

Radon Testing Requirements for Rental Properties

What is Radon?

Radon is a radioactive gas that is found in soil and rock in all parts of the country and is formed by the natural decay of uranium. If radon exists in the ground, it can seep into a building through drains, cracks and other holes in a building foundation and become trapped in a residence. Inhaling air with radon gas can damage the lungs and potentially put people at risk of lung cancer if this occurs over many years.

Applicability

Chapter 18 of the City Code includes radon testing requirements for rental facilities that apply to all ground-contact or basement dwellings in a rental facility and requires a landlord to conduct a radon test prior to leasing a dwelling unit to which the requirement pertains.

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At the time of lease signing, the landlord must provide to the tenant and certify in the lease, that the results of a radon test indicate that the radon concentration is below 4.0 picocuries per liter, the recommended action level of the Environmental Protection Agency (EPA). The landlord must certify that the test was taken within two years of the date of the lease, and provide a copy of or link to the EPA's radon guide for tenants pamphlet or similar approved by the Montgomery County Department of Environmental Protection (DEP).

The radon test must be conducted with a device approved for use by the Montgomery County Department of Environmental Protection (DEP) and performed in accordance with accepted protocols. Testing devices are available at most home improvement stores. If testing indicates a radon level above 4.0 picocuries per liter, mitigation is required so that the level is reduced below 4.0 picocuries per liter.

Radon Testing by Tenants

A tenant may also have their unit tested for radon. If the test results are above the 4 picocuries per liter standard, the tenant must report the test results to the landlord in writing. Within 14 days, the landlord must initiate a follow-up radon test to confirm the presence of a hazardous level of radon. If confirmed by the second test, the landlord must disclose mitigate the premises to reduce the radon level below the action level and provide the tenant a copy of test results that indicate that radon has been reduced within 90 days of confirmation. A tenant has the right to terminate the lease without the loss of a security deposit if the landlord fails to mitigate upon notifying the landlord of the intent to terminate the lease and vacate the unit. In the case of conflicting results where one result is above

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and one result is below the action level, then a mutually agreed upon third-party radon professional must retest in accordance with standards recommended by the EPA.