



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1929

Introduced 2/9/2023, by Sen. Laura Ellman

SYNOPSIS AS INTRODUCED:

New Act
420 ILCS 46/25 rep.

Creates the Tenants Radon Protection Act. Provides that, before a lease is signed, a landlord shall provide each tenant in a dwelling unit with any records or reports that pertain to radon concentrations within the dwelling unit and that indicate a radon hazard exists and shall furnish each prospective tenant with a prescribed radon hazard disclosure form. Provides that, if a tenant performs a radon test, the tenant shall provide the test results to the landlord within 10 days after receiving them. Provides that nothing in the Act implies an obligation for a landlord or tenant to conduct any radon testing. Provides that a lease may be terminated under specified circumstances involving radon hazards. Preempts home rule powers. Amends the Illinois Radon Awareness Act. Repeals a provision requiring landlords to give certain disclosures to tenants. Effective January 1, 2024.

LRB103 25345 CPF 51690 b

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

13 Section 10. Definitions. In this Act:

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

18 "IEMA" means the Illinois Emergency Management Agency.

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

1 subdivision thereof.

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

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

10 "Mobile home" has the same meaning as defined in Section
11 10 of the Manufactured Home Quality Assurance Act.

12 "Radon" means a gaseous radioactive decay product of
13 uranium or thorium.

14 "Radon contractor" means a person licensed under the Radon
15 Industry Licensing Act to perform radon mitigation or
16 measurement in an indoor atmosphere.

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

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

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

1 Section 15. Radon testing and disclosure.

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

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

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

15 (d) A landlord shall provide each tenant with the IEMA
16 pamphlet entitled "IEMA Radon Guide for Tenants" or an
17 equivalent pamphlet approved for use by IEMA.

18 (e) The following Disclosure of Information on Radon
19 Hazards to Tenants shall be provided to each tenant of a
20 dwelling unit:

21 "DISCLOSURE OF INFORMATION ON RADON HAZARDS TO TENANTS"

22 Radon Warning Statement

23 Each tenant in this residence is notified that the
24 property may present exposure to levels of indoor radon

1 gas that may place the occupants at risk of developing
 2 radon-induced lung cancer. Radon, a Class-A human
 3 carcinogen, is the leading cause of death in private homes
 4 and the leading cause of lung cancer in non-smokers. The
 5 landlord of any residence is required to provide each
 6 tenant with any information on radon test results of the
 7 dwelling unit that present a radon hazard to the tenant.

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

15 Property address:.....
 16 Landlord's Disclosure (initial each of the following that
 17 apply)

18 (a) Landlord has no knowledge of elevated radon
 19 concentrations (or records or reports pertaining to
 20 elevated radon concentrations) in the dwelling unit.

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

24 (c) Landlord has provided the tenant with copies of
 25 all available records and reports pertaining to radon
 26 concentrations within the dwelling unit.

1 Tenant's Acknowledgment (initial)

2 (d) Tenant has received copies of all information
3 listed above.

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

6 Certification of Accuracy

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

11 Landlord Date

12 Tenant Date

13 Section 20. Mitigation of radon hazard.

14 (a) If a landlord disputes the results of a radon test
15 performed by a tenant, the landlord may hire a radon
16 contractor to perform a radon test within 30 days after the
17 tenant notifies the landlord of the results of his or her radon
18 test. This measurement by a radon contractor is valid for a
19 period of 2 years after the date of the testing unless any
20 renovations, additions, or modifications are made to the
21 building.

22 (b) Landlords deciding to have radon mitigation performed
23 shall have the mitigation system installed by a radon

1 contractor.

2 (c) A tenant who decides to have radon mitigation
3 performed shall have the mitigation system installed by a
4 radon contractor and shall have the landlord's consent prior
5 to undertaking any mitigation activities.

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

9 Section 25. Termination of lease.

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

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

24 Section 30. Home rule. A home rule unit may not regulate

1 lease agreements or tenant rights in a manner that is
2 inconsistent with the regulation of lease agreements and
3 tenant rights under this Act. This Section is a limitation
4 under subsection (i) of Section 6 of Article VII of the
5 Illinois Constitution on the concurrent exercise by home rule
6 units of powers and functions exercised by the State.

7 (420 ILCS 46/25 rep.)

8 Section 35. The Illinois Radon Awareness Act is amended by
9 repealing Section 25.

10 Section 999. Effective date. This Act takes effect January
11 1, 2024.