

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1069 (Delegates Holmes and Charles)
Environment and Transportation

Maryland Bedbug Detection and Treatment Act

This bill establishes specific procedures and requirements for tenants and landlords regarding rental property potentially affected by bedbugs. The bill also establishes judicial remedies for failure to comply.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: Potential Meaningful.

Analysis

Bill Summary:

Initial Notice and Inspection Requirements

A tenant must promptly notify the landlord if the tenant knows or reasonably suspects that the tenant's dwelling unit contains bedbugs. The notice must be provided either (1) in the form required by the rental agreement or (2) if no particular form of notice is required in the agreement, by written notice through a method regularly used by the tenant and landlord to communicate.

No later than four days after receiving notice, the landlord must have the dwelling unit inspected by a "pest control agent" (generally, an individual certified by the Secretary of

Agriculture under Title 5, Subtitle 2 of the Agriculture Article or a registered employee working under the supervision of a certified applicator).

If a landlord or pest control agent must enter a dwelling unit for the inspection of or the treatment for bedbugs, the landlord must provide the tenant with written notice at least 48 hours before attempting to enter the dwelling unit, unless the tenant waives notice or the rental agreement states otherwise. A tenant who receives notice is prohibited from denying reasonable access for the inspection of or treatment for bedbugs.

Inspection Procedures – Pest Control Agent

A pest control agent, during the inspection of a dwelling unit, may (1) conduct an initial inspection of the tenant's bedding and upholstered furniture and (2) inspect items and other areas if deemed necessary and reasonable. If bedbugs are discovered during the inspection, a pest control agent must, within 24 hours, report the findings of the inspection to the landlord.

If any personal property belonging to a tenant is found to contain bedbugs, the pest control agent must advise the tenant regarding the removal of the property.

Inspection Requirements – Tenants

Tenants must comply with reasonable measures to allow the inspection for and treatment of bedbugs, as determined by a pest control agent. The tenant is responsible for all costs associated with preparing the dwelling unit for inspection and treatment. The bill prohibits a tenant from disposing of personal property that was determined to contain bedbugs in an interior common area where such disposal may risk the infestation of other dwelling units.

Tenants that fail to comply in a reasonable manner with the bill's provisions are liable for costs related to bedbug treatments for the dwelling unit and contiguous dwelling units operated by the landlord if the need for such treatments arises from the tenant's noncompliance.

Post-inspection Requirements – Landlords

Within two business days after completion of the required inspection, a landlord must provide written notice of the inspection results to the tenant. If the inspection determines that the dwelling unit does not contain bedbugs, written notice provided by the landlord must inform the tenant that the tenant may contact the local health department to report any concerns. If the inspection confirms the presence of bedbugs, the landlord must obtain an inspection of all contiguous dwelling units owned by the landlord as promptly as is reasonably practical.

Furthermore, within five business days after receiving a report from a pest control agent of the presence of bedbugs, the landlord must begin reasonable measures – as determined by the pest control agent – to effectively treat the bedbug presence. The landlord is responsible for all costs associated with an inspection for, and the treatment of, bedbugs, except as otherwise stated in the bill’s provisions. A landlord is not required to provide a tenant with alternative lodging or to compensate a tenant for the replacement of personal property.

Additional Requirements, Prohibitions, and Remedies

A landlord is prohibited from offering for rent a dwelling unit that the landlord knows or reasonably suspects to contain bedbugs. On request by a prospective tenant, a landlord must disclose whether, to the knowledge of the landlord, the dwelling unit that the landlord is offering for rent contained bedbugs within the prior eight months. On request by a tenant or a prospective tenant, a landlord must disclose the last date, if any, on which a dwelling unit being rented or offered for rent was inspected for, and found to be free of, bedbugs.

A landlord who fails to comply with the bill’s provisions is liable to a tenant for the actual damages of the tenant.

A landlord may apply to a court to obtain injunctive relief against a tenant who (1) refuses to provide reasonable access to a dwelling unit for the purposes of a bedbug inspection or treatment or (2) fails to comply with a reasonable request for an inspection or treatment of the unit.

If a court finds that a tenant has failed to reasonably comply with one or more of the requirements, the bill authorizes the court to issue a temporary order to carry out the provisions required by the bill, including:

- granting the landlord access to the dwelling unit for purposes specified under the bill;
- granting the landlord the right to engage in bedbug inspection or treatment measures in the dwelling unit; and
- requiring the tenant to comply with specific bedbug inspection or treatment measures.

The court may assess a tenant with costs and damages that are caused by the tenant’s noncompliance with the bill’s provisions.

Any court order granting a landlord access to a dwelling unit must be served on the tenant at least 24 hours before a landlord or pest control agent enters the unit.

The remedies are in addition to any other remedies available at law or in equity to any person and do not limit or restrict the authority of any State or local housing agency or health code enforcement agency. Furthermore, the bill neither prohibits a tenant from contacting any governmental entity concerning the presence of bedbugs in the dwelling unit nor preempts or restricts the application of any State or federal law concerning accommodations for persons with disabilities.

Current Law: Statute does not specify procedures or remedies regarding the presence of bedbugs in residential rental property. Statutory provisions generally provide tenants with a mechanism for encouraging the repair of serious and dangerous defects that exist within or as part of any residential dwelling unit, or upon the property used in common of which the dwelling unit forms a part. The defects are those in which a substantial and serious threat of danger to the life, health, and safety of the occupants is present.

In order to use available remedies, a tenant must notify the landlord of the existence of the defects or conditions using specified methods. If the landlord refuses to make the repairs or correct the conditions, or if after a reasonable time the landlord has failed to do so, the tenant may (1) bring an action of rent escrow to pay rent into court because of the asserted defects or conditions or (2) refuse to pay rent and raise the existence of the asserted defects or conditions as an affirmative defense to an action for distress for rent or to any complaint proceeding brought by the landlord to recover rent or the possession of the leased premises. Additional provisions related to rent escrow are specified in statute.

In addition to any other relief sought, if, within 90 days after the court finds that the conditions complained of by the tenant exist, the landlord has not made repairs or corrections, the tenant may file a petition of injunction in the District Court requesting the court to order the landlord to make the repairs or correct the conditions.

Title 5, Subtitle 2 of the Agriculture Article authorizes the Secretary of the Maryland Department of Agriculture to establish, by rule or regulation, qualifications for licensing and certification of pest control consultants, pest control applicators, public agency applicators, and private applicators.

Small Business Effect: Landlords are subject to specific requirements regarding the inspection of and treatment for bedbugs.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Montgomery County; Maryland Association of County Health Officers; Judiciary (Administrative Office of the Courts); Maryland Department of Agriculture; Maryland Department of Health; Department of Housing and Community Development; Department of Legislative Services

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