



Bill No: HB 1069—Maryland Bedbug Detection and Treatment Act

Committee: Environment and Transportation

Date: 3/1/2022

Position: Favorable with Amendments

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's Counties.

House Bill 1069 requires a housing provider to obtain an inspection of a rental unit by a pest control agent within four days after being notified by the resident of the presence or suspected presence of bedbugs. The bill also mandates that a housing provider be responsible for costs associated with inspection and treatment of bedbugs and creates a new remedy for residents by allowing a court to award costs and damages if the housing provider fails to comply with the bill's provisions. Lastly, the bill requires a property owner to provide prospective and current residents, by request, disclose information on rental units that contained bedbugs within the previous eight months and the last date when the unit was inspected for and found to be free of bedbugs.

AOBA appreciates the bill's provisions that hold the resident accountable for notifying the housing provider if they know or suspect there are bedbugs in their unit and holds the resident responsible for costs associated with preparing the rental unit for inspection and treatment. However, there are still concerns with the bill as currently drafted.

HB 1069 will create new remedies for residents by allowing the court to award costs and damages to residents if a housing provider fails to comply with provisions in the bill. Pest remediation is governed by section § 12-203 of the Minimum Livability Code which establishes penalties for housing providers that do not appropriately handle pest control. These penalties include a misdemeanor charge and if found guilty, an individual can face imprisonment not exceeding three months or a fine no more than \$500 for each day the violation exists. Adding new penalties only related to the treatment of bedbugs is

overregulation and seemingly considers bedbug infestation a more pressing concern than other types of pests. The existing code already provides penalties for violators and holds bad actors accountable.

AOBA agrees that the preliminary inspection for bedbugs must be conducted in a timely manner, however the Association would like to amend the requirement so that inspection can be conducted by property management staff. The Minimum Livability Code does not require a property owner to obtain an inspection from a pest control agent for any other type of pest infestation. Housing providers currently utilize experienced company staff to inspect units for bedbugs or other pests and they should not be prevented from conducting their own preliminary inspection for bedbugs. AOBA members follow industry accepted practices for handling pests based on current regulations and codes.

AOBA also has concerns with the timeline created in the bill. As drafted, HB 1069 requires a housing provider to obtain an inspection of the rental unit by a pest control agent within four days of being notified of the presence or suspected presence of the bedbugs. However, if the issue is reported end-of-day Friday the four-day clock starts then; there may be difficulty getting an applicator on-site. The COVID-19 pandemic further complicates the timeline because providers are minimizing the instances they enter units and residents who contracted the virus must quarantine for at least five days, as declared by the CDC; thus, creating setbacks for inspecting rental units impacted by bedbugs. AOBA members believe four business days is a more reasonable standard for treatment.

AOBA opposes any provision that requires a property owner to collect and disclose information to prospective residents and existing residents regarding bedbugs. The new burden it will create for housing providers to establish tracking infrastructure to collect data that they do not currently track on bedbugs in dwelling units is onerous. Additionally, privacy issues arise from housing providers being required to release information, upon request, that violates the previous resident's confidentiality. Further, AOBA members question if they will be deemed to have violated the act if, in good faith, they say the unit is unaffected in the last eight months simply because the leasing agent does not know that information. Additionally, the bill prohibits a housing provider from offering for rent a dwelling unit that they know or "reasonably suspect" contains bedbugs. AOBA members are unsure what constitutes "reasonably suspects" and the language is open for interpretation. As such, AOBA believes the bill should strike the phrase "reasonably suspects".

For these reasons, AOBA requests a favorable with amendments report on HB 1069.

For further information, contact Ryan Washington, AOBA Government Affairs Manager, at 202-770-7713 or rwashington@aoba-metro.org.

Amendments to HB 1069

Amendment No. 1

Pg. 2, Line 27, Strike, “**NOT LATER THAN 4 DAYS**” and Insert “**4 BUSINESS DAYS OR PROMPTLY AS PRACTICABLE**”

Amendment No. 2

Pg. 2, Line 30, Insert “**OR LANDLORD.**”

Amendment No. 3

Pg. 5, Line 8, Strike, “**OR REASONABLY SUSPECTS.**”

Amendment No. 4

Pg. 5, Lines 9-12 and Lines 13-15, Strike, “**(1) ON REQUEST BY A PROSPECTIVE TENANT, A LANDLORD SHALL DISCLOSE WHETHER, TO THE KNOWLEDGE OF THE LANDLORD, THE DWELLING UNIT THAT THE LANDLORD IS OFFERING FOR RENT CONTAINED BEDBUGS WITHIN THE PREVIOUS 8 MONTHS.**

(2) ON REQUEST BY A TENANT OR A PROSPECTIVE TENANT, A LANDLORD SHALL 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.”

Amendment No. 5

Pg. 5, Lines 17-18, Strike, “**A LANDLORD WHO FAILS TO COMPLY WITH THIS SUBTITLE IS LIABLE TO A TENANT FOR THE ACTUAL DAMAGES OF THE TENANT.**”