

1 AN ACT in relation to public health.

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 known as the
5 Toxic Mold Protection Act.

6 Section 5. Definitions. As used in this Act, unless the
7 context otherwise requires:

8 "Affect" means to cause a condition by the presence of
9 mold in a dwelling unit, building, appurtenant structure,
10 common wall, heating system, or ventilating and
11 air-conditioning system that affects the indoor air quality
12 of the dwelling unit or building.

13 "Authoritative body" means any recognized national or
14 international entity with expertise on public health, mold
15 identification and remediation, or environmental health,
16 including, but not limited to, other states, the United
17 States Environmental Protection Agency, the World Health
18 Organization, the American Conference of Governmental
19 Industrial Hygienists, the New York City Department of
20 Health, the Centers for Disease Control and Prevention, and
21 the American Industrial Hygiene Association.

22 "Certified industrial hygienist" means an individual who
23 has been granted a certificate as a certified industrial
24 hygienist by the American Board of Industrial Hygiene as
25 defined by the Industrial Hygienist Licensure Act.

26 "Code enforcement officer" means a county employee who is
27 authorized to issue citations for county code violations and
28 to conduct inspections of public or private real property to
29 determine whether code violations exist. This shall not be
30 construed, however, to allow for administrative adjudication
31 of an ordinance violation in a case where a State statute or

1 administrative rule provides for a specific method or
2 procedure to be followed, other than administrative
3 adjudication, in enforcing a county ordinance defined in the
4 Counties Code.

5 "Department" means the Department of Public Health, which
6 is designated as the lead agency in the adoption of
7 permissible exposure limits to mold in indoor environments,
8 mold identification and remediation efforts, and the
9 development of guidelines for the determination of what
10 constitutes mold infestation.

11 "Indoor environment" means an affected dwelling unit or
12 affected commercial or industrial building.

13 "Mold" means any form of multicellular fungi that live on
14 plant or animal matter and in indoor environments. Types of
15 mold include, but are not limited to, Cladosporium,
16 Penicillium, Alternaria, Aspergillus, Fuarim, Trichoderma,
17 Memnoniella, Mucor, and Stachybotrys chartarum, often found
18 in water-damaged building materials.

19 "Person" means an individual, corporation, company,
20 association, partnership, limited liability company,
21 municipality, public utility, or other public body or
22 institution.

23 "Local health authority" means a full-time official
24 health department or board of health, as recognized by the
25 Illinois Department of Public Health.

26 "Licensed environmental health practitioner" means a
27 person who, by virtue of education and experience in the
28 physical, chemical, biological, and environmental health
29 sciences, is especially trained to organize, implement, and
30 manage environmental health programs, carry out education and
31 enforcement activities for the promotion and protection of
32 the public health and environment, and is licensed as an
33 environmental health practitioner under the Environmental
34 Health Practitioner Licensing Act.

1 "Task force" means the task force created under Section
2 15 of this Act.

3 Section 10. Illinois Administrative Procedure Act. All
4 standards that the Department develops pursuant to this Act
5 shall be in accordance with the Illinois Administrative
6 Procedure Act.

7 Section 15. Task Force. The Department shall create a
8 task force, which shall advise the Department on the
9 development of standards pursuant to Sections 20, 30, 35, 45,
10 and 65. The task force shall be comprised of representatives
11 of local health authorities, licensed environmental health
12 practitioners, code enforcement officers, experts on the
13 health effects of molds, medical experts, certified
14 industrial hygienists, mold abatement experts,
15 representatives of government-sponsored enterprises,
16 representatives from school districts or county offices of
17 education, representatives of employees and representatives
18 of employers, and affected consumers, including, but not
19 limited to, residential, commercial, and industrial tenants,
20 homeowners, environmental groups, and attorneys, and affected
21 industries, including, but not limited to, residential,
22 commercial, and industrial building proprietors, managers, or
23 landlords, builders, realtors, suppliers of building
24 materials, suppliers of furnishings, and insurers. Task force
25 members shall serve on a voluntary basis and shall be
26 responsible for any costs associated with their participation
27 in the task force. The Department shall not be responsible
28 for travel costs incurred by task force members or otherwise
29 compensating task force members for costs associated with
30 their participation in the task force.

31 Section 20. Exposure limits.

1 (a) The Department shall consider the feasibility of
2 adopting permissible exposure limits to mold in indoor
3 environments. If the Department finds that adopting
4 permissible exposure limits to mold in indoor environments is
5 feasible, the Department, in consultation with the task
6 force, shall:

7 (1) Adopt permissible exposure limits to mold for
8 indoor environments that avoid adverse effects on health,
9 with an adequate margin of safety, and avoid any
10 significant risk to public health.

11 (2) Notwithstanding paragraph (1), balance the
12 protection of public health with technological and
13 economic feasibility when it adopts permissible exposure
14 limits.

15 (3) Utilize and include the latest scientific data
16 or existing standards adopted by authoritative bodies.

17 (4) Develop permissible exposure limits that target
18 the general population.

19 (b) The Department shall consider all of the following
20 criteria when it adopts permissible exposure limits for molds
21 in indoor environments:

22 (1) The adverse health effects of exposure to molds
23 on the general population, including specific effects on
24 members of subgroups that comprise a meaningful portion
25 of the general population, which may include infants,
26 children age 6 years and under, pregnant women, the
27 elderly, asthmatics, allergic individuals, immune
28 compromised individuals, or other subgroups that are
29 identifiable as being at greater risk of adverse health
30 effects than the general population when exposed to
31 molds.

32 (2) The standards for molds, if any, adopted by
33 authoritative bodies.

34 (3) The technological and economic feasibility of

1 compliance with the proposed permissible exposure limit
2 for molds. For the purposes of determining economic
3 feasibility pursuant to this paragraph (3), the
4 Department shall consider the costs of compliance to
5 tenants, landlords, homeowners, and other affected
6 parties.

7 (4) Toxicological studies and any scientific
8 evidence as it relates to mold.

9 (c) The Department may develop alternative permissible
10 exposure limits applicable for facilities, including
11 hospitals, child care facilities, and nursing homes, whose
12 primary business is to serve members of subgroups that
13 comprise a meaningful portion of the general population and
14 are at greater risk of adverse health effects from molds than
15 the general population. These subgroups may include infants,
16 children age 6 years and under, pregnant women, the elderly,
17 asthmatics, allergic individuals, or immune compromised
18 individuals.

19 (d) The Department shall report to the General Assembly
20 on its progress in developing the permissible exposure limit
21 for molds by January 1, 2004.

22 Section 25. Notification of exposure limits.

23 (a) The Department shall, at the time it commences
24 preparation of the permissible exposure limits to mold,
25 provide notice electronically by posting on its internet web
26 site a notice that informs interested persons that the
27 Department has initiated work on the permissible exposure
28 limits to mold.

29 (1) The notice shall include a brief description or
30 a bibliography of the technical documents or other
31 information the Department has identified to date as
32 relevant to the preparation of the permissible exposure
33 limits.

1 (2) The notice shall inform persons who wish to
2 submit information concerning exposure to molds of the
3 name and address of the person in the Department to whom
4 the information may be sent, the date by which the
5 information must be received in order for the Department
6 to consider it in the preparation of the permissible
7 exposure limits, and that all information submitted will
8 be made available to any member of the public who makes
9 the request.

10 (b) The Department may amend the permissible exposure
11 limits to molds to make the limits less stringent if the
12 Department shows clear and convincing evidence that the
13 permissible exposure limits to molds should be made less
14 stringent and the amendment is made consistent with Section
15 20.

16 (c) The Department may review, and consider adopting by
17 reference, any information prepared by or on behalf of the
18 United States Environmental Protection Agency or other
19 authoritative bodies for the purpose of adopting national
20 permissible exposure limits to molds.

21 (d) At least once every 5 years, after adoption of
22 permissible exposure limits to molds, the Department shall
23 review the adopted limits and shall, consistent with the
24 criteria set forth in subsections (a) and (b) of Section 20,
25 amend the permissible exposure limits if any of the following
26 occur:

27 (1) Changes in technology or treatment techniques
28 that permit a materially greater protection of public
29 health.

30 (2) New scientific evidence that indicates that
31 molds may present a materially different risk to public
32 health than was previously determined.

33 Section 30. Standards.

1 (a) The Department, in consultation with the task force,
2 shall adopt practical standards to assess the health threat
3 posed by the presence of mold, both visible and invisible or
4 hidden, in an indoor environment.

5 (b) The Department shall adopt assessment standards for
6 molds that do the following:

7 (1) Protect the public's health.

8 (2) Notwithstanding paragraph (1), balance the
9 protection of public health with technological and
10 economic feasibility when it adopts assessment standards.

11 (3) Utilize and include the latest scientific data
12 or existing standards for the assessment of molds adopted
13 by authoritative bodies.

14 (4) Develop standards that target the general
15 population.

16 (c) The Department shall ensure that air or surface
17 testing is not required to determine whether there exists a
18 health threat posed by the presence of mold, both visible and
19 invisible or hidden, in an indoor environment.

20 (d) The Department shall consider all of the following
21 criteria when it adopts standards for the assessment of molds
22 in indoor environments:

23 (1) The adverse health effects of exposure to molds
24 on the general population, including specific effects on
25 members of subgroups that comprise a meaningful portion
26 of the general population, which may include infants,
27 children age 6 years and under, pregnant women, the
28 elderly, asthmatics, allergic individuals, immune
29 compromised individuals, or other subgroups that are
30 identifiable as being at greater risk of adverse health
31 effects than the general population when exposed to
32 molds.

33 (2) The standards for assessment of molds, if any,
34 adopted by authoritative bodies.

1 (3) The technological and economic feasibility of
2 compliance with the proposed permissible exposure limit
3 for molds. For the purposes of determining economic
4 feasibility pursuant to this paragraph (3), the
5 Department shall consider the costs of compliance to
6 tenants, landlords, homeowners, and other affected
7 parties.

8 (4) Any toxicological studies or additional
9 scientific evidence.

10 (e) The Department shall report to the General Assembly
11 on its progress in developing the assessment standards for
12 molds by January 1, 2004.

13 Section 35. Alternative standards. The Department may
14 develop alternative assessment standards applicable for
15 facilities, which may include hospitals, child care
16 facilities, and nursing homes, whose primary business is to
17 serve members of subgroups that comprise a meaningful portion
18 of the general population and are at greater risk of adverse
19 health effects to molds than the general population. These
20 subgroups may include infants, children age 6 years and
21 under, pregnant women, the elderly, asthmatics, allergic
22 individuals, or immune compromised individuals.

23 Section 40. Notice of standards.

24 (a) The Department shall, at the time it commences
25 preparation of standards for the assessment of molds, provide
26 notice electronically by posting on its internet web site a
27 notice that informs interested persons that the Department
28 has initiated work on the assessment standards.

29 (1) The notice shall include a brief description or
30 a bibliography of the technical documents or other
31 information the Department has identified to date as
32 relevant to the preparation of the assessment standards.

1 (2) The notice shall inform persons who wish to
2 submit information concerning the assessment of molds in
3 indoor environments of the name and address of the person
4 in the Department to whom the information may be sent,
5 the date by which the information must be received in
6 order for the Department to consider it in the
7 preparation of the assessment standards, and that all
8 information submitted will be made available to any
9 member of the public who makes the request.

10 (b) The Department may review, and consider adopting by
11 reference, any information prepared by or on behalf of the
12 United States Environmental Protection Agency or other
13 authoritative bodies for the purpose of adopting national
14 assessment standards for molds.

15 (c) At least once every 5 years, after adoption of
16 assessment standards for molds, the Department shall review
17 the adopted standards and shall, consistent with the criteria
18 set forth in subsections (a), (b), and (c) of Section 30,
19 amend the standards if any of the following occur:

20 (1) Changes in technology or treatment techniques
21 that permit a materially greater protection of public
22 health.

23 (2) New scientific evidence that indicates that
24 molds may present a materially different risk to public
25 health than was previously determined.

26 Section 45. Mold identification guidelines.

27 (a) The Department, in consultation with the task force,
28 shall adopt mold identification guidelines for the
29 recognition of mold, water damage, or microbial volatile
30 organic compounds in indoor environments. The identification
31 guidelines shall include scientifically valid methods to
32 identify the presence of mold, including elements for
33 collection of air, surface, and bulk samples, visual

1 identification, olfactory identification, laboratory
2 analysis, measurements of amount of moisture, and presence of
3 mold and other recognized analytical methods used for the
4 identification of molds.

5 (b) Identification guidelines developed by the
6 Department shall do all of the following:

7 (1) Avoid adverse effects on the health of the
8 general population, with an adequate margin of safety,
9 and avoid any significant risk to public health.

10 (2) Notwithstanding paragraph (1), balance the
11 protection of public health with technological and
12 economic feasibility.

13 (3) Utilize and include the latest scientific data
14 or existing standards for the assessment of molds adopted
15 by authoritative bodies.

16 (c) The Department shall consider all of the following
17 criteria when it develops identification guidelines for mold:

18 (1) Permissible exposure limits to molds developed
19 pursuant to subsections (a) and (b) of Section 20, or
20 what constitutes a health threat posed by the presence of
21 mold, both visible and invisible or hidden, in an indoor
22 environment, according to the Department's standards as
23 developed pursuant to Section 30.

24 (2) Standards for mold identification, if any,
25 adopted by authoritative bodies.

26 (3) Professional judgment and practicality.

27 (4) Toxicological reports or additional scientific
28 evidence.

29 (d) The Department shall not require a commercial,
30 industrial, or residential landlord or a public entity that
31 rents or leases a unit or building to conduct air or surface
32 tests of units or buildings to determine whether the presence
33 of molds exceeds the permissible exposure limits to mold
34 established by subsections (a), (b), and (c) of Section 20.

1 (e) The Department shall develop a reporting form for
2 building inspection that may be used to document the presence
3 of mold.

4 (f) The Department shall report to the General Assembly
5 on its progress in developing identification guidelines for
6 mold by January 1, 2004.

7 Section 50. National mold identification standards. The
8 Department may review, and consider adopting by reference,
9 any information prepared by or on behalf of the United States
10 Environmental Protection Agency or other authoritative bodies
11 for the purpose of adopting national identification standards
12 for molds.

13 Section 55. Notice of mold identification guidelines. The
14 Department shall, at the time it commences preparation of
15 identification guidelines for mold, electronically post on
16 its internet web site a notice that informs interested
17 persons that it has initiated work on the identification
18 guidelines. The notice shall include a brief description or a
19 bibliography of the technical documents or other information
20 the Department has identified to date as relevant to the
21 preparation of the identification guidelines for mold. The
22 notice shall inform persons who wish to submit mold
23 identification information of the name and address of the
24 person in the office to whom the information may be sent, the
25 date by which the information must be received for the
26 Department to consider it in the preparation of the
27 identification guidelines, and that all information submitted
28 will be made available to any member of the public who makes
29 the request.

30 Section 60. Review of mold identification guidelines. All
31 identification guidelines for mold published by the

1 Department shall be reviewed at least once every 5 years and
2 revised, as necessary, based upon the availability of new
3 scientific data or information on effective mold
4 identification.

5 Section 65. Remediation guidelines.

6 (a) The Department, in consultation with the task force,
7 shall develop and disseminate remediation guidelines for
8 molds in indoor environments.

9 (b) Remediation guidelines for mold developed by the
10 Department shall do all of the following:

11 (1) Provide practical guidance for the removal of
12 mold and abatement of the underlying cause of mold and
13 associated water intrusion and water damage in indoor
14 environments.

15 (2) Protect the public's health.

16 (3) Notwithstanding paragraph (2), balance the
17 protection of public health with technological and
18 economic feasibility.

19 (4) Utilize and include toxicological reports, the
20 latest scientific data, or existing standards for the
21 remediation of molds adopted by authoritative bodies.

22 (5) Provide practical guidance for the removal or
23 cleaning of contaminated materials in a manner that
24 protects the health of the person performing the
25 abatement.

26 (6) Include criteria for personal protective
27 equipment.

28 (7) Not require a landlord, owner, seller, or
29 transferor, to be specially trained or certified or
30 utilize the services of a specially qualified
31 professional to conduct the mold remediation.

32 (c) The Department shall consider all of the following
33 criteria when it develops remediation guidelines for mold:

1 (1) Permissible exposure limits to molds developed
2 by the Department pursuant to subsections (a) and (b) of
3 Section 20, or what constitutes a health threat posed by
4 the presence of mold, both visible and invisible or
5 hidden, in an indoor environment, according to the
6 Department's guidelines as developed pursuant to Section
7 30.

8 (2) Guidelines for mold remediation, if any,
9 adopted by authoritative bodies.

10 (3) Professional judgment and practicality.

11 (d) The Department shall not require a commercial,
12 industrial, or residential landlord, or a public entity that
13 rents or leases a unit or building to conduct air or surface
14 tests of units or buildings to determine whether the presence
15 of mold exceeds the permissible exposure limits to mold
16 established by subsections (a), (b), and (c) of Section 20.

17 (e) The Department shall report to the General Assembly
18 on its progress in developing remediation standards for mold
19 by January 1, 2004.

20 Section 70. Notification of mold remediation guidelines.
21 The Department shall, at the time it commences preparation of
22 remediation guidelines for mold, electronically post on its
23 internet web site, a notice that informs interested persons
24 that it has initiated work on the remediation standards. The
25 notice shall include a brief description or a bibliography of
26 the technical documents or other information the Department
27 has identified to date in the preparation of remediation
28 guidelines for mold. The notice shall inform persons who wish
29 to submit information concerning mold remediation of the name
30 and the address of the person in the office to whom the
31 information may be sent, the date by which the information
32 must be received in order for the Department to consider it
33 in the preparation of remediation standards, and that all

1 information submitted will be made available to any member of
2 the public who makes the request.

3 Section 75. Adoption of national remediation standards.
4 The Department may review, and consider adopting by
5 reference, any information prepared by or on behalf of the
6 United States Environmental Protection Agency or other
7 authoritative bodies for the purpose of adopting national
8 remediation standards for molds.

9 Section 80. Information concerning mold removal.

10 (a) The Department shall make available to the public
11 upon request, information about contracting for the removal
12 of mold in a building or surrounding environment, including
13 all of the following:

14 (1) Recommended steps to take when contracting with
15 a company to remove mold.

16 (2) Existing laws, rules, and guidelines developed
17 by the Department pertaining to permissible exposure
18 limits to mold infestation, identification, and
19 remediation.

20 (3) Basic health information as contained in
21 existing mold publications.

22 (b) All mold remediation guidelines published by the
23 Department shall be reviewed at least once every 5 years and
24 revised as necessary based upon the availability of new
25 scientific data.

26 (c) The Department shall develop public education
27 materials and resources to inform the public about the health
28 effects of molds, methods to prevent, identify, and remediate
29 mold growth, resources to obtain information about molds, and
30 contact information for individuals, organizations, or
31 government entities to assist with public concerns about
32 molds. The Department shall make its public education

1 materials available to environmental groups, licensed
2 environmental health practitioners, commercial and
3 residential landlord organizations, homeowners'
4 organizations, and tenants' organizations. These materials
5 shall be readily available to the general public. These
6 materials shall be comprehensible to the general public.
7 These materials shall be produced in Spanish as well as in
8 English to accommodate the growing Latino population in
9 Illinois. These materials shall be made available on the
10 Department's internet web site.

11 Section 83. Applicability. The requirements of Sections
12 85 through 130 do not apply to properties where the tenant is
13 contractually responsible for maintenance of the property,
14 including any remedial action.

15 Section 85. Disclosures.

16 (a) Subject to subsections (b), (c), and (d) of this
17 Section, a seller or transferor of commercial or industrial
18 real property shall provide written disclosure to prospective
19 buyers as soon as practicable before the transfer of title
20 when the seller or transferor knows of the presence of mold,
21 either visible or invisible or hidden, that affects the unit
22 or building and the mold either exceeds permissible exposure
23 limits to molds established by subsections (a), (b), and (c)
24 of Section 20 or poses a health threat, according to the
25 Department's guidelines as developed pursuant to Section 30.

26 (b) A seller or transferor of commercial or industrial
27 real property shall be exempt from providing written
28 disclosure pursuant to this Section if the presence of mold
29 was remediated according to the mold remediation guidelines
30 developed by the Department pursuant to Section 65.

31 (c) A commercial or industrial real property landlord
32 shall not be required to conduct air or surface tests of

1 units or buildings to determine whether the presence of molds
2 exceeds the permissible exposure limits to molds established
3 by subsections (a) and (b) of Section 20.

4 (d) The requirements of this Section shall not apply
5 until the first January 1 or July 1 that occurs at least 6
6 months after the Department adopts standards pursuant to
7 Sections 20 and 30 and develops guidelines pursuant to
8 Section 65.

9 Section 90. Notice to commercial and industrial tenants.

10 (a) Subject to subsections (c), (d), and (e), commercial
11 and industrial landlords shall provide written disclosure to
12 prospective and current tenants of the affected units as
13 specified in subdivision (b), when the landlord knows that
14 mold, both visible and invisible or hidden, is present that
15 affects the unit or the building and the mold either exceeds
16 the permissible exposure limits to molds established by
17 subsections (a) and (b) of Section 20 or poses a health
18 threat according to the Department's guidelines as developed
19 pursuant to Section 30.

20 (b) The written notice required by subsection (a) shall
21 be provided:

22 (1) To prospective tenants as soon as practicable
23 and prior to entering into the rental agreement.

24 (2) To current tenants in affected units as soon as
25 is reasonably practical.

26 (c) A commercial or industrial landlord is exempt from
27 providing written disclosure to prospective tenants pursuant
28 to this Section if the presence of mold was remediated
29 according to the mold remediation guidelines developed by the
30 Department pursuant to Section 65.

31 (d) A commercial or industrial landlord shall not be
32 required to conduct air or surface tests of units or
33 buildings to determine whether the presence of molds exceeds

1 the permissible exposure limits to molds established by
2 subsections (a) and (b) of Section 65.

3 (e) The requirements of this Section do not apply until
4 the first January 1 or July 1 that occurs at least 6 months
5 after the Department adopts standards pursuant to Sections 20
6 and 30 and develops guidelines pursuant to Section 65.

7 Section 95. Notification by commercial or industrial
8 tenant. Any tenant of a commercial or industrial real
9 property who knows that mold is present in the building,
10 heating system, ventilating or air-conditioning system, or
11 appurtenant structures, or that there is a condition of
12 chronic water intrusion or flood, shall inform the landlord
13 of this knowledge in writing within a reasonable period of
14 time. The tenant shall make the property available to the
15 landlord or his or her agents for appropriate assessment or
16 remedial action as soon as is reasonably practicable if the
17 landlord is responsible for maintenance of the property.
18 Nothing in this Section is intended to affect existing duties
19 and obligations of residential tenants and landlords in any
20 way.

21 Section 100. Duty to conduct remedial action.

22 (a) Commercial and industrial landlords who know or have
23 notice that mold is present in the building, heating system,
24 ventilating or air-conditioning system, or appurtenant
25 structures, or that there is a condition of chronic water
26 intrusion or flood, have an affirmative duty, within a
27 reasonable period of time, to assess the presence of mold or
28 condition likely to result in the presence of mold and
29 conduct any necessary remedial action.

30 (b) Any tenant of a commercial or industrial real
31 property who knows or is informed that mold is present in the
32 building, heating system, ventilating or air-conditioning

1 system, or appurtenant structures, or that there is a
2 condition of chronic water intrusion or flood, and is
3 responsible for maintenance of the property shall inform the
4 landlord in writing of that knowledge as soon as is
5 reasonably practicable and shall correct the condition in
6 compliance with the terms of the contract with the landlord.

7 Section 105. Duty of a public entity that owns building
8 to notify occupants.

9 (a) A public entity that owns, leases, or operates a
10 building shall provide written disclosure to all building
11 occupants and prospective tenants as specified in subsection
12 (b) when the public entity knows, or has reasonable cause to
13 believe, that a condition of chronic water intrusion or flood
14 exists, or that mold, both visible and invisible or hidden,
15 is present that affects the building or unit and the mold
16 either exceeds the permissible exposure limits to molds
17 established by subsections (a) and (b) of Section 20, or
18 poses a health threat according to the Department's
19 guidelines developed pursuant to Section 30.

20 (b) The written notice required by subsection (a) shall
21 be provided:

22 (1) To prospective tenants as soon as practicable
23 and prior to entering into a rental agreement.

24 (2) To current building occupants in affected units
25 or buildings as soon as is reasonably practical.

26 (c) A public entity shall be exempt from providing
27 written disclosure to prospective tenants pursuant to
28 subsection (a) if the presence of mold was remediated
29 according to the mold remediation guidelines developed by the
30 Department pursuant to Section 65.

31 (d) The requirements of this Section do not apply until
32 the first January 1 or July 1 that occurs at least 6 months
33 after the Department adopts standards pursuant to Sections 20

1 and 30 and develops guidelines pursuant to Section 65.

2 Section 110. Duty of residential landlord to notify
3 occupants.

4 (a) Subject to subsections (b), (d), and (e),
5 residential landlords shall provide written disclosure to
6 prospective and current tenants of the affected units as
7 specified in subsection (b) when the residential landlord
8 knows, or has reasonable cause to believe, that mold, visible
9 or invisible or hidden, is present that affects the unit or
10 the building and the mold either exceeds the permissible
11 exposure limits to molds established by subdivisions (a),
12 (b), and (c) of Section 20 or poses a health threat according
13 to the Department's guidelines as developed pursuant to
14 Section 30.

15 (b) Notwithstanding subsection (a), a residential
16 landlord shall not be required to conduct air or surface
17 tests of units or buildings to determine whether the presence
18 of molds exceeds the permissible exposure limits to molds
19 established by subsections (a) and (b) of Section 20.

20 (c) The written disclosure required by subsection (a)
21 shall be provided:

22 (1) To prospective tenants prior to entering into
23 the rental or lease agreement.

24 (2) To current tenants in affected units as soon as
25 is reasonably practical.

26 (d) A residential landlord shall be exempt from
27 providing written disclosure to prospective tenants pursuant
28 to this Section if the presence of mold was remediated
29 according to the mold remediation guidelines developed by the
30 Department pursuant to Section 65.

31 (e) The requirements of this Section do not apply until
32 the first January 1 or July 1 that occurs at least 6 months
33 after the Department adopts standards pursuant to Sections 20

1 and 30 and develops guidelines pursuant to Section 65.

2 Section 115. Residential landlord duty to disclose health
3 risks.

4 (a) Residential landlords shall provide written
5 disclosure to prospective tenants of the potential health
6 risks and the health impact that may result from exposure to
7 mold by distributing a consumer oriented booklet developed
8 and disseminated by the Department.

9 (b) The requirements of this Section shall be provided
10 to prospective residential tenants prior to entering a rental
11 or lease agreement.

12 (c) The requirements of this Section do not apply until
13 the first January 1 or July 1 that occurs at least 6 months
14 after the Department approves the consumer oriented booklet
15 as described in subsection (a).

16 Section 120. Responsibilities imposed by other laws.

17 (a) Nothing in this Act relieves a seller, transferor,
18 lessor, agent, landlord, or tenant from any responsibility
19 for compliance with other obligations, laws, ordinances,
20 codes, rules, or regulations or any other duties provided for
21 under common law.

22 (b) Nothing in this Act shall alter or modify any right,
23 remedy, or defense otherwise available under law.

24 (c) Nothing in this Act affects the existing obligation
25 of a party or transferor to a real estate contract, or his or
26 her agent, to disclose any facts materially affecting the
27 value and desirability of the property, including, but not
28 limited to, the physical condition of the property and
29 previously received reports of physical inspections noted on
30 the disclosure form.

31 (d) Nothing in this Act shall be construed to change the
32 existing inspection and disclosure duties of a real estate

1 broker or salesperson.

2 (e) The specification of items for disclosure in this
3 Act does not limit or abridge any obligation for disclosure
4 created by any other provision of law or which may exist in
5 order to avoid fraud, misrepresentation, or deceit in the
6 transfer transaction.

7 Section 125. All items subject to disclosure requirements
8 pursuant to this Act are subject to enforcement pursuant to
9 Section 135.

10 Section 130. Inaccurate information. Neither the
11 transferor nor any listing or selling agent shall be held
12 liable for any error, inaccuracy, or omission of any
13 information delivered pursuant to this Act if the error,
14 inaccuracy, or omission was not within the personal knowledge
15 of the transferor or the listing or selling agent, or was
16 based on information timely provided by public agencies or by
17 other persons providing relevant information by delivery of a
18 report or opinion prepared by an expert dealing with matters
19 within the relevant scope of the professional's license or
20 expertise, and ordinary care was exercised in obtaining and
21 transmitting it.

22 Section 135. Enforcement. Local health authorities, code
23 enforcement officers, licensed environmental health
24 practitioners, city attorneys, and any other appropriate
25 government entities may respond to complaints about mold and
26 may enforce standards adopted by the Department, pursuant to
27 subsections (a), (b), and (c) of Section 20 and subsections
28 (a), (b), and (c) of Section 30, and enforce the disclosure
29 requirements of Sections 110 and 115 that are developed by
30 the Department in consultation with the task force. The
31 disclosure enforcement guidelines established by the

1 Department pursuant to this Act shall include development of
2 a form for disclosure and the penalties, if any, that may be
3 imposed for failure to disclose. No penalty shall be assessed
4 against an owner for failure to disclose under Section 110 if
5 the owner provides disclosure to the tenants in a form that
6 substantially conforms to the disclosure form developed by
7 the Department. Local authority to enforce disclosure
8 requirements pursuant to this Section do not apply until the
9 first January 1 or July 1 that occurs at least 6 months after
10 the Department adopts disclosure enforcement guidelines for
11 compliance with Sections 110 and 115.

12 Section 140. After the Department, pursuant to the
13 Illinois Administrative Procedure Act, submits the proposed
14 rules developed pursuant to this Act, the Department and the
15 task force shall consider and report to the General Assembly
16 on the need for standards for mold testing professionals and
17 mold remediation specialists.

18 Section 145. Implementation. This Act shall be
19 implemented only to the extent that the Department determines
20 that funds are available for its implementation.

21 Section 999. Effective date. This Act takes effect upon
22 becoming law.