

5304

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:

1 Section 1. The real property law is amended by adding a new section
2 235-h to read as follows:
3 S 235-H. BEDBUG INFESTATIONS. 1. AS USED IN THIS SECTION, THE FOLLOW-
4 ING TERMS SHALL MEAN AND INCLUDE:
5 (A) "TENANT" MEANS A PERSON OCCUPYING OR ENTITLED TO OCCUPY A RESIDEN-
6 TIAL RENTAL PREMISES WHO IS EITHER A PARTY TO THE LEASE OR RENTAL AGREE-
7 MENT FOR SUCH PREMISES OR IS A STATUTORY TENANT PURSUANT TO THE EMERGEN-
8 CY HOUSING RENT CONTROL LAW OR THE CITY RENT AND REHABILITATION LAW OR
9 ARTICLE SEVEN-C OF THE MULTIPLE DWELLING LAW.
10 (B) "DWELLING" IS REAL PROPERTY EITHER RENTED, LEASED, LET OR HIRED
11 OUT TO BE OCCUPIED OR IS OCCUPIED AS THE RESIDENCE OR HOME OF ONE OR
12 MORE FAMILIES LIVING INDEPENDENTLY OF EACH OTHER.
13 (C) "OWNER" IS THE OWNER OF THE FREEHOLD OF ANY REAL PROPERTY (AS
14 DEFINED IN SECTION TWO OF THE REAL PROPERTY LAW), OR OF A LESSER ESTATE
15 THEREIN, A MORTGAGEE OR VENDEE IN POSSESSION, ASSIGNEE OF RENTS, RECEIV-
16 ER, EXECUTOR, TRUSTEE, LESSEE, AGENT, OR ANY OTHER PERSON, FIRM OR
17 CORPORATION, DIRECTLY OR INDIRECTLY IN CONTROL OF REAL PROPERTY.
18 (D) "ERADICATION" MEANS THE ELIMINATION OF BEDBUGS FROM ANY RESIDENCE
19 THROUGH THE USE OF POISONS, FUMIGATION OR ANY OTHER METHOD OF EXTERMI-
20 NATION.
21 2. THE OWNER IN CONTROL OF A DWELLING SHALL KEEP THE PREMISES FREE
22 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.

LBD08723-01-1

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

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

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

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

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

21 S 3. This act shall take effect immediately.