



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 23-0898	Date:	August 31, 2023
Prime Sponsors:	Sen. Winter F. Rep. Michaelson Jenet; Sirota	Bill Status:	Signed into Law
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Bill Topic:	DISCLOSE RADON INFORMATION RESIDENTIAL PROPERTY
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Summary of Fiscal Impact:	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill requires property sellers and landlords to provide radon disclosures to buyers and tenants. In FY 2023-24, the bill minimally increases state workload, and may minimally increase state revenue and workload on an ongoing basis.

Appropriation Summary:	No appropriation is required.
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Fiscal Note Status:	The final fiscal note reflects the enacted bill.
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Summary of Legislation

The bill establishes that buyers or renters of residential property have the right to be informed of whether a property has been tested for elevated levels of radon. The bill requires sellers or landlords of residential property to provide warnings about the dangers of exposure to radon and to disclose certain information about radon presence or mitigation at a specific residential property.

Additionally, if a seller or landlord fails to provide this information, then a buyer or tenant has a cause of action against a seller or landlord. A landlord who does not comply with these provisions breaches the warranty of habitability.

Finally, the bill requires the Real Estate Commission within the Department of Regulatory Agencies (DORA) to adopt rules requiring residential real property contracts to include radon statements and disclosures, and exempts individuals performing radon measurements on leased dwelling units that they occupy from licensure requirements.

State Revenue and Expenditures

The bill impacts state revenues and expenditures as described below.

Department of Regulatory Agencies. Workload in the Department of Regulatory Agencies will minimally increase to create required radon disclosure forms, conduct outreach and education, and promulgate rules necessary to implement and administer the bill, with legal support from the Department of Law. Overall, any increase in workload and legal services is expected to be minimal and no change in appropriations is required.

Judicial Department. The bill primarily impacts contracts between private parties, who are assumed to follow the law. The bill may increase the workload of the trial courts to the extent additional civil cases are filed. State revenue from filing fees may increase beginning in FY 2023-24. This fee revenue is subject to TABOR. Overall, any impact from new civil cases is expected to be minimal and no change in appropriations is required.

Effective Date

The bill was signed into law by the Governor on June 5, 2023, and it took effect on August 7, 2023, and applies to contracts and lease agreements entered into on or after the effective date.

State and Local Government Contacts

Judicial
Regulatory Agencies

Law

Local Affairs