

Bill No. 31-15
Concerning: Sale of Real Property –
Radon Test – Single-family home
Revised: November 17, 2015 Draft No. 6
Introduced: June 16, 2015
Enacted: November 17, 2015
Executive: November 24, 2015
Effective: October 1, 2016
Sunset Date: None
Ch. 50, Laws of Mont. Co. 2015

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Rice and Katz
Co-sponsors: Councilmembers Elrich and Hucker

AN ACT to:

- (1) require the seller of a single-family home to test for radon or permit the buyer to perform a test on the property;
- (2) establish certain exceptions to testing for radon;
- (3) require the test results to be provided to both the seller and the buyer; and
- (4) generally amend the law governing the sale of a single-family home in the County.

By adding

Montgomery County Code
Chapter 40, Real Property
Section 40-13C

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 40-13C is added as follows:**

2 **40-13C. Radon test – single-family home.**

3 (a) Definitions. In this Section, the following words have the meanings
4 indicated:

5 Department means the Department of Environmental Protection.

6 Director means the Director of the Department or the Director's
7 designee.

8 Single-family home means a single-family detached or attached
9 residential building. Single-family home does not include a residential
10 unit that is part of a condominium regime or a cooperative housing
11 corporation.

12 Radon means a radioactive gas found in the air that comes from the
13 natural breakdown of uranium in soil, rock, and water.

14 Radon test means measuring the amount of radon in an indoor space:

15 (1) with a device made for this purpose;

16 (2) approved for use by the Director; and

17 (3) performed in accordance with the protocols specified for the
18 device used.

19 (b) Except as provided in subsection (c), a single-family home located in the
20 County must be tested for radon before completing a sale of the home.

21 The radon test must be performed less than one year before the settlement
22 date. The seller must either perform the test or permit the buyer to
23 perform the test. Both the seller and the buyer must receive a copy of the
24 results of the radon test.

25 (c) The settlement of the sale of a single-family home located in the County
26 may be completed without a radon test if the sale is:

- 27 (1) exempt from the transfer tax under Md. Tax-Property Code, §13-
- 28 207, as amended;
- 29 (2) by a lender or an affiliate or subsidiary of a lender that acquired the
- 30 home by foreclosure or deed in lieu of foreclosure;
- 31 (3) a sheriff's sale, tax sale, or sale by foreclosure, partition, or by
- 32 court appointed trustee;
- 33 (4) a transfer by a fiduciary in the course of the administration of a
- 34 decedent's estate, guardianship, conservatorship, or trust; or
- 35 (5) a transfer of a home to be converted by the buyer into a use other
- 36 than residential or to be demolished.

37 **Sec. 2. Effective date.**

38 This Act takes effect on October 1, 2016.

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