

New Bed Bug Legal Debate

In early February, Iowa House Study Bill 520 was introduced. This bill proposes that tenants be held responsible for the financial consequences of bed bug infestation under certain terms. Here we will explore the bill and arguments for and against this difficult situation.

When bed bugs make their way into property you are renting out to others, who is responsible? These tiny blood suckers have been a source of frustration for many rental property owners in recent years. Some unlucky property management companies have even been sued by tenants unhappy with their efforts (or lack thereof) to remedy infestations.

Property management teams often complain that tenants are very slow to report bed bug infestations. They argue that infestations get out of control because management is not informed of the problem until it is too late and damage has been done to the property.

Tenants often complain that they have no way of identifying the presence of bed bugs at the time they move into a property, or they obviously would not move in. Bed bugs can move quickly from one apartment to another, so the person reporting the problem is not necessarily the person responsible for the infestation.

Most cases come down to a "who knows" scenario when it comes to determining who is to blame for the infestation. This has traditionally left property owners holding the bill for extermination in most states.

In early February, Iowa House Study Bill 520 was introduced. This bill proposes that tenants be held responsible for the financial consequences of bed bug infestation under certain terms. If this proposal makes it into law, property owners will still be responsible for arranging for quick treatment of all properties found to be infested. The law would hold tenants responsible for paying for the treatment of infestation and potentially for damage to the property if they fail to live up to their end of the agreement.

As the bill was initially presented, tenant responsibilities would be defined as the following:

1. Report any suspected infestation or validated infestation within 48 hours of suspicion or discovery
2. Notify property management of pre-existing infestation within seven days of moving into a new property
3. Do everything necessary to prepare the property for treatment, including allowing professionals access to treat the property

The bill has not been enacted as law, and the Iowa legislature continues to do research into the issue. In most cases, proposals go through substantial changes before being enacted into laws, so nothing is set in stone. Even though the law is probably nowhere near being enacted, the proposal has brought on heated debate across the country.

Arguments In Favor of Bill 520

It is assumed that rental property owners are the only ones in favor of the proposed Iowa bed bug law, but there are many others in the state and around the country that support the bill at this point. They believe that it's tenants who bring bed bugs on the property, and therefore it should be the tenants that pay up when an infestation creates a problem. Why should property management carry all of the responsibility?

This argument makes sense to anyone on the management side of a lease agreement. Bed bugs are becoming a massive problem in the United States, just as they have been a massive problem in other areas of the world for many years. At times, it can feel like an impossible battle for property management teams to keep the problem under control and prevent infestation.

After all, one tiny bug carried in on a backpack or piece of clothing is all that's needed to spark an infestation that takes over an entire apartment complex in a matter of months! Why should the owner of the property lose money cleaning up the problem when they did nothing to create the problem?

Arguments against Bill 520

There are just as many passionate appeals for this bill to be shot down as there are arguments in its favor. The typical arguments include the following:

- Placing the financial burden of infestation on the shoulders of tenants does nothing to relieve the problem and prevent infestation.
- Requiring tenants to acknowledge that an apartment or home is infested with bed bugs within a week of moving into a new rental property is unrealistic. It often takes longer than this for bugs to start biting and for marks to start showing on the skin.
- Requiring tenants to pay for infestation in all surrounding units affected and the cost of others that have to move out of the property is unfair and predatory.
- Tenants are not currently responsible for expenses incurred from cockroach infestation or infestation of any other bug. Why should they be held responsible only for bed bugs specifically?

The main concern for many tenants seems to be the amount of time that it takes for bed bugs to show their presence when they are pre-existing in an apartment. Many feel that an infestation could be present without the new tenants realizing it for months, since bed bugs can go a year or more without feeding when necessary. Also, many people do not show physical signs of being bitten by bed bugs right away.

The bugs are also incredibly small, with their fecal remnants even smaller. Since they like to hide in dark cracks and other places not commonly viewed up close on a regular basis, they can be hard to detect. It's understandable how some tenants may not realize they are moving into an apartment already infested with bed bugs until a month or longer after moving in. By that point, a landlord could easily blame them for the infestation and throw the financial consequences on their shoulders.

There has also been one other argument thrown around in some local Iowa newspapers. This is the argument that most people who rent apartments and homes will not have the income to pay for the numerous

expenses they could find themselves responsible for if Bill 520 is approved as is recommended right now.

In addition, many argue that the person who originally reports a problem in an apartment complex is not necessarily the one that started the problem. This goes back to the “who knows” problem regarding the origin of infestation.

Behind this argument is often the assumption that property management teams are lobbying hard for a way out of a problem that is literally eating them alive. As bed bugs become more and more common in rental properties, landlords are paying an excessive price to keep up with extermination efforts and ward off the problem. Many believe this newly recommended bill is a way for property management to throw the expense on tenants, allowing them to save some money.

Finally, there have been many passionate appeals in the media regarding the isolation of bed bug infestation. Cockroach infestation has always been an acknowledged expense for property owners, and most property management teams enact extermination practices to avoid those infestations. Why should bed bugs be any different?

Bed Bugs around the United States

It is not uncommon for a state to consider legislation regulating problems with bed bugs. Several states have already listed bed bugs as nuisances, and many others have some form of law already on the books regarding the infestation of bed bugs. In fact, Iowa already has a law on the books requiring migrant labor camps to take active measures to control bed bugs.

Some other states have already set bed bug laws to delegate responsibilities to tenants and landlords when an infestation occurs. Other laws simply forbid landlords to rent property known to be infested with bed bugs. Many states have set laws particular to certain environments, such as infirmaries and migrant labor camps. These tend to be environments where bed bugs have become a routine problem.

The current proposal for a new Iowa law has brought so much attention to the state because bed bugs are such a problem in general. While bed bug infestation was rarely heard of in most areas of the United States just ten years ago, it is mainstream today.

Most people are now checking hotel rooms for the presence of these bugs before they stay the night. It's common for those affected by bed bugs to be isolated from friends and relatives, because no one else wants to risk bringing the bugs into their own homes. There is now a stigma against people going through an infestation, and that stigma applies equally to properties rumored to harbor bed bugs.

Iowa bill 520 is creating a debate around the country simply because bed bugs are risky business today. Tenants don't want to be associated with them, and property management teams are tired of dealing with them. Property owners are tired of being stuck with the bill when they did not have any part in creating the infestation. All sides have valid arguments, and it is now up to state legislature to research and come up with fair solutions for all parties involved.

What are your thoughts? Do you have any ideas for a better solution? Any experiences to share? Please do!

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