

This Document can be made available
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **2463**

04/06/2021 Authored by Reyer, Frazier, Agbaje and Feist
The bill was read for the first time and referred to the Committee on Housing Finance and Policy
03/03/2022 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

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 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.

2.1 Subd. 3. **Radon disclosure.** A landlord must provide a copy of the Department of Health's
2.2 publication titled "Radon in Rental Properties" and a radon disclosure to each prospective
2.3 tenant before executing a residential lease and any current tenants as of the effective date.

2.4 The disclosure must identify:

2.5 (1) the date of the most recent radon tests performed at the residential building;

2.6 (2) the test locations and the radon concentration results;

2.7 (3) a description of any mitigation or remediation measures taken at the residential
2.8 building; and

2.9 (4) the most recent records and reports pertaining to radon concentrations and mitigation
2.10 within the residential building or how the tenant can obtain these records.

2.11 Subd. 4. **Mitigation.** (a) A landlord must ensure mitigation is completed within 120
2.12 days of a radon test result that indicates an elevated radon concentration in a dwelling or
2.13 an occupiable location.

2.14 (b) Mitigation must be performed by a radon mitigation professional who is licensed
2.15 under section 144.4961.

2.16 Subd. 5. **Remedies.** (a) If a landlord violates this section, a tenant may bring an action
2.17 in district court pursuant to this section or sections 504B.161, 504B.381, 504B.385, and
2.18 504B.395 to 504B.471.

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 treble
2.21 damages or \$500 per violation, whichever is greater, and reasonable attorney fees, in addition
2.22 to any other remedies 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 \$1,000 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, 2022, 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 action 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, 2022.