

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Lead Poisoning Prevention Act is amended by
5 changing Section 9 as follows:

6 (410 ILCS 45/9) (from Ch. 111 1/2, par. 1309)

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

8 (1) If the inspection report identifies a lead hazard, the
9 Department or delegate agency shall serve a mitigation notice
10 on the property owner that the owner is required to mitigate
11 the lead hazard, and shall indicate the time period specified
12 in this Section in which the owner must complete the
13 mitigation. The notice shall include information describing
14 mitigation activities which meet the requirements of this Act.

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

23 (A) the surface identified as the source of the lead

1 hazard is no longer in a condition that produces a
2 hazardous level of lead chips, flakes, dust or any other
3 form of lead-bearing substance, that can be ingested or
4 inhaled by humans;

5 (B) the surface identified as the source of the lead
6 hazard is no longer accessible to children and could not
7 reasonably be chewed on by children; or

8 (C) the surface coating identified as the source of
9 the lead hazard is either removed or covered, or child
10 access to the lead-bearing surface is otherwise prevented
11 as prescribed by the Department.

12 (3) Mitigation activities which involve the destruction or
13 disturbance of any lead-bearing surface shall be conducted by
14 a licensed lead abatement contractor using licensed lead
15 abatement supervisors or lead abatement workers. The
16 Department may prescribe by rule mitigation activities that
17 may be performed without a licensed lead abatement contractor,
18 lead abatement supervisor, or lead abatement worker. The
19 Department may, on a case by case basis, grant a waiver of the
20 requirement to use licensed lead abatement contractors, lead
21 abatement supervisors, and lead abatement workers, provided
22 the waiver does not endanger the health or safety of humans.

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

1 (5) When a mitigation notice is issued for a dwelling unit
2 inspected as a result of an elevated blood lead level in a
3 pregnant person or a child, or if the dwelling unit is occupied
4 by a child 6 years of age or younger or a pregnant person, the
5 owner shall mitigate the hazard within 30 days of receiving
6 the notice; when no such child or pregnant person occupies the
7 dwelling unit, the owner shall complete the mitigation within
8 90 days.

9 (6) An owner may apply to the Department or its delegate
10 agency for an extension of the deadline for mitigation. If the
11 Department or its delegate agency determines that the owner is
12 making substantial progress toward mitigation, or that the
13 failure to meet the deadline is the result of a shortage of
14 licensed lead abatement contractors, lead abatement
15 supervisors, or lead abatement workers, or that the failure to
16 meet the deadline is because the owner is awaiting the review
17 and approval of a mitigation plan, the Department or delegate
18 agency may grant an extension of the deadline.

19 (7) The Department or its delegate agency shall ~~may~~, after
20 the deadline set for completion of mitigation, conduct a
21 follow-up inspection of any dwelling unit for which a
22 mitigation notice was issued for the purpose of determining
23 whether the mitigation actions required have been completed
24 and whether the activities have sufficiently mitigated the
25 lead hazard as provided under this Section. The Department or
26 its delegate agency may conduct a follow-up inspection upon

1 the request of an owner or resident. If, upon completing the
2 follow-up inspection, the Department or its delegate agency
3 finds that the lead hazard for which the mitigation notice was
4 issued is not mitigated, the Department or its delegate agency
5 shall serve the owner with notice of the deficiency and a
6 mitigation order. The order shall indicate the specific
7 actions the owner must take to comply with the mitigation
8 requirements of this Act, which may include lead abatement if
9 lead abatement is the sole means by which the lead hazard can
10 be mitigated. The order shall also include the date by which
11 the mitigation shall be completed. If, upon completing the
12 follow-up inspection, the Department or delegate agency finds
13 that the mitigation requirements of this Act have been
14 satisfied, the Department or delegate agency shall provide the
15 owner with a certificate of compliance stating that the
16 required mitigation has been accomplished.

17 (Source: P.A. 98-690, eff. 1-1-15.)