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

1549--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. HOOPER -- Multi-Sponsored by -- M. of A. ARROYO, MILLER, PEOPLES-STOKES, ROBINSON, TITONE -- read once and referred to the Committee on Housing -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property 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. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "TENANT" SHALL MEAN A PERSON LEGALLY OCCUPYING RESIDENTIAL REAL PROPERTY WHO IS EITHER A PARTY TO THE LEASE OR RENTAL AGREEMENT FOR SUCH PREMISES OR IS A STATUTORY TENANT.

(B) "DWELLING" SHALL MEAN RESIDENTIAL REAL PROPERTY THAT IS FOR THE OCCUPATION AS A RESIDENCE BY A TENANT OR OTHER LEGAL OCCUPANT.

(C) "OWNER" SHALL MEAN THE OWNER OF ANY REAL RESIDENTIAL PROPERTY BEING USED AS A DWELLING.

(D) "ERADICATION" SHALL MEAN THE ELIMINATION OF BEDBUGS FROM ANY DWELLING OR ANY PORTION THEREOF THROUGH THE USE OF PESTICIDES, TREATMENTS, FUMIGATION, OR ANY OTHER METHOD OF EXTERMINATION.

2. BEDBUG (CIMEX LECTULARIUS) INFESTATIONS. A DWELLING OWNER SHALL KEEP THE PREMISES FREE FROM BEDBUG INFESTATIONS THROUGH ERADICATION MEASURES. AN OWNER SHALL PROVIDE A TENANT WITH WRITTEN NOTICE AT LEAST FORTY-EIGHT HOURS BEFORE THE IMPLEMENTATION OF AN ERADICATION MEASURE.

3. NOTICES. AN OWNER WHO HAS KNOWLEDGE THAT BEDBUGS ARE PRESENT IN A DWELLING SHALL HAVE THE RIGHT TO INSPECT THE DWELLING FOR THE PRESENCE OF BEDBUGS. WITHIN FORTY-EIGHT HOURS OF SUCH KNOWLEDGE, AN OWNER SHALL

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

LBD05674-02-3

PROVIDE WRITTEN NOTICE TO ALL TENANTS THAT BEDBUGS ARE PRESENT IN A DWELLING. BEFORE INSPECTION OF ANY TENANT APARTMENT, AN OWNER SHALL PROVIDE TO A TENANT WRITTEN NOTICE AT LEAST FORTY-EIGHT HOURS BEFORE THE IMPLEMENTATION OF AN ERADICATION MEASURE.

S 2. This act shall take effect immediately.