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Senate Bill 294 (as introduced 4-23-15)
Sponsor: Senator Margaret E. O'Brien
Committee: Local Government

Date Completed: 5-15-15

CONTENT

The bill would amend the landlord-tenant Act to do the following:

- **Prohibit a landlord from entering into a lease agreement if the landlord knew the rental unit was infested with bedbugs or viable bedbug eggs, and specify a landlord's responsibilities if there were an infestation.**
- **Require a tenant to inspect a rental unit for infestation when he or she first occupied the unit and maintain the unit free from bedbugs.**
- **Require a tenant to notify the landlord in writing if the tenant suspected the rental unit was infested, and specify that notification would constitute permission for the landlord and others to enter the unit for bedbug control or treatment.**
- **Prohibit a tenant from treating a rental unit for a bedbug infestation.**
- **Specify that a landlord would not be liable for damages arising from an infestation or from control or treatment and that a tenant would be responsible for the cost of control or treatment if the tenant or his or her guest caused a bedbug infestation.**
- **Prohibit local units of government from adopting or enforcing an ordinance imposing requirements on landlords or tenants for control or treatment of a bedbug infestation, but allow an ordinance regarding the disposal of infested items.**

The bill would take effect 90 days after its enactment.

Landlord Responsibilities

The bill would prohibit a landlord from entering into a lease agreement if the landlord knew the rental unit was infested. (Under the bill, "infestation" would mean, and "infested" would refer to, the presence of live bedbugs or viable bedbug eggs.) A landlord would have to maintain rental premises free from bedbugs.

Within seven days after receiving written notice from a tenant of a suspected infestation in the tenant's rental unit, the landlord would have to order an inspection of the unit for bedbugs by a pest management professional or accredited canine team.

Within seven days after an infestation in a rental unit was confirmed by an inspection, the landlord would have to begin control. ("Control" or "controlling" would mean inspecting, cleaning, vacuuming, conducting thermal remediation, properly disposing of property, and arranging or scheduling treatments. "Thermal remediation" would mean using intense temperature to eradicate bedbugs.)

If it were necessary to treat the rental unit, the landlord would have to employ a pest management professional for that purpose. ("Treat", "treating", or "treatment" would mean or refer to applying pesticides or other chemicals to eradicate bedbugs.)

"Pest management professional" would mean a commercial applicator, as defined in Part 83 (Pesticide Control) of the Natural Resources and Environmental Protection Act, who is licensed as a commercial applicator under that Act. (Part 83 defines "commercial applicator" as a person who is required to be a registered or certified applicator under Part 83, or who holds himself or herself out to the public as being in the business of applying pesticides.)

The bill would define "accredited canine team" as a handler and dog team certified by an independent organization according to commonly accepted industry standards for entomological scent detection.

Tenant Responsibilities

If a rental unit were free from bedbugs, the bill would require the tenant to maintain the unit in that condition. A tenant would have to inspect a rental unit for infestation when he or she first occupied the unit. A tenant could not move items that were infested into the unit.

If a tenant suspected that his or her rental unit was infested, he or she would have to notify the landlord in writing within two days. Written notice by a tenant would constitute permission for the landlord, a pest management professional, and an accredited canine team to enter the unit for control and treatment.

The bill would require a tenant to grant reasonable access to the rental unit to the landlord, the landlord's pest management professional, and an accredited canine team for control and treatment. A tenant also would have to comply with the control protocol established by the landlord or the landlord's pest management professional. A violation of those requirements would constitute a serious and continuing health hazard.

The bill would prohibit a tenant from treating a rental unit.

Liability & Responsibility for Costs

If a tenant or a tenant's guest caused an infestation, the tenant would have to pay the cost of control and treatment of the rental unit and other areas where bedbugs had spread. The cost would have to be considered additional rent owed by the tenant and could be deducted from the tenant's security deposit.

Except in the case of gross negligence, a landlord would not be liable for damages arising from an infestation or from control or treatment.

A landlord and tenant could agree in writing as to how responsibility would be assigned for costs associated with an infestation, including costs of control or treatment.

Local Ordinances

The bill would prohibit a county or municipality from adopting or enforcing an ordinance that imposed requirements on landlords or tenants for control or treatment and that extended, revised, or conflicted with the bill's provisions regarding landlord and tenant responsibilities and liability.

This provision would not prohibit the adoption of an ordinance imposing requirements for the proper disposal of items that were infested with bedbugs.

MCL 554.601 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.