



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 1774

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

5 "Section 5. The Comprehensive Lead Education, Reduction,
6 and Window Replacement Program Act is amended by changing
7 Sections 5, 10, 20, 25, and 30 and by adding Section 16 as
8 follows:

9 (410 ILCS 43/5)

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

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

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

16 (2) The number of lead-poisoned children in Illinois is

1 among the highest in the nation, especially in older, more
2 affordable properties.

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

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

14 (5) While the use of lead-based paint in residential
15 properties was banned in 1978, the State of Illinois ranks
16 seventh nationally in the number of housing units built
17 before 1978 and has the highest risk for lead hazards.

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

25 (6) There are nearly 1.4 million households with
26 lead-based paint hazards in Illinois.

1 (7) Most children are lead poisoned in their own homes
2 through exposure to lead dust from deteriorated lead paint
3 surfaces, like windows, and when lead paint deteriorates or
4 is disturbed through home renovation and repainting.

5 (8) Children at the highest risk for lead poisoning
6 live in low-income communities and in older housing
7 throughout the State of Illinois.

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

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

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

24 (11) The Comprehensive Lead Elimination, Reduction,
25 and Window Replacement (CLEAR-WIN) Program established
26 under Public Act 95-492 as a pilot program to reduce

1 potential lead hazards by replacing windows in low-income,
2 pre-1978 homes. It also provided for on-the-job training
3 for community members in 2 pilot communities in Chicago and
4 Peoria County.

5 (12) The CLEAR-WIN Program provided for installation
6 of 8,000 windows in 466 housing units between 2010 and
7 2014. Evaluations of the pilot program determined window
8 replacement was effective in lowering lead hazards and
9 produced energy, environmental, health, and market
10 benefits. Return on investment was almost \$2 for every
11 dollar spent.

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

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

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

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

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

1 (3) create job opportunities for community members in
2 the lead abatement industry;

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

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

7 (c) The General Assembly hereby establishes the
8 Comprehensive Lead Education, Reduction, and Window
9 Replacement Program to assist residential property owners
10 through a Lead Direct Assistance Program ~~loan and grant~~
11 ~~programs~~ to reduce lead ~~paint~~ hazards in residential properties
12 ~~through window replacement in pilot area communities. Where~~
13 ~~there is a lack of workers trained to remove lead-based paint~~
14 ~~hazards, job training programs must be initiated. The General~~
15 ~~Assembly also recognizes that training, insurance, and~~
16 ~~licensing costs are prohibitively high and hereby establishes~~
17 ~~incentives for contractors to do lead abatement work.~~

18 (d) The Department of Public Health is authorized to:

19 (1) adopt rules necessary to implement this Act;

20 (2) adopt by reference the Illinois Administrative
21 Procedure Act for administration of this Act;

22 (3) assess administrative fines and penalties, as
23 established by the Department by rule, for persons
24 violating rules adopted by the Department under this Act;

25 (4) make referrals for prosecution to the Attorney
26 General or the State's Attorney for the county in which a

1 violation occurs, for a violation of this Act or the rules
2 adopted under this Act; and

3 (5) establish agreements under the Intergovernmental
4 Cooperation Act with the Department of Commerce and
5 Economic Opportunity, the Illinois Housing Development
6 Authority, or any other public agency as required, to
7 implement this Act.

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

9 (410 ILCS 43/10)

10 Sec. 10. Definitions. In this Act:

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

13 "Child care facility" means any structure used by a child
14 care provider licensed by the Department of Children and Family
15 Services or a public or private school structure frequented by
16 children 6 years of age or younger.

17 "Child-occupied property" means a property where a child
18 under 6 years of age is on the property an average of at least 6
19 hours per week.

20 "CLEAR-WIN Program" refers to the Comprehensive Lead
21 Education, Reduction, and Window Replacement Program created
22 pursuant to this Act to assist property owners of single-family
23 ~~single-family~~ homes and multi-unit residential properties in
24 the State pilot area communities, through the Direct Assistance
25 Program, which reduces loan and grant programs that reduce lead

1 paint and leaded plumbing hazards ~~primarily through window~~
2 ~~replacement~~ and, where necessary, through other lead
3 ~~lead-based paint~~ hazard control techniques.

4 "Department" means the Department of Public Health.

5 "Director" means the Director of Public Health.

6 "Lead hazard" means a lead-bearing substance that poses an
7 immediate health hazard to humans.

8 "Lead Safe Housing Maintenance Standards" refers to the
9 standards developed by the Lead Safe Housing Department in
10 conjunction with the Advisory Council.

11 "Leaded plumbing" means that portion of a building's
12 potable water plumbing that is suspected or known to contain
13 lead or lead-containing material as indicated by lead in
14 potable water samples.

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

18 "Person" means an individual, corporation, partnership,
19 firm, organization, or association, acting individually or as a
20 group.

21 "Plumbing" has the meaning ascribed to that term in the
22 Illinois Plumbing Licensing Law.

23 "Recipient" means a person receiving direct assistance
24 under this Act.

25 "Residential property" means a single-family residence or
26 renter-occupied property with up to 8 units.

1 ~~"Pilot area communities" means the counties or cities~~
2 ~~selected by the Department, with the advice of the Advisory~~
3 ~~Council, where properties whose owners are eligible for the~~
4 ~~assistance provided by this Act are located.~~

5 ~~"Window" means the inside, outside, and sides of sashes and~~
6 ~~mullions and the frames to the outside edge of the frame,~~
7 ~~including sides, sash guides, and window wells and sills.~~

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

9 (410 ILCS 43/16 new)

10 Sec. 16. Lead Direct Assistance Program.

11 (a) Subject to appropriation, the Department, in
12 consultation with the Advisory Council, shall establish and
13 operate the Lead Direct Assistance Program throughout the
14 State. The purpose of the Lead Direct Assistance Program is to
15 employ primary prevention strategies to prevent childhood lead
16 poisoning.

17 (b) The Department shall administer the Lead Direct
18 Assistance Program to remediate lead-based paint hazards and
19 leaded plumbing hazards in residential properties. Conditions
20 for receiving direct assistance shall be developed by the
21 Department of Public Health, in consultation with the
22 Department of Commerce and Economic Opportunity and the
23 Illinois Housing Development Authority. Criteria for receiving
24 direct assistance shall include:

25 (1) for owner-occupied properties: (i) the property

1 contains lead hazards; (ii) the property is a
2 child-occupied property or the residence of a pregnant
3 woman; and (iii) the owner is low-income; and

4 (2) for rental properties: (i) the property contains
5 lead hazards and (ii) 50% or more of the renters in the
6 residential property are low-income.

7 Recipients of direct assistance under this program shall be
8 provided a copy of the Department's Lead Safe Housing
9 Maintenance Standards. Before receiving the direct assistance,
10 the recipient must certify that he or she has received the
11 standards and intends to comply with them. If the property is a
12 rental property, the recipient must also certify that he or she
13 will continue to rent to the same tenant or other low-income
14 tenant for a period of not less than 5 years following
15 completion of the work. Failure to comply with the conditions
16 of the Lead Direct Assistance Program is a violation of this
17 Act.

18 (c) To identify properties with lead hazards, the
19 Department may prioritize properties where at least one child
20 has been found to have an elevated blood lead level under the
21 Lead Poisoning Prevention Act and the paint or potable water
22 has been tested and found to contain lead exceeding levels
23 established by rule.

24 (d) All lead-based paint hazard control work performed
25 under the Lead Direct Assistance Program shall comply with the
26 Lead Poisoning Prevention Act and the Illinois Lead Poisoning

1 Prevention Code. All plumbing work performed under the Lead
2 Direct Assistance Program shall comply with the Illinois
3 Plumbing Licensing Act and the Illinois Plumbing Code. Before
4 persons are paid for work conducted under this Act, each
5 subject property must be inspected by a lead risk assessor or
6 lead inspector licensed in Illinois. Prior to payment, an
7 appropriate number of dust samples must be collected from in
8 and around the work areas for lead analysis, with results in
9 compliance with levels set by the Lead Poisoning Prevention Act
10 and the Illinois Lead Poisoning Prevention Code or in the case
11 of leaded plumbing work, be inspected by an Illinois-certified
12 plumbing inspector. All costs associated with these
13 inspections, including laboratory fees, shall be compensable
14 to the person contracted to provide direct assistance, as
15 prescribed by rule. Additional repairs and clean-up costs
16 associated with a failed clearance test, including follow-up
17 tests, shall be the responsibility of the person performing the
18 work under the Lead Direct Assistance Program.

19 (e) The Department shall issue Lead Safe Housing
20 Maintenance Standards in accordance with this Act. Except for
21 properties where all lead-based paint, leaded plumbing, or
22 other identified lead hazards have been removed, the standards
23 shall describe the responsibilities of property owners and
24 tenants in maintaining lead-safe housing, including, but not
25 limited to, prescribing special cleaning, repair, flushing,
26 filtering, and maintenance necessary to minimize the risk that

1 subject properties will cause lead poisoning in children.
2 Recipients of direct assistance shall be required to continue
3 to maintain their properties in compliance with these Lead Safe
4 Housing Maintenance Standards. Failure to maintain properties
5 in accordance with these standards is a violation and may
6 subject the recipient to fines and penalties prescribed by
7 rule.

8 (f) From funds appropriated, the Department may pay its own
9 reasonable administrative costs and, by agreement, the
10 reasonable administrative costs of other public agencies.

11 (g) Failure by a person performing work under the Lead
12 Direct Assistance Program to comply with rules or any
13 contractual agreement made thereunder may subject the person to
14 administrative action by the Department or other public
15 agencies, in accordance with rules adopted under this Act,
16 including, but not limited to, civil penalties, retainage of
17 payment, and loss of eligibility to participate. Civil actions,
18 including for reimbursement, damages, and money penalties, and
19 criminal actions may be brought by the Attorney General or the
20 State's Attorney for the county in which the violation occurs.

21 (410 ILCS 43/20)

22 Sec. 20. Lead abatement training. The Advisory Council
23 shall advise the Department ~~determine~~ whether a sufficient
24 number of lead abatement training programs exist to serve the
25 State. If the Department determines ~~pilot sites. If it is~~

1 ~~determined~~ additional programs are needed, then the Department
2 may use funds appropriated under this Act to address the
3 deficiencies ~~the Advisory Council shall work with the~~
4 ~~Department to establish the additional training programs for~~
5 ~~purposes of the 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, through
9 agreements with other public agencies, may allow for
10 reimbursement of certain insurance costs associated with
11 persons performing work under the Lead Direct Assistance
12 Program. ~~shall make available, for the portion of a policy~~
13 ~~related to lead activities, 100% insurance subsidies to~~
14 ~~licensed lead abatement contractors who primarily target their~~
15 ~~work to the pilot area communities and employ a significant~~
16 ~~number of licensed lead abatement workers from the pilot area~~
17 ~~communities. Receipt of the subsidies shall be reviewed~~
18 ~~annually by the Department. The Department shall adopt rules~~
19 ~~for implementation of these insurance subsidies within 6 months~~
20 ~~after the effective date of this Act.~~

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

22 (410 ILCS 43/30)

23 Sec. 30. Advisory Council. The Advisory Council shall
24 assist the Department in developing ~~submit~~ an annual written

1 report to the Governor and General Assembly on the operation
2 and effectiveness of the CLEAR-WIN Program. The report must
3 evaluate the program's effectiveness on reducing the
4 prevalence of lead poisoning in children ~~in the pilot area~~
5 ~~communities and in training and employing persons in the pilot~~
6 ~~area communities~~. The report also must: (i) contain information
7 about training and employment associated with persons
8 providing direct assistance work, (ii) describe the numbers of
9 units in which lead hazards were remediated or leaded plumbing
10 replaced, (iii) ~~lead-based paint was abated;~~ specify the type
11 of work completed and the types of dwellings and demographics
12 of persons assisted, (iv) ~~+~~ summarize the cost of lead
13 ~~lead-based paint~~ hazard control and CLEAR-WIN Program
14 administration, (v) report on ~~+~~ rent increases or decreases in
15 the residential property affected by direct assistance work and
16 ~~pilot area communities;~~ rental property ownership changes,
17 (vi) describe ~~+~~ and any other CLEAR-WIN actions taken by the
18 Department, other public agencies, or the Advisory Council, and
19 (vii) recommend any necessary legislation or rule-making to
20 improve the effectiveness of this ~~the CLEAR-WIN~~ Program.

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

22 (410 ILCS 43/15 rep.)

23 Section 10. The Comprehensive Lead Education, Reduction,
24 and Window Replacement Program Act is amended by repealing
25 Section 15."