

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

8 (410 ILCS 43/5)

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

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

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

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

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

1 scores and to juvenile delinquency.

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

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

10 ~~(5) The State of Illinois ranks 10th out of the 50~~  
11 ~~states in the age of its housing stock. More than 50% of~~  
12 ~~the housing units in Chicago and in Rock Island, Peoria,~~  
13 ~~Macon, Madison, and Kankakee counties were built before~~  
14 ~~1960. More than 43% of the housing units in St. Clair,~~  
15 ~~Winnebago, Sangamon, Kane, and Cook counties were built~~  
16 ~~before 1950.~~

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

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

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

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

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

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

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

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

23 (12) The CLEAR-WIN Program provided for installation  
24 of 8,000 windows in 466 housing units between 2010 and  
25 2014. Evaluations of the pilot program determined window  
26 replacement was effective in lowering lead hazards and

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

4       (13) ~~(11)~~ There is an insufficient pool of licensed  
5       lead abatement workers and contractors to address the  
6       problem in some areas of the State.

7       (14) ~~(12)~~ Through grants from the U.S. Department of  
8       Housing and Urban Development and State dollars, some  
9       communities in Illinois have begun to reduce lead poisoning  
10      of children. While this is an ongoing effort, it only  
11      addresses a small number of the low-income children  
12      statewide in communities with high levels of lead paint in  
13      the housing stock.

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

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

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

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

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

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

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

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

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

11 (1) adopt rules necessary to implement this Act;

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

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

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

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

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

1 (410 ILCS 43/10)

2 Sec. 10. Definitions. In this Act:

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

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

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

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

21 "Department" means the Department of Public Health.

22 "Director" means the Director of Public Health.

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

25 "Lead Safe Housing Maintenance Standards" refers to the

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

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

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

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

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

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

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

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

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

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

1 (410 ILCS 43/16 new)

2 Sec. 16. Lead Direct Assistance Program.

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

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

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

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

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



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

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

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

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

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

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

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

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

13 (410 ILCS 43/20)

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

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

24 (410 ILCS 43/25)

1           Sec. 25. Insurance assistance. The Department, through  
2 agreements with other public agencies, may allow for  
3 reimbursement of certain insurance costs associated with  
4 persons performing work under the Lead Direct Assistance  
5 Program. ~~shall make available, for the portion of a policy~~  
6 ~~related to lead activities, 100% insurance subsidies to~~  
7 ~~licensed lead abatement contractors who primarily target their~~  
8 ~~work to the pilot area communities and employ a significant~~  
9 ~~number of licensed lead abatement workers from the pilot area~~  
10 ~~communities. Receipt of the subsidies shall be reviewed~~  
11 ~~annually by the Department. The Department shall adopt rules~~  
12 ~~for implementation of these insurance subsidies within 6 months~~  
13 ~~after the effective date of this Act.~~

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

15           (410 ILCS 43/30)

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

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

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

14 (410 ILCS 43/15 rep.)

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

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