



Committee: PHED
Committee Review: At a future date
Staff: Ludeen McCartney-Green, Legislative Attorney
Purpose: To receive testimony – no vote expected
Keywords: #RadonTesting

AGENDA ITEM #8
October 18, 2022
Public Hearing

SUBJECT

Bill 26-22, Landlord-Tenant Relations - Radon Testing and Mitigation - Required

Lead Sponsor: Councilmember Rice and Co-Sponsor: Councilmember Katz

EXPECTED ATTENDEES

Members of the Public

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; to receive testimony

DESCRIPTION/ISSUE

- Bill 26-22 would:
 - (1) require radon testing in rental housing;
 - (2) require disclosure and mitigation of radon hazards above a certain action level;
 - (3) include lease requirements for certain rental units; and
 - (4) generally amend laws regarding landlord-tenant relations in the County.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report	Pages 1 - 3
Bill 26-22	© 1
Legislative Request Report	© 5
DEP Radon Handout	© 6
EPA Map of Maryland Radon Zones	© 7
Racial Equity and Social Justice Impact Statement	© 8
Fiscal Impact Statement Extension Request	© 14

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MEMORANDUM

October 13, 2022

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: Bill 26-22, Landlord-Tenant Relations – Radon Testing and Mitigation – Required

PURPOSE: Public Hearing – no Council votes required¹

Bill 26-22, Landlord-Tenant Relations – Radon Testing and Mitigation – Required sponsored by Lead Sponsor Councilmember Rice and Co-Sponsor Councilmember Katz, was introduced on September 20, 2022. A Planning, Housing, and Economic Development (PHED) committee worksession is scheduled for October 24, 2022, at 9:30 am.

Bill 26-22 would:

- (1) require radon testing in rental housing;
- (2) require disclosure and mitigation of radon hazards above a certain action level;
- (3) include lease requirements for certain rental units; and
- (4) generally amend laws regarding landlord-tenant relations in the County.

BACKGROUND

According to the U.S. Environmental Protection Agency (EPA), radon is a radioactive gas that is found in soil and rock in all parts of the United States. It is formed by the decay of uranium, which is a natural process. Radon may be found in all types of homes and buildings in the United States. If there is radon gas in the ground, it can seep into a building. Radon typically moves up from the ground into a home through drains, cracks, or other holes in the foundation. Radon then can be trapped inside the home.

Studies show that radon is the second leading cause of lung cancer, behind cigarette smoking. The higher the radon level indoors, the greater the amount you breathe. Radon gas decays

¹ #RadonTesting

into radioactive particles that can get trapped in your lungs when you breathe. As they break down, these particles release small bursts of energy. This can damage lung tissue. Inhaling indoor air containing radon over a period of many years can increase your risk of getting lung cancer. Your chance of getting lung cancer from radon depends on how much radon is in your home and how much time you spend in your home. If you are a smoker or a former smoker, the risk of getting lung cancer from radon is even greater.²

Radon is colorless, odorless, and tasteless. The only way to detect radon is by testing. Because most indoor radon comes from naturally occurring radon in the soil, high indoor levels are more likely to exist below the third floor. Therefore, the EPA recommends testing all homes below the third floor. The quickest way to test for radon is with a short-term test. Short-term tests remain in your home for 2 days to 90 days, depending on the device. Long-term tests remain in your home for more than 90 days. Testing can be done by either an individual or a professional radon company. *See*, DEP Radon Handout, © 6.

The EPA map for radon zones in Maryland designated Montgomery County as a Zone 1 area. © 7. Zone 1 means there is a predicted average radon level at or above the EPA's 4.0 pico-Curies per liter (pCi/L) action level. (pCi/L) is a measure of the amount of radioactivity in a known quantity of air.

State and County Laws

There are 37 states that require radon disclosure during real estate transactions and 4 states (Colorado, Florida, Illinois, and Maine) that require tenant disclosure by the landlord.³

Radon testing when buying a house in Maryland is optional, except for homes sold in Montgomery County. As of 2016, County law requires a single-family home located in the County 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.⁴

State regulations require residential childcare buildings to test for radon;⁵ Montgomery County Public Schools conduct testing, monitoring, and mitigation practices for all schools in the County;⁶ County buildings conduct testing every 3 – 5 years; and new construction is required to install proper ventilation measures at the initial construction stage to release any potential radon gas.⁷

² U.S. EPA Radon Guide for Tenants. https://www.epa.gov/sites/default/files/2014-08/documents/tenants_guide.pdf

³ <https://radonresources.com/blog/does-your-state-require-radon-testing/> (January 25, 2021).

⁴ Bill 31-15, Sale of Real Property - Radon Test – Single Family Home, Lead Sponsor, Councilmembers Rice and Katz. < <https://apps.montgomerycountymd.gov/cellims/BillDetailsPage?RecordId=981&fullTextSearch=31-15>>

⁵ COMAR 14.31.06.07, 2015

⁶ <https://www.montgomeryschoolsmd.org/departments/facilities/maintenance/radon-results.aspx>

⁷ International Residential Code (Appendix F)

Bill 26-22 would seek to extend protections for tenants in rental housing by requiring radon testing, education, disclosure, and mitigation.

BILL SPECIFICS

Bill 26-22 would require a landlord to conduct radon testing prior to a tenant's occupancy for any rental housing that is a single-family home or multi-family building. At the time of lease signing, the landlord is required to provide education pamphlets about radon, testing, and mitigation as recommended by the EPA, or Department of Environmental Protection (DEP). Radon testing and educational information are required only for dwelling units located below the third floor of a building.

An existing tenant may conduct a self-test for the presence of radon, and if the results are above EPA's action level of 4 pCi/L, the tenant must notify the landlord in writing. The landlord is required to initiate a confirmatory test within 14 days of the tenant's notice. If the confirmatory test results are above the action level, the landlord must notify all the tenants in the building and within a certain timeframe, conduct mitigation efforts to reduce the presence of radon in the tenant's dwelling unit.

A landlord who fails to timely mitigate the presence of radon may permit and trigger the option for the tenant to terminate the lease, without penalty.

This packet contains:	<u>Circle #</u>
Bill 26-22	1
Legislative Request Report	5
DEP Radon Handout	6
EPA Map of Maryland Radon Zones	7
Racial Equity and Social Justice Impact Statement	8
Fiscal Impact Statement Extension Request	14

Bill No. 26-22
Concerning: Landlord-Tenant Relations –
Radon Testing and Mitigation –
Required
Revised: 9/16/22 Draft No. 4
Introduced: September 20, 2022
Expires: March 19, 2024
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Rice
Co-Sponsor: Councilmember Katz

AN ACT to:

- (1) require radon testing in rental housing;
- (2) require disclosure and mitigation of radon hazards above a certain action level;
- (3) include lease requirements for certain rental units; and
- (4) generally amend laws regarding landlord-tenant relations in the County.

By amending

Montgomery County Code
Chapter 29, Landlord-Tenant Relations
Section 29-30

By adding

Montgomery County Code
Chapter 29, Landlord-Tenant Relations
Section 29-35E

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 29-30 is amended and Section 29-35E is added, as follows:**

2 **29-30. Obligations of landlords.**

3 (a) Each landlord must reasonably provide for the maintenance of the health,
4 safety, and welfare of all tenants and all individuals properly on the
5 premises of rental housing. As part of this general obligation, each
6 landlord must:

7 * * *

8 (12) comply with Section 29-35E.

9 * * *

10 **29-35E. Radon Testing**

11 (a) Definitions. In this Section, the following terms have the meanings
12 indicated.

13 Mitigation means measures designed to permanently reduce indoor radon
14 concentrations.

15 Multifamily dwelling has the same meaning as in Section 29-1.

16 Radon has the same meaning as stated in Section 40-13C(a).

17 Radon test has the same meaning as in Section 40-13C(a).

18 Radon hazard means exposure to indoor radon concentrations at or in
19 excess of the United States Environmental Protection Agency's
20 recommended radon action level.

21 Single-family home means a single-family detached or attached
22 residential building. A single-family home does not include a residential
23 unit in a condominium or a cooperative housing corporation.

24 Tenant has the same meaning stated in Section 29-1.

25 (b) Applicability. This Section applies to any rental housing that has a unit
26 below the third floor of a residential building in:

27 (1) a single-family home; or

- 28 (2) a multifamily dwelling unit.
- 29 (c) Radon testing - required. A landlord of a single-family home or
30 multifamily dwelling unit must conduct a radon test before leasing a unit
31 to a prospective tenant.
- 32 (d) Lease requirements. At the time of lease signing, the landlord must
33 provide to the tenant and certify in the lease, or an addendum to the lease,
34 the following:
- 35 (1) a copy of radon test results that indicates any concentration of
36 radon is below the United States Environmental Protection
37 Agency's (EPA) recommended action level of 4 picocuries per
38 liter (pCi/L);
- 39 (2) the test was performed less than three (3) years before the date of
40 the lease; and
- 41 (3) a copy of the EPA's pamphlet on radon guide for tenants or an
42 equivalent pamphlet approved for use by the Department of
43 Environmental Protection. The copy of the pamphlet may be an
44 electronic link to the applicable website, or if requested by the
45 tenant, a hard copy.
- 46 (e) Testing and notification by existing tenants. An existing tenant may
47 conduct a radon test in the dwelling unit covered by this Section. If the
48 test results indicate that radon hazard is present at a level of 4 pCi/L or
49 higher, the tenant must:
- 50 (1) in writing; and
- 51 (2) within 14 days of the test results, notify the landlord.
- 52 (f) Mitigation of Radon. A landlord who receives notice under subsection
53 (e), must:

- 54 (1) within 14 days of notice, initiate a follow-up test to confirm any
 55 presence of radon hazard; and
- 56 (2) within 90 days of confirmed results, mitigate, repair, or alter the
 57 premises to reduce the radon level to 2 pCi/L or below.
- 58 (g) Disclosure of Radon. A landlord must disclose to each tenant, in writing,
 59 within 14 days after a confirmed radon test, any elevated radon
 60 concentrations (above EPA’s recommended radon action level) that are
 61 known to be present within the dwelling.
- 62 (h) Termination of Lease. A tenant may have the option to terminate a lease
 63 agreement if the landlord fails to mitigate under subsection (f) without
 64 loss of security deposit or any other financial penalty.

LEGISLATIVE REQUEST REPORT

Bill 26-22

Landlord-Tenant Relations - Radon Testing and Mitigation– Required

DESCRIPTION:	Bill 26-22 would: <ul style="list-style-type: none">• require radon testing in rental housing;• require mitigation and disclosure of radon hazards above a certain level;• include lease requirements for certain rental units; and generally amend the laws regarding the landlord-tenant relations in the County.
PROBLEM:	Radon is a radioactive gas that is found in soil and rock in all parts of the United States. It is formed by the decay of uranium, which is a natural process. Radon may be found in all types of homes and buildings in the United States. Studies show that radon is the second leading cause of lung cancer, behind cigarette smoking. The higher the radon level indoors, the greater the amount you breathe. Montgomery County has been designed as Zone 1 area for high levels of radon.
GOALS AND OBJECTIVES:	Require landlords to conduct testing, provide education materials, disclose test results, and mitigate radon in rental housing. In addition, to reduce environmental hazards within rental housing and increase education and tenant awareness.
COORDINATION:	DEP; DHCA
FISCAL IMPACT:	To be provided by OMB
ECONOMIC IMPACT:	To be provided by OLO
RESJ IMPACT:	Office of Legislative Oversight
EVALUATION:	To be done.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Ludeen McCartney-Green, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	Municipalities can opt-in
PENALTIES:	Chapter 29

RADON

A Quick Guide to Protecting Your Home

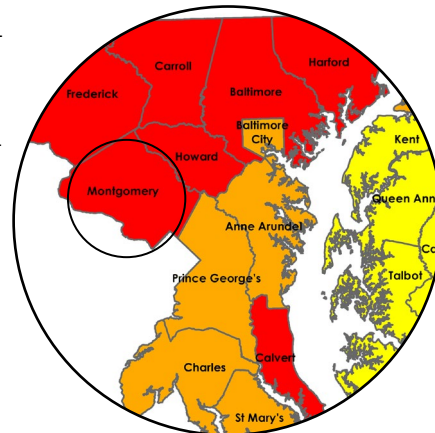
Radon is an invisible, radio-active gas created during the naturally occurring breakdown of uranium in rocks and soils.

Radon gas enters homes and buildings through cracks and other openings in the foundation. It can create a serious health risk.

According to the United States Environmental Protection Agency (EPA), radon is responsible for roughly 21,000 lung cancer deaths each year. In fact, the U.S. Surgeon General has warned that radon is the second leading cause of lung cancer in the United States and is the leading cause of lung cancer in nonsmokers.

Average Indoor Radon Levels by County

- = Above 4 pCi/L
 - = 2 to 4 pCi/L
 - = Below 2 pCi/L
- EPA Region 3 Map



EPA studies show that Montgomery County's average indoor radon level is above the recommended safe amount of 4 pCi/L.

Testing Your Home

Testing your home is the only way to know if you and your family are at risk.

To perform the test yourself, pick up a testing device from a home improvement retailer or *online*. Testing can also be done by a radon professional.

- **Short-term devices** test over a span of days. They are a quick and inexpensive way to screen for radon.
- **Long-term devices** measure levels for 3 months or more. They take day-to-day fluctuations into account and provide a better long-term average reading.

Before purchasing a device, refer to the list of recommended devices at: montgomerycountymd.gov/radon

Reducing High Radon Levels in Your Home

If your test results are 4 pCi/L or higher, the EPA recommends further action. For more information on understanding your test results, go to sosradon.org/results.

If you have tested your home and confirmed that you have elevated radon levels, consult a qualified radon mitigation contractor.

Find A Professional

These two organizations can help identify professionals in your area who are certified in radon testing and mitigation:

- **American Association of Radon Scientists and Technologists:**
aarst-nrpp.com
- **National Radon Safety Board:**
nrsb.org



montgomerycountymd.gov/radon or call 3-1-1

Outside Montgomery County: 240-777-0311 TTY: 301-251-4850



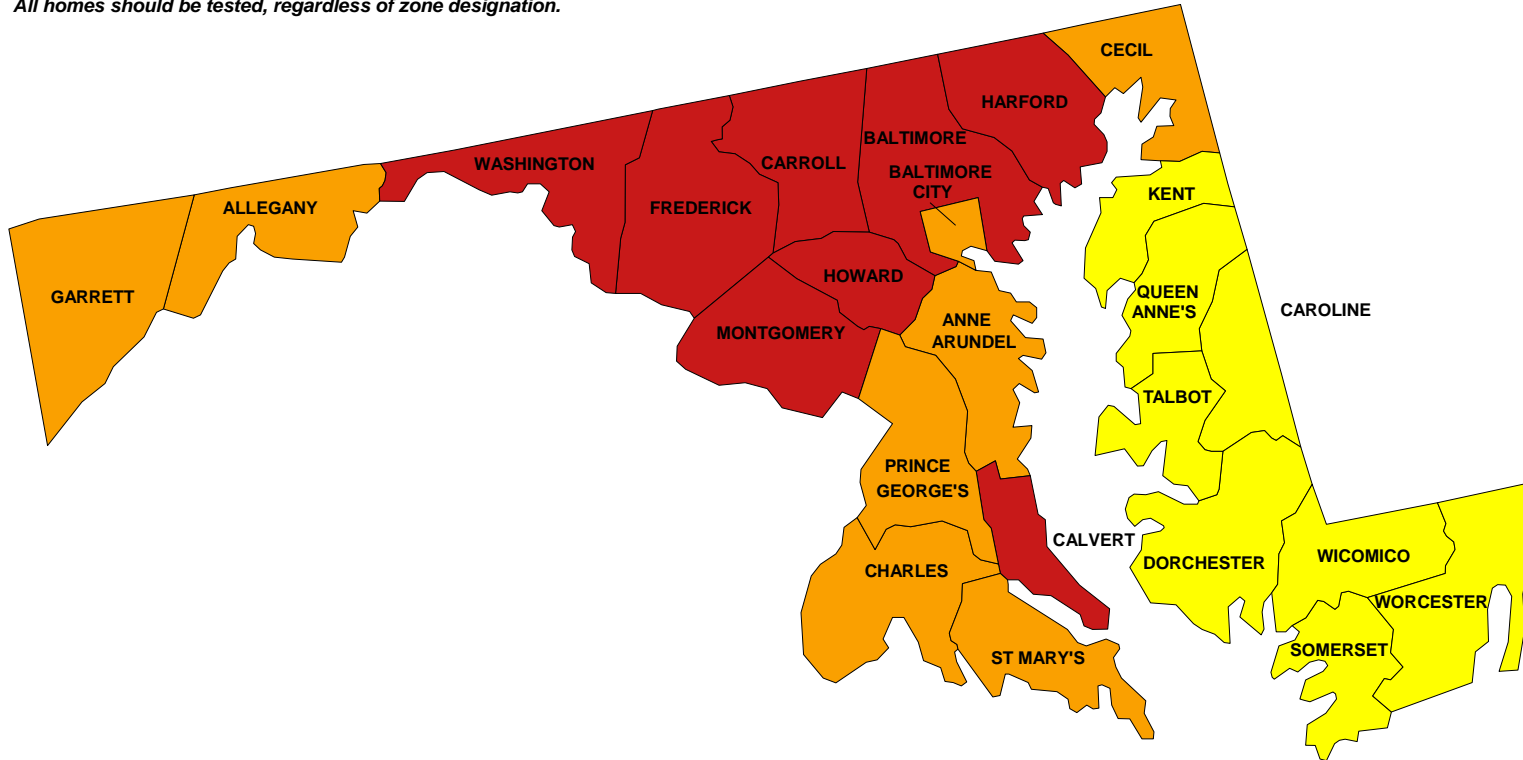
MARYLAND - EPA Map of Radon Zones

<http://www.epa.gov/radon/zonemap.html>

The purpose of this map is to assist National, State and local organizations to target their resources and to implement radon-resistant building codes.

This map is not intended to determine if a home in a given zone should be tested for radon.

All homes should be tested, regardless of zone designation.



Zone 1



Zone 2



Zone 3

IMPORTANT: Consult the publication entitled "Preliminary Geologic Radon Potential Assessment of Maryland" (USGS Open-file Report 93-292-C) before using this map. <http://energy.cr.usgs.gov/radon/grpinfo.html> This document contains information on radon potential variations within counties. EPA also recommends that this map be supplemented with any available local data in order to further understand and predict the radon potential of a specific area.

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 26-22: LANDLORD-TENANT RELATIONS – RADON TESTING AND MITIGATION – REQUIRED

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 26-22 could have a favorable impact on RESJ in the County, since Black and Latinx renters will disproportionately benefit from reduced radon exposure if this Bill works as intended. While BIPOC landlords could be harmed by the Bill, the potential benefits to BIPOC renters exceeds the potential harm. Given that, to the extent known, racial disparities in lung and bronchus cancer are relatively small, OLO anticipates the favorable RESJ impact of this Bill will be small.

PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of RESJ impact statements is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF BILL 26-22

According to the Centers for Disease Control and Prevention (CDC), radon is the second leading cause of lung cancer after cigarette smoking. Radon is a radioactive gas that forms naturally when radioactive metals break down in rocks, soil and groundwater. People can be exposed to radon primarily from breathing radon in air that comes through cracks and gaps in buildings and homes.³

Montgomery County is among eight counties that have been designated by the U.S. Environmental Protection Agency (EPA) as having the highest potential indoor radon levels in Maryland.⁴ Testing is the only effective way to determine high levels of radon exposure in a home.⁵ The EPA and the Surgeon General recommend testing all homes below the third floor for radon.⁶

As of 2016, County law requires a single-family home located in the County to be tested for radon before completing a sale of the home.⁷ The purpose of Bill 26-22 is to extend protections to tenants by requiring radon testing, education, disclosure, and mitigation in rental housing. Radon testing and educational information would be required only for dwelling units located below the third floor of a building.⁸

Bill 26-22 would require a landlord to conduct radon testing prior to a tenant's occupancy for any rental housing. It would also require the landlord to provide educational pamphlets related to radon, testing, and mitigation at the time of lease signing. The Bill also allows existing tenants to self-test for the presence of radon, and outlines procedures for landlords to conduct confirmatory testing, mitigation efforts, and disclosure if high levels of radon are reported by a tenant in writing.⁹

RESJ Impact Statement

Bill 26-22

Bill 26-22 was introduced to the Council on September 20, 2022.

In December 2021, OLO published a RESJ impact statement (RESJIS) for Expedited Bill 43-21, Health – Advisory Board for Montgomery Cares Program – Amendments, which also considers health and health care disparities. OLO builds on Bill 43-21’s analysis for this RESJIS.

HEALTH AND HEALTH CARE DISPARITIES, LUNG CANCER AND RACIAL EQUITY

While all County residents occupying a home below a third floor face a risk of high radon exposure, racial disparities in health and health care – or differences in health and health care between groups that stem from broader inequities¹⁰ – make BIPOC residents more vulnerable to the health consequences of radon. This section provides background and data on health and health care disparities, as well as available data on lung cancer to understand the potential impact of radon exposure on County residents by race and ethnicity.

Health and Health Care Disparities. There is a long history of systemic racism in the U.S. that drives present-day health disparities among BIPOC. Enslaved Black people experienced poor nutrition and inhumane living conditions, making them more susceptible to disease and death. Further, overutilization of Black patients for medical demonstration, dissection, and risky surgical and experimental procedures – a practice that began during slavery and continued into the 20th century – fostered distrust in the medical system that lives today.¹¹

Post slavery, Black people only had sporadic access to deteriorated public hospitals that were typically reserved for the poorest residents. By the 1920s, while there was a limited number of segregated clinics operated by Black physicians, hospital and health facilities continued to be rare in the South, where most Black people resided. It was not until after the passage of Medicare and Medicaid in the 1960s – which forced the desegregation of hospitals through the 1964 Civil Rights Act – that BIPOC were able to receive access to a wider range of health care services and facilities.^{12,13}

Today, racial disparities in health care stemming from inadequate health insurance coverage largely contributes to poor health outcomes among BIPOC. People without health insurance face substantial barriers to receiving health care since most medical services are expensive or require insurance coverage. Intermittent or unstable health insurance coverage also has negative consequences, including limiting a patient’s ability to establish a sustainable relationship with a physician. Research has identified low-income and employment in jobs that do not provide health benefits as causes for high rates of uninsurance among BIPOC. Of note, these jobs often pay too much to qualify for Medicaid, but too little for employees to afford private health insurance.¹⁴

Table 1 compares rates of uninsurance in the United States and the County by race and ethnicity. Nationally, Native American and Latinx residents have among the highest rates of uninsurance. Locally, Native American, Latinx, and Black residents have the highest rates of uninsurance, with rates nearly three to eight times greater than White residents. Foreign-born residents in the County who are not U.S. citizens face among the highest rates of uninsurance at 24.3 percent.¹⁵ Of note, 32.9 percent of the County’s residents are foreign-born, and 43.5 percent of these residents are not U.S. citizens.¹⁶

RESJ Impact Statement

Bill 26-22

Table 1: Uninsurance Rates by Race and Ethnicity, United States and Montgomery County¹⁷

Race and ethnicity	Percent Uninsured, United States	Percent Uninsured, Montgomery County
White	6.1	2.3
Black or African American	9.6	6.1
American Indian and Alaska Native	19.6	14.1
Asian	5.9	4.2
Native Hawaiian and Other Pacific Islander	10.4	N
Hispanic or Latino	17.7	17.8

Source: Table S2701, 2021 American Community Survey 1-Year Estimates, Census Bureau.

Data on Lung Cancer. Since radon is the second leading cause of lung cancer, data on lung cancer disaggregated by race and ethnicity could help to approximate the groups most harmed by radon exposure. Tables 2 and 3 contain data by race and ethnicity on lung and bronchus cancer incidence and deaths in the United States and Montgomery County. Nationally, Black and White residents have the highest rates of new incidences and deaths of lung and bronchus cancer. Locally, where data were reported only for non-Latinx Black and White residents, Black residents experienced a higher incidence rate of lung and bronchus cancer, while White residents experienced a higher mortality rate.

Table 2: Lung and Bronchus, Rate of New Cancers and Cancer Deaths by Race and Ethnicity, United States, 2019

Race and ethnicity	Rate of New Cancers (per 100,000 people)	Rate of Cancer Deaths (per 100,000 people)
White	53.7	34.2
Black	53.5	34.7
American Indian and Alaska Native	37.3	22.1
Asian and Pacific Islander	33.1	19.0
Hispanic	27.5	15.0

Note: rates are age-adjusted

Source: United States Cancer Statistics: Data Visualizations, Leading Cancers by Age, Sex, Race and Ethnicity, CDC.

Table 3: Lung and Bronchus, Rate of Incidence and Mortality by Race, Montgomery County, 2012-16

Race and ethnicity	Incidence Rate (per 100,000 people)	Mortality Rate (per 100,000 people)
White (non-Latinx)	27.1	24.6
Black (non-Latinx)	29.7	20.9

Note: rates are age-adjusted

Source: 2010-19 Surveillance Report on Population Health, Office of Health Planning and Epidemiology, Montgomery County Department of Health and Human Services.

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 26-22 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

RESJ Impact Statement

Bill 26-22

For the first question, OLO considered the demographics of renters – the residents that would most benefit from required radon testing, education, disclosure, and mitigation in rental housing. Census data summarized in Table 4 suggests that Black and Latinx households could disproportionately benefit from the Bill as they are overrepresented among renter households while White and Asian households are underrepresented. Further, the median household income of renter households in the County was \$71,240, compared to \$112,854 for all households in the County, suggesting that lower-income residents could also primarily benefit from the Bill.¹⁸

Table 4: Percent of All Households and Percent of Renter-Occupied Households by Race and Ethnicity, Montgomery County

Race and ethnicity	All Households	Renter-Occupied Households
Asian	14.7	13.3
Black or African American	19.1	31.6
White	49.0	32.8
Hispanic or Latino	15.0	20.1

Source: Table S2502, 2021 American Community Survey 1-Year Estimates, Census Bureau.

The counterpart of the first question is which groups could be most harmed by this Bill. Reports have documented the struggles of individual investor landlords, often referred to as “mom-and-pop” landlords, amid increasing COVID protections for renters.¹⁹ Comprehensive research on landlords, including with regards to their race, ethnicity, and financial standing is very limited.²⁰

Nationally, mom-and-pop landlords own 41 percent of rental units, and they are an especially significant provider of rental units in properties with four units or less (72.5 percent).²¹ Conversely, mom-and-pop landlords own 11.9 percent of rental units in properties with five or more units, making them a smaller provider of rental units in larger properties.²² Census data indicates that most renter households in the County (73.5 percent) live in properties with five or more units, suggesting that mom-and-pop landlords may provide a minority of rental housing in the County.²³ Nonetheless, the potential of smaller landlords selling their properties to institutional investors to alleviate their own financial challenges could pose an issue for preserving affordable housing in the County.²⁴

For the second question, OLO considered the effect this Bill could have on addressing racial disparities in health and health care. Local data on lung cancer presented in the previous section suggests Black and White residents could benefit from reduced radon exposure, since Black residents experience a higher incidence rate of lung and bronchus cancer, while White residents experience a higher mortality rate.

Taken together, OLO anticipates Bill 26-22 could have a favorable impact on RESJ in the County, since Black and Latinx renters will disproportionately benefit from reduced radon exposure if this Bill works as intended. Black residents, who generally experience a higher incidence rate of lung and bronchus cancer, could particularly benefit from this Bill. While BIPOC landlords could be harmed by the Bill, the potential benefits to BIPOC renters exceeds the potential harm. Given that, to the extent known, racial disparities in lung and bronchus cancer are relatively small, OLO anticipates the favorable RESJ impact of this Bill will be small.

RESJ Impact Statement

Bill 26-22

RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.²⁵ OLO finds Bill 26-22 could have a favorable impact on RESJ in the County. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

OLO staffer Janmarie Peña, Performance Management and Data Analyst, drafted this RESJ impact statement.

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.racialequitytools.org/glossary>

² Ibid

³ “Radon and Your Health,” National Center for Environmental Health, Centers for Disease Control and Prevention, Last Reviewed January 3, 2022. <https://www.cdc.gov/nceh/features/protect-home-radon/index.html>

⁴ “Radon,” Department of Environmental Protection, Montgomery County, Maryland, Accessed October 5, 2022. <https://www.montgomerycountymd.gov/green/air/radon.html>

⁵ “Radon and Your Health”

⁶ “A Citizen’s Guide to Radon,” U.S. Environmental Protection Agency, December 2016.

https://www.epa.gov/sites/default/files/2016-12/documents/2016_a_citizens_guide_to_radon.pdf

⁷ Memo from Legislative Attorney Ludeen McCartney-Green to County Council, Bill 26-22, Landlord-Tenant Relations – Radon Testing and Mitigation – Required, Montgomery County Council, Introduced September 20, 2022.

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20220920/20220920_5A.pdf

⁸ Ibid

⁹ Ibid

¹⁰ Nambi Ndugga and Samantha Artiga, “Disparities in Health and Health Care: 5 Key Questions and Answers,” KFF, May 11, 2021.

<https://www.kff.org/racial-equity-and-health-policy/issue-brief/disparities-in-health-and-health-care-5-key-question-and-answers/>

¹¹ W. Michael Byrd and Linda A. Clayton, “Race, Medicine, and Health Care in the United States: A Historical Survey,” Journal of the National Medical Association, March 2001. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2593958/>

¹² Ibid

¹³ Steve Sternberg, “Desegregation: The Hidden Legacy of Medicare,” U.S. News & World Report, July 29, 2015.

<https://www.usnews.com/news/articles/2015/07/30/desegregation-the-hidden-legacy-of-medicare>

¹⁴ Heeju Sohn, “Racial and Ethnic Disparities in Health Insurance Coverage: Dynamics of Gaining and Losing Coverage over the Life-Course,” Population Research and Policy Review, April 2017. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5370590/>

¹⁵ Table S2701: Selected Characteristics of Health Insurance Coverage in the United States, 2021 American Community Survey 1-Year Estimates, U.S. Census Bureau.

https://data.census.gov/cedsci/table?t=Health%20Insurance&g=0100000US_0500000US24031&tid=ACSST1Y2021.S2701

RESJ Impact Statement

Bill 26-22

¹⁶ Montgomery County, Maryland Profile, U.S. Census Bureau.

https://data.census.gov/cedsci/profile/Montgomery_County,_Maryland?g=0500000US24031

¹⁷ Latinx is an ethnicity rather than a race. Therefore, Latinx people are included in multiple racial groups within this table and throughout this impact statement, unless where otherwise noted. Within this table, 'N' denotes that the estimate cannot be displayed because there were an insufficient number of sample cases in the geographic area.

¹⁸ Table S2503: Financial Characteristics, 2021 American Community Survey 1-Year Estimates, Census Bureau.

<https://data.census.gov/cedsci/table?t=Owner%2FRenter%20%28Tenure%29&g=0500000US24031&tid=ACSST1Y2021.S2503>

¹⁹ Michelle Conlin, "Selling Out: America's Local Landlords. Moving In: Big Investors," Reuters, July 29, 2021.

<https://www.reuters.com/business/finance/selling-out-americas-local-landlords-moving-big-investors-2021-07-29/>

²⁰ "Landlords," Message from PD&R Senior Leadership, Office of Policy Development and Research (PD&R), U.S. Department of Housing and Urban Development, June 11, 2018. <https://www.huduser.gov/portal/pdredge/pdr-edge-frm-asst-sec-061118.html>

²¹ Scholastica (Gay) Cororaton, "Landlord Statistics from the 2018 Rental Housing Finance Survey," National Association of Realtors, September 15, 2020. <https://www.nar.realtor/blogs/economists-outlook/landlord-statistics-from-the-2018-rental-housing-finance-survey>

²² OLO Analysis of 2018 Rental Housing Finance Survey

²³ OLO Analysis of 2020 American Community Survey 5-Year Estimates Public Use Microdata

²⁴ Michelle Conlin

²⁵ Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council



OFFICE OF MANAGEMENT AND BUDGET

Marc Elrich
County Executive

Jennifer Bryant
Director

MEMORANDUM

October 6, 2022

TO: Gabe Albornoz, President
County Council

FROM: Jennifer R. Bryant, Director 
Office of Management and Budget

SUBJECT: Extension Request: Fiscal Impact Statement for Council Bill 26-22, Landlord-Tenant Relations – Radon Testing and Mitigation - Required

As required by Section 2-81A of the County Code, we are informing you that transmittal of the Fiscal Impact Statement for the above referenced legislation will be delayed because DHCA needs more time to collect the needed information from OLTA and Licensing Programs to conduct meaningful analysis on the Bill. We will transmit the Fiscal Impact Statement no later than **Tuesday, October 25, 2022**.

JRB:cm

cc: Richard S. Madaleno, Chief Administrative Officer
Fariba Kassiri, Deputy Chief Administrative Officer
Sonia Mora, Assistant Chief Administrative Officer
Earl Stoddard, Assistant Chief Administrative Officer
Jake Weissmann, Assistant Chief Administrative Officer
Debbie Spielberg, Special Assistant to the County Executive
Dale Tibbitts, Special Assistant to the County Executive
Ken Hartman, Director of Strategic Partnerships
Mahnoor “Luna” Anjum, Office of the County Executive
Barry Hudson, Director, Public Information Office
Pofen Salem, Department of Housing and Community Affairs
Nicolle Katrivanos, Department of Housing and Community Affairs
Anita Aryeetey, Office of Management and Budget
Joshua Watters, Office of Management and Budget