

## BED BUGS, LANDLORDS, TENANTS AND THE LAW

Most states including Colorado do not have laws specifically targeted at bed bugs. New York is an exception, enacting bed bug laws for New York City that require notice of bed bug infestations in rental housing and public schools and specifically require landlords and occupants in control of rental units to eradicate bed bugs, as well as other insects or pests.

Colorado Revised Statutes (CRS) include a definition of habitability and legal remedies for tenants living in units that do not meet the definition of habitability (CRS 38-12-503 through 38-12-511). Habitability is the condition of a building in which inhabitants can live free of serious defects that might harm health and safety. CRS Title 38-12-503 outlines the warranty of habitability; "In every rental agreement, the landlord is deemed to warrant that the residential premises are fit for human habitation".

Laws that authorize the government to protect the public against vermin and rodents also apply to protect the public against bed bugs. In CRS 38-12-505, item (g) requires "Appropriate extermination in response to the infestation of rodents or vermin throughout residential premises".



Effective September 1, 2008, Colorado's HB 08-1356 codified the

requirements for a home to be considered uninhabitable. The law basically says that the property is not fit for human habitation if certain conditions established by the law relating to the health and safety of the tenant are not met. The basic requirements for habitability are:

- ◆ running water;
- ◆ reasonable amounts of hot water;
- ◆ functioning light and heat in the entire home;
- ◆ all exterior doors and windows must be able to be locked;
- ◆ broken windows must be replaced;
- ◆ the property must be connected to a working sewage disposal system;
- ◆ plumbing and gas systems must work;
- ◆ roofs and exterior walls must prevent water from entering the house;
- ◆ wiring and electric systems must work and be properly done;
- ◆ common areas under the landlord's control must be free of trash/debris;
- ◆ **if there is any indication of termites/pests/vermin/rodents, the owner must hire pest control services to take care of them;** and
- ◆ floors, stairs and railings must be in good condition.

*Bed bugs have been found in hotels, hospitals, college dorms, airports, planes, movie theaters, homes and schools. Increased global travel, trade and resistance to pesticides have contributed to the resurgence of bed bugs.*

The law (HB 08-1356) adds that failure to comply with any building, housing or health code which, if violated, would constitute a hazard to the tenant's life, health or safety, is a violation by the landlord. If the tenant gives written notice of these conditions, the landlord is required to correct the condition within a reasonable time, and in accordance with health and building Codes. If the landlord fails to so correct the problems, the tenant can give a second written notice, after which he may be able to leave the property without penalty, ask the courts to order the landlord to make the corrections, and/or withhold rent until the correction is made. If the tenant sues based on the landlord's alleged breach of lease for failure to correct under the law, the tenant may be required to pay the withheld rent to the court, pending the outcome of the case. The costs of litigation with the tenant cannot be recouped unless the lease has a provision that allows for that.

There are also a number of communities which have habitability codes. Check with the Community Development or Planning Office in the city or county where you live.

The Colorado Department of Local Affairs can provide more information on landlord and tenant rights, <http://dola.colorado.gov/cdh/index.html>.



[Want to know more about bed bugs?](#)

Bat Bugs, Bed Bugs and Relatives, W. S. Cranshaw, M. Camper and F. B. Peairs, CSU Extension, [www.ext.colostate.edu/pubs/insect/05574.html](http://www.ext.colostate.edu/pubs/insect/05574.html)

[coloradoipmcenter.agsci.colostate.edu/](http://coloradoipmcenter.agsci.colostate.edu/)

[www.epa.gov/pesticides/ipm](http://www.epa.gov/pesticides/ipm)

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