

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 ~~[[and give]]~~ or permit the buyer to perform a test on the property; [[a copy of the radon test results]];
- (2) establish certain exceptions to testing for radon;
- ~~[[2]]~~ (3) require the test results to be provided to both the seller ~~[[to provide]]~~ and the buyer ~~[[with an estimate to reduce radon under certain circumstances]]~~; and
- ~~[[3]]~~ (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 [[kit]] device made for this purpose [[and]];

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) [[Before]] [[signing a contract for]] [[completing the sale of]] Except as
 20 provided in subsection (c), a single-family home located in the County[[,
 21 the living quarters of the home]] must be tested for radon before
 22 completing a sale of the home. The radon test must be performed less
 23 than one year before [[final] the settlement date. The seller must either
 24 perform the test or permit [[provide]] the buyer to perform the test.
 25 [[with]] Both the seller and the buyer must receive[[:


- 26 (1)]] a copy of the results of [[a]] the radon test [[performed on the living
27 quarters of the home less than one year before the date of the
28 contract; and
- 29 (2) an estimate from a licensed contractor to reduce any radon level of
30 4 picocuries per liter or more to less than 2 picocuries per liter]].
- 31 (c) The settlement of the sale of a single-family home located in the County
32 may be completed without a radon test if the sale is:
- 33 (1) exempt from the transfer tax under Md. Tax-Property Code, §13-
34 207, as amended;
- 35 (2) by a lender or an affiliate or subsidiary of a lender that acquired the
36 home by foreclosure or deed in lieu of foreclosure;
- 37 (3) a sheriff's sale, tax sale, or sale by foreclosure, partition, or by
38 court appointed trustee;
- 39 (4) a transfer by a fiduciary in the course of the administration of a
40 decedent's estate, guardianship, conservatorship, or trust; or
- 41 (5) a transfer of a home to be converted by the buyer into a use other
42 than residential or to be demolished.

43 **Sec. 2. Effective date.**

44 This Act takes effect on October 1, 2016.

45

46 *Approved:*

47  11/18/2015

George Leventhal, President, County Council Date

48 *Approved:*

49  11/24/2015

Isiah Leggett, County Executive Date

50 *This is a correct copy of Council action.*

51  11/27/15

Linda M. Lauer, Clerk of the Council Date