



BED BUGS - CT LEGAL ASPECTS



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LEGAL DISCLAIMER



This presentation includes a general review of a CT laws with regard to bed bugs. It is not intended to be used as legal advice, nor is it exhaustive in the areas referenced.

Questions as to legal remedies and obligations at law should be directed to your legal counsel.

CT General Statutes (CGS)

§47a-1. Definitions.

- (d) "Landlord" means the owner, lessor or sublessor of the dwelling unit, the building of which it is a part or the premises.
- (l) "Tenant" means the lessee, sublessee or person entitled under a rental agreement to occupy a dwelling unit or premises to the exclusion of others or as is otherwise defined by law.
 - Includes tenants under eviction and verbal agreements

CGS §47a-7

Landlord's responsibilities

- **Sec. 47a-7. Landlord's responsibilities.** (a) A landlord shall: (1) **Comply with** the requirements of chapter 3680 and all **applicable building and housing codes materially affecting health and safety** of both the state or any political subdivision thereof; (2) **make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition**, except where the premises are intentionally rendered unfit or uninhabitable by the tenant, a member of his family or other person on the premises with his consent, in which case such duty shall be the responsibility of the tenant; ...

CGS §47a-7, cont.

Greater duty takes precedence.

- 47a-7(b) If any provision of any municipal ordinance, building code or fire code requires a **greater duty** of the landlord than is imposed under subsection (a) of this section, then such provision of such ordinance or code **shall take precedence** over the provision requiring such lesser duty in said subsection.

**CAN LANDLORD TRANSFER THE
OBLIGATION TO REMEDY BED BUGS
OR OTHER VIOLATIONS
TO TENANT?**

**CONTROLLED BY
CGS §47a-7(c) and (d).**

CGS §47a-7, cont.

Landlord transfer of duty to tenant

- §47a-7(c) The landlord and tenant of a **single-family** residence may agree in writing that the tenant perform the landlord's duties specified in subdivisions (5) and (6) of subsection (a) and also specified repairs, maintenance tasks, alterations, or remodeling, provided the transaction is entered into in good faith and not for the purpose of evading the obligations of the landlord.

C.G.S. §47a-7, cont.

Landlord transfer of duty to tenant

- (d) The landlord and tenant of a dwelling unit **other than a single-family** residence may agree that the tenant is to perform specified repairs, maintenance tasks, alterations or remodeling if (1) the agreement of the parties is entered into in good faith; (2) the agreement is in writing; (3) the work is not necessary to cure noncompliance with subdivisions (1) and (2) of subsection (a) of this section; and (4) the agreement does not diminish or affect the obligation of the landlord to other tenants in the premises.

CT's Bed Bug General Statute §47a-7a

https://www.cga.ct.gov/current/pub/chap_830.htm#sec_§47a-



- ✓ Establishes a framework to identify and treat bed bug infestations in residential rental properties, including public housing but excluding detached, single family homes.
- ✓ It sets separate duties and responsibilities for landlords and tenants, including notice, inspection, and treatment requirements.
- ✓ It also gives landlords and tenants remedies when the other party fails to comply with these duties and responsibilities.

CT Bed Bug General Statute §47a-7a

- *Title:*

AN ACT CONCERNING THE RIGHTS AND RESPONSIBILITIES OF LANDLORDS AND TENANTS REGARDING THE TREATMENT OF BED BUG INFESTATIONS.

- *Effective Date:*

October 1, 2016

CT Bed Bug General Statute §47a-7a

- Definitions – Section (a)(1-7):
 - Certified applicator
 - Bed bug
 - Bed bug detection team
 - Landlord, owner, person and tenant
 - Qualified inspector
 - Pest control agent
 - Dwelling unit

CT Bed Bug General Statute §47a-7a

- Tenant's (T's) obligation to report
(Section (b)(1) of the law)
 - T shall promptly notify the Landlord (LL) orally or in writing when T knows or reasonably suspects the T's unit is infested with bed bugs (BB).

CT Bed Bug General Statute §47a-7a

- Landlord's (LL's) obligations and entry rights upon report by T of BB infestation in T's unit
(Section (b)(1) of the law, cont.)
 - Not later than five (5) business days after receipt of said notice from T, LL shall inspect or obtain an inspection by a qualified inspector, of the T's unit and any contiguous unit LL owns, leases or subleases.
 - IMPORTANT NOTES :
 - LL or qualified inspector may only enter the T's unit and any contiguous unit to it that LL owns, leases or subleases with T's consent, a court order or under circumstances of emergency per the law and CGS §47a-16.
 - If T unreasonably refuses entry after 24 hours or more notice, LL and qualified inspector are prohibited from entry unless it is required under circumstances of emergency. Otherwise, LL must petition a court and obtain an order for entry per CGS §47a-18.

CT Bed Bug General Statute §47a-7a

- LL's obligations if LL conducts the inspection
(Section (b)(1) of the law, cont.)
 - If the LL conducts the inspection, LL must provide written notice to T within two (2) days indicating whether or not there is a BB infestation.
 - If bedbugs are found, must arrange for treatment or treat.
 - The notice shall inform the T that if the T is still concerned about the unit being infested with BBs, they can contact the local health department and shall contain the relevant contact information.

CT Bed Bug General Statute §47a-7a

- LL's obligations if BB infestation is determined to exist in T's unit or contiguous unit
(Section (b)(1) of the law, cont.)
 - LL shall take reasonable measures not later than five (5) business days after the date of inspection to effectively treat the BB infestation.
 - Measures are as determined by a qualified inspector and include treating or retaining a pest control agent to treat the T's and any contiguous unit owned or leased by the LL, except...
 - the law does allow the LL a first attempt to effectively treat the BB infestation, but it must still be with measures as determined by a qualified inspector, and must be inspected within 5 days after by a qualified inspector.

CT Bed Bug General Statute §47a-7a

- LL's obligations if LL makes first attempt to treat

(Section (b)(1) of the law, cont.)

- LL who attempts to treat first without retaining a qualified inspector shall
 - first vacuum the areas to be treated. This is not a BB treatment, but a mandatory pre-treatment measure.
 - obtain an inspection of any treated unit by a qualified inspector within five (5) business days after treatment.

CT Bed Bug General Statute §47a-7a

- Qualified inspector's report to LL after first attempt to treat by LL

(Section (b)(1) of the law, cont.)

- If the qualified inspector determines after inspection that any unit is not infested with BBs, they shall provide the LL written certification stating such determination.
- If the qualified inspector determines that any such unit is infested with BBs, the LL shall within five (5) days of such inspection, retain the services of a pest control agent.

CT Bed Bug General Statute §47a-7a

- LL's obligations to pay

(Section (b)(1) of the law, cont.)

- Except as set forth in Section (b)(2)(A) (described on slide below), LL shall be responsible for all costs associated with inspection and treatment of BB infestation.

CT Bed Bug General Statute §47a-7a

- T is not precluded from contacting any agency
(Section (b)(1) of the law, cont.)
 - Nothing in this section of the law precludes a T from contacting any agency at any time concerning an infestation of BBs.
 - Note: Section (d)(3) of the law states:
 - The remedies in the law shall be in addition to any other remedies at law, or in equity, to any person.
 - This law shall not be construed to limit or restrict the authority of any state or local housing or health code enforcement agency.

CT Bed Bug General Statute §47a-7a

- Right of entry into T's unit by LL, qualified inspector or pest control agent for inspection or treatment.

(Section (b)(2)(A) of the law)

- Requires reasonable (generally = 24 hours) written or oral notice to the T, and that all entries shall be in accordance with CGS §47a-16.
- Requires that T not unreasonably withhold access after reasonable notice. If T withholds access unreasonably, LL's relief is to petition and obtain a court order for entry through CGS §47a-18, per Section (d)(2) of the law.

CT Bed Bug General Statute §47a-7a

- Scope of initial inspection by LL or qualified inspector

(Section (b)(2)(B) of the law)

- LL or qualified inspector may conduct a limited visual and manual inspection of the T's bedding and upholstered furniture only.
- If the LL or qualified inspector determines it necessary and reasonable, items other than bedding and upholstered furniture may be inspected. Otherwise, further inspection is prohibited by the law.

CT Bed Bug General Statute §47a-7a

- Scope of further inspection by LL or qualified inspector upon finding BBs in unit
(Section (b)(2)(B) of the law)
 - If BBs are found in any unit owned, leased or subleased by the LL, the LL or qualified inspector may have such additional access to the tenant's personal belongings as the LL or qualified inspector determines is necessary and reasonable.

CT Bed Bug General Statute §47a-7a

- T's obligation to allow access for inspection and treatment

(Section (b)(2)(B) of the law)

- T shall comply with reasonable measures to permit the inspection and treatment of a BB infestation as determined by the LL and qualified inspector or by the pest control agent.

CT Bed Bug General Statute §47a-7a

- T's obligation to pay for costs associated with preparing unit for inspection and treatment
(Section (b)(2)(B) of the law)
 - T shall be responsible for all costs associated with preparing a dwelling unit for inspection and treatment as determined by LL and qualified inspector or pest control agent.

CT Bed Bug General Statute §47a-7a

- T's knowing and unreasonable failure to comply – LL's remedy
(Section (b)(2)(B) of the law)
 - T's knowing and unreasonable failure to comply with such BB inspection and treatment measures shall result in the T being held liable for those BB treatments of the dwelling unit and contiguous units arising from such failure.
 - Note: For this provision to apply, the tenant's failure to comply must be both unreasonable and deliberate and not merely negligent or out of ignorance.
 - Note: T's failure, even unreasonably, does not relieve the LL's obligation to treat.

CT Bed Bug General Statute §47a-7a

- Restriction on moving infested items

(Section (b)(2)(C) of the law)

- BB infested furniture, clothing, equipment or personal property belonging to a T shall not be removed from the dwelling unit until a pest control agent determines that a BB treatment has been completed, or until the LL approves of such removal.

CT Bed Bug General Statute §47a-7a

- LL's obligation to offer reasonable assistance
(Section (b)(3)(A) of the law)
 - The LL shall offer to make reasonable assistance available to a tenant who is not physically able to comply with preparation for any BB inspection or treatment measures that are T's responsibility.
 - The LL shall disclose to the tenant the cost, if any, of the assistance.
 - Landlord may charge for such preparation assistance as long as the amount charged is reasonable.

CT Bed Bug General Statute §47a-7a

- LL's offer a repayment schedule
(Section (b)(3)(A) of the law, cont.)
 - If the LL chooses to charge a reasonable amount to assist the tenant, the LL shall offer a reasonable repayment schedule not to exceed 6 months, unless one or more extensions are agreed.
 - Note: The installment payments, which must be reasonable in light of the tenant's ability to pay, will not necessarily be sufficient to cover the entire reasonable cost of preparation assistance but may be supplemented by other means of collection

CT Bed Bug General Statute §47a-7a

- LL's obligation to treat notwithstanding T's failure to agree or to pay costs
(Section (b)(3)(A) of the law, cont.)
 - A T's failure to agree to any reasonable assistance charge or repayment schedule shall not relieve the LL of the duty to treat the dwelling unit.

CT Bed Bug General Statute §47a-7a

- T's failure to agree or to pay costs not a basis for a summary process (eviction) action
(Section (b)(3)(B) of the law)
 - A T's failure to make a payment required pursuant to a payment schedule shall not be the basis of a summary process (eviction) action pursuant to CGS Chapter 832 (CGS §47a-23, et seq.)

CT Bed Bug General Statute §47a-7a

- LL may deduct unpaid payment schedule amounts from security deposit

(Section (b)(3)(B) of the law, cont.)

- Upon termination of the tenancy, a LL may deduct any repayment schedule amounts still owed from the security deposit per CGS §47a-21.

CT Bed Bug General Statute §47a-7a

- LL not required by the law to relocate or pay for personal belongings of the T
(Section (b)(3)(C) of the law)
 - Nothing in the law shall be construed to require a LL to provide a T with alternative lodging or to replace a T's personal property.
 - Nothing in the law preempts or restricts application of any state or federal law concerning reasonable accommodations for persons with disabilities.
 - Note: fair housing law prevents a landlord from charging for a reasonable accommodation for a person with a disability unless the accommodation imposes “an undue financial and administrative burden” on the landlord.

CT Bed Bug General Statute §47a-7a

- LL duty not to rent unit with known or reasonably suspected BB

(Section (c) of the law)

- LL shall not offer for rent a dwelling unit that the LL knows or reasonably suspects is infested with BBs.

CT Bed Bug General Statute §47a-7a

- LL duty to disclose before renting a unit with known or reasonably suspected BB

(Section (c) of the law, cont.)

- Before renting a dwelling unit, LL shall disclose to a prospective T whether the unit or any contiguous unit the LL owns or leases is infested with BBs
- Upon request of a T or prospective T, a LL shall disclose the last date on which the dwelling unit being rented or offered for rent was inspected for and found to be BB infestation free.

CT Bed Bug General Statute §47a-7a

- T remedy for LL failure to comply with the law
(Section (d)(1) of the law)
 - Allows T to proceed under CGS §47a-12 and §47a-14h against a LL who fails to comply with any portion of the law.
 - A LL who fails to comply with any provision of the law shall be liable to the T for reasonable attorneys fees and the greater of two hundred fifty dollars (\$250) or the tenant's actual damages.
 - This remedy is additional to T's remedy of contacting the appropriate municipal code agency for assistance.

CT Bed Bug General Statute §47a-7a

- LL remedy for T's unreasonable acts
(Section (d)(2) of the law)
 - Allows LL to obtain injunctive relief (a court order) in accordance with CGS §47a-18 against a T who
 - refuses to provide reasonable access
 - fails to comply with reasonable requests for inspection or treatment of a dwelling unit **or**
 - fails to implement reasonable inspection or treatment measures required pursuant to subsection (b) of the law.

CT Bed Bug General Statute §47a-7a

- LL remedy for T's unreasonable acts
(Section (d)(2) of the law, cont.)
 - Filing fee same as for small claims case
 - If a court finds that a T has unreasonably failed to comply with the law, it may issue a temporary order or interim relief to:
 - grant access to LL for purposes of the section
 - grant the LL the right to engage in BB inspection and treatment measures **and**
 - require the T to comply with specific BB inspection and treatment measures or pay for cost of noncompliance.

CT Bed Bug General Statute §47a-7a

- LL obligation to serve T notice of court order
(Section (d)(2) of the law, cont.)
 - Any court order granting a LL access shall be served upon the T at least twenty-four (24) hours before a LL, qualified inspector or pest control agent enters the T's unit.

CT Bed Bug General Statute §47a-7a

- Remedies in the law are not exclusive
(Section (d)(3) of the law, cont.)
 - The remedies in the law shall be in addition to any other remedies at law, or in equity, to any person.
 - The law shall not be construed to limit or restrict the authority of any state or local housing or health code enforcement agency.
 - This means that a code enforcement agency order may be issued and enforced, if authorized by law, even if contrary to this law.
 - **Code enforcement agencies should not cite this statute for its authority to issue an order.**

CT Bed Bug General Statute §47a-7a

- T remedy to LL's failure to comply to the law added to CGS §47a-14h
(Section (d)(1) of the law)
 - Allows Ts, if they wish, to use the payment-into-court remedies of CGS 47a-14h, if otherwise applicable.
 - T may commence the action a minimum of twenty-one (21) days after making a complaint to a municipal agency responsible for enforcement.

Is it enough to say:
“Tenant won’t allow
access?”

LANDLORD MUST USE LEGAL AND REASONABLE MEANS OF ENTRY

“In a landlord-tenant setting it would appear that the landlord should, under the circumstances of the tenant's refusal of entry for repairs, file and obtain an order of access from the Superior Court under [C.G.S. Section 47a-18](#), when a tenant refuses access under [C.G.S. Section 47a-16](#). (cont. next page)

The landlord has remedies under C.G.S. Section 47a-15 for tenants breach. Failing those actions, the landlord would be hard-pressed to establish the **necessary showing of 'lacking any reasonable means.'**” **Gayle v. Young**, Not Reported in A.2d, 1995 WL 118775, Conn.Super.,1995.

LEGAL ENTRY BY A LANDLORD

- CGS §47a-16 LANDLORD'S RIGHT OF ENTRY
- CGS §47a-18 LANDLORD'S REMEDY ON
TENANT REFUSAL

CGS §47a-16.

Landlord's right of entry.

- **47a-16. When landlord may enter rented unit.** (a) A tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises, make necessary or agreed to repairs, alterations or improvements, **supply necessary or agreed to services or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen or contractors.**

(b) A landlord may enter the dwelling unit without consent of the tenant in case of **emergency.**

CGS §47a-16, cont.

(c) A landlord shall not abuse the right of entry or use such right of entry to harass the tenant. The landlord shall give the tenant reasonable written or oral notice of his intent to enter and **may enter only at reasonable times, except in case of emergency.**

(d) A landlord may not enter the dwelling unit without the consent of the tenant except (1) in case of emergency, (2) as permitted by section 47a-16a, (3) pursuant to a **court order**, or (4) if the tenant has abandoned or surrendered the premises.

CGS §47a-18

Court order for entry.

- **§47a-18. Judicial relief if tenant refuses entry.**
If the tenant refuses to allow entry pursuant to section 47a-16 or section 47a-16a, the landlord may obtain a declaratory judgment or injunctive relief to compel access or terminate the rental agreement. In either case the landlord may recover actual damages and reasonable attorney's fees.

CT Public Health

Bed Bug

Code Enforcement

CT Public Health Code – Abatement of Nuisance §19-13-B2

19-13-B2. Abatement of nuisance (a) Any local director of health, upon information of the existence of a nuisance or any pollution occurring within his jurisdiction, or when any such nuisance or pollution comes to his attention, shall, within a reasonable time, investigate and, upon finding such nuisance or pollution exists, shall issue his order in writing for the abatement of the same.

(b) Such order shall specify the nature of such nuisance or pollution and shall designate the time within which such abatement or discontinuance shall be accomplished; and if such order is not complied with within the time specified, **the facts shall be submitted to the prosecuting authority**. Copies of all orders shall be kept on file by the director of health in his office and copies of the same shall be furnished the state commissioner of health on request.

CGS 19a-206.

Duty of directors of health.

(see CGS Chapter 368f for Municipal
District Health Directors)

CGS 19a-206.

- **19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough.** (a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. **Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health.** Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or cause to be abated such nuisance and remove or cause to be removed such filth.

CGS 19a-206, cont.

(b) When any such nuisance or source of filth is found on private property, such director of health shall order the owner or occupant of such property, or both, to remove or abate the same within such time as the director directs. If such order is not complied with, within the time fixed by such director: (1) Such director, or any official of such town, city or borough authorized to institute actions on behalf of such town, city or borough, may institute and maintain a civil action for injunctive relief in any court of competent jurisdiction to require the abatement of such nuisance, the removal of such filth and the restraining and prohibiting of acts which caused such nuisance or filth, and such court shall have power to grant such injunctive relief upon notice and hearing*;

CGS 19a-206, cont.

(b)(2) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth allowed to remain after the time fixed by the director in his order has expired..., and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

*See *Town of Somers v. Demers, et al* (2012 WL 6787295). “The health officer of the town, and through the enforcement provisions of §19a-206(b), this court, are duty-bound to take those steps necessary to preserve public health against the spread of disease and to exercise the utmost diligence in enforcing health regulations.”



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