

# Tenants' Rights in Dealing with Bed Bugs



## **What are bed bugs?**

Bed bugs are tiny wingless insects that survive solely on the blood of warm-blooded animals. They are about ¼ of an inch in length, about the size of an apple seed. An adult bed bug is reddish brown, oval and flattened, with microscopic hairs that give it a banded appearance. They can survive over a year without feeding. Bed bugs usually live within 5-20 feet of where someone sleeps.

## **How do bed bugs invade an apartment or house?**

The number of bed bug infestations has risen dramatically over the past decade. One cause of an infestation is picking them up while traveling or when staying in temporary lodgings, such as hotels and motels. Bed bugs hide in small crevices. They may accompany luggage, furniture, clothing, pillows, boxes and other such objects when these are moved between homes or temporary lodgings. Bed bugs and their eggs may be found in used furniture, especially bed frames, mattresses, box springs, couches and chairs. Bedbugs can also spread in apartments through holes in walls, pipes and ventilation systems.

## **Are there ways I can prevent a bed bug infestation from occurring?**

Check your luggage, clothes and shoes when returning home from a trip. If you suspect you have been around bed bugs, immediately wash and dry your clothing on hot settings or store it in a sealed plastic bag until you can. Store potentially infested luggage or shoes in sealed plastic bags.

Try to avoid buying used furniture (especially beds or upholstered items), or at least do not bring it into your home until you have inspected it carefully for any signs of bed bugs (live or dead bed bugs, their eggs, fecal spots, or cast skins). Adult bugs are very good at hiding and the eggs and nymphs are difficult to see on visual inspection; therefore, just because something "looks" clean, it does not mean it is pest-free. You should also avoid taking furniture that has been left out for trash on the curb. You may also consider covering all of your mattresses and box springs with a plastic cover that seals shut to prevent such pests from getting into them or to permanently trap any already there.

## **Where can bed bugs hide?**

Don't assume bed bugs hide in only mattresses and furniture. Bed bugs can hide in many places including inside window sills, behind electrical and telephone switch plates, inside alarm clocks, etc.

## **How do I know if I have bed bugs in my apartment or house?**

Confirming the presence of bed bugs can be difficult with light infestations. You should look for dark brown/reddish spots or crushed bed bugs on furniture or bed sheets. You may feel bug bites or itchy welts on your skin, but some people do not respond to being bitten. Bed bug bites may look like mosquito bites.

## **Is the landlord required to tell me that there was a past bed bug infestation in the building? Am I required to tell a landlord that I had bed bugs in my previous apartment or house?**

Before agreeing to rent an apartment, you should ask the landlord if there has ever been a bed bug infestation in the building or the apartment you are interested in. If you discover bed bugs and the landlord didn't tell you or lied about having a prior infestation, you may have a claim against the landlord.

If a potential landlord asks you if you had bed bugs in the past, you should be honest. Hopefully, you've taken all precautions to prevent bringing bed bugs with you to a new apartment or house.

## **I have bed bugs – What do I do now?**

If you have bed bugs, you shouldn't feel embarrassed. Anyone can get bed bugs. You may not be the cause of the bed bug infestation. But bed bugs are a serious problem so you should contact your landlord

# Tenants' Rights in Dealing with Bed Bugs

immediately to notify him or her of the problem. You should notify the landlord by telephone and in writing. Keep a copy of the letter.

## **What does the Landlord need to do if bed bugs are detected?**

Once a landlord is notified of the problem, he or she should contact a professional extermination company for treatment. Neither you nor the landlord should attempt to treat the infestation on your own with store-bought insecticides.

## **What can I expect when my building/apartment is being treated for bed bugs?**

An exterminator will inspect, make recommendations and schedule a date for treatment of the apartment. There will be at least two treatments within a couple of weeks and there may be additional treatments. You should make sure your apartment is clean and uncluttered. You should expect to vacuum and thoroughly clean your apartment before treatment. Empty the vacuum and dispose of its bag outside of your home after each use. Remove all bedding before the treatment and wash and dry it on hot settings.

Generally, a professional extermination company will use an insecticide or other chemical to eliminate any infestation problem. You will probably need to leave the home for several hours when the infestation is being treated. The chemicals may be harmful to humans, especially young children, and pets, so you may need to arrange for their removal and care. The exterminator may conduct a heat treatment instead.

You must cooperate by preparing your home as instructed and allowing the exterminator access your home to treat the bed bug infestation. Your landlord could evict you if you do not cooperate.

## **What should I do if I have a disability that prevents me from preparing my home?**

If you have a disability that prevents you from being able to prepare your apartment for treatment, you should notify your landlord immediately and ask for a reasonable accommodation of either assistance preparing or more time to prepare. In order to ask for a reasonable accommodation, you may need a letter from your doctor or other health care professional telling the landlord how your disability prevents you from being able to comply with the preparations in the time or manner the landlord requested. Call North Penn Legal Services for help writing the reasonable accommodation request letter.

## **Who is responsible for exterminating?**

In Pennsylvania, the warranty of habitability is implied by law into every residential lease. The warranty of habitability requires landlords to provide safe and sanitary conditions for tenants. An apartment or house infested with bed bugs is not in safe and sanitary condition. A tenant cannot waive his or her rights under the warranty of habitability in the lease. If your landlord refuses to hire an exterminator, you could contact your local Code Enforcement/Building Standards office. An officer should come out to inspect the home and issue a citation to the landlord if an infestation exists. You may also be able to be reimbursed for the costs of extermination if your landlord refuses to exterminate and you pay for the extermination yourself. Call North Penn Legal Services (NPLS) for more information.

If you live in public housing, the Housing Authority is responsible for the cost of the extermination. If you live in subsidized housing or a Project-Based Section 8 building, the owners must maintain the units so they meet physical condition standards, including no evidence of an infestation. Additionally, the cities of Allentown, Bethlehem and Easton have city ordinances that may address bed bug infestations. Ask the city for a copy of its ordinance, look at the ordinance on the city's website, or call NPLS for information.

Contact North Penn Legal Services (NPLS) if your landlord is asking you to pay to exterminate bed bug or if you are being evicted for having a bed bug infestation. New clients can apply for legal services by calling 1-877-953-4250 or NPLS' Lehigh Valley Office at 610-317-8757.