

## ***Laws and Regulations***



Michigan law does not explicitly mention "bed bugs". However, laws that authorize the government to protect the public against vermin, rodents and insects, or nuisances or conditions detrimental to human health, also apply to protect the public against bed bugs. Additionally, individuals might have private causes of action (i.e. right to sue) if they suffer harm from bed bugs; for example, if they are sold infested mattresses or other goods, or their landlord fails to address a bed bug infestation.

### **Regulatory Authority of Health Officers**

Local health departments have broad authority to protect the public health. Their authority includes investigation and control of environmental health hazards and nuisances within their jurisdiction. Their powers cover all situations that present a public health threat. Local health departments can provide consultation regarding bed bug control, and are authorized to take legal action at their discretion. For a directory of local health departments, and contact information, see the [Michigan Association for Local Public Health](#) website.



### **Regulatory Authority for Housing**

Michigan's housing law covers most dwellings used for living or sleeping. Such dwellings include residences, rental housing, rooming houses, and hotels and motels. Owners are responsible for keeping the entire building free from vermin. Tenants are responsible for the cleanliness of those parts of the premises that they occupy and control. Thus, from a legal perspective, as well as a practical standpoint, it is essential that landlords and tenants work together to eliminate bed bugs.

The housing law authorizes officials to inspect premises, require compliance, and take action against an owner or occupant where conditions are a "public nuisance" or detrimental to the health of the occupants. Complaints involving dwellings where children reside are to be given

priority. Generally, this law is implemented by local code enforcement officials. Additionally, units of government can adopt and enforce their own local codes that set higher standards. Contact information for code enforcement can be found on city or township websites, through the Michigan Association of Housing Officials, or the government section of the telephone book. The housing law also authorizes owners or occupants of premises to bring a court action to enforce the law and to abate or enjoin a violation.

**For information and guidance about Tenant/Landlord disputes over bed bug infestations, the State Office of the Attorney General may be contacted. Their expertise extends to issues of rent collection/withholding, escrows, evictions, and lease terminations. They can be contacted at 1-877-765-8388. Michigan State University also offers Tenant/Landlord legal advice at 1-517-336-8088.**

The “power of the purse strings” may be available to address a bed bug infestation where the government subsidizes housing under programs for low income residents.

### **State Subsidized Housing**

The Michigan Department of Human Services (DHS) provides subsidies to rent or purchase a dwelling for recipients under the Family Independence Program (FIP) and the State Disability Assistance (SDA) Program. DHS may pay rent to landlords directly under a vendor agreement. The Housing Law of Michigan requires that housing officials notify DHS of hazards to the health or safety of occupants so that DHS can check the address of the premises against the list of rent-vendored DHS program recipients. DHS policy provides for denial or termination of a vendor agreement where a dwelling fails to meet the housing code or the landlord has failed to cooperate with housing code policies.

### **Federal Subsidized Housing**

Additionally, the Michigan State Housing Development Authority (MSHDA), as contract administrator for the United States Department of Housing and Urban Development (HUD), subsidizes the housing expenses of thousands of Michigan residents under the federal Section 8 Housing Choice Voucher program (Section 8 Program). Federal regulations governing the Section 8 Program require that all assisted units comply with [Housing Quality Standards \(HQS\)](#), which HUD developed for nationwide use as a “floor level” unit standard of acceptability. The intent of HQS is to establish minimum criteria necessary for decent, healthy, safe and sanitary

housing that is in good repair. MSHDA's responsibilities are to ensure that assisted units meet all HQS standards by performing a pre-move in and annual unit inspection. Incorporated in MSHDA's unit inspection is verification that evidence of infestation is not apparent. The purpose of this test is to ensure that the tenant will not be exposed to vermin, including bedbugs, which would threaten the general health and safety of the tenant.

In order to comply with Section 8 program requirements, tenants are responsible for maintaining the unit at all times and must cooperate with MSHDA inspections. Federal regulations require MSHDA to hold tenants accountable for tenant caused HQS violations. If it is determined that a tenant caused the HQS violation, rental assistance may be terminated. Owners must also respond promptly to tenant requests in addressing any infestation concern. The prescribed time frame for owners to make required repairs is 30 days. If the owner fails to make the required repairs within the aforementioned time period, such failure may lead to abatement of Housing Assistance Payments (HAP) and/or termination of the HAP contract.

### **Specialized housing and care environments**

In addition to laws that apply to dwellings in general, Michigan regulates many residences and facilities that provide health, personal, or residential care. These include nursing homes, hospice residences, hospitals, adult foster care, homes for the aged, child foster care, and child residential centers. Additionally, Michigan regulates agricultural labor camps, campgrounds, child care facilities, and many other types of housing or businesses that could harbor bed bugs. To operate these businesses, the owner must meet minimum standards to obtain a license. Such standards require that the premise be free from insects, vermin, and rodents, and prohibit conditions that are detrimental to human health. [Appendix A](#) lists housing, facilities, and businesses that are licensed and regulatory authorities that are responsible for enforcing licensing standards.

Specifically, the Bureau of Children and Adult Licensing (BCAL) in the Department of Human Services has regulatory authority over children's camps, child care facilities, child foster care homes, child caring institutions, homes for the aged and adult foster care homes. Anyone, such as a resident of an adult foster care home, parent of a child in child care, etc., can make a complaint to BCAL regarding a BCAL registered or licensed facility. All complaints on any of the above facilities can be directed to BCAL, 866-856-0126 or [online](#).

The complaint will be reviewed to determine if there are allegations of rule or statute violations. If so, the complaint will be assigned for investigation. A licensing consultant will complete a special investigation. If the special investigation results in a finding that the rules or statute was violated, a corrective action plan (CAP) will be developed. The CAP will indicate how the provider will correct the rule or statute violations. If the provider does not correct the violations as indicated in the CAP or continues to violate rules and the statute, the licensing consultant may recommend that a provider's registration/license be revoked. There is a separate process to revoke a provider's license. More information about registered/licensed programs can be found on the [BCAL Web site](#).

Similarly, the Michigan Department of Community Health (MDCH) regulates certain health facilities and agencies either because they must be licensed, or because they participate in Medicaid or Medicare, or both. MDCH's Bureau of Health Systems receives and processes consumer complaints against nursing homes, county medical care facilities, home health agencies, hospices, hospitals, freestanding surgical units, ambulatory surgical units, end-stage renal dialysis centers, rural health clinics, and psychiatric hospitals or units. Complaints may be made by telephone, mail, or [online](#). More information about health facilities and agencies that are regulated by MDCH, and how to file a complaint, can be found on [MDCH's website](#).

## **Protections for Consumers**

### **Sale of Used Goods**

A purchaser of infested goods may be able to seek redress under the Michigan Consumer Protection Act (MCPA). Consumers who bring successful actions under the MCPA may recover actual damages and attorneys fees. Consumers may also file a [complaint](#) with the Department of the Attorney General. Also, local prosecutors may enforce the MCPA in the same manner as the Office of Attorney General. The Consumer Protection Division of the Attorney General's office may attempt to mediate resolution of a complaint. However, in the event the business does not cooperate, the Attorney General's office does not serve as an attorney for individual consumers.

### **Used or “Second Hand” Mattresses**

Currently, there is no specific prohibition in state law on the sale of used mattresses.

However, the seller would need to determine whether there are any applicable local ordinances or local health regulations. It is

essential that a seller take precautions to

ensure that a used mattress is sanitary and free from bed bugs and any other

infestations. Selling an infested mattress poses a public health hazard, in violation of

the Public Health Code. Any person who sells such goods may be subject to legal action. In

addition, if a seller failed to disclose that the mattress was previously used, or the seller

disclosed that the mattress had been used before, but failed to disclose that the mattress had

not been treated for pests before the sale, the seller may have violated the Michigan Consumer Protection Act, MCL 445.903(s).



Consumers may also bring actions under the Uniform Commercial Code (UCC) if a seller sells a used mattress or furniture to an end-user consumer without disclosing that: 1) the furniture was used; 2) the furniture had not been sanitized; or 3) the furniture was infested at the time of sale.

A common law civil fraud claim may also be possible. The consumer would need to seek the advice of an attorney to determine if they could bring an action against the seller for violations of any one of the above-referenced laws. If a seller has questions about whether they are selling an item of furniture in compliance with all relevant laws, they may wish to seek the advice of a private attorney as well.

Finally, it is important for consumers to educate themselves on the risks of purchasing used items (furniture, clothing, etc.). Items should be inspected for bed bugs prior to purchase or before bringing them home. See the [Inspection section](#) within the Treatment Guidelines for tips on how to inspect your items.

### **Consumer Protections in Real Estate**

The Seller Disclosure Act may provide some protection to purchasers of housing. This act applies to the transfer of any interest in real estate consisting of not less than 1 or more than 4 residential dwelling units, whether by sale, exchange, installment land contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with proposed

improvements by the purchaser or tenant, or a transfer of stock or an interest in a residential cooperative. This act requires that the seller provide a written disclosure of the condition and information concerning the property, known by the seller, prior to execution of a purchase agreement, including a history of infestation, if any. In the event the seller fails to disclose a known condition, the purchaser should seek the advice of legal counsel regarding potential remedies.

## **Authority of the Michigan Department of Agriculture to Regulate Pesticides**

Michigan laws pertaining to pesticide sales and pesticide use are in place to ensure the protection of people, animals and the environment. Pesticides include substances that



are intended for preventing, destroying, repelling, or mitigating pests. All pesticides must be registered for sale with the Michigan Department of Agriculture (MDA), must be sold or distributed with full labeled directions, and must be packaged in unbroken containers. All pesticide users are responsible for applying pesticides according to the labeled use directions which are listed on the packaging. MDA has the authority to take enforcement action when a pesticide is not applied according to labeled directions, or is “misused.”

Commercial applicators, which are people applying pesticides in the course of their employment, must be certified with the MDA before applying pesticides. A business engaged in applying pesticides for hire must also have a business license with the MDA and must follow other requirements when applying, storing, or transporting pesticides. MDA also oversees laws that require the public to be notified when pesticide applications are made in child care facilities, schools, and public buildings.

For further information about pesticide laws in Michigan, to check the license status of a business, or to file a pesticide misuse complaint you may contact MDA at 1-800-292-3939 or visit the MDA website [www.michigan.gov/mda](http://www.michigan.gov/mda).

For further information about pesticides and pesticide use you may contact the National Pesticide Information Center at 1-800-858-7378 or visit their website [www.npic.orst.edu](http://www.npic.orst.edu).