



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1559

Introduced 2/15/2019, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

New Act

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, 2020.

LRB101 07432 CPF 52474 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. Findings. The General Assembly finds that:

7 Radon is the leading cause of death in private homes and a  
8 radioactive element that is part of the radioactive decay chain  
9 of naturally occurring uranium in soil. Unlike carbon monoxide  
10 and many other home pollutants, radon's adverse health effect,  
11 lung cancer, is usually not produced 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  
6 part, of reducing the concentration of radon in the indoor  
7 atmosphere according to procedures described in 32 Ill. Adm.  
8 Code 422.

9 "Radon" means a gaseous radioactive decay product of  
10 uranium or thorium.

11 "Radon contractor" means a person licensed under the Radon  
12 Industry Licensing Act to perform radon mitigation or to  
13 perform measurements of radon in an indoor atmosphere.

14 "Radon hazard" means exposure to indoor radon  
15 concentrations at or in excess of the IEMA's recommended Radon  
16 Action Level.

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

20 "Tenant" means a person who is about to enter or has  
21 entered into an oral or written lease with a landlord to lease  
22 a dwelling unit.

23 Section 15. Radon testing and disclosure.

24 (a) At the time of or before a lease is entered into, and  
25 at any time that a lease is in effect, the landlord shall

1 provide to each tenant in a dwelling unit copies of any records  
2 or reports pertaining to radon concentrations within the  
3 dwelling unit that indicate a radon hazard to the tenant, as  
4 provided in subsection (e).

5 (b) If a tenant performs a radon test, the tenant shall  
6 provide to the landlord copies of any records or reports  
7 pertaining to radon concentrations within 10 days after  
8 receiving the measurement result.

9 (c) 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 activities.

12 (d) The landlord shall provide to the tenant the IEMA  
13 pamphlet entitled "IEMA Radon Guide for Tenants" or an  
14 equivalent pamphlet approved for use by IEMA.

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

18 "DISCLOSURE OF INFORMATION ON RADON HAZARDS TO TENANTS"

19 Radon Warning Statement

20 Each tenant in this residence is notified that the property  
21 may present exposure to levels of indoor radon gas that may  
22 place the occupants at risk of developing radon-induced  
23 lung cancer. Radon, a Class-A human carcinogen, is the  
24 leading cause of death in private homes and the leading

1 cause of lung cancer in non-smokers. The landlord of any  
 2 residence is required to provide each tenant with any  
 3 information on radon test results of the dwelling unit that  
 4 present a radon hazard to the tenant.

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

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

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

23 Tenant's Acknowledgment (initial)

24 (d) ..... Tenant has received copies of all information  
 25 listed above.

26 (e) ..... Tenant has received the pamphlet "IEMA Radon

1 Guide for Tenants".

2 Certification of Accuracy

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

7 Landlord ..... Date .....

8 Tenant ..... Date .....

9 Section 20. Mitigation of radon hazard.

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

17 (b) Landlords deciding to have radon mitigation performed  
18 shall have the mitigation system installed by a radon  
19 contractor.

20 (c) Tenants deciding to have radon mitigation performed  
21 shall have the mitigation system installed by a radon  
22 contractor. Tenants shall have the landlord's consent prior to  
23 undertaking any mitigation activities.

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

4           Section 25. Termination of lease.

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

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

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

1           Section 99. The Illinois Radon Awareness Act is amended by  
2           repealing Section 25.

3           Section 999. Effective date. This Act takes effect January  
4           1, 2020.