AN ACT to create 704.47 and 709.03 (form) D. 1m. of the statutes; relating to:

disclosure of radon testing.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, owners selling residential real property must give prospective buyers a form, known as a real estate condition report, on which the owner discloses certain conditions of, and other information about, the real property of which the owner is aware. Among other things, the real estate condition report currently requires that an owner disclose whether he or she is aware of a defect caused by unsafe concentrations of, or unsafe conditions relating to, radon.

This bill requires an owner to disclose on the real estate condition report whether the real property has been tested for the presence of radon and, if so, the dates and results of the test. The bill also requires a landlord of residential rental property to disclose to any prospective tenant in writing whether the rental property has been tested for radon and, if so, what the results of the test were.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 704.47 of the statutes is created to read:

704.47 Disclosure of radon test. Before entering into a rental agreement with a prospective tenant of residential rental property, or before the commencement
of any periodic tenancy or tenancy at will with respect to residential rental property, the landlord shall disclose to the prospective tenant in writing whether the rental property has been tested for the presence of radon and, if so, what the test results were.

**SECTION 2.** 709.03 (form) D. 1m. of the statutes is created to read:

709.03 (form)

D. 1m. The property has been tested for the presence of radon. (For a “yes” response, the owner shall provide the dates of the test and the test results in D. 3.)

**SECTION 3. Nonstatutory provisions.**

(1) **Real estate condition report.** Notwithstanding section 709.035 of the statutes, the creation of section 709.03 (form) D. 1m. of the statutes does not require a property owner who has furnished to a prospective buyer of the property an original or amended real estate condition report before the effective date of this subsection to submit an amended real estate condition report with respect to the information required by section 709.03 (form) D. 1m. of the statutes, as created by this act.

**SECTION 4. Initial applicability.**

(1) The treatment of section 709.03 (form) D. 1m. of the statutes first applies to real estate condition reports that are furnished on the effective date of this subsection.

(2) The treatment of section 704.47 of the statutes first applies to tenancies and rental agreements that are entered into on the effective date of this subsection.