

1 AN ACT concerning safety.

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. Purpose. Radon is the leading cause of death in
7 private homes and is a radioactive element that is part of the
8 radioactive decay chain of naturally occurring uranium in soil.
9 Unlike carbon monoxide and many other home pollutants, radon's
10 adverse health effect, lung cancer, is usually not produced
11 immediately.

12 Section 10. Definitions. As used in this Act:

13 "Dwelling unit" means a room or suite of rooms used for
14 human habitation. "Dwelling unit" includes a single family
15 residence as well as each living unit of a multiple family
16 residence and each living unit in a mixed use building.

17 "IEMA" means the Illinois Emergency Management Agency.

18 "Landlord" means any person or entity leasing a dwelling
19 unit to a tenant, and includes, but is not limited to, an
20 individual, company, corporation, firm, group, association,
21 partnership, joint venture, trust, government agency or
22 subdivision thereof.

1 "Lease" means an oral or written agreement under which a
2 property owner allows a tenant to use the property for a
3 specified rent and period of time.

4 "Mitigation" means the act of repairing or altering a
5 building or building design for the purpose in whole or in part
6 of reducing the concentration of radon in the indoor atmosphere
7 according to procedures described in 32 Ill. Adm. Code Part
8 422.

9 "Radon" means a gaseous radioactive decay product of
10 uranium or thorium.

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

15 "Radon hazard" means exposure to indoor radon
16 concentrations at or in excess of the IEMA's recommended Radon
17 Action Level.

18 "Radon test" means a measurement of indoor radon
19 concentrations in accordance with the provisions of 32 Ill.
20 Adm. Code Part 422 for performing radon measurements.

21 "Tenant" means a person who is about to enter or has
22 entered into an oral or written lease with a landlord to lease
23 a dwelling unit.

24 Section 15. Radon testing and disclosure.

25 (a) At the time of or before a lease is entered into, and

1 at any time that a lease is in effect, the landlord shall
2 provide to each tenant in a dwelling unit copies of any records
3 or reports pertaining to radon concentrations within the
4 dwelling unit that indicate a radon hazard to the tenant, as
5 provided in subsection (e).

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

10 (c) Nothing in this Section is intended to or shall be
11 construed to imply an obligation of a landlord or tenant to
12 conduct any radon testing activities.

13 (d) The landlord shall provide to the tenant the IEMA
14 pamphlet entitled "IEMA Radon Guide for Tenants".

15 (e) The following Disclosure of Information on Radon
16 Hazards to Tenants shall be provided to each tenant of a
17 dwelling unit:

18 "DISCLOSURE OF INFORMATION ON RADON HAZARDS TO TENANTS

19 Radon Warning Statement

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

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

5 The Illinois Emergency Management Agency (IEMA) strongly
6 recommends ALL rental property have a radon test performed and
7 radon hazards mitigated if elevated levels are found in a
8 dwelling unit or a routinely occupied area of a multiple family
9 residence. Elevated radon concentrations can easily be reduced
10 by a radon contractor.

11 Property address:.....

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

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

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

20 (c) Landlord has provided the tenant with copies of

1 all available records and reports pertaining to radon
2 concentrations within the dwelling unit.

3 Tenant's Acknowledgment (initial)

4 (d) Tenant has received copies of all information
5 listed above.

6 (e) Tenant has received pamphlet "IEMA Radon Guide for
7 Tenants".

8 Certification of Accuracy

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

12 Landlord Date
13 Tenant Date"

14 Section 20. Mitigation of radon hazard.

15 (a) If a landlord disputes the results of a radon test
16 performed by a tenant, the landlord may hire a radon contractor
17 to perform a radon test within 30 days after the tenant
18 notifies the landlord of the results of his or her radon test.
19 This measurement by a radon contractor is valid for a period of

1 2 years after the date of the testing unless renovations,
2 additions, or modifications are made to the building.

3 (b) Landlords deciding to have radon mitigation performed
4 shall have the mitigation system installed by a radon
5 contractor.

6 (c) Tenants deciding to have radon mitigation performed
7 shall have the mitigation system installed by a radon
8 contractor. Tenants shall have the landlord's consent prior to
9 undertaking any mitigation activities.

10 (d) Nothing in this Section is intended to or shall be
11 construed to imply an obligation of a landlord or tenant to
12 conduct any radon testing or mitigation activities.

13 Section 25. Termination of lease.

14 (a) A tenant has the right to terminate a lease if the
15 landlord has failed to correct the radon hazard within 120 days
16 after having been initially informed of a radon hazard.

17 (b) A landlord of a dwelling unit vacated by a tenant in
18 accordance with subsection (a), who has received a security
19 deposit from a tenant to secure the payment of rent or to
20 compensate for damage to the leased property, may not withhold
21 any part of that deposit as compensation for radon testing or
22 mitigation activities. However, the landlord may withhold part
23 of the security deposit in cases where the tenant had a
24 mitigation system installed without the landlord's consent and
25 the system was not property installed by a radon contractor. An

1 itemized statement must be provided to the tenant if all or
2 part of the security deposit is withheld.

3 Section 30. Home rule. A home rule unit may not regulate
4 lease agreements in a manner that diminishes the rights of
5 tenants under this Act. This Section is a limitation under
6 subsection (i) of Section 6 of Article VII of the Illinois
7 Constitution on the concurrent exercise by home rule units of
8 powers and functions exercised by the State.

9 (420 ILCS 46/25 rep.)

10 Section 50. The Illinois Radon Awareness Act is amended by
11 repealing Section 25.

12 Section 99. Effective date. This Act takes effect January
13 1, 2017.