

HB5791



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5791

by Rep. Silvana Tabares

SYNOPSIS AS INTRODUCED:

410 ILCS 45/9

from Ch. 111 1/2, par. 1309

Amends the Lead Poisoning Prevention Act to provide that if an inspection report identifies a lead hazard, then lead abatement must be conducted before any construction to or demolition of the dwelling or residential building may occur.

LRB098 17693 RPM 52807 b

A BILL FOR

1 AN ACT concerning public 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 leaded surface coating, the lead hazard shall be deemed
22 to have been mitigated if:

23 (A) The surface identified as the source of the hazard

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

4 (B) If the surface identified as the source of the
5 hazard is accessible to children and could reasonably be
6 chewed on by children, the surface coating is either
7 removed or covered, the surface is removed, or the access
8 to the leaded surface by children is otherwise prevented as
9 prescribed by the Department.

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

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

23 (5) When a mitigation notice is issued for a dwelling unit
24 inspected as a result of an elevated blood lead level in a
25 pregnant woman or a child, or if the dwelling unit is occupied
26 by a child under 6 years of age or a pregnant woman, the owner

1 shall mitigate the hazard within 30 days of receiving the
2 notice; otherwise, the owner shall complete the mitigation
3 within 90 days.

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

13 (7) The Department or its delegate agency may, after the
14 deadline set for completion of mitigation, conduct a follow-up
15 inspection of any dwelling for which a mitigation notice was
16 issued for the purpose of determining whether the mitigation
17 actions required have been completed and whether the activities
18 have sufficiently mitigated the lead hazard as provided under
19 this Section. The Department or its delegate agency may conduct
20 a follow-up inspection upon the request of an owner or
21 resident. If, upon completing the follow-up inspection, the
22 Department or its delegate agency finds that the lead hazard
23 for which the mitigation notice was issued is not mitigated,
24 the Department or its delegate agency shall serve the owner
25 with notice of the deficiency and a mitigation order. The order
26 shall indicate the specific actions the owner must take to

1 comply with the mitigation requirements of this Act, which may
2 include abatement if abatement is the sole means by which the
3 lead hazard can be mitigated. The order shall also include the
4 date by which the mitigation shall be completed. If, upon
5 completing the follow-up inspection, the Department or
6 delegate agency finds that the mitigation requirements of this
7 Act have been satisfied, the Department or delegate agency
8 shall provide the owner with a certificate of compliance
9 stating that the required mitigation has been accomplished.

10 (8) If an inspection report identifies a lead hazard, then
11 lead abatement must be conducted before any construction to or
12 demolition of the dwelling or residential building may occur.

13 (Source: P.A. 87-175; 87-1144.)