

SECOND REGULAR SESSION

HOUSE BILL NO. 1849

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGHEE.

6025L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 441, RSMo, by adding thereto one new section relating to health control for multifamily rental dwelling units.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 441, RSMo, is amended by adding thereto one new section, to be known as section 441.451, to read as follows:

441.451. 1. As used in this section, the following terms mean:

(1) "Bed bug", an insect of the species *cimex lectularius*, commonly referred to as bed bug;

(2) "Control", the process required to eliminate or manage an infestation of bed bugs by poisoning, spraying, fumigating, trapping, or by any other recognized and lawful pest elimination method, including repeated application of any treatment, particularly to areas where bed bugs are likely to congregate. Control of bed bugs shall be deemed completed if there has been no evidence of bed bug activity for fifty days after the last application of any treatment;

(3) "Dwelling unit", premises or part thereof occupied, used, or held out for use and occupancy as a place of abode for human beings, whether occupied or vacant;

(4) "Infestation", the presence of bed bugs or signs of their presence in a quantity large enough that the tenant of a multifamily rental dwelling unit knew or should have known about the presence of bed bugs in the unit;

(5) "Surrounding unit", unit or units that share a common wall or are located above or below.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

17 **2. (1) A landlord of a multifamily rental dwelling unit shall use reasonable efforts**
18 **to maintain the dwelling unit free of an infestation of bed bugs.**

19 **(2) Upon written notice from a tenant of a multifamily rental dwelling unit that he**
20 **or she suspects the presence of bed bugs in his or her unit, the landlord's designated pest**
21 **control professional shall within seven days visually inspect the unit for bed bugs.**

22 **(3) Upon conclusion that an infestation of bed bugs does exist in the unit following**
23 **an inspection in accordance with subdivision (2) of this subsection, the landlord shall**
24 **within fourteen days begin the process of controlling the bed bug infestation in the dwelling**
25 **unit. The landlord shall also notify other tenants in the surrounding units of the**
26 **multifamily rental dwelling unit that an infestation has been discovered and is being**
27 **controlled.**

28 **(4) Only a landlord or landlord's designated pest control professional shall apply**
29 **any bed bug control techniques as set forth in subdivision (2) of subsection 1 of this section.**

30 **(5) When a landlord requires access to a multifamily rental dwelling unit for**
31 **purposes of inspecting for an infestation of bed bugs or controlling an infestation of bed**
32 **bugs, the landlord shall provide at least twenty-four hours' notice to the tenant in writing**
33 **that the landlord requires access for purposes of inspecting or controlling the infestation**
34 **of bed bugs.**

35 **(6) Except in a situation where a landlord has been grossly negligent, the landlord**
36 **or the landlord's employees, officers, agents, and directors shall not be liable to the tenant**
37 **or the tenant's guests for any damages relating to and arising from the infestation of bed**
38 **bugs or the inspection for and control of bed bugs.**

39 **(7) If, after receiving notice of a suspected bed bug infestation under subdivision**
40 **(3) of subsection 3 of this section, the landlord fails to inspect and/or designate a pest**
41 **control professional for the purposes of conducting an inspection and/or controlling bed**
42 **bugs, or if the landlord obstructs or inhibits the ability of the landlord's designated pest**
43 **control professional to control a bed bug infestation, the tenant shall not be liable to the**
44 **landlord or the landlord's agents for any damages relating to and arising from the presence**
45 **of bed bugs.**

46 **3. (1) A tenant of a multifamily rental dwelling unit shall use reasonable care to**
47 **maintain his or her dwelling unit free of an infestation of bed bugs.**

48 **(2) The failure of a tenant to report any bed bug infestation within his or her**
49 **dwelling unit within seven days after move-in the exercise of reasonable diligence shall be**
50 **an acknowledgment by the tenant that the dwelling unit is acceptable and bed bug free.**

51 **(3) A tenant who knew or should have known of the presence of an infestation of**
52 **bed bugs or who suspects the presence of bed bugs in his or her dwelling unit shall notify**

53 the landlord in writing as to the presence of bed bugs within his or her unit within forty-
54 eight hours. Notice provided to the landlord by the tenant in accordance with this section
55 constitutes permission to the landlord to enter the dwelling unit in accordance with
56 subdivision (5) of subsection 2 of this section for the purpose of inspecting for or
57 controlling bed bugs.

58 (4) A tenant who fails to notify the landlord of the presence of bed bugs in
59 accordance with subdivision (3) of this subsection may be held liable for damages related
60 to the cost of treating the unreported infestation.

61 (5) Upon notice from the landlord under subdivision (5) of subsection 2 of this
62 section, a tenant shall grant the landlord or the landlord's designated pest control
63 professional access to the unit for purposes of conducting an inspection and controlling bed
64 bugs.

65 (6) The tenant shall not apply any bed bug control techniques as set forth in
66 subdivision (2) of subsection 1 of this section.

67 (7) If, after receiving notice of an inspection or control procedure under subdivision
68 (5) of subsection 2 of this section, the tenant obstructs or inhibits the ability of the landlord
69 or the landlord's designated pest control professional to access the unit, fails to comply
70 with protocol set forth by the landlord or landlord's designated pest control professional,
71 which is deemed necessary to carry out control of a bed bug infestation, or obstructs or
72 inhibits the landlord or the landlord's designated pest control professional from completing
73 requisite treatment necessary to control a bed bug infestation:

74 (a) The landlord shall not be liable to the tenant or his or her guests for any
75 damages relating to and arising from the presence of bed bugs; and

76 (b) The tenant may be found to be in violation of his or her lease and/or subject to
77 reasonable damages.

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