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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2178

03/07/2019 Authored by Hausman, Gunther, Lesch and Fischer
The bill was read for the first time and referred to the Housing Finance and Policy Division

1.1 A bill for an act
1.2 relating to housing; requiring landlords to test for radon and provide disclosures;
1.3 providing penalties and remedies; proposing coding for new law in Minnesota
1.4 Statutes, chapter 504B.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. 504B.152] RADON TESTING; DISCLOSURE; MITIGATION.

1.7 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.8 the meanings given them.

1.9 (b) "Elevated radon concentration" has the meaning given in section 144.496, subdivision
1.10 2.

1.11 (c) "Mitigation" has the meaning given in section 144.496, subdivision 2.

1.12 (d) "Radon test" means a measurement of indoor radon concentrations according to
1.13 established industry standards for a residential building.

1.14 Subd. 2. Radon testing. (a) A landlord must complete a long-term radon test at least
1.15 once every three years in a residential building. The long-term test must conform with radon
1.16 testing standards established by the commissioner of health under chapter 144.

1.17 (b) A licensed radon professional under the Minnesota Radon Licensing Act, section
1.18 144.4961, must perform the radon test required by this section.

1.19 (c) A landlord must report the most recent radon test results to:

1.20 (1) all current tenants;

1.21 (2) the commissioner of health; and

2.1 (3) the inspector.

2.2 (d) Notwithstanding any provision to the contrary, the commissioner of health and the
2.3 inspector must provide a publicly available and searchable electronic database with
2.4 information regarding the most recent radon test results submitted under this subdivision.

2.5 Subd. 3. **Radon disclosure.** (a) A landlord must provide a copy of the Department of
2.6 Health's publication titled "Radon in Rental Properties" and a radon disclosure to each
2.7 prospective tenant before executing a residential lease. The disclosure must identify:

2.8 (1) the date of the most recent radon test performed at the residential building;

2.9 (2) the most recent records and reports pertaining to radon concentrations within the
2.10 residential building; and

2.11 (3) a description of any mitigation or remediation measures taken at the residential
2.12 building.

2.13 Subd. 4. **Mitigation.** (a) A landlord must perform mitigation within 90 days of a radon
2.14 test result that indicates an elevated radon concentration.

2.15 (b) A radon mitigation professional licensed under section 144.4961 must perform the
2.16 mitigation.

2.17 Subd. 5. **Remedy.** (a) If a landlord violates this section, a tenant may bring an action in
2.18 district court pursuant to this section or section 504B.161.

2.19 (b) The residential tenant may report alleged violations of this section to the inspector.

2.20 (c) If a landlord violates subdivision 2, 3, or 4, the residential tenant is entitled to damages
2.21 equal to \$250 per violation and reasonable attorney fees, in addition to any other remedies
2.22 or penalties.

2.23 (d) Falsifying a radon test or radon test result is a breach of section 504B.161 and the
2.24 residential tenant is entitled to punitive damages of \$500 in addition to any other remedies
2.25 or penalties.

2.26 (e) The attorney general may seek the penalties and remedies available under section
2.27 8.31 against any person who violates this section.

2.28 **EFFECTIVE DATE.** This section is effective December 1, 2019, and applies to all
2.29 residential agreements in effect or entered into on or after that date.

3.1 Sec. 2. **DEPARTMENT OF HEALTH PUBLICATION.**

3.2 The commissioner of health must produce a publication titled "Radon in Rental
3.3 Properties" for distribution to landlords and tenants. The publication must be available
3.4 electronically through the Department of Health's website. The publication must include
3.5 information related to:

3.6 (1) the health effects of indoor radon;

3.7 (2) the acceptable level of indoor radon; and

3.8 (3) a landlord's duties and a tenant's rights under Minnesota Statutes, section 504B.152.

3.9 **EFFECTIVE DATE.** This section is effective December 1, 2019.