

# ASSEMBLY, No. 3203

## STATE OF NEW JERSEY 213th LEGISLATURE

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**Sponsored by:**

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**SYNOPSIS**

Establishes procedures to prevent and eradicate bedbug infestations in certain residential property.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning bedbug infestations in residential dwellings and  
2 supplementing and amending Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. (New section) The Legislature finds and declares that:

8 a. Populations of the common bedbug, *Cimex lectularius*, have  
9 increased by 500 percent in the past few years.

10 b. A bedbug infestation is a uniquely hard to exterminate threat  
11 to the health and habitability of a dwelling because tiny adult  
12 bedbugs are able to hide deep in mattresses and walls, and their  
13 food source is the occupants of a dwelling.

14 c. Bedbugs leave signs of their presence in bedding and in a  
15 dwelling that are visible to the naked eye, making education of a  
16 dwelling occupant a critical aspect of prevention.

17 d. Bedbugs feed on human blood, and present a public health  
18 risk.

19 e. Bedbugs travel through the ventilation systems in multi-unit  
20 establishments, causing exponential infestations.

21 f. The owner of a multiple dwelling is in the best position to  
22 coordinate the extermination bedbug infestations in that multiple  
23 dwelling.

24 g. The common bedbug is a public nuisance and it is a matter of  
25 public welfare to protect New Jersey citizens' health from this pest.

26

27 2. (New section) For purposes of this act:

28 "Bedbug" means an insect of the species "*Cimex lectularius*,"  
29 commonly referred to as a bedbug.

30 "Commissioner" means the Commissioner of Health and Senior  
31 Services.

32 "Department" means the Department of Health and Senior  
33 Services.

34 "Dwelling" or "multiple dwelling" means a multiple dwelling as  
35 defined in section 3 of the "Hotel and Multiple Dwelling Law,"  
36 P.L.1967, c.76 (C.55:13A-3).

37 "Eradicate" means the process required to eliminate an  
38 infestation of bedbugs by poisoning, spraying, fumigating, trapping,  
39 or by any other recognized and lawful pest-elimination methods,  
40 including repeated applications of any treatment.

41 "Infestation" means the presence of bedbugs in numbers large  
42 enough to be noticeable, harmful, or threatening to the occupants of  
43 a dwelling unit.

44 "Local board" or "local board of health" means the board of  
45 health of any municipality or the boards, bodies or officers in such

**EXPLANATION** – Matter enclosed in bold-faced brackets [thus] in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 municipality lawfully exercising any of the powers of a local board  
2 of health under the laws governing such municipality.

3 "Local health officer" means any duly appointed health officer  
4 employed by the local board of health as described in R.S.26:3-19.

5 "Owner" means the owner as defined in section 3 of the "Hotel  
6 and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-3).

7

8 3. (New section) a. The department, in consultation with the  
9 Department of Community Affairs, shall, as soon as practicable and  
10 annually thereafter, prepare a pamphlet that describes bedbugs and  
11 explains how bedbug infestations spread. This pamphlet may  
12 contain any information that the commissioner deems necessary and  
13 may be revised by the department whenever new information  
14 concerning bedbugs becomes available. The pamphlet shall contain  
15 the following information:

16 (1) Measures that may be taken to prevent and control bedbug  
17 infestations in a residential setting, including professional  
18 extermination, cleaning the dwelling space and mattresses, and  
19 laundering bedclothes, and clothing;

20 (2) Specific facts about the bedbug, including its appearance and  
21 breeding habits; and

22 (3) The State's guidelines and regulations for disinfecting,  
23 labeling, and reselling mattresses.

24 b. The department shall make the pamphlet available at no cost  
25 to the public, in a form suitable for distributing pursuant to the  
26 provisions of this act. The department shall make the pamphlet  
27 available in both the English and Spanish languages. The  
28 department shall post the pamphlet on the department's Internet  
29 website, in an easily printable format. The pamphlet shall serve as  
30 an informational document only, and nothing therein shall be  
31 construed as binding on or affecting a judicial determination related  
32 to this act. The pamphlet shall not be deemed to be medical advice.

33 c. Within 30 days after the department has made the pamphlet  
34 available to the public, every owner of a multiple dwelling shall  
35 provide each occupied dwelling unit in the multiple dwelling with a  
36 copy of the pamphlet, and thereafter every owner of a multiple  
37 dwelling shall provide a copy of the current pamphlet to each new  
38 tenant at or prior to the time the tenant assumes occupancy of the  
39 dwelling. In addition, every owner of a multiple dwelling shall  
40 keep a copy of the current pamphlet conspicuously posted in one or  
41 more common areas and in a manager's office, so that the pamphlet  
42 is prominent and accessible to the occupants of each dwelling unit.  
43 If there is no common area in the dwelling, the pamphlet shall be  
44 posted in a conspicuous location in the premises, including, but not  
45 limited to the walls of the front vestibule or any foyer or hallway  
46 near the main entrance of the dwelling.

1       4. (New section) a. Every owner of a multiple dwelling shall be  
2 responsible, at his own expense, for maintaining the multiple  
3 dwelling free of an infestation of bedbugs.

4       b. Upon notice, either oral or written, from a tenant, or from the  
5 local board pursuant to R.S.26:3-49, of an infestation of bedbugs in  
6 any dwelling unit, an owner shall immediately, at his own expense,

7       (1) eradicate the infestation of bedbugs in the dwelling unit;

8       (2) ascertain whether other dwelling units or common areas are  
9 infested with bedbugs; and

10       (3) eradicate any remaining infestation in other dwelling units or  
11 common areas.

12       c. When an infestation of bedbugs is found to exist in two or  
13 more dwelling units, or in a common area, the owner of the multiple  
14 dwelling shall provide notice that there is a risk of an infestation of  
15 multiple units to each occupant of the multiple dwelling by causing  
16 written notice to be delivered to each dwelling unit in the multiple  
17 dwelling.

18

19       5. (New section) a. The tenant may notify the local board and  
20 the owner of a multiple dwelling of any failure of the multiple  
21 dwelling to be kept in a condition free of an infestation of bedbugs.

22       b. If, following notice, either oral or written, from a tenant, or  
23 from the local board pursuant to R.S.26:3-49, the owner of a  
24 multiple dwelling does not eradicate an infestation of bedbugs  
25 pursuant to section 4 of P.L.     , c. (C.     ) (pending before the  
26 Legislature as this bill), the local health officer shall act as an agent  
27 for the owner of a multiple dwelling to engage a qualified insect  
28 exterminator or insect management professional at a usual and  
29 customary price in the area to eradicate the infestation of bedbugs.

30       c. Any exterminator or insect management professional who  
31 provides services to eradicate an infestation in accordance with  
32 subsection a. of this section may bill the owner of a multiple  
33 dwelling directly. The local board may adopt an ordinance, similar  
34 to an ordinance adopted pursuant to section 6 of P.L.1962, c.66  
35 (C.40:48-2.12f), providing that the municipality shall pay the costs  
36 of eradication of an infestation of bedbugs, and that the costs shall  
37 be charged against the multiple dwelling premises, and shall be a  
38 lien against the premises. The owner of the multiple dwelling shall  
39 reimburse the local health officer or local board for the actual costs  
40 incurred for any eradication of an infestation of bedbugs.

41

42       6. (New section) a. Any owner of a multiple dwelling whose  
43 negligence or failure to act results in action by the local health  
44 officer pursuant to section 5 of P.L.     , c. (C.     ) (pending  
45 before the Legislature as this bill) shall be liable for a civil penalty  
46 of not more than \$300 for each affected dwelling unit and not more  
47 than \$1000 for each affected common area in the multiple dwelling.

1 Such penalty shall be recoverable by and in the name of the local  
2 board of health.

3 b. The local board or local health officer may bring an action in  
4 any court of competent jurisdiction to enforce a penalty imposed  
5 pursuant to subsection a. of this section. The court is empowered to  
6 issue any appropriate injunctive orders, and to authorize immediate  
7 collection of reimbursable costs due the local board.

8  
9 7. (New section) The commissioner, in consultation with the  
10 Department of Community Affairs, pursuant to the "Administrative  
11 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt  
12 rules and regulations to effectuate the purposes of this act.

13

14 8. R.S.26:3-46 is amended to read as follows:

15 26:3-46. The local board, within its jurisdiction, shall examine  
16 into and prohibit any nuisance, offensive matter, foul or noxious  
17 odors, gases or vapors, water in which mosquito larvae breed, and  
18 all causes of ill health or disease, including bedbugs, which may be  
19 known to the board or brought to its attention, which, in its  
20 opinion, are injurious to the health of the inhabitants therein, and  
21 shall cause the same to be removed and abated at the expense of  
22 the owner.

23 (cf: R.S.26:3-46)

24

25 9. R.S.26:3-49 is amended to read as follows:

26 26:3-49. Whenever any nuisance, noxious gases or vapors, water  
27 in which mosquito larvae breed, or cause of ill health or disease is  
28 found on private property, the local board shall notify the owner to  
29 remove and abate the same, at his own expense, within such time  
30 as the board may specify. A duplicate of the notice shall be left  
31 with one or more of the tenants or occupants. Whenever any  
32 infestation of bedbugs is found in a multiple dwelling, the local  
33 board shall notify the owner to eradicate the infestation, at his own  
34 expense, immediately.

35 If the owner resides out of the state or cannot be so notified  
36 speedily, a notice left at the house or premises with the tenant or  
37 occupant, or posted on the premises, shall suffice.

38 In the event that an owner does not eradicate an infestation of  
39 bedbugs immediately following notice pursuant to this section, the  
40 local board of health is authorized to act as an agent for the  
41 landlord, pursuant to section 5 of P.L. , c. (C. ), for purposes  
42 of eradicating the infestation.

43 (cf: R.S.26:3-49)

44

45 10. R.S.26:3-54 is amended to read as follows:

46 26:3-54. The local board may recover, by a civil action, the  
47 expenses incurred in such removal and abatement from any person  
48 who shall have caused or allowed such nuisance, source of foulness,

1 water in which mosquito larvae breed, or cause of sickness,  
2 hazardous to the public health to exist, or from any owner, tenant,  
3 or occupant of premises who, after notice as herein provided, shall  
4 fail to remove and abate the same within the time specified in the  
5 notice. The local board may recover, by a civil action, the  
6 expenses incurred in eradication of an infestation of bedbugs,  
7 pursuant to section 5 of P.L. , c. (C. ), from the owner of a  
8 multiple dwelling who, after notice, failed to eradicate the  
9 infestation of bedbugs.  
10 (cf: P.L.1953, c.26, s.14)

11

12 11. This act shall take effect immediately.

13

14

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STATEMENT

16

17 This bill makes landlords entirely responsible for maintaining a  
18 safe and clean living environment free of an infestation of bedbugs.  
19 This legislation provides that property owners are responsible for  
20 maintaining multiple dwellings free of bedbug infestations, and  
21 must remove bedbugs at their own expense when they become  
22 aware of an infestation in a multiple dwelling. The legislation  
23 imposes a financial penalty upon a landlord who does not take  
24 immediate action upon notice that bedbugs have infested a property.

25 If enacted, this legislation would require a local board of health  
26 to act on the landlord's behalf to exterminate bedbugs when a  
27 landlord does not do so. The bill has no financial impact on  
28 taxpayers because the property owner is required to reimburse the  
29 board when it acts on the owner's behalf.

30 The bill also requires annual inspections of multiple dwellings  
31 for bedbug infestations.