

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-1061.01 Richard Sweetman x4333

**HOUSE BILL 19-1328**

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**HOUSE SPONSORSHIP**

**Herod,**

**SENATE SPONSORSHIP**

**Rodriguez,**

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**House Committees**  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING BED BUGS IN RESIDENTIAL PREMISES, AND, IN**  
102            **CONNECTION THEREWITH, ESTABLISHING DUTIES FOR**  
103            **LANDLORDS AND TENANTS IN ADDRESSING THE PRESENCE OF**  
104            **BED BUGS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires a tenant to promptly notify the tenant's landlord when the tenant knows or reasonably suspects that the tenant's dwelling unit contains bed bugs. Not more than 96 hours after receiving notice of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

the presence or possible presence of bed bugs, a landlord:

- ! Shall inspect or obtain an inspection by a qualified inspector of the dwelling unit and any contiguous dwelling unit of which the landlord is an owner, manager, lessor, or sublessor (contiguous unit); and
- ! May enter the dwelling unit or any contiguous unit for the purpose of conducting the inspection.

Except as otherwise provided, a landlord is responsible for all costs associated with inspection for, and treatment of, the presence of bed bugs.

If a landlord, qualified inspector, or pest control agent must enter a dwelling unit for the purpose of conducting an inspection for, or treating the presence of, bed bugs, the landlord shall provide the tenant reasonable written or electronic notice of such fact before the landlord, qualified inspector, or pest control agent attempts to enter the dwelling unit. A tenant who receives the notice shall not unreasonably deny the landlord, qualified inspector, or pest control agent access to the dwelling unit.

A tenant shall comply with reasonable measures to permit the inspection for, and treatment of, the presence of bed bugs, and the tenant is responsible for all costs associated with preparing the tenant's dwelling unit for inspection and treatment. A tenant who knowingly and unreasonably fails to comply with inspection and treatment requirements is liable for the cost of subsequent bed bug treatments of the dwelling unit and contiguous units if the need for the treatments arises from the tenant's noncompliance.

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*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add** part 9 to article 12 of title 38 as follows:

PART 9

BED BUGS IN RESIDENTIAL PREMISES

**38-12-901. Definitions.** AS USED IN THIS PART 9, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BED BUG" MEANS THE COMMON BED BUG, OR CIMEX LECTULARIUS.

(2) "BED BUG DETECTION TEAM" MEANS A SCENT DETECTION CANINE TEAM THAT HOLDS A CURRENT, INDEPENDENT, THIRD-PARTY

1 CERTIFICATION IN ACCORDANCE WITH THE GUIDELINES FOR MINIMUM  
2 STANDARDS FOR CANINE BED BUG DETECTION TEAM CERTIFICATION  
3 ESTABLISHED BY THE NATIONAL PEST MANAGEMENT ASSOCIATION OR ITS  
4 SUCCESSOR ORGANIZATION.

5 (3) "CERTIFIED OPERATOR" HAS THE MEANING SET FORTH IN  
6 SECTION 35-10-103 (1).

7 (4) "COMMERCIAL APPLICATOR" HAS THE MEANING SET FORTH IN  
8 SECTION 35-10-103 (2).

9 (5) "CONTIGUOUS DWELLING UNIT" MEANS A DWELLING UNIT THAT  
10 IS CONTIGUOUS WITH ANOTHER DWELLING UNIT, BOTH OF WHICH UNITS  
11 ARE OWNED, MANAGED, LEASED, OR SUBLEASED BY THE SAME LANDLORD.

12 (6) "DWELLING UNIT" MEANS A STRUCTURE OR THE PART OF A  
13 STRUCTURE THAT IS USED AS A HOME, RESIDENCE, OR SLEEPING PLACE BY  
14 A TENANT.

15 (7) "LANDLORD" MEANS THE OWNER, MANAGER, LESSOR, OR  
16 SUBLESSOR OF A RESIDENTIAL PREMISES.

17 (8) "PEST CONTROL AGENT" MEANS A CERTIFIED OPERATOR,  
18 COMMERCIAL APPLICATOR, QUALIFIED SUPERVISOR, OR TECHNICIAN.

19 (9) "QUALIFIED INSPECTOR" MEANS A BED BUG DETECTION TEAM,  
20 LOCAL HEALTH DEPARTMENT OFFICIAL, CERTIFIED OPERATOR,  
21 COMMERCIAL APPLICATOR, QUALIFIED SUPERVISOR, OR TECHNICIAN WHO  
22 IS RETAINED BY A LANDLORD TO CONDUCT AN INSPECTION FOR BED BUGS.

23 (10) "QUALIFIED SUPERVISOR" HAS THE MEANING SET FORTH IN  
24 SECTION 35-10-103 (13).

25 (11) "TENANT" MEANS A PERSON ENTITLED UNDER A RENTAL  
26 AGREEMENT TO OCCUPY A DWELLING UNIT TO THE EXCLUSION OF OTHERS.

27 (12) "TECHNICIAN" HAS THE MEANING SET FORTH IN SECTION

1 35-10-103 (15).

2 **38-12-902. Bed bugs - notification to landlord - landlord**

3 **duties.** (1) A TENANT SHALL PROMPTLY NOTIFY THE TENANT'S LANDLORD  
4 ELECTRONICALLY OR IN WRITING WHEN THE TENANT KNOWS OR  
5 REASONABLY SUSPECTS THAT THE TENANT'S DWELLING UNIT CONTAINS  
6 BED BUGS.

7 (2) NOT MORE THAN NINETY-SIX HOURS AFTER RECEIVING NOTICE  
8 OF THE PRESENCE OF BED BUGS OR THE POSSIBLE PRESENCE OF BED BUGS,  
9 A LANDLORD, AFTER PROVIDING NOTICE TO THE TENANT AS DESCRIBED IN  
10 SECTION 38-12-904 (1):

11 (a) SHALL OBTAIN AN INSPECTION OF THE DWELLING UNIT AND ANY  
12 CONTIGUOUS DWELLING UNIT BY A QUALIFIED INSPECTOR; AND

13 (b) MAY ENTER THE DWELLING UNIT OR ANY CONTIGUOUS  
14 DWELLING UNIT FOR THE PURPOSE OF ALLOWING THE INSPECTION AS  
15 PROVIDED IN SECTION 38-12-903.

16 **38-12-903. Bed bugs - inspections - treatments - costs.** (1) IF  
17 A LANDLORD OBTAINS AN INSPECTION FOR BED BUGS, THE LANDLORD  
18 MUST PROVIDE WRITTEN NOTICE TO THE TENANT WITHIN TWO BUSINESS  
19 DAYS AFTER THE INSPECTION INDICATING WHETHER THE DWELLING UNIT  
20 CONTAINS BED BUGS.

21 (2) IF A QUALIFIED INSPECTOR CONDUCTING AN INSPECTION  
22 DETERMINES THAT NEITHER THE DWELLING UNIT NOR ANY CONTIGUOUS  
23 DWELLING UNIT CONTAINS BED BUGS, THE NOTICE PROVIDED BY THE  
24 LANDLORD PURSUANT TO SUBSECTION (1) OF THIS SECTION MUST INFORM  
25 THE TENANT THAT IF THE TENANT REMAINS CONCERNED THAT THE  
26 DWELLING UNIT CONTAINS BED BUGS, THE TENANT MAY CONTACT THE  
27 LOCAL HEALTH DEPARTMENT TO REPORT SUCH CONCERNS.

1 (3) IF A QUALIFIED INSPECTOR CONDUCTING AN INSPECTION  
2 DETERMINES THAT A DWELLING UNIT OR ANY CONTIGUOUS DWELLING UNIT  
3 CONTAINS BED BUGS, THE QUALIFIED INSPECTOR SHALL PROVIDE A REPORT  
4 OF THE DETERMINATION TO THE LANDLORD WITHIN TWENTY-FOUR HOURS.  
5 NOT LATER THAN FIVE BUSINESS DAYS AFTER THE DATE OF THE  
6 INSPECTION, THE LANDLORD SHALL COMMENCE REASONABLE MEASURES,  
7 AS DETERMINED BY THE QUALIFIED INSPECTOR, TO EFFECTIVELY TREAT  
8 THE BED BUG PRESENCE, INCLUDING RETAINING THE SERVICES OF A PEST  
9 CONTROL AGENT TO TREAT THE DWELLING UNIT AND ANY CONTIGUOUS  
10 DWELLING UNIT.

11 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS PART 9, A LANDLORD  
12 IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH AN INSPECTION FOR,  
13 AND TREATMENT OF, BED BUGS. NOTHING IN THIS SECTION PROHIBITS A  
14 TENANT FROM CONTACTING ANY AGENCY AT ANY TIME CONCERNING THE  
15 PRESENCE OF BED BUGS.

16 **38-12-904. Bed bugs - access to dwelling unit and personal**  
17 **belongings - notice - costs.** (1) (a) IF A LANDLORD, QUALIFIED  
18 INSPECTOR, OR PEST CONTROL AGENT MUST ENTER A DWELLING UNIT FOR  
19 THE PURPOSE OF CONDUCTING AN INSPECTION FOR, OR TREATING THE  
20 PRESENCE OF, BED BUGS, THE LANDLORD SHALL PROVIDE THE TENANT  
21 REASONABLE WRITTEN OR ELECTRONIC NOTICE OF SUCH FACT AT LEAST  
22 FORTY-EIGHT HOURS BEFORE THE LANDLORD, QUALIFIED INSPECTOR, OR  
23 PEST CONTROL AGENT ATTEMPTS TO ENTER THE DWELLING UNIT; EXCEPT  
24 THAT A RENTAL AGREEMENT MAY PROVIDE FOR A DIFFERENT MINIMUM  
25 TIME FOR THE NOTICE. A TENANT WHO RECEIVES SUCH NOTICE SHALL NOT  
26 UNREASONABLY DENY THE LANDLORD, QUALIFIED INSPECTOR, OR PEST  
27 CONTROL AGENT ACCESS TO THE DWELLING UNIT.

1 (b) A TENANT MAY WAIVE THE NOTICE REQUIREMENT DESCRIBED  
2 IN SUBSECTION (1)(a) OF THIS SECTION.

3 (2) A QUALIFIED INSPECTOR WHO IS INSPECTING A DWELLING UNIT  
4 FOR BED BUGS MAY CONDUCT AN INITIAL VISUAL AND MANUAL  
5 INSPECTION OF A TENANT'S BEDDING AND UPHOLSTERED FURNITURE. THE  
6 QUALIFIED INSPECTOR MAY INSPECT ITEMS OTHER THAN BEDDING AND  
7 UPHOLSTERED FURNITURE WHEN THE QUALIFIED INSPECTOR DETERMINES  
8 THAT SUCH AN INSPECTION IS NECESSARY AND REASONABLE.

9 (3) IF A QUALIFIED INSPECTOR FINDS BED BUGS IN A DWELLING  
10 UNIT OR IN ANY CONTIGUOUS DWELLING UNIT, THE QUALIFIED INSPECTOR  
11 MAY HAVE SUCH ADDITIONAL ACCESS TO THE TENANT'S PERSONAL  
12 BELONGINGS AS THE QUALIFIED INSPECTOR DETERMINES IS NECESSARY  
13 AND REASONABLE.

14 (4) A TENANT SHALL COMPLY WITH REASONABLE MEASURES TO  
15 PERMIT THE INSPECTION FOR, AND THE TREATMENT OF, THE PRESENCE OF  
16 BED BUGS AS DETERMINED BY THE QUALIFIED INSPECTOR, AND THE  
17 TENANT IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH PREPARING THE  
18 TENANT'S DWELLING UNIT FOR INSPECTION AND TREATMENT. A TENANT  
19 WHO KNOWINGLY AND UNREASONABLY FAILS TO COMPLY WITH THE  
20 INSPECTION AND TREATMENT REQUIREMENTS DESCRIBED IN THIS PART 9  
21 IS LIABLE FOR THE COST OF ANY BED BUG TREATMENTS OF THE DWELLING  
22 UNIT AND CONTIGUOUS DWELLING UNITS IF THE NEED FOR SUCH  
23 TREATMENTS ARISES FROM THE TENANT'S NONCOMPLIANCE.

24 (5) IF ANY FURNITURE, CLOTHING, EQUIPMENT, OR PERSONAL  
25 PROPERTY BELONGING TO A TENANT IS FOUND TO CONTAIN BED BUGS, THE  
26 FURNITURE, CLOTHING, EQUIPMENT, OR PERSONAL PROPERTY SHALL NOT  
27 BE REMOVED FROM THE DWELLING UNIT UNTIL A PEST CONTROL AGENT

1 DETERMINES THAT A BED BUG TREATMENT HAS BEEN COMPLETED.

2 (6) (a) NOTHING IN THIS SECTION REQUIRES A LANDLORD TO  
3 PROVIDE A TENANT WITH ALTERNATIVE LODGING OR TO PAY TO REPLACE  
4 A TENANT'S PERSONAL PROPERTY.

5 (b) NOTHING IN THIS SECTION PREEMPTS OR RESTRICTS THE  
6 APPLICATION OF ANY STATE OR FEDERAL LAW CONCERNING REASONABLE  
7 ACCOMMODATIONS FOR PERSONS WITH DISABILITIES.

8 **38-12-905. Bed bugs - renting of dwelling units with bed bugs**  
9 **prohibited.** A LANDLORD SHALL NOT OFFER FOR RENT A DWELLING UNIT  
10 THAT THE LANDLORD KNOWS OR REASONABLY SUSPECTS TO CONTAIN BED  
11 BUGS. BEFORE RENTING A DWELLING UNIT, A LANDLORD SHALL DISCLOSE  
12 TO A PROSPECTIVE TENANT WHETHER, TO THE LANDLORD'S KNOWLEDGE,  
13 THE DWELLING UNIT THE LANDLORD IS OFFERING FOR RENT OR ANY  
14 CONTIGUOUS DWELLING UNIT EVER CONTAINED BED BUGS. UPON REQUEST  
15 FROM A TENANT OR A PROSPECTIVE TENANT, A LANDLORD SHALL DISCLOSE  
16 THE LAST DATE, IF ANY, ON WHICH A DWELLING UNIT BEING RENTED OR  
17 OFFERED FOR RENT WAS INSPECTED FOR, AND FOUND TO BE FREE OF, BED  
18 BUGS.

19 **38-12-906. Remedies - liability.** (1) A LANDLORD WHO FAILS TO  
20 COMPLY WITH THIS PART 9 IS LIABLE TO THE TENANT FOR THE TENANT'S  
21 ACTUAL DAMAGES.

22 (2) A LANDLORD MAY APPLY TO A COURT OF COMPETENT  
23 JURISDICTION TO OBTAIN INJUNCTIVE RELIEF, EVICTION, OR SUCH OTHER  
24 RELIEF AS MAY BE APPROPRIATE AGAINST A TENANT WHO:

25 (a) REFUSES TO PROVIDE REASONABLE ACCESS TO A DWELLING  
26 UNIT; OR

27 (b) FAILS TO COMPLY WITH A REASONABLE REQUEST FOR

1 INSPECTION OR TREATMENT OF A DWELLING UNIT.

2 (3) IF A COURT FINDS THAT A TENANT HAS UNREASONABLY FAILED  
3 TO COMPLY WITH ONE OR MORE REQUIREMENTS SET FORTH IN THIS PART  
4 9, THE COURT MAY ISSUE A TEMPORARY ORDER TO CARRY OUT THIS PART  
5 9, INCLUDING:

6 (a) GRANTING THE LANDLORD ACCESS TO THE DWELLING UNIT FOR  
7 THE PURPOSES SET FORTH IN THIS PART 9;

8 (b) GRANTING THE LANDLORD THE RIGHT TO ENGAGE IN BED BUG  
9 INSPECTION AND TREATMENT MEASURES IN THE DWELLING UNIT; AND

10 (c) REQUIRING THE TENANT TO COMPLY WITH SPECIFIC BED BUG  
11 INSPECTION AND TREATMENT MEASURES OR ASSESSING THE TENANT WITH  
12 COSTS AND DAMAGES RELATED TO THE TENANT'S NONCOMPLIANCE.

13 (4) ANY COURT ORDER GRANTING A LANDLORD ACCESS TO A  
14 DWELLING UNIT MUST BE SERVED UPON THE TENANT AT LEAST  
15 TWENTY-FOUR HOURS BEFORE A LANDLORD, QUALIFIED INSPECTOR, OR  
16 PEST CONTROL AGENT ENTERS THE DWELLING UNIT.

17 (5) (a) THE REMEDIES IN THIS SECTION ARE IN ADDITION TO ANY  
18 OTHER REMEDIES AVAILABLE AT LAW OR IN EQUITY TO ANY PERSON.

19 (b) THIS SECTION DOES NOT LIMIT OR RESTRICT THE AUTHORITY OF  
20 ANY STATE OR LOCAL HOUSING OR HEALTH CODE ENFORCEMENT AGENCY.

21 **SECTION 2. Act subject to petition - effective date.** This act  
22 takes effect at 12:01 a.m. on the day following the expiration of the  
23 ninety-day period after final adjournment of the general assembly (August  
24 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
25 referendum petition is filed pursuant to section 1 (3) of article V of the  
26 state constitution against this act or an item, section, or part of this act  
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in  
2 November 2020 and, in such case, will take effect on the date of the  
3 official declaration of the vote thereon by the governor.