



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0141

Introduced 1/18/2011, by Rep. Dan Reitz

SYNOPSIS AS INTRODUCED:

New Act

Creates the Tenants Radon Protection Act. Provides definitions and makes findings. Provides that before a lease is signed, a landlord shall provide to each tenant in a dwelling unit, on or below the third floor, any records or reports pertaining to radon concentrations within the dwelling unit that present a radon hazard. Provides that before a lease is signed, a landlord shall furnish each prospective tenant with an Illinois Emergency Management Agency radon guide for tenants, a prescribed form of disclosure of information on radon hazards, and any test results. Provides that a landlord has up to 30 days to obtain a radon test after receipt of a tenant's notification of a test revealing radon. Provides that a measurement by a radon contractor is valid for 5 years. Provides that nothing implies an obligation on a landlord or a tenant to conduct any radon testing. Provides that this is a limitation on home rule powers. Contains other provisions. Effective January 1, 2012.

LRB097 05431 AJ0 45489 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning civil law.

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

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.

16 "IEMA" means the Illinois Emergency Management Agency.

17 "Landlord" means, but is not limited to, an individual,
18 company, corporation, firm, group, association, partnership,
19 joint venture, trust, government agency, or subdivision
20 leasing a dwelling unit to a tenant.

21 "Lease" means an oral or written agreement under which a
22 property owner allows a tenant to use the property for a

1 specified period of time and rent.

2 "Mitigation" means the act of repairing or altering a
3 building or building design for the purpose in whole or in part
4 of reducing the concentration of radon in the indoor atmosphere
5 according to procedures described in 32 Illinois
6 Administrative Code 422.

7 "Radon" means a gaseous radioactive decay product of
8 uranium or thorium.

9 "Radon contractor" means a person licensed in accordance
10 with the Radon Industry Licensing Act to perform radon
11 mitigation or to perform measurements of radon in an indoor
12 atmosphere.

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

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

19 "Tenant" means a person who is about to enter or has
20 entered into an oral or written lease with a landlord whereby
21 the person leases the dwelling unit.

22 Section 15. Radon testing and disclosure.

23 (a) At the time of or before a lease is entered into, or at
24 any time that a lease is in effect, the landlord shall provide
25 to each tenant in a dwelling unit on or below the third floor

1 any records or reports pertaining to radon concentrations
2 within the dwelling unit that present a radon hazard to the
3 tenant in accordance with subsection (e).

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

8 (c) Nothing in this Section is intended to or shall be
9 construed to imply an obligation to conduct any radon testing
10 activities.

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

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

17 DISCLOSURE OF INFORMATION ON RADON HAZARDS

18 (For Rental Property)

19 Radon Warning Statement

20 Each tenant in this residence is notified that the property
21 may present exposure to levels of indoor radon gas that may
22 place the occupants at risk of developing radon-induced lung
23 cancer. Radon, a Class-A human carcinogen, is the leading cause

1 of lung cancer in non-smokers and the second leading cause
 2 overall. The landlord of any residence is required to provide
 3 each tenant with any information on radon test results of the
 4 dwelling unit that presents a radon hazard to the tenant.

5 The Illinois Emergency Management Agency (IEMA) strongly
 6 recommends that ALL rental property have a radon test performed
 7 and if elevated levels of radon are found, that the radon be
 8 mitigated. Elevated radon concentrations can easily be reduced
 9 by a radon contractor.

10 Property address

11 Landlord's Disclosure (initial each of the following which
 12 applies)

13 (1) Landlord has no knowledge of elevated radon
 14 concentrations (or records or reports pertaining to elevated
 15 radon concentrations) in the dwelling unit.

16 (2) Radon concentrations (above IEMA recommended
 17 Radon Action Level 4.0 pCi/L) are known to be present within
 18 the dwelling unit. (Explain)

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

22 Tenant's Acknowledgment (initial)

1 (4) Tenant has received copies of all information
2 listed above.

3 (5) Tenant has received pamphlet "IEMA Radon
4 Guide for Tenants".

5 Certification of Accuracy

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

9 Landlord Date

10 Tenant Date

11 Section 20. Mitigation of radon hazard.

12 (a) The landlord may have 30 days after notification by the
13 tenant to have a radon test performed by a radon contractor to
14 confirm a radon test performed by the tenant. This measurement
15 by a radon contractor is valid for a period of 5 years from the
16 date of the testing.

17 (b) Landlords deciding to have radon mitigation performed
18 shall have the mitigation system installed by a radon
19 contractor.

20 (c) Tenants deciding to have radon mitigation performed

1 shall have the mitigation system installed by a radon
2 contractor. Tenants shall have the landlord's consent prior to
3 undertaking any mitigation activities.

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

7 Section 25. Home rule. A home rule unit may not regulate
8 lease agreements in a manner that diminishes the rights of
9 tenants under this Act. This Section is a limitation under
10 subsection (i) of Section 6 of Article VII of the Illinois
11 Constitution on the concurrent exercise by home rule units of
12 powers and functions exercised by the State.

13 Section 99. Effective date. This Act takes effect January
14 1, 2012.