

HOUSE BILL 1069

N1, M4

2lr0849

By: **Delegates Holmes and Charles**

Introduced and read first time: February 10, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Bedbug Detection and Treatment Act**

3 FOR the purpose of requiring a tenant to notify the tenant's landlord if the tenant knows
4 or reasonably suspects that the tenant's dwelling unit contains bedbugs (*Cimex*
5 *lectularius*); requiring a landlord receiving notice from a tenant under this Act to
6 provide for the inspection and, if necessary, treatment of the tenant's dwelling unit
7 and contiguous dwelling units; imposing on a tenant certain requirements and
8 prohibitions relating to reasonable access to the tenant's dwelling unit and
9 compliance with inspection and treatment measures; prohibiting a landlord from
10 offering for rent a dwelling unit that the landlord knows or reasonably suspects to
11 contain bedbugs; providing that a landlord is responsible for all costs associated with
12 an inspection for and the treatment of the presence of bedbugs; establishing the
13 liability of a tenant or landlord for failure to comply with the provisions of this Act;
14 and generally relating to the inspection for and treatment of bedbugs in rental
15 dwelling units.

16 BY adding to

17 Article – Real Property

18 Section 8–1001 through 8–1006 to be under the new subtitle “Subtitle 10. Maryland
19 Bedbug Detection and Treatment Act”

20 Annotated Code of Maryland

21 (2015 Replacement Volume and 2021 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **Article – Real Property**

25 **SUBTITLE 10. MARYLAND BEDBUG DETECTION AND TREATMENT ACT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **8-1001.**

2 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "BEDBUG" MEANS THE COMMON BEDBUG, CIMEX LECTULARIUS, AT ANY
5 STAGE OF DEVELOPMENT.

6 (C) "CERTIFIED APPLICATOR" HAS THE MEANING STATED IN § 5-201 OF
7 THE AGRICULTURE ARTICLE.

8 (D) "LOCAL GOVERNMENT" MEANS A COUNTY OR MUNICIPALITY.

9 (E) "PEST CONTROL AGENT" MEANS A CERTIFIED APPLICATOR OR A
10 REGISTERED EMPLOYEE WORKING UNDER THE SUPERVISION, AS DEFINED IN §
11 5-201 OF THE AGRICULTURE ARTICLE, OF A CERTIFIED APPLICATOR.

12 (F) "REGISTERED EMPLOYEE" HAS THE MEANING STATED IN § 5-201 OF
13 THE AGRICULTURE ARTICLE.

14 (G) "WRITTEN NOTICE" INCLUDES NOTICE BY TEXT MESSAGE, E-MAIL, OR
15 DELIVERY THROUGH AN ELECTRONIC PORTAL OR MANAGEMENT COMMUNICATIONS
16 SYSTEM THAT IS AVAILABLE TO BOTH A LANDLORD AND A TENANT.

17 **8-1002.**

18 (A) (1) A TENANT SHALL PROMPTLY PROVIDE NOTICE TO THE TENANT'S
19 LANDLORD IF THE TENANT KNOWS OR REASONABLY SUSPECTS THAT THE TENANT'S
20 DWELLING UNIT CONTAINS BEDBUGS.

21 (2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS
22 SUBSECTION SHALL BE:

23 (I) IN THE FORM REQUIRED BY THE RENTAL AGREEMENT; OR

24 (II) IF NO PARTICULAR FORM OF NOTICE IS REQUIRED BY THE
25 RENTAL AGREEMENT, BY WRITTEN NOTICE THROUGH A METHOD REGULARLY USED
26 BY THE LANDLORD AND TENANT TO COMMUNICATE.

27 (B) (1) NOT LATER THAN 4 DAYS AFTER RECEIVING NOTICE UNDER
28 SUBSECTION (A) OF THIS SECTION, A LANDLORD SHALL, SUBJECT TO § 8-1004 OF
29 THIS SUBTITLE, OBTAIN AN INSPECTION OF THE DWELLING UNIT BY A PEST
30 CONTROL AGENT.

1 **(2) IF THE INSPECTION OF A DWELLING UNIT CONFIRMS THE**
2 **PRESENCE OF BEDBUGS, THE LANDLORD SHALL OBTAIN AN INSPECTION OF ALL**
3 **CONTIGUOUS DWELLING UNITS OPERATED BY THE LANDLORD AS PROMPTLY AS IS**
4 **REASONABLY PRACTICAL.**

5 **8-1003.**

6 **(A) A LANDLORD SHALL PROVIDE WRITTEN NOTICE TO THE TENANT WITHIN**
7 **2 BUSINESS DAYS AFTER AN INSPECTION CONDUCTED UNDER § 8-1002 OF THIS**
8 **SUBTITLE INDICATING WHETHER THE DWELLING UNIT CONTAINS BEDBUGS.**

9 **(B) IF A PEST CONTROL AGENT DETERMINES THAT THE DWELLING UNIT**
10 **DOES NOT CONTAIN BEDBUGS, THE WRITTEN NOTICE PROVIDED BY THE LANDLORD**
11 **SHALL INFORM THE TENANT THAT THE TENANT MAY CONTACT THE LOCAL HEALTH**
12 **DEPARTMENT IF THE TENANT REMAINS CONCERNED THAT THE DWELLING UNIT MAY**
13 **CONTAIN BEDBUGS.**

14 **(C) (1) IF A PEST CONTROL AGENT DETERMINES THAT THE DWELLING**
15 **UNIT CONTAINS BEDBUGS, THE PEST CONTROL AGENT SHALL REPORT THE FINDING**
16 **TO THE LANDLORD WITHIN 24 HOURS AFTER THE INSPECTION IS COMPLETED.**

17 **(2) NOT LATER THAN 5 BUSINESS DAYS AFTER RECEIVING A REPORT**
18 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE LANDLORD SHALL COMMENCE**
19 **REASONABLE MEASURES, AS DETERMINED BY THE PEST CONTROL AGENT, TO**
20 **EFFECTIVELY TREAT THE PRESENCE OF BEDBUGS.**

21 **(D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LANDLORD IS**
22 **RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH AN INSPECTION FOR AND THE**
23 **TREATMENT OF THE PRESENCE OF BEDBUGS.**

24 **(E) NOTHING IN THIS SECTION PROHIBITS A TENANT FROM CONTACTING**
25 **ANY UNIT OF FEDERAL, STATE, OR LOCAL GOVERNMENT AT ANY TIME WITH**
26 **CONCERNS ABOUT THE PRESENCE OF BEDBUGS.**

27 **8-1004.**

28 **(A) (1) (I) IF A LANDLORD OR PEST CONTROL AGENT MUST ENTER A**
29 **DWELLING UNIT FOR THE PURPOSE OF CONDUCTING AN INSPECTION FOR OR**
30 **TREATING THE PRESENCE OF BEDBUGS, THE LANDLORD SHALL PROVIDE THE**
31 **TENANT WITH WRITTEN NOTICE AT LEAST 48 HOURS BEFORE THE LANDLORD OR**
32 **PEST CONTROL AGENT ATTEMPTS TO ENTER THE DWELLING UNIT.**

1 **(II) A RENTAL AGREEMENT MAY PROVIDE FOR A LONGER**
2 **PERIOD OF NOTICE THAN IS REQUIRED UNDER THIS PARAGRAPH.**

3 **(III) A TENANT MAY WAIVE THE NOTICE REQUIREMENT UNDER**
4 **THIS PARAGRAPH.**

5 **(2) A TENANT WHO RECEIVES NOTICE UNDER PARAGRAPH (1) OF**
6 **THIS SUBSECTION MAY NOT DENY THE LANDLORD OR PEST CONTROL AGENT**
7 **REASONABLE ACCESS TO THE DWELLING UNIT FOR THE PURPOSE OF CONDUCTING**
8 **AN INSPECTION FOR OR TREATING THE PRESENCE OF BEDBUGS.**

9 **(B) A PEST CONTROL AGENT MAY:**

10 **(1) CONDUCT AN INITIAL INSPECTION OF A TENANT'S BEDDING AND**
11 **UPHOLSTERED FURNITURE; AND**

12 **(2) INSPECT ITEMS AND AREAS OF THE DWELLING UNIT OTHER THAN**
13 **THE TENANT'S BEDDING AND UPHOLSTERED FURNITURE IF THE PEST CONTROL**
14 **AGENT DETERMINES THAT SUCH AN INSPECTION IS NECESSARY AND REASONABLE.**

15 **(C) (1) A TENANT SHALL COMPLY WITH REASONABLE MEASURES TO**
16 **ALLOW THE INSPECTION FOR OR THE TREATMENT OF THE PRESENCE OF BEDBUGS**
17 **AS DETERMINED BY THE PEST CONTROL AGENT.**

18 **(2) THE TENANT IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH**
19 **PREPARING THE DWELLING UNIT FOR INSPECTION AND TREATMENT.**

20 **(D) (1) IF ANY PROPERTY BELONGING TO A TENANT IS FOUND TO**
21 **CONTAIN BEDBUGS, THE PEST CONTROL AGENT SHALL ADVISE THE TENANT**
22 **REGARDING THE REMOVAL OF THE PROPERTY FROM THE DWELLING UNIT.**

23 **(2) THE TENANT MAY NOT DISPOSE OF PERSONAL PROPERTY FOUND**
24 **TO CONTAIN BEDBUGS IN AN INTERIOR COMMON AREA WHERE SUCH DISPOSAL MAY**
25 **RISK THE INFESTATION OF OTHER DWELLING UNITS.**

26 **(E) A TENANT WHO FAILS TO COMPLY IN A REASONABLE MANNER WITH THE**
27 **INSPECTION OR TREATMENT REQUIREMENTS DESCRIBED IN THIS SUBTITLE IS**
28 **LIABLE FOR THE COST OF ANY BEDBUG TREATMENTS FOR THE DWELLING UNIT AND**
29 **CONTIGUOUS DWELLING UNITS OPERATED BY THE LANDLORD IF THE NEED FOR**
30 **SUCH TREATMENTS ARISES FROM THE TENANT'S NONCOMPLIANCE.**

31 **(F) NOTHING IN THIS SECTION:**

1 **(1) REQUIRES A LANDLORD TO PROVIDE A TENANT WITH**
2 **ALTERNATIVE LODGING OR TO PAY TO REPLACE A TENANT'S PROPERTY; OR**

3 **(2) PREEMPTS OR RESTRICTS THE APPLICATION OF ANY STATE OR**
4 **FEDERAL LAW CONCERNING REASONABLE ACCOMMODATIONS FOR PERSONS WITH**
5 **DISABILITIES.**

6 **8-1005.**

7 **(A) A LANDLORD MAY NOT OFFER FOR RENT A DWELLING UNIT THAT THE**
8 **LANDLORD KNOWS OR REASONABLY SUSPECTS TO CONTAIN BEDBUGS.**

9 **(B) ON REQUEST BY A PROSPECTIVE TENANT, A LANDLORD SHALL**
10 **DISCLOSE WHETHER, TO THE LANDLORD'S KNOWLEDGE, THE DWELLING UNIT THAT**
11 **THE LANDLORD IS OFFERING FOR RENT CONTAINED BEDBUGS WITHIN THE**
12 **PREVIOUS 8 MONTHS.**

13 **(C) ON REQUEST BY A TENANT OR PROSPECTIVE TENANT, A LANDLORD**
14 **SHALL DISCLOSE THE LAST DATE, IF ANY, THAT A DWELLING UNIT BEING RENTED**
15 **OR OFFERED FOR RENT WAS INSPECTED FOR AND FOUND TO BE FREE OF BEDBUGS.**

16 **8-1006.**

17 **(A) A LANDLORD WHO FAILS TO COMPLY WITH THIS SUBTITLE IS LIABLE TO**
18 **THE TENANT FOR DAMAGES SUFFERED BY THE TENANT.**

19 **(B) A LANDLORD MAY SEEK INJUNCTIVE RELIEF AGAINST A TENANT WHO:**

20 **(1) REFUSES TO PROVIDE REASONABLE ACCESS TO A DWELLING UNIT**
21 **FOR THE PURPOSES OF A BEDBUG INSPECTION OR TREATMENT; OR**

22 **(2) FAILS TO COMPLY WITH A REASONABLE REQUEST FOR BEDBUG**
23 **INSPECTION OR TREATMENT OF A DWELLING UNIT.**

24 **(C) (1) IF A COURT FINDS THAT A TENANT HAS FAILED TO REASONABLY**
25 **COMPLY WITH ONE OR MORE REQUIREMENTS SET FORTH IN THIS SUBTITLE, THE**
26 **COURT MAY ISSUE A TEMPORARY ORDER TO CARRY OUT THIS SUBTITLE, INCLUDING:**

27 **(I) GRANTING THE LANDLORD ACCESS TO THE DWELLING UNIT**
28 **FOR THE PURPOSES SET FORTH IN THIS SUBTITLE;**

29 **(II) GRANTING THE LANDLORD THE RIGHT TO ENGAGE IN**
30 **BEDBUG INSPECTION OR TREATMENT MEASURES IN THE DWELLING UNIT; AND**

1 **(III) REQUIRING THE TENANT TO COMPLY WITH SPECIFIC**
2 **BEDBUG INSPECTION OR TREATMENT MEASURES.**

3 **(2) A COURT MAY ASSESS A TENANT WITH COSTS AND DAMAGES THAT**
4 **ARE CAUSED BY THE TENANT'S NONCOMPLIANCE WITH THIS SUBTITLE.**

5 **(D) ANY COURT ORDER GRANTING A LANDLORD ACCESS TO A DWELLING**
6 **UNIT MUST BE SERVED ON THE TENANT AT LEAST 24 HOURS BEFORE THE LANDLORD**
7 **OR A PEST CONTROL AGENT ENTERS THE DWELLING UNIT.**

8 **(E) (1) THE REMEDIES IN THIS SECTION ARE IN ADDITION TO ANY OTHER**
9 **REMEDIES AVAILABLE AT LAW OR IN EQUITY TO ANY PERSON.**

10 **(2) THIS SECTION DOES NOT LIMIT OR RESTRICT THE AUTHORITY OF**
11 **ANY STATE OR LOCAL GOVERNMENT HOUSING OR HEALTH CODE ENFORCEMENT**
12 **AGENCY.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2022.