



Rep. Emily McAsey

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LRB099 15124 MJP 45696 a

1 AMENDMENT TO HOUSE BILL 4528

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4528 by replacing  
3 everything after the enacting clause with the following:

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

1 residence and each living unit in a mixed use building.

2 "IEMA" means the Illinois Emergency Management Agency.

3 "Landlord" means any person or entity leasing a dwelling  
4 unit to a tenant, and includes, but is not limited to, an  
5 individual, company, corporation, firm, group, association,  
6 partnership, joint venture, trust, government agency or  
7 subdivision thereof.

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

11 "Mitigation" means the act of repairing or altering a  
12 building or building design for the purpose in whole or in part  
13 of reducing the concentration of radon in the indoor atmosphere  
14 according to procedures described in 32 Ill. Adm. Code Part  
15 422.

16 "Radon" means a gaseous radioactive decay product of  
17 uranium or thorium.

18 "Radon contractor" means a person licensed in accordance  
19 with the Radon Industry Licensing Act to perform radon  
20 mitigation or to perform measurements of radon in an indoor  
21 atmosphere.

22 "Radon hazard" means exposure to indoor radon  
23 concentrations at or in excess of the IEMA's recommended Radon  
24 Action Level.

25 "Radon test" means a measurement of indoor radon  
26 concentrations in accordance with the provisions of 32 Ill.

1 Adm. Code Part 422 for performing radon measurements.

2 "Tenant" means a person who is about to enter or has  
3 entered into an oral or written lease with a landlord to lease  
4 a dwelling unit.

5 Section 15. Radon testing and disclosure.

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

12 (b) If a tenant performs a radon test, the tenant shall  
13 provide to the landlord copies of any records or reports  
14 pertaining to radon concentrations within 10 days after  
15 receiving the measurement result.

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

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

21 (e) The following Disclosure of Information on Radon  
22 Hazards to Tenants shall be provided to each tenant of a  
23 dwelling unit:

24 "DISCLOSURE OF INFORMATION ON RADON HAZARDS TO TENANTS

1 Radon Warning Statement

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

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

16 Property address: .....

17 Landlord's Disclosure (initial each of the following which  
18 applies)

19 (a) ..... Landlord has no knowledge of elevated radon  
20 concentrations (or records or reports pertaining to elevated

1 radon concentrations) in the dwelling unit.

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

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

8 Tenant's Acknowledgment (initial)

9 (d) ..... Tenant has received copies of all information  
10 listed above.

11 (e) ..... Tenant has received pamphlet "IEMA Radon Guide for  
12 Tenants".

13 Certification of Accuracy

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

17 Landlord ..... Date .....  
18 Tenant ..... Date ....."

1 Section 20. Mitigation of radon hazard.

2 (a) If a landlord disputes the results of a radon test  
3 performed by a tenant, the landlord may hire a radon contractor  
4 to perform a radon test within 30 days after the tenant  
5 notifies the landlord of the results of his or her radon test.  
6 This measurement by a radon contractor is valid for a period of  
7 2 years after the date of the testing unless renovations,  
8 additions, or modifications are made to the building.

9 (b) Landlords deciding to have radon mitigation performed  
10 shall have the mitigation system installed by a radon  
11 contractor.

12 (c) Tenants deciding to have radon mitigation performed  
13 shall have the mitigation system installed by a radon  
14 contractor. Tenants shall have the landlord's consent prior to  
15 undertaking any mitigation activities.

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

19 Section 25. Termination of lease.

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

23 (b) A landlord of a dwelling unit vacated by a tenant in  
24 accordance with subsection (a), who has received a security

1 deposit from a tenant to secure the payment of rent or to  
2 compensate for damage to the leased property, may not withhold  
3 any part of that deposit as compensation for radon testing or  
4 mitigation activities. However, the landlord may withhold part  
5 of the security deposit in cases where the tenant had a  
6 mitigation system installed without the landlord's consent and  
7 the system was not properly installed by a radon contractor. An  
8 itemized statement must be provided to the tenant if all or  
9 part of the security deposit is withheld.

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

16 (420 ILCS 46/25 rep.)

17 Section 50. The Illinois Radon Awareness Act is amended by  
18 repealing Section 25.

19 Section 99. Effective date. This Act takes effect January  
20 1, 2017."