

Bed Bugs in New Hampshire & The Law

This is a summary of bed bug law in NH.

If you need legal assistance regarding bed bugs, [apply online](#). You can also call 603 Legal Aid, 603-224-3333.

See our [Bedbug Guide](#).

Bed Bug Law HB 482, effective January 1, 2014.

Summary:

HB 482 will be effective Jan. 1, 2014. It clarifies landlord and tenant responsibilities during a bed bug infestation in rental property.

- It is a violation for a landlord to willfully fail to investigate or fail to take reasonable measures to remediate an infestation within 7 days (contempt and contempt damages).

Emergency entry

After report in tenant's unit: Once a landlord becomes aware of a bed bug complaint in a tenant's unit, he/she is allowed emergency entry into that unit for the next 72 hours .

After report in adjacent unit: If there is a bed bug complaint from an adjacent unit, a landlord is allowed emergency entry into tenant's unit. The landlord must give the tenant 48 hours notice.

It is a violation for a tenant to willfully refuse emergency entry (contempt and contempt damages).

Preparation for remediation

A landlord must provide the tenant with reasonable written instructions for preparing the unit for remediation. These instructions must be given to an adult 72 hours in advance of remediation.

It is a violation for tenants to willfully refuse to comply with these instructions.

Landlords can evict for failure of tenant to prepare the unit with advance reasonable written notice.

However, landlords must allow for reasonable accommodation requests related to preparing the unit.

Payment for remediation

Landlords are required to pay up-front for all bed bug remediation costs.

Landlords may recover costs for remediation in the tenant's unit only, and only if tenant is considered "responsible" for the infestation.

The tenant is presumed to be "responsible" if only his/her unit has bed bugs and there have no other bed bug reports in the unit or adjacent units in previous six (6) months.

Landlords can evict "responsible" tenants for nonpayment, provided the landlord shows that he/she offered tenant a "reasonable repayment agreement."

Resources

Read this [Bed Bugs Guide](#) to learn everything you would want to know about the insect and how to get rid of them.

Read this article to learn how best to [choose a professional company to remove bed bugs](#).

HUD Notice 2012-5 & EPA/CDC Joint Statement on Bed Bug Control **(This link is not working)**:

Apply for free help:

[Online](#) or call 603-224-3333

HB 482: The primary goal is early detection and remediation. Bed bugs: get it remediated!

- HB 482 (eff. Jan. 1, 2014), allows emergency entry re bed bugs, provided within 72 hours of becoming aware of complaint (if tenant adjacent to complaining unit – 48 hrs advance notice).
- HB 482 makes it a 540-A violation for a landlord to willfully fail to investigate, or fail to take reasonable measures to remediate an infestation within 7 days.
- HB 482 makes it a 540-A violation for tenants to refuse entry, or refuse to comply with 72 hour advance instructions prior to remediation.

None of these 540-A violations directly result in statutory money damages, but contempt and contempt damages still a possibility.

Bed bug costs

- HB 482 (at RSA 540:13-e) requires landlords to pay up-front for all bed bug remediation costs.
- HB 482 allows landlords to recover costs for remediation in tenant's unit only, and only if tenant "responsible."

If tenant is "responsible" and doesn't pay for cost in his/her unit, landlord can evict for nonpayment, but landlord must first show a "reasonable repayment agreement" was offered.

Assumption tenant is "responsible" if the only tenant with bed bugs, and no other reports in last six (6) months.

Other non-exhaustive factors for a court to consider to determine whether tenant is "responsible": other locations of bed bugs; where first discovered; landlord efforts; and if tenant had bed bugs prior to moving in.

Bed bugs & fair housing

Landlord can evict for failure of tenant to prepare the unit with advance reasonable written notice.

Compliance with prep: "...such instructions are given to an adult member of the tenant household such that the tenant household has a reasonable opportunity to comply, and in all cases at least 72 hours prior to remediation." RSA 540-A:3, V-c (emphasis added).

Reasonable accommodation requests related to preparing your unit.

Mental or physical disabilities apply.

Reasonable accommodation requests can be made verbally.

Other notes on bed bugs law

Definition of “remediation” is substantial reduction of bed bugs for at least 60 days.

Municipality housing codes on bed bugs must be no less protective than other housing codes dealing with other insects.

Try also reading...

- [Tenant’s rights overview](#)
- [Do you smoke and live in public housing?](#)
- [Fair Housing Laws](#)
- [Rental Housing and Service Animals: ADA and FHAA- when does each apply?](#)
- [To Withhold Rent Or Not To Withhold Rent - That Is The Question](#)
- [Saving Your Personal Property Left in Apartment](#)
- [Filing a Petition Under RSA 540-A](#)
- [Discovery in Landlord and Tenant Cases](#)

Date: August 2014

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