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State of Minnesota

HOUSE OF REPRESENTATIVES

A bill for an act

relating to housing; requiring landlords to test for radon and provide disclosures;

providing penalties and remedies; proposing coding for new law in Minnesota

NINETY-FIRST SESSION

н. ғ. №. 3937

03/02/2020 Authored by Hausman, Hassan, Gunther and Boe
The bill was read for the first time and referred to the Housing Finance and Policy Division

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	<u>2.</u>
1.11	(c) "Mitigation" has the meaning given in section 144.496, subdivision 2.
1.12	(d) "Radon testing" means a measurement of indoor radon concentrations according to
1.13	testing standards established by the commissioner of health under chapter 144.
1.14	Subd. 2. Radon testing. (a) A landlord must complete radon testing at least once every
1.15	five years in all of their leased residential buildings.
1.16	(b) A licensed radon professional under the Minnesota Radon Licensing Act, section
1.17	144.4961, must perform the radon testing required by this section.
1.18	(c) A landlord must report the most recent radon test results to:
1.19	(1) all current tenants within 30 days of receiving the test results; and
1.20	(2) the inspector.

Section 1.

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Subd. 3. Radon o	disclosure. A landlord must provide a copy of the Department of Health's
publication titled "R	adon in Rental Properties" and a radon disclosure to each prospective
tenant before execut	ting a residential lease and any current tenants as of the effective date.
The disclosure must	identify:
(1) the date of th	e most recent radon tests performed at the residential building;
(2) the test locati	ions and the radon concentration results;
(3) a description	of any mitigation or remediation measures taken at the residential
building; and	
(4) the most rece	nt records and reports pertaining to radon concentrations and mitigation
within the residentia	al building or how the tenant can obtain these records.
Subd. 4. Mitigat	tion. (a) A landlord must ensure mitigation is completed within 180
days of a radon test	result that indicates an elevated radon concentration in a dwelling or
an occupiable locati	on.
(b) Mitigation m	just be performed by a radon mitigation professional who is licensed
under section 144.4	961.
Subd. 5. Remed	y. (a) If a landlord violates this section, a tenant may bring an action in
district court pursua	nt to this section or section 504B.161.
(b) The residenti	al tenant may report alleged violations of this section to the inspector.
(c) If a landlord v	violates subdivision 2, 3, or 4, the residential tenant is entitled to damages
equal to \$500 per vi	olation and reasonable attorney fees, in addition to any other remedies
or penalties.	
(d) Falsifying a 1	radon test or radon test result is a breach of section 504B.161 and the
residential tenant is	entitled to punitive damages of \$1,000 in addition to any other remedies
or penalties.	
(e) The attorney	general may seek the penalties and remedies available under section
8.31 against any per	rson who violates this section.
EFFECTIVE D	ATE. This section is effective December 1, 2020, and applies to all
residential agreemen	nts in effect or entered into on or after that date.
Sec. 2. DEPART	MENT OF HEALTH PUBLICATION.
The commission	er of health must produce a publication titled "Radon in Rental
Properties" for distr	ibution to landlords and tenants. The publication must be available

Sec. 2. 2

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- 3.1 electronically through the Department of Health's website. The publication must include
- 3.2 <u>information related to:</u>
- 3.3 (1) the health effects of indoor radon;
- 3.4 (2) the action level of indoor radon; and
- 3.5 (3) a landlord's duties and a tenant's rights under Minnesota Statutes, section 504B.152.
- 3.6 **EFFECTIVE DATE.** This section is effective December 1, 2020.

Sec. 2. 3