

SENATE BILL 529

N1, J1

2lr0723

By: **Senators Benson, Patterson, Lee, and Sydnor**

Introduced and read first time: January 28, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Landlord and Tenant – Bedbugs**

3 FOR the purpose of requiring a tenant to notify the landlord for the tenant's dwelling unit
4 if the tenant knows or reasonably suspects that the dwelling unit contains bedbugs;
5 requiring a landlord notified of the presence or suspected presence of bedbugs to
6 obtain an inspection; requiring a landlord to provide notice to a tenant before
7 entering the dwelling unit to inspect for or treat the presence of bedbugs; authorizing
8 a landlord to enter a dwelling unit for purposes of an inspection; requiring a certified
9 applicator to submit a report to a landlord within a certain period of time; requiring
10 a landlord to provide notice to a tenant of an inspection result; requiring a landlord
11 to commence reasonable measures to treat a bedbug presence; establishing that a
12 landlord is responsible for costs associated with inspection for and treatment of
13 bedbugs; prohibiting a tenant from unreasonably denying access to a dwelling unit;
14 authorizing a certified applicator to conduct a certain inspection of certain personal
15 belongings of a tenant; prohibiting a tenant from disposing of personal property
16 infested with bedbugs in a certain manner; prohibiting a landlord from offering for
17 rent a dwelling unit known or reasonably suspected to contain bedbugs; requiring a
18 landlord to provide certain information to a tenant or prospective tenant about
19 inspections and treatment of bedbugs in a dwelling unit being rented or offered for
20 rent; providing that a landlord who fails to comply with certain provisions of law is
21 liable for actual damages of a tenant; authorizing a court to order certain injunctive
22 relief under certain circumstances; and generally relating to bedbugs and rental
23 units.

24 BY adding to

25 Article – Real Property

26 Section 8–1001 through 8–1007 to be under the new subtitle “Subtitle 10. Bedbugs”

27 Annotated Code of Maryland

28 (2015 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Real Property

SUBTITLE 10. BEDBUGS.

8–1001.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(B) “BEDBUG” MEANS THE COMMON BEDBUG, *CIMEX LECTULARIUS*, AT ANY
STAGE OF DEVELOPMENT.

(C) “CERTIFIED APPLICATOR” MEANS AN INDIVIDUAL WHO IS CERTIFIED BY
THE SECRETARY OF AGRICULTURE UNDER § 5–207 OF THE AGRICULTURE ARTICLE.

8–1002.

(A) (1) A TENANT SHALL PROMPTLY NOTIFY THE LANDLORD FOR THE
TENANT’S DWELLING UNIT VIA WRITTEN OR ELECTRONIC NOTICE IF THE TENANT
KNOWS OR REASONABLY SUSPECTS THAT THE DWELLING UNIT CONTAINS BEDBUGS.

(2) (I) A TENANT WHO GIVES NOTICE TO A LANDLORD UNDER
PARAGRAPH (1) OF THIS SUBSECTION BY ELECTRONIC MEANS SHALL SEND THE
NOTICE TO AN E-MAIL ADDRESS, TELEPHONE NUMBER, OR ELECTRONIC PORTAL
SPECIFIED BY THE LANDLORD IN THE RENTAL AGREEMENT, OR IN A MANNER THE
LANDLORD AND TENANT HAVE PREVIOUSLY USED TO COMMUNICATE.

(II) A TENANT SHALL RETAIN SUFFICIENT EVIDENCE THAT THE
NOTICE WAS DELIVERED TO THE LANDLORD BY ELECTRONIC MEANS UNDER
SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(B) WITHIN 96 HOURS OF RECEIVING NOTICE AFTER THE PRESENCE OR
SUSPECTED PRESENCE OF BEDBUGS, A LANDLORD:

(1) SHALL OBTAIN AN INSPECTION OF THE DWELLING UNIT BY A
CERTIFIED APPLICATOR; AND

(2) MAY ENTER THE DWELLING UNIT OR ANY CONTIGUOUS DWELLING
UNIT OWNED BY THE LANDLORD FOR THE PURPOSE OF ALLOWING THE INSPECTION
AS PROVIDED IN § 8–1003 OF THIS SUBTITLE.

1 (C) IF A CERTIFIED APPLICATOR DETERMINES THAT A DWELLING UNIT
2 CONTAINS BEDBUGS IN ANY STAGE OF THE LIFE CYCLE, THE CERTIFIED
3 APPLICATOR SHALL PROVIDE A REPORT OF THE DETERMINATION TO THE
4 LANDLORD WITHIN 24 HOURS AFTER THE INSPECTION.

5 (D) AS PROMPTLY AS PRACTICABLE, BUT NOT LONGER THAN 2 BUSINESS
6 DAYS AFTER COMPLETION OF THE INSPECTION REQUIRED UNDER SUBSECTION (B)
7 OF THIS SECTION, THE LANDLORD SHALL:

8 (1) PROVIDE NOTICE OF THE INSPECTION RESULT TO THE TENANT;
9 AND

10 (2) (I) IF THE INSPECTION CONFIRMS THE PRESENCE OF
11 BEDBUGS, OBTAIN AN INSPECTION OF ALL CONTIGUOUS DWELLING UNITS OWNED
12 BY THE LANDLORD; OR

13 (II) IF THE INSPECTION DETERMINES THAT NEITHER THE
14 DWELLING UNIT NOR ANY CONTIGUOUS DWELLING UNITS OWNED BY THE LANDLORD
15 CONTAIN BEDBUGS, NOTIFY THE TENANT THAT THE TENANT MAY CONTACT THE
16 LOCAL HEALTH DEPARTMENT TO REPORT CONCERNS ABOUT POSSIBLE BEDBUGS.

17 (E) WITHIN 5 BUSINESS DAYS AFTER RECEIVING NOTICE FROM A CERTIFIED
18 APPLICATOR OF THE PRESENCE OF BEDBUGS UNDER SUBSECTION (C) OF THIS
19 SECTION, A LANDLORD SHALL COMMENCE REASONABLE MEASURES, AS
20 DETERMINED BY THE CERTIFIED APPLICATOR, TO EFFECTIVELY TREAT THE
21 BEDBUG PRESENCE, INCLUDING RETAINING THE SERVICES OF A CERTIFIED
22 APPLICATOR TO TREAT THE DWELLING UNIT AND ANY CONTIGUOUS DWELLING
23 UNITS OWNED BY THE LANDLORD.

24 (F) EXCEPT AS OTHERWISE PROVIDED BY LAW, A LANDLORD IS
25 RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH AN INSPECTION FOR, AND THE
26 TREATMENT OF, BEDBUGS.

27 8-1003.

28 (A) (1) (I) IF A LANDLORD OR CERTIFIED APPLICATOR MUST ENTER A
29 DWELLING UNIT FOR THE PURPOSE OF CONDUCTING AN INSPECTION FOR OR
30 TREATING THE PRESENCE OF BEDBUGS, THE LANDLORD SHALL PROVIDE THE
31 TENANT OF THE UNIT WITH REASONABLE NOTICE AT LEAST 48 HOURS BEFORE THE
32 LANDLORD OR CERTIFIED APPLICATOR ATTEMPTS TO ENTER THE DWELLING UNIT.

1 **(II) A RENTAL AGREEMENT MAY PROVIDE FOR A DIFFERENT**
2 **MINIMUM NOTICE THAN THE NOTICE PERIOD REQUIRED UNDER SUBPARAGRAPH (I)**
3 **OF THIS PARAGRAPH.**

4 **(III) A TENANT MAY WAIVE THE NOTICE REQUIREMENT UNDER**
5 **THIS PARAGRAPH.**

6 **(2) A TENANT MAY NOT UNREASONABLY DENY ACCESS FOR THE**
7 **PURPOSES SPECIFIED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION TO THE**
8 **DWELLING UNIT BY A LANDLORD OR CERTIFIED APPLICATOR.**

9 **(B) (1) A CERTIFIED APPLICATOR WHO IS INSPECTING A DWELLING UNIT**
10 **FOR BEDBUGS MAY:**

11 **(I) CONDUCT AN INITIAL VISUAL AND MANUAL INSPECTION OF**
12 **A TENANT'S BEDDING AND UPHOLSTERED FURNITURE; AND**

13 **(II) INSPECT ITEMS OTHER THAN BEDDING AND UPHOLSTERED**
14 **FURNITURE IF THE QUALIFIED INSPECTOR DETERMINES THAT SUCH AN INSPECTION**
15 **IS NECESSARY AND REASONABLE.**

16 **(2) IF A CERTIFIED APPLICATOR FINDS BEDBUGS IN A DWELLING**
17 **UNIT, THE CERTIFIED APPLICATOR MAY HAVE ADDITIONAL ACCESS TO THE**
18 **TENANT'S PERSONAL BELONGINGS AS THE CERTIFIED APPLICATOR DETERMINES IS**
19 **NECESSARY AND REASONABLE TO DETERMINE THE EXTENT OF THE PRESENCE OF**
20 **BEDBUGS IN THE DWELLING UNIT.**

21 **(C) (1) IF ANY PERSONAL PROPERTY BELONGING TO A TENANT IS FOUND**
22 **TO CONTAIN BEDBUGS, THE CERTIFIED APPLICATOR SHALL ADVISE THE TENANT**
23 **THAT:**

24 **(I) THE PERSONAL PROPERTY SHOULD NOT BE REMOVED**
25 **FROM THE DWELLING UNIT UNTIL A CERTIFIED APPLICATOR DETERMINES THAT A**
26 **BEDBUG TREATMENT HAS BEEN COMPLETED; AND**

27 **(II) THE TENANT MAY DISPOSE OF THE PERSONAL PROPERTY IN**
28 **A MANNER APPROVED BY THE MARYLAND DEPARTMENT OF HEALTH OR A LOCAL**
29 **HEALTH DEPARTMENT.**

30 **(2) A TENANT MAY NOT DISPOSE OF PERSONAL PROPERTY THAT WAS**
31 **DETERMINED TO CONTAIN BEDBUGS IN A COMMON AREA WHERE SUCH DISPOSAL**
32 **MAY RISK THE INFESTATION OF OTHER DWELLING UNITS.**

1 **8-1004.**

2 **(A) A LANDLORD MAY NOT OFFER FOR RENT A DWELLING UNIT THAT THE**
3 **LANDLORD KNOWS OR REASONABLY SUSPECTS TO CONTAIN BEDBUGS.**

4 **(B) (1) ON REQUEST BY A PROSPECTIVE TENANT, A LANDLORD SHALL**
5 **DISCLOSE WHETHER, TO THE KNOWLEDGE OF THE LANDLORD, THE DWELLING UNIT**
6 **THAT THE LANDLORD IS OFFERING FOR RENT CONTAINED BEDBUGS WITHIN THE**
7 **PREVIOUS 8 MONTHS.**

8 **(2) ON REQUEST BY A TENANT OR A PROSPECTIVE TENANT, A**
9 **LANDLORD SHALL DISCLOSE THE LAST DATE, IF ANY, ON WHICH A DWELLING UNIT**
10 **BEING RENTED OR OFFERED FOR RENT WAS INSPECTED FOR, AND FOUND TO BE**
11 **FREE OF, BEDBUGS.**

12 **8-1005.**

13 **(A) A LANDLORD WHO FAILS TO COMPLY WITH THIS SUBTITLE IS LIABLE TO**
14 **A TENANT FOR THE ACTUAL DAMAGES OF THE TENANT.**

15 **(B) (1) A LANDLORD MAY APPLY TO A COURT OF COMPETENT**
16 **JURISDICTION TO OBTAIN INJUNCTIVE RELIEF AGAINST A TENANT WHO:**

17 **(I) REFUSES TO PROVIDE REASONABLE ACCESS TO A**
18 **DWELLING UNIT FOR THE PURPOSES OF A BEDBUG INSPECTION OR TREATMENT; OR**

19 **(II) FAILS TO COMPLY WITH A REASONABLE REQUEST FOR A**
20 **BEDBUG INSPECTION OR TREATMENT OF THE TENANT'S DWELLING UNIT.**

21 **(2) IF A COURT FINDS THAT A TENANT HAS UNREASONABLY FAILED**
22 **TO COMPLY WITH ONE OR MORE OF THE REQUIREMENTS ESTABLISHED IN THIS**
23 **SUBTITLE, THE COURT MAY ISSUE A TEMPORARY ORDER TO CARRY OUT THE**
24 **PROVISIONS REQUIRED BY THIS SUBTITLE, INCLUDING:**

25 **(I) GRANTING THE LANDLORD ACCESS TO THE DWELLING UNIT**
26 **FOR PURPOSES OF INSPECTING FOR, OR TREATING THE PRESENCE OF, BEDBUGS;**

27 **(II) GRANTING THE LANDLORD THE RIGHT TO ENGAGE IN**
28 **BEDBUG INSPECTION AND TREATMENT MEASURES IN THE DWELLING UNIT; AND**

29 **(III) REQUIRING THE TENANT TO COMPLY WITH SPECIFIC**
30 **BEDBUG INSPECTION AND TREATMENT MEASURES OR ASSESSING THE TENANT WITH**
31 **COSTS AND DAMAGES RELATED TO THE NONCOMPLIANCE OF THE TENANT.**

(C) ANY COURT ORDER GRANTING A LANDLORD ACCESS TO A DWELLING UNIT TO COMPLY WITH PROVISIONS OF THIS SUBTITLE MUST BE SERVED ON THE TENANT AT LEAST 24 HOURS BEFORE A LANDLORD OR CERTIFIED APPLICATOR ENTERS THE DWELLING UNIT.

(D) THE REMEDIES IN THIS SECTION ARE IN ADDITION TO ANY OTHER REMEDIES AVAILABLE AT LAW OR IN EQUITY TO ANY PERSON.

(E) THIS SECTION DOES NOT LIMIT OR RESTRICT THE AUTHORITY OF ANY STATE OR LOCAL HOUSING AGENCY OR HEALTH CODE ENFORCEMENT AGENCY.

8-1006.

NOTHING IN THIS SUBTITLE:

(1) PROHIBITS A TENANT FROM CONTACTING ANY AGENCY, AT ANY TIME, CONCERNING THE PRESENCE OF BEDBUGS IN THE DWELLING UNIT OF THE TENANT;

(2) REQUIRES A LANDLORD TO PROVIDE A TENANT WITH ALTERNATIVE LODGING OR TO PAY TO REPLACE A TENANT'S PERSONAL PROPERTY; AND

(3) PREEMPTS OR RESTRICTS THE APPLICATION OF ANY LOCAL, STATE, OR FEDERAL LAW CONCERNING ACCOMMODATIONS FOR PERSONS WITH DISABILITIES.

8-1007.

A LANDLORD WHO COMPLIES WITH THIS SUBTITLE IS DEEMED TO HAVE PROVIDED A DWELLING UNIT FREE OF DANGEROUS AND SERIOUS DEFECTS FIT FOR HABITATION WITH RESPECT TO MATTERS CONCERNING BEDBUGS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.