



Rep. Dan Reitz

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09600HB5224ham001

LRB096 16341 AJ0 39573 a

1 AMENDMENT TO HOUSE BILL 5224

2 AMENDMENT NO. _____. Amend House Bill 5224 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Tenants Radon Protection Act.

6 Section 5. Findings. 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.

1 "IEMA" means the Illinois Emergency Management Agency.

2 "Landlord" means, but is not limited to, an individual,
3 company, corporation, firm, group, association, partnership,
4 joint venture, trust, government agency, or subdivision
5 leasing a dwelling unit to a tenant.

6 "Lease" means an oral or written agreement under which a
7 property owner allows a tenant to use the property for a
8 specified period of time and rent.

9 "Mitigation" means the act of repairing or altering a
10 building or building design for the purpose in whole or in part
11 of reducing the concentration of radon in the indoor atmosphere
12 according to procedures described in 32 Illinois
13 Administrative Code 422.

14 "Radon" means a gaseous radioactive decay product of
15 uranium or thorium.

16 "Radon contractor" means a person licensed in accordance
17 with the Radon Industry Licensing Act to perform radon
18 mitigation or to perform measurements of radon in an indoor
19 atmosphere.

20 "Radon hazard" means exposure to indoor radon
21 concentrations at or in excess of the IEMA's recommended Radon
22 Action Level (4.0 pCi/L).

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

26 "Tenant" means a person who is about to enter or has

1 entered into an oral or written lease with a landlord whereby
2 the person leases the dwelling unit.

3 Section 15. Radon testing and disclosure.

4 (a) At the time of or before a lease is entered into, or at
5 any time that a lease is in effect, the landlord shall provide
6 to each tenant in a dwelling unit on or below the third floor
7 any records or reports pertaining to radon concentrations
8 within the dwelling unit that present a radon hazard to the
9 tenant in accordance with subsection (e).

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

14 (c) Nothing in this Section is intended to or shall be
15 construed to imply an obligation to conduct any radon testing
16 activities.

17 (d) The landlord shall provide to the tenant the IEMA
18 pamphlet entitled "IEMA Radon Guide for Tenants" or an
19 equivalent pamphlet approved for use by IEMA.

20 (e) The Disclosure of Information on Radon Hazards to be
21 provided to each tenant of a dwelling unit as required by this
22 Section is as follows:

23 DISCLOSURE OF INFORMATION ON RADON HAZARDS

24 (For Rental Property)

1 Radon Warning Statement

2 Each tenant in this residence is notified that the property
 3 may present exposure to levels of indoor radon gas that may
 4 place the occupants at risk of developing radon-induced lung
 5 cancer. Radon, a Class-A human carcinogen, is the leading cause
 6 of lung cancer in non-smokers and the second leading cause
 7 overall. The landlord of any residence is required to provide
 8 each tenant with any information on radon test results of the
 9 dwelling unit that presents a radon hazard to the tenant.

10 The Illinois Emergency Management Agency (IEMA) strongly
 11 recommends that ALL rental property have a radon test performed
 12 and if elevated levels of radon are found, that the radon be
 13 mitigated. Elevated radon concentrations can easily be reduced
 14 by a radon contractor.

15 Property address
 16 Landlord's Disclosure (initial each of the following which
 17 applies)

18 (1) Landlord has no knowledge of elevated radon
 19 concentrations (or records or reports pertaining to elevated
 20 radon concentrations) in the dwelling unit.

21 (2) Radon concentrations (above IEMA recommended

1 Radon Action Level 4.0 pCi/L) are known to be present within
2 the dwelling unit. (Explain)

3 (3) Landlord has provided the tenant with all
4 available records and reports pertaining to radon
5 concentrations within the dwelling unit.

6 Tenant's Acknowledgment (initial)

7 (4) Tenant has received copies of all information
8 listed above.

9 (5) Tenant has received pamphlet "IEMA Radon
10 Guide for Tenants".

11 Certification of Accuracy

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

15 Landlord Date

16 Tenant Date

17 Section 20. Mitigation of radon hazard.

18 (a) The landlord may have 30 days after notification by the
19 tenant to have a radon test performed by a radon contractor to

1 confirm a radon test performed by the tenant. This measurement
2 by a radon contractor is valid for a period of 5 years from the
3 date of the testing.

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

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

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

14 Section 25. Home rule. A home rule unit may not regulate
15 lease agreements in a manner that diminishes the rights of
16 tenants under this Act. This Section is a limitation under
17 subsection (i) of Section 6 of Article VII of the Illinois
18 Constitution on the concurrent exercise by home rule units of
19 powers and functions exercised by the State.

20 Section 99. Effective date. This Act takes effect January
21 1, 2011."