

The Illinois Radon Awareness Act

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GR Review

The Illinois Legislature recently passed the Illinois Radon Awareness Act (Public Act 95-0210) that requires a seller of residential property to provide a radon disclosure to a buyer. Along with the disclosure, a seller must also deliver a copy of the Illinois Emergency Management Agency ("IEMA") pamphlet entitled "Radon Testing Guidelines for Real Estate Transactions." The Act became effective on January 1, 2008.

Radon results from the radioactive decay of naturally occurring uranium in the soil. It is estimated by the U.S. Environmental Protection Agency that radon causes about 7 lung cancer deaths per 1,000 persons each year. It is not restricted to certain areas and has the potential to be a problem just about anywhere.

The disclosure must be made before a buyer becomes obligated under any contract to purchase residential real property. If the disclosure and pamphlet are not provided before an offer is made, the seller must complete the disclosure and allow the buyer an opportunity to review the information and possibly amend the offer before the seller accepts it.

The disclosure is only a disclosure. The seller has no obligation to conduct any testing or mitigation although the realities of the residential real estate market will probably require the seller to pay for any mitigation costs.

"Residential real property" means any interest in "a manufactured housing lot or a parcel of real property, improved with not less than one nor more than 4 residential dwelling units."

There are a number of exemptions under the Act, for example, transfers pursuant to court order, to or from a mortgagee, during the administration of an estate, to a co-owner, to a legatee under a will or an heir, to a spouse or lineal relatives, from a relocation company, or to or from a governmental body. The Act should be reviewed before claiming any exemption from making the disclosure.

Information regarding radon and methods of mitigation are available online at the IEMA website, www.iema.illinois.gov/iema/radon/whatisrdn.htm. The site has explanations of what radon is and what its effects are. The site also has links to radon measurement and mitigation specialists, testing methods, radon kits for testing, and other information and publications about radon.

The current EPA action level for radon is 4.0 pCi/L. Any readings in excess of that threshold require mitigation. Mitigation can involve either passive or active systems. A passive system will help vent radon by

natural ventilation. An active system relies on powered ventilation – a fan. Mitigation costs have been running from \$1,000 to \$2,500 depending upon the severity of the radon level and the work that needs to be performed to reduce the radon level.

The intent of this new disclosure is to make us all more aware of a serious problem. If you have an existing home, consider testing. If you are building a new home, be sure to discuss radon mitigation with your builder or your contractor. If you are in the business of selling homes, make sure your staff is aware of the new disclosure requirements and deliver the required disclosure before you accept a contract offer from a buyer.

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