S T A T E O F N E W Y O R K

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2011-2012 Regular Sessions

I N A S S E M B L Y

February 15, 2011

Introduced by M. of A. HOOPER, MAYERSOHN, ARROYO, ROBINSON -- Multi-Sponsored by -- M. of A. J. MILLER, M. MILLER, PEOPLES-STOKES, PHEFFER, P. RIVERA, TITONE, TOWNS -- read once and referred to the Committee on Housing

AN ACT to amend the real property law and the multiple dwelling law, in relation to inspection of dwellings and extermination of bedbug infestations by owners upon reasonable notice

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The real property law is amended by adding a new section 235-h to read as follows:

S 235-H. BEDBUG INFESTATIONS. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL MEAN AND INCLUDE:

(A) "TENANT" MEANS A PERSON OCCUPYING OR ENTITLED TO OCCUPY A RESIDENTIAL RENTAL PREMISES WHO IS EITHER A PARTY TO THE LEASE OR RENTAL AGREEMENT FOR SUCH PREMISES OR IS A STATUTORY TENANT PURSUANT TO THE EMERGENCY HOUSING RENT CONTROL LAW OR THE CITY RENT AND REHABILITATION LAW OR ARTICLE SEVEN-C OF THE MULTIPLE DWELLING LAW.

(B) "DWELLING" IS REAL PROPERTY EITHER RENTED, LEASED, LET OR HIRED OUT TO BE OCCUPIED OR IS OCCUPIED AS THE RESIDENCE OR HOME OF ONE OR MORE FAMILIES LIVING INDEPENDENTLY OF EACH OTHER.

(C) "OWNER" IS THE OWNER OF THE FREEHOLD OF ANY REAL PROPERTY (AS DEFINED IN SECTION TWO OF THE REAL PROPERTY LAW), OR OF A LESSER ESTATE THEREIN, A MORTGAGEE OR VENDEE IN POSSESSION, ASSIGNEE OF RENTS, RECEIVER, EXECUTOR, TRUSTEE, LESSEE, AGENT, OR ANY OTHER PERSON, FIRM OR CORPORATION, DIRECTLY OR INDIRECTLY IN CONTROL OF REAL PROPERTY.

(D) "ERADICATION" MEANS THE ELIMINATION OF BEDBUGS FROM ANY RESIDENCE THROUGH THE USE OF POISONS, FUMIGATION OR ANY OTHER METHOD OF EXTERMINATION.

2. THE OWNER IN CONTROL OF A DWELLING SHALL KEEP THE PREMISES FREE FROM INFESTATIONS OF BEDBUGS THROUGH ERADICATION MEASURES. THE OWNER

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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SHALL PROVIDE REASONABLE NOTICE OF AT LEAST FORTY-EIGHT HOURS TO THE TENANT OR TENANTS OF THE INTENDED TIME AT WHICH ERADICATION MEASURES SHALL BE INSTITUTED.

3. AN OWNER WHO HAS BEEN INFORMED BY A TENANT THAT BEDBUGS ARE PRESENT IN AN APARTMENT SHALL HAVE THE RIGHT TO INSPECT, UPON REASONABLE NOTICE OF AT LEAST FORTY-EIGHT HOURS TO ALL OTHER TENANTS, ALL OTHER APARTMENTS WITHIN THE DWELLING FOR THE PRESENCE OF BEDBUGS.

S 2. The multiple dwelling law is amended by adding a new section 85 to read as follows:

S 85. BEDBUG INFESTATIONS. 1. THE OWNER IN CONTROL OF A MULTIPLE DWELLING SHALL KEEP THE PREMISES FREE FROM INFESTATIONS OF BEDBUGS THROUGH ERADICATION MEASURES, WHICH INCLUDE THE USE OF POISONS, FUMIGATIONS OR ANY OTHER METHOD OF EXTERMINATION. THE OWNER SHALL PROVIDE REASONABLE NOTICE OF AT LEAST FORTY-EIGHT HOURS TO THE TENANT OR TENANTS OF THE INTENDED TIME AT WHICH ERADICATION MEASURES SHALL BE INSTITUTED.

2. AN OWNER WHO HAS BEEN INFORMED BY A TENANT THAT BEDBUGS ARE PRESENT IN TENANT-OCCUPIED PARTS OF A MULTIPLE DWELLING SHALL HAVE THE RIGHT TO INSPECT, UPON REASONABLE NOTICE OF AT LEAST FORTY-EIGHT HOURS TO ALL OTHER TENANTS, ALL OTHER TENANT-OCCUPIED PARTS WITHIN THE DWELLING FOR THE PRESENCE OF BEDBUGS.

S 3. This act shall take effect immediately.