



2011 ASSEMBLY BILL 373

November 14, 2011 - Introduced by Representatives POPE-ROBERTS, TURNER, BERCEAU, SPANBAUER and BEWLEY, cosponsored by Senators C. LARSON and TAYLOR. Referred to Committee on Housing.

1 **AN ACT** *to create* 704.47 and 709.03 (form) D. 1m. of the statutes; **relating to:**
2 disclosure of radon testing.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, owners selling residential real property must give prospective buyers a form, known as a real estate condition report, on which the owner discloses certain conditions of, and other information about, the real property of which the owner is aware. Among other things, the real estate condition report currently requires that an owner disclose whether he or she is aware of a defect caused by unsafe concentrations of, or unsafe conditions relating to, radon.

This bill requires an owner to disclose on the real estate condition report whether the real property has been tested for the presence of radon and, if so, the dates and results of the test. The bill also requires a landlord of residential rental property to disclose to any prospective tenant in writing whether the rental property has been tested for radon and, if so, what the results of the test were.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 704.47 of the statutes is created to read:
4 **704.47 Disclosure of radon test.** Before entering into a rental agreement
5 with a prospective tenant of residential rental property, or before the commencement

ASSEMBLY BILL 373**SECTION 1**

1 of any periodic tenancy or tenancy at will with respect to residential rental property,
2 the landlord shall disclose to the prospective tenant in writing whether the rental
3 property has been tested for the presence of radon and, if so, what the test results
4 were.

5 **SECTION 2.** 709.03 (form) D. 1m. of the statutes is created to read:

6 **709.03** (form)

7 D. 1m. The property has been tested for the presence
8 of radon. (For a “yes” response, the owner
9 shall provide the dates of the test and the test
10 results in D. 3.)

11 **SECTION 3. Nonstatutory provisions.**

12 (1) REAL ESTATE CONDITION REPORT. Notwithstanding section 709.035 of the
13 statutes, the creation of section 709.03 (form) D. 1m. of the statutes does not require
14 a property owner who has furnished to a prospective buyer of the property an original
15 or amended real estate condition report before the effective date of this subsection
16 to submit an amended real estate condition report with respect to the information
17 required by section 709.03 (form) D. 1m. of the statutes, as created by this act.

18 **SECTION 4. Initial applicability.**

19 (1) The treatment of section 709.03 (form) D. 1m. of the statutes first applies
20 to real estate condition reports that are furnished on the effective date of this
21 subsection.

22 (2) The treatment of section 704.47 of the statutes first applies to tenancies and
23 rental agreements that are entered into on the effective date of this subsection.

24 (END)