

# **SB 529 Testimony.pdf**

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**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

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February 14, 2022

The Honorable William C. Smith, Jr.  
Judicial Proceedings Committee  
2 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: Maryland Legal Aid's Testimony in Support of Senate Bill (SB) 529 - Real  
Property - Landlord and Tenant - Bedbugs**

Dear Chair Smith and Members of the Committee:

Thank you for the opportunity to testify in support of SB 529. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. MLA's 12 offices serve residents in each of Maryland's 24 jurisdictions. MLA handles various civil legal matters, including family law, housing, public benefits, consumer law (e.g., bankruptcy and debt collection), and criminal record expungements to remove barriers to obtaining child custody, housing, a driver's license, and employment. Maryland Legal Aid supports SB 529 and asks that the committee give it a favorable report.

This letter serves as notice that Gregory Countess, Esq. will testify in support of SB 529 on behalf of MLA at Senator Joanne Benson's request. This Bill requires compliance from both the tenant and landlord to eliminate bedbugs from a residence. Specifically, it requires a tenant to promptly report the presence of bedbugs to their landlord. Once notified, a landlord must, within 96 hours, have a certified applicator inspect the premises for bedbugs. The certified applicator has 24 hours after this inspection to provide the landlord with a report of its findings. Within two business days, the landlord must forward a copy of that report to the tenant and, if the certified applicator finds bedbugs present in the residence, the landlord must have all connecting units inspected. Within five business days of receiving the inspection report, the landlord must take steps to treat the bedbugs in any unit found to contain bedbugs. The landlord is responsible for paying the costs of the inspection and treatment.

This Bill also prohibits landlords from renting a dwelling with the known presence of bedbugs. Additionally, SB 529 requires landlords to make certain disclosures regarding bedbugs within a unit if asked by a tenant or prospective

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04.2021



tenant. Lastly, this Bill provides specific remedies for landlords and tenants if either party does not comply with their obligations.

The importance of eliminating bedbugs as early as possible cannot be overstated. Bedbugs are unsanitary and can render a dwelling uninhabitable. They hide in beds, couches, and other similar spaces where they lay eggs and feed on blood by biting their hosts (i.e., the tenants). Once bedbugs appear, they multiply and spread throughout a unit and into neighboring units and can ultimately cover entire buildings unless and until they are entirely eradicated. When a bedbug infestation spreads to multiple units, but only one affected unit is treated, the bedbugs migrate from the surrounding infested units back into the treated unit. The cycle of bedbug infestation then continues.

MLA advocates have seen countless tenants who have experienced bedbug infestations. In many cases, landlords have reacted by either ignoring the problem or hiring a company to spray one unit but not eliminate the problem. This happens because landlords typically do not seek to eradicate the bedbugs by completing a thorough inspection followed by more effective measures to treat the bedbugs, such as heat treatments. In other words, in the experience of MLA advocates, landlords put a temporary band aid on a situation that requires a permanent and comprehensive solution.

One example of a case handled by MLA advocates demonstrates the need to require a process by which landlords must comply to eradicate bedbugs: A tenant came to MLA seeking help with a rent escrow case, because they were experiencing a bedbug infestation in their unit. The tenant advised the landlord that they had bedbugs in their unit and that bedbugs were present in the entire complex, including the walls in the hallways throughout the building. The landlord hired an exterminator to spray for bedbugs and refused to do any further treatment when that did not work. As a result, the tenant had to file a rent escrow case and wait for the court to set it in for a hearing while continuing to live with bedbugs. This tenant locked themselves in their bathroom to avoid the bedbugs from biting them. At the first hearing, the landlord told the court that they would hire an exterminator to spray for bedbugs. When that did not work, the landlord came back to court for a second hearing and was adamant that they would not be required to treat the bedbugs further. At the second hearing, the Court ordered the landlord to complete a heat treatment of the unit. While the heat treatment may provide temporary relief to this tenant, the unfortunate reality is that there is no statute in place that requires a landlord to have the surrounding units inspected and treated. Therefore, this tenant has no mechanism to fully require a landlord to eradicate the bedbugs. Their only solution is to move, at which point the landlord will move a new tenant in and continue this cycle without eradicating the bedbugs.

This Bill requires a landlord to do what the law already requires, to provide a habitable, clean, and safe place for their tenants. It provides a consistent, uniform process and mechanism by which both parties can work together to eliminate bedbug infestations in and around a unit to prevent the continued spread to other units. For these reasons, **Maryland Legal Aid urges a favorable report on Senate Bill 529.**

/S/ Gregory Countess

Gregory Countess, Esq.

Director of Advocacy for Housing and Community Development

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**scan\_dorothy.clowers\_2022-02-09-18-33-42 (002).pdf**

Uploaded by: Joanne C. Benson

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## WILLIAM PACA ELEMENTARY SCHOOL

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7801 Sheriff Road | Landover, MD 20785 | 301-925-1330 | [www.pgcps.org/willampaca](http://www.pgcps.org/willampaca)

February 9, 2022

Dear Senator Benson,

It saddens me to inform you that one of our third grade students, Zain Maab, who emigrated from Afghanistan, was bleeding from scratching both arms. When asked about his condition, he articulated that a bed bug infestation in his residence was the problem. He also shared that the staff in the Leasing Office had provided spray which had no effect. Zain added that his father had removed the mattress and bed covering to alleviate the problem. After taking these measures, the infestation remained unabated. Out of curiosity, I called his father, Mr. Husn Maab, to investigate the child's report. Immediately, Mr. Maab informed me that the bed bug problem has impacted the entire family and that mitigation factor that he and the Leasing Office implemented had no effect on the infestation. I wish to also share that I reported the situation to the school's nurse supervisor.

Maryland does not have a bedbug law for tenants. However, the implied warranty of habitability applies. It is my sincere desire that the landlord at the Maple Ridge Complex be required to put measures in place to eradicate the problem. For your information, the family resides at 2302 Brightseat Rd, Unit T1, Hyattsville, MD 20785. Mr. Husn Maab (father) can be reached at 240-516-9397.

Sincerely,

  
Dorothy Clowers,  
Principal

**SB 529\_Consumer Protection Division\_Fav\_2022.pdf**

Uploaded by: Kira Wilpone-Welborn

Position: FAV

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**OFFICE OF THE ATTORNEY GENERAL**  
**CONSUMER PROTECTION DIVISION**

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February 14, 2022

**To:** The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

**From:** Kira Wilpone-Welborn, Assistant Attorney General  
Consumer Protection Division

**Re:** Senate Bill 529 – Real Property – Landlord and Tenant – Bedbugs (SUPPORT)

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The Consumer Protection Division of the Office of the Attorney General (the “Division”) supports Senate Bill 529 sponsored by Senators Benson, Patterson, Lee and Sydnor. Bed bug infestations are costly and traumatic events for renters.<sup>1</sup> Senate Bill 529 seeks to remedy the harmful impacts of bed bug infestations in residential rental housing in several meaningful ways. First, Senate Bill 529 specifies the respective reporting, inspection, treatment, and payment obligations of tenants and landlords when bed bugs are known or suspected to be present in a unit. Second, Senate Bill 529 provides prospective renters the opportunity to obtain material information about past bed bug infestations in a unit offered for rent. Third, Senate Bill 529 affords tenants the opportunity to seek actual damages should landlords fail to comply with Senate Bill 529’s requirements.

The Maryland Real Property Code does not specifically address a landlord’s responsibility to inspect for and treat bed bug infestations in residential housing or notify prospective tenants of past bed bug infestations. Currently, after experiencing an active bed bug infestation, a tenant’s sole remedy is to file a rent escrow action, which may be insufficient to remediate a bed bug infestation if units surrounding the impacted unit are also infested but left untreated. *See* Maryland Real Property Article § 8-211. Rent escrow also does not compensate a tenant for any actual damages incurred as a result of an unabated infestation. *Id.* Senate Bill 529 would provide state-wide standards for suspected or known bed bug infestations in residential rental units by requiring immediate inspection and treatment by landlords. Most importantly, when a tenant reports a suspected or known bed bug infestation to a landlord, Senate Bill 529 would require the inspection

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<sup>1</sup> *See* Goddard, J., & de Shazo, R. (2012). Psychological effects of bed bug attacks (*Cimex lectularius* L.). *The American journal of medicine*, 125(1), 101–103. <https://doi.org/10.1016/j.amjmed.2011.08.010> and The Federal Bed Bug Workgroup, Collaborative Strategy on Bed Bugs.

The Honorable William C. Smith, Jr.  
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Page Two

and treatment of all contiguous units, which is essential to eradicate bed bugs in residential rental housing and is considered a best practice in Integrated Pest Management.<sup>2</sup>

Additionally, Senate Bill 529 would prohibit landlords from offering for rent any unit the landlord knows or reasonably suspects to contain bed bugs and, on request by a prospective tenant, would require landlords to disclose whether the unit offered for rent contained bed bugs within the previous eight (8) months. Senate Bill 529 would also require landlords, on request by a prospective tenant, to disclose the last date, if any, that the offered unit was inspected for and found to be free of bed bugs. Requiring the disclosure of this material information would allow prospective tenants to better compare units in the marketplace and choose a unit that is best suited for their ongoing health and safety.

The Division is concerned that, as proposed, §8-1003(A)(1)(ii) of Senate Bill 529, would allow landlords to include in a “take-it-or-leave-it” rental agreement a provision that reduces the minimum amount of notice the landlord is required to give a tenant prior to an inspection for or treatment of bed bugs. As the Maryland Court of Appeals has found: “[r]esidential leases are more likely to be provided on a take-it-or-leave-it basis and, as here, to be provided after the tenant has already agreed to lease the premises and to be signed by the tenant without being read.” *Lockett v. Blue Ocean Bristol, LLC*, 446 Md. 397, 419–20 (2016). Recognizing the “take-it-or-leave-it” nature of rental agreements, allowing landlords to reduce the minimum notice requirement could harm consumers who may overlook such a provision at lease signing or, more importantly, who likely would have no ability to negotiate the term in a “take-it-or-leave-it” contract and have no reasonable alternative. Further, §8-1003(A)(1)(ii) is unnecessary because § 8-1003(A)(1)(iii) permits tenants to waive the required 48-hour notice of entry at the time of a known or suspected bed bug infestation.

The Division requests that the Judicial Proceedings Committee give Senate Bill 529 a favorable report.

cc: The Honorable Joanne C. Benson  
The Honorable Obie Patterson  
The Honorable Susan C. Lee  
The Honorable Charles E. Sydnor, III  
Members, Judicial Proceedings Committee

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<sup>2</sup> See The Federal Bed Bug Workgroup, *Collaborative Strategy on Bed Bugs*, pg. 9 (“Because bed bugs can move between housing units, the best IPM practice is to inspect adjacent areas or units, units above and below the infested unit, and units across the hall.”).



**Maryland bed bug testimony\_Brittany Campbell.pdf**

Uploaded by: legislative Director

Position: FAV



January 24, 2022

Senator Joanne Benson  
24th Legislative District – Prince George’s County  
James Senate Office Building  
11 Bladen Street, Room 214  
Annapolis, MD 21401

Dear Senator Benson and Co-Sponsors of SB529:

I’m Dr. Brittany Campbell, Staff Entomologist at the National Pest Management Association, also known as NPMA. NPMA is a non-profit organization that supports the pest management industry, with more than 5,500 member-companies around the country. I received my master’s degree from Virginia Tech and PhD from the University of Florida, where I spent collectively seven years researching bed bugs and working in low-income communities to control bed bugs. I appreciate the opportunity to testify.

NPMA supports Senator Benson’s bed bug bill or SB529. We are supportive of the bill as it adheres to bed bug best management practices that are based on science and bed bug biology, prescribing duties for landlords, tenants, and pest management professionals, and provides a proven private-sector solution to bed bug problems by hiring licensed pest management professionals to inspect and treat for bed bugs. In Chicago, studies have shown that this framework not only is effective and reduces bed bug populations, but it also provides the added benefit of reducing evictions.<sup>1</sup> The effectiveness of this framework caught the attention of lawmakers from around the country.

In fact, NPMA is a member of the National Black Caucus of State Legislators (NBCSL) Corporate Round Table where our organization partnered with Representative Leslie Herod to propose that her bed bug law be endorsed as model legislation by NBCSL. In December 2020, NBCSL endorsed her bed bug law as model legislation. NPMA believes that the NBCSL endorsed legislation is a model for the country and we are pleased to see that Senator Benson’s bill builds off of this model legislation.

It is no secret that Maryland has a very concerning bed bug problem, as the Baltimore and DC Metropolitan areas are ranked 5<sup>th</sup> and 7<sup>th</sup> on Orkin Pest Control’s top bed bug cities. Maryland’s bed bug policy has fallen behind other states heavily infested with bed bugs that have passed legislation

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<sup>1</sup> Chris Sutherland, Andrew J. Greenlee, and Daniel Schneider, "Socioeconomic Drivers of Urban Pest Prevalence," *People and Nature*, 2020, <https://besjournals.onlinelibrary.wiley.com/doi/full/10.1002/pan3.10096>

requiring the use of licensed pest management professionals, including Connecticut, Colorado and others.

Bed bugs are an incredibly complex insect to treat and eradicate. The unique hiding behavior of bed bugs and their ability to feed undetected require much more extensive control measures than cockroaches and other pests found indoors. In addition, eradicating bed bugs is very labor intensive, often requiring the movement of furniture, hours of laundering, breaking apart furniture, and multiple treatments until success is finally achieved. This is not a task that is easily accomplished by the regular homeowner, landlord, or tenant that is ill prepared to understand the amount of work required for successful bed bug management and is often armed with insufficient products.

I have listened to the traumatized voices of citizens who are victims of harrowing bed bug infestations, the mother who is fearful to put her baby in a crib at night and barely sleeps, the disabled blind man who is sitting in a wheelchair with bed bugs visibly crawling around him, and the family fearful to ask their landlord for help because they may be evicted and have nowhere else to go. Due to the difficult nature of managing these pests and the havoc that they wreak, it is absolutely vital that Maryland has a specific law that addresses the duties and responsibilities of landlords, tenants, and licensed pest management professionals, so that the citizens and tenants of Maryland can be alleviated of the societal shame, physical distress of bites and allergic reactions, and mental toll that often leads to loss of sleep, depression, and anxiety. The reality is that low-income Marylanders are disproportionately subjected to bed bug infestations. We are incredibly hopeful Senator Benson's bill will bring relief to those who are unfortunately living with bed bugs when they shouldn't have to.

Implementing the expertise of licensed pest control companies would be the most feasible and reliable answer to curbing bed bug infestations within buildings. In addition, tenants should not fear eviction and other ramifications when they notify landlords of an infestation in a timely manner and cooperate, and landlords should be responsible for employing pest management professionals for inspections and treatments. Every party wins in this situation, the tenant gets relief from bed bugs, landlords save money by squashing the bed bug problem early and preventing further spread of infestations in their building, and the Maryland community wins by fewer bed bugs being spread among public transport, schools, offices, apartments, and homes throughout Maryland.



Brittany Campbell, PhD  
Staff Entomologist  
National Pest Management Association

**MPSCA Testimony\_Bed Bug Bill\_02142022.pdf**

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Position: FAV



January 24, 2022

Senator Joanne Benson  
24th Legislative District – Prince George’s County  
James Senate Office Building  
11 Bladen Street, Room 214  
Annapolis, MD 21401

**Re: Maryland State Pest Control Association (MSPCA) Supports Passage With Amendments of Senator Benson’s Bed Bug Legislation – SB 529**

Dear Senator Benson and Co-Sponsors of SB 529:

The Maryland State Pest Control Association (MSPCA), the only trade group for structural pest management companies or “pest control” companies in Maryland, appreciates the opportunity to provide testimony on SB 529 – landlord-tenant bed bug legislation. MSPCA member companies manage pests including rodents, ants, cockroaches, bed bugs, mosquitoes, spiders, stinging insects, termites, ticks, and other pests in countless commercial, residential, and institutional settings. MSPCA members are committed to providing quality pest management services that protect public health, food and property.

We want to be constructive in the policymaking process and applaud Senator Benson for attempting to solve the bed bug crisis in our state. In short, this is an excellent bill. We strongly support Senator Benson’s legislation because it is rooted in science, bed bug policies like SB 529 have been shown to effectively reduce bed bug infestations in other jurisdictions, and SB 529 recognizes that the professional pest control industry is a private-sector solution to a public health problem.<sup>1</sup> We hold in high regard Senator Benson’s efforts to deliver justice to Marylanders suffering from bed bug infestations.

**Maryland & County Departments of Public Health Recommend Pest Control Professionals Treat for Bed Bugs**

Bed bugs are difficult to nearly impossible for uncertified and untrained individuals to manage effectively compared to pest control professionals.<sup>2</sup> In fact, the Maryland Department of Health<sup>3</sup>,

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<sup>1</sup> Chris Sutherland, Andrew J. Greenlee, and Daniel Schneider, "Socioeconomic Drivers of Urban Pest Prevalence," *People and Nature*, 2020, <https://besjournals.onlinelibrary.wiley.com/doi/full/10.1002/pan3.10096>

<sup>2</sup> Gail E Ridge, "Legislative Testimony: An Act Concerning the Rights and Responsibilities of Landlords and Tenants Regarding the Treatments of Bed Bug Infestations." <https://www.cga.ct.gov/2016/HSGdata/Tmy/2016HB-05335-R000223-Dr.%20Gale%20Ridge-TMY.PDF>

<sup>3</sup> “Bed Bugs Fact Sheet,” Maryland Department of Health and Mental Hygiene, [https://health.maryland.gov/phpa/IDEHSharedDocuments/Bed\\_Bugs\\_Fact\\_Sheet\\_Maryland\\_DHMH.pdf](https://health.maryland.gov/phpa/IDEHSharedDocuments/Bed_Bugs_Fact_Sheet_Maryland_DHMH.pdf)

Baltimore City Department of Health<sup>4</sup>, Anne Arundel Department of Health,<sup>5</sup> and other county departments of health across Maryland recommend that treatments be provided by licensed pest control businesses.<sup>6</sup> It is past time for our laws to reflect entomological and public health recommendations to tackle our bed bug crisis.

### **Bed Bugs Disproportionately Impact Vulnerable Populations**

Unfortunately, previous studies have illustrated a higher prevalence of bed bug infestations in neighborhoods with lower incomes than those with higher incomes.<sup>7</sup> In support of this generalized conclusion, it was recently discovered that a low-income household was 8 to 12 times more likely to have a bed bug infestation than a high-income household.<sup>8</sup> Bed bugs feed on human blood, cause rashes, and another academic study found that 81% of individuals afflicted with bed bugs reported psychological effects from the infestations.<sup>9</sup> There is evidence that bed bug infestations are exacerbated by poverty and the public health burden falls disproportionately on more impoverished neighborhoods; this provides empirical support for the argument that the contemporary bed bug crisis is an issue of social justice.<sup>10</sup>

### **Current Maryland Law and Fault-Based Standards Exacerbate Bed Bug Infestations**

The current structure of landlord–tenant law encourages behaviors that contribute to the spread of bed bugs.<sup>11</sup> In Maryland and in county livability codes, it is the landlord’s responsibility in multi-unit housing to control bed bugs, unfortunately, the current laws still permit landlords to attribute fault or responsibility to the tenant.<sup>12</sup> This is called a “fault-based standard” that allows for the landlord to attribute or blame bed bug infestations on tenants, along with the associated expenses, and this leads to disputes and delays treatment.<sup>13</sup> According to Megan Harrison of the Georgia State University Law Review on how fault-based standards worsen bed bug infestations:

Notably, for purposes of liability, identifying the source of a bedbug infestation is difficult, especially in multi-unit facilities, and it is almost impossible to prove fault... Statutory solutions must clearly assign responsibility for exterminating bed bug infestations to landlords, regardless of fault. Fault-based standards fail to promote judicial efficiency or

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<sup>4</sup> “Bed Bugs,” Baltimore City Department of Health <https://health.baltimorecity.gov/node/2026>

<sup>5</sup> <https://www.aahealth.org/bed-bugs-fact-sheet-mdoh/>

<sup>6</sup> <https://smchd.org/bed-bugs/>,

<sup>7</sup> Erin Blakemore, "Bed Bugs More Prevalent in Areas with Lower Incomes, Higher Eviction Rates and Crowding, Researchers Confirm," The Washington Post, June 06, 2020, [https://www.washingtonpost.com/science/bed-bugs-more-prevalent-in-areas-with-lower-incomes-higher-eviction-rates-and-crowding-researchers-confirm/2020/06/04/1d6e42e8-a67f-11ea-bb20-ebf0921f3bbd\\_story.html](https://www.washingtonpost.com/science/bed-bugs-more-prevalent-in-areas-with-lower-incomes-higher-eviction-rates-and-crowding-researchers-confirm/2020/06/04/1d6e42e8-a67f-11ea-bb20-ebf0921f3bbd_story.html)

<sup>8</sup> Erin Blakemore, "Bed Bugs More Prevalent in Areas with Lower Incomes, Higher Eviction Rates and Crowding, Researchers Confirm,"

<sup>9</sup> Jerome Goddard and Richard De Shazo, "Psychological Effects of Bed Bug Attacks (*Cimex Lectularius* L.)," *The American Journal of Medicine* 125, no. 1 (2012): [https://www.amjmed.com/article/S0002-9343\(11\)00749-2/fulltext](https://www.amjmed.com/article/S0002-9343(11)00749-2/fulltext)

<sup>10</sup> Chris Sutherland, Andrew J. Greenlee, and Daniel Schneider

<sup>11</sup> Megan M. Harrison, *Don't Let the Bed Bugs Bill: Landlord Liability for Bed Bug Infestations in Georgia*, 34 Ga. St. U. L. Rev. 479 (2018). Available at: <https://readingroom.law.gsu.edu/gsulr/vol34/iss2/6>

<sup>12</sup> Harford County Minimum Livability Code § 162-15E(3), <https://ecode360.com/9373409>, Prince George’s County Minimum Livability Code – 309.4, <https://codes.iccsafe.org/content/IPMC2015/chapter-3-general-requirements>

<sup>13</sup> Md. Code Ann., Public Safety, § § 12-203,

public health, as disputes and delays in treatment are inevitable. The most challenging aspect of bed bug litigation is proving the origins of an infestation. The uncertainties of eradication, the resiliency of bed bugs, and their quick reproductive cycle make fault a particularly difficult question.<sup>14</sup>

Senator Benson's bed bug bill addresses the problem of fault-based standards head-on and mirrors what other states are implementing around the country.

### **Landlord-Tenant Bed Bug Legislation is a Common Solution Around the Country**

In response to the growing frequency of infestations, states are passing bed bug-specific legislation to clarify landlord and tenant roles.<sup>15</sup> However, in the absence of such laws, there is no framework to assist landlords and tenants with managing bed bug infestations.<sup>16</sup>

States, cities, and entomologists around the country recognize the pest control industry as a private-sector solution to this public health problem. Maine<sup>17</sup>, Connecticut<sup>18</sup>, and Colorado<sup>19</sup> all have laws at the state-level that outline duties and responsibilities for landlords, tenants, and pest control professionals when bed bug infestations occur. In fact, the Colorado bed bug law sponsored by Representative Leslie Herod was endorsed as model legislation by the National Black Caucus of State Legislators (NBCSL) in December of 2020.<sup>20</sup> MSPCA also shares the sentiment that the Colorado bed bug law should be a model for the country. We are pleased to see that Senator Benson's bill tracks this closely.

In summary, SB 529 is an excellent and necessary bill, as it would allow for both landlords and tenants to win regarding bed bug infestations. This legislation incentivizes tenants to notify landlords of a potential bed bug infestation, and landlords are required to hire professional pest control to inspect for and, if necessary, treat for bed bugs.

Tenants win because they are legally protected and permitted to come forward about a potential bed bug infestation without fear of retribution or eviction. Knowledgeable, licensed, and trained pest control professionals inspecting and treating for bed bugs is ultimately the best way to ensure that an infestation in their home is sufficiently addressed.

Landlords win because their property values are protected, it reduces the likelihood of negative reviews by tenants complaining about bed bug infestations, bed bugs are not spreading to and from adjacent units, and it reduces costs by addressing the problem early—in a proactive manner.<sup>21</sup>

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<sup>14</sup> Megan M. Harrison, *Don't Let the Bed Bugs Bill: Landlord Liability for Bed Bug Infestations in Georgia*

<sup>15</sup> Megan M. Harrison, *Don't Let the Bed Bugs Bill: Landlord Liability for Bed Bug Infestations in Georgia*

<sup>16</sup> Megan M. Harrison, *Don't Let the Bed Bugs Bill: Landlord Liability for Bed Bug Infestations in Georgia*

<sup>17</sup> Maine Bed Bug Law, <https://www.mainelegislature.org/legis/statutes/14/title14sec6021-A.html>

<sup>18</sup> Connecticut Bed Bug Law, [https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which\\_year=2016](https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2016)

<sup>19</sup> Colorado Bed Bug Law, <https://leg.colorado.gov/bills/hb19-1328>

<sup>20</sup> National Black Caucus of State Legislators (NBCSL), Model Legislation, <https://nbcsl.org/public-policy/model-legislation/item/2246-state-of-colorado-hb19-1328-landlord-and-tenant-duties-regarding-bed-bugs.html>

<sup>21</sup> "Dynamics of bed bug infestations and control under disclosure policies," Proceedings of the National Academy of Sciences, <https://www.pnas.org/content/early/2019/02/26/1814647116>

Last but not least, states also win because they enact an effective solution into law with little to no fiscal impact on state budgets.<sup>22 23</sup>

### **Conclusion**

In conclusion, MSPCA shares the same view held by entomologists and health departments across Maryland – and urges that all bed bug inspections and treatments be conducted by pest control professionals. Policies like SB 529 are effective at reducing the prevalence of bed bug infestations over time, as illustrated by a recent study on Chicago’s bed bug ordinance.<sup>24</sup> The science tells us that bed bugs are not a personal problem where tenants should be blamed; rather, bed bugs are ubiquitous and are a societal crisis. Senator Benson’s bed bug bill will help the State of Maryland address this crisis.

Please pass SB 529. We are very supportive of delivering justice to the people of Maryland suffering from bed bugs. Should you have any questions don’t hesitate to contact myself or Jake Plevelich, NPMA Director of Public Policy at [jplevelich@pestworld.org](mailto:jplevelich@pestworld.org). Thank you for your time and the opportunity to share our views on this important piece of legislation.

Sincerely,

Dr. Lucas Carnohan, BCE  
State Policy Affairs Representative  
Maryland State Pest Control Association

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<sup>22</sup> Colorado Bed Bug Law Fiscal Note 19-HB1328, [https://leg.colorado.gov/sites/default/files/documents/2019A/bills/fn/2019a\\_hb1328\\_fl.pdf](https://leg.colorado.gov/sites/default/files/documents/2019A/bills/fn/2019a_hb1328_fl.pdf)

<sup>23</sup> Connecticut Bed Bug Law Fiscal Note HB 5335, <https://www.cga.ct.gov/2016/FN/2016HB-05335-R010751-FN.htm>

<sup>24</sup> Chris Sutherland, Andrew J. Greenlee, and Daniel Schneider



# **Testimony-Real Proerty- Bed bugs.pdf**

Uploaded by: legislative Director

Position: FAV

JOANNE C. BENSON  
*Legislative District 24*  
Prince George's County

—  
Finance Committee

—  
*Joint Committees*

Children, Youth, and Families

Ending Homelessness

Fair Practices and State Personnel Oversight

Management of Public Funds

Protocol



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Joanne C. Benson  
SB 529: Real Property – Landlord and Tenant – Bedbugs

Good afternoon Chairman Smith and Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee. Today I present to you SB 529 a bill that is important to the health and well-being of Maryland's citizens.

The primary purpose of this bill is to reconstruct the process in which a tenant will notify a landlord that their dwelling contains bedbugs. Consequently, the act of reporting the presence of bedbugs requires the landlord to obtain an inspection. Additionally, the tenant should retain sufficient evidence that the landlord received the notice. Once the information is received, the landlord should, within 96 hours of notification order and obtain an inspection of the dwelling unit by a certified professional. Once the dwelling unit is inspected, and determined to contain bedbugs in any stage of life, the certified applicator should report the written findings to the landlord within 24 hours of the inspection. As soon as possible and practical, the landlord should provide the tenant with the written inspection results. In addition, if the inspection determines the presence of bedbugs, the landlord should immediately inspect all continuous dwelling units on the property. However, if the inspection determines that no bedbugs are in the reported unit or any of the continuous units on the property the owner should inform the tenant that they may contact the local health department about any remaining concerns about the suspected presence of bedbugs.

Furthermore, if the inspection does reveal the presence of bedbugs in any stage of life, the landlord shall commence reasonable measures within five (5) days of receiving the written notice from the certified applicator. These measures should include how to effectively treat the bedbug presence, and the steps required to retain the services of a certified applicator to treat the dwelling unit and any continuous units owned by the landlord.

I share with you that I am both disturbed and heartbroken by the experience of a third grader who has been affected tremendously by bedbug infestations. This child had been attending school and attempting to learn while continuously scratching the numerous bedbug bites on his body. These bites that occurred at night while he was sleeping had become bloody scars and scabs on his body. While basic measures, such as spraying and even removing the bed covers and the mattress were taken to exterminate the bedbug problem they did not alleviate the issue. No child or family should have their daily life, health and well-being disturbed by bedbugs, and not have the most effective and proper measures taken to diminish the problem.

Studies from Chicago have shown that this bill's substructure is productive and reduces bedbug populations while also adding the benefit of minimizing evictions. Maryland has become a state with obsolete bedbug policies, thus ranking the Baltimore and DC metropolitan areas 5th and 7th on Orkin Pest Control's top bedbug cities. Maryland's current outdated laws allow landlords to place blame on tenants for bed bug infestations and convey any expenses that the bed bug removal may bring to tenants. That is called "fault-based standards" and causes disputes and delays treatment of the bed bugs making the problem harder to solve and even more costly. Additionally, trying to find the immediate problem of a bed bug infestation, especially in a multi-unit facility, this is nearly impossible to do.

This bill would ensure that proper measures are in place and taken to handle bed bugs for tenants in the State of Maryland. It limits the neglect a landlord can have if bedbugs are reported to be in the dwelling unit while also giving tenants and landlords a guideline to follow to best secure the health and safety of the living spaces in which they occupy. Bed bugs are a public health crisis, and they do cause a variety of physical health, mental health, and economic consequences. Tenants should not be subject to such dangerous conditions with the expectations and paying to live in safe and clean environments.

Thus, I respectfully urge the committee to issue a favorable report for SB 529. Thank you.

**SB 529 PJC Testimony FAV.pdf**

Uploaded by: Matt Hill

Position: FAV



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**SB 529 – Real Property – Landlord and Tenant – Bedbugs**  
**Hearing before the Judicial Proceedings Committee, Feb. 15, 2022**

**Position: SUPPORT (FAV)**

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Bed bugs are a growing menace to the health and safety of renters and the public. Public Justice Center has assisted renters who have suffered severe, negative health outcomes from bed bugs. Currently there is little guidance in the law for addressing bed bugs. SB 529 proposes a comprehensive framework for addressing bed bugs in rental housing, and the Public Justice Center urges the Committee to issue a favorable report.

I have attached an opinion from one such PJC client case in *Simmons v. Aradu Properties*, District Court of Maryland for Baltimore City Case No. 010100190942014, in which former MSBA President Judge Mark Scurti opined “that a bed bug infestation does pose a threat to life, health, and safety” and ordered the landlord to pay the tenant \$6,850 in damages among other relief.

By way of background, the CDC and EPA have provided guidance on bed bugs:

Bed bugs are small, flat insects that feed on the blood of sleeping people and animals. They are reddish-brown in color, wingless, and range from 1 to 7 millimeters in length. They can live several months without a blood meal....

Bed bugs are experts at hiding. They hide during the day in places such as seams of mattresses, box springs, bed frames, headboards, dresser tables, cracks or crevices, behind wallpaper, and under any clutter or objects around a bed. Their small flat bodies allow them to fit into the smallest of spaces and they can remain in place for long periods of time, even without a blood meal. Bed bugs can travel over 100 feet in one night, but they tend to live within 8 feet of where people sleep. ....

One of the easiest ways to identify a bed bug infestation is by bite marks that appear on the face, neck, arms, hands, and any other body parts. However, these bite marks may take as long as 14 days to develop in some people so it is important to look for other clues when determining if bed bugs have infested an area. These signs may include the exoskeletons ... of bed bugs after molting, bed bugs in the fold of mattresses and sheets, a sweet musty odor, and rusty-colored

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blood spots from their blood-filled fecal material that is often excreted on the mattress or nearby furniture.

Centers for Disease Control and Prevention and U.S. Environmental Protection Agency, *Joint Statement On Bed Bug Control In The United States* 3 (2010) (“Joint Statement”).<sup>1</sup>

Bed bugs are a serious health and safety concern that the General Assembly should address:

- **Bed bugs reproduce and spread rapidly.** Female bed bugs lay between 3-5 eggs per day, producing as many as 500 eggs in their life cycle. Mich. Dep’t of Cmty. Health, *Michigan Manual for the Prevention and Control of Bedbugs* 4 (2010) (“Michigan Manual”).<sup>2</sup> The Baltimore City Health Department estimates that, left untreated, one bed bug can become over 30,000 bed bugs in just six (6) months. Baltimore City Health Dept., Healthy Homes Bureau, *Battling Bed Bugs Safely: A Guide to Preventing and Eliminating Bed Bugs* 2 (2010).<sup>3</sup> According to the CDC and EPA, “Bed bugs are usually transported from place to place as people travel. Bed bugs travel in the seams and folds of luggage, overnight bags, folded clothes, bedding, furniture, and anywhere else where they can hide.” Joint Statement at 3.
- **Bed bugs are not the product of poor housekeeping or unsanitary conditions.** “The presence of bed bugs in human dwellings is not caused by a lack of cleanliness. They are an equal opportunity pest that only requires a warm, sleeping body and a place to hide nearby. Bed bugs have been found in both five-star hotels and homeless shelters.” Michigan Manual at 3.
- **Allocating “fault” between the landlord or tenant is virtually impossible according to HUD** “... because bed bugs could conceivably be introduced to a property by the owner, agent, on-site personnel, contractors, vendors, government representatives, etc. In effect anyone who has or had access to a property.” Memorandum re: The Reemergence of Bed Bug Infestation within Our Communities from Edward Hinsberger, Director, U.S. Dept. of Housing and Urban Dev., Chicago Regional Office, Region V, 2 (March 15, 2011) (“Chicago HUD Memo”) (on file with author).
- **Multi-unit buildings are particularly susceptible to the rapid spread of a bed bug infestation.** The EPA and CDC state: “Control in multi-unit family homes is much more difficult than in single family homes because bed bugs frequently travel between units, either by direct transport by humans or through voids in the walls. There are additional costs and complexities associated with coordinating and encouraging participation from multiple residents.”
- **Treatment for an infestation of bed bugs is often expensive and protracted.** The EPA and CDC recognize that there is no silver bullet to remediate bed bugs and

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<sup>1</sup>available at <http://stacks.cdc.gov/view/cdc/21750>.

<sup>2</sup> available at

[http://www.michigan.gov/documents/emergingdiseases/Bed\\_Bug\\_Manual\\_v1\\_full\\_reduce\\_326605\\_7.pdf](http://www.michigan.gov/documents/emergingdiseases/Bed_Bug_Manual_v1_full_reduce_326605_7.pdf)

<sup>3</sup> available at [http://health.baltimorecity.gov/sites/default/files/BCHD\\_Bed\\_Bug\\_Manual\\_2011%28small%29.pdf](http://health.baltimorecity.gov/sites/default/files/BCHD_Bed_Bug_Manual_2011%28small%29.pdf)

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recommend that owners and residents adopt an Integrated Pest Management (IPM) approach to treatment. Joint Statement at 4. This approach generally involves a number of chemical and non-chemical treatments and control mechanisms including:

- using monitoring devices,
  - removing clutter where bed bugs can hide,
  - applying heat treatment,
  - vacuuming,
  - sealing cracks and crevices to remove hiding places,
  - using non-chemical pesticides (such as diatomaceous earth), and
  - judicious use of effective chemical pesticides
- **The EPA and CDC state: “Bed bugs cause a variety of negative physical health, mental health and economic consequences.”** Joint Statement at 2. The statement continues: “Many people have mild to severe allergic reaction to the [bed bug] bites, with effects ranging from no reaction to a small bite mark to, in rare cases, anaphylaxis (severe, whole-body reaction). These bites ... can also lead to secondary infections of the skin such as impetigo, ecthyma, and lymphangitis.” *Id.* Specifically, as the bed bug is feeding on human blood, a small amount of the bed bug’s saliva is injected under the skin, often causing an allergic reaction and the red, itchy swelling at the sight of the bite. Michigan Manual at 6. Allergic reactions to bed bugs are often a progressive condition, *i.e.*, some individuals become more sensitive to bed bug bites with repeated exposures over time, which can result in “more severe localized or even generalized allergic reactions.” *Id.* And, unfortunately, topical insecticides and treatments are generally ineffective; only anti-histamines or anti-inflammatory medications provide some relief. *Id.* at 8.
  - **The most consistent, well-documented adverse impact of bed bugs, however, is on the mental health of those residing in an infested home.** As the CDC and EPA note: “Bed bugs may also affect the mental health of people living in infested homes. Reported effects include anxiety, insomnia and systemic reactions.” Joint Statement at 2. Persons living in a bed bug infestation “often experience a strong repulsive reaction to the idea of being fed on by bugs when unconscious and unaware. This may manifest as mild to severe anxiety and stress.” Michigan Manual at 8. Due to the unsightly blotches and fear of spreading bed bugs to family, friends and co-workers, people suffering from an infestation often become increasingly isolated, thereby further exacerbating anxiety and stress. Williams & Willis *supra* at 145; *see* Michigan Manual at 8 (“Because bed bugs can be transmitted between people, people suffering with an infestation may feel isolated from friends and family”); HUD PIH Notice 2012-17 at 1 (“The presence of bedbugs may also contribute to stress or anxiety.”). Bed bug infestations carry the unwarranted stigma that the victim is somehow unhygienic adding to the social isolation and anxiety. Williams & Willis, *supra* at 145. Stress and anxiety related to the infestation frequently leads to sleepless nights and paranoid behavior.
  - **HUD guidance to public housing strongly encourages Public Housing Authorities to proactively develop plans to address bed bugs** and train staff and residents on identifying bed bugs, conduct periodic inspections for bedbugs, educate residents about

bedbugs including ways to minimize the risk of becoming infested, and encourage residents to come forward with bed bug complaints promptly in order to engage in early treatment. PIH Notice 2012-17 at 2-3. The Notice further requires the PHA to make contact with the tenant within 24 hours of a bed bug complaint, develop a plan for the tenant to prepare the apartment for treatment, obtain a professional bed bug inspection timely, and implement the IPM plan as soon as possible without charging the tenant for these services. *Id.* at 4.

SB 529 treats the public health scourge of bed bugs with the urgency and fairness it requires. Tenants have the obligation to report infestations and allow for treatment. Landlords have the obligation to treat the infestation and pay the cost – which further incentivizes tenants to report an infestation in the first place.

Public Justice Center asks that the Committee **issue a report of FAVORABLE on SB 529**. If you have any questions, please contact: Matt Hill, [hillm@publicjustice.org](mailto:hillm@publicjustice.org), 410-625-9409, ext. 229.



CATHERINE SIMMONS

*Plaintiff,*

v.

ARADU PROPERTIES, LLC

*Defendant.*

\* IN THE  
\* DISTRICT COURT  
\* OF MARYLAND  
\* FOR

\* BALIMORECITY

\* Case No.: 010100190942014

\* \* \* \* \*

**OPINION AND ORDER**

On January 26, 2015, Plaintiff Catherine Simmons, by and through counsel, moved pursuant to Maryland Rule 3-534 to clarify and/or amend judgment rendered on January 22, 2015. Upon consideration of the Plaintiff's motion to Clarify and/or Amend Judgment it is, on the 30<sup>th</sup> day of January 2015, ordered as set forth below:

**PROCEDURAL HISTORY**

The initial hearing on the rent escrow matter was held on October 20, 2014, when this honorable Court ordered an escrow account be established. Ms. Simmons paid the rent due of \$825.00 per month for October and November. A second hearing was held on November 10, 2014 following the inspection completed by the Baltimore City Housing Inspector. It was at this hearing the court requested the Plaintiff Catherine Simmons submit a memorandum supporting her assertion that the bed bugs in her home constitute a threat to her household's life, health, or safety pursuant to the Baltimore City Public Local Law (PLL) §§9-9 and 9-9A, as well as a violation of the implied warranty of fitness, PLL §9-14.2. The most recent hearing was held on January 22, 2015 before this honorable Court, where the Court found in favor of the Plaintiff, abating the rent, and awarded both damages and attorney's fees.

## DISCUSSION

The Plaintiff, Catherine Simmons, asserted that the infestation of bed bugs in her home constitutes a threat to her household's life, health, or safety pursuant to Baltimore City Public Local Law §§ 9-9, 9-9A, and 9-14.2 and that she is eligible for relief in the form of a rent abatement. Further, she asserted that the landlord committed a retaliatory act against her as defined by the Maryland Annotated Code, Real Property Article § 8-208.1 by raising the rent after she complained about her existing living conditions.

The Public Local Law of Baltimore City § 9-9 does not specifically enumerate bed bugs as a condition which would constitute a serious threat to life, health, or safety. Public Local Law §9-14.2 provides monetary relief to tenants where the tenant has established the existence of a serious threat to life, health, or safety, notice to the landlord, and the landlord's failure or refusal to take action. At issue before this Court was whether an infestation of bedbugs would constitute a serious threat to life, health, or safety. Ms. Simmons testified that in July, both she and her husband notified the landlord, Mr. Agbu, by email and in-person of the bedbug infestation. According to testimony, Mr. Agbu treated the infestation in the downstairs unit where the problem originated, but he did not take any steps to remediate the problem occurring in the Simmons's apartment. The bedbug infestation was an ongoing problem as of January 2015.

### Physical Health Consequences

In 2010, the U.S. Centers for Disease Control and the U.S. Environmental Protection Agency issued a joint statement titled "Joint Statement on Bed Bug Control in the United States." Here, both agencies agreed that "bed bugs cause a variety of negative

physical health, mental health, and economic consequences.” Joint Statement at 2. The statement further identifies that bed bug bites can cause mild to severe allergic reactions ranging from “no reaction to a small bite mark, to, in rare cases, anaphylaxis.” *Id.* Bed bug bites can also lead to secondary skin infections such as “impetigo, ecthyma, and lymphangitis.” *Id.* Additionally, the Michigan Manual for the Prevention and Control of Bed Bugs indicates that the allergic reactions to bites can be progressive over time. Mich. Dept. of Cmty. Health, *Michigan Manual for the Prevention and Control of Bed Bugs* (2010), [http://www.michigan.gov/documents/emergingdiseases/Bed\\_Bug\\_Manual\\_v1\\_full\\_reduce\\_336605\\_7.pdf](http://www.michigan.gov/documents/emergingdiseases/Bed_Bug_Manual_v1_full_reduce_336605_7.pdf). Bed bugs have been identified as the cause or exacerbating factor of other conditions which may adversely impact the physical health of the occupants. Specifically, bed bugs host and spread mold spores potentially spreading harmful mold growth: Katelyn Williams & Monte S. Willis, *Bed bugs in the 21<sup>st</sup> Century: The Reemergence of an Old Foe*, 43 *Lab Med* 141, 145 (2012). In addition allergens and other secondary consequences of bed bugs can also trigger reactions in persons with asthma. Mich. Dept. of Cmty. Health, *Michigan Manual for the Prevention and Control of Bed Bugs* (2010) at 7.

#### Mental Health Consequences

According to the joint statement issued by the CDC and the EPA, “Bed bugs may also affect the mental health of the people living in infested homes.” Joint Statement at 2. The infestations can lead to isolation as there is a fear of spreading bed bugs to others, as well as the stigma that the person suffering from bed bugs is unhygienic. Williams & Willis, *supra* at 145. Further the “repulsive reaction to the idea of being fed on by bugs when unconscious and unaware...may manifest as mild to severe anxiety and stress.”

Michigan Manual at 8. These reports all support the courts finding that bed bugs pose a threat to the mental health of the occupants of the infested residence.

### Remedy

Other jurisdictions have concluded that a bed bug infestation poses a threat to the life, health, and safety of the occupants. The Missouri Court of Appeals affirmed the ruling of the trial court that the landlord had breached the implied warranty of habitability by failing to remediate the infestation of bed bugs in the tenant's apartment and that the tenants were entitled to a full abatement of rent. *Kolb v. DeVille I Properties, LLC*, 326 S.W.3d 896, 901 (Mo. Ct. App. 2010).

The New York Circuit Court in came to a similar conclusion when they found that the bed bug infestation was a serious threat to the health and safety of the tenant, and that the tenant was eligible for an abatement of rent based upon the implied warranty of habitability. *Ludlow Properties, LLC v. Young*, 780 N.Y.S.2d 853, 856 (N.Y. Civ. Ct. 2004). The court found abatement of 45% of the rent was an appropriate remedy. *Id.* There have been rent abatements ranging from 20% to 100% for bedbug infestations. See *Morel v. Marks Group, LLC*, No H- 1532, 2011 (Conn. Super. Ct June 21, 2011) (full rent abatement for the violation of the warranty of habitability); *Jefferson House Associates, LLC v. Boyle*, 6 Misc. 3d 1029(A), 800 N.Y.S.2d 348, 2005 ( 50% abatement for six months and then 20% abatement for fifteen months thereafter).

### Attorney's Fees

Maryland Code, Real Property§ 8-208.1 prohibits the landlord from taking retaliatory action against the tenant for reporting violations or complaints. The Plaintiff

began an escrow action in October, citing mold and bed bugs as threats which diminished the value of the rental property. In November, the Defendant Patrick Agbu, agent of Aradu Properties, LLC wrote a letter to Ms. Simmons, notifying her of an increase in her rent. Based upon the testimony and evidence, this court determined that action to be retaliatory and in violation of § 8-208.1. This court finds that reasonable attorney's fees, to be determined upon the submission of the affidavit, are an appropriate measure in this case.

### CONCLUSION

The court recognizes there is no Maryland case law specifically on the subject of bedbugs as a threat to life, health, and safety of the occupants in a multi-home dwelling. However, the Court finds the reports and case law from other jurisdiction to be persuasive in supporting its' finding that a bed bug infestation does pose a threat to life, health, and safety.

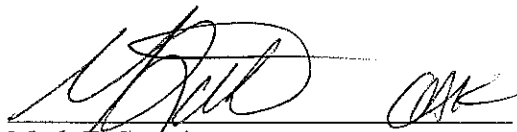
For the above-stated reasons, and upon consideration of the Plaintiff's Motion to Clarify and/or Amend Judgment, it is hereby, ORDERED this 30<sup>th</sup> day of January 2015, by the District Court of Maryland for BaltimoreCity,

**ORDERED**, that a money judgment in the amount of \$6,850.00 against the Defendant, Aradu Properties, LLC in favor of the Plaintiff Catherine Simmons is hereby ENTERED;

**ORDERED**, that Ms. Simmons is awarded a total rent abatement of \$3,750.00. All money in the escrow account in the amount of \$3,300.00 is hereby awarded and DISBURSED to Ms. Simmons, with an additional credit against that judgment of \$200.00/

per month in lieu of abated rent from Ms. Simmons for February and each month thereafter in which the bed bug infestation has not been remediated to the satisfaction of the court up to \$450.00, with any further remedial action to be determined by the Court as necessary;

**ORDERED** that reasonable costs and attorney's fees against Defendant Aradu Properties, LLC are hereby awarded to Plaintiff's attorney, Public Justice Center, Inc. in the amount of \$2,112.00.

A handwritten signature in black ink, appearing to read 'Mark F. Scurti', is written over a horizontal line. To the right of the main signature, there is a smaller, less legible handwritten mark.

Mark F. Scurti  
Judge, District Court of Maryland  
Baltimore City

# **Testimony in Favor SB 529 Bed Bugs.pdf**

Uploaded by: Matthew Losak

Position: FAV



**TESTIMONY**  
**Maryland General Assembly**  
**Environmental and Transportation Committee**  
**In Favor of SB0529 with Amendment**

**Matt Losak 301-588-3987**  
**Executive Director, Montgomery County Renters Alliance, Inc.**  
**Feb. 15, 2022**

The Montgomery County Renters Alliance is an alliance of more than 30 labor, community, religious, political and civic action organizations and thousands of renters. We are Maryland's first and only regional nonprofit dedicated exclusively to renter outreach, education, organizing and advocacy.

The Renters Alliance is in favor of **SB 529**, and we thank Senators Benson, Petterson, Lee and Sydnor for their sponsorship of this legislation.

The Renters Alliance with increasing regularly hears from tenants about bed bug infestations. Seniors, children and working families' lives can be substantially impacted and destabilized by bed bug infestations and the bites these insects cause.

Unfortunately, we have also seen landlords and property manager neglect to address the infestation reports, and worse, attempt to blame and charge the tenants for bed bug exterminations.

We request one amendment in (A) 1, II

**(II) A RENTAL AGREEMENT MAY PROVIDE FOR A DIFFERENT 1  
MINIMUM NOTICE THAN THE NOTICE PERIOD REQUIRED UNDER  
SUBPARAGRAPH, PROVIDED IT IS NOT LESS THAN 48 HOURS.**

Bed bugs are a growing health hazard for renters and their abatement and control must be required by law with no less mandate than how we require the extermination of rats and vermin.

We strongly urge a favorable report.

Thank you

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**MMHA - 2022 - SB 529 - bedbugs(2).pdf**

Uploaded by: Aaron Greenfield

Position: FWA



**Bill Title: Senate Bill 529, Real Property – Landlord and Tenant – Bedbugs**

**Committee: Judicial Proceedings Committee**

**Date: February 15, 2022**

**Position: Favorable with Amendments**

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

This legislation requires a tenant to promptly notify the landlord the tenant knows or reasonably suspects that the tenant's dwelling unit contains bed bugs. A landlord notified of the presence or suspected presence of bed bugs must obtain an inspection within 96 hours. The bill authorizes a landlord to enter a dwelling unit for purposes of an inspection and establishes that a landlord is responsible for costs associated with inspection of and treatment for bedbugs.

While bedbugs do not transmit disease, infestations have been known to cause consternation among those affected. Without the cooperation of residents, bedbug infestations can result in significant financial and administrative burdens for apartment owners, operators, and their staffs, causing property loss, expense, and inconvenience. Owners and managers of rental housing face a number of challenges associated with addressing bedbug infestations, including increased operational costs and resident non-compliance with inspection and treatment protocols. Policymakers should consider that contamination may spread to neighboring units if residents fail to comply. While pest management professionals offer cost-effective treatment methods, such as heat treatments, these costs can add up and put an unexpected strain on an owner or management firm's operating budget, particularly small businesses.

MMHA has the following concerns:

1. Responsibility of the Resident: The central challenge housing providers have in addressing bedbugs is ensuring that the resident has timely prepared the property and their belongings. Any delay caused by the resident creates added cost and property challenges. As a result, MMHA requests an amendment to hold the resident accountable if the resident fails to property prepare the dwelling unit and if so, a housing provider can pursue a breach of lease action. Please see attached amendments.
2. Personal Property: This legislation assumes that certified applicators treat bedbugs on a resident's personal property, bedding, clothing and the like. MMHA is unaware of a



certified applicator treating anything other than upholstered furniture and the unit itself, including carpeting and wall cavities (see page 4, line 12; page 4, line 13; page 4, line 21; page 4, line 24; page 4, line 27).

Bedbugs are introduced to apartments by residents. As such, legislation addressing bedbug eradication in rental units must properly balance responsibility for preventive action and eradication costs between residents and owners. When the resident fails to meet their obligation, the resident should have financial responsibility. Senate Bill 529 neglects to fully balance the responsibilities between the housing provider and the resident.

For these reasons, we respectfully request a favorable report with amendments on Senate Bill 529.

**Aaron J. Greenfield, MMHA Director of Government Affairs, 410.446.1992**



## Amendments to Senate Bill 529

### Amendment No. 1

On page 3, in line 24, after “LAW”, insert “AND SUBJECT TO SECTION 8-1003(A)(3)”

### Amendment No. 2

On page 4, after line 8, insert “(3) A TENANT WHO DENIES ACCESS AND FAILS TO PROPERLY PREPARE THE DWELLING UNIT IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH AN INSPECTION FOR, AND THE TREATMENT OF, BEDBUGS.”

### Amendment No. 3

On page 6, in line 6, after “PERSON” insert “, INCLUDING BREACH OF LEASE UNDER REAL PROPERTY ARTICLE SECTION 8-402.1.”

**SB 529--AOBA--UNF.pdf**

Uploaded by: Ryan Washington

Position: UNF



**Bill No:** SB 529-- Real Property – Landlord and Tenant – Bedbugs

**Committee:** Judicial Proceedings

**Date:** 2/15/2022

**Position:** Unfavorable

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.

SB 529 requires a housing provider to obtain an inspection of a rental unit by a certified applicator within 96 hours 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 them actual 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 sponsor's willingness to discuss the bill with the Association and accept amendments to address striking language that removes the provision that gives housing providers two-business days to provide results of inspection to the resident. However, there are still concerns with the bill as currently drafted. AOBA is opposed to SB 529 unless amended.

Senate Bill 529 introduces new penalties for non-compliance with the new regulations and it overlaps with the current code that governs and enforces pest remediation on residential properties. Under section § 12-203 of the Minimum Livability Code, property owners are held accountable for exterminating any insects, rodents, or other pests. Per to the Minimum Livability Code, existing 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.

AOBA members take issue with the bill's requirement for a property owner to utilize a certified applicator for an initial unit inspection to determine if bedbugs are present. The Minimum Livability Code does not require a property owner to obtain an inspection from a certified applicator for any other type of pest infestation. AOBA members do not believe bedbug infestation should require a different standard of preliminary inspection. Housing providers currently utilize experienced 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 believes these codes and standards are sufficient for identifying bedbugs and seeking professional treatment.

SB 529 states that a property owner is responsible for all costs relating to the inspection and treatment of bedbugs. In practice, property owners already cover the cost of treatment for residents. However, there are instances where a resident has introduced bedbugs on multiple occasions to their unit and neighboring units. This is expensive for property owners and disruptive for other residents to have their neighboring units treated repeatedly. The property owner should not be precluded from charging the tenant. If the resident introduced the problem, or does not cooperate in the continuing prevention protocols, then they bear responsibility and should be held accountable.

AOBA also has concerns with the timeline created in the bill. As drafted, SB 529 requires a housing provider to obtain an inspection of the rental unit by a certified applicator within 96 hours of being notified of the presence or suspected presence of the bedbugs. Adhering to this timeline can be problematic as there are instances where the resident did not prepare and is not ready for treatment. This prolongs the process for that rental unit and creates delays for neighboring units that need to be treated. Additionally, if the issue is reported end-of-day Friday the 96-hour 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 the housing provider and certified applicator inspecting and treating 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 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 8 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 an unfavorable report unless amended on SB 529.**

For further information, contact Ryan Washington, AOBA Government Affairs Manager, at 202-770-7713 or [rwashington@aoba-metro.org](mailto:rwashington@aoba-metro.org).

#### Amendments to SB 529

Amendment No.1

Pg. 2, Line 24, Strike, “**96 HOURS**” and Add “**4 BUSINESS DAYS OR PROMPTLY AS PRACTICABLE**”

Amendment No. 2

Pg. 2, Line 27, Strike, “**CERTIFIED APPLICATOR,**” and Add “**LANDLORD.**”

Amendment No. 3

Pg. 3, Line 5, Strike, “**BUT NO LONGER THAN 2 BUSINESS DAYS.**”

Amendment No. 4

Pg. 3, Lines 24-26, Strike, “**EXCEPT AS OTHERWISE PROVIDED BY LAW, A LANDLORD IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH AN INSPECTION FOR, AND THE TREATMENT OF, BEDBUGS.**”

Amendment No. 5

Pg. 5, Line 3, Strike, “**OR REASONABLY SUSPECTS.**”

Amendment No. 6

Pg. 5, Lines 13-14, Strike, “**A LANDLORD WHO FAILS TO COMPLY WITH THIS SUBTITLE IS LIABLE TO A TENANT FOR THE ACTUAL DAMAGES OF THE TENANT.**”

Amendment No. 7

Pg. 5, Lines 4-7 and Lines 8-11, 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.**

**SB 529\_realtors\_unf.pdf**

Uploaded by: William Castelli

Position: UNF



## Senate Bill 529 – Real Property – Landlord and Tenant - Bedbugs

### **Position: Unfavorable**

The Maryland REALTORS® opposes SB 529 which would seek to establish a notice and treatment program for bedbugs found in rental apartments.

Under current Maryland law, landlords must already provide a rental dwelling that does not have bedbugs. Unlike other insects and vermin that a landlord is typically responsible for (mice, ants, etc which enter from the area around the building) bedbugs typically arrive at a dwelling in a person's luggage, furniture, clothing etc. Especially in the context of single-family rentals, it will almost always be a condition created by the tenant. Making a landlord wholly responsible for eradication of this problem is inconsistent with other conditions. For example, if a tenant damages a wall, the landlord is not responsible for paying for that repair. A court should have the flexibility to determine relative responsibility for the infestation.

More specifically to the statute, the REALTORS® are concerned about the following provisions. Few states have specific statutory directives when dealing with bedbugs, and those that do typically require a longer time period for conducting an inspection. Connecticut law directs that a landlord has 5 business days to conduct an inspection after notice by the tenant rather than 96 hours provided under this bill. The 96-hour time period, however, isn't really 96 hours given that a landlord must provide 48-hours of notice before the inspection. That gives a landlord, who may have been notified about the presence of bedbugs Friday night, 48 hours to find a company to inspect the unit over the weekend.

Moreover, the bill requires the tenant to comply with an inspector's direction when an inspection or treatment of the dwelling occurs. However, if a tenant doesn't comply and that is unknown to the inspector or applicator (maybe the tenant doesn't throw out certain contaminated personal property that cannot be treated) an infestation could reoccur which would again trigger the landlord's responsibility.

Finally, the bill states the landlord must notify a prospective tenant whether the dwelling unit "contained bedbugs within the previous 8 months." This language is unclear and should state directly whether the bill is requiring an inspection for bedbugs at every turnover (at least when a treatment or inspection hasn't been conducted within the previous 8 months), or, better, simply state the last date that a unit had bedbugs.

For these reasons, the REALTORS® recommend an unfavorable report.

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