



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4528

by Rep. Emily McAsey

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 to each tenant in a dwelling unit any records or reports pertaining to radon concentrations within the dwelling unit that indicate a radon hazard. Provides that if a tenant performs a radon test, the tenant shall provide to the landlord the test result within 10 days after receiving the result. Provides that before a lease is signed a landlord shall furnish each prospective tenant with a prescribed radon hazard disclosure form. Provides that nothing implies an obligation on a landlord or tenant to conduct any radon testing. Provides that a lease may be terminated under specified circumstances involving radon hazards. Provides that this is a limitation on home rule powers. Amends the Illinois Radon Awareness Act. Repeals a provision requiring landlords to give certain disclosures to tenants. Effective January 1, 2017.

LRB099 15124 MGM 39345 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

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" or an
15 equivalent pamphlet approved for use by IEMA.

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

19 "DISCLOSURE OF INFORMATION ON RADON HAZARDS TO TENANTS

20 Radon Warning Statement

21 Each tenant in this residence is notified that the property may
22 present exposure to levels of indoor radon gas that may place
23 the occupants at risk of developing radon-induced lung cancer.

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

6 The Illinois Emergency Management Agency (IEMA) strongly
 7 recommends ALL rental property have a radon test performed and
 8 radon hazards mitigated if elevated levels are found. Elevated
 9 radon concentrations can easily be reduced by a radon
 10 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.

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

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

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

12 Section 25. Termination of lease. A tenant has the right to
13 terminate a lease if the landlord has failed to correct the
14 radon hazard within 120 days after having been initially
15 informed of a radon hazard.

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

22 (420 ILCS 46/25 rep.)

23 Section 99. The Illinois Radon Awareness Act is amended by

1 repealing Section 25.

2 Section 999. Effective date. This Act takes effect January
3 1, 2017.