



To: All Residential Housing Clients (Cooperative and Rental Housing) and their Managing Agents
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Date: December 9, 2010
Re: New Bedbug Disclosure Requirements and Recommendations for Prevention and for Handling Infestations (Executive Summary)

As you may already know, new legislation was recently passed in New York concerning disclosure of bedbug infestation history in residential buildings. The Memorandum following this Executive Summary describes the requirements of the new legislation and is intended to help you devise an action plan for your building(s) in the fight against bedbugs. This Executive Summary outlines the main action items, while the Memorandum is a more in-depth review of the issues.

The Bedbug Disclosure Law

- The new Bedbug Disclosure Act was enacted as § 27-2018.1 of the New York City Housing Maintenance Code (effective August 31, 2010).
- New York City landlords must provide to new residential tenants, before a lease, occupancy agreement or proprietary lease is signed, the Disclosure Form annexed to the Memorandum as Exhibit A, containing the previous year's infestation history for apartment and its building.
- Managing agents should also give the Disclosure Form to prospective subtenants.
- For housing developments encompassing more than one building, the disclosure requirement applies only to the building in which a new tenant's (or tenant-shareholder's/cooperator's) apartment is located.
- Enforcement by directive from HCR; no financial penalty currently in place.

New Department of Sanitation Rule

- All mattresses or box springs must be enclosed within a fully secured plastic bag when being discarded.
- Noncompliance is punishable by a \$100 fine payable by the building owner.
- The Department of Sanitation will delay enforcement until January 3, 2011.

Responsibility for Infestations

- HPD and HCR require cooperatives and rental housing companies under their jurisdictions to assume responsibility for preventing and eliminating bedbug infestations.
- Cannot charge tenants for extermination services unless delay tactics cause significantly higher fees.

Develop an Action Plan

Possible steps to consider:

- Implement informational campaign.
 - Provide tenants with City's "Preventing and Getting Rid of Bed Bugs Safely" pamphlet (can obtain Pamphlet by calling 311).
 - Post Notice annexed to Memorandum as Exhibit B (or similar informational notice/article/pamphlet).
 - Hold informational meeting (consider having experts speak at the meeting).
- Develop and implement policy for enclosing mattresses and box springs (potentially other furniture where bedbugs can live) when transporting anywhere in the building(s). This also ensures compliance with the new Department of Sanitation rule.
- Interview bedbug-specializing pest control companies.
- Interview bedbug eradication preparation companies.
- Stress to tenants with infestations the importance of proper extermination preparation.
- Work with tenants who cannot prepare their apartments to get relatives or friends to do the work. If no one can prepare the apartment for free or the tenant refuses, hire a bedbug eradication preparation company to do the work and charge the tenant.
- Treat adjacent apartments when treating an infestation.
- Refer tenants to their insurance policies to potentially cover out-of-pocket prevention, preparation or eradication expenses (often no coverage).
- Consider inspecting vacant apartments for infestations on a case-by-case basis.

If there are any questions regarding New York City's Bedbug Law, or legal aspects of handling bedbug infestation situations, please contact us.

Regards,

Norris McLaughlin & Marcus, P.A.



Christina Boulougouris