

HOUSING JUSTICE

National Housing Law Project

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Best Practices in Controlling Bedbugs: What Advocates and Housing Providers Should Know

The Centers for Disease Control and Prevention (CDC), the Environmental Protection Agency (EPA) and the Department of Housing and Urban Development (HUD) have seen dramatic increases in complaints concerning bedbugs. Experts suspect that the resurgence is associated in part with greater international and domestic travel, lack of knowledge regarding the complex measures needed to prevent and control bedbugs, and increased resistance of bedbugs to available pesticides.

For domestic violence agencies operating shelters and transitional housing programs, bedbugs are a concern not only because of the impact on residents' comfort, but also because of the costs associated with extermination efforts. Media reports indicate that several domestic violence shelters have been affected by bedbug infestations, forcing some programs to temporarily evacuate residents and dispose of mattresses, bedding, and wooden furniture.

Eradicating these pests from affected units can be costly, and preventing re-infestation can be frustrating, because bedbugs easily travel from one unit to another, through no fault of the residents. The epidemic has caused great confusion among housing providers and residents struggling to find the best ways to control and eliminate the infestations. In some cases, the confusion has resulted in erroneous evictions. Federal government agencies have devised best practices for housing providers and residents experiencing infestations.

This article highlights some of these recommendations.

What Are Bedbugs?

Bedbugs are external parasites that feed on human blood. They amass in apartments, shelters, hotels, nursing homes, hospitals, buses, trains and other areas where people frequently sleep. During the day, they can hide in mattress seams, bedframes, headboards, wall cracks or screw holes, or any clutter or objects around a bed. They spread from home to home by hitchhiking on people, or in their luggage or clothing. Thus, bedbugs are often unknowingly transported from one home to another, making it difficult to assign responsibility for new infestations. HUD has stated that although clutter can provide more places for bugs to hide, the presence of bedbugs is not a mark of poor sanitation. Bedbugs do not transmit disease to humans, but they can cause other health problems, such as allergic reactions, secondary infections, anxiety and insomnia.

Why Are Bedbugs Difficult to Eliminate?

Eliminating bedbugs can be more expensive than eliminating other pests because it requires multiple visits by a licensed exterminator. Control in multifamily housing, such as domestic violence shelters and transitional housing facilities, is much more difficult than in single-family homes because bedbugs frequently travel between units, either by direct transport by humans or through voids in the walls. As a result, there are additional costs

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and complexities associated with coordinating and encouraging participation from multiple residents. Thus, controlling infestations in multifamily housing requires heightened cooperation and diligence from housing providers and residents.

What Can I Do?

For housing providers and residents, the following section highlights recommendations made by the CDC, EPA and HUD to address bedbugs.

Integrated Pest Management Plans. Housing providers should develop integrated pest management (IPM) plans, which are comprehensive approaches for combating bedbugs. A good IPM plan calls upon management and residents to cooperate in preventative and treatment measures. These measures include educating staff and residents in identifying, reporting and responding to bedbug problems, monitoring and inspecting units, reducing clutter and cleaning all items within an infested area, sealing off cracks and holes, professionally applying pesticides and/or heat treatment to affected areas, and laundering linens.

Tenant Cooperation and Education. Residents are the first line of defense against bedbugs. Therefore, housing providers should work closely with residents and strongly encourage them to cooperate with management to eliminate infestations. Some housing providers have found that community education can play a key role in getting residents to follow IPM plans. For example, housing providers should train residents how to report the suspicion of possible bedbugs in a housing unit or other areas of the property. They should also educate residents about their preventative responsibilities, such as reducing unreasonable clutter, checking bedrooms frequently, and laundering linens regularly to discourage bedbugs from settling. Furthermore, residents should be encouraged to cooperate in treatment efforts by allowing their clothing and furniture to be heat-treated, and by not placing infested furniture or other items in common areas. Housing providers should not discourage resident cooperation by

For More Information

CDC & EPA, Joint Statement on Bedbug Control in the United States (2010), www.cdc.gov/nceh/ehs/Docs/Joint_Statement_on_Bed_Bug_Control_in_the_US.pdf.

HUD, Guidelines on Bedbug Control and Prevention in Public Housing, PIH-2012-17 (Feb. 28, 2012).

HUD, Guidelines on Addressing Infestations in HUD-insured and Assisted Multifamily Housing, Notice H 2012-5 (April 23, 2012).

National Center for Healthy Housing, What's Working for Bed Bug Research and the Realities of Implementation (2010).

assigning blame for infestations, nor should residents be punished by eviction or being charged for treatment efforts.

Prompt Response to Reports. Housing providers should respond urgently to any resident's report of bedbugs. Preferably within 24 hours, they should contact the resident with information and recommend immediate treatment measures. Within a reasonable time after the report, a trained staff member or pest control professional should inspect the infested unit, as well as units to the left, right, above and below. If the inspection confirms infestation, then the infested unit and the surrounding units should be treated according to the IPM plan, with the length, frequency, and method of treatments depending on the severity and complexity of the infestation and resident cooperation. If possible, the treatment should start within a few days of the inspection. To treat recurring infestations, housing providers could require non-chemical treatment of a new resident's furniture upon move-in, and some domestic violence programs have taken this approach. Residents should not be charged for these services. ■

Technical Assistance Questions of the Month: Cost of Lock Changes; Evictions from Shelters

Q. I have a client who needs to change her locks due to domestic violence. The landlord said it is fine for her to do this, but that she is responsible for the costs. The client cannot afford to pay for the lock change. What can she do?

A. The answer to this question will depend on your state's landlord-tenant laws. You should first consult state law to determine whether your jurisdiction has a law requiring owners to change the locks if necessary due to domestic violence and, if so, which party is responsible for paying. National Housing Law Project has a compendium of these state laws at <http://www.nhlp.org/node/1436>. If your state does not have such a law, the landlord still may have a duty under the common law to take reasonable precautions to protect tenants. Ask a housing advocate for assistance in researching whether such a duty exists in your jurisdiction. If the landlord does have a common law duty to protect his or her tenants, you can caution the landlord that failure to change the locks could expose the landlord to liability if the abuser returns and harms your client. You also may want to emphasize to the landlord that the cost of a lock change is relatively minor when compared to the potential harm to the tenant and damage to the unit that may result if the locks are not changed. Additionally, in some states, victim compensation funds may cover lock changes. If it is practical to do so, you also could use the restraining order process to seek an order requiring that the abuser provide funds to the landlord to change the locks or reimburse the client for these costs.

Q. What procedures must a domestic violence shelter follow before terminating a resident's tenancy?

A. There is no one-size-fits-all answer to this question. It will depend on your state and local landlord-tenant laws, as well as the type of funding

that the shelter receives. Researching the shelter's funding sources is a good place to start. For example, the Department of Housing and Urban Development (HUD) has issued regulations setting forth the basic procedures that must be followed by programs receiving Continuum of Care Program or Emergency Solutions Grant funds. Additionally, if the shelter is receiving state or local funds, its grant agreement with the funder or state and local regulations may set requirements for terminating a resident's assistance. At a minimum, due process may require that a shelter receiving government funds give residents a written notice and a meeting before being terminated from the program. This could be satisfied by giving the resident a written reason why she is being terminated (ideally explaining which program rule was violated), and an opportunity to discuss the grounds for termination with someone other than the initial person who made the termination decision. After the meeting, the resident should receive a written explanation as to why or why not the termination decision was upheld. In addition to researching funding sources, you also may need to contact a housing advocate to determine how and when a landlord-tenant relationship is formed in your state. For example, some states consider factors such as the length of an occupant's stay, or whether the occupant paid any rent or fees. ■

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