



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5790

by Rep. Harry Osterman

SYNOPSIS AS INTRODUCED:

410 ILCS 45/9.5 new
410 ILCS 45/11.05

Amends the Lead Poisoning Prevention Act. Provides that the Department of Public Health shall create, maintain, and make available to the public a Hazardous Housing Registry that will provide information regarding all properties within the State for which a mitigation notice has been issued pursuant to this Act. Provides that the property shall remain on the registry until the Department issues a certificate of compliance. Sets forth the specific requirements for information that shall be made available for properties included on the registry. Provides that the Department shall make the Hazardous Housing Registry available on its Internet website, accessible through a link on the Department's home page or first entry point. Provides that the Department shall include the required information for all housing for which a mitigation notice was issued prior to the effective date of the Act. Provides that the Lead-Safe Housing Advisory Council shall develop a distribution plan for the Hazardous Housing Registry created pursuant to the Act and that the Department shall implement the distribution plan before January 1, 2009. Effective immediately.

LRB095 19800 KBJ 46187 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Lead Poisoning Prevention Act is amended by
5 changing Section 11.05 and by adding Section 9.5 as follows:

6 (410 ILCS 45/9.5 new)

7 Sec. 9.5. Illinois Hazardous Housing Registry.

8 (a) The Department shall create, maintain, and make
9 available to the public a Hazardous Housing Registry that will
10 provide information regarding all properties within this State
11 for which a mitigation notice has been issued pursuant to
12 Section 9 of this Act. The property shall remain on the
13 registry until the Department issues a certificate of
14 compliance pursuant to subsection (7) of Section 9 of this Act.

15 (b) The following information shall be made available for
16 properties included on the registry:

17 (1) whether the property is a single family home or
18 multi-unit dwelling;

19 (2) street address, including unit or apartment
20 number, city and county;

21 (3) date the mitigation notice was issued;

22 (4) the dates of any deadline extensions issued by the
23 Department or its delegate agencies pursuant to subsection

1 (6) of Section 9 of this Act;

2 (5) whether a mitigation or abatement plan has been
3 filed by the property owner pursuant to subsection (4) of
4 Section 9 of this Act; and

5 (6) whether the Department has issued a notice of
6 deficiency pursuant to subsection (7) of Section 9 of this
7 Act.

8 (c) Properties shall be added to and removed from the
9 Hazardous Housing Registry as follows:

10 (1) Properties shall be added to the registry within 3
11 business days of the date the mitigation notice is issued
12 by the Department.

13 (2) A property shall be removed from the registry upon
14 issuance of the certificate of compliance by the
15 Department.

16 (d) The Department shall make the Hazardous Housing
17 Registry available on its Internet website, accessible through
18 a link on the Department's home page or first entry point. The
19 registry shall be capable of being searched by city and county.

20 (e) The Department shall include the required information
21 for all housing for which a mitigation notice was issued prior
22 to the effective date of this amendatory Act of the 95th
23 General Assembly.

24 (410 ILCS 45/11.05)

25 Sec. 11.05. Advisory Council.

1 (a) The General Assembly finds the following:

2 (1) Lead-based paint poisoning is a potentially
3 devastating but preventable disease and is the number one
4 environmental threat to children's health in the United
5 States.

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

9 (3) Lead poisoning causes irreversible damage to the
10 development of a child's nervous system. Even at low and
11 moderate levels, lead poisoning causes learning
12 disabilities, speech problems, shortened attention span,
13 hyperactivity, and behavioral problems. Recent research
14 links high levels of lead exposure to lower IQ scores and
15 to juvenile delinquency.

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

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

26 (6) There are nearly 1.4 million households with

1 lead-based paint hazards in Illinois.

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

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

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

15 (10) There is an insufficient pool of licensed lead
16 abatement workers and contractors to address the problem in
17 some areas of the State.

18 (11) Training, insurance, and licensing costs for lead
19 removal workers are prohibitively high.

20 (12) Through grants from the United States Department
21 of Housing and Urban Development, some communities in
22 Illinois have begun to reduce lead poisoning of children.
23 While this is an ongoing effort, it addresses only a small
24 number of the low-income children statewide in communities
25 with high levels of lead paint in the housing stock.

26 (b) For purposes of this Section:

1 "Advisory Council" means the Lead-Safe Housing Advisory
2 Council created under subsection (c).

3 "Lead-Safe Housing Maintenance Standards" or "Standards"
4 means standards developed by the Advisory Council pursuant to
5 this Section.

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

10 "Primary prevention" means removing lead hazards before a
11 child is poisoned rather than relying on identification of a
12 lead poisoned child as the triggering event.

13 (c) The Lead-Safe Housing Advisory Council is created to
14 advise the Department on lead poisoning prevention activities.
15 The Advisory Council shall be chaired by the Director or his or
16 her designee and the chair of the Illinois Lead Safe Housing
17 Task Force and provided with administrative support by the
18 Department. The Advisory Council shall be comprised of (i) the
19 directors, or their designees, of the Illinois Housing
20 Development Authority and the Environmental Protection Agency;
21 and (ii) the directors, or their designees, of public health
22 departments of counties identified by the Department that
23 contain communities with a concentration of high-risk,
24 lead-contaminated properties.

25 The Advisory Council shall also include the following
26 members appointed by the Governor:

1 (1) One representative from the Illinois Association
2 of Realtors.

3 (2) One representative from the insurance industry.

4 (3) Two pediatricians or other physicians with
5 knowledge of lead-paint poisoning.

6 (4) Two representatives from the private-sector,
7 lead-based-paint-abatement industry who are licensed in
8 Illinois as an abatement contractor, worker, or risk
9 assessor.

10 (5) Two representatives from community based
11 organizations in communities with a concentration of high
12 risk lead contaminated properties. High-risk communities
13 shall be identified based upon the prevalence of low-income
14 families whose children are lead poisoned and the age of
15 the housing stock.

16 (6) At least 3 lead-safe housing advocates, including
17 (i) the parent of a lead-poisoned child, (ii) a
18 representative from a child advocacy organization, and
19 (iii) a representative from a tenant housing organization.

20 (7) One representative from the Illinois paint and
21 coatings industry.

22 Within 9 months after its formation, the Advisory Council
23 shall submit a written report to the Governor and the General
24 Assembly on:

25 (1) developing a primary prevention program for
26 addressing lead poisoning;

1 (2) developing a sufficient pool of lead abatement
2 workers and contractors;

3 (3) targeting blood lead screening to children
4 residing in high-risk buildings and neighborhoods;

5 (4) ensuring lead-safe work practices in all
6 remodeling, rehabilitation, and weatherization work;

7 (5) funding mechanisms to assist residential property
8 owners in costs of lead abatement and mitigation;

9 (6) providing insurance subsidies to licensed lead
10 abatement contractors who target their work to high-risk
11 communities; and

12 (7) developing any necessary legislation or rulemaking
13 to improve the effectiveness of State and local programs in
14 lead abatement and other prevention and control
15 activities.

16 The Advisory Council shall develop handbooks and training
17 for property owners and tenants explaining the Standards and
18 State and federal requirements for lead-safe housing.

19 The Advisory Council shall develop a distribution plan for
20 the Hazardous Housing Registry created pursuant to Section 9.5
21 of this Act. The Department shall implement the distribution
22 plan before January 1, 2009.

23 The Advisory Council shall meet at least quarterly. Its
24 members shall receive no compensation for their services, but
25 their reasonable travel expenses actually incurred shall be
26 reimbursed by the Department.

1 (Source: P.A. 93-348, eff. 1-1-04; 93-789, eff. 7-22-04.)

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