

2024 -- S 2090

LC003460

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- REAL ESTATE SALES
DISCLOSURES

Introduced By: Senators Ruggerio, Pearson, DiMario, Sosnowski, Miller, Felag, Lawson,
Lauria, Burke, and Mack

Date Introduced: January 12, 2024

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 5-20.8 of the General Laws entitled "Real Estate Sales Disclosures"

2 is hereby amended by adding thereto the following section:

3 **5-20.8-14. Radon inspection and mitigation required.**

4 (a) As used in this section, the following words shall have the following meanings, unless
5 the context indicates otherwise:

6 (1) "Radon" means a radioactive gas found in the air that comes from the natural
7 breakdown of uranium, thorium, or radium in soil, rock, and water.

8 (2) "Radon test" means measuring the amount of radon in an indoor space:

9 (i) With a device made for this purpose;

10 (ii) Which is conducted by a certified or licensed individual in accordance with § 23-61-5;

11 and

12 (iii) In accordance with the protocols specified for the device used.

13 (3) "Residential real estate transaction" means an agreement to sell real property for
14 residential purposes including, but not limited to, single family homes, duplexes, multi-family
15 homes, and apartment complexes. "Residential real estate transaction" does not include property
16 sold for non-residential commercial property, or property used for tourist or transient residential
17 purposes as defined in § 42-63.1-2.

18 (4) "Unsafe radon levels" means radon levels that exceed the Environmental Protection

1 Agency action level of 4.0 picocuries per liter (pCi/L).

2 (b) Transactions that do not require radon testing.

3 (1) The following transactions shall not be considered a residential real estate transaction,
4 and shall not require a radon test if the transaction is:

5 (i) By a lender or an affiliate or subsidiary lender that acquired the home by foreclosure or
6 deed in lieu of foreclosure;

7 (ii) A sheriff's sale, tax sale, or sale by foreclosure, partition, or by court appointed trustee;

8 (iii) A transfer of a home to be converted by the buyer into a use other than residential or
9 to be demolished; or

10 (iv) A devise pursuant to a will or an intestate inheritance.

11 (c) Mandatory radon testing and disclosure.

12 (1) As a prerequisite to a legally enforceable purchase and sales agreement for residential
13 real estate transactions not covered in subsection (b) of this section, a radon test shall be performed
14 no earlier than one year prior to the closing date of the residential real estate transaction.

15 (2) The results of any radon test performed up to one year prior to the closing date shall be
16 made available to the selling and buying parties of the transaction, as well as any lender designated
17 by the buying parties.

18 (d) The selling party shall bear the burden of covering the cost of the radon test, and, if
19 requested, must permit the buyer to have a radon test performed, at the buyer's expense,
20 independent of the mandatory test imposed on the selling party.

21 (e) Mitigation required.

22 (1) In the event that a radon test conducted at the direction of either party yields a result
23 indicating unsafe radon levels, a radon mitigation system shall be installed, by a certified or licensed
24 individual in accordance with § 23-61-5, prior to the closing of the residential real estate
25 transaction.

26 (2) The selling party shall be responsible for any costs associated with the installation of
27 the radon mitigation system.

28 (3) After the installation of the radon mitigation system, but prior to the closing, a radon
29 test shall be performed to ensure the effectiveness of the radon mitigation system. The selling party
30 shall be responsible for the costs of this radon test, and, if requested, must permit the buyer to
31 conduct an additional radon test, at the buyer's own expense.

32 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require radon testing to be performed within one year prior to the closing
2 of any residential real estate transaction, at the expense of the seller. In the event there are unsafe
3 radon levels, a radon mitigation system shall be installed, at the seller's expense, prior to the closing.

4 This act would take effect upon passage.

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