

CHAPTER 171  
HB 498 – FINAL VERSION

2015 SESSION

15-0564  
05/01

HOUSE BILL           **498**

AN ACT               relative to notification of radon and arsenic testing.

SPONSORS:          Rep. Hunt, Ches 11; Sen. Cataldo, Dist 6

COMMITTEE:       Commerce and Consumer Affairs

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ANALYSIS

This bill revises the radon notice required prior to the sale of real property and establishes a similar notice requirement regarding arsenic.

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Explanation:       Matter added to current law appears in ***bold italics***.  
                          Matter removed from current law appears [~~in brackets and struck through.~~]  
                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fifteen*

AN ACT                   relative to notification of radon and arsenic testing.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           171:1 Notification of Radon, Arsenic, and Lead Paint. Amend RSA 477:4-a to read as follows:

2           477:4-a Notification Required; Radon [Gas], ***Arsenic***, and Lead Paint.

3           I. Prior to the execution of any contract for the purchase and sale of any interest in real  
4 property which includes a building, the seller, or seller’s agent, shall provide the following  
5 notification to the buyer. The buyer shall acknowledge receipt of this notification by signing a copy  
6 of such notification:

7           “Radon [Gas]: Radon [gas], the product of decay of radioactive materials in rock, may be found in  
8 some areas of New Hampshire. [~~This~~] ***Radon*** gas may pass into a structure through the ground or  
9 through water from a deep well. Testing ***of the air by a professional certified in radon testing***  
10 ***and testing of the water by an accredited laboratory*** can establish [~~its~~] ***radon’s*** presence and  
11 equipment is available to remove it from the air or water.”

12           “***Arsenic: Arsenic is a common groundwater contaminant in New Hampshire that***  
13 ***occurs at unhealthy levels in well water in many areas of the state. Tests are available to***  
14 ***determine whether arsenic is present at unsafe levels, and equipment is available to***  
15 ***remove it from water. The buyer is encouraged to consult the New Hampshire department***  
16 ***of environmental services private well testing recommendations ([www.des.nh.gov](http://www.des.nh.gov))***  
17 ***ensure a safe water supply if the subject property is served by a private well.***”

18           “Lead Paint: Before 1977, paint containing lead may have been used in structures. The presence  
19 of flaking lead paint can present a serious health hazard, especially to young children and pregnant  
20 women. Tests are available to determine whether lead is present.”

21           II. Nothing in this section shall be construed to have any impact on the legal validity of title  
22 transferred pursuant to a purchase and sale contract in paragraph I, or to create or place any  
23 liability with the seller or seller’s agent for failure to provide the notification described in paragraph  
24 I.

25           171:2 Effective Date. This act shall take effect January 1, 2016.

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27           Approved: June 26, 2015

28           Effective Date: January 1, 2016