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## **An Act Relating to Radon Testing and Disclosure to Tenants**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 14 MRSA §6030-D**, as amended by PL 2011, c. 96, §3 and c. 157, §1, is repealed.

**Sec. 2. 14 MRSA §6030-F** is enacted to read:

### **§ 6030-F. Disclosure of radon hazard to current and prospective tenants**

**1. Definitions.** For the purposes of this section, the following terms have the following meanings unless the context otherwise indicates.

A. "Dwelling unit" means a room or suite of rooms used for human habitation located in a residential building below the 3rd story above ground level and for which a landlord or other person acting on behalf of a landlord enters into a lease or tenancy at will agreement.

B. "Radon hazard" means a level of radon of 4.0 picocuries per liter of air or above.

C. "Residential building" does not include a building used exclusively for rental under short-term leases of 100 days or less when no lease renewal or extension can occur.

**2. Disclosure.** A landlord or other person acting on behalf of a landlord who enters into a lease or tenancy at will agreement for a dwelling unit in a residential building shall disclose the existence of a radon hazard in accordance with this section.

A. If a tenant provides written notice to a landlord or other person acting on behalf of a landlord of the results of a radon test that indicate the presence of a radon hazard in a dwelling unit, the landlord or other person acting on behalf of the landlord shall provide written notice of the existence of a radon hazard to any tenant or prospective tenant of a dwelling unit in that residential building, except that, after receiving notice of a radon test indicating a radon hazard, a landlord or other person acting on behalf of a landlord may conduct a radon test in the dwelling unit, and, if the radon test conducted by the landlord or other person acting on behalf of the landlord demonstrates that a radon hazard does not exist in the dwelling unit, the landlord or other person acting on behalf of the landlord is not required to provide written notice to a tenant or prospective tenant.

B. If a landlord or other person acting on behalf of a landlord conducts a test for the presence of radon in a residential building or dwelling unit and the test indicates that a radon hazard exists in that residential building or dwelling unit, the landlord or other person acting on behalf of the landlord shall provide written notice of the existence of a radon hazard to any tenant or prospective tenant.

**3. Mitigation.** If mitigation has been performed to reduce the level of radon in a dwelling unit and a subsequent radon test indicates that a radon hazard does not exist in the dwelling unit, the landlord or other person acting on behalf of the landlord is not required to provide the disclosure required by this section for that dwelling unit.

**4. Mandatory testing not required.** This section may not be construed to require a landlord or other person acting on behalf of a landlord to conduct testing for the presence of radon in a dwelling unit.

## SUMMARY

This bill repeals the current provisions in law related to mandatory radon testing and disclosure of the presence of radon to tenants and prospective tenants in residential buildings and enacts provisions related to disclosure of a radon hazard to tenants and prospective tenants based on Illinois law. The bill provides that radon testing is not required, but requires the disclosure of a radon hazard to tenants and prospective tenants when a landlord is made aware of test results indicating the presence of a radon hazard and mitigation has not been performed to reduce the level of radon. The bill applies to dwelling units located below the 3rd story above ground level in a residential building.