

# 6 Environmental Hazards

## *That Could Be In Your Home*



### A quick guide to the risks, laws, disclosure requirements, and actions needed to mitigate household environmental threats

Our homes are our sanctuaries and refuge from the wider world, so it's disheartening to know that thousands of Minnesota properties harbor invisible threats from a host of environmental hazards. To help you and your clients increase your awareness during Healthy Homes Month, we've put together this guide to common household environmental issues and insights for dealing with them.

For an in-depth look at household toxins, see the [Healthy Homes](#) issue of *The Legal Download* from June 2020.

#### 1. ASBESTOS

A heat resistant, fireproof, structural, & insulating material

Health Risk	Legal Status	Disclosure	Required Action
When tiny fibers flake off and become airborne and are inhaled, they can cause lung cancer and other diseases. There is no known safe level of exposure.	Although not banned, asbestos cannot be used in any products that came to market since 1989. However, it is still widely used in flooring felt, roll board, and corrugated paper.	If asbestos is present and the seller knows about it, this is likely a material fact that must be disclosed.	Have the asbestos-containing material professionally evaluated and depending on its condition: Leave it alone, or properly remove it.

## 2. CARBON MONOXIDE (CO)

An odorless, colorless, toxic gas formed when fuels and other carbon compounds are burned

Health Risk	Legal Status	Disclosure	Required Action
When concentrated in an indoor space, CO can cause illness or death.	The federal government classifies CO as an acute neurotoxin and health hazard.	CO detectors may be a fixture or detached personal property and may or may not be included in the sale of a home.	Minnesota law requires every single-family dwelling and every multifamily dwelling to have an approved and operational CO alarm installed within ten feet of each bedroom.

## 3. LEAD-BASED PAINT

Once used in paints for density, durability, vibrant color, and fast drying

Health Risk	Legal Status	Disclosure	Required Action
As lead-based paint ages, it crumbles to dust and pieces that can be inhaled or ingested. Once in the bloodstream, it can cause high blood pressure, heart disease, kidney damage, and fertility problems.	The federal government banned the use of lead-based paint in 1978.	Federal law mandates that when the presence of lead is known, it must be disclosed to any potential renter or buyer of residential property along with information about the dangers of lead-based paints.	Sellers and landlords do not have to test for lead or remove it from the property. Contracts for the sale or lease of property are not invalidated by failure to fulfill the requirements of the Residential Lead-Based Paint Hazard Reduction Act.

## 4. RADON

An odorless, colorless, radioactive gas, radon is a widespread health hazard in Minnesota

Health Risk	Legal Status	Disclosure	Required Action
According to the EPA, radon exposure causes 21,000 lung cancer deaths a year. 40% of Minnesota's homes have elevated levels of the gas.	The Minnesota Department of Health recommends that all homeowners test for radon, but it is not legally required.	The Minnesota Radon Awareness Act requires homeowners to disclose any knowledge of radon concentrations in writing to any potential buyer.	State law does not require homeowners with elevated radon levels to perform mitigation. However, it is highly recommended.

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### ADDITIONAL READING

## The Legal Companion

A Guide to Common Real Estate Issues

For more information on environmental issues and disclosure, check out MNR's *The Legal Companion*.

[CLICK HERE](#)

## 5. SUBSURFACE SEWAGE TREATMENT SYSTEMS (SSTS)

Also known as septic tanks

Health Risk	Legal Status	Disclosure	Required Action
SSTS harbor a toxic brew of viruses, bacteria, parasites, chemicals, & nutrients that pose a threat to lakes, rivers, and potable ground water.	State law requires every Minnesota county to enforce specific environmental protection standards for septic systems. However, cities and towns can adopt ordinances, which can differ from state law.	If there's a septic system on or serving the property, the seller must disclose that fact to the perspective buyer in writing before a purchase agreement is signed.	An inspection of existing systems should be obtained to determine the status of the system. However, sellers are not required to pay for such an inspection unless agreed to by both parties.

## 6. VOLATILE ORGANIC COMPOUNDS (VOC)

Odorless, colorless gases that pass from chemically contaminate soil into homes (also known as vapor intrusion)

Health Risk	Legal Status	Disclosure	Required Action
The presence of VOCs in homes has been associated with headaches, nausea, respiratory issues, and some forms of cancer.	The MPCA evaluates chemical contamination sites and conducts investigations to test for the existence of vapor intrusion. This does not include residential properties.	If high concentrations of VOCs are discovered, the results of the test must be disclosed as a material fact.	Efforts should be made to remediate the vapor intrusion by installing mitigation systems similar to those that are used for radon gas.

## FORMS TO BE REVISED AUGUST 1, 2021

### Commercial Forms:

- Addendum to Purchase Agreement: Conventional
- Commercial Buyer and/or Tenant Representation Contract: Exclusive
- Commercial Buyer and/or Tenant Representation Contract: Nonexclusive
- Commercial Purchase Agreement
- Commercial Purchase Agreement: Land (Non-Residential)

### New Form:

- Addendum to Purchase Agreement: Seller's Purchase/Lease Contingency

### Residential Forms:

- Addendum to Purchase Agreement: Sale of Buyer's Property Contingency
- Buyer Representation Contract: Exclusive
- Buyer Representation Contract: Nonexclusive
- Cancellation of Purchase Agreement
- Disclosure Statement: Location Map
- Disclosure Statement: Meth
- Disclosure Statement: Seller's Disclosure Alternatives
- Disclosure Statement: Seller's Property Disclosure Statement
- Disclosure Statement: Subsurface Sewage Treatment System
- Disclosure Statement: Vacant Land
- Disclosure Statement: Well
- Facilitator Services Agreement: Buyer
- Facilitator Services Agreement: Tenant
- Purchase Agreement
- Purchase Agreement: New Construction
- Purchase Agreement: Vacant Land (Residential)
- Receipt of Common Interest Community ("CIC") Association Documents