

NEW YORK CITY CIVIL COURT

Community Seminar Series "Bedbugs"

October 27, 2010

Irvine, CA
(949) 477 4972

Ubiquis Reporting
New York, NY
(212) 227 7440

Redwood City, CA
(650) 365 9199

w w w . u b i q u i s . c o m

[START

180502_ProcessedAudio__BEDBUGS.mp3]

EDGAR R. BUTTS, PH.D: I would like to thank the New York State courts' access and justice program for giving me the opportunity to talk with you today about bedbugs. My name is Edgar Butts. I am science advisor for the environmental division of the Department of Health for the city of New York. I have also a commercial pesticide applicator's license from the New York State Department of Environmental Conservation, meaning that I have permission to apply pesticides as an exterminator would. I have some expertise regarding bedbugs that I would like to share with you today.

Part of my expertise is the fact that I've had bedbugs. In 1993, I went to an insect control conference, and when I got back home I had bedbugs. We got rid of them pretty quick because we caught them

relatively early. During my presentation I would also like to ask that you refer to the handout booklet entitled "Preventing and Getting Rid of Bedbugs Safely." It's available on NYC.gov/health.

It's available on the web in English, Chinese, Spanish, and Russian. You can also call 311 and get a print copy in English. Now, the first thing I'd like to do is talk to you about what I'm going to cover today and kind of give you a lay of the land. I'm going to talk to you about what to do if you believe you have bedbugs. I'm going to talk to you about description, some facts about bedbugs, and the biology of bedbugs. Then we'll move to health concerns, then to prevention and control of bedbugs.

And then what I want to leave you with is a take-home message. If you believe you have bedbugs and you live in a multi-residential apartment complex, the

first thing you need to do, whether you know you have bedbugs or just believe you have bedbugs, let your building supervisor or your building management know. They need to get right on it. The sooner someone addresses bedbugs, the sooner you're going to get rid of 'em. You don't want to have a major infestation before you find out.

If you live in a single residence home, then what you need to do is get a qualified exterminator who's licensed with the state of New York and have them come out and give you an assessment. You may be surprised at how expensive control of bedbugs, it will be. If you work in an office and you believe that bedbugs are present, what you should do immediately is go talk to your supervisor and have them deal with it.

It's important that you do not panic. Bedbugs can be controlled, and you

should also know--and I'll talk about this a little bit later--you should also know that there's no evidence of bedbugs passing disease to humans. Bedbugs are primarily human blood suckers. They also feed on other mammals and birds, but they prefer humans. They are small. They are flat. They're oval-shaped, and they're reddish-brown. They do not jump or fly.

If you have an insect that you think is a bedbug that's flying around your apartment, it's not a bedbug. They are one of the most difficult insects to control that I know of. I've been working with insect control since about 1965. They harbor in clusters but can be alone. They hide during the daytime generally in cracks and crevices.

They will go up to 20 feet or more to find a blood meal, meaning that if the bedbug is in the back of the room and the blood meal is up here, they will come

and find the blood meal. They are most active at night, but they also will feed whenever hosts are available, even during the daytime. The fact about leaving your lights on at night because bedbugs don't bite when it's light--forget it. It doesn't work. They feed every few days if the host is available. Adults can survive up to a year without a blood meal.

The female can lay 200 to 500 eggs. Now this is very important when you an exterminator comes in or a pest management professional comes in because the eggs are very difficult to control, and what will happen is, they may not be able to find all the eggs, or they may not be able to control all the eggs during the first treatment.

So the eggs will hatch. Say within 10 days, the pest management professional needs to come back and re-treat at that time. The female attaches

the eggs basically with a glue and they're usually in clusters. There are five immature stages of the bedbug. This is in the little book that you have, and you can look at that. I think it's on page two. A life cycle will go generally four to five weeks, meaning from an adult female laying an egg to when the egg goes through the whole process and goes through the immature stages back to an adult takes about four to five weeks.

What do you look for when you want to find a bedbug? Or, you don't want to find a bedbug, but you really want to know whether it's there or not. First off, are you getting bitten, or is somebody in your home getting bitten? If they're getting bitten, it's not necessarily that there're bedbugs there because there's nobody can look at a bite and tell whether it's a bedbug bite. Could be a flea, could be a mosquito, could be some other insect

or maybe you're using some kind of medication that is causing a little rash or something. [Coughs] Excuse me. You want to look for the bites. You want to look for live bedbugs. You need to go on the web and look and see what a bedbug looks like. Look for live bedbugs. Look for dead bedbugs. Look for shedded skins of the bedbug itself. Look for the shedded skin of the eggs.

This is disgusting, but bedbugs tend to overeat when they get a blood meal. They will expand and they will exude a little bit of blood. If you look on your sheets or you look on your mattress, you may see what looks like a little rusty spot. That's what the bedbug has exuded, a little bit of blood. That's another sign of bedbugs. Now, anybody in this room is capable of getting bedbugs. It doesn't matter whether you're rich, poor, live in a fancy place that's clean, clean, clean

or a dump. You can get bedbugs. And you have the same chance as everybody else of getting bedbugs. In most cases people unknowingly bring bedbugs into their home on their purse or on their coat or in their suitcase when they've been traveling, or on their suitcase, or if you've been walking down the street and pick up some furniture.

Bedbugs also travel between apartments. If you go look under the sink in your bathroom or your kitchen, you're going to see where the pipes go into the wall. Same thing with your radiator, where the pipes go into the wall. There's probably--unless somebody's done a good job on sealing it--a hole. They can come in from another apartment into your apartment. Bedbugs can live almost anywhere. They like undisturbed places in the dark, as close to the host as possible.

If you really want to hone in where bedbugs are in your home, if you have 'em, your headboard, your mattress, and your box springs. That's where they're probably going to be if you have them. Now, you say, why are we having bedbugs because back a long time ago, we didn't have bedbugs? Well, humans are a lot more mobile, and they travel a lot more. The residual insecticides that we have aren't quite as effective as the ones we had before. We have moved into when we treat for other insects like cockroaches, we use bait stations now.

In the past, 10 years ago, 15 years ago, the pest management professional would come in and spray around the baseboard, and that's called a crack and crevice treatment, and those treatments would also control bedbugs if they were there. Some of the pest management professionals are still

learning about bedbugs and don't really know--they aren't as experienced as some of the other pest management professionals.

The current pesticides that we have--I think you may have seen that Ohio was trying to get a particular pesticide approved from EPA. The pesticides that we have now are not strong like the ones that we had before. EPA is moving towards less risky pesticides or low-risk pesticides, and some of the hard chemicals are not being used anymore. EPA is not allowing them to be used indoors. Unknown bites. You go to the doctor. He says, "You have a bite. It's a bedbug bite." And that gets it attributed to being a bedbug.

It may be a flea bite; it may be a mosquito bite. Health issues. There has not been shown that bedbugs have transmitted any disease to humans, period. They can--and for those of you who've had

bedbugs understand and know this well-- they can cause high anxiety, and they can cause a major loss of sleep. They must feed on blood. Reactions from the bites can vary. You can have no reaction or you can have big welts come. You may get an immediate reaction; it may take 10 days for you to have a reaction to bedbugs.

The most common symptoms are itchy welts, and if you scratch those welts, sometimes they can become infected. What you want to do to prevent bedbugs is you want to continually inspect. Know what a bedbug looks like, know where they're probably going to be, and look. Every time I make my bed at home, I look for bedbugs. I'm not really that OCD, but I just want to catch 'em ahead of time if I can. Be careful when you're traveling.

There are some, and I don't have time to get into it, but there are some really good rules about how not to bring

bedbugs home from your travel because if you stay in four or five hotels, the odds are you're going to come across some bedbugs. And it doesn't matter whether it's a low-end hotel or a high-end hotel, same opportunity to get bedbugs. Don't take home discarded furniture. Walking down the street the other day, saw this fantastic armoire. "Wow," I said. "Uh-uh." And I left it. Probably had bedbugs, but it's just almost one of those things.

It looked too good to be true. If you believe you have bedbugs, act immediately. Don't deny it. If you think you have bedbugs, you don't have to know it, get an expert in so that they can start remediation immediately. Control the bedbugs. Vacuum. If you believe you have bedbugs, check your vacuum cleaner. Get rid of your bag or wash if it's a Hepa. Make sure that you're getting rid of the filter and cleaning the vacuum so that you

don't have a reservoir of bedbugs in your vacuum cleaner. Laundry. You should launder your bed linens and least once a week. Make sure that your clothes are, if you have bedbugs you can launder them, and when I say launder, you can wash 'em if they're washable in the hot water cycle. Dry 'em in the high heat cycle, or take 'em to a dry cleaners.

And the organic dry cleaners don't seem to work as well as the conventional dry cleaners. Encasing. I can't even tell you how many people have called me and said, "Well, I threw all my furniture out. I got rid of my mattresses first and my box springs." Unless your pest management professional tells you you need to do that, what you will be best-served and it will be cheaper and will protect you because if you throw your mattress out, you probably still have bedbugs, if you had 'em.

Go out and you buy a good quality encasement. This is like a rubberized-- impervious to--it needs to be bite-proof; it needs to have a good zipper. You want to get one of those and put it over your mattress, and you want to get one and put it on your box springs. You want to be careful not to rip it. You may want to like where the nails are on the box springs, cover it up with tape or felt. Dry heat. You can do everything from using a hairdryer to having the room heated.

And they'll heat the room to 120, 140 degrees for four hours. It will kill the bedbugs. It will also make a big dent in your wallet 'cause it's expensive to do that. Cold treatment where they come in and they use liquid nitrogen and it's very, the area of treatment is very small. It really takes someone who knows what they're doing to be successful at that. Pesticides. If you're going to use

pesticides, they should be applied by a pest management professional. Now if you get bed bugs, this is what we recommend. We recommend the following. Inspect regularly. Report possible bedbugs sightings immediately. Cooperate with the building management and pest management professional. Vacuum, launder, and encase. Remember I just went over that.

If you're going to throw something out that has bedbugs, put it in a plastic bag or wrap it up. Can you imagine, you're walking down the hall of your apartment, and you have bedbugs on your mattress and you're carrying the mattress and it's jumping up and down, and the bedbugs are falling off, headed right to your neighbors'. Be a good neighbor. Don't bring home furniture that you find on the street, and when the pest management professional tells you what to do, follow the directions. You're going to

end up putting a lot of stuff in plastic bags, you're going to have to launder a lot of stuff and move stuff away from the wall, but that's what the pest management professional needs to be done for him or her to be successful.

The resident should not try any type of do-it-yourself pesticide program. You can go down to the drug store and you can buy whatever, or the grocery store and you can buy whatever pesticide. You look on the 'net and oh my goodness, you're just full of pesticides, many of which don't work. If you're going to use a pesticide, use one that's EPA registered. Do not, and the Health Department strongly recommends against the use of insecticidal bombs, individually or by a pest management professional.

They lack effectiveness and are dangerous. What the propellant in these bombs, insecticide bombs, is generally

propane. There was a case in one of the boroughs where somebody used six of 'em, and the facility caught on fire. And also if you use a bomb, it will cause the bedbugs to disperse because it's, again, it's just not a very good product for bedbugs.

Actually it's not a good product for bedbugs. Do not discard perfectly good furniture including your mattress unless you're told to by your pest management professional. And then do it in a mode that is safe and is neighbor-friendly. Do not purchase gimmicks that you see where, well, we'll plug it into the wall and it's emit an electronic pulse and it's going to scare all the bedbugs away. Go to dinner. Spend your money elsewhere.

It does not work. It does not work for bedbugs; it does not work for roaches; it does not work for rats or mice. Landlords should not blame anyone

for bedbug infestation. They should treat the tenants, the staff, and the pest management professionals as partners. They should treat each case of a bedbug sighting or bedbug being there as a potential for a wider infestation.

The landlord or building manager should respond quickly to any complaint of a bedbug and they should cooperate with the pest management professional. Now I'm going to close and just make a couple of take-home comments, and then afterwards we finish, we can answer some question after the other person finishes, Rosalind Black. Any premises can become infested with bedbugs.

This room could have bedbugs. I'm sure it doesn't but it could. Become educated about bedbugs. Learn how they spread, and know that bedbugs are not known to spread disease. Know that control is everybody's business. If you have

bedbugs, you have to be part of the solution, and your neighbors are going to have to be part of the solution. One of the worst things that can happen is have somebody in a building that has bedbugs that says, "I don't want to be a part of this. Stay out of my apartment." And they're a reservoir for bedbugs. That building will have a problem ever getting rid of bedbugs. And cooperation is necessary for successful bedbug control. Thank you very much. [Audience clapping]

MS. ROSALIND BLACK: Hi. Welcome. I'm Rosalind Black. I'm a staff attorney at Manhattan Legal Services, which is part of Legal Services NYC. We work with residents of Manhattan on a variety of legal problems. In particular, I work in the housing unit and help tenants with their legal rights and to prevent eviction. And one area that keeps coming up more and more nowadays is dealing with

bedbugs. So I'm going to cover for you what are your legal rights if you have bedbugs, how do you go about getting the landlord to comply with getting the extermination done, how do you get reimbursement for expenses, how do you get money off your rent to cover you for dealing with this problem.

The first piece of advice to you is to keep track of everything. You need a record of whatever you do. Lawyers love paper, judges love paper, courts love paper. So you want to, starting from when first report that you suspect you have bedbugs to your landlord up until you get rid of them, write down everything that happens.

So when you first suspect you have bedbugs you can call your super or your landlord and let them know about the problem, but you also need to write them a letter, certified mail, return-receipt

requested. Keep a copy. Puts them on notice that you suspect you have a problem or that you've already confirmed that you have a problem. Because that will trigger all sorts of rights for you. It will trigger, first the landlord's obligation to deal with it, and second, start the time for the landlord to be on notice that you have a problem that needs to be addressed.

So you'll want to make your complaint in writing, keep a copy. You'll want to take photos of what's going on in your apartment and what's going on on your body. If you're getting bites, you're going to want to photograph bites for yourself and for your family, so you can prove that this is happening. You're going to want to write down the date that you took those pictures.

If you're not photographing it, you want to make a log of every time you

get a bite or see a bedbug in your apartment. Write that down. Keep a running log. Keep a running log of every interaction with your landlord, with the exterminator, anybody who's dealing with you and the bedbugs. Keep a log of that. Write all that down. You'll also want to photograph what your apartment looks like while you're dealing with this because it's important if you're going to court and seeking money for what you're dealing with, someone can actually see what it's like to go through with dealing with bedbugs because it turns your life upside-down.

All your belongings will be in bags. Your whole apartment will be in disarray. So you'll want to get some pictures of that so that the judge and the court, whoever, can see what you've been living with. So take pictures of this process as it goes along and take pictures

of your life being torn up. And then you're going to have that record for when you need it. So the first thing that you're going to deal with once you've reported the problem is getting your landlord to properly exterminate. And this can be very difficult. The law says the landlord is responsible for providing the exterminator. But you are responsible for preparation and providing access to your apartment.

And the preparation is going to be--you'll get the details from the exterminator when it comes, but it is extensive. You're going to have to bag up belongings; you're going to have to launder things, cover your mattresses, do a lot of tasks to get ready. And access means when the exterminator comes, you have to let them in your apartment to do their thing. So once you have the suspicion that you have bedbugs and you've

reported it to your landlord, the landlord should bring somebody in who's a professional to identify and determine if you have a problem.

Oftentimes the landlord will have your super come out. They may not know, or he or she may not know, what to look for and could mistakenly tell you you do or do not have bedbugs. So it's not foolproof. If you're still getting bitten even though you've been told you don't have bedbugs, or if you see them, be persistent. Keep at it. Don't give up.

Other landlords will send an extermination company to come out and look for bedbugs in your apartment. But even the extermination company may not see evidence of the bedbugs in your apartment. They could be hidden under your box spring or in a place where they don't see it without tearing everything apart or they can be a size where you can't see it. So

that's not foolproof either. I think the most effective thing we have is these bedbug-sniffing dogs, but they can be very expensive. So a landlord may not initially want to spend the money on the bedbug-sniffing dog because it's costly. And there are some companies that have bedbug-sniffing dogs that don't use their dogs properly that may be giving false, usually false positives to people rather than false negatives.

So there is some risk of that. But the dogs can smell the bedbugs, and so they the best means with a well-trained dog to find bedbugs in an apartment. So you may experience using that means, and if the landlord is still denying it and you're still convinced that you're getting bites, it may be worth your while to go to the expense of having the dog company come out either to give you peace of mind that maybe you don't have it or to give you

confirmation so you can get this thing going. Just to give you an idea of the cost, may be 250 to 350 dollars a visit to one apartment.

So, that's what you're dealing with that. So once you know that you have bedbugs--you suspect you have bedbugs, you've put the landlord on notice, maybe nothing's happened--the next thing you want to do, even if something's happening is to call 311, to call the city and support your suspicion about bedbugs. What they will do is they'll refer your call to HPD, to the New York City Department of Housing Preservation and Development, who is supposed to send out an inspector to your apartment who will look and make an assessment if they believe you have bedbugs.

When you call, you'll get a complaint number so you'll have a record that you've made a complaint. You want to

write that number down and keep track of it so you can follow and see what happens. Look it up and see if a violation has been written. HPD may call the landlord just to see if the problem's been fixed. They may call you to see if the problem's been fixed, and they should send an inspector out. You may need to follow up with them again if the inspector isn't coming because they don't always send out the inspector.

So keep calling. You have to be home when the inspector comes to let them into your apartment, and you also want to make sure to point out evidence of the infestation to the inspector so they can see and get that violation written. If the inspector finds bedbugs, they'll write a violation. And what that means is that a notice will go to your landlord that there is a violation of bedbugs in the apartment, and it will give them 30 days

to correct. This time period can be extended. It's usually not enough time to get rid of bedbugs at the landlord's request, but more likely than not, most landlords are not going to be motivated by this HPD city violation because there's no penalty for not complying within 30 days.

Nobody goes after the landlord and says pay up or takes them to court or anything. So nothing happens from the violation, but it does give you a record. So the next step to do is if the landlord is still not complying, you're going to want to start court action to get the landlord to comply to make the repairs.

And you're going to start what's called an HP Action in this court house, and you can go, there's an HP clerk in each court house in the city, and they have pretty good materials and pro-safe forms that you can fill out to get this kind of case started. And what you get in

an HP case is you don't get money damages, you don't get any money back, but you do get in you're [phonetic] after, an order to force the landlord to do the extermination, to get repairs, and if you have other repairs in your apartment you can bring that in as well. I also should say that Housing Court Answers has also an excellent guide to starting an HP Action available on their web site or at their staff, which are in all the housing courts.

So what will happen when you start the HP suit is an HP inspector will come out, verify the violation. If there's already a violation you don't need the inspection if you already have it. But if you haven't, they'll come out and do that, and then when you get to court, what you're looking for is either they'll consent to make the repairs, which most landlords if there's a violation will

agree to make the repairs by a certain time. And usually in this consent order or the judge's order if they're not agreeing to it, there's a penalty for the failure to follow the time periods set out. Usually there's a fine of a certain amount of dollars per day they don't do something.

The landlord could also be subject to contempt, which could also be a fine or a criminal penalty if they don't comply. If the landlord doesn't comply by a certain time with the extermination that the court has ordered, you've got to come back to court. You've got to file an order to show cause to get the landlord to comply to say, "It hasn't happened yet, Judge." Contempt, fines, all those things should now kick in.

You don't need a lawyer to start an HP case. You can do it on your own. Like I said, there are the forms, and the

city does have a lawyer in court. That person isn't your lawyer, but oftentimes they are helpful with explaining the process to tenants who come in without a lawyer. The trick with the HP case is just to keep coming back to court to follow up. Don't let the deadlines pass without going back to court and saying, "I still need the extermination done.

I still have a problem. It's still not fixed." The other thing you can do in terms of both the HP case and trying to get things done is get together with other tenants in your building. If you have bedbugs in your building, you should be talking to your neighbors. You know, oftentimes we're embarrassed about the discussing this with other people. We don't want people to blame us or think that we've done something wrong.

But if you have bedbugs, there's a very good chance your neighbor has

bedbugs. And even if your neighbor doesn't have bedbugs, they will want to start looking to see if they have bedbugs. The will want to also, most landlords--not most--a responsible landlord will want to treat not just the infested apartment but the adjacent apartments because, as was explained before, the bedbugs will travel from apartment to apartment very easily.

So he or she, the landlord, wants to do a preventative treatment of the surrounding units. So you should be talking to your neighbors anyway to let them know about the problem. And oftentimes forming a tenants association in your building or having a group of tenants insisting that the landlord deal with this is more powerful than just you alone.

And there are community groups in your neighborhood that will help you if you want help forming a tenants

association or dealing with these problems with your landlord. One issue and concern that tenants have is who is going to pay me back the expenses? Who's going to pay for the money? I've bought mattress covers, I've taken time off from work, I've bought a new vacuum, all kind of expenses that happen when you're dealing with bedbugs.

The law says that usually you don't get reimbursed for the expenses of preparation and for your property damage loss, so if you have to throw out your couch or some of your personal belongings, your landlord is not responsible for paying you back for those items generally. The only exception is if your landlord is negligent.

And that means if your landlord doesn't deal with the problem, report it, nothing happens, he hires an incompetent exterminator. He has to do something wrong

in order for him to be responsible for those expenses. If you're looking for reimbursement for the expenses, you can go to small claims court, also in this building and throughout, and file for up to five thousand dollars of penalty--not a penalty, a reimbursement in small claims court. Anything more than that, you're going to go to civil court.

Although you're not entitled to reimbursement generally, you are going to be entitled to a rent abatement. And what a rent abatement is, is a determination that you didn't get the full value of your apartment rental. Usually it's monthly. So you should get some money off of your rent for not having full enjoyment of your apartment. And the way to go about getting money off your rent--there are basically three ways.

One is you can do it in housing court in a nonpayment case. You can raise

it as a defense in a counter-claim. You could go to small claims court or you could do civil or Supreme Court depending on how much you're seeking. [Background noise] I'm sorry? We're going to have, we're going to do questions at the end. [Background noise] I'm going to talk first about nonpayment cases and housing court.

The way to recover in housing court is generally that you as the tenant, you withhold your rent, and you wait for the landlord to bring you to court to get that rent money from you and then you raise a defense or a counter-claim: "Well, I don't owe the rent money," or "I don't owe all the rent money because I was dealing with a bedbug infestation that the landlord didn't correct or hasn't yet corrected." The downside of doing that, many of you may know already about the tenant black lists that exist, the tenant screening bureaus that happen.

What happens is the data from the court system about who has been sued in housing court is collected by screening bureaus and then purchased by landlords who are considering whether to rent to somebody. And many landlords will say, "No apartment for John Smith because he was brought to housing court." Regardless of the outcome, regardless of the fault, regardless of the reason for the case.

So if you're withholding rent and waiting to be sued in housing court, you are putting yourself at risk of appearing on this black list and making it very difficult for you to move to another apartment. The other risk of the withholding rent is that some people spend the rent money, and then they get to court and they don't have the money. So that becomes a big problem. You can't really go forward if you don't have the money. Then you could end up getting evicted.

So the nonpayment method--it's good if you're already in housing court, but I don't recommend generally that people spark that kind of court action because of the risks involved with that. So the other way to go is to do small claims, to bring an affirmative case, for you to sue. Small claims court is the easiest to do without a lawyer. You can get up to five thousand dollars, so depending on how much your rent is and how much you're looking for, it may not exactly work for you and you may have to go to civil court or Supreme Court to bring your case there.

To give you an idea of recovery amounts, of what cases in the past, there aren't a lot of reported cases--you know, these kinds of things, they settle or they're not really going through the court system. But there are about six or seven cases and tenants were given between nine

and 50 percent off their rent for each month that the problem went on. And the amount varies, usually based on who was at fault, if the tenant was uncooperative maybe, did the landlord ignore the problem, was everybody trying, how bad was the infestation.

All those kinds of factors are going to be considered, and this is where it's crucial to have the proof I talked about in the beginning. To bring in to court I've got the photos; I've got the log. All that evidence is going to increase your odds of getting a good recovery. The landlord is liable to make the repairs and for the renovating, even if the landlord is saying that it did not cause the problem in your apartment.

The only concern that they might do with blaming a tenant is saying it's the tenant's fault. But fault doesn't mean you brought bedbugs in. Fault in this

context could only mean that you didn't allow access, you didn't prepare, you ignored the problem. Sometimes people want to hire their own exterminator because the landlord has not done and gotten the exterminator out who can do the job or has not gotten anybody out. We call this repair and deduct.

And if a landlord fails to respond timely, you may want to resort to this. You've got to, first of all, keep great paper records that this is what you're doing, that you let the landlord know, and no response, and if you don't by X date get the exterminator, I'm hiring somebody myself. And then you want to let the landlord know that's what you've done. So on your rent, you want to say, "I'm not paying rent this month because I've spent two thousand dollars on the exterminator."

And then, then go ahead and do that. The downside is the landlord can

still pursue you for the money in court. You could still end up in a nonpayment in housing court with the concerns we talked about before, and the judge may still, may side with the landlord and say, "Well, you didn't give the landlord a chance," or "There was no problem, so you're not getting the money back."

So there is that risk. So you must still save the rent money in this situation if you're going to do that. And then of course is the risk of the black listing concern we talked about before. The other thing that people ask about is can I break my lease? Can I move out? I've got bedbugs. There is a doctrine. It's called constructive eviction. If the problem is so bad you can't live there, the court may agree with you that you're entitled to move out and break your lease.

But the court may not agree with you, in which case you're responsible for

the rent money for the rest of the lease term. So that's the risk that you take. And the other risk is the practical risk that you could just take the problem with you. If you don't know you've gotten rid of the bedbugs in your apartment, it's much better to stay there and get rid of them and then move at the end of the lease term. There is a new law passed in New York City that requires landlords to disclose the bedbug status of an apartment before an apartment is rented.

Much like you get the lead paint disclosure statements that come with your lease, there's now a bedbug disclosure statement. I'm sorry; it doesn't apply just to your apartment. It's any apartment in the whole building or your apartment. The landlord has to disclose whether there's been an infestation in the last year, and if, what and if any methods have been taken to get rid of the problem in

your building.

Unfortunately there's no penalty yet for noncompliance, so it may not, you may not get this information, and you may not get the information early enough to help you make a decision. But you certainly should ask for the information anyway. Some other resources for people after this training is Housing Court Answers has a hotline and a web site. Their hotline is 212-962-4795.

They can answer a lot of these questions about dealing with bedbugs first factually and legally. And the Metropolitan Council on Housing has a hotline. It's 212-979-0611. And those are 212-979-0611. Both good places to go. Okay. Thank you.

[END

180502_ProcessedAudio_BEDBUGS.mp3]