

Colorado Legislative Council Staff Fiscal Note
NO FISCAL IMPACT

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| Drafting Number: LLS 12-0140 | Date: January 26, 2012 |
| Prime Sponsor(s): Rep. Schafer S. Sen. Jahn; Nicholson | Bill Status: House SVMA |
| | Fiscal Analyst: Harry Zeid (303-866-4753) |

TITLE: CONCERNING THE DISCLOSURE OF INFORMATION ABOUT RADON HAZARDS IN CONNECTION WITH THE RESALE OF PRIVATE RESIDENTIAL REAL PROPERTY.

Summary of Legislation

This bill requires the disclosure of certain information about radon hazards in connection with the resale of private residential real property. For private residential property resale transactions beginning January 1, 2013, the bill requires the seller to conduct a test of the property for radon hazards in accordance with testing procedures approved by the Colorado Department of Public Health and Environment (CDPHE). Documentation of the test findings must be disclosed to the purchaser. Any presence of a radon hazard above the safety level may constitute cause for mitigation of the hazard. The mitigation cost is a matter to be privately negotiated between the seller and the potential purchaser of the property. The bill further states that no person shall have a claim for relief against the property owner or their agent for any damages resulting from the operation, maintenance, installation, or effectiveness of any mitigation undertaken pursuant to the bill.

The bill takes effect January 1, 2013, unless a referendum petition is filed. Provisions of the bill apply to private residential real property listed for resale on or after that date.

Assessment

The bill requires the seller of residential real property to test for radon and to disclose the results to the potential purchaser of the property. THE CDPHE currently follows EPA testing and measurement protocols for radon, requiring no new workload under the bill. It is generally assumed that sellers will comply with the bill and will address mitigation issues within the terms of their real estate negotiation. Since the bill does not impact state or local revenue or expenditures, the bill is assessed as no fiscal impact.

Departments Contacted

Public Health and Environment Judicial Regulatory Agencies