

# **Columbus Apartment Association Integrated Pest Management Plan October 2008**

Presented by:  
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*“Bed bug infestation on the rise, tough to stop”*

*~Columbus Dispatch October 1, 2008*

# FEDERAL LEGISLATION

- H.R. 6068

“Don’t Let the Bed Bugs Bite Act 2008”

# Congress found

- Bed bug populations in the United States have increased by 500% in the past few years

- In July 2004, New York City had 377 bed bug violations
- July-November 2005- 449 violations
- Study of 700 hotel rooms between 2002 and 2006, 25% of hotels needed to be treated for bed bug infestation.

# Purpose of H.R. 6068

- Grants to States for the purpose of conducting inspections of lodging facilities and train inspection personnel;
- Educate lodging establishments about methods to prevent and eradicate bed bug infestations.

# State Legislation

- S.B. No. 226
  - “Owner of 30 or more units in an apartment building shall eradicate vermin;
  - Any person can file a complaint
  - Fine schedule from warning letter to several thousand dollar fine.

The background of the slide features a pattern of overlapping autumn leaves in various shades of brown and orange, set against a darker brown gradient background.

- **H.B. 565**

- Require Boards of Health to adopt vermin control policies under which bed bug infestations are treated to the same extent as other infestations.



The background of the slide is a solid dark brown color with a pattern of lighter brown, stylized autumn leaves scattered across it. The leaves have prominent veins and are in various orientations, some overlapping.

- **H.B. 590**

- Bed bug awareness

- Education

- Prevention program

**Local:**  
**Cincinnati Municipal Code has already been  
revised**

■ **Section 1601-17. Vermin Control**

*“No owner, or occupant, shall permit any premises, building or part thereof to harbor an infestation of rodents, fleas, lice, roaches, weevils, bed bugs or other vermin.*

*Whoever violates this section is guilty of a fourth degree misdemeanor.*

(Ordained by Ord. No. 158-2006, §1, eff. 6-1-06; a. Ord. No.0030-2007.  
eff. Jan. 30, 2008)



City of Columbus  
Mayor Michael B. Coleman

### Department of Development

Boyce Salford III, Director

757 Carolyn Avenue, Columbus, OH 43224

Date of Service/Posting 9-18-08

Order Number:  
~~00-400-00000~~

Parcel Number:  
~~000000000~~

~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~

### COLUMBUS CITY CODE VIOLATION NOTICE

Re: Multi-unit dwelling at 600-~~XXXXXXXXXXXX~~ Location Description (if applicable):

An inspection has been made at the above address on September 11, 2008.  
As provided by the Columbus City Code you are hereby given notice to correct the alleged violations listed below within 30 calendar days of the service of this notice unless otherwise noted in this notice, or an approval to a written request for extension is granted by this office.

**Note: Failure to comply with this notice is a Misdemeanor of the Third Degree and may be punishable by a \$500 fine and sixty (60) days imprisonment.**

To exercise your right of appeal a written petition must be filed in this office stating the specific factual reasons for such an appeal within fifteen (15) calendar days after service of this notice. Failure to provide specific factual reasons for an appeal or not filing a written petition in this office within the given time frame of this notice may cause the Property Maintenance Appeals Board to not hear the appeal.

Failure to comply with this notice may result in the abatement of the violations noted herein, with the cost charged to the owner of the land, and/or criminal and/or civil prosecution.

For further information on this notice contact the undersigned Code Enforcement Officer.

**SEE LIST OF VIOLATIONS ON THE ATTACHED PAGE(S)**

by Kelly Collins  
Kelly Collins  
Code Enforcement Officer  
(614) 645-0660

SW-1 cont  
04/05

<b>ITEM#</b>	<b>CODE SECTION</b>	<b>COMMENTS</b>
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**Weed and Solid Waste Violation**

<b>1</b>	<b>713.03</b>	<b>Standards relative to rodents</b>
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There is evidence of an infestation of insects, rats, or other rodents. Evidence of bedbug infestation. Entire building must be treated and proper procedures followed by management and tenants to effectively eliminate infestation.

## CC 713.03

- (A) The Owner...is responsible for elimination of any rodents, insects, vermin, or other pests...
- (B) Every dwelling, dwelling unit...shall be maintained in a rodent free, insect free...condition.

# CC 4501.193 Insect

- “Insect” means any member of a class of usually winged invertebrates with three (3) pair of legs and not limited to flies and roaches. (Ord. 859-01§ 18.)

# CC 4501.44 Vermin

- “Vermin” includes but is not limited to insects, lice, spiders, mites, ticks, rats and mice which threaten human health and safety.

(Ord. 859-01 § 42.)

## CC 4501.19 Infestation.

“Infestation” means the presence within or around a dwelling or premises of insects, rodents, vermin or other pests. “other pests” means animals, which cause a threat to the public health including but not limited to bats, pigeons, or raccoons.

(Ord. 356-75; Ord. 859-01 § 16.)



In one Columbus City Code Violation against a CAA member, the City responded to the member's request by citing that  
“vermin includes insects in the definition”

## Columbus City Health Code Title Three-Environmental Health

- 221.01 (j)

“The Owner is responsible for elimination of any rodents, vermin or other pests in a dwelling containing two or more dwelling units and on the premises thereof. The owner is also responsible whenever the infestation is caused by improper rat-proofing of the premises.

## 4551.02 Responsibility of Occupant

(f) Pest Elimination. The occupant is responsible for elimination of any insects, rats, or other pests within that part of the premises occupied and controlled by him in a single family dwelling or in a dwelling containing two (2) or more dwelling units if his unit is the only one infested unless infestation of the premises was caused by the improper rat-proofing.

## § 5321.04

# Obligations of Landlord

(A) A Landlord who is a party to a rental agreement shall do all of the following:

1. Comply with the requirements of all applicable building, housing, health, and safety codes that materially affect health and safety;
2. Make all repairs and do whatever is reasonably necessary to put and keep the premises;
3. Keep all common areas of the premises in a safe and sanitary condition.

## § 5321.05

# Obligations of Tenant

- (A) A Tenant who is party to a rental agreement shall do all of the following:
1. Keep that part of the premises that he occupies and uses safe and sanitary;
  2. Dispose of all rubbish, garbage, and other waste in a clean, safe, and sanitary manner;
  3. Keep all plumbing fixtures in the dwelling unit or used by him as clean as their condition permits;
  4. Use and operate all electrical and plumbing fixtures properly;
  5. Comply with the requirements imposed in tenants by all applicable state and local housing, health, and safety codes;...

## § 5321.06

### **Rental Agreement Terms**

A Landlord and a Tenant may include in a Rental Agreement any terms and conditions, including any term relating to rent, the duration of an agreement, and any other provision governing the rights and obligations of the parties that are not inconsistent with or prohibited by Chapter 5321. of the Revised Code or any other rule of law.

# Mathias v. Accor Econ. Lodging Inc. (Motel 6)

2002 U.S. Dist. Lexis 13750 (N.D. Ill. July 22, 2002)

- Sued motel for willful and wanton conduct
- Court found hotel's failure to either warn guests or take effective measure amounted to fraud.
- Jury awarded compensatory and punitive damages

# Ludlow Properties, LLC v. Peter H. Young

780 N.Y.S. 2d 853 Lexis 712 (June 10, 2004)

- Landlord sued Tenant for unpaid rent
- Tenant counterclaimed-warranty of habitability (bedbugs)
- 45% abatement of rent during months of infestation



# Livingston v. H.I Family Suites, Inc. (Holiday Inn)

2006 WL 1406587 (M.D. FLA)

- Guests sued for fraudulent concealment, gross negligence, ordinary negligence, battery and punitive damages;
- Holiday Inn moved for Summary Judgment
- Insect log revealed prior problems
- Genuine issues of material fact regarding whether Holiday Inn knew or ought to have known
- Case allowed to proceed to a Jury Trial



“The roof doesn’t leak if its not raining”

# CAA Integrated Pest Management Plan

- The Integrated Pest Management Plan would be provided to Residents after acceptance and prior to lease execution.
- Hard copies of the OSU, Harvard or Cornell publications could be provided to Residents if they do not have access to the internet. I like the web access because these sites show color photos of bed bugs that residents can use for identification.

- Prior to moving in, Residents are required to execute and return the Bed Bug Certification.
- Training for maintenance techs and select vendors to help identify bed bugs, general knowledge of bed bugs and their hiding places
- Inspections
  - Detailed check list to be used upon inspection and at the turn of the unit
  - “no bed bugs found”