



SPONSOR: Sen. Sturgeon & Sen. Lockman & Rep. K. Johnson
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DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 240

AN ACT TO AMEND TITLES 25 AND 31 OF THE DELAWARE CODE RELATING TO BED BUGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 51, Title 25 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating accordingly:

3 § 5141. Definitions.

4 The following words, terms and phrases, when used in this part, shall have the meanings ascribed to them in this
5 section, except where the context clearly indicates a different meaning:

6 () "Bed bug infestation" means the presence of bed bugs in real property rented for residential purposes.

7 () "Pest management professional" means a person who is licensed by the State of Delaware to engage in the
8 business of applying pesticides to the lands or personal property of another.

9 () "Bed bug remediation" means action taken by the landlord that substantially reduces the presence of bed bugs
10 in a dwelling unit for at least 60 days.

11 Section 2. Amend Chapter 53, Title 25 of the Delaware Code by making deletions as shown by strike through and
12 insertions as shown by underline as follows:

13 § 5317. Landlord and tenant obligations relating to bed bug infestation.

14 (a) Prior to renting a dwelling unit, the owner or property manager shall visually inspect the unit for any evidence
15 of the presence of bed bugs, which may be indicated by observation of a living bed bug, bed bug carapace, eggs or egg
16 casings, or brownish or blood spotting on linens, mattresses, or furniture. A landlord shall not show, rent, or lease to a
17 prospective tenant any vacant dwelling unit that the landlord knows or reasonably suspects has a current bed bug
18 infestation.

19 (b) This section does not impose a duty on a landlord to inspect a dwelling unit or the common areas of the
20 premises for bed bugs if the landlord has no notice of a suspected or actual bed bug infestation. If a bed bug infestation is
21 evident on visual inspection, the landlord shall be considered to have notice pursuant to this section.

22 (c) Prior to renting a dwelling unit, a landlord shall disclose to a prospective tenant if an adjacent unit or units are
23 currently infested with or are being treated for bed bugs.

24 (d) Upon notification by a person who finds or reasonably suspects a bed bug infestation in a dwelling unit or
25 common area of the premises, the landlord shall:

26 (1) Acknowledge the complaint within 120 hours of notification of the suspected infestation.

27 (2) Inspect or obtain investigatory services from a pest management professional within 120 hours of
28 notification.

29 (3) Upon a determination of an infestation and within 14 days of notification, obtain and provide remedial
30 services from a pest management professional.

31 (4) Inspect or obtain investigatory services of a pest management professional in connection with any unit
32 directly adjacent to, above or below the dwelling unit or common area from which the original report came within
33 5 days of notification.

34 (5) Provide tenants with notice pursuant to § 5509 of Title 25 in advance of entering a dwelling unit for
35 purposes of inspection, bed bug remediation, or monitoring in connection with a bed bug complaint.

36 (6) Provide all tenants of units affected by a bed bug complaint with notice of the pest management
37 professional's determination in connection with such unit within 120 hours of receipt of information from the pest
38 management professional. Electronic notice may be provided by email or by an electronic portal or management
39 communication system that is available to both a landlord and a tenant. Similar notification must be provided to all
40 tenants in connection with determinations made regarding a common area of the premises.

41 (7) Maintain a written record of all complaints and control measures provided, including reports of
42 chemicals applied and other remedies provided by the pest management professional or other person and any other
43 reports or receipts prepared by the pest management professional. Such records shall be maintained for 2 years.

44 (e) A tenant shall not knowingly bring into the building personal furnishings or belongings that are known or
45 reasonably suspected to be infested with bed bugs.

46 (f) Responsibility for bed bug remediation:

47 (1) If a tenant notifies the landlord that the tenant found or reasonably suspects a bed bug infestation
48 within the tenant's dwelling unit (i) within 60 days after occupancy or (ii) within 30 days of a discovery of a bed

bug infestation in an adjoining unit in the building, the landlord shall be responsible for the costs of investigating and remediating the infestation.

(2) If a tenant notifies the landlord that the tenant found or reasonably suspects a bed bug infestation more than 60 days after occupancy and not within 30 days of a discovery of a bed bug infestation in an adjoining unit in the building, the landlord shall be responsible for investigating and remediating the bed bug infestation, provided that the tenant shall share in the responsibility for the reasonable costs for remediating the infestation in the tenant's unit. The tenant shall not be responsible to share in costs with properties managed by a state or local government housing authority.

Section 3. Amend Chapter 41, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 4121. Extermination.

(a) Owner's responsibility. – The owner of any structure shall be responsible for extermination of insects, rats, vermin or other pests within the structure prior to renting, leasing or selling the structure.

(b) Tenant-occupant's responsibility. – The tenant-occupant of any structure shall be responsible for the continued rat proof condition of the structure, and if the tenant occupant fails to maintain the rat-proof condition, the cost of extermination shall be the responsibility of the tenant-occupant.

(c) Single unit occupant's responsibility. – The occupant of a structure containing a single dwelling unit shall be responsible for the extermination of any insects, rats or other pests in the structure or on the premises, except as otherwise provided in subpart (e).

(d) Responsibility for common areas in multiple unit structures. — Every owner, agent or operator of 2 or more dwelling units or multiple occupancies, or rooming houses, shall be responsible for the extermination of any insects, rats or other pests in the public or shared areas of the structure and premises.

(e) Bed bug remediation.

(1) If the tenant notifies the owner that the tenant found or reasonably suspects a bed bug infestation in a dwelling unit within 60 days after the dwelling unit was occupied or within 30 days of discovery of a bed bug infestation in an adjoining unit in the building, the owner shall be responsible for the costs of investigating and remediating the infestation.

(2) If the tenant notifies the owner of a bed bug infestation more than 60 days after the dwelling unit was occupied and not within 30 days of a discovery of a bed bug infestation in an adjoining unit within the building,

78 the landlord shall be responsible for investigating and remediating the bed bug infestation, provided that the tenant
79 shall share in the responsibility for the reasonable costs for remediating the infestation in the tenant's unit.
80 (3) The tenant shall not be responsible to share in costs with properties managed by a state or local
81 government housing authority.

SYNOPSIS

This Act prohibits landlords from renting a dwelling unit that the landlord knows has a current bed bug infestation. This Act also obligates landlords to notify prospective tenants if an adjacent unit or units are currently infested with or are being treated for bed bugs. In addition, the Act sets forth the steps a landlord must take upon receiving notice of an actual or suspected bed bug infestation, including acknowledging the complaint, inspecting or obtaining investigatory services from a pest management professional, obtaining remedial services from a pest management professional, notifying tenants of inspection, remediation, notifying tenants of the pest management professional's determination regarding the infestation, and maintaining a written record of all complaints and control measures provided for a period of 2 years.

Further, the Act provides that if notice of an actual or suspected bed bug infestation is provided within 60 days after occupancy or within 30 days of discovery of a bed bug infestation in an adjoining unit in the building, the landlord is responsible for the costs of investigating and remediating the infestation; if the notice is provided more than 60 days after occupancy and not within 30 days of discovery of a bed bug infestation in an adjoining unit, the landlord is responsible for investigating and remediating the infection, but the tenant shall share in the responsibility for the reasonable costs of the investigation and remediation.

Author: Senator Sturgeon