimicidae, including the

1 insect species *Cimex lectularius*, commonly referred to as a
2 common bedbug.

3 "Commercial applicator." The same meaning given to the term
4 in section 4 of the act of March 1, 1974 (P.L.90, No.24), known
5 as the Pennsylvania Pesticide Control Act of 1973.

6 "Common area." All portions of a hotel or multiunit building
7 other than the units.

8 "Department." The Department of Agriculture of the
9 Commonwealth.

10 "Eradication." The process undertaken by a commercial
11 applicator through the use of pesticides and any other
12 recognized and lawful pest eradication method to eradicate
13 bedbugs from a hotel or a multiunit building.

14 "Guest." A natural person who, for payment of consideration,
15 occupies a unit of a hotel.

16 "Hotel." A hotel, motel, inn or resort that holds itself out
17 by any means, including advertising or license, as being
18 available to provide overnight lodging for consideration to
19 persons seeking temporary accommodation, and that consists of
20 ten or more units.

21 "Local board or department of health." The board of health
22 or the department of public health of a city, borough,
23 incorporated town or township of the first class, or a county
24 department of health or joint county department of health.

25 "Multiunit building." A building that consists of three or
26 more units that are individually leased as residences. The term
27 does not include a building that contains units occupied by a
28 proprietary lessee under 68 Pa.C.S. Pt. II Subpt. C (relating to
29 cooperatives).

30 "Owner." The person who owns or exercises control of any

1 hotel or multiunit building.

2 "Pesticide." The same meaning given to the term in section 4
3 of the act of March 1, 1974 (P.L.90, No.24), known as the
4 Pennsylvania Pesticide Control Act of 1973.

5 "Tenant." A lessee of a multiunit building.

6 "Unit." The portion of a hotel or multiunit building that is
7 designed for occupation either as a residence or as a temporary
8 accommodation.

9 Section 4. Duty to eradicate.

10 (a) Multiunit buildings.--An owner of a multiunit building
11 shall be responsible at the owner's expense for maintaining the
12 multiunit building free of the presence of bedbugs. However, if
13 the source of three or more bedbug infestations can be
14 identified by a professional applicator to originate in one unit
15 that has been leased by the same tenant during the time period
16 of the previous infestations, the cost of the current
17 eradication may be charged to that tenant.

18 (b) Hotels.--An owner of a hotel shall be responsible at the
19 owner's expense for maintaining the hotel free of the presence
20 of bedbugs.

21 Section 5. Notification and eradication.

22 (a) Tenants and guests.--

23 (1) A tenant who has knowledge of the presence of
24 bedbugs in the tenant's unit, or who suspects the presence of
25 bedbugs based on the presence of indicators of bedbug
26 infestation, shall notify the owner in writing of the
27 presence or suspicion of the presence of bedbugs in the unit.

28 (2) A guest who has knowledge of the presence of bedbugs
29 in the hotel unit, or who suspects the presence of bedbugs
30 based on the presence of indicators of bedbug infestation,

1 may notify an owner of a hotel verbally or by written
2 notification of the presence or a suspicion of the presence
3 of bedbugs in the unit.

4 (b) Duty of owner.--

5 (1) An owner of a multiunit building shall, within ten
6 days of the date of the receipt of a tenant's written
7 notification, or within five days of the date of the
8 determination of the presence of bedbugs by a professional
9 applicator during a scheduled inspection, at the owner's
10 expense:

11 (i) Commence the process of eradication in the unit.

12 (ii) Arrange for a professional applicator to
13 inspect other units and common areas for bedbugs.

14 (iii) Provide written notice in accordance with
15 section 6(a) to the tenants of those other units where
16 bedbugs are located and commence the process of
17 eradication in those units.

18 (2) An owner of a hotel shall, within ten days of the
19 date of receipt of a guest's verbal or written notification,
20 or within five days of the date of the determination of the
21 presence of bedbugs by a professional applicator during a
22 regularly scheduled inspection, at the owner's expense:

23 (i) Commence the process of eradication in the unit.

24 (ii) Arrange for a professional applicator to
25 inspect other units and common areas for bedbugs.

26 (iii) Provide notice in accordance with section 6(b)
27 to current guests of those other units where bedbugs are
28 located and commence the process of eradication in those
29 units.

30 Section 6. Notice and access.

1 (a) Multiunit buildings.--

2 (1) If access to a unit in a multiunit building is
3 required for inspection or eradication, an owner of a
4 multiunit building shall provide the tenant with a minimum of
5 48 hours' advance written notice that the owner requires
6 access to inspect for or eradicate bedbugs.

7 (2) If an owner of a multiunit building complies with
8 paragraph (1), a tenant shall grant the owner access to the
9 affected unit for purposes of inspection or eradication.

10 (b) Hotels.--

11 (1) If access to a unit of a hotel is required for the
12 purposes of eradication, the owner of a hotel shall provide
13 the guest with 24 hours' written advance notice that the
14 owner requires access to eradicate bedbugs.

15 (2) For the inspection of units of a hotel, the owner of
16 a hotel shall schedule the regular inspection of unoccupied
17 units of the hotel in accordance with section 9(a)(2).

18 Section 7. Administration.

19 The appropriate enforcement agency shall administer this act.

20 Section 8. Enforcement by agency.

21 (a) Notification of agency.--If an owner does not act to
22 eradicate the bedbugs within the period of time specified in
23 section 5(b), a tenant or guest may notify in writing the
24 appropriate enforcement agency of the failure by the owner to
25 comply with this act.

26 (b) Agency duties.--

27 (1) Following receipt of the notification in subsection

28 (a), the appropriate enforcement agency shall act as an agent
29 for the owner to inspect for bedbugs.

30 (2) Following a determination of the presence of bedbugs

1 in the property of the owner and the failure of the owner to
2 immediately eradicate the bedbugs following notification by
3 the appropriate enforcement agency, the appropriate
4 enforcement agency shall engage a commercial applicator at a
5 usual and customary price in the area to eradicate the
6 bedbugs, within ten days following notice to all affected
7 tenants as provided in section 6(a).

8 (c) Billing.--The commercial applicator shall bill the owner
9 of the hotel or multiunit building directly for its services to
10 eradicate bedbugs.

11 (d) Ordinance.--

12 (1) A municipality that established a local board or
13 department of health may adopt an ordinance that provides for
14 the payment of the costs for eradicating the bedbugs by the
15 commercial applicator engaged under subsection (b) and that
16 costs shall be charged against the hotel or multiunit
17 building and may be a lien against the premises.

18 (2) In the event the owner fails to pay the costs
19 imposed under this section, the municipality or local board
20 or department of health may serve written notice of the
21 owner's failure to pay and shall demand that the deficiency
22 be cured within ten days.

23 (3) A local board or department of health may recover by
24 civil action from the owner the expenses incurred in the
25 eradication of bedbugs pursuant to this section.

26 (4) Notice and opportunity to be heard shall be required
27 to enforce any lien.

28 (e) Reimbursement.--An owner shall reimburse the appropriate
29 enforcement agency for the actual costs incurred for the
30 eradication of bedbugs under this section.

1 Section 9. Regular inspections and certification.

2 (a) Inspection.--

3 (1) An owner of a multiunit building shall arrange for
4 an inspection of each unit by a professional applicator no
5 more than 30 days prior to the date of renewal for an
6 existing unit lease and no more than 30 days prior to the
7 date when a tenant occupies the unit under a new lease. If an
8 inspection determines the presence of bedbugs, the owner
9 shall comply with section 5(b)(1) prior to the date of the
10 occupation of the unit under the lease renewal or under the
11 new lease.

12 (2) An owner of a hotel shall arrange for the regular
13 inspection of each unit by a professional applicator at a
14 frequency of at least three inspections per year. For the
15 purpose of inspection of the units of a hotel, the owner of a
16 hotel shall schedule the regular inspection of no less than
17 one-third of the unoccupied units of the hotel on a rotating
18 basis. The owner of a hotel shall assign guests to units of a
19 hotel to maximize the efficiency and effectiveness of
20 rotating regular inspections of unoccupied units. If an
21 inspection determines the presence of bedbugs, the owner
22 shall comply with section 5(b)(2) prior to occupancy of the
23 unit by any guest.

24 (b) Certification.--

25 (1) In addition to the lease for the unit, an owner of a
26 multiunit building shall provide a tenant with a
27 certification that the unit has been inspected in accordance
28 with subsection (a)(1) for the presence of bedbugs.

29 (2) An owner of a hotel shall provide each guest with
30 certification that the unit has been regularly inspected in

1 accordance with subsection (a) (2) for the presence of
2 bedbugs.

3 Section 10. End-of-lease inspection and deduction.

4 (a) Inspection.--An owner of a multiunit building may
5 arrange for the inspection of a unit by a professional
6 applicator for the presence of bedbugs following the termination
7 of a tenant's lease.

8 (b) Deduction from security deposit.--An owner may deduct
9 from the security deposit of a tenant who fails to provide
10 written notification of the presence or suspicion of the
11 presence of bedbugs to the owner under section 5(a)(1) any costs
12 for the services of a professional applicator to eradicate the
13 bedbugs from the unit following the termination of the tenant's
14 lease.

15 Section 11. Department duties.

16 The department shall have the following duties:

17 (1) To develop within 60 days of the effective date of
18 this section an informational brochure for the identification
19 and prevention of bedbug infestations that contains the
20 information listed in section 12.

21 (2) To produce and distribute copies of the
22 informational brochure to local boards or departments of
23 health by electronic means and by access on the department's
24 publicly accessible Internet website.

25 (3) To develop and conduct an educational program for
26 the public including notification to owners of duties
27 required under this act.

28 (4) To promulgate necessary regulations to administer
29 this act.

30 Section 12. Informational brochure.

1 An informational brochure shall contain the following
2 information:

3 (1) Measures for the prevention and control of bedbugs
4 in a residential setting, including eradication, cleaning the
5 unit and mattresses and laundering bedclothes and clothing,
6 and measures applicable to a temporary accommodation setting.

7 (2) Specific facts about bedbugs, including the
8 appearance and breeding habits of the species *Cimex*
9 *lectularius* and any other species of insect of the family
10 Cimicidae that is common to this Commonwealth.

11 (3) A summary of the Commonwealth's guidelines and
12 regulations for disinfecting, labeling and reselling
13 mattresses and information on where to locate the complete
14 guidelines and regulations on the Internet.

15 (4) Tenant behaviors that are risk factors for
16 attracting and supporting the presence of bedbugs in a
17 residential setting and guest behaviors that are risk factors
18 in a temporary accommodation setting.

19 (5) A statement describing the legal rights and
20 responsibilities imposed on owners, tenants and guests under
21 this act, including the following:

22 (i) The duty of the owner to keep the premises free
23 of the presence of bedbugs.

24 (ii) The duty of the tenant to notify the owner of
25 the presence or suspicion of the presence of bedbugs.

26 (iii) The potential liability of the tenant for the
27 cost of the services of a professional applicator to
28 eradicate bedbugs where:

29 (A) The need for repeated prior eradications was
30 caused by the tenant's failure to undertake

1 sufficient precautions against bedbug infestation.

2 (B) The tenant prevented or interfered with
3 access to the unit for the purpose of inspection or
4 eradication.

5 (6) The following statements, which shall appear in a
6 clear and conspicuous manner and shall clearly apply only to
7 tenants:

8 (i) "If you notice or suspect the presence of
9 bedbugs in your unit, you are required by law to promptly
10 notify the owner or manager of your unit. You may be
11 responsible for the costs of exterminating bedbugs if you
12 do not notify your owner or manager."

13 (ii) "Upon reasonable notice, you must grant the
14 owner of your apartment access to the apartment for
15 purposes of an inspection for or the eradication of the
16 presence of bedbugs. This inspection may include a visual
17 inspection and manual inspection of your personal
18 belongings, limited to bedding or furniture. If bedbugs
19 are found in the unit, additional access and measures may
20 be required. You may be responsible for the cost of the
21 current eradication if you fail to properly maintain your
22 dwelling by undertaking precautions against bedbug
23 infestation and where multiple infestations result."

24 (7) Separate statements to notify a tenant that:

25 (i) Upon termination of the lease and moving out of
26 the unit, the owner may inspect the unit for the presence
27 of bedbugs.

28 (ii) If the landlord finds the presence of bedbugs
29 in the unit and if the tenant did not notify the landlord
30 of their presence prior to the termination of the lease,

1 the landlord may deduct the costs of the eradication from
2 the tenant's security deposit.

3 Section 13. Owner duties.

4 (a) Owners of multiunit buildings.--An owner of a multiunit
5 building shall provide the following:

6 (1) A copy of the informational brochure to each current
7 tenant as of the effective date of this section.

8 (2) A copy of the informational brochure to each tenant
9 at a lease renewal and to each new tenant at the commencement
10 of a new lease.

11 (b) Hotel owners.--An owner of a hotel shall make available
12 to guests at no cost copies of the informational brochure.

13 Section 14. Civil penalty.

14 (a) Penalty.--Any owner whose failure to act in accordance
15 with this act results in an action by an appropriate enforcement
16 agency under section 8 shall be liable for a civil penalty of
17 not more than \$300 for each affected unit and not more than
18 \$1,000 for each affected common area in the hotel or multiunit
19 building.

20 (b) Procedure.--The civil penalty under this section shall
21 be recovered by civil suit or process in the name of the
22 appropriate enforcement agency and shall be utilized for
23 administration of this act. If no local board or department of
24 health exists, the civil penalty shall be paid to the department
25 and shall be utilized for the administration of this act.

26 Section 21. Effective date.

27 This act shall take effect as follows:

28 (1) This section shall take effect immediately.

29 (2) Sections 4, 11 and 12 shall take effect immediately.

30 (3) The remainder of this act shall take effect in 60

1 days.