



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5224

Introduced 2/3/2010, by Rep. Dan Reitz

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Tenants Radon Protection Act. Provides that the purpose of the Act is to protect residential tenants from radon hazards. Provides definitions. Provides that before a lease is signed, a landlord shall provide to each tenant in a dwelling unit any records or reports pertaining to radon concentrations within the dwelling unit that present a radon hazard. Provides that if a tenant performs a radon test, the tenant shall provide to the landlord the test result within 10 days after receiving the result. Provides that before a lease is signed a landlord shall furnish each prospective tenant with a prescribed form of disclosure of information on radon hazards and any test result. Provides that nothing implies an obligation on a landlord or tenant to conduct any radon testing. Provides that a lease may be terminated under designated conditions concerning radon. Provides that this is a limitation on home rule powers. Contains other provisions. Effective January 1, 2011.

LRB096 16341 AJ0 35520 b

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning civil law.

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 Tenants Radon Protection Act.

6 Section 5. Purpose. Radon is a radioactive element that is  
7 part of the radioactive decay chain of naturally occurring  
8 uranium in soil. Unlike carbon monoxide and many other home  
9 pollutants, radon's adverse health effect, lung cancer, is  
10 usually not produced immediately.

11 Section 10. Definitions. For purposes of this Act:

12 "Dwelling unit" means a room or suite of rooms used for  
13 human habitation, and includes a single family residence as  
14 well as each living unit of a multiple family residence and  
15 each living unit in a mixed use building.

16 "IEMA" means the Illinois Emergency Management Agency.

17 "Landlord" means, but is not limited to, an individual,  
18 company, corporation, firm, group, association, partnership,  
19 joint venture, trust, government agency, or subdivision  
20 leasing a dwelling unit to a tenant.

21 "Lease" means an oral or written agreement under which a  
22 property owner allows a tenant to use the property for a

1 specified period of time and rent.

2 "Mitigation" means the act of repairing or altering a  
3 building or building design for the purpose in whole or in part  
4 of reducing the concentration of radon in the indoor atmosphere  
5 according to procedures described in 32 Illinois  
6 Administrative Code 422.

7 "Radon" means a gaseous radioactive decay product of  
8 uranium or thorium.

9 "Radon contractor" means a person licensed in accordance  
10 with the Radon Industry Licensing Act to perform radon  
11 mitigation or to perform measurements of radon in an indoor  
12 atmosphere.

13 "Radon hazard" means exposure to indoor radon  
14 concentrations at or in excess of the IEMA's recommended Radon  
15 Action Level.

16 "Radon test" means a measurement of indoor radon  
17 concentrations in accordance with the provisions of 32 Illinois  
18 Administrative Code 422 for performing radon measurements.

19 "Tenant" means a person who is about to enter or has  
20 entered into an oral or written lease with a landlord whereby  
21 the person leases the dwelling unit.

22 Section 15. Radon disclosure.

23 (a) At the time of or before a lease is entered into, or at  
24 any time that a lease is in effect, the landlord shall provide  
25 to each tenant in a dwelling unit any records or reports

1 pertaining to radon concentrations within the dwelling unit  
2 that present a radon hazard to the tenant in accordance with  
3 subsection (d).

4 (b) If a tenant performs a radon test, the tenant shall  
5 provide to the landlord any records or reports pertaining to  
6 radon concentrations within 10 days after receiving the  
7 measurement result.

8 (c) Nothing in this Section is intended to or shall be  
9 construed to imply an obligation to conduct any radon testing  
10 activities.

11 (d) The following shall be the form of Disclosure of  
12 Information on Radon Hazards to be provided to each tenant of a  
13 dwelling unit as required by this Section:

14 DISCLOSURE OF INFORMATION ON RADON HAZARDS

15 (For Rental Property)

16 Radon Warning Statement

17 Each tenant in this residence is notified that the property  
18 may present exposure to levels of indoor radon gas that may  
19 place the occupants at risk of developing radon-induced lung  
20 cancer. Radon, a Class-A human carcinogen, is the leading cause  
21 of lung cancer in non-smokers and the second leading cause  
22 overall. The landlord of any residence is required to provide  
23 each tenant with any information on radon test results of the

1 dwelling unit that presents a radon hazard to the tenant.

2 Landlord's Disclosure (initial each of the following which  
3 applies)

4 (a)..... Radon concentrations (above IEMA recommended  
5 Radon Action Level) are known to be present within the dwelling  
6 unit. (Explain)

7 (b)..... Landlord has provided the tenant with all  
8 available records and reports pertaining to radon  
9 concentrations within the dwelling unit.

10 Tenant's Acknowledgment (initial)

11 (c)..... Tenant has received copies of all  
12 information listed above.

13 Certification of Accuracy

14 The following parties have reviewed the information above and  
15 each party certifies, to the best of his or her knowledge, that  
16 the information he or she provided is true and accurate.

17 Landlord \_\_\_\_\_ Date \_\_\_\_\_

18 Tenant \_\_\_\_\_ Date \_\_\_\_\_

1 Section 20. Mitigation of radon hazard.

2 (a) The landlord shall have 30 days after notification by  
3 the tenant to have a radon test performed by a radon contractor  
4 to confirm a radon test performed by the tenant.

5 (b) Landlords deciding to have radon mitigation performed  
6 shall have the mitigation system installed by a radon  
7 contractor.

8 (c) Tenants deciding to have radon mitigation performed  
9 shall have the mitigation system installed by a radon  
10 contractor. Tenants shall have the landlord's consent prior to  
11 undertaking any mitigation activities.

12 (d) Nothing in this Section is intended to or shall be  
13 construed to imply an obligation to conduct any radon testing  
14 or mitigation activities.

15 Section 25. Termination of lease.

16 (a) The tenant shall have the right to terminate a lease if  
17 the landlord, 90 days after having been initially informed of a  
18 radon hazard, has failed to correct the radon hazard.

19 (b) A landlord of a dwelling unit vacated by a tenant in  
20 accordance with (a) of this Section, who has received a  
21 security deposit from a tenant to secure the payment of rent or  
22 to compensate for damage to the leased property, may not  
23 withhold any part of that deposit as compensation for radon  
24 testing or mitigation activities. However, the landlord may  
25 withhold part of the security deposit in cases where the tenant

1 had a mitigation system installed without the landlord's  
2 consent and the system was not properly installed by a radon  
3 contractor. An itemized statement must be provided to the  
4 tenant if any part of the security deposit is withheld.

5 (c) Upon a finding by a circuit court that a landlord has  
6 improperly held a security deposit because of radon testing or  
7 mitigation activities, the landlord shall be liable for an  
8 amount equal to twice the amount of the security deposit due,  
9 together with court costs and reasonable attorney's fees.

10 Section 30. Home rule. A home rule unit may not regulate  
11 lease agreements in a manner that diminishes the rights of  
12 tenants under this Act. This Section is a limitation under  
13 subsection (i) of Section 6 of Article VII of the Illinois  
14 Constitution on the concurrent exercise by home rule units of  
15 powers and functions exercised by the State.

16 Section 99. Effective date. This Act takes effect January  
17 1, 2011.