



Rep. Harry Osterman

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1 AMENDMENT TO HOUSE BILL 1805

2 AMENDMENT NO. _____. Amend House Bill 1805 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Comprehensive Lead Education, Reduction, and Window
6 Replacement Program Act.

7 Section 5. Findings; intent; establishment of program.

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

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

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

16 (3) Lead poisoning causes irreversible damage to the

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

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

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

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

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

24 (8) Less than 25% of children in Illinois age 6 and
25 under have been tested for lead poisoning. While children
26 are lead poisoned throughout Illinois, counties above the

1 statewide average include: Alexander, Cass, Cook, Fulton,
2 Greene, Kane, Kankakee, Knox, LaSalle, Macon, Mercer,
3 Peoria, Perry, Rock Island, Sangamon, St. Clair,
4 Stephenson, Vermilion, Will, and Winnebago.

5 (9) The control of lead hazards significantly reduces
6 lead poisoning rates. Other communities, including New
7 York City and Milwaukee, have successfully reduced lead
8 poisoning rates by removing lead-based paint hazards on
9 windows.

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

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

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

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

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

26 (2) provide training within communities to encourage

1 the use of lead-paint safe work practices;

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

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

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

8 (c) The General Assembly hereby establishes the
9 Comprehensive Lead Education, Reduction, and Window
10 Replacement Program to assist residential property owners
11 through loan and grant programs to reduce lead paint hazards
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 Section 10. Definitions. In this Act:

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

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

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

4 "Director" means the Director of Public Health.

5 "Lead Safe Housing Maintenance Standards" refers to the
6 standards developed by the Lead Safe Housing Advisory Council.

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

10 "Pilot area communities" means the counties or cities
11 selected by the Department, with the advice of the Advisory
12 Council, where properties whose owners are eligible for the
13 assistance provided by this Act are located.

14 "Window" means the inside, outside, and sides of sashes and
15 mullions and the frames to the outside edge of the frame,
16 including sides, sash guides, and window wells and sills.

17 Section 15. Grant and loan program.

18 (a) Subject to appropriation, the Department, in
19 consultation with the Advisory Council, shall establish and
20 operate the CLEAR-WIN Program in pilot area communities
21 selected by the Department with advice from the Advisory
22 Council. Pilot area communities shall be selected based upon
23 the prevalence of low-income families whose children are lead
24 poisoned, the age of the housing stock, and other sources of
25 funding available to the communities to address lead based

1 paint hazards.

2 (b) The Department shall be responsible for administering
3 the CLEAR-WIN grant program. The grant shall be used to correct
4 lead-based paint hazards throughout the residential buildings
5 in this State. Conditions for receiving a grant shall be
6 developed by the Department based on criteria established by
7 the Advisory Council. Criteria, including but not limited to
8 the following program components, shall include (i) income
9 eligibility for receipt of the grants, with priority given to
10 low-income tenants or owners who rent to low income tenants;
11 (ii) properties to be covered under CLEAR-WIN; and (iii) the
12 number of units to be covered in a property. Prior to making a
13 grant, the Department must provide the grant recipient with a
14 copy of the Lead Safe Housing Maintenance Standards generated
15 by the Advisory Council. The property owner must certify that
16 he or she has received the Standards and intends to comply with
17 them; has provided a copy of the Standards to all tenants in
18 the building; will continue to rent to the same tenant or other
19 low-income tenant for a period of not less than 5 years
20 following completion of the work; and will continue to maintain
21 the property as lead-safe. Failure to comply with the grant
22 conditions may result in repayment of grant funds.

23 (c) The Advisory Council shall also consider development of
24 a loan program to assist property owners not eligible for
25 grants.

26 (d) All lead-based paint hazard control work performed with

1 these grant or loan funds shall be conducted in conformance
2 with the Lead Poisoning Prevention Act and the Illinois Lead
3 Poisoning Prevention Code. Before contractors are paid for
4 repair work conducted under the CLEAR-WIN Program, each
5 dwelling unit assisted must be inspected by a lead risk
6 assessor or lead inspector licensed in Illinois, and 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. All costs of
11 evaluation shall be the responsibility of the property owner
12 who received the grant or loan, but will be provided for by the
13 Department for grant recipients and may be included in the
14 amount of the loan. Additional repairs and clean-up costs
15 associated with a failed clearance test, including follow-up
16 tests, shall be the responsibility of the contractor.

17 (e) Within 6 months after the effective date of this Act,
18 the Advisory Council shall recommend to the Department Lead
19 Safe Housing Maintenance Standards for purposes of the
20 CLEAR-WIN Program. Except for properties where all lead-based
21 paint has been removed, the standards shall describe the
22 responsibilities of property owners and tenants in maintaining
23 lead-safe housing, including but not limited to, prescribing
24 special cleaning, repair, and maintenance necessary to reduce
25 the chance that properties will cause lead poisoning in child
26 occupants. Recipients of CLEAR-WIN grants and loans shall be

1 required to continue to maintain their properties in compliance
2 with these Lead Safe Housing Maintenance Standards. Failure to
3 maintain properties in accordance with these Standards, may
4 result in repayment of grant funds or termination of the loan.

5 Section 20. Lead-abatement training. The Advisory Council
6 shall determine whether a sufficient number of lead abatement
7 training programs exist to serve the pilot sites. If it is
8 determined additional programs are needed, the Advisory
9 Council shall work with the Department to establish the
10 additional training programs for purposes of the CLEAR-WIN
11 Program.

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

22 Section 30. Advisory Council. The Advisory Council shall
23 submit an annual written report to the Governor and General

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