



**HUD Multifamily Radon Testing and Mitigation Policy
Frequently Asked Questions
Radon Measurement and Mitigation Professionals**

The following information is not intended to supersede existing information as presented by HUD or other authoritative body. It is a brief overview of pertinent radon testing and mitigation guidance for HUD financed multifamily dwellings. The radon professional should always follow all applicable laws and codes and seek final guidance from a qualified HUD representative. (For HUD multifamily Hub contact information, see: http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/hsgmfbus/abouthubspcs) (Note: Multifamily Hub's are regional administrative centers.)

1. How many units comprise a HUD multi-family dwelling?

In general, 5 or more units comprise a HUD multi-family dwelling. They are characterized as detached, semi-detached, row, walkup, or elevator-type rental or cooperative housing with complete kitchens and baths.

http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/progdesc/rentcoopsg221d3n4
<http://portal.hud.gov/hudportal/documents/huddoc?id=4430GHS GG.pdf>

2. What are the mortgage types and their identifying numbers that require radon testing and mitigation?

Both Multifamily Accelerated Processing (MAP) and Traditional Application Processing applications for funding will require radon testing and mitigation if elevated levels (4 pCi/L or above) are found.

Housing Act (Mortgage Type)	Description
Section 220	2 or more units located in an urban renewal area.
Section 221(d)(3)	New construction or substantial rehabilitation of multifamily rental or cooperative housing for moderate-income families, elderly, and the handicapped by non-profit sponsors.
Section 221(d)(4)	New construction or substantial rehabilitation of multifamily rental or cooperative housing for moderate-income families, elderly, and the handicapped by profit-motivated sponsors.

Section 223(f)	Purchase or refinance of existing multifamily rental housing that does not require substantial repairs.
Section 231	Construction and substantial rehabilitation of rental housing for the elderly or disabled.
Section 223(a)(7)	Refinance of original HUD-insured mortgages: The policy encourages testing, but does not require it, for 223(a)(7) transactions.

<http://portal.hud.gov/hudportal/documents/huddoc?id=4430GHSGG.pdf>

3. How does the HUD Multifamily directive relate to condos?

Condominiums that are operated as single-owner units do **not** fall under the HUD radon directive. However, a project which was built and plotted as condominiums, but is now operating as a rental project with a single owner is considered multifamily and does fall under the requirements.

<http://portal.hud.gov/hudportal/documents/huddoc?id=4430GHSGG.pdf>

4. Who makes the final decisions on awarding the contract, choosing the testing and mitigation protocol, and other related details?

When an applicant submits an application to a HUD mortgage lender, the lender frequently contracts with an environmental inspection firm to perform all of the due diligence inspections that are required for a loan to be approved both by HUD and the mortgage company. HUD mortgage lenders have been previously approved by HUD and a list of approved lenders can be found for your area at: <http://www.hud.gov/ll/code/llslcrit.cfm>.

The environmental inspection firm may have certified/licensed radon personnel on staff to fulfill the function of “supervision of a Radon Professional.” Otherwise, the firm may sub-contract the work to a certified/licensed company or individual.

The minimum protocols required for measurement and mitigation are covered in the following documents and must be adhered to with the exceptions noted in the “Exceptions” section of the HUD Radon Policy:

- AARST-ANSI MAMF-2010 (Protocol for Conducting Radon and Radon Decay Product Measurements in Multifamily Buildings)*
- ASTM E2121-11 (Standard Practice for Installing Radon Mitigation Systems in Existing Low-Rise Residential Buildings)*
- ASTM E1465-08A (Standard Practice for Radon Control Options for the Design and Construction of New Low-rise Residential Buildings)*

Radon professionals are urged to recommend testing 100% of the units in all occupied/occupiable buildings on the entire property and mitigation of all elevated buildings on the entire property. Merely meeting HUD's lower requirements does not relieve a radon professional from civil obligations. The inspector and mitigator must understand that they are not relieved from civil and regulatory obligations if performing less than responsible services.

5. What constitutes an exception?

A. A Radon Report is not required if a Radon Professional concludes that neither testing nor mitigation is necessary based on a physical inspection of the property, the characteristics of the buildings, and other valid justifications. An example of a valid justification is having only a garage on the surface level that is open to the air and is fully ventilated where radon emanation from building materials or radon in water is not a common occurrence. Any such justifications as to why neither testing nor mitigation is necessary must be provided in the Environmental Report required at Section 9.5 of the MAP Guide.

B. A Radon Report is not required for Section 223(f) refinance project applications that have a low radon risk. To determine whether the project's radon risk is low, the lender must first establish that the project is located in Zone 3 of the EPA Map of Radon Zones (available at: <http://www.epa.gov/radon/zonemap.html>). Then, the lender must consult any published and readily available state or local radon potential data or maps to confirm the radon risk is low. If such information indicates a low radon risk, the lender must provide appropriate documentation in the Environmental Report that a Radon Report is not required.

C. A Radon Report is not required for Section 223(a)(7) project applications.

D. Applicants are encouraged to test for radon even if a Radon Report is not required per the exceptions in IV.A.3.a, b, or c. Any such testing must follow the Testing Protocols of IV.A.4 and Resident Notification protocols of IV.A.5, and must then be incorporated within a Radon Report as described within this Notice. If the results of such testing indicate levels of radon above the threshold for unacceptability, mitigation per this Notice is required, with the mitigation requirements for Section 223(a)(7) projects the same as those for Section 223(f) projects.

Summary: Radon testing (and subsequent mitigation) need not be performed:

1. If a physical inspection of the property indicates that it is not necessary.
2. If a project falls in Zone 3 AND available state or local maps confirm a projected low radon risk.

HUD encourages loan applicants to test regardless of the previous exceptions. Radon professionals are urged to recommend testing in all multifamily buildings in all geographic locations per the EPA guidance on the Zone Map:

"The purpose of this map is to assist National, State, and local organizations to target their resources and to implement radon-resistant building codes. This map is not intended to determine if a home in a given zone should be tested for radon. Homes with

elevated levels of radon have been found in all three zones. All homes should be tested regardless of geographic location.”

6. How do I choose the test locations?

According to the HUD Radon Policy, a Radon Professional (as defined in IV.A.2.b) is to **supervise** the testing in accordance with the AARST-ANSI Standard, with the exception that in a time sensitive mortgage transaction a minimum of the number of apartments to be tested shall be at least 25% of randomly selected ground level units.

Note that the HUD Radon Policy **permits** the testing of all ground level units.

However, if the decision has been made in a time sensitive situation to test some percentage less than 100%, but at least 25% of the ground level units, then the following method can be used to defend that an inspector’s selection of the units to test was done without bias.

7. If I work in a regulated state, am I required to follow state standards or the HUD guidance?

State laws and regulations should always be followed.

8. If I follow HUD’s option for 25% up to 100% unit testing, am I in violation of my NRPP certification that requires following the AARST-ANSI Multi-family protocol?

Clients and radon professionals should always be encouraged to adhere to the complete AARST-ANSI Multifamily protocol for consistent protection of current and future occupants.

Certified professionals must: 1) adhere and follow all state and local rules, regulations and laws regarding radon protocols and 2) cover the limitations of their liability for the choice of protocol in all communications including bids, proposals, contracts, reports and any follow-up.

9. Do I have to notify the tenants?

Issuing appropriate notification to all concerned parties, including tenants, is required by the AARST MAMF. Specific information and timing of notices is covered in Sections II and III. Samples of notifications can be found in the AARST MAMF Exhibits 5-9.

The AARST professional may not be the person to reproduce nor post the notifications, however, the AARST professional is required to plan with those responsible for the site and ensure a process for implementation of timely and thorough notification is in place.

Discussions should be held in advance of the testing dates to clarify the responsibilities of all participants with continued contact to ensure that notification obligations have been performed in a timely fashion. Those activities should be reflected in the proposal, bid and time line the radon professional submits prior to the award of the contract.

10. Do I have to perform particular quality control testing and record-keeping? What do I do about large differences between duplicates?

A written Quality Assurance program is necessary for responsible testing and risk communication in multifamily buildings. Quality Control measurements, record-keeping and reporting must be performed by the radon professional in accordance with the Quality Assurance program accepted by their state licensure/certification program or NRPP for testing multifamily buildings. Quality Control should include, at a minimum, the sampling and information covered in AARST MAMF Section III, 5.0, 6.5, 8.0 and Appendix A. Large differences between duplicates should be addressed as in AARST MAMF Section III, 7 and Appendix A.

11. What special testing conditions, such as HVAC considerations, must I consider?

Participation in a training course covering the operation and interrelatedness of large buildings is strongly advised. Some states require training and/or additional documentation to conduct measurements in multifamily buildings. Varying pressure differentials and air patterns in large buildings can often be extremely complex and dependent on HVAC, weather, steam tunnels, stairwells, elevator shafts and complex foundation patterns that must be accounted for when designing a radon testing or mitigation process. Some of the information on large building operations is described in the AARST MAMF.

Dwelling units on multiple floors that are not being tested complicates the closed-building conditions protocol requirements and necessitates additional attention to notification and education. Responses to these conditions are covered in the AARST MAMF.

With larger testing programs, additional QC is required by the AARST MAMF.

12. What can I say to the occupants of the units and staff when I am onsite?

Radon professionals should carefully delineate and document the communication roles they have agreed to with those responsible for the site. The radon professional must comply with those agreements. If an issue arises that needs immediate attention, the professional should have contact numbers available for the responsible site individuals.

13. If I find an elevated reading in one of the ground level units tested, do I need to test other areas?

The HUD guidelines make no provisions for testing units other than the original units selected. Since as few as 25% of the units may have been tested in a time sensitive mortgage transaction, only partial information is available for making radon mitigation decisions. The radon professional must reiterate the caveats made in the bid/proposal and contract that urges testing of additional units with the clear statement that the professional is not liable for the number of units tested, the results of that testing choice, nor the future ramifications of that limited testing.

The professional should recommend mitigation of the building and property by certified radon mitigation professionals. The mitigation professional may require additional testing and diagnostic measurements to determine the required scope of mitigation.

14. Am I required to mitigate the property, the building or the unit and what constitutes each of those?

The HUD goal and the AARST standard is to mitigate the building and not the unit. Radon professionals understand that radon entry is not uniform in buildings, and units other than those tested may be elevated and the client should be educated to this fact.

15. What are the local codes and regulations that I need to follow in addition to the standards?

All applicable building codes must be strictly adhered to as well as radon regulations governing the testing/mitigation locale.

16. Who can perform post-mitigation tests?

ASTM E2121 states that the contractor must take steps to ensure that the system is effective and gives three approaches:

1. Leave a device with the responsible person with written instructions
2. Hire a certified/licensed, independent tester to perform the test
3. Accept post-mitigation results from a relocation company's test.

Professionals should refer to this document to ensure that radon mitigation, including post-mitigation testing, is performed according to the protocol required by the HUD Radon Policy.

17. What are my responsibilities as a:

Measurement professional?

- Follow the prescribed protocol including QA/QC as delineated in the *AARST-ANSI MAMF-2010 (Protocol for Conducting Radon and Radon Decay Product Measurements in Multifamily Buildings)*
- Follow local laws and codes in all states and, in regulated states, follow all radon rules, standards (including referenced standards, and regulations related to their state radon license.
- Supply requested justification for not testing as documentation of low risk with Zone 3 designation and state or local data indicating low risk
- Advise clients on appropriate testing procedures for risk reduction
- Supply certificate of completion of testing
- Follow contractual agreements on communications
- Embody the ethical position required by AARST inherent in the grave responsibility of protecting occupants from a risk of lung cancer

Radon Mitigator?

- As a minimum, follow the prescribed protocol as delineated in *ASTM E2121-11 (Standard Practice for Installing Radon Mitigation Systems in Existing Low-Rise Residential Buildings)* and *ASTM E1465-08A (Standard Practice for Radon Control Options for the Design and Construction of New Low-rise Residential Buildings)* for new construction.
- Should evaluate and recommend in their initial proposals whether the building design requires exceeding the minimum single family standards (ASTM E2121-11) and/or further require the utilization of the ANSI AARST Provisional Radon Mitigation Standard for Multifamily Dwellings as a best practice based on the building design.
- Follow local laws and codes in all states and, in regulated states, follow all radon rules, standards (including referenced standards), and regulations related to their state radon license.
- Details of mitigation deemed necessary; timing of any such mitigation; supervision of mitigation
- Ensure mitigation and follow-up testing completed prior to Final Endorsement
Note: Section 223(f) project repairs completed as quickly as practicable and no later than 12 months after Initial Endorsement
- Supply mitigation certificate of completion
- Supervise Substantial Rehabilitation and Conversion design for properties where test results are @ or above threshold
- Supervise Substantial Rehabilitation and Conversion post-construction retrofit
- Supervise RRNC in Zone 1 new construction
- Activate RRNC systems
- Justification for no mitigation
- Advise clients on limits of partial remediation or reduced testing
- Follow contractual agreements on communications
- Embody the ethical position required by AARST inherent in the grave responsibility of protecting occupants from a risk of lung cancer

18. What type of insurance must I maintain to perform HUD multi-family testing and mitigation?

Errors and Omissions and Liability insurance are the primary coverages required for radon professionals. Mortgage lenders will determine any additional coverage necessary for their projects.

19. What is my liability?

It's especially important that your errors and omissions and other professional insurance should be up-to-date before you venture into the HUD testing market, but insurance is the last bastion of defense. Very large projects, such as many of these will be, require special care that all aspects of the testing and mitigation process are able to be supported with direct ASTM or AARST-ANSI protocol and/or solid, documented data and findings. Testing less than all of the ground level units is not in accordance with AARST ANSI standard and should be covered in writing with the principals in the transaction signing off on the agreement. All agreements

should be in writing with dates and signatures. Change orders should be discussed and documented with dates and signatures.

Liability can only be limited by following the rules and documenting your procedures.

Meeting HUD's lower requirements does not relieve a radon professional from civil and regulatory requirements.

20. Where can I get the multi-family standards and guidelines?

The AARST bookstore: <http://www.aarst.org/bookstore.shtml>
