

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

**TO:** All Councilmembers  
**FROM:** Chairman Phil Mendelson  
Committee of the Whole  
**DATE:** October 18, 2022  
**SUBJECT:** Report on Bill 24-142, “Bedbug Control Act of 2022”

The Committee of the Whole, to which Bill 24-142, the “Bedbug Control Act of 2022” was sequentially referred, reports favorably thereon with amendments, and recommends approval by the Council.

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**I. BACKGROUND AND NEED**

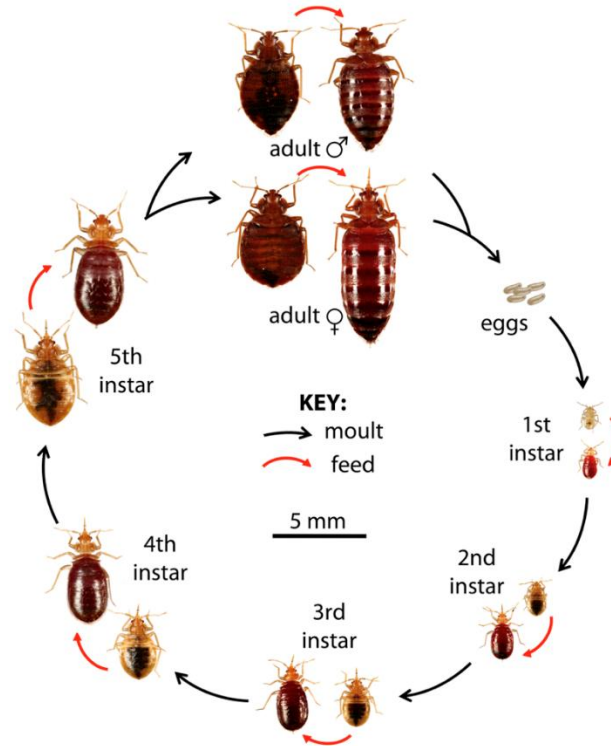
On March 1, 2021, Bill 24-142, the “Bedbug Control Act of 2022” was introduced by Councilmembers Vincent Gray, Brienne Nadeau, Mary Cheh, and Brooke Pinto. As introduced, the bill would establish bed bug inspection requirements for contiguous units and establish a timeline for abatement, require housing providers to provide the bedbug infestation history for the previous 16 months to a prospective tenant, require housing providers and licensed pest control professionals to report bedbug infestations abatement to the Department of Consumer and Regulatory Affairs, and create a Bedbug Remediation Assistance Program to provide financial assistance for bedbug infestation abatement for low-income homeowners.

***Bedbugs in the District***

*Cimex lectularius*, more popularly known as the bedbug, is a member of the *Cimex* genus, a group of parasitic bugs that feed exclusively on the blood of warm-blooded animals such as humans. *Cimex lectularius* are small—ranging anywhere from 5 to 7 millimeters as full-grown adults—and have a flat, oval-shaped body. They have five developmental life stages, which can

take place in as little as 37 days under optimal conditions (Figure 1). Adult bedbugs have a lifespan of around one year, depending on access to blood and temperatures.<sup>1</sup>

Figure 1. Lifecycle of a Bedbug



Bedbugs have cohabitated with humans for thousands of years and can be found on every continent on Earth except Antarctica.<sup>2</sup> In the United States, bedbug infestations declined in the mid-to-late 20<sup>th</sup> century due to the creation and use of dichlorodiphenyltrichloroethane (DDT).<sup>3</sup> Within several years, however, bedbugs evolved to be resistant to DDT and other insecticides.<sup>4</sup> These mutations, along with increased international travel in the '90s and early 2000s, are among the primary reasons that bedbugs have seen a resurgence in the United States, Canada, and Europe.<sup>5</sup> Within the United States, the District has consistently ranked as one of the worst cities in the country regarding bedbug infestations. In Orkin's 2021 list of "Top Bedbug Cities," the District ranked third, down two spots from 2020 when it ranked first.<sup>6</sup>

Bedbugs live a cryptic lifestyle, meaning they spend most of their time hiding in cracks or crevices and feed at night. Once they find a host, they feed for roughly 5 to 10 minutes, after which

<sup>1</sup> Miller, D. M., Polanco, A. M., & Rogers, J. (2019). *Bed bug biology and behavior*.

<sup>2</sup> Benoit, J. B., Adelman, Z. N., Reinhardt, K., Dolan, A., Poelchau, M., Jennings, E. C., ... & Richards, S. (2016). Unique features of a global human ectoparasite identified through sequencing of the bed bug genome. *Nature communications*, 7(1), 1-10.

<sup>3</sup> Kolb, A., Needham, G. R., Neyman, K. M., & High, W. A. (2009). Bedbugs. *Dermatologic therapy*, 22(4), 347-352.

<sup>4</sup> Dang, K., Doggett, S. L., Veera Singham, G., & Lee, C. Y. (2017). Insecticide resistance and resistance mechanisms in bed bugs, *Cimex* spp. (Hemiptera: Cimicidae). *Parasites & vectors*, 10(1), 1-31.

<sup>5</sup> *Supra* note 2.

<sup>6</sup> Orkin, Orkin's 2021 Top Bed Bug Cities (<https://www.orkin.com/orkins-2021-bed-bug-cities-list>).

point they will go back into hiding.<sup>7</sup> They are most often found in bedrooms around the bed, such as in the seams, folds, and crevices of mattresses, box springs, bed frames, or headboards.<sup>8</sup> While bedbugs are not known to transmit disease while feeding on humans, their bites can cause welts and rashes, and some individuals are allergic to their bites.<sup>9</sup> A bedbug infestation can also cause significant psychological and emotional distress, including anxiety, paranoia, insomnia, and entomophobia.<sup>10</sup>

Pursuant to the District’s housing code, if a housing provider fails to keep the premises of a residential property “clean, safe, and sanitary” for tenants and occupants, they can be cited and fined.<sup>11</sup> While the code covers a broad range of unsanitary conditions, including an infestation of mice and rats, it does not currently cover bedbugs.<sup>12</sup> Given the impacts that bedbug infestations have on tenants and occupants, the Committee believes this bill is necessary and an important step toward creating better living conditions for all tenants in the District.

### ***Amendments to Bill 24-142***

Substantive changes to the introduced bill were made by the Committee on Health at the Committee’s markup on March 11, 2022. These changes include adding language that would allow tenants to terminate a lease agreement if bedbugs are found within the first year of moving into the unit, requiring housing providers to accommodate the needs of tenants with disabilities or physical limitations for inspections and abatement, defining when a tenant may ask for an adjacent or adjoining property to be inspected, and amending reporting requirements. While the Committee of the Whole supports some of the changes made by the Committee on Health, the Committee also makes several substantive changes to Committee on Health Print.

First, the Print strikes the requirement for housing providers to disclose any infestations in the rental property within the last 10 months to the prospective tenant. The Committee believes this requirement is overly broad and burdensome, as it would require housing providers to disclose to tenants infestations in any unit on the property. In its place, the Committee Print requires housing providers to disclose any bedbug infestations in the unit the prospective tenant intends to lease within the last 120 days. This change ensures that tenants receive relevant information about the infestation history and conditions of the unit in which they will live.

Second, the Print strikes language that would allow tenants to terminate a lease agreement without penalty if the tenant finds bedbugs in the unit within one year of signing. The Committee believes this provision is problematic because the presence of bedbugs in a dwelling unit could be due to any number of factors outside of the control of the housing provider or the tenant, including

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<sup>7</sup> *Supra* note 1.

<sup>8</sup> Potter, M. (2020). *Bed Bugs*. University of Kentucky, College of Agriculture, Food and Environment. (<https://entomology.ca.uky.edu/files/efpdf3/ef636.pdf>).

<sup>9</sup> Aultman, J. M. (2013). Don’t let the bedbugs bite: the Cimicidae debacle and the denial of healthcare and social justice. *Medicine, Health Care and Philosophy*, 16(3), 417-427.

<sup>10</sup> Parola, P., & Izri, A. (2020). Bedbugs. *New England Journal of Medicine*, 382(23), 2230-2237.

<sup>11</sup> 14 DCMR § 800.1.

<sup>12</sup> Other species of bedbug exist, but these species are typically found in tropical areas (*Cimex hemipterus*) or they primarily feed on bats (i.e., *Cimex pilosellus*).

the tenant traveling internationally and inadvertently bringing bedbugs back with them.<sup>13</sup> Allowing a tenant to terminate a lease agreement for something outside of the control of the housing provider unfairly punishes the housing provider.

Third, the Print adds a requirement for housing providers to implement reasonable bedbug monitoring services for a 12-month period after a pest control professional determines that no evidence of bedbugs can be found in the unit. While treatment measures by a pest control professional are generally effective, they may not eliminate all bedbugs. If treatment measures fail to get rid of all bedbugs or their eggs, tenants may experience a new infestation months after the treatment measures are completed.<sup>14</sup> Requiring the use of traps or monitors for the 12-month period after treatment measures are completed is a low-cost, effective way of protecting tenants against re-infestation.<sup>15</sup>

Fourth, the Print adds language stating that a tenant should notify a housing provider of a potential infestation within 5 days of suspecting or knowing of an infestation. The Committee on Health's Print simply stated that tenants should "promptly" notify housing providers but did not attempt to define what "promptly" means. The five-day notice requirement mirrors language in similar bedbug laws in Philadelphia and Chicago.<sup>16</sup> To protect tenants against potential retaliation, the Print makes clear that a tenant's failure to notify a housing provider of an infestation within that five-day window cannot be used as grounds to deny a request for inspection and eradication by a pest control professional, require the tenant to pay for the inspection or eradication measures or to evict the tenant.

Fifth, the Print includes circumstances in which the housing provider may charge the tenant for the costs of inspections or eradication or terminate a lease agreement with a tenant. These circumstances are when the tenant knowingly interferes with, obstructs, or inhibits inspections or eradication measures or when a tenant's failure to properly maintain their unit results in the need for repeated eradication efforts.<sup>17</sup> In those circumstances, the housing must provide the tenant with an itemized receipt and a written notice. The written notice must contain information and evidence specific to the circumstances, such as a description of specific instances in which the tenant knowingly interfered with, obstructed, or actively inhibited inspection for or eradication of bedbugs in the dwelling unit. The Committee believes this more appropriately balances the responsibilities of housing providers and tenants.

Sixth, the Print includes a requirement for pest control professionals to maintain records of inspections and eradication measures conducted in the District for two years and requires pest

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<sup>13</sup> It is widely believed that the reported increase in bedbug infestations in the United States since the early 2000's is due, in part, to increased international travel. Bedbugs can attach themselves to clothing, luggage and other items, and can live for up to a year without feeding, making them quite mobile (See, for instance, Williams, K., & Willis, M. S. (2012). Bedbugs in the 21st century: the reemergence of an old foe. *Laboratory Medicine*, 43(5), 141-148).

<sup>14</sup> Boase, C. (2001). Bedbugs-back from the brink. *Pesticide Outlook*, 12(4), 159-162.

<sup>15</sup> Vail, K. M., & Chandler, J. G. (2017). Bed bug (Hemiptera: Cimicidae) detection in low-income, high-rise apartments using four or fewer passive monitors. *Journal of economic entomology*, 110(3), 1187-1194.

<sup>16</sup> City of Philadelphia, Ordinance No. 190106-A; City of Chicago, Ordinance 2012-8254.

<sup>17</sup> While bedbugs can infest any home regardless of how clean or sanitary the home is, there are behaviors—such as poor cleaning practices or excessive clutter—that can make eradication extremely difficult. In those circumstances, it would be unfair to require the housing provider to shoulder the costs of repeated eradications.

control professionals to furnish the tenant or the housing provider with a copy of an inspection or treatment report upon request within five business days of receiving the request. This way, if a tenant or housing provider loses their report, they are able to obtain a copy by going directly to the pest control professional.

Seventh, the Print establishes a process to handle violations of the act. Under this process, once a tenant has filed a complaint, the Department must notify the housing provider of the complaint within ten business days. Housing providers then have ten business days from receipt of the notice from the Department to respond and submit information that demonstrates they are making good faith efforts to accommodate a tenant's needs or to schedule an inspection or treatment measures. Additionally, housing providers can submit reports or documentation showing that there is no bedbug infestation or that the pest control professional is currently conducting or has completed treatment measures. If the housing provider fails to respond to the Department's notice or does not provide adequate documentation, the Department then must order the housing provider to take specific steps to remedy the situation and issue a notice of infraction. After the Department issues a notice of infraction, the housing provider has 15 days to appeal to the Office of Administrative Hearings.

Eighth, the Print includes a requirement for the Department to create and publish an educational pamphlet on bedbugs that must be given to a prospective tenant at the time that they for a unit. The pamphlet must contain, at a minimum, specific facts about the bedbug, including its lifecycle, appearance, and breeding habits, behaviors that are risk factors for attracting and supporting the presence of bedbugs, measures that may be taken to prevent and control the presence of bedbugs in a dwelling unit or rental property, and the responsibilities and rights of tenants and housing providers under this act.

Finally, the Print reduces the potential amount of financial assistance available to housing providers for inspections and eradications in a single unit through the Bedbug Inspection and Remediation Assistance from \$10,000 to \$3,000. While the cost of inspection and eradication can vary based on the rate of the pest control professional, the number of rooms with infestations, the severity of the infestation, and the methods used by the pest control professional to abate the infestation, various sources suggest that the average cost of eradication is \$500-\$2,500.<sup>18</sup> Given this information, the Committee believes up to \$3,000 in financial assistance is more than enough to cover the cost of inspections and eradications in a single unit for housing providers with low incomes.

In addition to the substantive changes described in the prior paragraphs, the Print makes technical and conforming amendments. These include refining the definitions of bedbug,<sup>19</sup> dwelling unit, and tenant, putting the duties of pest control professionals into a separate section,

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<sup>18</sup> See, for instance, Barbara Zito and Lowe Saddler, "How Much Does a Bedbug Exterminator Cost?," Forbes, July 1, 2022 (<https://www.forbes.com/home-improvement/pest-control/bed-bug-exterminator-cost/>); "How Much Does It Cost to Get Rid of Bed Bugs?" Fixr (<https://www.fixr.com/costs/bed-bug-exterminator>).

<sup>19</sup> In the Committee on Health's Print, the definition of bedbug includes a description of the bedbugs appearance which states that bedbugs are "small, oval, wingless insects... which have a flat reddish brown body..." When a bedbug is a stage 1 nymph, it is not reddish-brown in color, however. At that point its life cycle, a bedbug is whitish-yellow or translucent, as it has yet to feed and molt.

amending § 2-1831.03 so that appeals of a notice of infraction issued by the Department are subject to the jurisdiction of the Office of Administrative Hearings, and amending and § 42-3502.22(b)(1) to ensure the educational pamphlet about bedbugs created by the Department of Buildings is given to the tenant with all other materials required under District law.

### ***Conclusion***

Bedbugs negatively impact thousands of tenants in the District of Columbia each year. Despite this, there is no law requiring housing providers to maintain a bedbug-free premise and, therefore, no recourse for tenants who are exposed to bedbugs. Bill 24-142 will rectify this by requiring a housing provider to, among other things, use a pest control professional to eradicate a bedbug infestation when notified of an infestation by a tenant and to use bedbug monitoring services for a specific amount of time after an infestation. Additionally, the bill allows tenants to report violations of the act by housing providers, which will be subject to a Class 4 civil infraction. Given these facts, the Committee recommends Council approval of the Committee Print.

## **II. LEGISLATIVE CHRONOLOGY (ABBREVIATED)**

- |                   |  |
|-------------------|--|
| January 8, 2019   | Bill 23-45, the “Bedbug Control Act of 2019” is introduced by Councilmember Brianne Nadeau.  |
| December 19, 2019 | The Committee on Health and the Committee of the Whole held a public hearing on Bill 23-45.  |
| March 1, 2021     | Bill 24-142, the “Bedbug Control Act of 2021” is introduced by Councilmembers Vincent Gray, Brianne Nadeau, Mary Cheh, and Brooke Pinto. |
| March 11, 2022    | The Committee on Health marks up Bill 24-142.  |
| October 18, 2022  | The Committee of the Whole marks up Bill 24-142.   |

## **III. SUMMARY OF TESTIMONY**

Ernest Chrappah, Director of the Department of Consumer and Regulatory Affairs, testified on behalf of the Executive on Bill 23-45, which is substantially similar to Bill 24-142 as introduced. Director Chrappah testified that the Executive supports the intent of the bill but made several recommendations to strengthen the legislation’s effectiveness. These recommendations included defining the term “infestation,” giving the Department of Consumer and Regulatory Affairs stronger enforcement mechanisms, putting the onus of monitoring treatment measures on pest control professionals, and allocating financial assistance as a rebate rather than a grant. Public witnesses testifying on Bill 23-45 were supportive, except for the representative of the Apartment and Office Building Association of Metropolitan Washington, who felt that the bill did not

adequately address tenant privacy, lacked balanced accountability, and did not include robust education protocols.

#### IV. IMPACT ON EXISTING LAW

Bill 24-142 establishes requirements for housing providers and tenants related to complaints of bedbugs from tenants, for pest control professionals related to information and reports of inspections and eradications conducted within the District, and for the Department of Buildings when it receives complaints from tenants. Bill 24-142 also requires the Department to engage in outreach and publish educational materials regarding bedbugs, and establishes a Bedbug Inspection and Remediation Assistance Program to provide financial assistance to qualifying housing providers to cover the costs associated with inspections and eradication. The bill also makes technical and conforming amendments to D.C. Official Code § 2-1831.03 and D.C. Official Code § 42-3502.22(b)(1).

#### V. FISCAL IMPACT

#### VI. RACIAL EQUITY IMPACT

#### VII. SECTION-BY-SECTION ANALYSIS

Section 2 Provides definitions of the terms “Bedbug,” “Department,” “Director,” “Dwelling unit,” “Eradication,” “Housing provider,” “Pest control professional,” “Reasonable notice,” and “Reasonable time.”

Section 3 Requires housing providers to keep rental properties free from bedbugs, requires tenants to report potential bedbug infestations, requires housing providers to follow certain procedures and timelines once they have been notified of a potential bedbug infestation, allows a housing provider to charge a tenant for the costs associated with inspection and eradication in certain circumstances, and allows tenants to file complaints with the Department of Buildings should a housing provider violate their obligations under this section.

Section 4 Requires pest control professionals to report certain information to the Department of Buildings and requires pest control professionals to maintain reports for up to 2 years, which may be accessed by a tenant or housing provider upon request.

Section 5 Establishes a process for the Department of Buildings to follow when a tenant complains that a housing provider has violated the law, requires the Department to issue a notice of infraction if a housing provider fails to respond to the Department or provides inadequate documentation, and

requires the Department to conduct outreach and publish educational material regarding bedbugs.

Section 6 Establishes a Bedbug Inspection and Remediation Assistance Program operated by the Department of Buildings to provide financial assistance to qualifying housing providers to cover the costs associated with inspection and eradication.

Section 7 Amends D.C. Official Code § 2-1831.03 to ensure appeals by housing providers are in the jurisdiction of the Office of Administrative Hearings.

Section 8 Amends D.C. Official Code § 42-3502.22(b)(1) to require a housing provider to give a tenant the disclosure form and the pamphlet.

Section 9 Applicability.

Section 10 Fiscal impact statement.

Section 11 Effective date.

## VIII. COMMITTEE ACTION

## IX. ATTACHMENTS

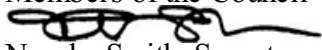
1. Bill 24-142 as introduced.
2. Committee on Health report on Bill 24-142 without attachments.
3. Fiscal Impact Statement for Bill 24-142.
4. Legal Sufficiency Determination for Bill 24-142.
5. Racial Equity Impact Assessment for Bill 24-142.
6. Comparative Print for Bill 24-142.
7. Committee Print for Bill 24-142.



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**1350 Pennsylvania Avenue, N.W.**  
**Washington D.C. 20004**

Memorandum

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To : Members of the Council  
  
From : Nyasha Smith, Secretary to the Council  
Date : Wednesday, March 10, 2021  
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Monday, March 01, 2021. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Bedbug Control Act of 2021", B24-0142

INTRODUCED BY: Councilmembers Gray, Nadeau, Cheh, and Pinto

The Chairman is referring this legislation sequentially to the Committee on Health and Committee of the Whole.

Attachment  
cc: General Counsel  
Budget Director  
Legislative Services

1  
2  
3 *Brianne K. Nadeau*

4 Councilmember Brianne K. Nadeau

*Vincent C. Gray*  
Councilmember Vincent C. Gray

6  
7 *Mary M. Cheh*

8 Councilmember Mary M. Cheh

*BE R*

Councilmember Brooke Pinto

9  
10 A BILL

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12 \_\_\_\_\_  
13  
14 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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16 \_\_\_\_\_  
17  
18

19 To require landlords to inspect the contiguous dwelling units of tenants with bedbugs, to provide a  
20 timeline for when a landlord must engage a licensed pest control professional to abate  
21 bedbug infestation and to require the landlord pay for the abatement of the bedbug  
22 infestation, to require landlords to provide reasonable assistance to a tenant who is unable  
23 to comply with abatement preparations due to a disability or for any other reason; to  
24 prohibit a landlord from renting a dwelling unit if there is a reasonable suspicion of an  
25 infestation of bedbugs, to require that landlords provide the bedbug infestation history for  
26 the previous 16 months to a prospective tenant, to require landlords of a multiple  
27 dwelling unit and licensed pest control professionals to report bedbug infestation  
28 abatement to the Department of Consumer and Regulatory Affairs (“DCRA”), to provide  
29 DCRA the authority to inspect single-family homes that are contiguous to a dwelling unit  
30 that has been treated by a licensed pest control professional 3 times within a 2-year  
31 period, to allow DCRA to promulgate regulations and fines to support methods of bedbug  
32 infestation abatement, and to create the Bedbug Remediation Assistance Program to  
33 provide financial assistance for bedbug infestation abatement for low income  
34 homeowners.

35  
36 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
37 act may be cited as the “Bedbug Control Act of 2021”.

38 Sec. 2. Definitions.

39 For the purposes of this act, the term:

40 (1) "Contiguous dwelling unit" means a dwelling unit that is contiguous with  
41 another dwelling unit, that share a party wall, floor, or ceiling.

42 (2) "Department" means the Department of Consumer and Regulatory Affairs.

43 (3) "Dwelling unit" means a structure or the part of a structure that is used as a  
44 home, residence, or sleeping place by a tenant or homeowner.

45 (4) "Eradication" means the elimination of bedbugs from any dwelling unit  
46 through the use of traps, poisons, fumigations, heat, or any other method of extermination.

47 Sec. 3. Landlord's duty to eradicate bedbugs.

48 (a) The landlord in control of a dwelling unit shall keep the premises free from  
49 infestations of bedbugs and free from any condition conducive to the harborage of bedbugs. The  
50 presence of bedbugs, which is indicated by observation of a living or dead bedbug, bedbug  
51 carapace, eggs, egg casings, or may be indicated by the typical brownish or blood spotting on  
52 linens, mattresses or furniture.

53 (b)(1) A tenant should promptly notify the tenant's landlord via in-person, verbal, written,  
54 or electronic notice when the tenant knows or reasonably suspects that the tenant's dwelling unit  
55 contains bedbugs. A tenant's failure to notify their landlord that their unit contains bedbugs shall  
56 not be construed as proof of negligence on behalf of the tenant or be used as grounds for  
57 eviction.

58 (2) A tenant who gives a landlord electronic notice of a condition shall send such  
59 notice to the e-mail address, telephone number, or electronic portal specified by the landlord in  
60 the rental agreement for communications or through a manner that the landlord has previously  
61 used to communicate with the tenant.

62                   (3) In the absence of a rental agreement for communication between landlord and  
63 tenant, the tenant should communicate with the landlord in a manner that the landlord has  
64 previously used to communicate with the tenant. If the tenant provides notice verbally, the  
65 landlord should provide electronic confirmation of the tenant’s verbal notice of the conversation  
66 to the tenant. The tenant should make reasonable efforts to retain sufficient proof of the delivery  
67 of the electronic notice. The failure of a tenant to retain proof of the delivery of the electronic  
68 notice shall not be construed as negligence on behalf of the tenant or used as grounds for  
69 eviction.

70                   (c) Within 2 business days after receiving notice of the presence of bedbugs or the  
71 possible presence of bedbugs, a landlord shall schedule an inspection for bedbugs with a licensed  
72 pest control professional and provide notice of that upcoming inspection to the tenant and to  
73 tenants in the dwelling units contiguous to the complaining tenant’s dwelling unit.

74                   Sec. 4. Inspections, treatments, and costs.

75                   (a) If a licensed pest control professional conducting an inspection determines that a  
76 dwelling unit or any contiguous dwelling unit contains bedbugs in any stage of their life cycle,  
77 the licensed pest control professional shall provide a report of the determination to the landlord  
78 within 24 hours of the inspection.

79                   (b) If a landlord obtains an inspection for bedbugs, the landlord shall provide written  
80 notice to the tenant within 24 hours after receiving notice from the licensed pest control  
81 professional or the report required pursuant to subsection (a) of this section indicating whether  
82 the dwelling unit contains evidence of bedbugs.

83                   (c) No later than 3 business days after the date of inspection, the landlord shall commence  
84 reasonable measures, as determined by the licensed pest control professional, to effectively treat

85 the bedbug presence, including retaining the services of a licensed pest control professional to  
86 treat the dwelling unit and any contiguous dwelling unit.

87 (d) A landlord shall be responsible for all costs associated with an inspection for, and  
88 treatment of, bedbugs.

89 (e) Nothing in this section prohibits a tenant from contacting the Department at any time  
90 concerning the presence of bedbugs.

91 Sec. 5. Access to dwelling unit and personal belongings.

92 (a)(1) If a landlord or licensed pest control professional must enter a dwelling unit for the  
93 purpose of conducting an inspection for, or treating the presence of, bedbugs, the landlord shall  
94 provide the tenant reasonable notice, written or electronic, of the upcoming service at least 48  
95 hours which specifies the date and time that the landlord or licensed pest control professional  
96 will enter the dwelling unit before the landlord or licensed pest control professional may enter  
97 the dwelling unit for this purpose. A tenant who receives such notice shall not unreasonably deny  
98 the landlord or the licensed pest control professional access to the dwelling unit.

99 (2) A tenant may waive the notice requirement set forth in paragraph (1) of this  
100 subsection.

101 (b) A licensed pest control professional who is inspecting a dwelling unit for bedbugs  
102 may conduct an initial visual and manual inspection of a tenant's bedding and upholstered  
103 furniture. The licensed pest control professional may inspect items other than bedding and  
104 upholstered furniture when the licensed pest control professional determines that such an  
105 inspection is necessary and reasonable.

106 (c) If a licensed pest control professional finds bedbugs in a dwelling unit or in any  
107 contiguous dwelling unit, the licensed pest control professional may, with the tenant's

108 permission, have such additional access to the tenant's personal belongings as the pest control  
109 professional determines is necessary and reasonable.

110 (d) A tenant should comply with reasonable measures to permit the inspection for, and  
111 the treatment of, the presence of bedbugs as determined by the licensed pest control professional.  
112 The landlord shall provide the tenant the measures that the tenant would be required to comply  
113 with in writing or electronically in a language that the tenant is able read and comprehend. A  
114 tenant who is unable to comply due to a disability or for any other reason shall seek assistance  
115 from the landlord, and the landlord must reasonably accommodate the tenant's needs. Failure of  
116 a tenant to comply with this section cannot be used as grounds for eviction.

117 (e) Nothing in this section preempts or restricts the application of any District or federal  
118 law concerning reasonable accommodations for persons with disabilities.

119 Sec. 6. Notice of infestation history.

120 (a) A landlord shall not offer for rent a dwelling unit that the landlord knows or a  
121 reasonable landlord would suspect to contain bedbugs.

122 (b) An owner shall furnish to each tenant prior to signing a lease, a notice in a form  
123 promulgated or approved by the Department that sets forth the bedbug infestation history for the  
124 previous 8 months of the dwelling unit to be rented by the prospective tenant.

125 (c) Upon written complaint, in a form promulgated or approved by the Department, by  
126 the tenant that they were not furnished with a copy of the notice required pursuant to subsection  
127 (b) of this section, the Department shall order the owner to furnish the notice.

128 Sec. 7. Reporting bedbug infestations for landlords and pest control professionals of  
129 multiple dwelling units and single-family dwelling units.

130 (a) In the case of an infestation, an owner of a multiple dwelling unit shall annually report  
131 to the Department, on an electronic form established by the Department, the following  
132 information about the multiple dwelling unit:

133 (1) The street address;

134 (2) The number of dwelling units;

135 (3) The number of dwelling units, as reported or otherwise known to the owner,  
136 that had a bedbug infestation during the previous year;

137 (4) The number of dwelling units, as reported or otherwise known to the owner, in  
138 which eradication measures were employed during the previous year for a pest infestation;

139 (5) What specific eradication methods were employed in each dwelling unit; and

140 (6) The number of dwelling units that reported bedbug infestation after  
141 eradication measures were employed.

142 (b) A licensed pest control professional shall report to the Department following a  
143 completed treatment for bedbugs in a multiple dwelling unit and single-family housing the  
144 following:

145 (1) The street address;

146 (2) The number of dwelling units treated at that address;

147 (3) The type of eradication methods employed per address; and

148 (4) The level of infestation.

149 (c) The Department shall submit an annual report to the Council that provides:

150 (1) The total number of reported bedbug infestations in a multiple dwelling unit  
151 and single-family housing;

152 (2) The number of repeated bedbug infestations in a multiple dwelling unit and  
153 single-family housing;

154 (3) The type of remediation employed; and

155 (4) The total amount of fines that were levied against owners or non-tenant  
156 occupants in control.

157 Sec. 8. Right of inspection of multiple dwelling units and single-family contiguous  
158 dwelling units.

159 (a) The Department shall be responsible for monitoring the control and elimination of  
160 bedbugs in the District and for:

161 (1) The review of inspection reports from licensed pest control professionals of  
162 bedbugs in multiple dwelling units and single-family dwelling units that are contiguous to other  
163 dwelling units; and

164 (2) The coordination of public outreach, education, and enforcement efforts  
165 relating to bedbug control and infestation avoidance.

166 (b) The Department, or a Department approved third-party licensed pest control  
167 professional acting on behalf of the Department, shall have the right to inspect any contiguous  
168 single-family dwelling unit for bedbugs where there is a report made by a contiguous dwelling  
169 unit after providing 5 business days' notice if:

170 (1) There is documented evidence of at least 3 bedbug infestations that have  
171 completed abatement procedures and been treated by a licensed pest control professional within  
172 a 2-year period of the complaining party's dwelling unit; and

173 (2) An affidavit by a licensed pest control professional that the suspected source  
174 of the infestation may be in a contiguous dwelling unit.



175 (c) Upon a finding of a bedbug infestation in a dwelling unit contiguous to the  
176 complaining party's dwelling unit, the Department shall require the owner, property manager, or  
177 non-tenant occupant in control of the property to immediately remediate the infestation.

178 (d) Following the third confirmed bedbug infestation that has been treated by a licensed  
179 pest control professional paid for by the property owner within 2 years, both contiguous  
180 properties must submit to 4 quarterly inspections by a licensed pest control professional on  
181 behalf of the District for 16 months to confirm that the bedbugs have been exterminated.

182 (e) The Department shall promulgate regulations and fines to support methods of bedbug  
183 infestation abatement to promote optimal eradication.

184 (f) The Department shall not enforce this act as to single-family homeowners unless this  
185 act is fully funded.

186 Sec. 9. Bedbug Remediation Assistance Program.

187 There is established within the Department of Consumer and Regulatory Affairs a  
188 Bedbug Remediation Assistance Program ("Program") to be administered by the Mayor.

189 (b) The purpose of the Program shall be to provide financial assistance to eligible District  
190 homeowners with the remediation of bedbug infestations in their private property.

191 (c) Financial assistance to eligible homeowners is subject to appropriation and the  
192 availability of funds. This act does not establish a right to funds on the part of any person.

193 (d) To be eligible for financial assistance issued pursuant to subsection (b) of this section,  
194 an applicant shall:

195 (1) Be a resident of the District;

196 (2) Own or be a non-tenant occupant in control of the premises in question;

197 (3) Live in the home as the principal place of residence more than 50% of the  
198 calendar year; and

199 (4) Be current on District taxes or participating in a payment plan for delinquent  
200 District taxes.

201 (5) Provide as evidence of eligibility:

202 (A) A current mortgage statement;

203 (B) Proof of household income;

204 (C) Proof of payment of property taxes;

205 (D) Proof of payment of income taxes;

206 (E) Proof of homeowners' insurance;

207 (F) Any other comparable documentation proving household income and  
208 ownership as determined by the Mayor; and

209 (G) If the homeowner, is seeking a rebate, provide detailed receipts of  
210 bedbug infestation abatement by a licensed pest control professional.

211 (e) The Mayor shall develop an application form specific to the Program, which shall  
212 require only the information needed to determine eligibility for the Program.

213 (f) The Department shall inform residents of the Program when notifying residents of a  
214 finding of a bedbug infestation and the estimated costs for bedbug infestation abatement.

215 (g)(1) Within 20 days after the receipt of a completed application for a rebate, the Mayor  
216 shall provide written notification to the applicant of approval or denial of the applicant's  
217 application to the Program.

218 (2) If the application is denied, the notification shall include the reason for the  
219 denial and the process for reconsideration.

220 (h) The District may provide financial assistance to a homeowner who meets the  
221 eligibility requirements of subsection (d) of this section with the following income restrictions  
222 per household:

223 (1) The District may pay for:

224 (A) Up to 60% of bedbug infestation abatement costs for households with  
225 incomes between 50% to 80% of the area median income for a household of like size in the  
226 Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the  
227 United States Department of Housing and Urban Development; and

228 (B) Up to 100% of the remediation costs for households with incomes  
229 below 50% of the area median income for a household of like size in the Washington  
230 Metropolitan Statistical Area as set forth in the periodic calculation provided by the United  
231 States Department of Housing and Urban Development.

232 (2) Financial assistance made available through the Program shall be limited to  
233 bedbug infestation abatement costs of by a licensed pest control professional.

234 (i) The eligible homeowner may receive financial assistance by:

235 (1) Selecting a licensed pest control professional from a list pre-approved by the  
236 Department, in which case the Department will directly pay the licensed pest control professional  
237 for all or a portion of bedbug infestation abatement costs; or

238 (2) Receiving a rebate for all or a portion of the bedbug infestation abatement  
239 costs of a bedbug infestation by a licensed pest control professional that are documented by paid  
240 receipts; provided, that the Department may not provide reimbursement for the cost of  
241 remediation services that are not comparable to the costs of services provided by license pest  
242 control professionals pre-approved by the Department.

243           Sec. 10. Fiscal impact statement.

244           The Council adopts the fiscal impact statement in the committee report as the fiscal  
245 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
246 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

247           Sec. 11. Effective date.

248           This act shall take effect after approval by the Mayor (or in the event of veto by the  
249 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
250 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
251 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
252 Columbia Register.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON HEALTH  
COMMITTEE REPORT  
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

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**TO:** All Councilmembers

**FROM:** Councilmember Vincent C. Gray, Ward 7  
Chairperson, Committee on Health

**DATE:** March 11, 2021

**SUBJECT:** Report on Bill 24-0142, the “Bedbug Control Act of 2022”



The Committee on Health, to which Bill 24-0142 was referred, reports favorably thereon and recommends approval by the Council.

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**I. BACKGROUND & NEED**

The stated purpose of Bill 24-0142 is to require housing providers to inspect the dwelling units of tenants for bedbugs including those contiguous to the dwelling unit of the tenant who first gave notice of the possibility of the presence of bedbugs. This bill provides a clear timeline and responsibilities for both the housing provider and tenant to raise notice of the presence of bedbugs; to schedule an inspection and provide the tenant with a report detailing if there are bedbugs present. Further, the bill specifies how quickly the housing provider must schedule treatment using a licensed pest control professional who would also have reporting requirements to the Department of Buildings (Department) which is given greater authority to facilitate the enforcement of this legislation and provide the Department with actual knowledge of the level of bedbug activity in the District.

Finally, the Department would be given the authority to inspect the dwelling of a homeowner who is continuous to a complaining party under a narrow set of circumstances. The

Department would be responsible for promulgating regulations and fines to support the enforcement of this legislation, and create the Bedbug Remediation Assistance Program to provide financial assistance to abate bedbug infestations for low-income homeowners.

The “Bedbug Control Act of 2022”, originally introduced as the “Bedbug Control Act of 2019” on January 8, 2019, was reintroduced on March 1, 2021 by Councilmembers Vincent Gray, Brianne Nadeau, Mary Cheh, and Brooke Pinto because the former legislation was not voted out of the sequentially-referred Committee of the Whole before the conclusion of Council Period 23. Bill 24-0142 is also sequentially referred to the Committee of the Whole.

### A. History

A bedbug, or *Cimex Lectularius* Linnaeus,<sup>1</sup> is a parasitic insect that lives on the outside of the body of a warm-blooded host – usually human - and feeds only on that host’s blood. They can conceal themselves in any tight crack or crevice, and are often found in padding, particularly bed mattresses and box springs,<sup>2</sup> but can also behind electrical faceplates,<sup>3</sup> baseboards and door frames, folded areas of beds, furniture adjacent to abed, picture frames, wallpaper or nearly anywhere inside a shelter, apartment, or structure. Because of the nature of an infestation, once bedbugs take residence in a homes or business, they can be difficult to exterminate without professional help, and pose a significant threat to public health. While bedbugs are not known to carry disease, according to the United States Environmental Protection Agency (EPA), bedbugs have a physical and mental health effect such as allergic reactions to their bite, secondary skin infections on the skin from the bite reaction, and causing anxiety, insomnia and other systemic reactions. The EPA has included bedbugs in an appendix list of pests with significant public health importance.<sup>4</sup>



Image 1



Image 2

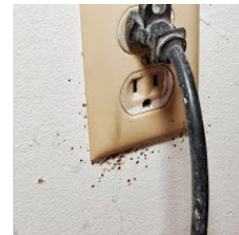


Image 3

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<sup>1</sup> Image1 courtesy of Harold Harlan. Close up of a bedbug and blood.

<sup>2</sup> Image1 courtesy of Dr. Lewis Sorkin. Canvas strap of old box spring covering with bedbugs, bedbug feces and eggs.

<sup>3</sup> Image1 courtesy of Jung Kim. Bedbugs along the edge of an electrical outlet.

<https://www.epa.gov/bedbugs/bed-bugs-public-health-issue#:~:text=Some%20of%20these%20effects%20include,impetigo%2C%20ecthyma%2C%20and%20lymphangitis.>

<sup>4</sup> <https://www.epa.gov/sites/default/files/2014-04/documents/pr2002-1.pdf>

Despite the District's efforts to raise public awareness of bedbugs and offer comprehensive information on pre-treatment, treatment, and preventative measures, bedbugs remain an issue for many tenants and homeowners, with the District being ranked the 3rd worst city in the nation for bedbug infestations in 2021, an improvement over its ranking in 2020 as city with the worst bedbug infestations in the country. The Committee Print addresses several areas of concern to reduce the infestations experienced by tenants and homeowners by detailing when inspections should happen, offering assistance to prepare for treatment of bedbugs to increase the likelihood of successful extermination, and gives homeowners plagued by repeat bedbug infestation a new option to help them address their own bedbug infestations and possible infestations in contiguous housing.

Currently, tenants in the District would be unaware that they are renting dwelling in units that have previously been infested before a lease unless they submit a Freedom of Information Act request to the potential landlord or ask neighbors, who might not be aware of any recent bedbug infestation. Also, there is no legal authority for DCRA or any agency to investigate private residences suspected of harboring bedbug infestations.

## **B. Committee Reasoning**

### Obligations of landlords to remediate bedbugs

Landlords are required to keep the premises free of pests. The Committee Print makes clear that not only is it the landlord's duty to specifically remediate bedbugs, but provides information on how an infestation should be communicated to the landlord by a tenant and how the inspection and remediation course will proceed. While some landlords have tried to meet their obligation using homemade pesticides or pesticides purchased at the local hardware, this bill requires a licensed professional pest control company to perform the inspection and remediation of bedbugs. Further, this legislation seeks to get ahead of a bedbug infestation by having the landlord provide bedbug inspections of not only the complaining tenant's apartment, but those contiguous units which could have bedbugs as well based on testimony from several witnesses, that bedbugs can travel easily through a building,

The Committee Print removed language that would have alerted neighbors of the ongoing concern of bedbugs in a particular unit due to concerns that it could have a chilling effect on tenants who would not report for fear of public exposure. The Committee Print also provides clear guidelines for when a landlord must have the inspection, when a tenant is notified of the inspection and results and when other potentially affected tenants must be notified of an inspection.

Preparation for bedbug remediation can be difficult. Often the treatment preparation requires furniture to be pulled away from the walls or wall hangings removed and the mattress moved so that both sides can be treated. While this is arduous work, it is necessary for a successful treatment. For this reason, the Committee Print requires housing providers to make reasonable accommodations for those who are physically unable to fully prepare for remediation such as those who are pregnant, disabled or elderly. For tenants who are denied what they view as a reasonable accommodation, the Committee Print allows them to contact the Department for a determination on the reasonableness of their request. Without language stating what happens if assistance is denied for someone who needs the accommodation, the Committee fears that Housing providers

would ignore the request without consequence. The Committee Print explicitly provides that housing providers cannot use provisions of this legislation as the sole reason for eviction. This is to offer tenants some protection for those who are afraid to come forward to notify the housing provider that they believe there are bedbugs present in their dwelling unit.

### Increased protections for homeowners

The Committee Print offers two tools to help homeowners to eradicate bedbugs. First, the Committee Print defines when a party may ask the Department to investigate a contiguous home for the presence of bedbugs. Second, the Committee Print establishes a fund to assist with the cost of treating the home to remove bedbugs for homeowners who qualify for financial assistance.

Prior to this legislation, parties had to bring legal action if they sought some type of relief from a contiguous neighbor suspected of being the source of a bedbug infestation and require treatment.<sup>5</sup> Parties have the right to assert legal action if they choose, however, this legislation does not create a new right of action for a neighbor to sue. To reduce the likelihood of neighbors alleging that another has bedbugs as a means of harassment, the Committee Print makes clear that the complaining homeowner must have had their home treated at least three times within 18 months by a licensed pest control professional before a complaint can be made the Department.

While a licensed pest control professional may not be able to unequivocally determine that the source of the infestation is a neighboring property, the Committee Print gives the Department the authority to investigate if a neighboring property is also infested with bedbugs. This appears to be the first legislation in the country to allow for a government agency to inspect a private home for bedbugs which is why the bar for entry into private dwelling requires multiple treatments by the complaining party in a relatively short span of time. Home owners who are the subject of the complaint have options on how to respond to prevent entry from their home by either submitting a report from a pest control professional that there are no bed bugs present or if there are bedbugs that they are in the process of being remediated.

This legislation makes clear that the Department is the agency who can inspect a home for a bedbug infestation. Based on the testimony of Director Chrappah, the Committee acknowledges that the Department may have to use a licensed pest control profession on their behalf to conduct inspections, however, notice and an opportunity for redress must be provided before that inspection.

The Committee recognizes that not every homeowner will be able to afford the expense of bedbug treatments when there is an infestation. To address the needs of low-income homeowners, the Committee Print establishes the Bedbug Remediation Assistance Program which will provide financial assistance for the abatements. Department of Consumer and Regulatory Affairs Director

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<sup>5</sup> Public witness, Dr. Michael Joseph testified that he and his neighbors sued a neighboring property after their row homes were repeatedly infested with bedbugs. Mr. Joseph and his neighbors agreed to pay for a series of professional bedbug remediation of a neighboring row house suspected as being the epicenter of the bedbug infestation for the series of rowhouses. Because of these extraordinary legal steps, the bedbug infestation improved for the neighboring homes until the judicial order expired. The series of rowhomes were infestations lead them to suspect the house next door to their row home as being the source of the infestation.



Ernest Chrappah noted that it would be better for the agency to be able to issue financial aid in the form of a rebate, however, the Committee is concerned that low-income homeowners will have less disposable income to spend hundreds on unexpected bedbug treatments. For this reason, the Committee Print includes the option of having the Department pay pest control companies directly for approved treatment plans or to allow eligible residents to be reimbursed with proof of receipt for qualifying treatment costs.

### Reporting requirements

The Committee Print includes language to require housing providers to inform prospective tenants of the bedbug history of an dwelling unit, including the date of the last inspection and the housing provider’s assertion that that the dwelling unit is free of bedbugs before a lease is signed.

The Committee Print changes some of the reporting requirements so that landlords and licensed pest control companies must provide a report to the Department so that agency is aware of the spread and potential hotspots are for bedbug infestation. It would be helpful to know if bedbugs are becoming more resistant to a certain course of remediation as determined by the report of what method of remediation is being used. Also, because the Department provides education on the threat of bedbugs to the public, having more data on where hotspots are in the District could inform the agency on how and where they should direct their education resources.

## **II. LEGISLATIVE CHRONOLOGY**

### Bill 23-0045, the “Bedbug Control Act of 2019”

January 08, 2019	B23-0045 Introduced by Councilmember Nadeau at Legislative Meeting
January 08, 2019	Referred to Committee on Health, and Committee of the Whole
January 18, 201	Notice of Intent to Act on B23-0045 Published in the District of Columbia Register
October 25, 2019	Notice of Public Hearing Published in the District of Columbia Register
November 22, 2019	Revised Notice of Public Hearing Published in the District of Columbia Register
December 19, 2019	Public Hearing on B23-0045
November 5, 2020	Consideration and vote on B23-0045

Bill 24-0142, the “Bedbug Control Act of 2022”

March 01, 2021	B24-0142 Introduced by Councilmembers Gray, Nadeau, Cheh, and Pinto at Office of the Secretary
March 12, 2021	Notice of Intent to Act on B24-0142 Published in the District of Columbia Register
March 16, 2021	Referred to Committee on Health, and Committee of the Whole
November 8, 2021	Notice of Mark-up filed in the Office of Secretary
November 8, 2021	Cancellation Notice of Mark-up filed in the Office of Secretary
November 9, 2021	Mark-up Canceled
March 10, 2022	Notice of Mark-up filed in the Office of Secretary
March 10, 2022	Revised Notice of Mark-up filed in the Office of Secretary
March 10, 2022	Revised Notice of Mark-up filed in the Office of Secretary
March 11, 2022	Mark-up of Bill 24-0142

### **III. POSITION OF THE EXECUTIVE**

**Testimony from Public Hearing on B23-0045, the Bedbug Control Act of 2019 (December 19, 2019)**

**Ernest Chrappah, Director, Department of Consumer and Regulatory Affairs,** testified on Bill 23-0045 on behalf of the Mayor. Mr. Chrappah emphasized that because bedbug infestations pose serious consequences, it is critical that the District takes this issue seriously and works to eradicate bedbugs as quickly and deliberatively as possible. While DCRA supports the intent of the bill, it has several recommendations it believes would strengthen the legislation’s effectiveness.

Firstly, the bill should clarify what constitutes as an “infestation”, as there are likely to be different interpretations or parameters. The bill also includes a number of insects in addition to bedbugs, including houseflies, mosquitos, and beetles; DCRA recommends that the bill solely address bedbugs so that resources can be appropriately focused.

Secondly, DCRA believes the bill does not give them any enforcement mechanism to hold landlords accountable should they fail to report a bedbug infestation. Mr. Chrappah recommended

strengthening the bill by putting the onus on landlords to provide DCRA with the report or face an impactful penalty.

Third, he testified that the responsibility of monitoring the control and elimination of bedbugs and other pests should be placed on trained and licensed pest control professionals, as DCRA inspectors are not, nor should they be, pest control experts. He recommended that the legislation make clear that DCRA would be able to accept the determination of a licensed pest control professional when a property has been eradicated, rather than requiring a DCRA inspector to make this determination.

Lastly, DCRA believes that financial assistance should be allocated as a rebate rather than a grant in order to ensure the funds are spent as intended, and that the fund would be better handled by an agency that has experience in processing and issuing grants and/or rebates.

#### **IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS**

The committee received no testimony or comments from Advisory Neighborhood Commissions.

#### **V. LIST OF WITNESSES AND SUMMARIES OF TESTIMONY**

##### Public Witnesses

- |                                |   |
|--------------------------------|---|
| 1. Elizabeth Oquendo           | Policy Attorney, Children's Law Center  |
| 2. Caitlin Russi               | Staff Attorney, Children's Law Center   |
| 3. Randi K. Marshall           | Vice President of Government Affairs - DC,<br>Apartment and Office Building Association of<br>Metropolitan Washington |
| 4. Brittany Campbell, PhD, BCE | Entomologist, National Pest Management<br>Association   |
| 5. Nathaniel E. Aquino         | Senior Attorney, Legal Counsel for the Elderly  |
| 6. Michael F Joseph            | Public Witness  |

##### Executive Witness

Ernest Chrappah	Director, Department of Consumer and Regulatory Affairs
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**Elizabeth Oquendo, Policy Attorney, Children's Law Center**, testified on behalf both the Children's Law Center and the National Pest Management Association. She expressed that both organizations are willing to support the bill with substantive changes. She testified that the

legislation is a great start to improving the lives of DC residents who are, and will be, victims of bed bugs; however, the Act must require a pest management professional, as defined as a certified applicator pursuant to D.C. Code § 8-403, certified operator pursuant to D.C. Code § 8-406, or registered technician pursuant to § 8-404 that is employed by a business licensed pursuant to D.C. Code §8-406 (a) to inspect and treat for bed bugs. She emphasized that bed bug legislation must contain cooperation with a pest management professional; otherwise, the legislation will come up short and leave the children, tenants, and people of DC vulnerable to bed bugs without sufficient remediation.

**Caitlin Russi, Staff Attorney, Children’s Law Center**, testified in support of Bill 23-0045, but offered several recommendations. The Children’s Law Center has worked closely with the National Pest Management Association’s team to review the bill and believes several recommendations will bolster protections for tenants in the District. Ms. Russi testified based on her experience representing low-income tenants in cases where housing conditions are affecting the health of children in the home. She highlighted that the bill would impose an affirmative duty and requires a landlord's immediate action when bedbugs are identified, and in the process, clarify responsibility in a gray area of the housing code. The bill also requires immediate action on other insects, which she recommend be defined as public “health risk pests.” She explained this is a crucial protection provided to low-income tenants facing health harming pest infestations in rental units. She recommended that the bill clarify that a landlord's duty begins when the tenant provides oral or written notice of a bedbug or other public health pest infestation. After the tenant provides notice of the infestation, the remediation timeline should be triggered and an inspection by a licensed pest management professional to identify or confirm a bedbug or public health risk pest infestation should be conducted within two business days of the tenant's report.

**Randi K. Marshall, Vice President of Government Affairs - DC, Apartment and Office Building Association of Metropolitan Washington**, testified in opposition to Bill 23-0045. Ms. Marshall expressed that while a bedbug infestation should be treated seriously and professionally, the Apartment and Office Building Association of Metropolitan Washington has some critical concerns about the bill's treatment of tenant privacy, the lack of balanced accountability, and the absence of robust education protocols.

Ms. Marshall noted that because the bill is silent as to tenant responsibility to notify the owner of an infested property, cooperate with treatment, or dispose of infested material, the onus is placed solely on the housing provider, even when their ability to treat and manage an infestation is deeply reliant on the tenant's responsibility. She also highlighted the bill's requirement that DCRA publicly post to its website the building's address and bed bug infestation history, and believes this mechanism would not improve the management or prevention of bed bugs, but would instead discourage both tenants and housing providers from reporting infestations, which runs counter to the bill's intent. Lastly, she voiced his concerns surrounding concerns that the bill offers vague education and awareness protocols. She stressed that more robust protocols would assist both tenants and housing providers in understanding the proper methods to prevent, identify, and eliminate bed bug infestations.

**Brittany Campbell, PhD, BCE, Entomologist, National Pest Management Association**, testified in support of Bill 23-0045, but asked that it include substantive changes.

The National Pest Management Association is supportive of the bill's intent; however, it feels the legislation can be improved by adhering to bed bug best management practices that are based on science and bed bug biology, prescribing duties for landlords, tenants, and pest management professionals, and in most circumstances requiring landlords to hire licensed pest management professionals.

**Nathaniel E. Aquino, Senior Attorney, Legal Counsel for the Elderly**, testified on behalf of the Legal Counsel for the Elderly. Mr. Aquino stressed that bedbugs are a public health concern, and that the tenants the Legal Counsel for the Elderly serves want to reside in habitable and safe rental housing. On the other hand, there are stakeholders who are homeowners who value their privacy and want to protect their legal rights, and who may have limited means to fully eradicate bedbug infestations. Balancing those competing concerns, Mr. Aquino has serious concerns with the legislation as written. The Legal Counsel for the Elderly believes that:

- The Bedbug Control Act should not open the door to neighbor-to-neighbor lawsuits
- The information reporting requirements of the Bedbug Control Act should preserve the dignity and confidentiality of the resident.
- Homeowners should be protected from intrusive DCRA Inspections and should be provided sufficient resources to meet any requirements imposed.
- The Bedbug Control Act Should contain licensure requirements for Pest Management Professionals.
- The Bedbug Remediation Assistance Fund Should include a fund for bedbug extermination preparation
- The Bedbug Control Act should include more ample requirements for educating the public about bedbug prevention.

**Michael F Joseph, Public Witness**, testified in strong support of Bill 23-0045, and urged the Committee to support its passage. He emphasized his support for provisions in the bill that help enforce compliance with reasonable monitoring, inspection, and treatment plans in multi-home infestations, and noted that they should be strengthened and expanded. Having experienced a bedbug infestation that originated in a neighboring property, Mr. Joseph spoke to the grueling process he undertook to get his neighbors to treat the infestation, including litigation. He urged the District to allow DCRA to access homes when there is clear evidence of a multi-home infestation, and to empower the agency to impose fines on people who fail to participate in the treatment process. These regulations are not only fair, he testified, but they are in line with legislation passed in New York, San Francisco, Los Angeles, Houston, and other major American cities.

## **VI. IMPACT ON EXISTING LAW**

Bill 24-0142 has no impact on existing law.

## **VII. FISCAL IMPACT**

Bill 24-0142 was sequentially referred to the Committee on Health and the Committee of the Whole. A fiscal impact statement is required at markup by the last committee in a sequential

referral. Because the Committee on Health is the first referral, the Committee of the Whole will provide a fiscal impact statement at its mark-up.

## **VIII. RACIAL EQUITY IMPACT ANALYSIS**

Bill 24-0142 was sequentially referred to the Committee on Health and the Committee of the Whole. A Racial Equity Impact Assessment is required at markup by the last committee in a sequential referral. Because the Committee on Health is the first referral, the Committee of the Whole will provide an REIA at its mark-up.

## **IX. SECTION BY SECTION ANALYSIS**

- Section 1 States the short title of Bill 24-0142
- Section 2 Defines the following terms for the purpose of this act: “Contiguous rental property”, “Department”, “Dwelling unit”, “Eradication”, “Housing provider”, “Owner”, “Pest control professional”, “Rental property”, “Tenant”
- Section 3 Defines a housing provider and tenant’s duty to eradicate bedbugs. This section establishes that a housing provider shall keep rental property free from bedbugs and shall not offer for rent a rental property that the housing provider knows or reasonably should know contains bedbugs. This housing provider shall furnish to a prospective tenant prior to the signing of a lease agreement for a rental property with notice, in a form promulgated or approved by the Department, that sets forth the bedbug infestation history for the rental property for the previous 10 months and, if applicable, the last date the rental property was inspected for bedbugs and the results of that inspection. From the tenant’s perspective, they shall promptly provide the housing provider in-person, verbal, or written notice when the tenant knows or reasonably suspects that the tenant’s rental property contains bedbugs.
- Section 4 Establishes the duties of the Department of Health, and states that it shall monitor the control and elimination of bedbugs in the District. This section also stipulates that DC Health will provide educational materials to housing providers and tenants annually on recognizing bedbugs, how to report bedbugs to a housing provider, the rights and obligations of housing providers and tenants, and the inspection and treatment process, as well as coordinate public education and outreach efforts on the eradication of bedbugs.
- Section 5 Establishes the Bedbug Remediation Assistance Program (“Program”), within the Department of Health, to provide financial assistance to remediate bedbug infestations.

Section 6 Adopts the fiscal impact statement.

Section 7 States the Act will take effect following Mayoral approval and Congressional review, and publication in the District of Columbia Register.

## **X. COMMITTEE ACTION**

On Friday, March 11, 2022, the Committee on Health met to consider Bill 24-0142, the “Bedbug Control Act of 2022.” The meeting was called to order at 11:04 a.m., and Bill 24-0142 was the second item on the agenda. After discussing the chronology and purpose of the bill, Chairperson Gray gave brief remarks. He highlighted that there was a joint public hearing with the Committee of the Whole in December of 2019, during which the Department of Consumer and Regulatory Affairs provided their support for the original bill and indicated their recommendations for improvement, many having been reflected in this final committee print. He also noted that the committee worked closely with advocates, and thanked the Legal Counsel for the Elderly, AARP, and Legal Aid for their work in helping to ensure that tenants have the tools necessary to keep their homes safe from bedbugs. Chairperson Gray then opened the floor for discussion.

Councilmember Nadeau gave brief remarks and thanked Chairperson Gray and the committee for helping advance the bill. Chairperson Gray moved the print and report, with leave for staff to make technical and editorial changes. The vote on the print and report were unanimous. (Chairperson Gray and Councilmembers Charles Allen, Brianne Nadeau, and Christina Henderson voting “aye”, Councilmember Mary Cheh being absent). The meeting adjourned at 11:16 a.m.

## **XI. ATTACHMENTS**

- A. Secretary’s Notice for Bill 24-0142
- B. Bill 24-0142 as Introduced
- C. Hearing Notice and Witness List for Original Bill, B23-0045
- D. Copies of Written Testimony
- E. Legal Sufficiency Memorandum
- F. Committee Print of Bill 24-0142

**DRAFT COMPARATIVE PRINT  
BILL 24-142  
Committee of the Whole**

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**D.C. OFFICIAL CODE § 2-1831.03. JURISDICTION OF THE OFFICE AND AGENCY  
AUTHORITY TO REVIEW CASES.**

**(b-30) This act shall apply to any appeals made pursuant to section 3(j)(2) of the  
Bedbug Control Act of 2022**

\* \* \*

**D.C. OFFICIAL CODE § 42-3502.22. DISCLOSURE TO TENANTS.**

(b)(1) At the time a prospective tenant files an application to lease any rental unit, the housing provider shall provide on a disclosure form published by the Rent Administrator (or in another suitable format until a form is published) together with any documents corresponding to each item of information:

(K) Information known or that should have been known about the presence of indoor mold contamination as defined in § 8-241.01(5) in the rental unit or common areas in the previous 3 years, unless the mold has been remediated by an indoor mold remediation professional certified and licensed by the District; ~~and~~

(L) A Tenant Bill of Rights published by the Office of the Tenant Advocate pursuant to § 42-3531.07(8);~~;~~

**(M) The form published by the Department of Buildings pursuant to section 5(b) of the Bedbug Control Act of 2022, which notifies a prospective tenant of any history of bedbug infestations in the rental unit in the last 120 days; and**

**(N) The educational pamphlet about bedbugs published by the Department of Buildings pursuant to section 5(c) of the Bedbug Control Act of 2022.**

(1A) The requirement in paragraph (1)(L) of this subsection shall apply to an application for a residential rental unit submitted 90 days after a Tenant Bill of Rights is noticed in the District of Columbia Register.

(1B) The disclosure form published by the Rent Administrator, as required by paragraph (1) of this subsection, shall include the voter registration packet developed by the District of Columbia Board of Elections pursuant to § 1-1001.05(a)(20).



**(1C) The requirement in paragraph (1)(M) of this subsection shall apply to an application for a residential rental unit submitted at least 90 days after the form is published in the District of Columbia Register.**

7 A BILL

8  
9 24-142

10  
11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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16 To require a housing provider to provide notice to a tenant of any bedbug infestation within the  
17 last 120 days before the tenant signs a lease, to require a housing provider to obtain  
18 services of a pest control professional within 10 business days of notification from a  
19 tenant that bedbugs may be present in his or her unit, to require bedbug monitoring  
20 services for 12 months after a pest control professional determines that no evidence of  
21 bedbugs can be found in the unit, to require a tenant to grant a housing provider and pest  
22 control professional access to the unit at a reasonable time noticed in advance by the  
23 housing provider, to require a tenant to cooperate with recommendations of the pest  
24 control professional in the event of an infestation, to allow housing providers to charge  
25 the cost of inspection and remediation of bedbugs in a unit to the tenant in limited  
26 circumstances, to require pest control professionals to report data to the Department of  
27 Buildings annually and maintain certain records for two years, to establish a process by  
28 which the Department handles complaints from tenants regarding housing providers who  
29 do not comply with certain requirements of the act, to require the Department to create a  
30 infestation history notification form to be used by housing providers, to require the  
31 Department create a pamphlet on bedbugs and conduct educational and outreach  
32 activities to housing providers and tenants, to establish a Bedbug Inspection and  
33 Remediation Assistance Program administered by the Department to provide financial  
34 reimbursement to remediate bedbug infestations, and to make conforming amendments.  
35

36 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
37 act may be cited as the “Bedbug Control Act of 2022”.

38 Sec. 2. Definitions

39 For purposes of this act, the term:

40 (1) “Bedbug” means a member of the Cimicidae family of parasitic insects.

- 41 (2) “Department” means the Department of Buildings.
- 42 (3) “Director” means the Director of the Department of Buildings.
- 43 (4) “Dwelling unit” means any habitable room or group of habitable rooms located within  
44 a residential building and forming a single unit which is used or intended to be used for living,  
45 sleeping, and the preparation and eating of meals.
- 46 (5) “Eradication” means the elimination of bedbugs from the premises through the use of  
47 traps, poisons, fumigations, heat, or any other method of extermination.
- 48 (6) “Housing provider” means:
- 49 (A) A landlord, owner, lessor, sublessor, or assignee;
- 50 (B) The agent of a landlord, owner, lessor, sublessor, or assignee; or
- 51 (C) A person entitled to receive compensation for the use or occupancy of a rental  
52 unit within a housing accommodation.
- 53 (7) “Pest control professional ” means a certified applicator, commercial applicator,  
54 licensed certified applicator, pesticide operator, or registered technician authorized to work in the  
55 District.
- 56 (8) “Reasonable notice” shall have the same meaning as provided in section 531(a)(1) of  
57 the Rental Housing Act of 1985, effective February 18, 2017 (D.C. Law 21-210; D.C. Official  
58 Code § 42–3505.51(a)(1)).
- 59 (9) “Reasonable time” shall have the same meaning as provided in section 531(a)(3) of  
60 the Rental Housing Act of 1985, effective February 18, 2017 (D.C. Law 21-210; D.C. Official  
61 Code § 42–3505.51(a)(3)).
- 62 (10) “Tenant” means a lessee, sublessee, or other person entitled to the possession or  
63 occupancy of a rental unit.

64           Sec. 3. Rights and responsibilities of housing providers and tenants.

65           (a)(1) A housing provider shall keep his or her rental property free from bedbugs and  
66 shall not offer for rent a dwelling unit to a prospective tenant that the housing provider knows or  
67 reasonably should know contains bedbugs.

68           (b) Prior to the signing of a lease by a tenant, the housing provider shall provide the  
69 prospective tenant with notice, on a form promulgated by the Department, of any bedbug  
70 infestation in the dwelling unit within the previous 120 days.

71           (c)(1) Within 5 days after a tenant finds or reasonably suspects a bed bug infestation in  
72 the tenant's dwelling unit or a common area of the building, he or she should notify the housing  
73 provider.

74           (2) A tenant's failure to notify a housing provider pursuant to paragraph (1) of this  
75 subsection shall not constitute grounds to deny a tenant's request for inspection or eradication of  
76 bedbugs by a pest control professional or for a housing provider to recover possession of the  
77 dwelling unit.

78           (d) Upon notification by a tenant pursuant to subsection (c) of this section, the housing  
79 provider shall:

80           (1) Acknowledge the complaint within 5 business days of notification;

81           (2) Obtain services from a pest control professional within 10 business days of  
82 notification;

83           (3) Schedule inspections or eradication measures at a reasonable time for any  
84 affected tenants;

85           (4) Provide any affected tenants with reasonable notice of inspections or  
86 eradication measures, which shall include the specific date and time of an inspection or any

87 eradication measures. If the housing provider knows that the tenant primarily speaks a language  
88 other than English, the housing provider shall provide the notice in that language and in English;

89 (5) Upon a determination of an infestation by a pest control professional, provide  
90 eradication measures until such time as the pest control professional determines that no evidence  
91 of bedbugs can be found in the dwelling unit;

92 (6) Implement bedbug monitoring services in any affected units for a period of 12  
93 months after a pest control professional determines that no evidence of bedbugs can be found in  
94 the unit. If the unit is leased to a new tenant during the monitoring period, the housing provider  
95 must fully explain the monitoring activities to the new tenant and continue monitoring during  
96 such period; and

97 (7) Maintain a written record of complaints and eradication measures, including  
98 reports provided by pest management professionals, for 2 years. Upon request by a prospective  
99 tenant or the current tenant of a unit that has been subject to inspection or eradication measures  
100 by a pest control professional, the housing provider shall provide a copy of any reports provided  
101 by the pest control professional for that dwelling unit within 5 business days of receiving the  
102 request.

103 (e)(1) Upon receiving reasonable notice from a housing provider pursuant to subsection  
104 (d)(4) of this section, a tenant shall:

105 (A) Grant the housing provider and pest control professional access to the  
106 unit at a reasonable time for purposes of an inspection or eradication measures;

107 (B) Carry out reasonable preparatory measures necessary for inspection or  
108 eradication; provided, that if the tenant is unable to comply with any preparatory measures due to

109 a disability or physical limitation, the tenant may seek assistance from the housing provider, who  
110 shall reasonably accommodate the tenant's needs; and

111 (C) Cooperate with reasonable recommendations made by the pest control  
112 professional.

113 (f)(1) Except as provided in paragraph (2) of this subsection, a housing provider shall be  
114 responsible for all costs associated with inspection for and eradication of bedbugs.

115 (2)(A) The costs associated with inspections or eradication measures may be  
116 charged to the tenant when:

117 (i) The tenant knowingly interferes with, obstructs, or actively  
118 inhibits inspection for, or treatment to eradicate the presence of, bedbugs in the dwelling unit; or

119 (ii) Repeated eradications are necessary due to the tenant's failure  
120 to properly maintain the dwelling unit.

121 (B) When a tenant's action under subparagraph (A) results in the  
122 infestation of adjacent or adjoining units, as determined by a pest control professional, the  
123 housing provider may charge the tenant for the cost of inspections and eradication measures in  
124 the adjacent or adjoining units.

125 (3) If a housing provider charges a tenant for the cost of inspections or eradication  
126 measures pursuant to paragraph (2) of this subsection, the housing provider shall provide the  
127 tenant with:

128 (A) An itemized receipt of the charges, including the name and contact  
129 information of the pest control professional, a description of the services for which the tenant is  
130 being charged, and the dates on which the charges were incurred by the housing provider; and

131 (B) A written notice describing:

132 (i) The specific instances, including approximate dates and times,  
133 in which the tenant knowingly interfered with, obstructed, or actively inhibited inspection for, or  
134 eradication of, bedbugs in the dwelling unit;

135 (ii) Evidence of the conditions of the tenant's dwelling unit, caused  
136 by the tenant's failure to properly maintain the unit, which made repeated eradications necessary;  
137 or

138 (iii) Evidence of the presence of bedbugs during a visual inspection  
139 of the unit by the housing provider and the tenant after the tenant terminates his or her  
140 occupancy, and evidence that demonstrates a lack of notice from the tenant.

141 (C) The notice provided pursuant to subparagraph (B) of this paragraph  
142 shall also include:

143 (i) Language that offers the tenant an opportunity to pay any  
144 charges through a payment plan over the remainder of his or her lease, or over a period agreed to  
145 by both parties in writing; and

146 (ii) The physical address, web address, and phone number of the  
147 Department.

148 (D) If the housing provider knows that the tenant primarily speaks a  
149 language other than English, the housing provider shall provide the itemized receipt and notice  
150 required by subparagraphs (A) and (B) of this paragraph in that language and in English.

151 (g)(1) When a tenant knowingly interferes with, obstructs, or actively inhibits inspection  
152 for, or treatment to eradicate the presence of, bedbugs in the dwelling unit, or fails to pay charges  
153 levied against him or her pursuant to subsection (f)(2) of this section, a housing provider shall be  
154 entitled to terminate the tenant's lease agreement for violating an obligation of tenancy.

155 (2) Lease agreements shall contain a provision acknowledging that a housing  
156 provider may terminate a lease agreement pursuant to paragraph (1) of this subsection.

157 (3) Upon termination of a lease agreement pursuant to paragraph (1) of this  
158 subsection, a housing provider shall provide a tenant with a notice that contains information  
159 required by subsection (f)(3)(B) of this section.

160 (h)(1) A tenant may file a complaint with the Department when a housing provider  
161 violates subsection (b) or subsection (d) of this section. Complaints filed by a tenant shall be  
162 processed by the Department pursuant to section 5(a).

163 (2) Housing providers shall have 15 days from the receipt of a notice of infraction  
164 issued by the Department pursuant to section 5(a)(2)(b) to file an appeal with the Office of  
165 Administrative Hearings.

166 Sec. 4. Responsibilities of pest control professionals.

167 (a) A pest control professional shall report to the Department annually the following  
168 information:

- 169 (1) The number of bedbug inspections conducted in the last 12 months;
- 170 (2) The number of eradication treatments completed in the last 12 months;
- 171 (3) The street address of any dwelling unit inspected or treated in the last 12  
172 months
- 173 (4) Any additional information deemed necessary by the Department.

174 (b)(1) A pest control professional shall keep records of inspections and eradications  
175 conducted in a dwelling unit or rental property in the District for 2 years after the completion of  
176 the inspection or treatment measures.



177                   (2) Upon request by the tenant whose dwelling unit was subject to inspection or  
178 eradication measures, or upon request by the housing provider who owns the unit or rental  
179 property, a pest control professional shall provide the tenant or housing provider copies of any  
180 requested reports made by the pest control professional for the effected unit or rental property  
181 within 5 business days of receiving the request.

182                   Sec. 5. Responsibilities of the Department.

183                   (a)(1) The Department shall notify a housing provider of a complaint from a tenant within  
184 10 business days of receipt of the complaint. A housing provider shall have 10 business days  
185 from the date on which he or she receives the notice to respond and submit any of the following  
186 applicable information:

187                                 (A) Documentation and communications with the tenant that demonstrate  
188 a good faith effort to reasonably accommodate the tenant's needs to comply with any  
189 preparations necessary for inspection or eradication measures;

190                                 (B) Documentation and communications that demonstrate that the housing  
191 provider has made a good faith effort to schedule an inspection or eradication measures, or  
192 documentation of any extenuating circumstances that resulted in the inspection or treatment  
193 measures being delayed and rescheduled;

194                                 (C) An inspection report by a pest control professional demonstrating that  
195 the dwelling unit does not currently have a bedbug infestation;

196                                 (D) A report by a pest control professional demonstrating that eradication  
197 measures to eradicate bedbugs are in the process of being completed or have been completed; or

198 (E) In the event that a pest control professional has completed eradication  
199 measures in the dwelling unit and determined that no evidence of bedbugs can be found,  
200 evidence of monitoring services currently in use in the dwelling unit.

201 (2) If the housing provider fails to respond to the Department’s notice within 10  
202 business days of receipt or does not provide adequate documentation pursuant to paragraph (1) of  
203 this subsection, the Department shall:

204 (A) Order the housing provider to take specific steps to accommodate a  
205 tenant’s needs, schedule an inspection, or schedule eradication measures; and

206 (B) Issue a notice of infraction. A housing provider’s violation of this  
207 paragraph shall be a Class 4 infraction subject to a fine under section 3201.1(d) of Title 16 of the  
208 District of Columbia Municipal Regulations (16 DCMR § 3201.1(d)).

209 (3) The Department shall include, with the written notice required by paragraph  
210 (1) of this subsection, information on the Bedbug Remediation Assistance Program (“Program”)  
211 established pursuant to section 6 and an application form for the Program. Proof of application to  
212 the Program shall toll further actions by the Department until a decision is made on whether the  
213 owner property is entitled to financial assistance.

214 (b) The Department shall create and publish a form, to be used by housing providers, for  
215 purposes of notifying tenants of any history of bedbug infestations in a dwelling unit within the  
216 last 120 days.

217 (c) The Department shall conduct outreach efforts to housing providers and tenants for  
218 the purposes of educating the public about bedbugs, and shall create and publish educational  
219 materials for tenants and housing providers, including a pamphlet that contains, at a minimum,  
220 the following information:

- 221 (1) Specific facts about the bedbug, including its lifecycle, appearance, and  
222 breeding habits;
- 223 (2) Behaviors that are risk factors for attracting and supporting the presence of  
224 bedbugs;
- 225 (3) Measures that may be taken to prevent and control the presence of bedbugs in  
226 a dwelling unit or rental property; and
- 227 (4) The responsibilities and rights of tenants and housing providers under this act.
- 228 (d) The Department shall enter into an agreement with the Department of Energy and  
229 Environment to access and collect information on licensed pest control professionals in the  
230 District.
- 231 (e) The Mayor may, pursuant to Title I of the District of Columbia Administrative  
232 Procedures Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*),  
233 issue rules to implement the provisions of this act.

234 Sec. 6. Bedbug Inspection and Remediation Assistance Program.

235 (a)(1) There is established a Bedbug Inspection and Remediation Assistance Program  
236 (“Program”), to be administered by the Department, the purpose of which is to provide financial  
237 reimbursement to certain individuals who remediate bedbug infestations.

238 (2) To be eligible for financial assistance, an applicant shall:

239 (A) Be a resident of the District;

240 (B) Own the rental property or dwelling unit to be treated for bedbugs;

241 (C) Live in the subject property as their principal place of residence for  
242 more than 50% of the calendar year; and

243 (D) Provide as evidence of eligibility:

244 (i) Proof of household income of no more than 80% of the area  
245 median income for a household of like size in the Washington Metropolitan Statistical Area as  
246 set forth in the periodic calculation provided by the United States Department of Housing and  
247 Urban Development;

248 (ii) One of the following documents to prove ownership:

249 (I) Proof of payment of property taxes or current mortgage  
250 statement;

251 (II) Proof of homeowners' insurance; or

252 (III) Any comparable documentation as determined by the  
253 Department;

254 (iii) A sworn affidavit certifying that the applicant lives in the  
255 subject property as the applicant's principal place of residence for more than 50% of the calendar  
256 year; and

257 (C) If electing to receive a rebate pursuant to subsection (b)(2) of this  
258 section, all receipts and service records provided by a pest control professional, including the  
259 date of service, address of service, cost of service, and type of treatment. In the event that a pest  
260 control professional has not performed the inspection or treatment prior to the application being  
261 submitted, a written cost estimate of the proposed service may be used; provided that the  
262 applicant shall submit actual receipts and service records after services are rendered by a pest  
263 control professional.

264 (3)(A) Within 7 business days of receiving a full and complete application for  
265 reimbursement pursuant to this section, the Department shall provide written notification to the  
266 applicant of approval or denial of the application.

267 (B) If the application is denied, the notification shall include the reason for  
268 the denial and the process for reconsideration.

269 (4) If an application is approved, the Program shall pay:

270 (A) Up to 80% of bedbug infestation abatement and inspection costs for a  
271 household with incomes between 70% to 80% of the area median income for a household of like  
272 size in the Washington Metropolitan Statistical Area as set forth in the periodic calculation  
273 provided by the United States Department of Housing and Urban Development; or

274 (B) Up to 100% of the remediation and inspection costs for households  
275 with incomes below 70% of the area median income for a household of like size in the  
276 Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the  
277 United States Department of Housing and Urban Development.

278 (b) An applicant may receive financial assistance from the Program by:

279 (1) Selecting an eligible pest control professional from a list maintained by the  
280 Department, in which case the Department shall directly pay the pest control professional the  
281 eligible costs; or

282 (2) Receiving a rebate for the eligible costs paid by an applicant to a pest control  
283 professional.

284 (c) Financial assistance made available through the Program shall be limited to actual  
285 costs incurred to eradicate bedbugs by a pest control professional and shall not exceed \$3,000 for  
286 a single dwelling in a calendar year

287 (d) Financial assistance made available through the Program is subject to the availability  
288 of funds.

289           Sec. 7. Section 6 of the Office of Administrative Hearings Establishment Act of 2001,  
290 effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by  
291 adding a new subsection (b-30) to read as follows:

292           “(b-30) This act shall apply to any appeals made pursuant to section 3(k)(2) of the  
293 Bedbug Control Act of 2022.”.

294           Sec. 8. Section 222(b) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C.  
295 Law 6-10; D.C. Official Code § 42-3502.22(b)), is amended as follows:

296           (a) Paragraph (1) is amended as follows:

297                   (1) Subparagraph (K) is amended by striking the phrase “; and” and inserting a  
298 semicolon in its place.

299                   (2) Subparagraph (L) is amended by striking the period at the end of the sentence  
300 and inserting a semicolon in its place.

301                   (3) New subparagraphs (M) and (N) are added to read as follows:

302                           “(M) The form published by the Department of Buildings pursuant to  
303 section 5(b) of the Bedbug Control Act of 2022, which notifies a prospective tenant of any  
304 history of bedbug infestations in the rental unit in the last 120 days; and

305                           “(N) The educational pamphlet about bedbugs published by the  
306 Department of Buildings pursuant to section 5(c) of the Bedbug Control Act of 2022.”.

307           (b) A new paragraph (1C) is added to read as follows:

308                   “(1C) The requirement in paragraph (1)(M) of this subsection shall apply to an  
309 application for a residential rental unit submitted at least 90 days after the form is published in  
310 the District of Columbia Register.”.

311           Sec. 9. Applicability.

312 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved  
313 budget and financial plan.

314 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in  
315 an approved budget and financial plan, and provide notice to the Budget Director of the Council  
316 of the certification.

317 (c)(1) The Budget Director shall cause the notice of the certification to be published in  
318 the District of Columbia Register.

319 (2) The date of publication of the notice of the certification shall not affect the  
320 applicability of this act.

321 Sec. 10. Fiscal impact statement.

322 The Council adopts the fiscal impact statement in the committee report as the fiscal  
323 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
324 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

325 Sec. 11. Effective date.

326 This act shall take effect after approval by the Mayor (or in the event of veto by the  
327 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
328 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
329 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
330 Columbia Register.