New Hampshire Health Officer’s Association - 2013 Fall Conference


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Bed Bug Warrior

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Today’s Goals

• How did we get to this point?
• Present the Legalese
• Discuss the actions now required by property owners and tenants
• Explain the Next Steps
• Survey Health Officers about their needs
  • Identify potential members for a technical workgroup

How did we get to this point?

• Antiquated Minimum Housing Standard
  • Does not address the unique challenges presented by bed bugs
• Inconsistent, ineffective, incomplete enforcement of codes, ordinances relative to bed bug infestations
• Much like changes to other laws (Lead); reactive > proactive
**HB 482:**

**THE PRIMARY GOAL IS EARLY DETECTION AND REMEDIATION**

- **Will NOT** solve the Bed Bug problem
- **Should not** be seen as the end point but the starting point
- **Should help** to early identify and prevent the rapid spread in multi-family dwellings
- **Does not** provide specific enforcement details for code officials
- **Does** provide a more balanced approach than currently exists
- **Does not** address single family dwellings, and hotels/motels

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**Bed Bugs: Early Detection and Action**

- **HB 482** (eff. Jan. 1, 2014), allows emergency entry re bed bugs, provided within 48 hours of becoming aware of complaint (if tenant adjacent to complaining unit - 48 hrs advance notice).
- **HB 482** makes it a 540-A violation for a landlord to willfully fail to investigate, or fail to take reasonable measures to remediate an infestation within 7 days.
- **HB 482** makes it a 540-A violation for tenants to refuse entry or refuse to comply with 72 hour advance instructions prior to remediation.
- None of these 540-A violations directly result in statutory money damages, but contempt and contempt damages still a possibility.

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**Bed Bug Costs**

- **HB 482** (at RSA 540:13-e) requires landlords to pay up-front for all bed bug remediation costs.
- **HB 482** allows landlords to recover costs for remediation in tenant’s unit only, and only if tenant “responsible.”
- **Presumption** tenant is “responsible” if only tenant with bed bugs and no other reports in last six (6) months.
- Other non-exhaustive factors for court to consider: Other locations of bed bugs; where first discovered; landlord efforts; and tenant had bed bugs prior to moving in.
- *To Whom?*

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**Bed Bugs & Fair Housing**

- Landlord can evict for failure of tenant to prepare the unit with advance reasonable written notice.
- **Compliance with prep:** “…such instructions are given to an adult member of the tenant household such that the tenant household has a reasonable opportunity to comply, and in all cases at least 72 hours prior to remediation.” RSA 540-A:3, V-c (emphasis added).
- Reasonable accommodation requests related to preparing your unit.
- Mental or physical disabilities apply.
- Reasonable accommodation requests can be made verbally.

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**Other Highlights of HB 482**

- **Definition of “remediation”; substantial reduction for at least 60 days.**
- **Only a minimum time period**
- Municipality housing codes; no less protective than other housing codes dealing with other insects.
What Next- Seminars?

- Property Owners’ Groups
- NH Municipal Association Meeting, November 7
- 2nd NH Statewide Bed Bug Conference, November 25, Manchester, NH, Radisson
  - www.nhbedbugs.org (FREE)

What's Next-In the Fight?

- Feedback from you regarding the law
  - When in Effect
- Make suggestions to the Legislature for changes
- Identify and Address other “Risk Factors”
  - Pest Control Credentials
  - Used Furniture
  - Thrift Stores
  - “Janitorial Exemption”
  - “Hotels and Rooming Houses”-Segue to Next Presentation
- Work with Property Owners to promote “best practices”

Discussion….

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