

Committee on Public Health

Bill Summary

Bill No.	H2542
Sponsor:	Representative Priscila S. Sousa
Title:	<i>An Act to address state sanitation code violations regarding infestations of rental units</i>
Committee:	Public Health
Hearing Date:	July 10, 2025
Similar Matters:	None
Prior History:	New File
Reporting Deadline:	September 8, 2025

Current Law:

- **M.G.L. Chapter 111** pertains to public health.

Summary:

This bill inserts a definition for infestation into the M.G.L. and establishes specific steps towards remediation that tenants and property owners should take if a dwelling unit is infested with pests.

This bill amends M.G.L. Chapter 111 by inserting a new section after section 198.

SECTION 1 defines “infestation” in the M.G.L. as “the presence of pests, or signs of their presence in a quantity large enough that the occupant of the dwelling unit has or would have knowledge and has had or would have had to take beyond reasonable measures to cope and mitigate the issue.”

SECTION 2 outlines the steps tenants should take when asserting an infestation is present in their dwelling unit. Tenants should do the following:

- After becoming aware of the presence of pests, tenants should immediately send written notification to the owner;
- Allow the owner, and any agents, inspectors, contractors, or certified applicators to enter said dwelling to perform inspections, repairs, exterminations, and applications upon being provided 24 hours notice;
- Comply with all protocols and instructions given by the certified applicator with a reasonable period of time;
- Remove unreasonable amounts of personal items if deemed to be interfering with proper infestation treatment by the certified applicator.

Tenants are not permitted to interfere with the certified applicator’s performance of any inspection or extermination. Tenants who do not provide access to potentially infested dwelling

units, interfere with any inspection or extermination, or fail to follow protocols and/or instructions provided by the certified applicator, will be responsible for any actual and consequential damages incurred by the owner as a result of such denials. The owner will be entitled to the issuance of injunctive relief against any such tenant, including an order prohibiting a tenant from occupying a dwelling unit while a certified applicator is performing required exterminations.

SECTION 3 states that notwithstanding any special or general law to the contrary, as soon as an owner has actual or constructive knowledge of an infestation within a dwelling unit, they will be required to maintain the dwelling unit free of an infestation. Within five days of receiving written notice from a tenant of an infestation, the owner must visually inspect the dwelling unit. If the owner observes an infestation within said dwelling unit, they must commence extermination protocols and notify tenants in surrounding units. The owner must also commence extermination protocols if they are issued a citation by any state, city, or town inspector indicating an infestation is present. In the event that an infestation occurs in a dwelling unit within a building with a manager or organization of unit owner as defined by M.G.L. chapter 183A section 1, the owner of the infested unit must immediately issue notice to the manager or organization of unit owners, who must then issue written notice to the surrounding units. Owners will be deemed to have constructive knowledge of an infestation in the event that they are aware there is an infestation in any surrounding unit.

SECTION 4 states that notwithstanding any special or general law to the contrary, within 10 business days of an owner receiving actual or constructive knowledge of an infestation, they must retain the services of a certified applicator to inspect said dwelling unit and confirm the presence of an infestation. If the retained certified applicator fails to observe an infestation, the owner will no longer be obligated to perform further inspections for pests in said dwelling unit unless the tenant provides the owner with a written report from a certified applicator identifying an existing infestation in said dwelling unit. If a certified applicator does identify the presence of an infestation in a dwelling unit, the owner must perform all treatment and extermination services, including further treatment and exterminator services, required by the certified applicator until pest control is deemed to be completed. No later than 30 days after the certified applicator indicated they have completed the control of the infestation the owner must perform another visual inspection of the dwelling unit. If the owner does not observe the presence of an infestation at this inspection, and the tenant fails to provide proof that the infestation has persisted, the extermination will be considered completed.

SECTION 5 directs owners to perform a visual inspection of an unoccupied dwelling unit prior to entering into a lease agreement for said unit with a tenant. The owner also must verify, in writing, to the tenant that the dwelling unit they are signing a lease for is free of an infestation. If an owner observes the presence of pests or evidence of the existence of pests in the dwelling unit during their visual inspections, the owner must commence the extermination protocol outlined in sections 2 and 3 of this act before the lease is signed. If an owner and tenant enter into a lease agreement and the owner fails to issue written verification to the tenant that the dwelling unit is free of an infestation at the time the lease was signed, the tenant will not be held liable for any actual or consequential damages caused by an infestation if it is confirmed within 30 days of the lease being signed.

SECTION 6 states that notwithstanding any general or special law to the contrary, no owners will be held liable for any actual or consequential damages caused by an infestation unless the owner fails to comply with requirements in this act. Nothing in this act will prevent the owner and tenant from entering into an agreement assigning other duties or obligations in relation to the costs and duties regarding infestation controls.