City of Philadelphia

City Council
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Legislation Details (With Text)

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Title: Amending Chapter 3 of Subcode PM ("The Philadelphia Property Maintenance Code") of Title 4 of The Philadelphia Code, entitled "General Requirements," to add provisions relating to bed bug infestation; adding Chapter 9-4500 of the Code, entitled "Responsibilities Concerning Bed Bug Infestations," to establish various requirements for landlords and tenants relating to bed bug infestation and to establish requirements related to bed bugs in connection with certain residential occupancies and the sale of residential property; all under certain terms and conditions.

Sponsors: Councilmember Squilla, Councilmember Parker, Councilmember Bass, Councilmember Jones, Councilmember Henon, Councilmember Johnson, Councilmember Gym, Councilmember Blackwell, Councilmember Greenlee

Indexes: BED BUG INFESTATIONS, PROPERTY MAINTENANCE CODE

Code sections:

Attachments: 1. Bill No. 190106-A02, As Amended on Floor.pdf, 2. CertifiedCopy190106-A02

Date	Ver.	Action By	Action	Result	Tally
12/30/2019	2	MAYOR	SIGNED		
12/12/2019	1	CITY COUNCIL	READ AND PASSED	Pass	17:0
12/5/2019	2	CITY COUNCIL			
12/5/2019	2	CITY COUNCIL			
12/5/2019	1	CITY COUNCIL			
10/24/2019	1	CITY COUNCIL			
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10/22/2019	0	Committee on Licenses and Inspections			
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10/22/2019	0	Committee on Licenses and Inspections			
10/22/2019	1	Committee on Licenses and Inspections			
2/14/2019	0	CITY COUNCIL			

Amending Chapter 3 of Subcode PM ("The Philadelphia Property Maintenance Code") of Title 4 of The Philadelphia Code, entitled "General Requirements," to add provisions relating to bed bug infestation; adding Chapter 9-4500 of the Code, entitled "Responsibilities Concerning Bed Bug Infestations," to establish various requirements for landlords and tenants relating to bed bug infestation and to establish requirements related to bed bugs in connection with certain residential occupancies and the sale of residential property; all under certain terms and conditions.

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THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

WHEREAS, The City of Philadelphia has neighborhoods where more than 10% of households have been affected by bed bugs; and

WHEREAS, although numerous cities, including but not limited to New York, Chicago, San Francisco, Boston, Jersey City, Albany, and Hartford, have bed bug enforcement ordinances, the City of Philadelphia has no ordinance addressing the serious problem of bed bugs; and

WHEREAS, The City of Philadelphia does not have a department coordinating or recording bed bug complaints; and

WHEREAS, The U.S. Centers for Disease Control and Prevention (CDC) and the U.S. Environmental Protection Agency (EPA) have issued a statement that bed bugs “are a pest of significant public health importance”; and

WHEREAS, Bed bugs may affect the ability of health care providers to serve patients living in affected households and institutions; and

WHEREAS, Bed bug infestations can lead to social stigmas, mental health duress, and isolation among those affected, now therefore,

SECTION 1. Bed Bugs are hereby declared to be a pest of significant public health importance and subject to remediation provisions.

SECTION 2. Subcode PM of Title 4 of The Philadelphia Code (“The Philadelphia Property Maintenance Code”) is hereby amended as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

* * *

SUBCODE "PM" (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

* * *

SECTION PM-202 GENERAL DEFINITIONS

* * *

BED BUGS. Insects of the species Cimex Lectularius, and related species.

* * *

CHAPTER 3

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GENERAL REQUIREMENTS

* * *

SECTION PM-309 PEST ELIMINATION

* * *

PM-309.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

Exception: With respect to bed bugs, the provisions of Section PM-310 shall supersede the provisions of this Subsection PM-309.5.

* * *

SECTION PM-310 BED BUG ELIMINATION

PM 310.1 The definitions of Chapter 9-4500 of the Code ("Responsibilities Concerning Bed Bug Infestation") shall apply to this Section.

PM 310.2 All structures shall be kept free from bed bug infestation. When an infestation is suspected, a reasonable inspection shall be performed. All structures in which bed bugs are found shall be promptly exterminated by a pest management professional, following best management practices. After extermination, proper precautions shall be taken to prevent re-infestation.

PM 310.3 Where a property is leased or operated by a dwelling facility operator, the owner, operator and property manager of the rented property or dwelling facility shall be responsible for inspection of suspected infestation, remediation of an infestation and precautions taken to prevent re-infestation, as further established in Chapter 9-4500.

PM 310.4 The provisions of this Section PM-310 shall be enforced by the Department of Licenses and Inspections.

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SECTION 3. Chapter 9-4500 of The Philadelphia Code is hereby added as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

* * *

CHAPTER 9-4500. RESPONSIBILITIES CONCERNING BED BUG INFESTATION

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§ 9-4501. Definitions.

(1) Bed bug control plan. A document that describes prevention and control methods used to prevent bed bug infestation and that is consistent with any designated bed bug best management practices.

(2) Bed bug best management practices. Practices for the investigation and remediation of bed bugs that follow current National Pest Management Association best management practices or another current standard as adopted by regulation of the Department of Licenses and Inspections or such other agency as may be designated by the Managing Director.

(3) Dwelling facility operator.

(a) The governing association of a condominium or cooperative building;

(b) The operator of any group living home or facility; or

(c) The operator of a hotel or other transient facility.

(4) Dwelling facility resident.

(a) The owner of a condominium unit or occupant of a unit in a cooperative building;

(b) A resident of any group living home or facility; or

(c) A resident or guest of any hotel or other transient facility.

(5) Group Living. As defined in Section 14-203 of the Zoning Code.

(6) Governing association. The board of managers of an association of condominium owners or the board of directors of a cooperative building.

(7) Informational notice regarding bed bugs. A brochure or other document prepared by the Department of Licenses and Inspections or other such agency as determined by the Managing Director that sets forth information on how to detect the presence of bed bugs, how to prevent the spread of bed bugs, describes landlord and tenant rights and responsibilities with respect to bed bugs under this Chapter and that is made available to the public for download on a City website.

(8) Pest management professional. A person or business who is licensed, registered or certified by the State of Pennsylvania to perform pest control services pursuant to the Pennsylvania Pesticide Control Act of 1973, Act of March 1, 1974, P.L. 90, as amended, 3 P.S. § 111.21, et seq.

(9) Transient facility. Any building used in any part for residential occupancy on a daily or nightly basis for 30 or fewer consecutive days.

§ 9-4502. Bed Bugs and Property Rental.

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(1) Landlord Obligations.

(a) No person shall lease out any dwelling unit:

(i) unless such person has furnished to the tenant an informational notice regarding bed bugs;

(ii) unless such person has developed, maintained and is following a bed bug control plan; and

(iii) unless such person has furnished to the tenant a written disclosure of the history of bed bug infestation and remediation history for the dwelling unit for the previous 120 days. If there is no history of bed bug infestation, such person shall disclose that fact in writing.

(b) Upon notification by a person who finds or reasonably suspects an infestation of bed bugs in a rental unit, the landlord shall:

(i) acknowledge the complaint within five business days of notification of the suspected infestation;

(ii) obtain investigatory and remedial services from a pest management professional within ten business days of notification;

(iii) upon a determination of an infestation, provide remedial services until such time as a pest management professional determines that no evidence of bed bugs can be found in the unit;

(iv) in buildings of four or more units, obtain investigatory services of such a professional in connection with any unit directly adjacent to, above or below the unit from which the original report came;

(v) provide tenants with no less than 24-hours notice in advance of entering a unit for purposes of inspection, remediation or monitoring in connection with a bed bug complaint;

(vi) provide all tenants of units affected by a bed bug complaint with written notice of the pest management professional's determination in connection with such unit within five business days of receipt of information from the professional. Similar notification shall be provided to all tenants in connection with determinations made regarding a common area of a building;

(vii) obtain reasonable monitoring services for a period of 12 months after no evidence of bed bugs can be found in connection with any unit determined to be infested. If the unit is leased to a new tenant during the monitoring period, the landlord must fully explain the monitoring activities to the new tenant and continue monitoring during such period; and

(viii) maintain a written record of all complaints and control measures provided, including reports of chemicals applied and other remedies provided by the pest management professional or

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other person and any other reports or receipts prepared by the pest management professional. Such records shall be maintained for two years.

(2) Tenant Obligations.

(a) A tenant shall not knowingly bring into the building personal furnishings or belongings that are infested with bed bugs.

(b) A tenant that finds or reasonably suspects a bed bug infestation in the tenant's dwelling unit or a common area of the building shall notify the landlord within five business days of finding or suspecting the infestation.

(c) A tenant that notifies a landlord of a suspected infestation, or that is advised by a landlord in writing of a suspected infestation in the building, shall cooperate with reasonable recommendations provided by a pest management professional hired by the landlord to investigate and remediate the infestation, including by:

(i) granting access at reasonable times to the tenant's unit for purposes of inspection and remediation, upon reasonable notice by the landlord;

(ii) not interfering with inspections or remediation efforts;

(iii) carrying out reasonable preparations, such as cleaning or moving furniture, before treatment, in accordance with the recommendations of the pest management professional; and

(iv) carrying out other reasonable recommendations of the pest management professional.

(3) Responsible Party.

(a) If tenant notifies landlord in writing within 365 days after the lease commencement date that tenant found or reasonably suspects a bed bug infestation, or within 180 days of discovery of a bed bug infestation in an adjoining unit in the building, landlord shall be responsible for the costs of investigating and remediating the infestation.

(b) If tenant notifies the landlord in writing more than 365 days after the lease commencement date that tenant found or reasonably suspects a bed bug infestation, landlord shall be responsible for investigating and remediating the infestation, provided that tenant shall share in the responsibility for the reasonable costs thereof. Tenants shall not be responsible to share in costs in connection with properties managed by the Philadelphia Housing Authority or properties for which rent is paid through a government housing subsidy or voucher program.

(4) Leases and Other Agreements.

(a) Acknowledgement of the responsibilities of landlords and tenants as set forth in this Section 9-4502 must be made part of any lease agreement between the landlord and tenant. Acknowledgment by

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the tenant of receipt of the informational brochure and unit history disclosure must be made part of the lease agreement.

(5) Remedies.

(a) Upon violation by a landlord of any provision of Subsection 9-4502(1)(a), the tenant shall be entitled to terminate the lease, without penalty or legal obligation.

(b) Upon violation by a landlord of any provision of Subsection 9-4502(1)(b), the landlord shall be denied, during the period of violation, the right to file an eviction action to obtain possession of the property.

(c) Upon violation by a landlord of any provision of Subsection 9-4502(1)(b), the tenant shall be entitled to bring an action in a court of competent jurisdiction and a prevailing tenant shall be entitled to the following remedies:

(i) an order requiring the landlord to comply with any requirement of this Chapter 9-4500;

(ii) the reasonable cost of a comprehensive bed bug inspection and remediation;

(iii) damages for any harm caused by the failure to comply with any requirement of this Chapter 9-4500;

(iv) punitive damages of up to $2,000 per violation;

(v) abatement of unpaid rent and refund of rent paid for any period in which the landlord fails to comply with an obligation to hire a pest management profession for the purposes of bed bug abatement; and

(vi) attorney's fees and costs.

(d) Upon violation by a tenant of any provision of Subsection 9-4502(2), the landlord shall be entitled to terminate the lease, without penalty or legal obligation.

§ 9-4503. Bed Bugs and Dwelling Facility Operators.

(1) Every dwelling facility operator shall develop, maintain, and follow a bed bug control plan and shall investigate any suspected infestation and remediate any such infestation.

(2) A dwelling facility operator shall, upon request, provide a copy of its bed bug control plan to a dwelling facility resident.

(3) No dwelling facility operator shall knowingly lease or provide a room or unit in its facility in which a bed bug infestation exists.

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(4) No dwelling facility operator shall retaliate against a dwelling facility resident, employee, contractor, lessee or other user of its facility for reporting a suspected or known bed bug infestation to the operator or for sharing such information with other residents or users.

(5) A dwelling facility operator shall maintain written records of any measures taken or of any report prepared by a pest management professional retained by the facility operator in connection with a suspected or actual bed bug infestation for three years after such measures were taken or report issued. The plan and records shall be open to inspection upon request by such city personnel as may be designated by the Managing Director.

(6) A dwelling facility resident shall notify in writing the dwelling facility operator of any known or reasonably suspected bed bug infestation in an occupied room or unit, within three days of discovery, and cooperate with the dwelling facility operator in the investigation and remediation of the infestation.

* * *

SECTION 4. This Ordinance shall be effective January 1, 2021. The provisions of Section 3 of this Ordinance shall apply only with respect to a lease or the renewal of a lease entered into after the effective date of this Ordinance.

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