

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 529

(Senator Benson, *et al.*)

Judicial Proceedings

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Real Property – Landlord and Tenant – Bedbugs

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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.

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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.

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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 tenant may elect to notify the landlord using written or electronic means, as specified, and must retain sufficient evidence regarding the delivery of any electronic notice.

Within 96 hours of receiving a notice regarding suspected bedbugs, the landlord (1) must have the dwelling unit inspected by a “certified applicator” (an individual certified by the Secretary of Agriculture under § 5-207 of the Agriculture Article) and (2) may enter the

dwelling unit or any contiguous dwelling unit owned by the landlord for the purposes of inspection. If a landlord or certified applicator must enter a dwelling unit for the inspection for or the treatment of bedbugs, the landlord must provide the tenant with reasonable 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 is prohibited from unreasonably denying access.

#### *Inspection Procedures – Certified Applicators*

A certified applicator, during the inspection of a dwelling unit, may (1) conduct an initial visual and manual inspection of the tenant's bedding and upholstered furniture and (2) inspect items other than bedding and upholstered furniture if deemed necessary and reasonable. If bedbugs are discovered during the inspection, a certified applicator may have additional access to the tenant's personal belongings if necessary and reasonable to determine the extent of the presence of bedbugs.

If any personal property belonging to a tenant is found to contain bedbugs, the certified applicator must advise the tenant that (1) the personal property of the tenant should not be removed from the unit until bedbug treatment is complete and (2) the tenant may dispose of the personal property in a manner approved by the Maryland Department of Health or a local health department. The bill also prohibits a tenant from disposing of personal property that was determined to contain bedbugs in a common area where such disposal may risk the infestation of other dwelling units.

#### *Post-inspection Requirements – Landlords*

If a certified applicator determines that a dwelling unit contains bedbugs in any stage of the life cycle, the certified applicator must provide a report of the determination to the landlord within 24 hours after the inspection. As promptly as possible – but no longer than two business days after completion of the required inspection – a landlord must provide notice of the inspection results to the affected tenant and, depending on the results of the inspection, take specified actions. If the inspection determines that neither the dwelling unit nor any contiguous dwelling units owned by the landlord contain bedbugs, the landlord must notify 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.

Furthermore, within five business days after receiving notice from a certified applicator of the presence of bedbugs, the landlord must begin reasonable measures – as determined by the certified applicator – to effectively treat the bedbug presence (including retaining the services of a certified applicator to treat the dwelling unit and any contiguous dwelling units owned by the landlord). The landlord is responsible for all costs associated with an

inspection for, and the treatment of, bedbugs, except as otherwise provided by law. However, a landlord is not required to provide a tenant with alternative lodging or to compensate a tenant for the replacement of personal property.

A landlord who complies with the bill's provisions is deemed to have provided a dwelling unit free of dangerous and serious defects fit for habitation with respect to matters concerning bedbugs.

#### *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 unreasonably failed to 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 of inspecting for, or treating the presence of, bedbugs;
- granting the landlord the right to engage in bedbug inspection and treatment measures in the dwelling unit; and
- requiring the tenant to comply with specific bedbug inspection and treatment measures or assessing the tenant with costs and damages related to the noncompliance of the tenant.

Any court order granting a landlord access to a dwelling unit to comply with the bill's provisions must be served on the tenant at least 24 hours before a landlord or certified applicator 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 agency concerning the presence of bedbugs in the dwelling unit nor preempts or restricts the application of any local, State, or federal statute 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 (MDA) 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. Some licensed pest control companies may be negatively affected if only MDA-certified pest control applicators/inspectors are authorized to conduct inspections and may experience an increase in expenditures related to additional costs associated with certification (*i.e.*, training time and certification fees).

## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland Association of County Health Officers; Judiciary (Administrative Office of the Courts); Maryland Department of Agriculture; Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - February 13, 2022  
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