

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1306

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.30; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-269.10; AMENDING TITLE 33, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1319; RELATING TO RESIDENTIAL LANDLORDS AND TENANTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes, is
3 amended by adding section 9-500.30, to read:

4 9-500.30. Prohibition on adopting landlord tenant bedbug
5 control requirements

6 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, A CITY OR TOWN
7 SHALL NOT ADOPT REQUIREMENTS BY ORDINANCE OR OTHERWISE FOR LANDLORDS OR
8 TENANTS THAT RELATE TO THE CONTROL OF BEDBUGS AS DEFINED IN SECTION 33-1319,
9 OTHER THAN THE REQUIREMENTS PRESCRIBED BY SECTION 33-1319.

10 B. A CITY OR TOWN MAY ADOPT REQUIREMENTS RELATING TO THE PROPER
11 DISPOSAL OF ITEMS THAT ARE INFESTED WITH BEDBUGS.

12 Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes, is
13 amended by adding section 11-269.10, to read:

14 11-269.10. Prohibition on adopting landlord tenant bedbug
15 control requirements

16 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION THE BOARD OF
17 SUPERVISORS AND ANY OTHER PERSON UNDER THE AUTHORITY OF THE BOARD OF
18 SUPERVISORS SHALL NOT ADOPT REQUIREMENTS BY ORDINANCE OR OTHERWISE FOR
19 LANDLORDS OR TENANTS THAT RELATE TO THE CONTROL OF BEDBUGS AS DEFINED IN
20 SECTION 33-1319, OTHER THAN THE REQUIREMENTS PRESCRIBED BY SECTION 33-1319.

21 B. THE BOARD OF SUPERVISORS OR A PERSON UNDER THE AUTHORITY OF THE
22 BOARD OF SUPERVISORS MAY ADOPT REQUIREMENTS RELATING TO THE PROPER DISPOSAL
23 OF ITEMS THAT ARE INFESTED WITH BEDBUGS.

24 Sec. 3. Title 33, chapter 10, article 1, Arizona Revised Statutes, is
25 amended by adding section 33-1319, to read:

26 33-1319. Bedbug control; landlord and tenant obligations;
27 definitions

28 A. A LANDLORD HAS THE FOLLOWING OBLIGATIONS WITH RESPECT TO A BEDBUG
29 INFESTATION:

30 1. AS A PORTION OF ITS OBLIGATIONS UNDER SECTION 33-1324, THE LANDLORD
31 SHALL MAINTAIN THE DWELLING UNIT FREE OF AN INFESTATION OF BEDBUGS.

32 2. THE LANDLORD SHALL PROVIDE EXISTING TENANTS WITH A COPY OF THIS
33 SECTION ON OR BEFORE SEPTEMBER 1, 2011 BY PERSONAL DELIVERY OR FIRST CLASS
34 MAIL AND SHALL PROVIDE NEW TENANTS WITH A COPY OF THIS SECTION ON
35 COMMENCEMENT OF A NEW LEASE. THE LANDLORD ALSO SHALL PROVIDE EDUCATIONAL
36 MATERIALS TO EXISTING AND NEW TENANTS. EDUCATIONAL MATERIALS MAY INCLUDE:

37 (a) A DESCRIPTION OF MEASURES THAT MAY BE TAKEN TO PREVENT AND CONTROL
38 BEDBUGS.

39 (b) INFORMATION ABOUT BEDBUGS, INCLUDING A DESCRIPTION OF THEIR
40 APPEARANCE.

41 (c) A DESCRIPTION OF BEHAVIORS THAT ARE RISK FACTORS FOR ATTRACTING
42 BEDBUGS SUCH AS PURCHASING RENOVATED MATTRESSES, USING DISCARDED MATTRESSES
43 AND FURNITURE, USING USED OR LEASED FURNITURE, PURCHASING PRE-OWNED CLOTHING
44 AND TRAVELING WITHOUT PROPER PRECAUTIONS.

45 (d) INFORMATION PROVIDED BY THE UNITED STATES CENTERS FOR DISEASE
46 CONTROL AND PREVENTION AND OTHER FEDERAL, STATE OR LOCAL HEALTH AGENCIES.

- 1 (e) INFORMATION PROVIDED BY FEDERAL, STATE OR LOCAL HOUSING AGENCIES.
- 2 (f) INFORMATION PROVIDED BY NONPROFIT HOUSING ORGANIZATIONS.

3 3. THE LANDLORD SHALL NOT ENTER INTO ANY LEASE AGREEMENT WITH A TENANT
4 FOR A DWELLING UNIT THAT THE LANDLORD KNOWS TO HAVE A CURRENT BEDBUG
5 INFESTATION.

6 4. WITHIN SEVEN BUSINESS DAYS AFTER RECEIVING WRITTEN OR ELECTRONIC
7 NOTICE OF A POSSIBLE BEDBUG INFESTATION FROM A TENANT, THE LANDLORD OR THE
8 LANDLORD'S LICENSED PEST CONTROL APPLICATOR SHALL VISUALLY INSPECT THE
9 DWELLING UNIT FOR BEDBUGS. WITHIN SEVEN BUSINESS DAYS AFTER FINDING EVIDENCE
10 THAT A BEDBUG INFESTATION EXISTS IN THE DWELLING UNIT, THE LANDLORD SHALL
11 START THE PROCESS OF MITIGATION OF THE BEDBUGS IN THE DWELLING UNIT.

12 5. UNLESS THE LANDLORD IS A LICENSED APPLICATOR, THE LANDLORD SHALL
13 NOT USE ANY PEST CONTROL TECHNIQUES THAT CONSTITUTE MITIGATION AND SHALL USE
14 FOR MITIGATION A PEST CONTROL APPLICATOR WHO IS LICENSED PURSUANT TO TITLE
15 32, CHAPTER 22.

16 6. THE LANDLORD SHALL PROVIDE THE TENANT WITH WRITTEN NOTICE OF THE
17 BEDBUG MITIGATION TREATMENT PROTOCOL AT LEAST THREE BUSINESS DAYS BEFORE THE
18 INITIAL TREATMENT. NOTICE SHALL BE DEEMED RECEIVED BY THE TENANT ON THE DATE
19 THE NOTICE IS PERSONALLY DELIVERED OR MAILED FIRST CLASS.

20 7. UNLESS OTHERWISE PROVIDED IN THIS SECTION, THE LANDLORD IS
21 RESPONSIBLE FOR THE BEDBUG MITIGATION EXPENSES FOR THE DWELLING UNIT AND ANY
22 SURROUNDING UNITS THAT ARE INFESTED.

23 B. A TENANT HAS THE FOLLOWING OBLIGATIONS WITH RESPECT TO A BEDBUG
24 INFESTATION:

25 1. AS A PORTION OF THE TENANT'S OBLIGATIONS UNDER SECTION 33-1341, THE
26 TENANT SHALL MAINTAIN THE DWELLING UNIT FREE OF AN INFESTATION OF BEDBUGS.

27 2. THE TENANT SHALL NOT MOVE MATERIALS INTO A DWELLING UNIT THAT ARE
28 INFESTED WITH BEDBUGS.

29 3. A TENANT WHO KNOWS OF THE PRESENCE OF BEDBUGS SHALL PROVIDE THE
30 LANDLORD WRITTEN OR ELECTRONIC NOTIFICATION OF THE PRESENCE OF BEDBUGS IN THE
31 DWELLING UNIT WITHIN THREE BUSINESS DAYS. NOTICE THAT IS PROVIDED BY THE
32 TENANT PURSUANT TO THIS PARAGRAPH CONSTITUTES PERMISSION TO THE LANDLORD TO
33 ENTER THE DWELLING UNIT FOR THE SOLE PURPOSE OF INSPECTING FOR OR MITIGATION
34 OF BEDBUGS.

35 4. AFTER RECEIVING NOTICE FROM THE LANDLORD OF A BEDBUG INSPECTION OR
36 MITIGATION AS PROVIDED IN SUBSECTION A OF THIS SECTION, THE TENANT SHALL
37 ALLOW THE LANDLORD AND THE LANDLORD'S LICENSED PEST CONTROL APPLICATOR ACCESS
38 TO THE DWELLING UNIT.

39 5. THE TENANT SHALL COMPLY WITH THE BEDBUG MITIGATION PROTOCOL
40 ESTABLISHED BY THE LICENSED APPLICATOR, WHICH MAY INCLUDE PRETREATMENT
41 ACTIVITIES, TEMPORARY EVACUATION OF THE DWELLING UNIT, POSTTREATMENT
42 ACTIVITIES AND AN OBLIGATION TO REPORT THE INEFFECTIVE TREATMENT OR
43 REINFESTATION TO THE LANDLORD WITHIN THREE BUSINESS DAYS.

44 6. THE TENANT SHALL NOT APPLY OR PERMIT ANY UNLICENSED PERSON TO APPLY
45 ANY BEDBUG CONTROL TECHNIQUES THAT CONSTITUTE MITIGATION.

1 7. IF A LANDLORD FAILS TO INSPECT AND, IF NECESSARY, MITIGATE A BEDBUG
2 INFESTATION WITHIN THE TIME PRESCRIBED IN SUBSECTION A OF THIS SECTION, THE
3 TENANT SHALL PROVIDE WRITTEN NOTICE TO THE LANDLORD OF THE TENANT'S INTENTION
4 TO CORRECT THE CONDITION AT THE LANDLORD'S EXPENSE. IF THE LANDLORD FAILS TO
5 CORRECT THE CONDITION WITHIN TEN DAYS AFTER BEING NOTIFIED BY THE TENANT IN
6 WRITING, THE TENANT MAY CAUSE THE WORK TO BE DONE BY A LICENSED PEST CONTROL
7 APPLICATOR, SUBMIT TO THE LANDLORD AN ITEMIZED STATEMENT FOR THE PEST CONTROL
8 SERVICES AND DEDUCT FROM ANY RENT DUE THE ACTUAL AND REASONABLE COST OF THE
9 PEST CONTROL TREATMENT NOT TO EXCEED FIVE HUNDRED DOLLARS OR ONE-HALF OF THE
10 MONTHLY RENT, WHICHEVER IS GREATER.

11 8. IF THE TENANT FAILS TO COMPLY WITH ANY OF THE OBLIGATIONS
12 PRESCRIBED IN THIS SECTION, THE TENANT MAY BE HELD FINANCIALLY RESPONSIBLE
13 FOR BEDBUG MITIGATION EXPENSES FOR THE DWELLING UNIT AND SURROUNDING UNITS
14 THAT ARE INFESTED.

15 C. THE LANDLORD AND TENANT OF A SINGLE FAMILY RESIDENCE MAY AGREE THAT
16 THE TENANT IS RESPONSIBLE FOR BEDBUG MITIGATION AS PROVIDED IN SECTION
17 33-1324, SUBSECTION C.

18 D. A LANDLORD IS DEEMED TO HAVE SUCCESSFULLY MITIGATED A BEDBUG
19 INFESTATION ON COMPLETION OF BEDBUG TREATMENT BY A LICENSED PEST CONTROL
20 APPLICATOR.

21 E. THIS SECTION DOES NOT LIMIT THE LANDLORD'S OR TENANT'S RIGHTS AND
22 OBLIGATIONS UNDER THIS CHAPTER.

23 F. EXCEPT AS SPECIFICALLY PROVIDED IN THIS SECTION, THIS SECTION DOES
24 NOT CREATE A CAUSE OF ACTION AGAINST:

25 1. A LANDLORD OR A LANDLORD'S EMPLOYEES, OFFICERS, AGENTS AND
26 DIRECTORS BY A TENANT OR A TENANT'S GUESTS FOR ANY DAMAGES CAUSED BY BEDBUGS.

27 2. A TENANT BY A LANDLORD FOR ANY DAMAGES CAUSED BY BEDBUGS.

28 G. FOR THE PURPOSES OF THIS SECTION:

29 1. "BEDBUG MITIGATION EXPENSES" MEANS THE REASONABLE AND NECESSARY
30 COST OF THE PEST CONTROL TREATMENT OR TREATMENTS AND MAY INCLUDE THE
31 CLEANING, REMOVAL AND REPLACEMENT OF FLOORING IF REASONABLY REQUIRED BY THE
32 DEGREE OF INFESTATION.

33 2. "BEDBUGS" MEANS ANY INSECT IN THE GENUS CIMEX AND ITS EGGS.

34 3. "INFESTATION" OR "INFESTED" MEANS THAT THE PRESENCE OF BEDBUGS IS
35 SUFFICIENT TO MATERIALLY AFFECT THE HEALTH AND SAFETY OF TENANTS AND THEIR
36 GUESTS.

37 4. "MITIGATION" MEANS THE PROCESS UNDERTAKEN BY A PEST CONTROL
38 APPLICATOR WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 22 TO ATTEMPT TO
39 ELIMINATE OR MANAGE THE INFESTATION OF BEDBUGS BY POISONING, SPRAYING,
40 FUMIGATING, TRAPPING OR ANY OTHER RECOGNIZED AND LAWFUL PEST CONTROL METHOD,
41 INCLUDING REPEATED APPLICATIONS OF ANY TREATMENT, PARTICULARLY TO AREAS WHERE
42 BEDBUGS ARE LIKELY TO CONGREGATE.

43 5. "SURROUNDING UNIT" MEANS A DWELLING UNIT THAT SHARES A COMMON WALL
44 WITH, OR THAT IS DIRECTLY ABOVE OR BELOW, ANOTHER DWELLING UNIT.