



Sen. David Koehler

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10100SB1559sam001

LRB101 07432 CPF 56876 a

1 AMENDMENT TO SENATE BILL 1559

2 AMENDMENT NO. _____. Amend Senate Bill 1559 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Tenants Radon Protection Act.

6 Section 5. Findings. The General Assembly finds that:

7 Radon is the leading cause of death in private homes and a
8 radioactive element that is part of the radioactive decay chain
9 of naturally occurring uranium in soil. Unlike carbon monoxide
10 and many other home pollutants, radon's adverse health effect,
11 lung cancer, is usually not produced immediately.

12 Section 10. Definitions. As used in this Act:

13 "Dwelling unit" means a room or suite of rooms used for
14 human habitation. "Dwelling unit" includes a mobile home, a
15 single family residence, each living unit of a multiple family

1 residence, and each living unit in a mixed use building.

2 "IEMA" means the Illinois Emergency Management Agency.

3 "Landlord" means any person or entity leasing a dwelling
4 unit to a tenant, and includes, but is not limited to, an
5 individual, company, corporation, firm, group, association,
6 partnership, joint venture, trust, government agency, or
7 subdivision thereof.

8 "Lease" means an oral or written agreement under which a
9 property owner allows a tenant to use the property for a
10 specified rent and period of time.

11 "Mitigation" means the act of repairing or altering a
12 building or building design for the purpose, in whole or in
13 part, of reducing the concentration of radon in the indoor
14 atmosphere according to procedures described in 32 Ill. Adm.
15 Code 422.

16 "Mobile home" has the meaning provided in the Manufactured
17 Home Quality Assurance Act.

18 "Radon" means a gaseous radioactive decay product of
19 uranium or thorium.

20 "Radon contractor" means a person licensed under the Radon
21 Industry Licensing Act to perform radon mitigation or to
22 perform measurements of radon in an indoor atmosphere.

23 "Radon hazard" means exposure to indoor radon
24 concentrations at or in excess of the IEMA's recommended Radon
25 Action Level.

26 "Radon test" means a measurement of indoor radon

1 concentrations in accordance with the provisions of 32 Ill.
2 Adm. Code 422 for performing radon measurements.

3 "Tenant" means a person who is about to enter or has
4 entered into an oral or written lease with a landlord to lease
5 a dwelling unit.

6 Section 15. Radon testing and disclosure.

7 (a) At the time of or before a lease is entered into, and
8 at any time that a lease is in effect, the landlord shall
9 provide to each tenant in a dwelling unit copies of any records
10 or reports pertaining to radon concentrations within the
11 dwelling unit that indicate a radon hazard to the tenant, as
12 provided in subsection (e).

13 (b) If a tenant performs a radon test, the tenant shall
14 provide to the landlord copies of any records or reports
15 pertaining to radon concentrations within 10 days after
16 receiving the measurement result.

17 (c) Nothing in this Section is intended to or shall be
18 construed to imply an obligation of a landlord or tenant to
19 conduct any radon testing activities.

20 (d) The landlord shall provide to the tenant the IEMA
21 pamphlet entitled "IEMA Radon Guide for Tenants" or an
22 equivalent pamphlet approved for use by IEMA.

23 (e) The following Disclosure of Information on Radon
24 Hazards to Tenants shall be provided to each tenant of a
25 dwelling unit:

1 "DISCLOSURE OF INFORMATION ON RADON HAZARDS TO TENANTS"

2 Radon Warning Statement

3 Each tenant in this residence is notified that the property
4 may present exposure to levels of indoor radon gas that may
5 place the occupants at risk of developing radon-induced
6 lung cancer. Radon, a Class-A human carcinogen, is the
7 leading cause of death in private homes and the leading
8 cause of lung cancer in non-smokers. The landlord of any
9 residence is required to provide each tenant with any
10 information on radon test results of the dwelling unit that
11 present a radon hazard to the tenant.

12 The Illinois Emergency Management Agency (IEMA) strongly
13 recommends that ALL rental properties have a radon test
14 performed and radon hazards mitigated if elevated levels
15 are found in a dwelling unit or a routinely occupied area
16 of a multiple family residence. Elevated radon
17 concentrations can easily be reduced by a radon contractor.

18 Property address:

19 Landlord's Disclosure (initial each of the following which
20 applies)

21 (a) Landlord has no knowledge of elevated radon
22 concentrations (or records or reports pertaining to
23 elevated radon concentrations) in the dwelling unit.

24 (b) Radon concentrations (above the IEMA

1 recommended Radon Action Level 4.0 pCi/L) are known to be
2 present within the dwelling unit.

3 (c) Landlord has provided the tenant with copies of
4 all available records and reports pertaining to radon
5 concentrations within the dwelling unit.

6 Tenant's Acknowledgment (initial)

7 (d) Tenant has received copies of all information
8 listed above.

9 (e) Tenant has received the pamphlet "IEMA Radon
10 Guide for Tenants".

11 Certification of Accuracy

12 The following parties have reviewed the information above
13 and each party certifies, to the best of his or her
14 knowledge, that the information he or she provided is true
15 and accurate.

16 Landlord Date

17 Tenant Date

18 Section 20. Mitigation of radon hazard.

19 (a) If a landlord disputes the results of a radon test
20 performed by a tenant, the landlord may hire a radon contractor
21 to perform a radon test within 30 days after the tenant
22 notifies the landlord of the results of his or her radon test.
23 This measurement by a radon contractor is valid for a period of

1 2 years after the date of the testing unless any renovations,
2 additions, or modifications are made to the building.

3 (b) Landlords deciding to have radon mitigation performed
4 shall have the mitigation system installed by a radon
5 contractor.

6 (c) Tenants deciding to have radon mitigation performed
7 shall have the mitigation system installed by a radon
8 contractor. Tenants shall have the landlord's consent prior to
9 undertaking any mitigation activities.

10 (d) Nothing in this Section is intended or shall be
11 construed to imply an obligation of a landlord or tenant to
12 conduct any radon testing or mitigation activities.

13 Section 25. Termination of lease.

14 (a) A tenant has the right to terminate a lease if the
15 landlord has failed to correct the radon hazard within 120 days
16 after having been initially informed of a radon hazard.

17 (b) A landlord of a dwelling unit vacated by a tenant in
18 accordance with subsection (a), who has received a security
19 deposit from a tenant to secure the payment of rent or to
20 compensate for damage to the leased property, may not withhold
21 any part of that deposit as compensation for radon testing or
22 mitigation activities. However, the landlord may withhold part
23 of the security deposit in cases where the tenant had a
24 mitigation system installed without the landlord's consent and
25 the system was not properly installed by a radon contractor. An

1 itemized statement must be provided to the tenant if any part
2 of the security deposit is withheld.

3 Section 30. Home rule. A home rule unit may not regulate
4 lease agreements in a manner that diminishes the rights of
5 tenants under this Act. This Section is a limitation under
6 subsection (i) of Section 6 of Article VII of the Illinois
7 Constitution on the concurrent exercise by home rule units of
8 powers and functions exercised by the State.

9 Section 99. The Illinois Radon Awareness Act is amended by
10 repealing Section 25.

11 Section 999. Effective date. This Act takes effect January
12 1, 2020."