

AGENDA ITEM SUMMARY

City Council



STAFF

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SUBJECT

First Reading of Ordinance No. 161, 2025, Repealing Sections 12-110 through 12-112 of the Code of the City of Fort Collins Regarding the Disclosure of Radon Information in Real Estate Transactions.

EXECUTIVE SUMMARY

The purpose of this item is to repeal Chapter 12, Article VI of the City Code, which requires that a seller of residential real estate in the City of Fort Collins provide radon information to the buyer of the residential real estate.

Colorado Revised Statutes Section 38-35.7-112 also requires the disclosure of radon information to buyers of residential real estate, and the repeal of Chapter 12, Article VI of the City Code will eliminate overlapping requirements for sellers in residential real estate transactions with respect to radon disclosures.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Since June 1997, Chapter 12, Article VI of the City Code has required that every property seller provide radon information to the purchaser prior to the execution of any contract for the property. The radon information has been simply defined as “information produced and disseminated by the Office of Sustainability Services.” Historically, staff has provided realtors with City developed and branded informational pamphlets detailing the risks of radon, the importance of testing, and resources for mitigation.

In June of 2023, the Colorado State Senate passed SB23-206 (Attachment 1), which significantly expands statewide requirements around radon disclosure. The state law mandates that every contract for sale of a residential property must contain a disclosure of the seller’s knowledge of the radon concentrations at the residential property, including past test results, mitigation history, and any installed radon reduction systems. The statute also requires sellers to use specific statements and information in its radon disclosures to the buyer as a part of a residential real estate transaction. A residential property includes: (1) a single-family home, manufactured home, mobile home, condominium, apartment, townhome, or duplex; or (2) a home sold by the owner, a financial institution, or the United States Department of Housing and Urban Development.

A distinctive provision of SB23-206 (codified in Colorado Revised Statutes Section 38-12-803) is the extension of radon disclosure requirements to rental properties. Landlords are now required to provide written disclosures to potential tenants prior to signing a lease. These disclosures include: (1) a radon warning statement issued by the Colorado Department of Public Health and Environment (CDPHE), (2) any known radon test results and related documentation, (3) descriptions of any mitigation systems or prior remediation, and (4) a copy of the most recent CDPHE brochure on radon in real estate transactions. Tenants must sign the disclosure acknowledging receipt. Additionally, tenants may void the lease and vacate the property if landlords fail to provide this information or fail to mitigate high radon levels within 180 days of notification from a radon measurement professional.

Considerations

Disclosure Requirements: The state requirements are more specific and comprehensive than local requirements regarding what radon information must be disclosed. For example, sellers must provide copies of radon test results to potential buyers. The City's local ordinance simply requires information about radon more generally to be provided.

Informational Materials: In recent years, City staff have disseminated the materials from the state radon office (see Attachment 2), rather than City-created materials, to help avoid unnecessary repetition or confusion. The materials and information have been provided through annual radon presentations to the Fort Collins Board of Realtors, the annual Radon Awareness Event, other radon outreach events throughout the year, and to any community members that request them. Additionally, staff provides radon test kits through reduced-price sales at the Senior Center and for free through Healthy Homes assessments and events. These outreach and education efforts will continue as normal if the local ordinance is repealed.

Mitigation: This repeal would not impact the Council adoption of Appendix F of the International Residential Code, requiring the installation of passive radon reduction systems in all single-and two-family dwellings built after 2005.

CITY FINANCIAL IMPACTS

No financial impacts. The City will maintain current level of funds for continued education and outreach.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Air Quality Advisory Board (AQAB) was consulted regarding the repeal of this Ordinance. The AQAB expressed approval for the repeal to simplify requirements on behalf of sellers and property managers.

PUBLIC OUTREACH

Staff contacted the Fort Collins Board of Realtors to better understand the perspective of the real estate community regarding the state level disclosure requirements. The Board expressed that a repeal of the local disclosure requirement would be welcomed, and that there has been confusion in the real estate community due to multiple layers of requirements. The Board appreciates actions such as this that would help simplify a complex legal landscape for realtors and brokers.

According to the City Rental Housing Program, there have not been any comments or questions received from landlords regarding the state radon disclosure requirements.

To date, staff has received few inquiries or complaints regarding the disclosure requirements. A search of historical radon inquiries in Access Fort Collins revealed a single 2023 submission from a realtor asking how the new state law would affect the local ordinance.

ATTACHMENTS

1. [Colorado Revised Statutes 2024 Title 38](#) (attached as link only)
2. Radon and Real Estate Transactions in Colorado
3. Ordinance No. 161, 2025