

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Comprehensive Lead Education, Reduction,
5 and Window Replacement Program Act is amended by changing
6 Sections 5, 10, 15, 20, 25, and 30 as follows:

7 (410 ILCS 43/5)

8 Sec. 5. Findings; intent; establishment of program.

9 (a) The General Assembly finds all of the following:

10 (1) Lead-based paint poisoning is a potentially
11 devastating, but preventable disease. It is one of the top
12 environmental threats to children's health in the United
13 States.

14 (2) The number of lead-poisoned children in Illinois is
15 among the highest in the nation, especially in older, more
16 affordable properties.

17 (3) Lead poisoning causes irreversible damage to the
18 development of a child's nervous system. Even at low and
19 moderate levels, lead poisoning causes learning
20 disabilities, problems with speech, shortened attention
21 span, hyperactivity, and behavioral problems. Recent
22 research links low levels of lead exposure to lower IQ
23 scores and to juvenile delinquency.

1 (4) While the use of lead-based paint in residential
2 properties was banned in 1978, the State of Illinois ranks
3 seventh nationally in the number of housing units built
4 before 1978 and at highest risk for lead hazards.

5 (5) ~~(4)~~ Older housing is the number one risk factor for
6 childhood lead poisoning. Properties built before 1960
7 ~~1950~~ are statistically much more likely to contain
8 lead-based paint hazards than buildings constructed more
9 recently.

10 ~~(5) The State of Illinois ranks 10th out of the 50~~
11 ~~states in the age of its housing stock. More than 50% of~~
12 ~~the housing units in Chicago and in Rock Island, Peoria,~~
13 ~~Macon, Madison, and Kankakee counties were built before~~
14 ~~1960. More than 43% of the housing units in St. Clair,~~
15 ~~Winnebago, Sangamon, Kane, and Cook counties were built~~
16 ~~before 1950.~~

17 (6) There are nearly 1.43 ~~1.4~~ million households with
18 significant lead-based paint hazards in Illinois.

19 (7) Less than 25% of Illinois children age 6 years and
20 under have been tested for lead poisoning. Children at the
21 highest risk for lead poisoning live in low-income
22 communities and in older housing located throughout the
23 State of Illinois.

24 (8) ~~(7)~~ Most children are lead poisoned in their own
25 homes through exposure to lead dust from deteriorated lead
26 paint surfaces, like windows, and when lead paint

1 deteriorates or is disturbed through home renovation and
2 repainting.

3 ~~(8) Less than 25% of children in Illinois age 6 and~~
4 ~~under have been tested for lead poisoning. While children~~
5 ~~are lead poisoned throughout Illinois, counties above the~~
6 ~~statewide average include: Alexander, Cass, Cook, Fulton,~~
7 ~~Greene, Kane, Kankakee, Knox, LaSalle, Macon, Mercer,~~
8 ~~Peoria, Perry, Rock Island, Sangamon, St. Clair,~~
9 ~~Stephenson, Vermilion, Will, and Winnebago.~~

10 ~~(9) The control of lead hazards significantly reduces~~
11 ~~lead poisoning rates. Other communities, including New~~
12 ~~York City and Milwaukee, have successfully reduced~~
13 ~~lead poisoning rates by removing lead-based paint hazards~~
14 ~~on windows.~~

15 (9) ~~(10)~~ Windows are considered a higher lead exposure
16 risk more often than other components in a housing unit.
17 Windows are a major contributor of lead dust in the home,
18 due to both weathering conditions and friction effects on
19 paint.

20 (10) The Comprehensive Lead Elimination, Reduction and
21 Window Replacement (CLEAR-Win) Program was a pilot program
22 in Illinois aimed at reducing potential lead hazards by
23 replacing windows in low-income, pre-1978 homes. It also
24 provided for on-the-job training for community members in
25 the 2 pilot communities of Englewood/West Englewood
26 (Chicago) and Peoria County.

1 (11) The CLEAR-Win Program provided for installation
2 of 8,000 windows in 466 housing units between 2010 and
3 2014.

4 (12) Evaluations of the CLEAR-Win Program demonstrated
5 the effectiveness of the program in lowering the lead
6 burden in the homes where window replacement was conducted
7 and that there were energy and environmental benefits,
8 health benefits, and market benefits, as well as job
9 creation. Return on investment was almost \$2 for every
10 dollar spent.

11 (13) ~~(11)~~ There is an insufficient pool of licensed
12 lead abatement workers and contractors to address the
13 problem in some areas of the State.

14 (14) ~~(12)~~ Through grants from the U.S. Department of
15 Housing and Urban Development and the pilot CLEAR-Win
16 Program, some communities in Illinois have begun to reduce
17 lead poisoning of children. While this is an ongoing
18 effort, it only addresses a small number of the low-income
19 children statewide in communities with high levels of lead
20 paint in the housing stock.

21 (b) It is the intent of the General Assembly to:

22 (1) address the problem of lead poisoning of children
23 by eliminating lead hazards in homes;

24 (2) provide training within communities to encourage
25 the use of lead paint safe work practices;

26 (3) create job opportunities for community members in

1 the lead abatement industry;

2 (4) support the efforts of small business and property
3 owners committed to maintaining lead-safe housing; and

4 (5) assist in the maintenance of affordable lead-safe
5 housing stock.

6 (c) The General Assembly hereby establishes the second
7 phase of the Comprehensive Lead Education, Reduction, and
8 Window Replacement Program to assist residential property
9 owners through loan and grant programs to reduce lead paint
10 hazards through window replacement in those ~~pilot~~-area
11 communities identified as a priority by the Department because
12 of the high risk for childhood lead poisoning. Where there is a
13 lack of workers trained to remove lead-based paint hazards,
14 job-training programs must be initiated. The General Assembly
15 also recognizes that training, insurance, and licensing costs
16 are prohibitively high and hereby establishes incentives for
17 contractors to do lead abatement work. The CLEAR-Win Program
18 shall give purchasing priority to replacement windows
19 manufactured within the State of Illinois.

20 (Source: P.A. 95-492, eff. 1-1-08.)

21 (410 ILCS 43/10)

22 Sec. 10. Definitions. In this Act:

23 "Advisory Council" refers to the Lead Safe Housing Advisory
24 Council established under Public Act 93-0789.

25 "CLEAR-Win Program" ~~"CLEAR WIN Program"~~ refers to the

1 Comprehensive Lead Education, Reduction, and Window
2 Replacement Program created ~~pursuant to this Act~~ to assist
3 property owners of single family homes and multi-unit
4 residential properties in priority ~~pilot area~~ communities,
5 through loan and grant programs that reduce lead paint hazards
6 primarily through window replacement and, where necessary,
7 through other lead-based paint hazard control techniques.

8 "Director" means the Director of Public Health.

9 "Lead Safe Housing Maintenance Standards" refers to the
10 standards developed by the Lead Safe Housing Advisory Council.

11 "Low-income" means a household at or below 80% of the
12 median income level for a given county as determined annually
13 by the U.S. Department of Housing and Urban Development.

14 "Priority communities" ~~"Pilot area communities"~~ means the
15 counties or cities selected by the Department, with the advice
16 of the Advisory Council, where properties whose owners are
17 eligible for the assistance provided by this Act are located.

18 "Window" means the inside, outside, and sides of sashes and
19 mullions and the frames to the outside edge of the frame,
20 including sides, sash guides, and window wells and sills.

21 (Source: P.A. 95-492, eff. 1-1-08.)

22 (410 ILCS 43/15)

23 Sec. 15. Grant and loan program.

24 (a) Subject to appropriation, the Department, in
25 consultation with the Advisory Council, shall establish and

1 operate the CLEAR-Win ~~CLEAR-WIN~~ Program in priority
2 communities ~~in two pilot area communities selected by the~~
3 ~~Department~~ with advice from the Advisory Council. Priority
4 ~~Pilot area~~ communities shall be selected based upon the
5 prevalence of low-income families whose children are lead
6 poisoned, the age of the housing stock, and other sources of
7 funding available to the communities to address lead-based
8 paint hazards.

9 (b) The Department shall be responsible for administering
10 the CLEAR-Win ~~CLEAR-WIN~~ grant program. The grant shall be used
11 to correct lead-based paint hazards in residential buildings.
12 Conditions for receiving a grant shall be developed by the
13 Department based on criteria established by the Advisory
14 Council. Criteria, including but not limited to the following
15 program components, shall include (i) income eligibility for
16 receipt of the grants, with priority given to low-income
17 tenants or owners who rent to low-income tenants; (ii)
18 properties to be covered under CLEAR-Win ~~CLEAR-WIN~~; and (iii)
19 the number of units to be covered in a property. Prior to
20 making a grant, the Department must provide the grant recipient
21 with a copy of the Lead Safe Housing Maintenance Standards
22 generated by the Advisory Council. The property owner must
23 certify that he or she has received the Standards and intends
24 to comply with them; has provided a copy of the Standards to
25 all tenants in the building; will continue to rent to the same
26 tenant or other low-income tenant for a period of not less than

1 5 years following completion of the work; and will continue to
2 maintain the property as lead-safe. Failure to comply with the
3 grant conditions may result in repayment of grant funds.

4 (c) The Advisory Council shall also consider development of
5 a loan program to assist property owners not eligible for
6 grants.

7 (d) All lead-based paint hazard control work performed with
8 these grant or loan funds shall be conducted in conformance
9 with the Lead Poisoning Prevention Act and the Illinois Lead
10 Poisoning Prevention Code. Before contractors are paid for
11 repair work conducted under the CLEAR-Win ~~CLEAR-WIN~~ Program,
12 each dwelling unit assisted must be inspected by a lead risk
13 assessor or lead inspector licensed in Illinois, and an
14 appropriate number of dust samples must be collected from in
15 and around the work areas for lead analysis, with results in
16 compliance with levels set by the Lead Poisoning Prevention Act
17 and the Illinois Lead Poisoning Prevention Code. All costs of
18 evaluation shall be the responsibility of the property owner
19 who received the grant or loan, but will be provided for by the
20 Department for grant recipients and may be included in the
21 amount of the loan. Additional repairs and clean-up costs
22 associated with a failed clearance test, including follow-up
23 tests, shall be the responsibility of the contractor.

24 (e) ~~Within 6 months after the effective date of this Act,~~
25 ~~the Advisory Council shall recommend to the Department Lead~~
26 ~~Safe Housing Maintenance Standards for purposes of the~~

1 ~~CLEAR-WIN Program.~~ Except for properties where all lead-based
2 paint has been removed, the standards shall describe the
3 responsibilities of property owners and tenants in maintaining
4 lead-safe housing, including but not limited to, prescribing
5 special cleaning, repair, and maintenance necessary to reduce
6 the chance that properties will cause lead poisoning in child
7 occupants. Recipients of CLEAR-Win ~~CLEAR-WIN~~ grants and loans
8 shall be required to continue to maintain their properties in
9 compliance with these Lead Safe Housing Maintenance Standards.
10 Failure to maintain properties in accordance with these
11 Standards may result in repayment of grant funds or termination
12 of the loan.

13 (f) From funds appropriated, the Department may pay grants
14 and reasonable administrative costs.

15 (Source: P.A. 95-492, eff. 1-1-08; 96-959, eff. 7-1-10.)

16 (410 ILCS 43/20)

17 Sec. 20. Lead abatement training. The Advisory Council
18 shall determine whether a sufficient number of lead abatement
19 training programs exist to serve the pilot sites. If it is
20 determined additional programs are needed, the Advisory
21 Council shall work with the Department to establish the
22 additional training programs for purposes of the CLEAR-Win
23 ~~CLEAR-WIN~~ Program.

24 (Source: P.A. 95-492, eff. 1-1-08.)

1 (410 ILCS 43/25)

2 Sec. 25. Insurance assistance. The Department shall make
3 available, for the portion of a policy related to lead
4 activities, 100% insurance subsidies to licensed lead
5 abatement contractors who primarily target their work to the
6 priority ~~pilot area~~ communities and employ a significant number
7 of licensed lead abatement workers from the priority ~~pilot area~~
8 communities. Receipt of the subsidies shall be reviewed
9 annually by the Department. The Department shall adopt rules
10 for implementation of these insurance subsidies within 6 months
11 after the effective date of this Act.

12 (Source: P.A. 95-492, eff. 1-1-08.)

13 (410 ILCS 43/30)

14 Sec. 30. Advisory Council. The Advisory Council shall
15 submit an annual written report to the Governor and General
16 Assembly on the operation and effectiveness of the CLEAR-Win
17 ~~CLEAR-WIN~~ Program. The report must describe ~~evaluate~~ the
18 program's effectiveness on reducing the prevalence of lead
19 poisoning in children in the priority ~~pilot area~~ communities
20 and in training and employing persons in the priority ~~pilot~~
21 ~~area~~ communities. The report also must describe the numbers of
22 units in which lead-based paint was abated; specify the type of
23 work completed and the types of dwellings and demographics of
24 persons assisted; summarize the cost of lead-based paint hazard
25 control and CLEAR-Win ~~CLEAR-WIN~~ Program administration; rent

1 increases or decreases in the priority ~~pilot area~~ communities;
2 rental property ownership changes; and any other CLEAR-Win
3 ~~CLEAR-WIN~~ actions taken by the Department or the Advisory
4 Council and recommend any necessary legislation or rule-making
5 to improve the effectiveness of the CLEAR-Win ~~CLEAR-WIN~~
6 Program.

7 (Source: P.A. 95-492, eff. 1-1-08.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.