

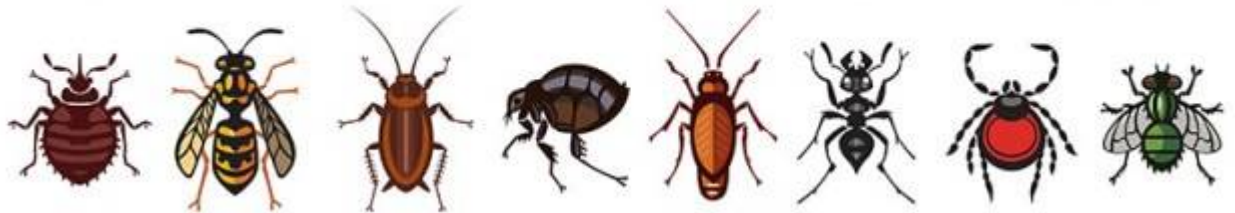
CLEVELAND MUNICIPAL COURT HOUSING DIVISION

RONALD J.H. O'LEARY,
JUDGE

Magistrate Sandra Lewis

THE FOUR HORSEMEN OF THE BED BUG APOCALYPSE

Most Common (and Annoying) Household Pests



FOUR HORSEMEN:

- ◉ **Case Law Trends**
- ◉ **What I Know v. What I Show**
- ◉ **Bulletproof**
- ◉ **Education**



CASE LAW TRENDS

- ◉ **Retail - *Davila v. Sleepy's, LLC***
- ◉ **Commercial - *85-87 Pitt St., LLC v. 85-87 Pitt St. Realty Corp.***
- ◉ **Cooperative - *7 W. 92nd St. Hous. Dev. Fund Corp. v. Vidal***

CASE LAW TRENDS CONT'D

- ◉ L/T Eviction - *London Terrace Assoc. v. Perykaz*
- ◉ L/T History of Unit - *Bour v. 259 Bleecker LLC*
- ◉ L/T Habitability - *West 189, LLC v. Louis-Jeune*

CASE LAW TRENDS CONT'D

- ◉ **L/T Access & Clutter - *Aponte v. New York City Hous. Auth.***
- ◉ **L/T Treatment Method - *People v. LMA Assoc. LLC***
- ◉ **L/T Security Deposit & Damages - *Gawad v. Aviad***

WHAT I KNOW v. WHAT I SHOW

Stack v. Lecheler

- ◉ Stack rented a room in a property operated as a rooming house.
- ◉ Stack quickly found that the room was infested with bed bugs.
- ◉ Landlord Lecheler's solution was . . .

Stack v. Lecheler CONT'D

**. . . to move the oven
from room to room,
believing that the
increase in
temperature
would kill
the bugs.**



Stack v. Lecheler CONT'D

- ◉ Stack considered this plan a fire hazard.
- ◉ The relationship deteriorated and Stack vacated, disposing of his mattress and clothing in the process.
- ◉ Lecheler refused to return the security deposit. So, . . .

Stack v. Lecheler CONT'D

- ◉ Stack filed suit in small claims court.
- ◉ He asked for \$950 in compensatory damages including the security deposit; and
- ◉ \$5000 in emotional distress damages.

Stack v. Lecheler CONT'D

The Trial Court awarded:

- Double the security deposit \$400;
- Replacement cost of the mattress \$450;
- Replacement cost of clothing \$250; and
- Emotional distress damages of \$1000.

Stack v. Lecheler CONT'D

On appeal, the Court affirmed, excepting the emotional damages:

- ◉ **Stack did not show evidence of severe emotional distress.**
- ◉ **Stack did not introduce evidence of an “extreme disabling response.”**

BULLETPROOF? WHO PAYS?

Virginia Residential Landlord Tenant Act:

- General Rule: L pays.
- In court, L has burden to prove bed bugs came from T.

BULLET Proof cont'd

- **T liable if L proves one of two scenarios:**
 - Bugs are due to some fault of T's;
- OR
- T unreasonably delayed in reporting.

BULLET Proof cont'd

- ◉ **Forensic expert?**

- ◉ **Big Picture:**

- In walls, likely L's fault/obligation.
- Concentrated on T's possessions, likely T's fault/obligation.
- L bills everyone in complex, likely L's fault/obligation.

BULLET Proof cont'd

Colorado Statute

- ◉ T must promptly notify L if knows or reasonably suspects bed bugs.
- ◉ L, w/in 96 hours after notice, shall obtain an inspection.
- ◉ Provides safe harbor for pest control inspections of personal property.

BULLET Proof cont'd

Colorado General Rule: L pays.

- ◉ L shall commence treatment w/in 5 days where confirmed.
- ◉ Must treat unit and contiguous units.
- ◉ T must comply with reasonable measures related to inspection and treatment.

BULLET Proof cont'd

- ◉ Statute does not require L to provide T with alternative lodging.
- ◉ Statute does not require L to compensate T for personal property.
- ◉ Prohibits rental of a unit which L knows, or has reasonable reason to believe, is infested with bed bugs.

EDUCATION





MIDWEST PESTICIDE
ACTION CENTER

BED BUG CHECKLIST FOR APARTMENT BUILDING MANAGERS & LANDLORDS

Early inspection and intervention is the key to keeping bed bug problems manageable and affordable. Eliminating bed bugs demands cooperation between the tenant(s), pest control company, and building management. Skipping labor-intensive strategies to save money in the short term will likely result in even bigger problems, and cost you more in the long run. Pesticides alone **WILL RARELY** solve the problem due to bed bug resistance. Improper application of pesticides can even cause bed bugs to spread to other building areas.

Here is a checklist of strategies for preventing, eliminating and containing the spread of bed bug infestations. There is no "magic form" for eliminating bed bug problems - the process will take time and require patience. This is only a suggested checklist since every building is different. Hiring a pest control operator with bed bug elimination experience is recommended (see guidelines Provided). If hired, always follow the pest control operator's advice.

BE PROACTIVE

- ☐ Use good building practices and maintenance to prevent pest problems.
 - Caulk baseboards, loose tiles, and chair-rail moldings
 - Remove carpeting when possible
 - Fix storage and clutter issues in common areas

- ☐ Develop a "bed bug action plan" for your building(s).
Include strategies for:

- Responding to reports or complaints
- Containing and eliminating infestations
- Disposing of infested furniture
- Educating and advising tenants
- Managing requests for relocation

- ☐ Educate tenants and staff about bed bugs before they become a problem.
Provide information on:

- The reappearance of bed bugs as a problem around the world
- What bed bugs are and what they look like
- How to recognize a bed bug problem
- How to prevent bed bugs from becoming a problem (i.e., discourage use of "alloy" mattresses or furniture; reduce clutter)
- What to do when a bed bug problem is suspected

- ☐ If bed bugs are a recurring problem, consider having periodic inspections, buying a steam cleaner (steam heated to at least 170°F) and training staff to operate it, or making serious repairs to building (i.e., replacing carpeting with a hard-surface flooring).



Midwest Pesticide Action Center is dedicated to reducing the health risks and environmental impacts of pesticides and promoting safer alternatives.
4611 N. Ravenswood Ave., Suite 107, Chicago, Illinois 60640 Tel: 773-878-7378 Fax: 773-878-8250 Web: www.midwestpesticideaction.org

MY
FAVORITE
CHECKLISTS



BED BUG CHECKLIST FOR TENANTS

Do you think you have a bed bug problem? Are you...

- 1.) Waking up with bite marks, usually in a line or a circle?
- 2.) Seeing red smears or stains on your sheets, mattress, or other furniture near your bed?
- 3.) Seeing live or dead bed bugs through a magnifying glass?

If you answered yes to any of the above, you may have a bed bug problem. Use this checklist to help you figure out what to do next.

WHAT CAN YOU DO?

Right away:

- ☐ Pull bed away from wall
- ☐ Put clothes, bedding, and other items in dryer for at least 20 minutes on HIGH heat
- ☐ Once you remove items from dryer, seal them in bags so bugs cannot get in again
- ☐ Vacuum on a regular basis. Remove vacuum bag or contents, place into a plastic bag, seal tightly, and dispose right away.



Over the next few days:

- ☐ Buy a bed bug mattress and/or box spring cover
- ☐ Caulk all cracks and crevices, such as along baseboards and around windows
- ☐ Paint or seal your headboard/bed frame AND nightstand
- ☐ Eliminate clutter
- ☐ Do not store items under the bed
- ☐ Continue to vacuum at least once a day
- ☐ Launder clothing and bedding regularly

If the problem remains:

- ☐ Steam clean
- ☐ Use least-toxic bed bug products where appropriate
- ☐ Call your local elected official
- ☐ Talk to your neighbors and organize

IF YOU SUSPECT BED BUGS ARE IN YOUR HOME: DOS AND DON'TS.

- ☐ **DO** call your landlord
- ☐ **DO** call your elected public official(s)
- ☐ **DO** talk to someone who can help you like:
Local or State Health Department
University Extension office
- ☐ **DO** always read and follow directions when using pesticides
- ☐ **DON'T** throw away your furniture or belongings
- ☐ **DON'T** panic
- ☐ **DON'T** bug bomb
- ☐ **DON'T** use pesticides not approved for bed bugs
- ☐ **DON'T** spray mattress or self unless pesticide is labeled for such use

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