

Bugged out

New federal guidelines for low-income housing support cut out explicit tenant protections regarding bed bug infestations

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The Department of Housing and Urban Development's new landlord guidelines for dealing with bed bug infestations have some tenant-rights advocates concerned that renters could be on the hook for costly exterminations.

The new guidelines were released in late April, replacing its prior notice that had been published in August.

"It's highly unusual for HUD to issue a notice and then in an extremely short period of time — eight months —

change it," says Ed Gramlich, the regulatory director for the National Low Income Housing Coalition, a national advocacy organization eyeing the notice change. "Usually, HUD is very careful about putting out notices."

The August notice went into detail about bed bug infestations and the variety of treatment methods, and what tenants could expect from landlords during

"Everybody knows that early response and appropriate communication between the landlord and the tenant is critical to controlling and mitigating bed bugs. Any time you have a deterrent for tenants to report, it's going to have a negative impact."

BEN DUNCAN
MULTNOMAH COUNTY, BED BUG TASK FORCE

a treatment. It explicitly stated that owners "may not deny tenancy to a potential resident on the basis of the tenant having experienced a prior bed bug infestation."

It also had a "Tenant's Rights and Responsibilities" section. Among other things, it strongly urged tenants to report infestations as soon as they knew of one. It also advised tenants that they could expect treatments to start within five days, would not need to move for treatments to happen, and that

"the tenant will not be expected to contribute to the cost of the treatment

effort." In other parts of the notice, owners were also explicitly prohibited from charging tenants the cost of treating a bed bug infestation.

The notice released in late April replaces the majority of the language from the August notice. Most notably, it deletes the "Tenants Rights and Responsibilities" section. The few references the notice makes to tenants and what they can expect from their landlords is a clear direction to tenants to "fully cooperate with the (landlord's) efforts to identify and address infestations."

Added to the notice is a vague sentence concerning tenant's advocates the most, which they say opens the door to expecting tenants to pay for the cost of bed bug treatments: "(landlord's) requests for tenants to pay the costs of infestation treatment must be in accordance with the provision for tenant payment of damages."

Notices give broad guidance and rules for people associated with HUD subsidized

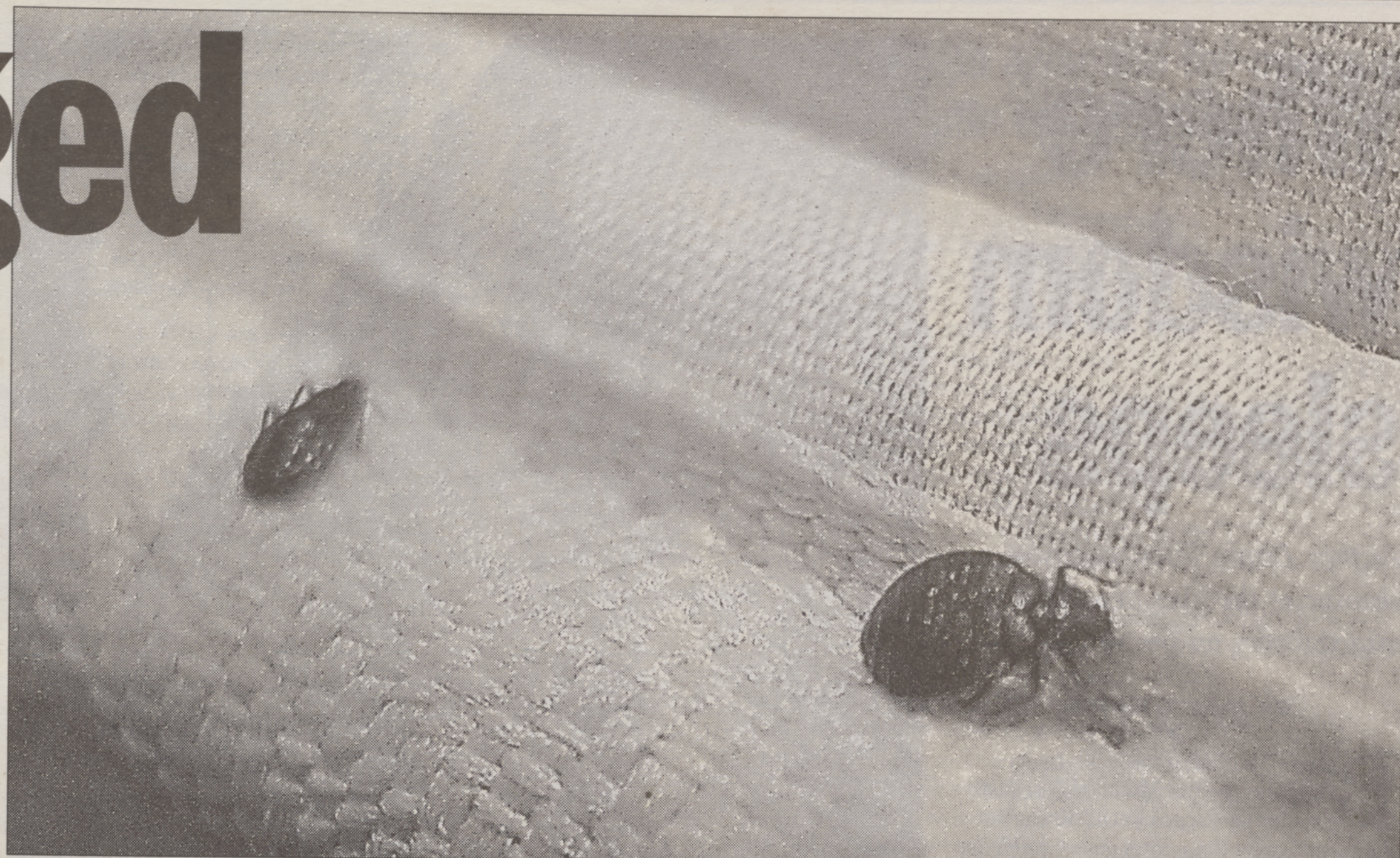
properties — including building owners, landlords, property management companies, and tenants.

"These are like guidance. It's not as powerful and as legal as regulations, but it's the next best thing," Gramlich says.

The notice only applies to project-based Section 8 subsidized housing — housing where the Section 8 voucher is tied to the housing unit and cannot follow the voucher recipient — and multifamily insured and assisted properties.

Lee Jones, a HUD spokesperson, says there are "some changes in tone, certainly" in the new notice, "but it really did not see any change in the rights of responsibilities of residents."


He said the notice was revised after concerns had been brought to HUD by parties he would not name. He said part of the reason the notice was revised was to emphasize the necessity for tenants to



Bed bugs, shown here crawling on a mattress, have become widespread in recent years, spanning the United States. They are the subject of changes in federal guidelines for Section 8 vouchers that eliminate explicit protections to low-income tenants.

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