

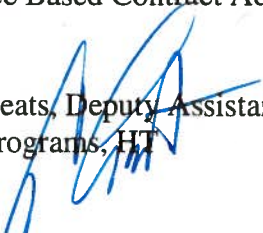


U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON D.C. 20410-8000

APR 18 2019

OFFICE OF HOUSING

MEMORANDUM FOR: Multifamily Regional Center Directors  
Multifamily Satellite Office Coordinators  
Multifamily Asset Management Division Directors  
Performance Based Contract Administrators

FROM: C. Lamar Seats, Deputy Assistant Secretary for Multifamily  
Housing Programs, HT 

SUBJECT: Clarification to Housing Notice H 2012-5 Guidelines on  
Addressing Infestations in HUD-Insured and Assisted Multifamily  
Housing

Housing Notice 2012-5 was issued to provide guidance on prevention and response to pest infestations, particularly bed bugs, to United States Department of Housing and Urban Development (HUD) Office of Multifamily Housing Programs staff, owners, management agents, and residents of HUD-assisted multifamily properties. Since the issuance of the Notice, there have been advances in the treatment of pests and an increased understanding of the importance of a property-wide integrated pest management (IPM) strategy. The Department is in the process of drafting an update to Housing Notice 2012-5 to reflect current industry standards. In addition, many properties are adding Bed Bug Lease Addenda to the HUD Model Lease, that may contain provisions conflicting with the Model Lease or current guidance. The purpose of this Memorandum is to provide clarifications to HUD's current guidance regarding pest management, pending the release of updated guidance.

For properties subject to the HUD Model Lease for Subsidized Programs (Family Model Lease – Form HUD-90105-A, HUD 90105-B, HUD 90105-C and HUD 90105-D), HUD must approve any additions, including Addenda, or changes, to the Model Lease. In reviewing requested changes to the HUD Model Lease, HUD staff should consider the following before granting approval:

1. The Model Lease requires the landlord to provide extermination services, as necessary; the tenant to keep the unit clean; and allows for the resident to be charged for damages caused by carelessness, misuse or neglect on the part of the resident.
2. H 2012-5 advises that rental assistance, owner advances, and reserve for replacement funds may be used to control infestations.
3. Properties should have an Integrated Pest Management (IPM) plan, including resident education regarding housekeeping, cleanliness, acceptable furniture, unit inspection, and

identification of bed bugs; owners and management agents may request technical assistance in reviewing and updating such plans;

4. A regular, proactive inspection program by management is a crucial component of IPM.

Addenda that duplicate or contradict the above provisions should be denied. For example, certain language may shift the cost of extermination to the resident. Unless the owner can demonstrate that the infestation was caused by carelessness or neglect on the part of a resident(s), shifting cost of extermination to the resident is not acceptable. Additionally, some provisions put the burden of inspection on residents; therefore, management should have an educational and informational program to help residents identify and understand the importance of prevention and reporting. When bedbugs are present, management must conduct regular inspections and exterminate. It is not necessary for HUD staff to approve House Rules before adopted, but they shall not conflict with the Model Lease, other HUD requirements, or State and local law. If HUD staff become aware of conflicts, local office staff shall notify property management immediately and require an amendment of the House Rules.

Additional questionable lease or House Rules include the following:

- Provisions that transfer the cost of monitoring, prevention and treatment to residents without cause or require the purchase of equipment, such as mattress covers or vacuum cleaners, by subsidized residents should be denied;
- Temporary relocation of a resident household for treatment is, generally, not required and, if necessary, should be a property cost.

In summary, any leases that come to the attention of a local office which have been amended, or had addenda added that shift the burden for inspection, reporting, and cost of extermination to residents should be rescinded. This may require the local office to rescind approval of previously approved addenda. Amended leases or addenda must be reviewed in compliance with this Memorandum and referred to the Office of Asset Management and Property Oversight (OAMPO), Field Asset Management Division for questions. The OAMPO Field Asset Management Division may be contacted to provide referrals to a technical assistance provider for owners or management agents interested in receiving technical assistance on this topic.

The guidelines in this Memorandum are effective immediately. Please contact Sarah Richey at (202) 402-2602 or [Sarah.S.Richey@hud.gov](mailto:Sarah.S.Richey@hud.gov) if you have any questions or concerns.