February 7, 2019

Honorable Muriel Bowser
Mayor of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Honorable Phil Mendelson
Chairman of the District of Columbia City Council
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Mayor Bowser and Chairman Mendelson:

ANC 1B writes you to express our support of the Bed Bug Control Act of 2019, hereto referred as the Act, and to offer five amendments to the legislation.

The CDC finds that bed bugs are a “significant public health hazard” and Washington DC is the second most infested city in the country. The cost and difficulty of exterminating bed bug infestations increases with the size of the infestation. A few bugs can be treated for under $50. However, if that same dwelling is part of a multi-dwelling infestation—infesting several adjoining dwellings—it can cost each owner $5,000 and take years to treat. In one case, an infestation that began in one unit, spread to 68 others costing more than $200,000 over 3 years. Multi-dwelling infestations persist because a few occupants refuse to get treatment.

The Act targets multi-dwelling infestations in three ways. First, it creates incentives for occupants to seek treatment before bed bugs spread. Second, it allows those that suffer from persistent infestations to identify their neighbors that harbor bed bugs and compels them to participate in treatment. Finally, it encourages communities to collaborate in the extermination effort. The Act benefits landlords and owners because all infected dwellings get treatment quickly and occupants comply with instructions; reducing treatment costs. The Act also benefits the poorest members of our community by recognizing their right to swift treatment access to information about the history of infestations, and financial subsidies to cover treatment costs.
On February 7, 2019, at a public meeting and with a quorum of 11 of 12 Commissioners present, ANC 1B voted unanimously to support the Act and offers two amendments to strengthen the monitoring and enforcement provisions included in the Act.

ON BEHALF OF THE COMMISSION.

Regards,

Joshua Mater
Vice-Chair ANC 1B, Commissioner. 1B08

Jon Squicciarini
Secretary ANC 1B, Commissioner.1B04

Recommendation 1: Extend the definition of bed bugs and other insect pests to include all life stages.

In the current version, Sec 2(a) reads: “‘Eradication’ means the elimination of bed bugs and insect pests from any premises through the use of traps, poisons, fumigations, heat, or any other method of extermination.”

ANC 1B recommends it read: “‘Eradication’ means the elimination of bed bugs and insect pests, and their eggs and larvae from any premises through the use of traps, poisons, fumigations, heat, or any other method of extermination.”

This will ensure that occupants and exterminators do not solely focus their efforts on fully grown pests. In many cases, pests have long gestation periods and larvae and eggs require different treatment protocols. The new language simply clarifies the intent of the original document.

Recommendation 2: Clarify the conditions under which DCRA/DOH can gain entry to inspect homes with suspected infestations.

Sec 6(b) currently reads: “The Department shall have the right to inspect any dwelling for bedbugs or other insect pests that threaten the health of the public, where there is a report made to the Department by the owner, tenant, or non-tenant occupant in control of a property sharing a party wall, floor or ceiling if: (1) There is documented evidence of at least three infestations within a two-year period of the complaining party’s dwelling; and (2) An affidavit by a licensed exterminator that the suspected source of the infestation is outside the complaining party’s dwelling and is likely in the dwelling of another party.”

ANC 1B recommends the section read: “The Department shall have the right to inspect any dwelling for bed bugs or other insect pests that threaten the health of the public, where there is a report made to the Department by the owner, tenant, or non-tenant occupant in control of a property sharing a party wall, floor or ceiling if:

(1) There is documented evidence of 3 bed bug treatment applications within a two-year period of the complaining party’s dwelling; and an affidavit is produced by a licensed exterminator that states the suspected source of the infestation is outside the complaining party’s dwelling and is likely in the dwelling of another party; or if

(2) Two different complaining parties produce documented evidence of active infestations in their homes, and an affidavit by a licensed exterminator that the suspected source of the infestation is an outside property with which they both share walls, ceilings or floors; or if

(3) There is documented evidence of an active infestation in the complaining party’s home; and an affidavit is produced by two different licensed exterminators that each state the suspected source of the infestation is outside the complaining party’s dwelling and is likely in the dwelling of another party

In its current version, sec 6(2) (d) reads: “(d) Following the third confirmed bed bug infestation in a property within two years, the tenant or non-tenant occupant in control must submit to four
quarterly inspections of their property for the 12 months after the bed bugs have been exterminated.”

ANC 1B recommends it read: “(d) Following an inspection brought about under sec 6(b) of this act that confirms a bed bug infestation in a property, the tenant or non-tenant occupant in control must submit to four quarterly inspections of their property for the 12 months after the bed bugs have been exterminated.”

The intent of the Act strikes at the primary cause of multi-home infestations and makes sure that occupants cannot harbor an infestation that spreads to neighboring properties. But in practice, it may be difficult to identify three distinct infestations, rather than one long infestation. In one interpretation, it would require three very long courses of bed bug treatments that would cost homeowners considerably before they could gain access to their neighbor’s property and verify that they have bed bugs. During that time bed bugs may spread to many more homes raising the cost and duration of treatment exponentially.

This recommended version will balance the rights of all parties. It ensures that the city can only gain access when an occupant refuses to allow it, and a licensed professional exterminator is willing to testify that the source of the infestation is a neighbor. It also builds off the two most common indicators that the bed bugs are coming from a third-party that refuses treatment: (a) several other homes have bed bugs at the same time; (b) treatments continually fail. By referring to treatment applications rather than infestations, it makes precise the conditions required to gain entry into neighboring homes.

**Recommendation 3: Make explicit that Owner’s Duties extend in the context of Public Housing and ensure vulnerable communities including public housing occupants, tenants and low-income residents can access these services.**

In the current version, Sec 3. (a) reads “The owner or non-tenant occupant in control of a dwelling shall keep the premises free from infestations of bed bugs or other insects, and free from any conditions conducive to bed bug and other insect life.”

ANC 1B recommends the section read: “The owner or non-tenant occupant in control of a dwelling for public and private housing shall keep the premises free from infestations of bed bugs or other insects, and free from any conditions conducive to bed bug and other insect life.”

ANC 1B also recommends adding a sec 6(f): “The Department shall facilitate access to these services for public housing occupants, tenants and other vulnerable groups through:

1. Informational and educational programs that make public housing occupants and tenants aware of their rights under this Act.
2. A hotline to report bed bug activity” and a searchable database that keeps a history of all violations.

These additions will help ensure that the poorest and most disadvantaged members of our community are provided easy access to the rights afforded to them under this Bill. Without these additions we worry that the barriers of reporting are too great for disadvantaged groups.

Advisory Neighborhood Commission 1B serves the communities of Columbia Heights, LeDroit Park, Pleasant Plains, Shaw, U Street, University Heights, and lower Georgia Avenue.
Recommendation 4: Make explicit some of the activities that warrant citation and make sure DCRA is capable of identifying bed bugs:

Section 7(e) reads: “The Department shall promulgate regulations and fines to support methods of abatement to promote optimal eradication.”

ANC 1B recommends the section read: “The Department shall promulgate regulations and fines to support methods of abatement to promote optimal eradication. Activities that warrant fines should include but not be limited to violations of this Act such as:

1. An owner’s failure to apply treatment until the infestation is eradicated.
2. An occupant’s failure to comply with treatment instructions that they have agreed to.”

ANC 1B also recommends adding a sec 7(f): “The Department shall train inspectors in how to search for and identify bed bugs. The Department shall consider the maintenance and training of bed bug sniffing dogs, which professional bed bug inspectors require to search for bed bugs. Otherwise the Department shall contract out inspection procedures to licensed bed bug exterminators who are experts in searching for bed bugs.”

In general, we believe that each owner has a duty to the community and surrounding neighbors to abate bed bug infestations in order to prevent bed bugs from spreading from their home to adjoining dwellings. Thus, we ask that DCRA be given strong powers to write citations for those who violate this Act. We ask that Council urges DCRA to clearly define an enforcement mechanism to make sure that the Bill is effective at the implementation phase. Given that bed bugs are difficult to identify, we urge the Council to make sure that DCRA is well trained to identify bed bugs in homes that they inspect.

Recommendation 5: Limit the definition of insect pests to cover only those that are hazardous.

Section 2(b) reads “Insect pests” means insects and other pests including the members of class insecta, including houseflies, bees, cockroaches, moths, silverfish, beetles, ants, termites, hornets, mosquitoes, and wasps, and such members of the phylum arthropoda as spiders, centipedes and wood lice.

ANC 1B recommends the section read: ““Insect pests” means insects and other pests including the members of class insecta, that the Department of Consumer and Regulatory Affairs deems can cause harm to the health of citizens or the structural integrity of buildings. Such insects include but are not limited to bed bugs, silverfish, termites, hornets, mosquitoes, and wasps, and such members of the phylum arthropoda as poisonous spiders, and wood lice.”

We understand that new pest epidemics emerge in the District of Columbia from time to time and we want to give DCRA discretion to enforce this regulation against all such insects. We do not want to write a new regulation for every pest. However, we recognize the need for some
balance. By focusing on pests that cause harm, we believe DCRA will focus their discretion to prevent the spread of pests that cause a public nuisance.