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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HEALTH AND SAFETY -- RADON CONTROL

Introduced By: Representatives Boylan, Donovan, Handy, Henries, Ajello, McGaw,
Fogarty, Kazarian, Spears, and Cruz

Date Introduced: March 01, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-61-2, 23-61-3 and 23-61-4 of the General Laws in Chapter 23-
2 61 entitled "Radon Control" are hereby amended to read as follows:

3 **23-61-2. Declaration of purpose.**

4 The purpose of this chapter is to protect the public health and public interest by establishing
5 a comprehensive program to reduce exposure to radon/radon progeny levels in public and high
6 priority buildings and to ensure that all radon/radon progeny mitigation activity in these buildings
7 is conducted only by appropriately trained and licensed/certified personnel. The goal of this chapter
8 is to reduce the incidence of lung cancer due to radon/radon progeny exposure in Rhode Island to
9 the greatest extent feasible. [This chapter is extended to include radon testing and radon progeny](#)
10 [mitigation activity of rental dwelling units.](#)

11 **23-61-3. Definitions.**

12 For purposes of this chapter:

13 (1) "Department" means the state department of health.

14 (2) "Director" means the director of health.

15 (3) ["Dwelling unit" means a structure or part thereof designed/intended for use as a](#)
16 [residence or sleeping place by one or more persons.](#)

17 (4) "High priority building" means any public building or public, private and/or parochial
18 schools (grades pre-K to 12), day care centers, and nurseries.

19

1 (5) “Landlord” means an owner, lessor, sublessor, also the manager of the premises who
2 does not disclose the name, address, and phone number of the owner or person authorized to
3 represent the owner.

4 ~~(4)~~(6) “New construction” means any erection of a building, structure or part thereof not
5 defined as a renovation for the purposes of this chapter.

6 ~~(5)~~(7) “Owner” means the person having legal title to property and/or buildings. For
7 purposes of publicly owned property only, the owner shall be defined to be the chief executive
8 officer of the state or municipal agency which owns, leases or controls the use of the property.

9 ~~(6)~~(8) “Person” means any individual, corporation, partnership, firm, association, trust,
10 estate, public or private institution, group, agency, political subdivision of this state, and other state
11 or political subdivision or agency thereof, and any legal successor, representative, agent or agency
12 of the foregoing.

13 ~~(7)~~(9) “Public building” means any building owned, managed, leased, furnished, or
14 occupied by a state or municipal agency or commission or public school.

15 ~~(8)~~(10) “Radon” means the radioactive noble gas radon 222.

16 (11) “Radon hazard” means radon levels above the Environmental Protection Agency
17 action level of 4.0 picocurie’s per liter (pCi/L).

18 ~~(9)~~(12) “Radon progeny” means the short-lived radionuclides formed as a result of the
19 decay of Radon 222, including Polonium 218, Bismuth 214, lead 214 and Polonium 214.

20 ~~(10)~~(13) “Radon/radon progeny mitigation” means any actions or measures taken and any
21 materials or equipment installed, the purpose of which is to reduce levels of radon gas and/or radon
22 progeny in the air or water supply of a building, or to prevent entry of radon or radon progeny into
23 the indoor atmosphere.

24 ~~(11)~~(14) “Renovation” means an extension or increase in floor area or height of a building
25 or structure; or a change or rearrangement in the structural parts or in the means of egress; or an
26 enlargement, whether by extending on a side or by increasing in height; or the moving from one
27 location or position to another; or the reconstruction or renewal of any part of an existing building
28 for the purpose of its maintenance. Ordinary repairs, as defined by the state building code, shall be
29 considered as renovations for the purposes of this chapter.

30 ~~(12)~~(15) “Residential construction” means any building, structure, or parts thereof in which
31 families or households live, or in which sleeping accommodations are provided (with or without
32 dining facilities), excluding those that are classified as institutional buildings, and which is
33 designated within state building code use groups R-2, R-3 or R-4.

34 (16) “Short-term residential rentals” means residential buildings used exclusively for short-

1 term leases of one hundred (100) days or less where no renewal or extension can occur.

2 ~~(13)~~(17) “State building code” means chapter 27.3 of title 23.

3 (18) “Tenant” means a person having the legal right under a rental agreement to occupy a
4 dwelling unit.

5 ~~(14)~~(19) “Under roof floor space” means the gross constructed floor area covered by a roof
6 that provides shelter, plus any area adjacent to but outside of the enclosing walls that has a
7 constructed floor and is covered by a sheltering roof contiguous with the building. This shall
8 include the gross floor area of each floor of a multiple story building. Walkways are not included
9 in this definition.

10 **23-61-4. Authority of the director.**

11 The director is authorized to:

12 (1) Designate a unit within the department to administer the provisions of this chapter and
13 provide that unit with the necessary staff, equipment, and operating funds.

14 (2) Receive and administer funding allocated for radon control programs by the state,
15 agencies of the federal government and other appropriate funding sources.

16 (3) Require the owner of any public or high priority building and rental dwelling units to
17 perform such tests for radon as he or she may determine to be necessary to characterize the exposure
18 of occupants to radon/radon progeny in the air of the building and/or in the building water supply.

19 (4) Conduct a voluntary radon/radon progeny testing program for residents of owner
20 occupied residential dwellings in the state.

21 (5) Enter any public or high priority building in the state in accordance with §§ 23-61-
22 7(a)(1) and 23-61-7(b)(4) to perform such tests for radon as he or she may determine to be necessary
23 to evaluate the exposure of occupants to radon/radon progeny in the air of the building and/or in
24 the building water supply.

25 (6) Institute a public information program to include a telephone information service,
26 written materials, and media advertisements with the purpose of informing the public regarding
27 radon/radon progeny health effects, the necessity for testing of homes and other buildings, the
28 recommended practices for reducing elevated levels of radon and related issues.

29 (7) Develop and forward for adoption by the state building code commission
30 recommendations for standards of new construction designed to prevent or more easily mitigate
31 elevated radon/radon progeny levels.

32 (8) Issue regulations for the following purposes:

33 (i) To establish indoor environmental air exposure standards and guidelines for radon and
34 radon progeny;

- 1 (ii) To establish a drinking water standard for radon;
- 2 (iii) To establish criteria for air and water sampling, and testing for radon and radon
3 progeny;
- 4 (iv) To establish criteria for notification of the department of mitigation activities to reduce
5 radon/radon progeny exposures in high priority buildings and public water supplies;
- 6 (v) To establish criteria for licensure and certification of persons involved in radon/radon
7 progeny testing and mitigation services;
- 8 (vi) To require radon/radon progeny testing by appropriate school officials of each area
9 within public and private schools occupied by children in pre-kindergarten through 12th grade;
- 10 (vii) To establish work practices and procedures for mitigation of radon/radon progeny in
11 buildings;
- 12 (viii) To establish procedures for notifications required by § 23-61-6;
- 13 (ix) To assess fees for activities authorized by this chapter.

14 (9) In promulgating standards, guidelines and regulations and in setting fees authorized by
15 this chapter, the director shall:

- 16 (i) Give due consideration to recommendations, standards, guidelines and definitions of
17 other states and the United States;
- 18 (ii) Shall follow the provisions of chapter 35 of title 42.

19 SECTION 2. Chapter 23-61 of the General Laws entitled "Radon Control" is hereby
20 amended by adding thereto the following section:

21 **23-61-13. Residential rental properties radon testing and notification.**

22 (a) By January 1, 2026, unless a mitigation system has been installed in a residential rental
23 property and is operational, residential landlords shall conduct a radon test of the rental property or
24 properties every five (5) years.

25 (b) By January 1, 2024, newly constructed residential rental properties, both single family
26 and multi-unit, shall conduct a radon test within twelve (12) months of the tenant(s) occupancy.
27 After the initial radon test the landlord shall test every five (5) years.

28 (c) Short-term residential rentals are excluded from radon testing requirements.

29 (d) Landlords, tenants, or certified radon testing businesses may perform radon testing of
30 the residential property or properties.

31 (e) The department shall develop a guidance document on the proper procedures for radon
32 testing and reporting. This document shall be posted on the department's radon webpage.

33 (f) Tenants may request or conduct a second radon test to confirm the findings of the initial
34 test conducted by the landlord or themselves. If a tenant requests a confirmation test the landlord

1 may cover the expense of that test.

2 (g) If a landlord is reported to the Rhode Island attorney general civil division for failure
3 to conduct radon test in accordance with this chapter, falsifying test results, or withholding the
4 radon levels from the tenant or applicant, the landlord shall be subject to a civil penalty of no more
5 than two hundred and fifty dollars (\$250) per dwelling unit.

6 (h) Disclosure of radon hazards in dwelling unit(s):

7 (1) If a landlord conducts a radon test in a dwelling unit and the radon test indicates that a
8 radon hazard exists in the dwelling unit, the landlord shall disclose in writing within thirty (30)
9 days of receiving the result, to the current tenant, and any individual seeking to enter into a lease
10 of that dwelling unit, the existence of a radon hazard in the dwelling unit.

11 (2) The Rhode Island real estate commission may approve a form of written disclosure as
12 required under this chapter or the landlord may use a disclosure form substantially conforming to
13 the requirements of this section. The disclosure shall contain the property address, unit number,
14 radon test date, radon level, and individual or company that performed the radon testing.

15 (3) If a landlord has undertaken radon/radon progeny mitigation activities and a subsequent
16 radon test indicates that a radon hazard does not exist in the dwelling unit, the landlord shall disclose
17 the radon is being mitigated and no hazard exists.

18 (4) The tenant and landlord shall sign the radon disclosure form to acknowledge the status
19 of radon in the unit.

20 (i) If a tenant has provided in writing to the landlord the results of a radon test that indicates
21 a radon hazard exist in a dwelling unit, then the landlord shall disclose in writing to any individual
22 seeking to enter into a lease of that dwelling unit that a radon hazard exists. A landlord may choose
23 to conduct a second radon test using a certified radon testing business to verify the presence of
24 radon. If the landlord's test indicates a radon hazard does not exist the landlord shall disclose that
25 a radon hazard doesn't exist in the dwelling unit. If a hazard exists, the landlord may enlist a radon
26 contractor to install a radon mitigation system.

27 (j) The department shall develop an online database to track residential radon hazards.
28 Information collected shall include the property address, property owner, number of units with
29 radon hazards, number of occupants per unit, and mitigation. Landlords shall provide this
30 information to the department within sixty (60) days of receiving the results of a radon test. If a
31 landlord mitigates the radon hazard the landlord shall report to the department the mitigation
32 method and will no longer be required to report to the department.

33 (k) Nothing in this section shall excuse a landlord from conducting a radon hazard test
34 every five (5) years, even with an operational mitigation system, to ensure no radon hazards are

1 [present.](#)

2 SECTION 3 Chapter 34-18 of the General Laws entitled “Residential Landlord and Tenant
3 Act” is hereby amended by adding thereto the following section:

4 **34-18-58. Radon in residential rental properties.**

5 [Landlords shall conduct periodical testing and notify tenants of the presence of radon in](#)
6 [accordance with § 23-61-13.](#)

7 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- RADON CONTROL

1 This act would require landlords to conduct a radon test of all residential rental properties
2 every five (5) years. Short-term residential rentals would be excluded from radon testing
3 requirements.

4 This act would take effect upon passage.

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