

SB2890



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2890

Introduced 2/14/2018, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

410 ILCS 45/9

from Ch. 111 1/2, par. 1309

Amends the Lead Poisoning Prevention Act. Requires the Department of Public Health to publish on its website a list of each residential property and commercial property subject to a mitigation order requiring lead abatement. Effective immediately.

LRB100 16855 MJP 31996 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Lead Poisoning Prevention Act is amended by
5 changing Section 9 as follows:

6 (410 ILCS 45/9) (from Ch. 111 1/2, par. 1309)

7 Sec. 9. Procedures upon determination of lead hazard.

8 (1) If the inspection report identifies a lead hazard, the
9 Department or delegate agency shall serve a mitigation notice
10 on the property owner that the owner is required to mitigate
11 the lead hazard, and shall indicate the time period specified
12 in this Section in which the owner must complete the
13 mitigation. The notice shall include information describing
14 mitigation activities which meet the requirements of this Act.

15 (2) If the inspection report identifies a lead hazard, the
16 owner shall mitigate the lead hazard in a manner prescribed by
17 the Department and within the time limit prescribed by this
18 Section. The Department shall adopt rules regarding acceptable
19 methods of mitigating a lead hazard. If the source of the lead
20 hazard identified in the inspection report is lead paint or any
21 other lead-bearing surface coating, the lead hazard shall be
22 deemed to have been mitigated if:

23 (A) the surface identified as the source of the lead

1 hazard is no longer in a condition that produces a
2 hazardous level of lead chips, flakes, dust or any other
3 form of lead-bearing substance, that can be ingested or
4 inhaled by humans;

5 (B) the surface identified as the source of the lead
6 hazard is no longer accessible to children and could not
7 reasonably be chewed on by children; or

8 (C) the surface coating identified as the source of the
9 lead hazard is either removed or covered, or child access
10 to the lead-bearing surface is otherwise prevented as
11 prescribed by the Department.

12 (3) Mitigation activities which involve the destruction or
13 disturbance of any lead-bearing surface shall be conducted by a
14 licensed lead abatement contractor using licensed lead
15 abatement supervisors or lead abatement workers. The
16 Department may prescribe by rule mitigation activities that may
17 be performed without a licensed lead abatement contractor, lead
18 abatement supervisor, or lead abatement worker. The Department
19 may, on a case by case basis, grant a waiver of the requirement
20 to use licensed lead abatement contractors, lead abatement
21 supervisors, and lead abatement workers, provided the waiver
22 does not endanger the health or safety of humans.

23 (4) The Department shall establish procedures whereby an
24 owner, after receiving a mitigation notice under this Section,
25 may submit a mitigation plan to the Department or delegate
26 agency for review and approval.

1 (5) When a mitigation notice is issued for a dwelling unit
2 inspected as a result of an elevated blood lead level in a
3 pregnant person or a child, or if the dwelling unit is occupied
4 by a child 6 years of age or younger or a pregnant person, the
5 owner shall mitigate the hazard within 30 days of receiving the
6 notice; when no such child or pregnant person occupies the
7 dwelling unit, the owner shall complete the mitigation within
8 90 days.

9 (6) An owner may apply to the Department or its delegate
10 agency for an extension of the deadline for mitigation. If the
11 Department or its delegate agency determines that the owner is
12 making substantial progress toward mitigation, or that the
13 failure to meet the deadline is the result of a shortage of
14 licensed lead abatement contractors, lead abatement
15 supervisors, or lead abatement workers, or that the failure to
16 meet the deadline is because the owner is awaiting the review
17 and approval of a mitigation plan, the Department or delegate
18 agency may grant an extension of the deadline.

19 (7) The Department or its delegate agency may, after the
20 deadline set for completion of mitigation, conduct a follow-up
21 inspection of any dwelling unit for which a mitigation notice
22 was issued for the purpose of determining whether the
23 mitigation actions required have been completed and whether the
24 activities have sufficiently mitigated the lead hazard as
25 provided under this Section. The Department or its delegate
26 agency may conduct a follow-up inspection upon the request of

1 an owner or resident. If, upon completing the follow-up
2 inspection, the Department or its delegate agency finds that
3 the lead hazard for which the mitigation notice was issued is
4 not mitigated, the Department or its delegate agency shall
5 serve the owner with notice of the deficiency and a mitigation
6 order. The order shall indicate the specific actions the owner
7 must take to comply with the mitigation requirements of this
8 Act, which may include lead abatement if lead abatement is the
9 sole means by which the lead hazard can be mitigated. The order
10 shall also include the date by which the mitigation shall be
11 completed. If, upon completing the follow-up inspection, the
12 Department or delegate agency finds that the mitigation
13 requirements of this Act have been satisfied, the Department or
14 delegate agency shall provide the owner with a certificate of
15 compliance stating that the required mitigation has been
16 accomplished.

17 (8) The Department shall publish on its website a list of
18 each residential property and commercial property subject to a
19 mitigation order requiring lead abatement under subsection
20 (7).

21 (Source: P.A. 98-690, eff. 1-1-15.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.