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, boarding 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.