

Denise Chrysler
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Dear Representative Iden and the Committee on Judiciary,

I would like to state my opposition to HB 4520, which would amend Michigan's landlord-tenant law to address responsibilities for bed bug infestations.

My name is Denise Chrysler. I have spent my career of over 30 years as a public health attorney, supporting the use of law to improve the public's health. I currently serve on the Ingham County Board of Health. Before I retired from state government, I provided legal assistance to public health programs in a variety of capacities, including as the Public Health Legal Advisor and the Director of the Office of Legal Affairs – both with the Michigan Department of Community Health. I also represented public health programs as an Assistant Attorney General for 20 years. In particular, from approximately 2008-2010, I served on the statewide Michigan Bed Bug Working Group and was lead author of the legal sections of the Michigan Manual for the Prevention and Control of Bed, (Bed Bug Manual) which is posted on the web at www.michigan.gov/bedbugs.

A bed bug infestation is an awful experience for both landlords and tenants, and elimination of an infestation can be costly. If law is to be successful, it needs to encourage early detection and reporting of bed bugs before the infestation has become heavy or spread beyond one unit. Early response is in everyone's interest – when both cost and stress for the parties are at their lowest. For the reasons discussed below, I believe that HB 4520 serves as a disincentive, rather than an incentive, for early reporting and instead will exacerbate bed bug problems.

HB 4520 puts the onus on a tenant to identify an infestation immediately upon moving in. I am not an entomologist, but did work closely with entomologists as part of the Bed Bug Working Group, including the Department of Health and Human Services Medical Entomologist, Erik Foster. I learned that legal solutions must take into account the biology of bed bugs. Pages 23-30 of the Bed Bug Manual describes the inspection process to identify bed bugs in a housing unit. As described in the Manual, bed bugs are hard to detect, even for licensed pest management professionals. Adult bed bugs are the size of a grain of rice. They can hide in light fixtures, behind baseboards, beneath peeling paint, inside outlet covers, and in any crack or crevice. In addition to detecting bed bugs, a tenant would need to find any eggs that have not hatched. A tenant who is moving into an empty apartment won't even have the benefit of looking at a mattress for the signs of bed bugs. As described in the Bed Bug Manual, they are also great hitchhikers and can unknowingly be

brought into a building on luggage or clothing and can travel from one unit or common area to another unit.

During the 2013-2014 legislative session, a similar bill (Senate Bill 657) had been introduced. Unlike the current bill, to consider an apartment "bed bug free" when a tenant occupies it, a pest management professional or an accredited canine team would need to inspect the unit after it is vacated by a tenant and before it is occupied by a new tenant. The pest management professional or handler of an accredited canine team would need to certify in writing that the unit is free of bed bugs. Light infestations can be difficult to detect; thus, it is doubtful that experienced bed bug professionals would be willing to provide such a written certification. Yet, HB 4520 places this responsibility on the tenant. If the tenant fails to detect and inform the landlord of an infestation upon moving in, then the bill assumes that the tenant or his or her guest caused the infestation. The tenant is then responsible for control and treatment in his or her unit as well as adjoining infested areas.

Bed bug treatment and control can be extremely expensive, costing thousands of dollars. Tenants who cannot pay will not report infestations. If they are evicted for failure to pay treatment and control costs, they move, taking the bed bugs with them to their new premises.

Maine passed a bed bug law in 2009, Title 14 §6021A. This law provides for shared responsibilities and supports communications between the landlord and tenant so that infestations are treated before they spread. During the 2013-2014 legislative session, Michigan HB 5199 (as introduced) would have provided for similar shared responsibilities.

In conclusion, HB 4520 imposes a fault-based system where fault cannot often be determined. It also creates a disincentive for tenants to report bed bugs. To win the battle against bed bugs, a law needs to encourage communication and cooperation among the landlord, tenant and pest management professional. Otherwise everyone loses.

Thank you for considering these concerns.

Respectively submitted,

Denise Chrysler