

[View this email in your browser](#)



**SPRINGMAN,  
BRADEN,  
WILSON,  
& PONTIUS, P.C.**  
Attorneys at Law

---

## RADON DISCLOSURE REQUIREMENTS EFFECTIVE AUGUST 8, 2023

July 12, 2023

The Colorado Legislature passed SB23-206, a law that requires a landlord renting a residential property to a tenant to provide the tenant with certain information regarding radon before the lease is signed. This requirement applies to all single-family homes, manufactured homes, mobile homes (including Park owned mobile homes), condominiums, apartments, townhomes and duplexes, but does not apply to mobile home sites.

The Bill requires that a landlord provide the following information to a tenant in a document that the tenant signs:

1. A warning statement that states the following in substantially the following format:

**THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT STRONGLY RECOMMENDS THAT ALL TENANTS HAVE AN INDOOR RADON TEST PERFORMED BEFORE LEASING RESIDENTIAL REAL PROPERTY AND RECOMMENDS HAVING THE RADON LEVELS MITIGATED IF ELEVATED RADON CONCENTRATIONS ARE FOUND. ELEVATED RADON CONCENTRATIONS CAN BE REDUCED BY A RADON MITIGATION PROFESSIONAL. RESIDENTIAL REAL PROPERTY MAY PRESENT EXPOSURE TO DANGEROUS LEVELS OF INDOOR RADON GAS THAT MAY PLACE THE OCCUPANTS AT RISK OF DEVELOPING RADON-INDUCED LUNG CANCER. RADON, A CLASS A HUMAN CARCINOGEN, IS THE LEADING CAUSE OF LUNG CANCER IN NONSMOKERS AND THE SECOND LEADING CAUSE OF LUNG CANCER OVERALL. A LANDLORD IS REQUIRED TO PROVIDE THE TENANT WITH ANY KNOWN INFORMATION ON RADON TEST RESULTS OF THE RESIDENTIAL REAL PROPERTY.**

2. Any knowledge the landlord has of the residential real property's radon concentrations, including the following information:

- (a) whether a radon test or tests have been conducted on the residential real property;

(c) a description of any radon concentrations detected, or mitigation or remediation performed; and

(d) information regarding any radon mitigation system, including a system description and documentation, if a radon mitigation system has been installed in the residential real property.

3. A copy of the most recent brochure published by the department of public health and environment that provides advice about radon in real estate transactions. (Available at <https://cdphe.colorado.gov/radon-and-real-estate>)

In the event that a landlord fails to provide the required written disclosures or fails to make a reasonable effort to mitigate radon within one hundred eighty days after being notified that a radon measurement professional has determined the air concentration of radon is four picocuries per liter or more, a tenant may void any lease agreement and vacate the property in the same manner as allowed by the statute that establishes the tenant's remedies with regard to a breach of the warranty of habitability. (C.R.S. Section 38-12-507)

The Bill does not include any requirement that a landlord have radon testing performed, only that information regarding radon exposure be given to the tenant and that the results of testing and any mitigation efforts be disclosed if they have been done.

We have drafted a form for our clients that we recommend you use to provide a tenant with the required disclosures. A copy of that disclosure form is attached. ( The law applies to leases entered into on or after August 8, 2023, and there is no requirement to make any disclosures to tenants that signed their leases before then.

4175 Harlan St. #200 | Wheat Ridge, CO 80033  
102 S Tejon Street, Suite 1100 | Colorado Springs, CO 80903  
Ph: (303) 685-4633 | Fax: (303) 685-4637  
[www.sbsp-law.com](http://www.sbsp-law.com)

Kristi Bunge, Managing Partner  
Karen Kelly-Braem, Partner | Oscar Brueckner, Associate

Of Counsel:  
John D. Carver

*Copyright © 2023 Springman, Braden, Wilson & Pontius, P.C., All rights reserved.*

Want to change how you receive these emails?

[Subscribe](#)

[Past Issues](#)

[Translate ▼](#)

