

TESTIMONY OF THE GREATER CAPITAL AREA ASSOCIATION OF REALTORS® BEFORE THE MONTGOMERY COUNTY COUNCIL

Support, with Amendments, for Bill 26-22, Radon Testing and Mitigation

October 18, 2022

Good afternoon, members of Council. My name is Villy Iranpur and I am testifying today on behalf of the 11,000 members of the Greater Capital Area Association of REALTORS® (GCAAR). Our association is supportive of Bill 26-22, Radon Testing and Mitigation, with amendments to the bill as introduced.

I would like to start by thanking Councilmember Rice for reaching out to GCAAR while putting this bill together. Any time we as advocates and industry professionals can bring our experience in the marketplace to the table to help the Council with its legislative work, better results are brought to bear.

One of our mission statements as a REALTOR® organization is that we advocate professional and ethical service to the public and members. Promoting and protecting the health and safety of residents our property managers and housing providers is paramount. And we appreciate Councilmember Rice's legacy of ensuring our community is safe from radon in their homes.

We believe there is a path forward on this bill that upholds the importance of providing safe housing while maintaining a fair increase in cost and responsibility on property managers and housing providers.

GCAAR has two suggested amendments to present to the Council on this bill. The first would exempt properties with active radon mitigation systems from further testing. The second would ensure testing does not become a nuisance used against properties.

We also stand with the Apartment and Office Building Association of Metropolitan Washington (AOBA) in their five amendments and ask that you amend the bill as they recommend. Our amendments will be included in the full testimony provided to the Council.

Thank you for your consideration of our Association's perspective. With these suggested amendments included, we believe this legislation will better serve all residents as well as the goal of the bill.

We look forward to our continued work towards bringing safe and reliable housing to everyone in our community.

Recommended Amendments to Bill 26-22, Radon Testing & Mitigation

GCAAR Amendments:

- Page 4, Line 65, Insert, **“(i) Exemptions. Apartments equipped with radon mitigation systems are exempted from the testing requirement and will instead disclose the presence of the system to prospective tenants.”**

Explanation: If a property manager or owner has already installed a system to mitigate radon in a unit, and that system is in good working order, they should not be required to test for that property. Requiring this punishes their proper stewardship of the property and adds to the additional cost they have undertaken to ensure the residence is safe to inhabit.

- Page 3, Line 47, Insert, **“Tenants can only test once for radon per lease term.”**

Explanation: Constant testing, especially when a property manager or owner is asked to repeatedly confirm, can be a nuisance that can add up to real time lost (as well as money paid for tests). GCAAR understands and supports residents wanting to have their safety reassured. Once per term may not be the correct amount, but some limit (perhaps based on testing levels present) would be an appreciated reassurance that this legislation will not open them up to constant resident petition.

AOBA Amendments:

- Page 2, Line 28, Insert, **“(3) Buildings built before 1952 must conduct radon testing for all units on the ground level or basement unit.”**
- Page 3, Line 35, strike Section (1), Insert, **“(1) Tenants can access test results via written notice, electronically, or the main leasing office by request.”**
- Page 3, Line 53, Insert, **“(1) Every three years, landlords must conduct radon testing for 20% of units on the ground level or basement unit of a residential building for buildings built since 1952.”**
- Page 4, Line 61, Insert, **“If a tenant fails to comply reasonably with the inspection or treatment requirements described in this subtitle, then the landlord will not be held liable for testing and abatement of the unit.”**
- Page 4, Line 65, Insert, **“The bill will take effect on October 1, 2023.”**