

Legislative Analysis



LANDLORD-TENANT ACT: CONTROL OF BEDBUGS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4520 as introduced
Sponsor: Rep. Brandt Iden
Committee: Judiciary
Complete to 6-8-15

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill would add several new sections to the Landlord-Tenant Act to:

- Prohibit a landlord from leasing a rental unit known to be infested by bedbugs.
- Establish the responsibilities of landlords and tenants regarding bedbugs and a bedbug infestation.
- Make noncompliance with bedbug control protocol in a lease agreement grounds for eviction by constituting a serious and continuing health hazard.
- Place costs of treating a bedbug infestation on a tenant if the tenant or the tenant's guest caused the infestation.
- Allow a lease agreement to assign responsibility for costs associated with bedbug infestations.
- Allow a county or municipality to adopt ordinances regarding the disposal of items infested with bedbugs, but otherwise restrict ordinances expanding, revising, or conflicting with the bill's provisions.

The bill would take effect 90 days after enactment. A more detailed description follows.

Responsibilities of Landlords

The bill would revise the definition of "landlord" to mean the owner, lessor, or sublessor of the rental unit or the property of which it is a part and/or a person who, directly or indirectly, acts as a rental agent or receives rent, other than a bona fide purchaser, whether or not that person has an obligation to deliver the rent payments to another.

Under the bill, a landlord would be prohibited from entering into a lease agreement if the landlord knows the rental unit is infested. "Infested" would refer to the presence of live bedbugs or viable bedbug eggs. A landlord would be required to maintain the rental premises free from bedbugs.

Within seven days after receiving written notice from a tenant of a suspected infestation in the tenant's rental unit, the landlord must order an inspection of the unit for bedbugs; the inspection would have to be done by a pest management professional or accredited canine team (a handler and dog team certified by an independent organization according to commonly accepted industry standards for entomological scent detection).

Within seven days after an infestation is confirmed, the landlord must begin control. "Control" or "controlling" would mean inspecting, cleaning, vacuuming, conducting

thermal remediation, properly disposing of property, and arranging or scheduling treatments. If necessary to treat the rental unit, a pest management professional must be employed by the landlord for that purpose.

Responsibilities of Tenants

If a rental unit is free from bedbugs, the tenant must maintain it free from bedbugs. The tenant must inspect the unit for infestation when first occupying the unit and not move items that are infested into the rental unit. If a tenant suspects that the tenant's rental unit is infested, the landlord must be notified in writing within two days. Written notice of a suspected infestation in the unit constitutes permission by the tenant for the landlord, a pest management professional, and an accredited canine team to enter the unit for control and treatment. "Treatment," "treating," or "treat" refers to applying pesticides or other chemicals to eradicate bedbugs.

A tenant is required to do both of the following:

- Grant reasonable access to the rental unit to the landlord, the landlord's pest management professional, and an accredited canine team for control and treatment.
- Comply with the control protocol established by the landlord or the landlord's pest management professional.

A violation of the above would constitute a serious and continuing health hazard. [Constituting a serious and continuing health hazard is grounds for eviction under Michigan law (MCL 600.5714).]

Cost to Control Infestation: Responsibility

If a tenant or the tenant's guest causes an infestation, the tenant would have to pay the cost of control and treatment of the rental unit and other areas where bedbugs have spread. The cost would be considered additional rent owned by the tenant and could be deducted from the tenant's security deposit.

The landlord would not be liable for damages arising from an infestation or from control or treatment, except in the case of gross negligence.

The landlord and tenant could agree in writing how responsibility would be assigned for costs associated with an infestation, including, but not limited to, costs of control or treatment.

Local Ordinances

A county or a municipality would be prohibited from adopting or enforcing an ordinance that imposed requirements on landlords or tenants for control or treatment of bedbug infestations and that extends, revises, or conflicts with the bill's provisions.

However, an ordinance imposing requirements for the proper disposal of items infested with bedbugs could be adopted.

MCL 554.601 et al.

FISCAL IMPACT:

House Bill 4520 could have a nominal fiscal impact on local law enforcement agencies to the extent that the bill establishes certain violations as 'a serious and continuing health hazard,' which could engender a nominal increase in eviction proceedings and, thus, increased forced removals of non-cooperative violators.

In addition, the bill would have an indeterminate fiscal impact on the judiciary and local court funding units. The fiscal impact would depend on how the provisions of the bill affected court-based eviction caseloads or other civil actions and related administrative costs.

The bill would result in a minimal impact to state government. The Attorney General's office, which handles complaints and enforcement of the act, could see a slight increase of cases based around bed bugs. No data currently exists that could be used to estimate the number of cases that could arise on a yearly basis. However, the potential for a slight increase in cases would be covered by current departmental funding levels. There would also be minimal fiscal impacts to local governments, mainly through the potential of increased court cases.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Paul Holland
Robin Risko
Perry Zielak

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.