

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 846

Introduced by Hunt, 8.

Read first time January 03, 2024

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to bed bugs; to adopt the Bed Bug Detection
- 2 and Treatment Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 8 of this act shall be known and may be
2 cited as the Bed Bug Detection and Treatment Act.

3 Sec. 2. For purposes of the Bed Bug Detection and Treatment Act:

4 (1) Bed bug means the common bed bug or Cimex lectularius;

5 (2) Bed bug detection team means a scent detection canine team that
6 holds a current independent third-party certification in accordance with
7 the guidelines for minimum standards for canine bed bug detection team
8 certification established by the National Pest Management Association or
9 its successor organization;

10 (3) Commercial applicator has the meaning set forth in section
11 2-2624;

12 (4) Contiguous dwelling unit means a dwelling unit that is
13 contiguous with another dwelling unit, both of which units are owned,
14 managed, leased, or subleased by the same landlord;

15 (5) Dwelling unit means a structure or the part of a structure that
16 is used as a home, residence, or sleeping place by a tenant;

17 (6) Electronic notice means notice by email or an electronic portal
18 or management communications system that is available to both a landlord
19 and a tenant;

20 (7) Landlord means the owner, manager, lessor, or sublessor of a
21 residential premises;

22 (8) Licensed certified applicator has the meaning set forth in
23 section 2-2624;

24 (9) Pest control agent means a commercial applicator or a licensed
25 certified applicator;

26 (10) Qualified inspector means a bed bug detection team, local
27 public health department official, licensed certified applicator, or
28 commercial applicator who is retained by a landlord to conduct an
29 inspection for bed bugs; and

30 (11) Tenant means a person entitled under a rental agreement to
31 occupy a dwelling unit to the exclusion of others.

1 Sec. 3. (1) A tenant shall promptly notify the tenant's landlord by
2 written or electronic notice when the tenant knows or reasonably suspects
3 that the tenant's dwelling unit contains bed bugs. A tenant who gives a
4 landlord electronic notice pursuant to this section shall deliver such
5 notice only to the email address, telephone number, or electronic portal
6 specified by the landlord in the rental agreement for communications. In
7 the absence of such a provision in the rental agreement, the tenant shall
8 communicate with the landlord in a manner that the landlord has
9 previously used to communicate with the tenant. The tenant shall retain
10 sufficient proof of the delivery of the electronic notice.

11 (2) Not more than ninety-six hours after receiving notice of the
12 presence of bed bugs or the possible presence of bed bugs, a landlord,
13 after providing notice to the tenant as described in subsection (1) of
14 section 5 of this act:

15 (a) Shall cause an inspection of the dwelling unit to be performed
16 by a qualified inspector; and

17 (b) May enter the dwelling unit or any contiguous dwelling unit for
18 the purpose of allowing the inspection as provided in section 4 of this
19 act.

20 (3) If the inspection of a dwelling unit confirms the presence of
21 bed bugs, the landlord shall also cause to be performed an inspection of
22 all contiguous dwelling units as promptly as is reasonably practical.

23 Sec. 4. (1) If a landlord obtains an inspection for bed bugs, the
24 landlord shall provide written notice to the tenant within two business
25 days after the inspection indicating whether the dwelling unit contains
26 bed bugs.

27 (2) If a qualified inspector conducting an inspection determines
28 that neither the dwelling unit nor any contiguous dwelling unit contains
29 bed bugs, the notice provided by the landlord pursuant to subsection (1)
30 of this section shall inform the tenant that if the tenant remains
31 concerned that the dwelling unit contains bed bugs, the tenant may

1 contact the local public health department to report such concerns.

2 (3) If a qualified inspector conducting an inspection determines
3 that a dwelling unit or any contiguous dwelling unit contains evidence of
4 bed bugs in any stage of the life cycle, the qualified inspector shall
5 provide a report of the determination to the landlord within twenty-four
6 hours, except that for any such determination that is made by a qualified
7 inspector licensed by the Director of Agriculture pursuant to the
8 Pesticide Act, the qualified inspector shall provide the report in
9 accordance with rules and regulations adopted and promulgated by the
10 Director of Agriculture pursuant to section 2-2626. Not later than five
11 business days after the date of the inspection, the landlord shall
12 commence reasonable measures, as determined by the qualified inspector,
13 to effectively treat the bed bug presence, including retaining the
14 services of a pest control agent to treat the dwelling unit and any
15 contiguous dwelling unit.

16 (4) Except as otherwise provided in the Bed Bug Detection and
17 Treatment Act, a landlord is responsible for all costs associated with an
18 inspection for, and the treatment of, bed bugs. Nothing in this section
19 prohibits a tenant from contacting any agency at any time concerning the
20 presence of bed bugs.

21 Sec. 5. (1)(a) If a landlord, qualified inspector, or pest control
22 agent must enter a dwelling unit for the purpose of conducting an
23 inspection for, or treating the presence of, bed bugs, the landlord shall
24 provide the tenant reasonable written or electronic notice of such fact
25 at least forty-eight hours before the landlord, qualified inspector, or
26 pest control agent attempts to enter the dwelling unit, except that a
27 rental agreement may provide for a different minimum time for the notice.
28 A tenant who receives such notice shall not unreasonably deny the
29 landlord, qualified inspector, or pest control agent access to the
30 dwelling unit.

31 (b) A tenant may waive the notice requirement described in

1 subdivision (1)(a) of this section.

2 (2) A qualified inspector who is inspecting a dwelling unit for bed
3 bugs may conduct an initial visual and manual inspection of a tenant's
4 bedding and upholstered furniture. The qualified inspector may inspect
5 items other than bedding and upholstered furniture when the qualified
6 inspector determines that such an inspection is necessary and reasonable.

7 (3) If a qualified inspector finds bed bugs in a dwelling unit or in
8 any contiguous dwelling unit, the qualified inspector may have such
9 additional access to the tenant's personal belongings as the qualified
10 inspector determines is necessary and reasonable.

11 (4) A tenant shall comply with reasonable measures to permit the
12 inspection for, and the treatment of, bed bugs as determined by the
13 qualified inspector, and the tenant is responsible for all costs
14 associated with preparing the tenant's dwelling unit for inspection and
15 treatment. A tenant who knowingly and unreasonably fails to comply with
16 the inspection and treatment requirements described in the Bed Bug
17 Detection and Treatment Act is liable for the cost of any bed bug
18 treatments of the dwelling unit and contiguous dwelling units if the need
19 for such treatments arises from the tenant's noncompliance.

20 (5) If any personal property belonging to a tenant is found to
21 contain bed bugs, the qualified inspector shall advise the tenant that
22 the personal property should not be removed from the dwelling unit until
23 a pest control agent determines that a bed bug treatment has been
24 completed, except that if the determination that any personal property
25 contains bed bugs is made by a qualified inspector licensed by the
26 Director of Agriculture pursuant to the Pesticide Act, the qualified
27 inspector shall advise the tenant regarding the removal of the personal
28 property in accordance with rules and regulations adopted and promulgated
29 by the Director of Agriculture pursuant to section 2-2626. The tenant
30 shall not dispose of personal property that was determined to contain bed
31 bugs in any common area where such disposal may risk the infestation of

1 other dwelling units.

2 (6)(a) Nothing in this section requires a landlord to provide a
3 tenant with alternative lodging or to pay to replace a tenant's personal
4 property.

5 (b) Nothing in this section preempts or restricts the application of
6 any state or federal law concerning reasonable accommodations for persons
7 with disabilities.

8 Sec. 6. A landlord shall not offer for rent a dwelling unit that
9 the landlord knows or reasonably suspects to contain bed bugs. Upon
10 request from a prospective tenant, a landlord shall disclose to the
11 prospective tenant whether, to the landlord's knowledge, the dwelling
12 unit that the landlord is offering for rent contained bed bugs within the
13 previous eight months. Upon request from a tenant or a prospective
14 tenant, a landlord shall disclose the last date, if any, on which a
15 dwelling unit being rented or offered for rent was inspected for, and
16 found to be free of, bed bugs.

17 Sec. 7. (1) A landlord who fails to comply with the Bed Bug
18 Detection and Treatment Act is liable to the tenant for the tenant's
19 actual damages.

20 (2) A landlord may apply to a court of competent jurisdiction to
21 obtain injunctive relief against a tenant who (a) refuses to provide
22 reasonable access to a dwelling unit or (b) fails to comply with a
23 reasonable request for inspection or treatment of a dwelling unit.

24 (3) If a court finds that a tenant has unreasonably failed to comply
25 with one or more requirements set forth in the Bed Bug Detection and
26 Treatment Act, the court may issue a temporary order to carry out the
27 act, including:

28 (a) Granting the landlord access to the dwelling unit for the
29 purposes set forth in the act;

30 (b) Granting the landlord the right to engage in bed bug inspection
31 and treatment measures in the dwelling unit; and

1 (c) Requiring the tenant to comply with specific bed bug inspection
2 and treatment measures or assessing the tenant with costs and damages
3 related to the tenant's noncompliance.

4 (4) Any court order granting a landlord access to a dwelling unit
5 shall be served upon the tenant at least twenty-four hours before a
6 landlord, qualified inspector, or pest control agent enters the dwelling
7 unit.

8 (5)(a) The remedies in this section are in addition to any other
9 remedies available at law or in equity to any person.

10 (b) This section does not limit or restrict the authority of any
11 state or local housing or health code enforcement agency.

12 Sec. 8. Notwithstanding any provision of the Uniform Residential
13 Landlord and Tenant Act to the contrary, a landlord who complies with the
14 Bed Bug Detection and Treatment Act is deemed to have satisfied the
15 requirements of section 76-1419 with respect to matters concerning bed
16 bugs.