

AN ACT concerning health.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Comprehensive Lead Education, Reduction, and Window Replacement Program Act is amended by changing Sections 5, 10, 20, 25, and 30 and by adding Section 16 as follows:

(410 ILCS 43/5)

Sec. 5. Findings; intent; establishment of program.

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

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

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

(3) Lead poisoning causes irreversible damage to the development of a child's nervous system. Even at low and moderate levels, lead poisoning causes learning disabilities, problems with speech, shortened attention span, hyperactivity, and behavioral problems. Recent research links low levels of lead exposure to lower IQ

scores and to juvenile delinquency.

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

(5) While the use of lead-based paint in residential properties was banned in 1978, the State of Illinois ranks seventh nationally in the number of housing units built before 1978 and has the highest risk for lead hazards.

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

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

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

(8) Children at the highest risk for lead poisoning live in low-income communities and in older housing throughout the State of Illinois.

~~(8) Less than 25% of children in Illinois age 6 and~~

~~under have been tested for lead poisoning . While children are lead poisoned throughout Illinois, counties above the statewide average include: Alexander, Cass, Cook, Fulton, Greene, Kane, Kankakee, Knox, LaSalle, Macon, Mercer, Peoria, Perry, Rock Island, Sangamon, St. Clair, Stephenson, Vermilion, Will, and Winnebago.~~

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

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

(11) The Comprehensive Lead Elimination, Reduction, and Window Replacement (CLEAR-WIN) Program was established under Public Act 95-492 as a pilot program to reduce potential lead hazards by replacing windows in low-income, pre-1978 homes. It also provided for on-the-job training for community members in 2 pilot communities in Chicago and Peoria County.

(12) The CLEAR-WIN Program provided for installation of 8,000 windows in 466 housing units between 2010 and 2014. Evaluations of the pilot program determined window replacement was effective in lowering lead hazards and

produced energy, environmental, health, and market benefits. Return on investment was almost \$2 for every dollar spent.

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

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

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

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

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

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

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

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

(c) The General Assembly hereby establishes the Comprehensive Lead Education, Reduction, and Window

Replacement Program to assist residential property owners through a Lead Direct Assistance Program ~~loan and grant programs~~ to reduce lead ~~paint~~ hazards in residential properties through ~~window replacement in pilot area communities~~. Where ~~there is a lack of workers trained to remove lead based paint hazards, job training programs must be initiated~~. The General Assembly ~~also recognizes that training, insurance, and licensing costs are prohibitively high and hereby establishes incentives for contractors to do lead abatement work.~~

(d) The Department of Public Health is authorized to:

(1) adopt rules necessary to implement this Act;

(2) adopt by reference the Illinois Administrative Procedure Act for administration of this Act;

(3) assess administrative fines and penalties, as established by the Department by rule, for persons violating rules adopted by the Department under this Act;

(4) make referrals for prosecution to the Attorney General or the State's Attorney for the county in which a violation occurs, for a violation of this Act or the rules adopted under this Act; and

(5) establish agreements under the Intergovernmental Cooperation Act with the Department of Commerce and Economic Opportunity, the Illinois Housing Development Authority, or any other public agency as required, to implement this Act.

(Source: P.A. 95-492, eff. 1-1-08.)

(410 ILCS 43/10)

Sec. 10. Definitions. In this Act:

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

"Child care facility" means any structure used by a child care provider licensed by the Department of Children and Family Services or a public or private school structure frequented by children 6 years of age or younger.

"Child-occupied property" means a property where a child under 6 years of age is on the property an average of at least 6 hours per week.

"CLEAR-WIN Program" refers to the Comprehensive Lead Education, Reduction, and Window Replacement Program created pursuant to this Act to assist property owners of single-family ~~single-family~~ homes and multi-unit residential properties in the State ~~pilot area communities~~, through the Direct Assistance Program, which reduces ~~loan and grant programs that reduce lead paint and leaded plumbing~~ hazards ~~primarily through window replacement~~ and, where necessary, through other lead ~~lead-based paint~~ hazard control techniques.

"Department" means the Department of Public Health.

"Director" means the Director of Public Health.

"Lead hazard" means a lead-bearing substance that poses an immediate health hazard to humans.

"Lead Safe Housing Maintenance Standards" refers to the

standards developed by the Lead Safe Housing Department in conjunction with the Advisory Council.

"Leaded plumbing" means that portion of a building's potable water plumbing that is suspected or known to contain lead or lead-containing material as indicated by lead in potable water samples.

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

"Person" means an individual, corporation, partnership, firm, organization, or association, acting individually or as a group.

"Plumbing" has the meaning ascribed to that term in the Illinois Plumbing Licensing Law.

"Recipient" means a person receiving direct assistance under this Act.

"Residential property" means a single-family residence or renter-occupied property with up to 8 units.

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

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

(Source: P.A. 95-492, eff. 1-1-08.)

(410 ILCS 43/16 new)

Sec. 16. Lead Direct Assistance Program.

(a) Subject to appropriation, the Department, in consultation with the Advisory Council, shall establish and operate the Lead Direct Assistance Program throughout the State. The purpose of the Lead Direct Assistance Program is to employ primary prevention strategies to prevent childhood lead poisoning.

(b) The Department shall administer the Lead Direct Assistance Program to remediate lead-based paint hazards and leaded plumbing hazards in residential properties. Conditions for receiving direct assistance shall be developed by the Department of Public Health, in consultation with the Department of Commerce and Economic Opportunity and the Illinois Housing Development Authority. Criteria for receiving direct assistance shall include:

(1) for owner-occupied properties: (i) the property contains lead hazards; (ii) the property is a child-occupied property or the residence of a pregnant woman; and (iii) the owner is low-income; and

(2) for rental properties: (i) the property contains lead hazards and (ii) 50% or more of the renters in the residential property are low-income.

Recipients of direct assistance under this program shall be provided a copy of the Department's Lead Safe Housing



Maintenance Standards. Before receiving the direct assistance, the recipient must certify that he or she has received the standards and intends to comply with them. If the property is a rental property, the recipient must also certify that he or she will continue to rent to the same tenant or other low-income tenant for a period of not less than 5 years following completion of the work. Failure to comply with the conditions of the Lead Direct Assistance Program is a violation of this Act.

(c) To identify properties with lead hazards, the Department may prioritize properties where at least one child has been found to have an elevated blood lead level under the Lead Poisoning Prevention Act and the paint or potable water has been tested and found to contain lead exceeding levels established by rule.

(d) All lead-based paint hazard control work performed under the Lead Direct Assistance Program shall comply with the Lead Poisoning Prevention Act and the Illinois Lead Poisoning Prevention Code. All plumbing work performed under the Lead Direct Assistance Program shall comply with the Illinois Plumbing Licensing Act and the Illinois Plumbing Code. Before persons are paid for work conducted under this Act, each subject property must be inspected by a lead risk assessor or lead inspector licensed in Illinois. Prior to payment, an appropriate number of dust samples must be collected from in and around the work areas for lead analysis, with results in

compliance with levels set by the Lead Poisoning Prevention Act and the Illinois Lead Poisoning Prevention Code or in the case of leaded plumbing work, be inspected by an Illinois-certified plumbing inspector. All costs associated with these inspections, including laboratory fees, shall be compensable to the person contracted to provide direct assistance, as prescribed by rule. Additional repairs and clean-up costs associated with a failed clearance test, including follow-up tests, shall be the responsibility of the person performing the work under the Lead Direct Assistance Program.

(e) The Department shall issue Lead Safe Housing Maintenance Standards in accordance with this Act. Except for properties where all lead-based paint, leaded plumbing, or other identified lead hazards have been removed, the standards shall describe the responsibilities of property owners and tenants in maintaining lead-safe housing, including, but not limited to, prescribing special cleaning, repair, flushing, filtering, and maintenance necessary to minimize the risk that subject properties will cause lead poisoning in children. Recipients of direct assistance shall be required to continue to maintain their properties in compliance with these Lead Safe Housing Maintenance Standards. Failure to maintain properties in accordance with these standards is a violation and may subject the recipient to fines and penalties prescribed by rule.

(f) From funds appropriated, the Department may pay its own

reasonable administrative costs and, by agreement, the reasonable administrative costs of other public agencies.

(g) Failure by a person performing work under the Lead Direct Assistance Program to comply with rules or any contractual agreement made thereunder may subject the person to administrative action by the Department or other public agencies, in accordance with rules adopted under this Act, including, but not limited to, civil penalties, retainage of payment, and loss of eligibility to participate. Civil actions, including for reimbursement, damages, and money penalties, and criminal actions may be brought by the Attorney General or the State's Attorney for the county in which the violation occurs.

(410 ILCS 43/20)

Sec. 20. Lead abatement training. The Advisory Council shall advise the Department ~~determine~~ whether a sufficient number of lead abatement training programs exist to serve the State. If the Department determines ~~pilot sites. If it is determined~~ additional programs are needed, then the Department may use funds appropriated under this Act to address the deficiencies ~~the Advisory Council shall work with the Department to establish the additional training programs for purposes of the CLEAR WIN Program.~~

(Source: P.A. 95-492, eff. 1-1-08.)

(410 ILCS 43/25)

Sec. 25. Insurance assistance. The Department, through agreements with other public agencies, may allow for reimbursement of certain insurance costs associated with persons performing work under the Lead Direct Assistance Program. ~~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. Receipt of the subsidies shall be reviewed annually by the Department. The Department shall adopt rules for implementation of these insurance subsidies within 6 months after the effective date of this Act.~~

(Source: P.A. 95-492, eff. 1-1-08.)

(410 ILCS 43/30)

Sec. 30. Advisory Council. The Advisory Council shall assist the Department in developing ~~submit~~ an annual written report to the Governor and General Assembly on the operation and effectiveness of the CLEAR-WIN Program. The report must evaluate the program's effectiveness on reducing the prevalence of lead poisoning in children ~~in the pilot area communities and in training and employing persons in the pilot area communities.~~ The report also must: (i) contain information about training and employment associated with persons providing direct assistance work, (ii) describe the numbers of

units in which lead hazards were remediated or leaded plumbing replaced, (iii) ~~lead-based paint was abated~~; specify the type of work completed and the types of dwellings and demographics of persons assisted, (iv) ~~+~~ summarize the cost of lead ~~lead-based paint~~ hazard control and CLEAR-WIN Program administration, (v) report on ~~+~~ rent increases or decreases in the residential property affected by direct assistance work and pilot area communities, rental property ownership changes, (vi) describe ~~+~~ and any other CLEAR-WIN actions taken by the Department, other public agencies, or the Advisory Council, and (vii) recommend any necessary legislation or rule-making to improve the effectiveness of this ~~the CLEAR-WIN~~ Program.

(Source: P.A. 95-492, eff. 1-1-08.)

(410 ILCS 43/15 rep.)

Section 10. The Comprehensive Lead Education, Reduction, and Window Replacement Program Act is amended by repealing Section 15.

Section 99. Effective date. This Act takes effect upon becoming law.