



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 1774

2 AMENDMENT NO. _____. Amend Senate Bill 1774 by replacing
3 everything after the enacting clause with the following:

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.

1 (3) Lead poisoning causes irreversible damage to the
2 development of a child's nervous system. Even at low and
3 moderate levels, lead poisoning causes learning
4 disabilities, problems with speech, shortened attention
5 span, hyperactivity, and behavioral problems. Recent
6 research links low levels of lead exposure to lower IQ
7 scores and to juvenile delinquency.

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

12 (5) ~~(4)~~ Older housing is the number one risk factor for
13 childhood lead poisoning. Properties built before 1960
14 ~~1950~~ are statistically much more likely to contain
15 lead-based paint hazards than buildings constructed more
16 recently.

17 ~~(5) The State of Illinois ranks 10th out of the 50~~
18 ~~states in the age of its housing stock. More than 50% of~~
19 ~~the housing units in Chicago and in Rock Island, Peoria,~~
20 ~~Macon, Madison, and Kankakee counties were built before~~
21 ~~1960. More than 43% of the housing units in St. Clair,~~
22 ~~Winnebago, Sangamon, Kane, and Cook counties were built~~
23 ~~before 1950.~~

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

26 (7) Less than 25% of Illinois children age 6 year and

1 under have been tested for lead poisoning. Children at the
2 highest risk for lead poisoning live in low-income
3 communities and in older housing located throughout the
4 State of Illinois.

5 (8) ~~(7)~~ Most children are lead poisoned in their own
6 homes through exposure to lead dust from deteriorated lead
7 paint surfaces, like windows, and when lead paint
8 deteriorates or is disturbed through home renovation and
9 repainting.

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

17 ~~(9) The control of lead hazards significantly reduces~~
18 ~~lead poisoning rates. Other communities, including New~~
19 ~~York City and Milwaukee, have successfully reduced~~
20 ~~lead poisoning rates by removing lead-based paint hazards~~
21 ~~on windows.~~

22 (9) ~~(10)~~ Windows are considered a higher lead exposure
23 risk more often than other components in a housing unit.
24 Windows are a major contributor of lead dust in the home,
25 due to both weathering conditions and friction effects on
26 paint.

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

8 (11) The CLEAR-Win Program provided for installation
9 of 8,000 windows in 466 housing units between 2010 and
10 2014.

11 (12) Evaluations of the CLEAR-Win Program demonstrated
12 the effectiveness of the program in lowering the lead
13 burden in the homes where window replacement was conducted
14 and that there were energy and environmental benefits,
15 health benefits, and market benefits, as well as job
16 creation. Return on investment was almost \$2 for every
17 dollar spent.

18 (13) ~~(11)~~ There is an insufficient pool of licensed
19 lead abatement workers and contractors to address the
20 problem in some areas of the State.

21 (14) ~~(12)~~ Through grants from the U.S. Department of
22 Housing and Urban Development and the pilot CLEAR-Win
23 Program, some communities in Illinois have begun to reduce
24 lead poisoning of children. While this is an ongoing
25 effort, it only addresses a small number of the low-income
26 children statewide in communities with high levels of lead

1 paint in the housing stock.

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

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

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

7 (3) create job opportunities for community members in
8 the lead abatement industry;

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

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

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

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

2 (410 ILCS 43/10)

3 Sec. 10. Definitions. In this Act:

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

6 "CLEAR-Win Program" ~~"CLEAR WIN Program"~~ refers to the
7 Comprehensive Lead Education, Reduction, and Window
8 Replacement Program created ~~pursuant to this Act~~ to assist
9 property owners of single family homes and multi-unit
10 residential properties in priority ~~pilot area~~ communities,
11 through loan and grant programs that reduce lead paint hazards
12 primarily through window replacement and, where necessary,
13 through other lead-based paint hazard control techniques.

14 "Director" means the Director of Public Health.

15 "Lead Safe Housing Maintenance Standards" refers to the
16 standards developed by the Lead Safe Housing Advisory Council.

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

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

24 "Window" means the inside, outside, and sides of sashes and
25 mullions and the frames to the outside edge of the frame,

1 including sides, sash guides, and window wells and sills.

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

3 (410 ILCS 43/15)

4 Sec. 15. Grant and loan program.

5 (a) Subject to appropriation, the Department, in
6 consultation with the Advisory Council, shall establish and
7 operate the CLEAR-Win ~~CLEAR-WIN~~ Program in priority
8 communities ~~in two pilot area communities selected by the~~
9 ~~Department~~ with advice from the Advisory Council. Priority
10 ~~Pilot area~~ communities shall be selected based upon the
11 prevalence of low-income families whose children are lead
12 poisoned, the age of the housing stock, and other sources of
13 funding available to the communities to address lead-based
14 paint hazards.

15 (b) The Department shall be responsible for administering
16 the CLEAR-Win ~~CLEAR-WIN~~ grant program. The grant shall be used
17 to correct lead-based paint hazards in residential buildings.
18 Conditions for receiving a grant shall be developed by the
19 Department based on criteria established by the Advisory
20 Council. Criteria, including but not limited to the following
21 program components, shall include (i) income eligibility for
22 receipt of the grants, with priority given to low-income
23 tenants or owners who rent to low-income tenants; (ii)
24 properties to be covered under CLEAR-Win ~~CLEAR-WIN~~; and (iii)
25 the number of units to be covered in a property. Prior to

1 making a grant, the Department must provide the grant recipient
2 with a copy of the Lead Safe Housing Maintenance Standards
3 generated by the Advisory Council. The property owner must
4 certify that he or she has received the Standards and intends
5 to comply with them; has provided a copy of the Standards to
6 all tenants in the building; will continue to rent to the same
7 tenant or other low-income tenant for a period of not less than
8 5 years following completion of the work; and will continue to
9 maintain the property as lead-safe. Failure to comply with the
10 grant conditions may result in repayment of grant funds.

11 (c) The Advisory Council shall also consider development of
12 a loan program to assist property owners not eligible for
13 grants.

14 (d) All lead-based paint hazard control work performed with
15 these grant or loan funds shall be conducted in conformance
16 with the Lead Poisoning Prevention Act and the Illinois Lead
17 Poisoning Prevention Code. Before contractors are paid for
18 repair work conducted under the CLEAR-Win ~~CLEAR-WIN~~ Program,
19 each dwelling unit assisted must be inspected by a lead risk
20 assessor or lead inspector licensed in Illinois, and an
21 appropriate number of dust samples must be collected from in
22 and around the work areas for lead analysis, with results in
23 compliance with levels set by the Lead Poisoning Prevention Act
24 and the Illinois Lead Poisoning Prevention Code. All costs of
25 evaluation shall be the responsibility of the property owner
26 who received the grant or loan, but will be provided for by the

1 Department for grant recipients and may be included in the
2 amount of the loan. Additional repairs and clean-up costs
3 associated with a failed clearance test, including follow-up
4 tests, shall be the responsibility of the contractor.

5 ~~(e) Within 6 months after the effective date of this Act,~~
6 ~~the Advisory Council shall recommend to the Department Lead~~
7 ~~Safe Housing Maintenance Standards for purposes of the~~
8 ~~CLEAR-WIN Program.~~ Except for properties where all lead-based
9 paint has been removed, the standards shall describe the
10 responsibilities of property owners and tenants in maintaining
11 lead-safe housing, including but not limited to, prescribing
12 special cleaning, repair, and maintenance necessary to reduce
13 the chance that properties will cause lead poisoning in child
14 occupants. Recipients of CLEAR-Win ~~CLEAR-WIN~~ grants and loans
15 shall be required to continue to maintain their properties in
16 compliance with these Lead Safe Housing Maintenance Standards.
17 Failure to maintain properties in accordance with these
18 Standards may result in repayment of grant funds or termination
19 of the loan.

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

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

23 (410 ILCS 43/20)

24 Sec. 20. Lead abatement training. The Advisory Council
25 shall determine whether a sufficient number of lead abatement

1 training programs exist to serve the pilot sites. If it is
2 determined additional programs are needed, the Advisory
3 Council shall work with the Department to establish the
4 additional training programs for purposes of the CLEAR-Win
5 ~~CLEAR-WIN~~ Program.

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

7 (410 ILCS 43/25)

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

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

19 (410 ILCS 43/30)

20 Sec. 30. Advisory Council. The Advisory Council shall
21 submit an annual written report to the Governor and General
22 Assembly on the operation and effectiveness of the CLEAR-Win
23 ~~CLEAR-WIN~~ Program. The report must describe ~~evaluate~~ the
24 program's effectiveness on reducing the prevalence of lead

1 poisoning in children in the priority ~~pilot area~~ communities
2 and in training and employing persons in the priority ~~pilot~~
3 ~~area~~ communities. The report also must describe the numbers of
4 units in which lead-based paint was abated; specify the type of
5 work completed and the types of dwellings and demographics of
6 persons assisted; summarize the cost of lead-based paint hazard
7 control and CLEAR-Win ~~CLEAR-WIN~~ Program administration; rent
8 increases or decreases in the priority ~~pilot area~~ communities;
9 rental property ownership changes; and any other CLEAR-Win
10 ~~CLEAR-WIN~~ actions taken by the Department or the Advisory
11 Council and recommend any necessary legislation or rule-making
12 to improve the effectiveness of the CLEAR-Win ~~CLEAR-WIN~~
13 Program.

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."