

1 AMENDMENT TO HOUSE BILL 1887

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1887 by replacing  
3 all of Section 5 with the following:

4 "Section 5. The Lead Poisoning Prevention Act is amended  
5 by changing Sections 8, 9, and 12 as follows:

6 (410 ILCS 45/8) (from Ch. 111 1/2, par. 1308)

7 Sec. 8. Inspection of buildings occupied by a person  
8 screening positive. A representative of the Department, or  
9 delegate agency, shall may, after notification that an  
10 occupant of a the dwelling unit ~~in-question~~ is found to have  
11 a blood lead value of the value set forth in Section 7, upon  
12 presentation of the appropriate credentials to the owner,  
13 occupant, or his representative, inspect the dwelling unit ~~or~~  
14 ~~dwelling-units~~, at reasonable times, for the purposes of  
15 ascertaining that all surfaces accessible to children are  
16 intact and in good repair, and for purposes of ascertaining  
17 the existence of lead bearing substances. The Such  
18 representative of the Department, or delegate agency, may  
19 remove samples or objects necessary for laboratory analysis  
20 and ~~in~~ the determination of the presence of lead-bearing  
21 substances ~~in-the-designated-dwelling-or-dwelling-unit~~.

22 Following the inspection, the Department or its delegate

1 agency shall:

2 (1) Prepare an inspection report which shall:

3 (A) State the address of the dwelling unit.

4 (B) Describe the scope of the inspection, the  
5 inspection procedures used, and the method of  
6 ascertaining the existence of a lead bearing substance in  
7 the dwelling unit.

8 (C) State whether any lead bearing substances were  
9 found in the dwelling unit.

10 (D) Describe the nature, extent, and location of  
11 any lead bearing substance that is found.

12 (E) State either that a lead hazard does exist or  
13 that a lead hazard does not exist. If a lead hazard does  
14 exist, the report shall describe the source, nature and  
15 location of the lead hazard. The existence of intact  
16 lead paint does not alone constitute a lead hazard for  
17 the purposes of this Section.

18 (F) Give the name of the person who conducted the  
19 inspection and the person to contact for further  
20 information regarding the inspection and the requirements  
21 of this Act.

22 (2) Mail or otherwise provide a copy of the inspection  
23 report to the property owner and to the occupants of the  
24 dwelling unit. If a lead bearing substance is found, at the  
25 time of providing a copy of the inspection report, the  
26 Department or its delegate agency shall attach an  
27 informational brochure.

28 (Source: P.A. 87-175; 87-1144.)

29 (410 ILCS 45/9) (from Ch. 111 1/2, par. 1309)

30 Sec. 9. Procedures upon determination of lead hazard.

31 (1) If the inspection report identifies a lead hazard,  
32 the Department or delegate agency shall serve a mitigation  
33 notice on the property owner that the owner is required to

1 mitigate the lead hazard, and shall indicate the time period  
 2 specified in this Section in which the owner must complete  
 3 the mitigation. The notice shall include information  
 4 describing mitigation activities which meet the requirements  
 5 of this Act.

6 (1.5) If the inspection report identifies a lead hazard  
 7 in a multi-unit building and the affected occupant is a child  
 8 under 6 years of age or a pregnant woman, the Department or  
 9 delegate agency may also inspect the other dwelling units and  
 10 the common areas of the building. If a lead hazard is  
 11 identified in the building in one or more other dwelling  
 12 units that are occupied by a child under 6 years of age or a  
 13 pregnant woman, the Department or delegate agency shall also  
 14 serve a mitigation notice on the property owner with respect  
 15 to those other dwelling units.

16 (2) Upon receipt of a mitigation notice ~~If--the~~  
 17 ~~inspection-report-identifies-a-lead-hazard~~, the owner shall  
 18 mitigate the lead hazard in a manner prescribed by the  
 19 Department and within the time limit prescribed by this  
 20 Section. The Department shall adopt rules regarding  
 21 acceptable methods of mitigating a lead hazard. If the  
 22 source of the lead hazard identified in the inspection report  
 23 is lead paint or any other leaded surface coating, the lead  
 24 hazard shall be deemed to have been mitigated if:

25 (A) the surface identified as the source of the  
 26 hazard is no longer in a condition that produces a  
 27 hazardous level of leaded chips, flakes, dust or any  
 28 other form of leaded substance, that can be ingested or  
 29 inhaled by humans, or;

30 (B) ~~if~~ the surface identified as the source of the  
 31 hazard is accessible to children and could reasonably be  
 32 chewed on by children, the surface coating is either  
 33 removed or covered, the surface is removed, or the access  
 34 to the leaded surface by children is otherwise prevented

1 as prescribed by the Department.

2 (3) Mitigation activities which involve the destruction  
3 or disturbance of any leaded surface shall be conducted by a  
4 licensed lead abatement contractor using licensed lead  
5 abatement workers. The Department may prescribe by rule  
6 mitigation activities that may be performed without a  
7 licensed contractor or worker. The Department may, on a case  
8 by case basis, grant a waiver of the requirement to use  
9 licensed lead abatement contractors and workers, provided the  
10 waiver does not endanger the health or safety of humans.

11 (4) The Department shall establish procedures whereby an  
12 owner, after receiving a mitigation notice under this  
13 Section, may submit a mitigation plan to the Department or  
14 delegate agency for review and approval.

15 (5) When a mitigation notice is issued for a dwelling  
16 unit inspected as a result of an elevated blood lead level in  
17 a pregnant woman or a child, or if the dwelling unit is  
18 occupied by a child under 6 years of age or a pregnant woman,  
19 the owner shall mitigate the hazard within 30 days of  
20 receiving the notice; otherwise, the owner shall complete the  
21 mitigation within 90 days.

22 The owner shall mitigate the lead hazard in a dwelling  
23 unit in a multi-unit building within 30 days of occupancy by  
24 a pregnant woman or a child under 6 years of age if a lead  
25 hazard has been previously identified by the Department or  
26 the delegate agency; otherwise, the owner shall notify the  
27 Department when mitigation is completed in a dwelling unit in  
28 a multi-unit building.

29 (6) An owner may apply to the Department or its delegate  
30 agency for an extension of the deadline for mitigation. If  
31 the Department or its delegate agency determines that the  
32 owner is making substantial progress toward mitigation, or  
33 that the failure to meet the deadline is the result of a  
34 shortage of licensed abatement contractors or workers, or

1 that the failure to meet the deadline is because the owner is  
2 awaiting the review and approval of a mitigation plan, the  
3 Department or delegate agency may grant an extension of the  
4 deadline.

5 (7) The Department or its delegate agency shall ~~may~~,  
6 after the deadline set for completion of mitigation, conduct  
7 a follow-up inspection of any dwelling for which a mitigation  
8 notice was issued for the purpose of determining whether the  
9 mitigation actions required have been completed and whether  
10 the activities have sufficiently mitigated the lead hazard as  
11 provided under this Section. The Department or its delegate  
12 agency shall ~~may~~ conduct a follow-up inspection upon the  
13 request of an owner or resident. If, upon completing the  
14 follow-up inspection, the Department or its delegate agency  
15 finds that the lead hazard for which the mitigation notice  
16 was issued is not mitigated, the Department or its delegate  
17 agency shall serve the owner with notice of the deficiency  
18 and a mitigation order. The order shall indicate the  
19 specific actions the owner must take to comply with the  
20 mitigation requirements of this Act, which may include  
21 abatement if abatement is the sole means by which the lead  
22 hazard can be mitigated. The order shall also include the  
23 date by which the mitigation shall be completed. If, upon  
24 completing the follow-up inspection, the Department or  
25 delegate agency finds that the mitigation requirements of  
26 this Act have been satisfied, the Department or delegate  
27 agency shall provide the owner with a certificate of  
28 compliance stating that the required mitigation has been  
29 accomplished.

30 (Source: P.A. 87-175; 87-1144.)

31 (410 ILCS 45/12) (from Ch. 111 1/2, par. 1312)

32 Sec. 12. Violations of Act.

33 (a) Violation of any Section of this Act other than

1 Section 7 shall be punishable as a Class A misdemeanor in the  
2 case of a first offense, and a Class 4 felony in the case of  
3 a second or subsequent offense.

4 (b) In cases where a person is found to have mislabeled,  
5 possessed, offered for sale or transfer, sold or transferred,  
6 or given away lead-bearing substances, a representative of  
7 the Department shall confiscate the lead-bearing substances  
8 and retain the substances until they are shown to be in  
9 compliance with this Act.

10 (c) In addition to any other penalty provided under this  
11 Act, the court in an action brought under subsection (d) may  
12 impose upon any person who violates this Act or any rule  
13 adopted under this Act, or who violates any determination or  
14 order of the Department under this Act, a civil penalty not  
15 exceeding \$2,500 for each violation plus \$250 for each day  
16 that the violation continues.

17 Any civil penalties collected in a court proceeding shall  
18 be deposited into a delegated county lead poisoning  
19 screening, prevention, and abatement fund or, if no delegated  
20 county exists, into the Lead Poisoning Screening, Prevention,  
21 and Abatement Fund.

22 (d) The State's Attorney of the county in which a  
23 violation occurs or the Attorney General may bring an action  
24 for the enforcement of this Act and the rules adopted and  
25 orders issued under this Act, in the name of the People of  
26 the State of Illinois, and may, in addition to other remedies  
27 provided in this Act, bring an action for an injunction to  
28 restrain any actual or threatened violation or to impose or  
29 collect a civil penalty for any violation.

30 (Source: P.A. 87-175.)".