

# Latest Laws: CO Tenants and Buyer Warning IL Renter Warning Montgomery MD Rental Testing

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# **Colorado Senate Bill 23-206**

**Terry Kerwin – RMAARST Chapter**

# Key Components of the CO Bill for Tenant Protection

- **A bold face warning statement must be included in the tenant leasing agreement**
- **Disclosure must include:**
  - **whether a radon test or tests have been conducted on the property;**
  - **the most current records and reports pertaining to radon concentrations within the property;**
  - **a description of any radon concentrations detected, or mitigation or remediation performed; and**
  - **information regarding any radon mitigation system, including a system description and documentation if a radon mitigation system has been installed**
- **This disclosure must also include a copy of the most recent brochure published by the Colorado Department of Public Health and Environment found at <https://cdphe.colorado.gov/hm/radon-and-real-estate>**

# Key Components of the CO Bill for Tenant Protection

- **The law requires the tenant to acknowledge receipt of the disclosure by signing the disclosure.**
- **If a landlord fails to make the required disclosures or does not make a reasonable effort to mitigate the radon within 180 days after being notified by a radon mitigation professional that the air concentration of radon is four (4) picocuries per liter or more, the tenant may void the lease agreement and vacate the property**
- **A landlord breaches the warranty of habitability if the required disclosure is not made**

# Our Process in CO

- **Getting Chapter support to initiate the bill**
- **Interviewing lobbying firms**
- **Creating the key components of the bill**
- **Securing funding**
- **Finding bill sponsors**
- **Building the case through credible testimony**
- **Negotiating with the opposition**
- **Lobbying for the bill**
- **Preparing to aid in notification of the stakeholders after the bill passes**

# **Illinois House Bill 2217**

**Dan Potter – Midwest Chapter**

# *Illinois Tenant Law*

## Bill Overview

1. Disclosure Statement to Tenant
2. Awareness Pamphlet to Tenant
3. Tenant can test
4. Landlord can verify test
5. Landlord can mitigate, or not mitigate
6. Tenant can leave lease If high radon not mitigated
7. Reasonable time frames are set for each action





# Assigned Tasks & Tracked Activities

- Affiliate Team- Assigned organizations for Members to contact
- Policy Maker Team- Assigned legislators for Members to contact
  - o Field Team – Worked the capital in Springfield
- Public Team- One person sending emails to Member list
- Research Team- Assigned research tasks as arise
- Communications and projects tracked by a central person into a multi-tabbed spreadsheet “Tracker”

Tracker Example-  
Senator Communication Tracker

Senator	Name	Phone Springfield	Email 1	2022-23 Communication Notes
Emil Jones, III	Emil Jones, III	(217) 782-9573	sjones3@senated.	5/12 Dan Sent message asking for co-sponsorship. 5/12 Dan Sent email on compromise amendment.
Napoleon Harris, III	Napoleon Harris, III	(217) 782-8066		5/13 Dan left message for sponsorship (I did once before) and about compromise with III Realtors 5/4 Dan asked them to co-sponsor HB2217 since did the identical in 2020. Aid said not to
Mattie Hunter	Mattie Hunter	(217) 782-5966	ashankin@senate	5/12 Dan called to ask the Senator for sponsorship since supported past bill and explained compromise with III Realtors. 5/12 Dan Sent email on compromise amendment. 5/4 Dan asked them to co-sponsor HB2217 since did the identical in 2020. Got email and emailed info. 2/24/23 Dan Gloria reported Hunter agreed to be a co-sponsor. Message left during MW AABCT
David Koehler	David Koehler	(217) 782-8250	ADK@senated.	5/12 Dan Sent email on compromise amendment. 5/4 Dan Recvd email indicatin Koeler will sign on 5/4 Dan asked them to co-sponsor HB2217 since did the identical in 2020. Got email and over to HB2217 since did the identical in 2020.
Steve Stadelman	Steve Stadelman	(217) 782-8022	bradley@senators	5/13 Dan Left message asking for co-sponsorship. 5/12 Dan sent email about compromise amendment. 3/15/23 Dan Emailed Fact Sheet
Celina	Celina	(217) 782-5304	breedan@senator	5/12 Dan left message asking Senator to slide the sponsorship over to HB2217 and explained compromise with III Realtors.

# Standardized Messaging

- Pre-built phone scripts
- Pre-built email templates
- Pre-built Fact Sheets
- Pre-built instructions for outreach
- Pre-built FAQ answers
- Pre-built conversation tracking form
- Pre-planned “power phrases” and factoids

Communication Form-  
Track Potential Affiliate Outreach

**Communication Form**

My Name \_\_\_\_\_ Pot. Affiliate Agency: \_\_\_\_\_

Date \_\_\_\_\_ Communicated with (name): \_\_\_\_\_

Title \_\_\_\_\_ They are:  Gatekeeper  Decision Maker

Other \_\_\_\_\_

I reached out:  called  emailed  faxed  met  Other \_\_\_\_\_

They reached out:  called  emailed  faxed  met  Other \_\_\_\_\_

New contact info obtained (email, fax, etc.): \_\_\_\_\_

Notes: \_\_\_\_\_

Conclusion:  Wants info  Sent info  Deciding  Can list them as sponsor  Can use th

Can help even more. How: \_\_\_\_\_

Script Example-  
Legislative Outreach

• IF PHONE IS ANSWERED

My name is XXX and I live in the Legislator's district working with a coalition that includes the American Association and other health organizations to support sponsors for a Tenant Radon Protection bill, (S. HB2217).

The bill is about saving lives, at virtually no cost that something the Senator (or Representative) interested in co-sponsoring or at least learning Can I email some information?

Write down the legislator's name and email address and send it to [dannotter@dunnsradon.com](mailto:dannotter@dunnsradon.com)

Fact Sheet Example-  
To Legislators and Potential Affiliates

**Support Tenant Radon Protection Act**  
(Identical to Senate Bill 1929)  
Representative Williams & Senator Ellman

36 Co-Sponsors (at 5/15, both bills) - Senators: Ellman, Joyce, Belt, D.Turner, Cunningham, Glowiak, Holmes, Morrison, Johnson, Villanueva, Porfirio, Murphy, Ventura, Simmons, Martwick, Chesney, Gillespie. House Reps: Avelar, Benton, Buckner, Canty, Collins, Howard, Dias, Hirschauer, LaPointe, Lilly, West, Williams, Rohr.

- Passed the House 109-0-0

- Bipartisan Support

- Illinois Realtor Opposition Removed with verbiage change

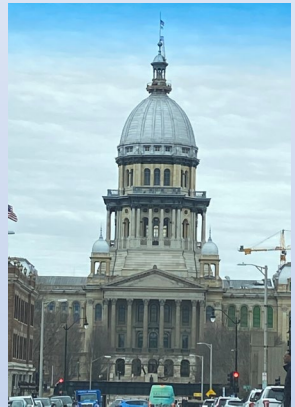
American Lung Association, RESPIRATORY HEALTH ASSOCIATION, LUNGevity, Midwest, AARST/NRPP

**THE TENANT RADON PROTECTION ACT**

HB2217 will keep renters safer because it will:

- Require landlords hand out a radon pamphlet to applicants.
- Ensure that landlords disclose what they know about radon levels in that building.
- If either the tenant or landlord test and radon is high, the landlord has the option to pay for a re-test.
- The landlord can also re-check a tenant's test.
- Allows the renter to be released from their lease if the landlord does not mitigate.

# Lessons Learned



- **More people is more better** (even if it is just jumping from 3 people to 5 people)
- **Determination is more important** than political knowledge
- And yet, **learn the process** (internet helps)
- Try to **learn your opposition**
- **No one** wants to be known for being **against tenant protection**
- Easy to make small mistakes, don't sweat it, **just keep pushing**



**Montgomery County Maryland Bill 26-22**  
**City of Rockville – Ordinance 06-23**  
**Deise Rezende – Maryland Chapter**

# *New Lease: Test Requirement*

## Montgomery County:

- Test result **with radon below 4.0 pCi/L** must be provided at the time of signing the lease or renewals;
- Report must be less than **3 years** old
- Retest must be performed every **3 years**

## City of Rockville:

- Test result **with radon below 4.0 pCi/L** must be provided at the time of signing the lease or renewals;
- Report must be less than **2 years** old
- Retest must be performed every **2 years**

## Applicability:



MULTIFAMILY and SINGLE-FAMILY rental housing



ALL ground-contact and basement units



New Leases & Renewals from July 1, 2023

# *Existing Lease: Tenant-Initiated Test*

- The tenant may conduct a test or hire a professional to test
  - If the result equals or exceeds 4.0 pCi/L, the tenant shall notify the landlord within 14 days
- The landlord who received a notice that the radon level equals or exceeds 4.0 pCi/L may initiate a follow-up test within 14 days
  - If the result equals or exceeds 4.0 pCi/L, the landlord shall mitigate to reduce radon below 4.0 pCi/L with 90 days and provide the tenant with results of a test performed by a professional
    - The tenant may terminate the lease without penalty if the landlord fails to mitigate

“A landlord must provide test results performed by a licensed radon professional that are in compliance with the EPA-recommended radon testing standard”.

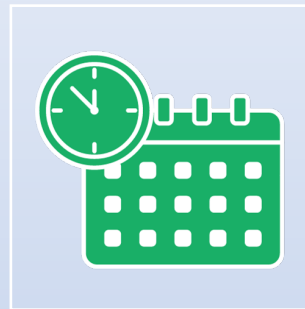
Montgomery Co Department of Housing and Community Development [DHCA](#)



# How conflicting radon test results are resolved



Tests performed by certified professionals in accordance with EPA-recommended standards supersede “non-certified” tests



Long-term results supersede short term results



If both tests were performed by certified professionals, and dispute remains, a mutually agreed upon 3<sup>rd</sup> party certified radon professional must retest.





After confirmed results,  
Landlord must disclose in  
writing within 14 days to each  
tenant in a residential building  
ANY elevated radon  
concentration.

## Disclosure of Radon Results

Thank you for your attention!