

New Hampshire Health Officer's Association- 2013 Fall Conference

The New Bed Bug Law: What Does it Mean for You!

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Bed Bug Warrior



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New Hampshire Legal Assistance



Equal Access to Justice in Civil Cases

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Today's Goals

- How did we get to this point?
- Present the Legalese
- Discuss the actions now required by property owners and tenants
- Explain the Next Steps
- Survey Health Officers about their needs
 - Identify potential members for a technical workgroup



How did we get to this point?

- Antiquated Minimum Housing Standard
 - Does not address the unique challenges presented by bed bugs
- Inconsistent, ineffective, incomplete enforcement of codes, ordinances relative to bed bug infestations
- Much like changes to other laws (Lead); reactive > proactive



HB 482: THE PRIMARY GOAL IS EARLY DETECTION AND REMEDiation



HB 482...

- **Will NOT** solve the Bed Bug problem
- **Should not** be seen as the **end** point but the **starting** point
- **Should** help to **early identify** and **prevent** the rapid spread in multi-family dwellings
- **Does not** provide specific enforcement details for code officials
- **Does** provide a **more balanced** approach than currently exists
- **Does not** address **single family** dwellings, and **hotels/motels**



Bed Bugs: Early Detection and Action

- **HB 482 (eff. Jan. 1, 2014)**, allows **emergency entry** re bed bugs, provided within **72 hours** of becoming aware of complaint (if tenant adjacent to complaining unit – 48 hrs advance notice).
- HB 482 makes it a 540-A violation for a **landlord** to willfully **fail to investigate**, or fail to take **reasonable measures to remediate** an infestation within **7 days**.
- HB 482 makes it a 540-A violation for **tenants** to **refuse entry**, or **refuse to comply** with 72 hour advance instructions prior to remediation.
- None of these 540-A violations directly result in statutory money damages, but contempt and contempt damages still a possibility.



Bed Bug Costs

- HB 482 (at RSA 540:13-e) requires landlords to pay up-front for **all** bed bug remediation costs.
- HB 482 allows **landlords to recover costs** for remediation in tenant's unit **only**, and only if tenant "responsible."
- If **tenant "responsible"** and doesn't pay, landlord can evict for nonpayment, provided he/she shows "**reasonable repayment agreement**" offered.
- **Presumption** tenant is "responsible" if only tenant with bed bugs and no other reports in last six (6) months.²⁴
- Other non-exhaustive factors for **Court** to consider: Other locations of bed bugs; where first discovered; landlord efforts; and tenant had bed bugs prior to moving in.
* To Whom?



Bed Bugs & Fair Housing

- Landlord can evict for failure of tenant to prepare the unit with advance reasonable written notice.
- **Compliance with prep:** "...such instructions are given to an adult member of the tenant household such that the tenant household has a reasonable opportunity to comply, **and** in all cases at least 72 hours prior to remediation." RSA 540-A:3, V-c (emphasis added).
- **Reasonable accommodation requests** related to preparing your unit.
- **Mental or physical disabilities** apply.
- **Reasonable accommodation requests** can be made verbally.

Other Highlights of HB 482

- **Definition of "remediation"; substantial reduction for at least 60 days.**
 - **Only a minimum time period**
- **Municipality housing codes; no less protective than other housing codes dealing with other insects.**

What Next- Seminars?

- **Property Owners' Groups**
- **NH Municipal Association Meeting, November 7**
- **2nd NH Statewide Bed Bug Conference, November 25**, Manchester, NH, Radisson
- www.nhbedbugs.org (FREE)



What's Next-In the Fight?

- **Feedback from you** regarding the law
 - **When in Effect**
- Make **suggestions** to the **Legislature** for **changes**
- Identify and Address other "Risk Factors"
 - **Pest Control Credentials**
 - Used Furniture
 - **Thrift Stores**
 - "Janitorial Exemption"
 - **"Hotels and Rooming Houses"-Segue to Next Presentation ☺**
- Work with **Property Owners** to promote "best practices"



Discussion....

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