

FHFA Policy Stakeholder Education/Monitoring Update

Indoor Environments 2024 Radon and Vapor Intrusion Symposium

September 16, 2024

GOALS FOR THIS PRESENTATION

- **Provide a History/Timeline of the FHFA Radon Policy**
- **Summarize Progress & Accomplishments by CRCPD and IEA**
- **Discuss Next Steps – Pointing to the Future – What Can We All Be Doing**

***Presenters: Kyle Hoylman, President, IEA; KY Board of Radon Safety
Kim Steves, Technical Assistant, CRCPD***

FHFA RADON POLICY TIMELINE



- Established by the Housing and Economic Recovery Act of 2008 (HERA), Public Law 110–289, in response to the subprime mortgage crisis
- Responsible for the effective supervision, regulation, and housing mission oversight of Fannie Mae and Freddie Mac (the Government Sponsored Enterprises “GSEs”)
- Since 2008, FHFA has also served as conservator (receiver) of Fannie Mae and Freddie Mac
- FHFA mission: Ensure the regulated entities fulfill their mission by operating in a safe and sound manner to serve as a reliable source of liquidity and funding for the housing finance market throughout the economic cycle
- FHFA issued directive to the GSEs to develop multifamily radon policy in February 2021. Listening Session in 2021 was attended by almost 500.
- GSEs’ policy in effect for loan applications on or after 7/1/2023



FHFA RADON POLICY: EXEMPTIONS

Policy Exemptions:

- Properties with existing debt to GSEs that have undergone previous radon testing in compliance with the 2023 GSE policy
- Supplemental mortgages, cooperative, manufactured housing communities, properties secured by an SBL mortgage
- Properties with no ground-contact residential units
- Properties with property-wide mitigation systems in place operating under an existing radon Operation and Maintenance (O+M) plan
- Properties that, when newly constructed, incorporated radon-resistant design elements per the Enterprises' Guides
- Properties determined by Environmental Professional to not require testing and/or mitigation (documented reasons) – note: EPA radon map is not an acceptable reason for exemption

FHFA RADON POLICY: TESTING

Testing Requirements:

- Radon testing must be managed by an Environmental Professional (EP)
 - *No radon professional credential or training required*
- Notification of testing is required for staff/tenants and should include:
 - Guidance on maintaining building conditions for testing event
 - Device placement and retrieval dates
 - Information to obtain federal and/or state guidance on health risks
 - Contact information for the state radon program and responsible EP
- Initial testing must include at least 25% of all ground-contact units (GCUs) at the property and no fewer than one test conducted per building containing GCUs at the property
 - No more than 15% invalid tests (e.g. lost or deficient) are permitted – EP determines sufficient valid results for characterization or additional testing required

FHFA RADON POLICY: TESTING (CONT'D)

Testing Requirements (continued):

- ***No upper floor testing***
- ***No protocol specified***
- Follow up requirements in buildings containing a unit(s) with radon concentrations ≥ 4.0 pCi/L:
 - Conduct follow up radon testing in that building (short-term/long-term) – must include at least 25% of GCUs in building, including impacted unit(s) OR
 - Recommend mitigation of units in buildings with radon concentrations ≥ 4.0 pCi/L by EP
- All testing must be conducted in compliance with all applicable state and local laws and regulations
 - if a conflict exists between applicable laws/regulations and the GSEs policy, the more stringent requirement applies

FHFA RADON POLICY: MITIGATION

Mitigation Requirements:

- Radon mitigation is required: any unit with radon ≥ 4.0 pCi/L
 - ***Building-wide mitigation/clearance not required***
- Mitigation must be managed by a qualified mitigation professional
- Post-mitigation testing must confirm radon concentrations < 4.0 pCi/L in any unit on the mitigation plan
- All mitigation must be conducted in compliance with all applicable state and local laws and regulations; if a conflict exists between applicable laws/regulations and the GSEs policy, the more stringent applies

Operation and Maintenance (O+M) Program Requirements:

- Any required mitigation system must be managed under an O+M program that includes periodic inspections of all system components

FHFA RADON POLICY

FHFA Radon Policy and HUD Radon Policy are not the same



Building-Wide Testing Policies

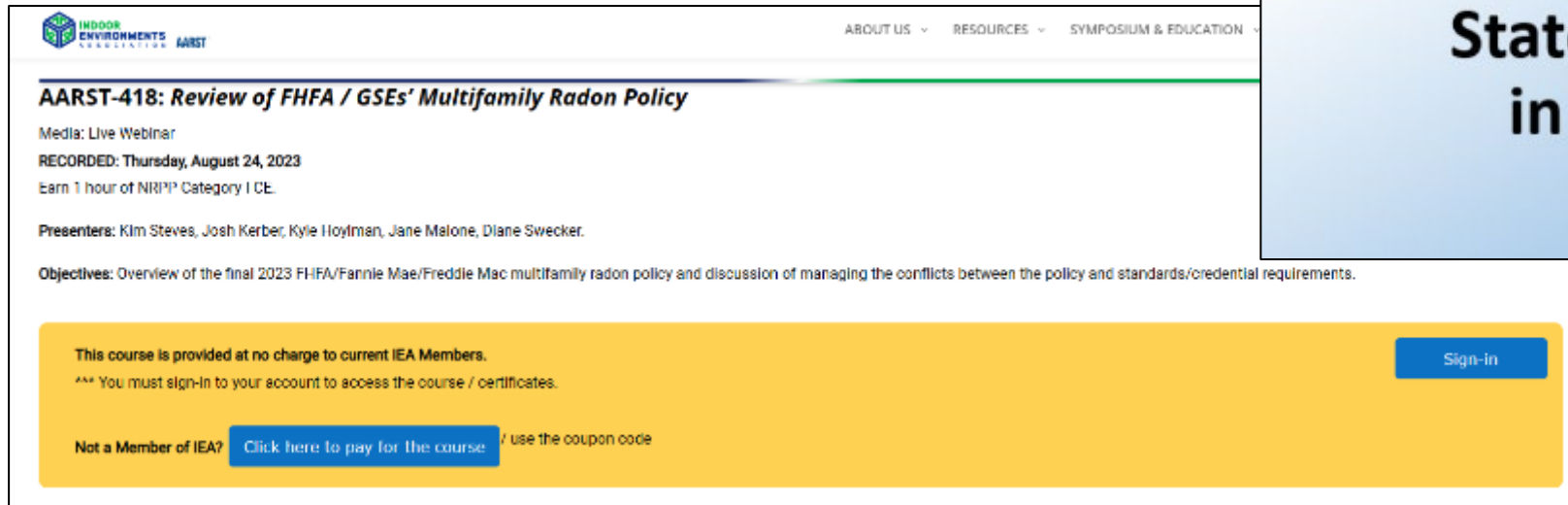


Requirement	HUD FHA Multifamily Lending	FHFA Multifamily Lending
Test Ground Contact Units	100% in every building	25% property wide and at least one unit per building
Testing Standard	EPA-recommended ANSI-AARST MA-MFLB Standard	None
Testing Performed by:	Certified (licensed if applicable) radon professional	Environmental professional (in 30 states: no radon expertise)
Mitigate	If any unit in building above 4 Ci/L, mitigate the building	If any unit in building above 4 Ci/L, mitigate that unit
Mitigation Performed by:	Certified (licensed if applicable) radon professional	Certified (licensed if applicable) radon professional

ACCOMPLISHMENTS & PROGRESS

FHFA Outreach and Education – Coordination between IEA, CRCPD, EPA

<https://www.youtube.com/watch?v=bRAiOqTbQKg>



The screenshot shows the AARST-418 course page. At the top, there are logos for the Indoor Environments Association and AARST, along with navigation links: ABOUT US, RESOURCES, and SYMPOSIUM & EDUCATION. The course title is "AARST-418: Review of FHFA / GSEs' Multifamily Radon Policy". Below the title, it says "Media: Live Webinar", "RECORDED: Thursday, August 24, 2023", and "Earn 1 hour of NRIIP Category I CE". The presenters listed are Kim Steves, Josh Kerber, Kyle Hoytman, Jane Malone, and Diane Swecker. The objectives are: "Overview of the final 2023 FHFA/Fannie Mae/Freddie Mac multifamily radon policy and discussion of managing the conflicts between the policy and standards/credential requirements." At the bottom, there is a yellow box with the text: "This course is provided at no charge to current IEA Members. *** You must sign-in to your account to access the course / certificates." and a "Sign-In" button. Below that, it says "Not a Member of IEA?" and "Click here to pay for the course / use the coupon code".

<https://aarst.org/courses/>



The image shows the CRCPD logo, which consists of a stylized atom symbol followed by the text "CRCPD". Below the logo is the text "Conference of Radiation Control Program Directors, Inc.". The main title of the presentation is "State Radon Requirements in Multifamily Housing", and the date is "March 5, 2024".



ACCOMPLISHMENTS & PROGRESS

Strategies for Regulated States

Issue regulatory notice clarifying state law prevails over GSE policy

Post on website

Forward to regulated community

Send to Housing Finance Agency, Insurance Commission, Real Estate Agents

Send to banker associations such as state affiliates of the [Mortgage Banker Association](#) and the [American Banker Association](#)

Prepare to address questions, compliance, requests for clarification

Move to enforce on reports of improper contracting and services

Work with IEA/AARST chapter (or National where there's no chapter)

Communicate with E-25 on assistance needs

ACCOMPLISHMENTS & PROGRESS

Lenders Must Know if States Have Radon Laws/Regulations

States which do not have radon laws/regulations

<https://www.fhfa.gov/Media/Blog/Pages/FHFA-Increases-Radon-Testing-Requirements-at-Enterprise-Backed-Multifamily-Properties.aspx>

States which do have radon laws/regulations

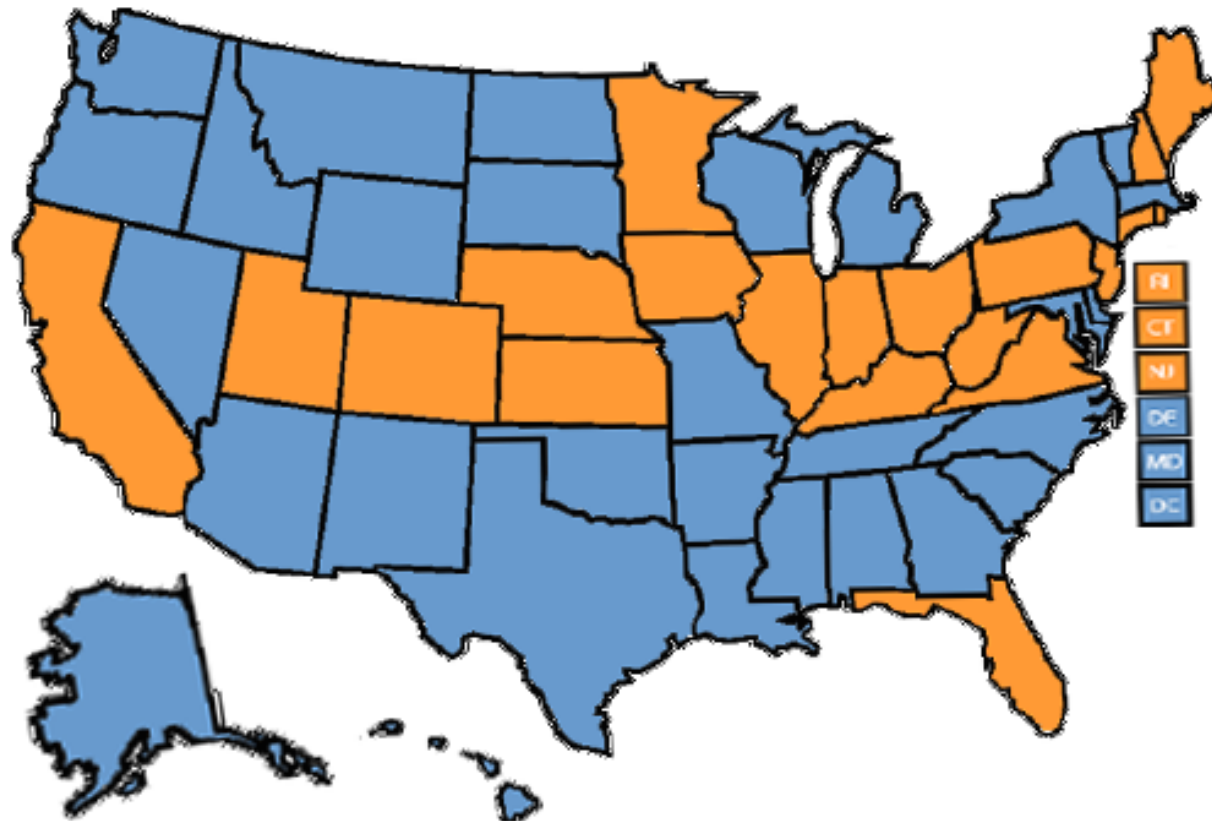
<https://sosradon.org/state-mf-requirements>

ACCOMPLISHMENTS & PROGRESS

What states do have radon laws or regulations?

What do those laws say about multi-family buildings?

Orange - Professional credential required | **Blue** - NO Professional credential required



ACCOMPLISHMENTS & PROGRESS

In partnership with EPA and K-State, we created a reference tool to identify states with radon laws regarding multi-family

<https://sosradon.org/state-mf-requirements>

Kansas State University
National Radon Program Services
— increasing public knowledge of radon and the need to test and fix homes

- FAQ – Got Radon? Get Answers!
- State Multi-Family Radon Requirements
- Testing
- Results: What do they mean?
- Radon in Real Estate
- Mitigation
- Radon Resistant New Construction (RRNC)
- Health Effects
- EPA Consumer Publications
- Radon in the Media
- Standards and Certifications
- State Radon Programs Information
- Research
- EPA Regional Stakeholder Meetings
- Radon in Schools
- Education Resources
- National Radon Poster Contest Archive 2007-2015
- Radon Organizations
- EPA Radon
- Contact Us

Translate Site
Select Language

What is Radon?
Radon is a colorless, odorless, tasteless, and chemically inert radioactive gas. It is formed by the natural radioactive decay of uranium in rock, soil, and water. It can be found in all 50 states. Testing for it is the only way of telling how much is present.

State Multi-Family Radon Requirements
The following information lists multi-family radon requirements by state. This is an evolving list. Please reach out with any updates through the contact us link to the left.
For detailed questions, please contact the state radon office - listed under [State Radon Program Information](#).

[Summary Table and Overview](#)

Click Your State to See your State Multi-Family Radon Requirements

Orange - Professional credential required | Blue - NO Professional credential required

INDOOR ENVIRONMENTS ASSOCIATION

ACCOMPLISHMENTS & PROGRESS

STATE MULTI-FAMILY RADON LAWS AND REGULATIONS

Summary Table

State Multi-Family Radon Requirements – September 2024

State Multi-Family Radon Requirements				
State	Certification/ License Required (Y/N)	Disclosure Required (Y/N)	ANSI/AARST Multi-family Measurement Standards in Effect (Y/N)	ANSI/AARST Multi-family Mitigation Standards in Effect (Y/N)
CA	Y	Y	Y	Y
CO	Y	Y	Y	Y
CT	Y	Y	N	N
FL	Y	Y	N	N
IL	Y	Y	N (100% Ground Floor Testing Required)	N
IN	Y	Y	Y	Y
IA	Y	Y	Y	N
KS	Y	Y	Y	Y
KY	Y	Y	Y	Y
ME	Y	Y	N	N
MN	Y	Y	Y	Y
NE	Y	Y	Y	Y
NH	Y	Y	N	N
NJ	Y	Y	Y	Y
OH	Y	Y	N (100% Ground Floor Testing Required)	N
PA	Y	Y	Y	Y
RI	Y	Y	Y	Y
UT	Y (Mitigation Only)	N	N	N
VA	Y	Y	Y	Y
WV	Y	Y	N	N

ACCOMPLISHMENTS & PROGRESS

Summary Table

State Multi-Family Radon Requirements – September 2024

CA	3
CO	4
CT	6
FL	7
IL	8
IN	9
IA	10
KS	12
KY	13
ME	14
MN	16
NE	18
NH	20
NJ	21
OH	23
PA	24
RI	25
UT	26
VA	27
WV	299

2

State Multi-Family Radon Requirements – September 2024

KS - Kansas

CREDENTIAL - KS Requires a state license for radon measurement and mitigation professionals.

Source: [K.S.A. 2010 Supp. 48-16a01 through 48-16a12](#); [K.A.R. 28-35-600 through 28-35-608](#)

STANDARDS – MEASUREMENT

- ANSI/AARST MAMF 2017 with 1/21 Revisions Standards for Multi-Family Measurement
- ANSI/AARST MALB 2014 with 1/21 Revisions Standards for Large Building Measurement

MITIGATION

- ANSI/AARST RMS-MF 2018 with 12/20 Addenda for Multi-Family Mitigation
- ANSI/AARST RMS LB 2018 with 12/20 Revisions Standards for Large Building Mitigation

Source: [Kansas Statutes §§ 28-35-603-605](#)

REPORTING - KS Requires those performing radon testing, analysis or mitigation to report the results and other information to the Department within 90-days of the service, subject to certain limitations, and provides that such information is confidential.

Source: [Kansas Statutes §§ 48-16a01 et seq.](#)

DISCLOSURE - KS Requires every contract for the sale of residential real estate to contain a radon notice as specified in the law. Notice includes information about the health effects of radon and a recommendation for radon testing.

Source: [Kansas Statutes § 58-3078a](#)

12

ACCOMPLISHMENTS & PROGRESS

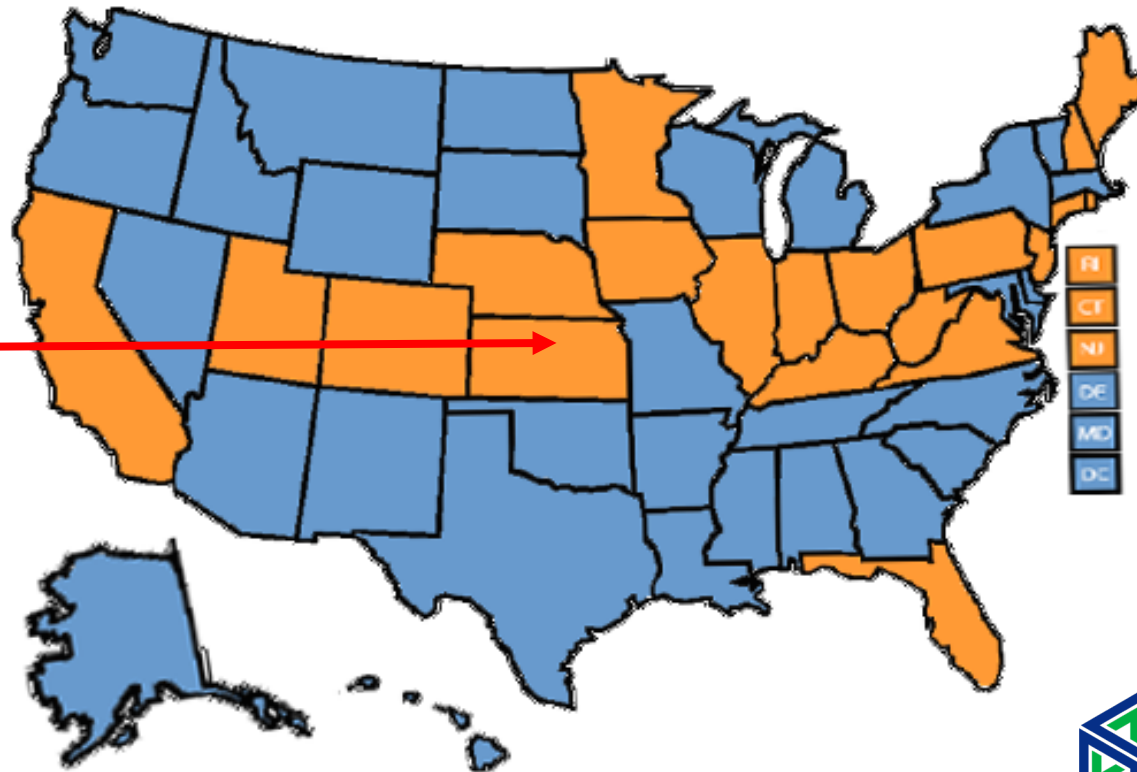
[Summary Table and Overview](#)

STATE MULTI-FAMILY RADON LAWS AND REGULATIONS

[Click Your State to See your State Multi-Family Radon Requirements](#)

Orange - Professional credential required | **Blue** - NO Professional credential required

Select the state of
interest on the map



ACCOMPLISHMENTS & PROGRESS

STATE MULTI-FAMILY RADON LAWS AND REGULATIONS

Kansas Multi-Family Radon Rules	[Hide]
CREDENTIAL	
<ul style="list-style-type: none">• KS Requires a state license for radon measurement and mitigation professionals.• Source: K.S.A. 2010 Supp. 48-16a01 through 48-16a12 (pdf); K.A.R. 28-35-600 through 28-35-608 (pdf)	
STANDARDS	
<ul style="list-style-type: none">• ANSI-AARST (in effect October 27, 2023)<ul style="list-style-type: none">• Includes:<ul style="list-style-type: none">• Single family homes -<ul style="list-style-type: none">• ANSI/AARST MAH 2019 - Protocol for Conducting Measurements of Radon and Radon Decay Products in Homes;• ANSI/AARST SGM-SF 2017 with 12/20 Revisions – Soil Gas Mitigation Standards for Existing Homes• Multi-family homes -<ul style="list-style-type: none">• ANSI/AARST MAMF 2017 with 1/21 Revisions – Protocol for Conducting Measurement of Radon and Radon Decay Products in Multi-Family Buildings;• ANSI/AARST RMS-MF 2018 with 12/20 Addenda – Radon Mitigation Standards for Multi-Family Buildings• Schools and Large Buildings -<ul style="list-style-type: none">• ANSI/AARST MALB 2014 with 1/21 Revisions – Protocol for Conducting Measurements of Radon and Radon Decay Products in Schools and Large Buildings;• ANSI/AARST RMS LB 2018 with 12/20 Revisions – Radon Mitigation Standards for Schools and Large Buildings• Source: Kansas Register, Article 35, Vol. 42, No. 41, October 12, 2023; Kansas Department of Health & Environment (KDHE): Kansas Measurement Standards/Protocols	
REPORTING	
<ul style="list-style-type: none">• KS Requires those performing radon testing, analysis or mitigation to report the results and other information to the Department within 90-days of the service, subject to certain limitations, and provides that such information is confidential.• Source: K.S.A. 2010 Supp. 48-16a01 through 48-16a12 (pdf); K.A.R. 28-35-600 through 28-35-608 (pdf)	
DISCLOSURE	
<ul style="list-style-type: none">• KS Requires every contract for the sale of residential real estate to contain a radon notice as specified in the law. Notice includes information about the health effects of radon and a recommendation for radon testing.• Source: Kansas Statutes § 58-3078a	

ACCOMPLISHMENTS & PROGRESS

Our message to the FHFA lenders/environmental professionals:

- **WHEN DOING BUSINESS IN A STATE, MAKE SURE YOU VERIFY THE RADON LAWS IN PLACE**
- **NRPP CERTIFIED RADON PROFESSIONALS MAY HAVE TO DEAL WITH A CONFLICT BETWEEN THE STANDARDS THEY COMMITTED TO FOLLOW AND THE DEMANDS OF THE LENDER/ENVIRONMENTAL CONSULTANT**

NEXT STEPS

Liability and Health Equity Considerations

What are the potential liability and health equity impacts on lenders, environmental consultants, and multifamily property owners choosing to meet only the minimum requirements of the GSEs multifamily radon policy?

- **Disparate treatment of tenants who have no control over the building**
- **Tenants whose units were never tested and never mitigated exposed to radon**
- **Tenants whose units were never tested living in building with active mitigation system somewhere else**
- **Minimum GSE requirements deliver inferior services – no standards, no training – that don't protect public health**
- **Post-mitigation testing only in tested units**

NEXT STEPS

You are our source of data and information

CRCPD AND IEA are seeking reports on improper offers/contracts for radon services in multifamily buildings. "Improper" is defined as radon projects where the solicited/contracted scope of work is in violation of an applicable state law or regulation or radon standard, such as **testing less than 100% ground-contact units**. We are requesting radon professionals (and others) to report information about improper offers/contracts for multifamily radon measurement or mitigation work. The entity soliciting services may be a lender or a due diligence firm.

NEXT STEPS

FHFA/GSEs will review the radon data collected and use it to revisit the policy.

“The FHFA will ...work with the U.S. Environmental Protection Agency (EPA) to reassess the Enterprises’ radon standards in 2024 to determine what adjustments are warranted.”

<https://www.fhfa.gov/blog/insights/fhfa-increases-radon-testing-requirements-at-enterprise-backed-multifamily-properties>

NEXT STEPS

FHFA/GSE's will review the radon data collected and use it to revisit the policy

In their FAQ's, the GSE's state they are...Encouraging better radon data collection at multifamily properties across the United States, including collaboration with the Centers for Disease Control (CDC) on multifamily data standards and assessing the impact of the new testing standards...The Enterprises and FHFA will continue to monitor the multifamily mortgage market and will reassess these radon requirements using available data and on-going feedback in consideration of the radon industry's ability to adapt to increasing radon testing on a nationwide scale, impacts on residents of Enterprise- financed properties, and the Enterprises' ability to serve our mission...

NEXT STEPS

What data are they reviewing? If they only look at the data collected in accordance with their policy (i.e., 25% ground floor units tested), how will that show that the policy needs to be revisited and changed?

- To enforce their laws, regulated states need to be able to identify where the laws are being violated.
 - Radon professionals should communicate re improper bids to state radon program
- Reporting when a lender is hiring for a job that does not meet the state law requirements is critical. The goal is to target the lenders who are violating the law, not the radon professional.
- Ensure measurement and mitigation data for multifamily buildings is accurately reported to the state(s); compare data with map
 - FHFA/GSEs will review the radon data collected and use it to revisit the policy.
- Without strong radon laws and regulations, states cannot ensure their residents are adequately protected.

NEXT STEPS

Our goal is to have FHFA reopen the policy and revise it to bring it into alignment with the ANSI/AARST standards for multifamily measurement and mitigation.

How do we do that? We need your help.

Data Data Data

We have to show the radon risk from only testing 25%.

Who has data for multi-family buildings tested and mitigated in accordance with the Standards which can be shared with us?

QUESTIONS?

Indoor Environments 2024 Radon and Vapor Intrusion Symposium

September 16, 2024

Kyle Hoylman

President, IEA

KY Board of Radon Safety

kyle@protectenvironmental.com

Kim Steves

CRCPD Technical Assistant

ksteves@crcpd.org