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By Nicole Barber



Briefly Legal: What to do about radon if you are buying or selling a home

With the dawn of the season’s real estate “buying season” upon us, the recently publicized issues surrounding radon levels at Wilton’s Miller-Driscoll school become very relevant.

Although every homeowner should be aware of radon levels in his or her own home, such levels — and the ability to control them — are particularly paramount to a prospective home buyer whose decision to purchase may hinge on safety. To safeguard the family, the buyer needs to be educated about the risks of radon and proactive enough to get answers to ensure safety and comfort in the new home.

Radon is a cancer-causing, radioactive gas that results naturally from the breakdown of uranium in soil and rock. Gas gets trapped in the air in closed buildings and in well water. Radon now is the second-leading cause of lung cancer after smoking, and causes more deaths each year than drunk driving. While

radon is often associated with very rock-laden environments, it can be found anywhere and is very prevalent in Connecticut. Although a seller has an obligation to disclose elevated radon levels to all prospective purchasers, if the house previously tested within the acceptable range or tested high and was remediated, the seller's obligation terminates. Therefore, the onus is on you to demand that the radon levels be tested, both in the air and the water, if relevant.

Upon finding a house that piques your curiosity as a potential buyer, request a copy of the [mandatory seller disclosures](#), which will disclose all known risks associated with the particular house. If elevated radon levels are listed as a known risk, you need to learn if remediation has been attempted and, if so, whether it successfully reduced radon levels. If elevated radon levels are not listed as a known risk, ask why — did the seller choose not to test the house when he or she purchased it? Was the house previously tested and the levels were within an acceptable range? Either way — elevated or not — the relatively low cost to test for radon (\$200-\$300) makes a current test a proverbial “no brainer.”

If, after examining the mandatory disclosures, you are still interested in the house, the offer to purchase should be conditioned upon satisfactory radon tests. It is standard in most real estate purchase and sale contracts in use today for the prospective buyer to have the option to test for radon or waive the right to do so. Given the relatively low cost, you should always require current radon tests. The payoff is immeasurable from a safety standpoint and the results may help you reduce the costs of remediation, if it is necessary, by providing negotiating leverage. Opt for the tests.

An independent third party should conduct the test. Although you can purchase your own test kit, the presence of and instructions from a more authoritative figure to randomly drop off and pick up the tests from the seller's home, will help ensure accuracy. Once you get the results, only you can decide how to proceed.

Radon is measured in picocuries per liter (pCi/L). Although various sources will advise that 4-12 pCi/L is within an acceptable range, the United States Environmental Protection Agency advises that the measurement not exceed 4 pCi/L, suggesting that homeowners remediate to reduce that number to its lowest possible level (www.epa.gov/radon/pubs/citguide.html#homesales).

Interestingly, the Miller-Driscoll air samples showed radon levels ranging from just 0.3 to 1.7 pCi/L, according to Superintendent of Schools Gary Richards, so no corrective action is necessary.

With a home buyer's test results in hand, and a firm decision about what is acceptable for your own family, you can return to the bargaining table, educated and ready to negotiate.

You can't see, smell or taste radon, and you can't predict which type of home will have it: new or old homes, well-sealed or drafty, with or without a basement. Nearly one out of every 15 homes in the U.S. is estimated to have elevated radon levels.

The bottom line — test any house you hope to make your home.

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