



Radon Awareness-Notification in Real Estate Transactions: Proven Policy for Reducing Radon Risk

Radon awareness-notification laws require that homebuyers and/or renters be informed of the risks of radon and the possibility that radon is present in the residence that they are considering buying or renting. The standard warning statement, which must be included in sales contracts, also advises prospective occupants to (1) have the home tested for radon and (2) if elevated radon levels are found, have the home mitigated.

Awareness-notification laws empower buyers and renters with a basic level of self-protective information, unlike disclosure-only requirements that offer only specific radon test results where such testing has occurred. Disclosure laws must be embedded in awareness: as buyers and renters are notified about the health risk and encouraged to test, they are also notified of any known risk specific to the home under consideration. Awareness-notification laws exist in ten states.

Summary - State Policies for Real Estate Transactions

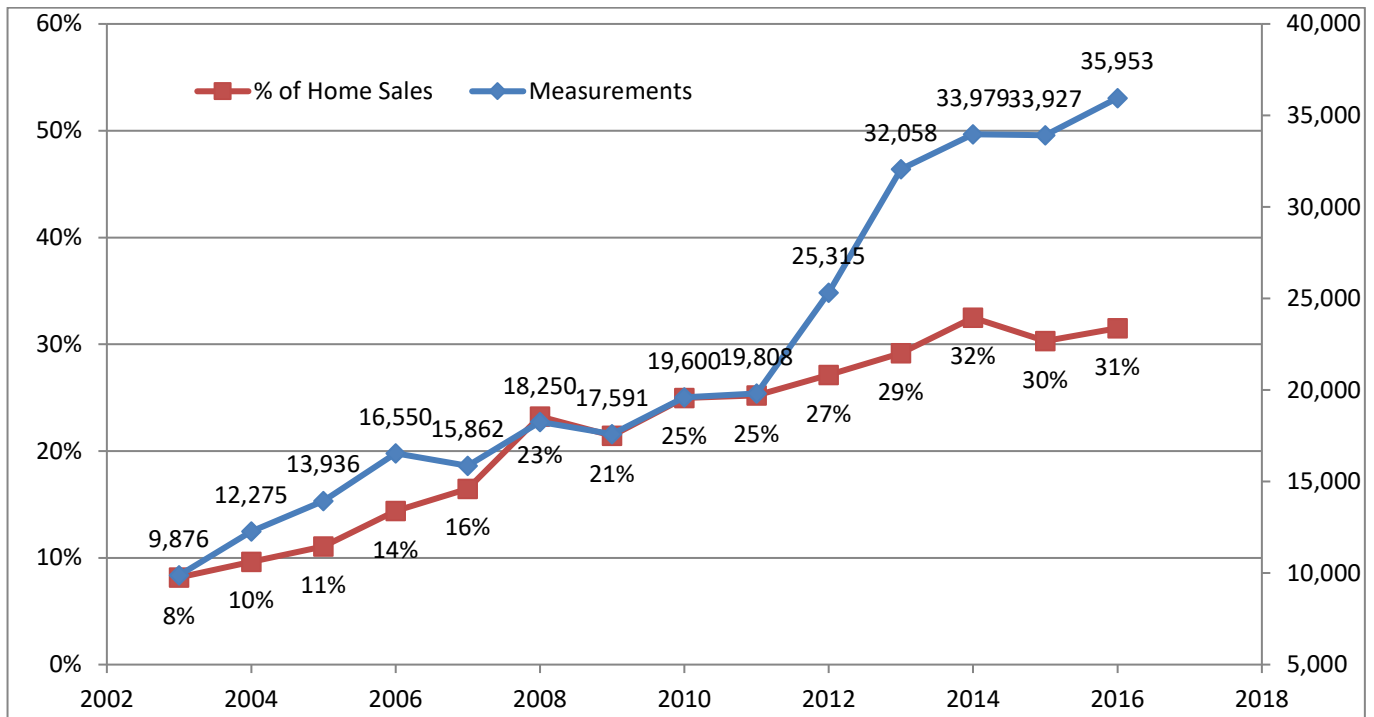
POLICY ELEMENT	CO	DE	FL	IL	IA	KS	MN	MT	NH	RI
Signed Warning Statement				X	X		X	X	X	
Warning Statement	X	X	X			X				X
Testing Recommended	X	X		X	X	X	X			X
Qualified Tester Recommended	*		X*	*	X*	X*	*		X	*
Prior Tests Disclosed	X	X	X	X'	X	X'	X'	X	X	X
Applies to Rental Agreements	X		X	X						
Mitigation System Info	X						X	X		X
Pamphlet Provided	X	X		X	X		X			
Enforceable Law	X	X	X	X	X	X	X	X	X	X

* state law requires certification or license; 'disclose only if elevated radon level only - not pCi/L

ILLINOIS

The state of Illinois enacted the Illinois Awareness Law as a follow-up to debate about a testing requirement. There were concerns about the capacity of the existing workforce to respond to heightened demand for testing. Fear that testing would slow down real estate transactions caused AARST, CANSAR, and ALA advocates to consider an awareness policy that was acceptable to the Illinois Association of Realtors. The law (ICS Ch. 420, §§ 46/1-25) took effect January 2008.

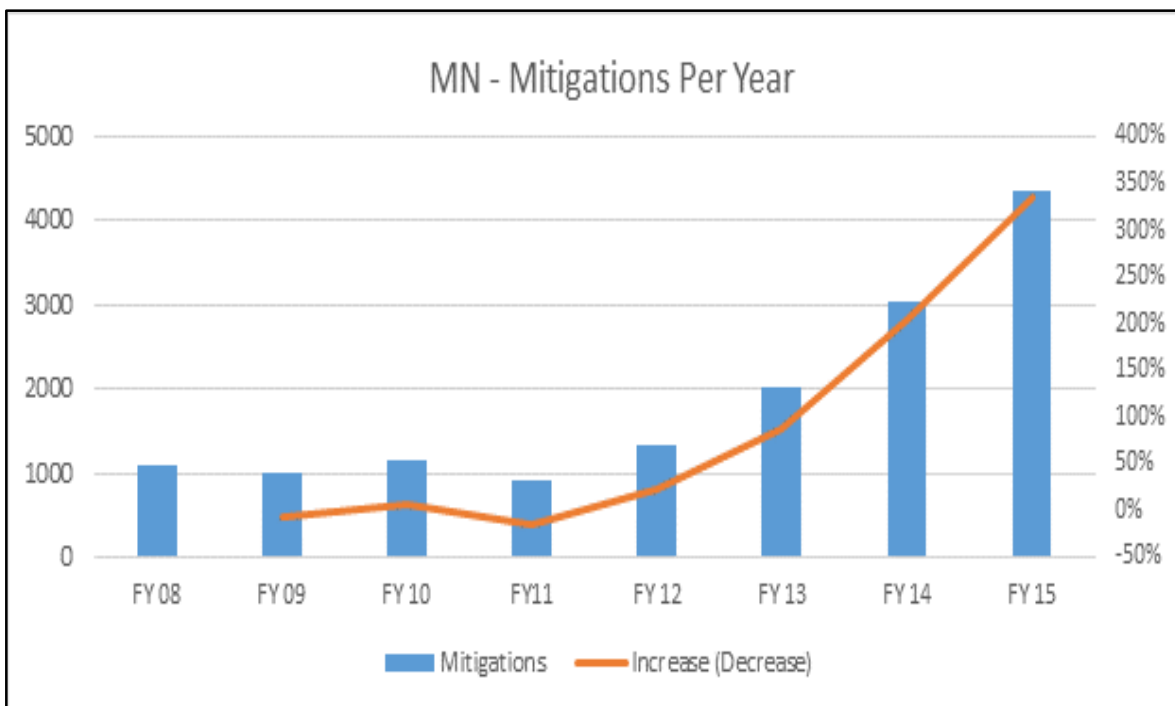
The Illinois law proved effective in informing buyers and prompting self-protective action. Within two years, **more than a third of the buyers of homes subject to the requirement were having homes tested.**



The increased radon testing inspired by the IL law led to the discovery, and mitigation of, elevated radon levels in a third of the homes tested. **In the IL awareness law's first eight years, elevated radon levels have been reduced in more than 78,000 homes.**

MINNESOTA

In 2013, within the context of broader health policy initiatives, Minnesota's executive branch proposed an awareness policy like the Illinois law. Ultimately, the real estate community embraced the proposal, and radon awareness was enacted (MN Statutes 144.496), to take effect January 2014. State-led outreach efforts combined with the public debate about the law helped to jumpstart both radon testing and mitigation activities in MN. By 2015, the annual rate of radon mitigations had increased more than 300% above the annual level prior to 2012.



Model Legislation
Radon Awareness/Notification in Real Estate Transactions

Legislative intent.

- Whereas the U.S. Surgeon General and the World Health Organization recognize radon as a known carcinogenic toxin, prolonged exposure to which has been associated with increases in the risk of lung cancer;
- Whereas radon is an odorless, colorless, tasteless, and radioactive gas that occurs naturally in soil and groundwater, enters buildings through openings in foundations, and unless vented to the atmosphere, accumulates in buildings;
- The General Assembly [*or General Court or Legislature*] recognizes that there is a need to protect human health and prevent exposure to elevated concentrations of radon and a higher risk of mortality from lung cancer.

Radon Information and Disclosure.

- A. Before signing a purchase agreement to sell or transfer residential real property, the seller shall:
- 1) Provide in writing to the buyer the warning statement in 1) a.;
 - a. “The health department of [*this state*] strongly recommends that ALL homebuyers have an indoor radon test performed prior to purchase or taking occupancy and recommends having the radon levels mitigated if elevated radon concentrations are found. Elevated radon concentrations can easily be reduced by a certified, or licensed if applicable, radon mitigator.
Every buyer of any interest in residential real property is notified that the property may present exposure to dangerous levels of indoor radon gas that may place the occupants at risk of developing radon-induced lung cancer. Radon, a Class A human carcinogen, is the leading cause of lung cancer in nonsmokers and the second leading cause overall. The seller of any interest in residential real property is required to provide the buyer with any information on radon test results of the dwelling.”
 - 2) Disclose in writing to the buyer any knowledge the seller has of radon concentrations in the dwelling, including but not limited to the following information:
 - a. whether a radon test or tests have occurred on the real property;
 - b. the most current records and reports pertaining to radon concentrations within the dwelling;
 - c. a description of any radon concentrations, mitigation, or remediation; and
 - d. information regarding the radon mitigation system, including system description and documentation, if such system has been installed in the dwelling; and
 - 3) Provide the buyer with a state-published *Guide* on radon, testing, and mitigation.
- B. The seller's radon disclosure requirements in this section apply to the transfer of any interest in residential real estate, whether by sale, exchange, deed, contract for deed, lease with an option to purchase, or any other option.

The buyer shall acknowledge receipt of the warning statement, information about radon concentrations, and the *Guide* by signing a notification