



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4514**

by Rep. David E. Miller

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Comprehensive Lead Education, Reduction, and Window Replacement Act. Creates the Comprehensive Lead Education, Reduction, and Window Replacement (CLEAR-WIN) Program to assist residential property owners through loan and grant programs to reduce lead paint hazards through window replacement in pilot area communities. Provides that subject to appropriation, the Department of Public Health, in cooperation with the Advisory Council, shall establish and operate the CLEAR-WIN Program in 2 pilot area communities selected by the Department with advice from the Advisory Council. Provides that the Department shall be responsible for administering the CLEAR-WIN grant program. Sets forth the specific requirements for the administration of the CLEAR-WIN grant program, including the qualifications for receiving a grant through the program. Provides that within 6 months after the effective date of the Act, the Advisory Council shall recommend to the Department Lead Safe Housing Maintenance Standards. Provides that the Advisory Council shall determine whether a sufficient number of lead abatement training programs exist to serve pilot sites for the CLEAR-WIN program. Provides that the Department shall make available, for the portion of a policy related to lead activities, 100% insurance subsidies to licensed lead abatement contractors who primarily target their work to the pilot area communities and employ a significant number of licensed lead abatement workers from the pilot area communities. Sets forth the responsibilities of the Advisory Council.

LRB095 18022 KBJ 44105 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 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  
17 development of a child's nervous system. Even at low and  
18 moderate levels, lead poisoning causes learning  
19 disabilities, problems with speech, shortened attention  
20 span, hyperactivity, and behavioral problems. Recent  
21 research links low levels of lead exposure to lower IQ  
22 scores and to juvenile delinquency.

23 (4) Older housing is the number one risk factor for

1 childhood lead poisoning. Properties built before 1950 are  
2 statistically much more likely to contain lead-based paint  
3 hazards than buildings constructed more recently.

4 (5) The State of Illinois ranks 10th out of the 50  
5 states in the age of its housing stock. More than 50% of  
6 the housing units in Chicago and in Rock Island, Peoria,  
7 Macon, Madison, and Kankakee counties were built before  
8 1960. More than 43% of the housing units in St. Clair,  
9 Winnebago, Sangamon, Kane, and Cook counties were built  
10 before 1950.

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

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

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

24 (9) The control of lead hazards significantly reduces  
25 lead poisoning rates. Other communities, including New  
26 York City and Milwaukee, have successfully reduced lead

1 poisoning rates by removing lead-based paint hazards on  
2 windows.

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

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

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

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

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

19 (2) provide training within communities to encourage  
20 the use of lead-paint safe work practices;

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

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

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

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

11           Section 10. Definitions. In this Act:

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

14           "CLEAR-WIN Program" refers to the Comprehensive Lead  
15 Education, Reduction, and Window Replacement Program created  
16 pursuant to this Act to assist property owners of single family  
17 homes and multi-unit residential properties in pilot area  
18 communities, through loan and grant programs that reduce  
19 lead-paint hazards primarily through window replacement and,  
20 where necessary, through other lead-based paint hazard control  
21 techniques.

22           "Director" means the Director of Public Health.

23           "Lead Safe Housing Maintenance Standards" refers to the  
24 standards developed by the Lead Safe Housing Advisory Council.

25           "Low-income" means a household at or below 80% of the

1 median income level for a given county as determined annually  
2 by the U.S. Department of Housing and Urban Development.

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

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

10 Section 15. Grant and loan program.

11 (a) Subject to appropriation, the Department, in  
12 consultation with the Advisory Council, shall establish and  
13 operate the CLEAR-WIN Program in 2 pilot area communities  
14 selected by the Department with advice from the Advisory  
15 Council. Pilot area communities shall be selected based upon  
16 the prevalence of low-income families whose children are lead  
17 poisoned, the age of the housing stock, and other sources of  
18 funding available to the communities to address lead based  
19 paint hazards.

20 (b) The Department shall be responsible for administering  
21 the CLEAR-WIN grant program. The grant shall be used to correct  
22 lead-based paint hazards in residential buildings. Conditions  
23 for receiving a grant shall be developed by the Department  
24 based on criteria established by the Advisory Council.  
25 Criteria, including but not limited to the following program

1 components, shall include (i) income eligibility for receipt of  
2 the grants, with priority given to low-income tenants or owners  
3 who rent to low income tenants; (ii) properties to be covered  
4 under CLEAR-WIN; and (iii) the number of units to be covered in  
5 a property. Prior to making a grant, the Department must  
6 provide the grant recipient with a copy of the Lead Safe  
7 Housing Maintenance Standards generated by the Advisory  
8 Council. The property owner must certify that he or she has  
9 received the Standards and intends to comply with them; has  
10 provided a copy of the Standards to all tenants in the  
11 building; will continue to rent to the same tenant or other  
12 low-income tenant for a period of not less than 5 years  
13 following completion of the work; and will continue to maintain  
14 the property as lead-safe. Failure to comply with the grant  
15 conditions may result in repayment of grant funds.

16 (c) The Advisory Council shall also consider development of  
17 a loan program to assist property owners not eligible for  
18 grants.

19 (d) All lead-based paint hazard control work performed with  
20 these grant or loan funds shall be conducted in conformance  
21 with the Lead Poisoning Prevention Act and the Illinois Lead  
22 Poisoning Prevention Code. Before contractors are paid for  
23 repair work conducted under the CLEAR-WIN Program, each  
24 dwelling unit assisted must be inspected by a lead risk  
25 assessor or lead inspector licensed in Illinois, and an  
26 appropriate number of dust samples must be collected from in

1 and around the work areas for lead analysis, with results in  
2 compliance with levels set by the Lead Poisoning Prevention Act  
3 and the Illinois Lead Poisoning Prevention Code. All costs of  
4 evaluation shall be the responsibility of the property owner  
5 who received the grant or loan, but will be provided for by the  
6 Department for grant recipients and may be included in the  
7 amount of the loan. Additional repairs and clean-up costs  
8 associated with a failed clearance test, including follow-up  
9 tests, shall be the responsibility of the contractor.

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

24 Section 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 Program.

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

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

1 demographics of persons assisted; summarize the cost of  
2 lead-based paint hazard control and CLEAR-WIN Program  
3 administration; rent increases or decreases in the pilot area  
4 communities; rental property ownership changes; and any other  
5 CLEAR-WIN actions taken by the Department or the Advisory  
6 Council and recommend any necessary legislation or rule-making  
7 to improve the effectiveness of the CLEAR-WIN Program.