

Sample Q& A: Housing Law

Bed Bugs



Q

I think my apartment has bed bugs. My children and I have itchy red bumps all over our arms and legs. I took pictures and sent them to my landlord, and he told me he would take a look at it, but it's been a week and he still hasn't done anything and we keep getting more bites. I complained again, but he told me he'll kick me out if I don't leave him alone. Is there anything I can do? -- Tina W., Cook County (Chicago)

A

Hi Tina, I am sorry you are dealing with a difficult situation.

Landlords cannot raise rent or kick you out because you complained. He cannot evict you because you asked him to make repairs (in this case get rid of the bed bugs). When landlords do that, it is called a retaliatory eviction and it's illegal.

When you [suspect your apartment has bed bugs](#), you must tell your landlord within 5 days and follow-up with them in writing. Then, wait for instruction from the landlord and a pest control expert. Your landlord has 10 days to have an inspection done after you tell them you suspect bed bugs. If your landlord doesn't have an inspection done within 10 days, call 311 and file a complaint. You should not try to get rid of the bed bugs on your own with any products.

As a tenant, you have the duty to:

- Not interfere with an inspection or treatment,
- Allow access to your apartment for an inspection or treatment,
- Make the necessary preparations prior to an inspection or a treatment,
- Throw away any items the pest control expert says cannot be treated, and
- Put in a plastic bag any items that will be moved through any common area.

If you don't follow your duties as a tenant in Chicago, the City may issue you fines as high as \$2,000 for a third offense. Your landlord cannot fine you personally, though.

You also have rights as a tenant. Your landlord cannot kick you out of your apartment for complaining about bed bugs to him, the city, community organizations, or the news media.

I hope that this information helps you with your problem. If your situation does not improve and you would like to try breaking your lease, you should [talk with an attorney](#) if possible. Best of luck to you!

Governing Law

Applicable Law

Chicago Bed Bug Ordinance
Chicago Residential Landlord Tenant Ordinance (RLTO)
Residential Tenant's Right to Repair Act

Background of the Law

At the start of a new lease and the renewal of an old lease, landlords must give tenants an informational brochure on bed bug prevention and treatment. Every time a bed bug is found or suspected on a premises, the premises' landlord must:

- Provide pest control services within 10 days after either a bed bug is found on the premises or being notified in writing by a suspected bed bug infestation; and
- Maintain a written record of past control measures performed by the pest management professional.

A landlord may not knowingly terminate a tenancy, increase rent, decrease services, bring or threaten to bring a lawsuit against a tenant for possession or refuse to renew a lease or tenancy if the tenant has in good faith:

- Complained of a bed bug infestation within the tenant's rental unit or the premises in which the tenant's rental unit is located to a competent governmental agency, elected representative or public official charged with responsibility for enforcement of a building, housing, health or similar code;
- Complained of a bed bug infestation within the tenant's rental unit or the premises in which the tenant's rental unit is located to a community organization or the news media;
- Sought the assistance of a community organization or the news media to remedy a bed bug infestation within the tenant's rental unit or the premises in which the tenant's rental unit is located;
- Requested the landlord to provide pest control measures for a bed bug infestation as required by a building code, health ordinance, other regulation, or the residential rental agreement; or
- Testified in any court or administrative proceeding concerning any bed bug infestation within the tenant's rental unit or the premises in which the tenant's rental unit is located.

If a landlord does do one of those things in response to one of a tenant's above actions, the tenant has an eviction defense and is entitled to not being evicted or to end the rental agreement and, in either case, may recover an amount equal to two months rent or the damages sustained by him, whichever is greater, and reasonable attorneys' fees.

A tenant must notify, in writing, their landlord of any suspected bed bug infestation within 5 days of finding it. The tenant must cooperate with the landlord in the control, treatment and eradication of bed bug infestation found or reasonably suspected to be in the tenant's rental unit. The tenant must:

- Not interfere with inspections or treatments;
- After reasonable notice in writing to the tenant, grant access at reasonable times to the tenant's rental unit for purposes of bed bug infestation inspection or treatment;
- Make any necessary preparations, such as cleaning, dusting or vacuuming, prior to treatment in accordance with any pest management professional's recommendations; and
- Dispose of any personal property that a pest management professional has determined cannot be treated or cleaned before the treatment of the tenant's unit in a closed plastic bag.

Relevant ILAO Content

Pro se

[Bad living conditions and being punished for complaining](#)

[Chicago Residential Landlord Tenant Ordinance \(RLTO\)](#)

[Rent and leases](#)

[What a tenant can do if a landlord does not make repairs](#)

[What you need to know about bed bugs in Chicago](#)

For legal professionals

[Landlord and tenant manual](#)