



CALIFORNIA APARTMENT ASSOCIATION

Industry Insights

Bed Bugs and Residential Rental Property

I Introduction

Controlling bed bugs is uniquely challenging due to the fact that bed bug resistance to existing insecticidal control measures is significant. Cooperation among landlords, tenants, and pest control operators is required for successful control. With cooperation among landlords, tenants, and pest control operators, most bed bug infestations can be successfully controlled.

Effective control is more likely to occur when landlords and tenants are informed of the best practices for bed bug control. Early detection and reporting of bed bugs is an important component required for preventing bed bug infestations.

Lack of cooperation by landlords and tenants can undermine a pest control operator's efforts to identify the presence of bed bugs and control an infestation. Depending on the treatment strategy, it is critical that tenants cooperate with pest control operators by reducing clutter, washing clothes, or performing other activities. Likewise, inadequate or untimely response or planning by landlords can exacerbate an infestation.

Pest control operators with knowledge and education in current best practices for bed bug management, such as those created by the National Pest Management Association (NPMA),¹ are best equipped to help property owners and tenants eradicate bed bugs from their home.

Based on the above premise, the California Legislature passed and the Governor signed into law legislation² that requires specific notices and practices on the part of landlords and tenants where bed bugs are concerned. Here is an overview.

¹ National Pest Management Association (NPMA) best practices can be found at <http://www.bedbugbmps.org/best-practices.html>

² AB 551 (Nazarian) – Chapter 599, Stats 2016



II Required Notice to Tenants About Bed Bugs Beginning July 1, 2017

On and after July 1, 2017, prior to creating a new tenancy for a dwelling unit, a landlord must provide a written notice to a prospective tenant about bed bugs. This notice must be provided to all other tenants by January 1, 2018. The notice must be in at least 10-point type and must include, but is not limited to, the following:

1. The Disclosure – General information about bed bug identification, behavior and biology, the importance of cooperation for prevention and treatment, and the importance of, and for prompt written reporting of, suspected infestations to the landlord. The information shall be in substantially the following form:

Information about Bed Bugs

Bed bug Appearance: Bed bugs have six legs. Adult bed bugs have flat bodies about $\frac{1}{4}$ of an inch in length. Their color can vary from red and brown to copper colored. Young bed bugs are very small. Their bodies are about $\frac{1}{16}$ of an inch in length. They have almost no color. When a bed bug feeds, its body swells, may lengthen, and becomes bright red, sometimes making it appear to be a different insect. Bed bugs do not fly. They can either crawl or be carried from place to place on objects, people, or animals.

Bed bugs can be hard to find and identify because they are tiny and try to stay hidden.

Life Cycle and Reproduction: An average bed bug lives for about 10 months. Female bed bugs lay one to five eggs per day. Bed bugs grow to full adulthood in about 21 days.

Bed bugs can survive for months without feeding.

Bed bug Bites: Because bed bugs usually feed at night, most people are bitten in their sleep and do not realize they were bitten. A person's reaction to insect bites is an immune response and so varies from person to person. Sometimes the red welts caused by the bites will not be noticed until many days after a person was bitten, if at all.

Common signs and symptoms of a possible bed bug infestation:

- Small red to reddish brown fecal spots on mattresses, box springs, bed frames, linens, upholstery, or walls.
- Molted bed bug skins, white, sticky eggs, or empty eggshells.
- Very heavily infested areas may have a characteristically sweet odor.
- Red, itchy bite marks, especially on the legs, arms, and other body parts exposed while sleeping. However, some people do not show bed bug lesions on their bodies even though bed bugs may have fed on them.

For more information, see the Internet Web sites of the United States Environmental Protection Agency and the National Pest Management Association.

2. How to Report - The procedure to report suspected infestations to the landlord.



III

Inspecting the Tenant's Unit for Bed Bugs

If a tenant reports a suspected bed bug infestation, entry on the part of the landlord or his or her agents to inspect a tenant's dwelling unit must comply with Civil Code Section 1954.³ Entry to inspect any unit selected by the pest control operator⁴ and to conduct follow up inspections of surrounding units until bed bugs are eliminated is a necessary service for the purpose of entry.

Tenants are required under the law to cooperate with the inspection to facilitate the detection and treatment of bed bugs, including providing requested information that is necessary to facilitate the detection and treatment of bed bugs to the pest control operator.

Notwithstanding the inspection provisions outlined above, the law does not impose a duty on a landlord to inspect a dwelling unit or the common areas of the premises for bed bugs if the landlord has no notice of a suspected or actual bed bug infestation. If a bed bug infestation is evident on visual inspection, the landlord shall be considered to have notice pursuant to this section.

IV

Notice to Tenants About Pest Control Operators Findings

1. The Tenant's Unit - A landlord must notify the specific tenants in those units inspected by a pest control operator of the pest control operator's findings. The notification must be in writing and made within two business days of receipt of the pest control operator's findings.

2. The Common Area - For confirmed infestations in common areas, all tenants must be provided notice of the pest control operator's findings.

V

No Retaliation Cannot Rent Property with Bed Bug Infestation

The law prohibits a landlord from retaliating against a tenant because the tenant reports or has a bed bug infestation.⁵

A landlord is prohibited under the law to show, rent, or lease to a prospective tenant any vacant dwelling unit that the landlord knows has a current bed bug infestation.

³ California's Civil Code 1954 limits the reasons a landlord may use to enter a tenant's unit and requires a landlord, in most cases, to provide specific written notice to a tenant before entering the unit.

⁴ "Pest control operator" means an individual holding a Branch 2 operator, field representative, or applicator license from the Structural Pest Control Board.

⁵ Civil Code Section 1942.5 provides that so long as a tenant is current on the rent, an owner cannot retaliate against him or her if the tenant reports a suspected bed bug infestation or has made an oral complaint to the landlord about the tenability of the unit. Retaliation includes attempting to recover the unit, causing the tenant to leave involuntarily, increasing the rent, or decreasing services within 180 days of the report.



VI General Information about Bed Bugs

Bed bugs are small wingless insects, approximately $\frac{1}{4}$ of an inch long that feed on blood, normally during the night. In most cases, bed bugs are moved from infested areas to non-infested area on clothing, luggage, furniture, or bedding that is brought into homes. Most, but not all, of a bed bug population will congregate in cracks and crevices near where humans or pets sleep or rest. Bed bugs live in furniture such as couches, easy chairs, dressers, and night tables, as well as electronic devices such as alarm clocks and radios.

Evidence of bed bug infestations includes the presence of bed bugs in their cast exoskeletons, and blood spots/stains on bedding, walls, or upholstered furniture. Bed bugs can live many months without a blood meal while hiding in cracks and crevices.

Bed bugs are not known to transmit disease, however, their bites can cause large, itchy welts on the skin. A person's reaction to insect bites is an immune response and, therefore, varies from person to person. Bed bug bites are usually painless and rarely awaken a sleeping person. If people are sleeping side by side, one person may have a severe reaction while the other shows no evidence of being bitten. According to the California Department of Public Health (CDPH), some individuals report significant psychological distress, disruption in sleep, nervousness, and agitation when dealing with bed bug infestations.

VII Guidelines & Forms

The California Department of Public Health (CDPH) has issued guidelines that provide recommendations on how to control active bed bug infestations, minimize the spread of bed bugs and prevent future infestations.⁶

In addition, pest control operators with knowledge and education in current best practices for bed bug management, such as those created by the National Pest Management Association (NPMA), are best equipped to help property owners and tenants eradicate bed bugs from their home.

CAA has produced forms to help its members comply with this law. Go to www.caanet.org for your copy.

⁶ <http://www.cdph.ca.gov/HealthInfo/discond/Pages/BedBugs.aspx>

