

HOUSE BILL No. 1532

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-31-12.

Synopsis: Landlord-tenant relations concerning bed bugs. Requires a tenant to inform the landlord if the tenant reasonably suspects the presence of bed bugs. Requires the landlord to have the dwelling unit inspected by a qualified inspector. Requires the landlord, after receipt of the inspection report, to inform the tenant whether the dwelling unit contains bed bugs. Requires the landlord to begin reasonable measures to treat the bed bug presence if an inspection indicates the presence of bed bugs. Establishes responsibilities for the tenant and landlord concerning notice, access, and costs. Allows the state chemist to adopt rules concerning certain matters. Requires the state chemist to establish requirements for the certification of a bed bug inspector. Defines certain terms.

Effective: July 1, 2023.

Porter

January 19, 2023, read first time and referred to Committee on Judiciary.



First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1532

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-31-12 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]:

4 **Chapter 12. Bed Bug Remediation**

5 **Sec. 1.** As used in this chapter, "bed bug" means the common
6 bed bug, or *cimex lectularius*.

7 **Sec. 2.** As used in this chapter, "contiguous dwelling unit"
8 means a dwelling unit that is contiguous with another dwelling
9 unit, both of which units are owned, managed, leased, or subleased
10 by the same landlord.

11 **Sec. 3.** As used in this chapter, "dwelling unit" means a
12 structure or the part of a structure that is used as a home,
13 residence, or sleeping place by a tenant.

14 **Sec. 4.** As used in this chapter, "electronic notice" means notice
15 by electronic mail or an electronic portal or management
16 communications system that is available to both a landlord and a
17 tenant.



1 **Sec. 5. As used in this chapter, "landlord" means the owner,**
 2 **manager, lessor, or sublessor of a residential premises.**

3 **Sec. 6. As used in this chapter, "pest control applicator" means**
 4 **a:**

- 5 (1) licensed applicator for hire (as defined by IC 15-16-5-16);
 6 or
 7 (2) registered technician (as defined by IC 15-16-5-33).

8 **Sec. 7. As used in this chapter, "qualified inspector" means:**

- 9 (1) a local health department official;
 10 (2) a licensed pest inspector (as defined by IC 15-16-5-18);
 11 (3) an individual who meets the requirements established by
 12 the state chemist under section 17 of this chapter for
 13 certification as a bed bug inspector; or
 14 (4) a scent detection canine team that holds a current,
 15 independent, third party certification under the guidelines for
 16 minimum standards for canine bed bug detection team
 17 certification established by the National Pest Management
 18 Association or its successor organization;

19 **that is retained by a landlord to conduct an inspection for bed**
 20 **bugs.**

21 **Sec. 8. As used in this chapter, "tenant" means a person entitled**
 22 **under a rental agreement to occupy a dwelling unit to the exclusion**
 23 **of others.**

24 **Sec. 9. (a) A tenant shall promptly notify the tenant's landlord**
 25 **by written or electronic notice when the tenant knows or**
 26 **reasonably suspects that the tenant's dwelling unit contains bed**
 27 **bugs. A tenant who gives a landlord electronic notice concerning**
 28 **potential bed bugs shall send the notice only to the electronic mail**
 29 **address, telephone number, or electronic portal specified by the**
 30 **landlord in the rental agreement for communications. However, if**
 31 **there is not a provision specifying communications in the rental**
 32 **agreement, the tenant shall communicate with the landlord in a**
 33 **manner that the landlord has previously used to communicate with**
 34 **the tenant. The tenant shall retain sufficient proof of the delivery**
 35 **of the electronic notice.**

36 **(b) Not more than ninety-six (96) hours after receiving notice of**
 37 **the presence of bed bugs or the possible presence of bed bugs, a**
 38 **landlord, after providing notice to the tenant as required under**
 39 **section 11 of this chapter:**

- 40 (1) shall obtain an inspection of the dwelling unit by a
 41 qualified inspector; and
 42 (2) may enter the dwelling unit or any contiguous dwelling



unit for the purpose of allowing the inspection as provided in section 12 of this chapter.

(c) If the inspection of a dwelling unit confirms the presence of bed bugs, the landlord shall have an inspection of all contiguous dwelling units performed as promptly as is reasonably practical.

Sec. 10. (a) If a landlord obtains an inspection for bed bugs, the landlord must provide written notice to the tenant within two (2) business days after receiving the inspection report indicating whether the dwelling unit contains bed bugs.

(b) If a qualified inspector conducting an inspection determines that neither the dwelling unit nor any contiguous dwelling unit contains bed bugs, the notice provided by the landlord under subsection (a) must inform the tenant that if the tenant remains concerned that the dwelling unit contains bed bugs, the tenant may contact the local health department to report any concerns.

(c) If a qualified inspector conducting an inspection determines that a dwelling unit or any contiguous dwelling unit contains bed bugs in any stage of the life cycle, the qualified inspector shall provide an inspection report to the landlord within twenty-four (24) hours of completing the inspection. Not more than five (5) business days after receiving an inspection report that indicates the presence of bed bugs, the landlord shall begin reasonable measures, as determined by the qualified inspector, to effectively treat the bed bug presence, including retaining the services of a pest control applicator to treat the dwelling unit and any contiguous dwelling unit.

(d) Except as provided in section 12(c) of this chapter, a landlord is responsible for all costs associated with an inspection for, and treatment of, bed bugs.

(e) Nothing in this section prohibits a tenant from contacting any governmental agency at any time concerning the presence of bed bugs.

Sec. 11. (a) If a landlord, qualified inspector, or pest control applicator must enter a dwelling unit for the purpose of conducting an inspection for, or treating the presence of, bed bugs, the landlord shall provide the tenant reasonable written or electronic notice of the fact at least forty-eight (48) hours before the landlord, qualified inspector, or pest control applicator attempts to enter the dwelling unit, unless a rental agreement provides for a different minimum time for the notice. A tenant who receives the notice may not unreasonably deny the landlord, qualified inspector, or pest control applicator access to the dwelling unit.



1 (b) A tenant may waive the notice requirement described in
2 subsection (a).

3 Sec. 12. (a) A qualified inspector who is inspecting a dwelling
4 unit for bed bugs may conduct an initial visual and manual
5 inspection of a tenant's bedding and upholstered furniture. The
6 qualified inspector may inspect items other than bedding and
7 upholstered furniture when the qualified inspector determines that
8 an inspection is necessary and reasonable.

9 (b) If a qualified inspector finds bed bugs in a dwelling unit or
10 in any contiguous dwelling unit, the qualified inspector may have
11 additional access to the tenant's personal belongings as the
12 qualified inspector determines is necessary and reasonable.

13 (c) A tenant must comply with reasonable measures to permit
14 the inspection for, and the treatment of, the presence of bed bugs
15 as determined by the qualified inspector. The tenant is responsible
16 for all costs associated with preparing the tenant's dwelling unit for
17 inspection and treatment. A tenant who knowingly and
18 unreasonably fails to comply with the inspection and treatment
19 requirements described in this chapter is liable for the cost of any
20 bed bug treatments of the dwelling unit and any contiguous
21 dwelling units if the need for the treatment of bed bugs arises from
22 the tenant's noncompliance.

23 (d) If any furniture, clothing, equipment, or personal property
24 belonging to a tenant is found to contain bed bugs, the qualified
25 inspector shall advise the tenant that the furniture, clothing,
26 equipment, or personal property should not be removed from the
27 dwelling unit until a pest control applicator determines that a bed
28 bug treatment has been completed. The tenant may not dispose of
29 personal property that was determined to contain bed bugs in any
30 common area where the disposal may risk the infestation of other
31 dwelling units.

32 (e) Nothing in this section requires a landlord to provide a
33 tenant with alternative lodging or to pay to replace a tenant's
34 personal property.

35 (f) Nothing in this section preempts or restricts the application
36 of any state or federal law concerning reasonable accommodations
37 for persons with disabilities.

38 Sec. 13. (a) A landlord may not offer for rent a dwelling unit
39 that the landlord knows or reasonably suspects to contain bed
40 bugs. Upon request from a prospective tenant, a landlord shall
41 disclose to the prospective tenant whether, to the landlord's
42 knowledge, the dwelling unit that the landlord is offering for rent



1 contained bed bugs within the previous eight (8) months.

2 (b) Upon request from a tenant or a prospective tenant, a
3 landlord shall disclose the last date, if any, on which a dwelling unit
4 being rented or offered for rent was inspected for, and found to be
5 free of, bed bugs.

6 Sec. 14. (a) A landlord who fails to comply with this chapter is
7 liable to the tenant for the tenant's actual damages.

8 (b) A landlord may file an action in a circuit or superior court
9 in the county where the dwelling unit is located to obtain injunctive
10 relief against a tenant who:

- 11 (1) refuses to provide reasonable access to a dwelling unit; or
- 12 (2) fails to comply with a reasonable request for inspection or
- 13 treatment of a dwelling unit.

14 (c) If a court finds that a tenant has unreasonably failed to
15 comply with any of the requirements in this chapter, the court may
16 issue a temporary order to carry out the requirements in this
17 chapter, including:

- 18 (1) granting the landlord access to the dwelling unit;
- 19 (2) granting the landlord the right to engage in bed bug
- 20 inspection and treatment measures in the dwelling unit; and
- 21 (3) requiring the tenant to comply with specific bed bug
- 22 inspection and treatment measures or assessing the tenant
- 23 with costs and damages related to the tenant's noncompliance.

24 (d) A court order granting a landlord access to a dwelling unit
25 must be served upon the tenant at least twenty-four (24) hours
26 before a landlord, qualified inspector, or pest control applicator
27 enters the dwelling unit.

28 (e) The remedies in this section are in addition to any other
29 remedies available at law or in equity to any person.

30 (f) This section does not limit or restrict the authority of any
31 state or local housing agency or health department.

32 Sec. 15. A landlord who complies with this chapter is considered
33 to have satisfied the requirements of habitability of the dwelling
34 unit with respect to matters concerning bed bugs.

35 Sec. 16. The state chemist may adopt rules under IC 4-22-2 to
36 implement this chapter concerning the following:

- 37 (1) The inspection for bed bugs by a qualified inspector.
- 38 (2) The application of pesticides for bed bugs by a pest control
- 39 applicator.
- 40 (3) Other matters necessary for the administration of this
- 41 chapter.

42 Sec. 17. The state chemist shall establish requirements for the



1 **certification of a bed bug inspector.**

