

TENANTS' RIGHTS AND BED BUGS

1. How do I know if I have bed bugs?

Bed bugs are about the size of an apple seed and you can see them. They are oval, flat and may be red or brown in color. Bed bugs cannot fly. If you see small dark stains or spots on your bed or if you have small bite marks on your skin, you may have bed bugs. Bite marks are sometimes grouped together. Since not everyone reacts to bed bug bites, a lack of bite marks does not mean that there are no bed bugs.

Bed bugs are most commonly found in and around mattresses and box springs. They can also hide in cracks in the wall, behind wallpaper, in picture frames, or on clothes. Bed bugs often travel in clothing or suitcases.

2. I just found out that my home has bed bugs. What should I do?

Bed bugs are a serious problem that requires professional treatment.

You should first talk to your neighbors and see if they have bed bugs as well. If other tenants have bed bugs, you should notify the landlord as a group immediately. It is always best to let your landlord know in writing.

Even if no one else has bed bugs besides you, you should notify the landlord immediately. Both you and your landlord have an interest in making sure that bed bugs are treated.

3. I just moved in and found bed bugs. What should I do?

If you discover bed bugs right when you move into a new home or apartment, you should inform your landlord immediately. It is always best to let your landlord know in writing. The landlord is responsible for making sure the apartment is free from all infestations when you first move in. The landlord is responsible for the cost of treatment if the bed bugs were there when you moved in.

If the bed bugs were in the unit when you moved in and the landlord refuses to treat for the bed bugs, you may have the right to break your lease and/or sue your landlord for damages. Be aware that it may be very difficult to prove that bed bugs were in your unit

at the time you moved in. You should talk to an attorney to determine your options.

4. I just discovered bed bugs in my home. Who will have to pay for treatment?

Oregon state law provides that landlords have a duty to provide housing that is habitable. A landlord is responsible for promptly treating a unit infested with bed bugs. The landlord is always responsible for paying for the treatment of the common spaces of a rental property. Some landlords might try to charge a tenant for the cost of the treatment of a tenant's unit. In order to charge you for the treatment of your unit, your landlord will have to prove that you are responsible for the infestation. If your landlord is trying to charge you for treatment, contact an attorney.

Local ordinances also address the issue of who pays for the costs of treatment. Depending on where you live, the ordinances say the following:

- **In Portland:** If you live in a single family home you may be responsible for the cost of treatment. If you live in a multi-unit complex and you are the only unit infested, you may be responsible for the cost of treatment. If more than one unit is infested in a multi-unit complex, your landlord is responsible for the costs of treatment. Portland City Code 8.20.130.
- **In Gresham:** If you live in a single family home you may be responsible for the cost of treatment. If you live in a multi-unit complex and the landlord can prove that you caused the bed bug infestation, you may be responsible for the cost of treatment. If more than one unit is infested in a multi-unit complex, your landlord is responsible for the costs of treatment. Gresham Revised Code 10.30.035; International Property Maintenance Code 308.
- **In Unincorporated Multnomah County:** If you live in a single family home you may be responsible for the cost of treatment. If you live in a multi-unit complex and the landlord can prove that you caused the bed bug infestation, you may be responsible for the cost of treatment. If more than one unit is infested in a multi-unit complex, your landlord is responsible for the costs of treatment. Multnomah County Code 21.815; International Property Maintenance Code 308.

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Since these local ordinances look at whether your neighbors have bed bugs as well, it is important to talk to your neighbors. Bed bugs can travel through cracks in walls or wires between units, so if one unit has bed bugs, nearby units will likely have them as well.

If you live in certain kinds of subsidized housing (most Project Based Section 8 buildings), landlords may not charge you for the costs of treating bed bugs. If your landlord is billing you for the cost of treatment or evicting you for failing to pay for the treatment, speak to a lawyer.

5. Does my landlord have to tell me if there have been bed bugs in my unit in the past? Do I have to tell the landlord if I have had bed bugs in the past?

When looking at a potential rental home, you have the right to ask if the home has been infested by bed bugs in the past. If your landlord fails to tell you about a prior infestation and you discover bed bugs, you might have a claim against your landlord. In a multi-unit building, you may also want to ask the other residents of the building if they have had problems with bed bugs.

When looking at a rental home, a potential landlord could ask you if you have had bed bugs in the past. You should be honest in answering this question. If you fail to answer this question honestly, your landlord could try to evict you if the landlord finds out you lied. You may want to consult with an attorney if you are being asked to disclose a prior bed bug infestation by a potential landlord. If you are moving from a property known to have bed bugs to a new property, you should take all precautions to prevent transporting the bed bugs with you.

Some subsidized housing (most Project Based Section 8 buildings) landlords may not refuse to rent to a tenant on the basis of the tenant having experienced a prior bed bug infestation. If you think you are being denied housing because of a prior bed bug infestation, speak to a lawyer.

6. Do I need to prepare before my home is treated?

If your apartment is going to be treated for bed bugs, you will have to prepare your apartment in advance. The exterminator will probably give you a list of things to do to get ready for the treatment. Most treatments may require you to remove all bedding and covers from your mattress and box spring, move furniture away from the wall, and empty some or all of your closets, drawers, and bookcases. It is important to make sure that the apartment is ready so that the exterminator can effectively treat for bed bugs.

7. What if I do not prepare my apartment for treatment?

It is in your best interest to prepare your apartment for treatment. Bed bugs may reproduce and spread quickly. If you need more time to prepare or assistance in preparing for treatment, ask your landlord. If you fail to prepare for treatment, your landlord could treat it as a lease violation. Your landlord may try to evict you if you refuse to prepare your apartment for treatment. If your landlord is trying to evict you for this reason, you should contact an attorney.

8. I am not capable of preparing my apartment for treatment. What should I do?

If you have a disability that prevents you from being able to prepare for treatment, you have the right to ask for a Reasonable Accommodation for either assistance preparing or more time to prepare for treatment. Although not required, it is best to make this request in writing. In order to ask for a Reasonable Accommodation, you will likely need a letter from your health care professional outlining why your disability prevents you from being able to prepare for treatment or prepare in the amount of time given to you. You may want to contact an attorney for assistance in making this request.

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9. Who can I contact for information about my rights as a tenant and bed bugs?

Legal Aid Services of Oregon

www.oregonlawhelp.org

Multnomah County Office: (503) 224-4086

Community Alliance of Tenants

www.oregoncat.org

Renter's Rights Hotline: (503) 288-0130

10. Who can I contact for general information about bed bugs?

Multnomah County Vector Control

<http://web.multco.us/health/bed-bugs>

(503) 988-3464