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

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 40-13C is added as follows:

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

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

Department means the Department of Environmental Protection.

Director means the Director of the Department or the Director’s designee.

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

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

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

(1) with a device made for this purpose;

(2) approved for use by the Director; and

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

(b) Except as provided in subsection (c), a single-family home located in the County must be tested for radon before completing a sale of the home. The radon test must be performed less than one year before the settlement date. The seller must either perform the test or permit the buyer to perform the test. Both the seller and the buyer must receive a copy of the results of the radon test.

(c) The settlement of the sale of a single-family home located in the County may be completed without a radon test if the sale is:
exempt from the transfer tax under Md. Tax-Property Code, §13-207, as amended;

(2) by a lender or an affiliate or subsidiary of a lender that acquired the home by foreclosure or deed in lieu of foreclosure;

(3) a sheriff’s sale, tax sale, or sale by foreclosure, partition, or by court appointed trustee;

(4) a transfer by a fiduciary in the course of the administration of a decedent’s estate, guardianship, conservatorship, or trust; or

(5) a transfer of a home to be converted by the buyer into a use other than residential or to be demolished.

Sec. 2. Effective date.

This Act takes effect on October 1, 2016.
Approved:

/s/ 11/18/15

George Leventhal, President, County Council

Approved:

/s/ 11/24/15

Isiah Leggett, County Executive

This is a correct copy of Council action.

/s/ 11/27/15

Linda M. Lauer, Clerk of the Council