

Bill No. 26-22
Concerning: Landlord-Tenant Relations –
Radon Testing and Mitigation –
Required
Revised: 10/31/2022 Draft No. 6
Introduced: September 20, 2022
Enacted: November 1, 2022
Executive: November 14, 2022
Effective: July 1, 2023
Sunset Date: None
Ch. 34, Laws of Mont. Co. 2022

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Rice
Co-Sponsor: Councilmember Katz

AN ACT to:

- (1) require radon testing in multifamily and single-family 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 Action Level means the level of radon in a building, which if, equal to or
 14 above the United States Environmental Protection Agency’s (EPA)
 15 recommended action level, triggers mitigation.

16 Mitigation means measures designed to permanently reduce indoor radon
 17 concentrations.

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

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

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

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

24 Single-family home means a single-family detached or attached
 25 residential building. A single-family home does not include a residential
 26 unit in a condominium or a cooperative housing corporation.

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

28 (b) Applicability. This Section applies to [any] all ground-contact or
 29 basement unit(s) of a residential rental [rental housing that has a unit
 30 below the third floor of a residential building] in:

- 31 (1) a single-family home; or
- 32 (2) a multifamily dwelling [unit] building.

33 (c) Radon testing - required. A landlord of a single-family home or
 34 multifamily dwelling building must conduct a radon test before leasing a
 35 unit to a prospective tenant. Test results must be within three (3) years
 36 before the date of the lease.

37 (d) Lease requirements. At the time of lease signing, the landlord must
 38 provide to the tenant and certify in the lease, or an addendum to the lease,
 39 the following:

- 40 (1) a copy of radon test results that indicates any concentration of
 41 radon is below the Environmental Protection Agency’s
 42 recommended action level of 4 picocuries per liter (pCi/L);
- 43 (2) the radon test was performed less than three (3) years before the
 44 date of the lease; and
- 45 (3) a copy of the Environmental Protection Agency’s pamphlet on
 46 radon guide for tenants or an equivalent pamphlet approved for use
 47 by the Department of Environmental Protection. The copy of the
 48 pamphlet may be an electronic link to the applicable website, or if
 49 requested by the tenant, a hard copy.

50 (e) Testing and notification by existing tenants. An existing tenant may
 51 conduct a radon test or hire a radon professional to test a dwelling unit
 52 covered by this Section. If the test results indicate that radon hazard is
 53 present at a level of 4 pCi/L or higher, the tenant must:

- 54 (1) in writing; and

55 (2) within 14 days ~~[[of]]~~ after the test results, notify the landlord and
 56 provide the landlord with a copy of the test results.

57 (f) Mitigation of radon. A landlord who receives notice under subsection (e),
 58 must:

59 (1) within 14 days ~~[[of]]~~ after notice, initiate a follow-up radon test, in
 60 accordance with EPA-recommended standards for testing, to
 61 confirm any presence of radon hazard; and

62 (2) within 90 days ~~[[of]]~~ after confirmed results[.];

63 (A) mitigate~~[[, repair, or alter]]~~ the premises to reduce ~~[[the]]~~
 64 radon ~~[[level to 2 pCi/L or below]]~~ below the action level of
 65 4 pCi/L~~[[.]]~~; and

66 (B) provide the tenant with a final copy of test results performed
 67 by a radon professional that indicates radon has been
 68 reduced below the action level.

69 (g) Cost of testing. The landlord is responsible for the cost of any follow-up,
 70 confirmation, or retesting of radon in a dwelling unit.

71 (h) Dispute of testing results. If there is a case of conflicting test results,
 72 where the test result provided by a tenant is at or above the action level
 73 and a test result by a landlord is below the action level, the following
 74 applies to determine the prevailing test results:

75 (1) testing performed in compliance with the EPA-recommended
 76 standard, by a radon professional (for hire) must supersede tests
 77 not performed by a radon professional;

78 (2) if both tests are performed by radon professionals, long-term
 79 testing results must supersede short-term test results; or

80 (3) if both tests are equally valid, as specified in subsections (1) and
 81 (2), and the dispute remains, then a mutually agreed upon third-

82 party radon professional must retest in accordance with EPA-
83 recommended standards.

84 ~~[(g)]~~ (i) Disclosure of radon. A landlord must disclose in writing to each
85 tenant in a residential rental building, within 14 days after a confirmed
86 radon test, any elevated radon concentrations (above EPA's
87 recommended radon action level) that are known to be present within the
88 dwelling.

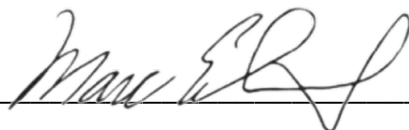
89 ~~[(h)]~~ (j) Termination of lease. A tenant ~~[[may have the option]]~~ has the
90 right to terminate a lease, if the landlord fails to mitigate under subsection
91 (f), without loss of security deposit or any other financial penalty. A
92 tenant must provide, in writing, to the landlord a notice of the intent to
93 terminate and vacate the premises. The notice may be effective either
94 immediately upon receipt by the landlord, or as agreed upon by both
95 parties, to allow the tenant to find alternative housing.

96 **Sec. 2. Effective date.** The amendments in Section 1 take effect on July 1, 2023.

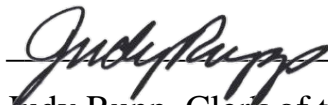
Approved:


_____ 11/02/2022
Gabe Albornoz, President, County Council Date

Approved:


_____ 11/14/2022
Marc Elrich, County Executive Date

This is a correct copy of Council action.


_____ 11/14/2022
Judy Rupp, Clerk of the Council Date