

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 1. Short title. This Act may be cited as the
5 Comprehensive Lead Education, Reduction, and Window
6 Replacement Program Act.

7 Section 5. Findings; intent; establishment of program.

8 (a) The General Assembly finds all of the following:

9 (1) Lead-based paint poisoning is a potentially
10 devastating, but preventable disease. It is one of the top
11 environmental threats to children's health in the United
12 States.

13 (2) The number of lead-poisoned children in Illinois is
14 among the highest in the nation, especially in older, more
15 affordable properties.

16 (3) Lead poisoning causes irreversible damage to the
17 development of a child's nervous system. Even at low and
18 moderate levels, lead poisoning causes learning
19 disabilities, problems with speech, shortened attention
20 span, hyperactivity, and behavioral problems. Recent
21 research links low levels of lead exposure to lower IQ
22 scores and to juvenile delinquency.

23 (4) Older housing is the number one risk factor for

1 childhood lead poisoning. Properties built before 1950 are
2 statistically much more likely to contain lead-based paint
3 hazards than buildings constructed more recently.

4 (5) The State of Illinois ranks 10th out of the 50
5 states in the age of its housing stock. More than 50% of
6 the housing units in Chicago and in Rock Island, Peoria,
7 Macon, Madison, and Kankakee counties were built before
8 1960. More than 43% of the housing units in St. Clair,
9 Winnebago, Sangamon, Kane, and Cook counties were built
10 before 1950.

11 (6) There are nearly 1.4 million households with
12 lead-based paint hazards in Illinois.

13 (7) Most children are lead poisoned in their own homes
14 through exposure to lead dust from deteriorated lead paint
15 surfaces, like windows, and when lead paint deteriorates or
16 is disturbed through home renovation and repainting.

17 (8) Less than 25% of children in Illinois age 6 and
18 under have been tested for lead poisoning. While children
19 are lead poisoned throughout Illinois, counties above the
20 statewide average include: Alexander, Cass, Cook, Fulton,
21 Greene, Kane, Kankakee, Knox, LaSalle, Macon, Mercer,
22 Peoria, Perry, Rock Island, Sangamon, St. Clair,
23 Stephenson, Vermilion, Will, and Winnebago.

24 (9) The control of lead hazards significantly reduces
25 lead-poisoning rates. Other communities, including New
26 York City and Milwaukee, have successfully reduced

1 lead-poisoning rates by removing lead-based paint hazards
2 on windows.

3 (10) Windows are considered a higher lead exposure risk
4 more often than other components in a housing unit. Windows
5 are a major contributor of lead dust in the home, due to
6 both weathering conditions and friction effects on paint.

7 (11) There is an insufficient pool of licensed lead
8 abatement workers and contractors to address the problem in
9 some areas of the State.

10 (12) Through grants from the U.S. Department of Housing
11 and Urban Development, some communities in Illinois have
12 begun to reduce lead poisoning of children. While this is
13 an ongoing effort, it only addresses a small number of the
14 low-income children statewide in communities with high
15 levels of lead paint in the housing stock.

16 (b) It is the intent of the General Assembly to:

17 (1) address the problem of lead poisoning of children
18 by eliminating lead hazards in homes;

19 (2) provide training within communities to encourage
20 the use of lead paint safe work practices;

21 (3) create job opportunities for community members in
22 the lead abatement industry;

23 (4) support the efforts of small business and property
24 owners committed to maintaining lead-safe housing; and

25 (5) assist in the maintenance of affordable lead-safe
26 housing stock.

1 (c) The General Assembly hereby establishes the
2 Comprehensive Lead Education, Reduction, and Window
3 Replacement Program to assist residential property owners
4 through loan and grant programs to reduce lead paint hazards
5 through window replacement in pilot area communities. Where
6 there is a lack of workers trained to remove lead-based paint
7 hazards, job-training programs must be initiated. The General
8 Assembly also recognizes that training, insurance, and
9 licensing costs are prohibitively high and hereby establishes
10 incentives for contractors to do lead abatement work.

11 Section 10. Definitions. In this Act:

12 "Advisory Council" refers to the Lead Safe Housing Advisory
13 Council established under Public Act 93-0789.

14 "CLEAR-WIN Program" refers to the Comprehensive Lead
15 Education, Reduction, and Window Replacement Program created
16 pursuant to this Act to assist property owners of single family
17 homes and multi-unit residential properties in pilot area
18 communities, through loan and grant programs that reduce lead
19 paint hazards primarily through window replacement and, where
20 necessary, through other lead-based paint hazard control
21 techniques.

22 "Director" means the Director of Public Health.

23 "Lead Safe Housing Maintenance Standards" refers to the
24 standards developed by the Lead Safe Housing Advisory Council.

25 "Low-income" means a household at or below 80% of the

1 median income level for a given county as determined annually
2 by the U.S. Department of Housing and Urban Development.

3 "Pilot area communities" means the counties or cities
4 selected by the Department, with the advice of the Advisory
5 Council, where properties whose owners are eligible for the
6 assistance provided by this Act are located.

7 "Window" means the inside, outside, and sides of sashes and
8 mullions and the frames to the outside edge of the frame,
9 including sides, sash guides, and window wells and sills.

10 Section 15. Grant and loan program.

11 (a) Subject to appropriation, the Department, in
12 consultation with the Advisory Council, shall establish and
13 operate the CLEAR-WIN Program in two pilot area communities
14 selected by the Department with advice from the Advisory
15 Council. Pilot area communities shall be selected based upon
16 the prevalence of low-income families whose children are lead
17 poisoned, the age of the housing stock, and other sources of
18 funding available to the communities to address lead-based
19 paint hazards.

20 (b) The Department shall be responsible for administering
21 the CLEAR-WIN grant program. The grant shall be used to correct
22 lead-based paint hazards in residential buildings. Conditions
23 for receiving a grant shall be developed by the Department
24 based on criteria established by the Advisory Council.
25 Criteria, including but not limited to the following program

1 components, shall include (i) income eligibility for receipt of
2 the grants, with priority given to low-income tenants or owners
3 who rent to low-income tenants; (ii) properties to be covered
4 under CLEAR-WIN; and (iii) the number of units to be covered in
5 a property. Prior to making a grant, the Department must
6 provide the grant recipient with a copy of the Lead Safe
7 Housing Maintenance Standards generated by the Advisory
8 Council. The property owner must certify that he or she has
9 received the Standards and intends to comply with them; has
10 provided a copy of the Standards to all tenants in the
11 building; will continue to rent to the same tenant or other
12 low-income tenant for a period of not less than 5 years
13 following completion of the work; and will continue to maintain
14 the property as lead-safe. Failure to comply with the grant
15 conditions may result in repayment of grant funds.

16 (c) The Advisory Council shall also consider development of
17 a loan program to assist property owners not eligible for
18 grants.

19 (d) All lead-based paint hazard control work performed with
20 these grant or loan funds shall be conducted in conformance
21 with the Lead Poisoning Prevention Act and the Illinois Lead
22 Poisoning Prevention Code. Before contractors are paid for
23 repair work conducted under the CLEAR-WIN Program, each
24 dwelling unit assisted must be inspected by a lead risk
25 assessor or lead inspector licensed in Illinois, and an
26 appropriate number of dust samples must be collected from in

1 and around the work areas for lead analysis, with results in
2 compliance with levels set by the Lead Poisoning Prevention Act
3 and the Illinois Lead Poisoning Prevention Code. All costs of
4 evaluation shall be the responsibility of the property owner
5 who received the grant or loan, but will be provided for by the
6 Department for grant recipients and may be included in the
7 amount of the loan. Additional repairs and clean-up costs
8 associated with a failed clearance test, including follow-up
9 tests, shall be the responsibility of the contractor.

10 (e) Within 6 months after the effective date of this Act,
11 the Advisory Council shall recommend to the Department Lead
12 Safe Housing Maintenance Standards for purposes of the
13 CLEAR-WIN Program. Except for properties where all lead-based
14 paint has been removed, the standards shall describe the
15 responsibilities of property owners and tenants in maintaining
16 lead-safe housing, including but not limited to, prescribing
17 special cleaning, repair, and maintenance necessary to reduce
18 the chance that properties will cause lead poisoning in child
19 occupants. Recipients of CLEAR-WIN grants and loans shall be
20 required to continue to maintain their properties in compliance
21 with these Lead Safe Housing Maintenance Standards. Failure to
22 maintain properties in accordance with these Standards may
23 result in repayment of grant funds or termination of the loan.

24 Section 20. Lead abatement training. The Advisory Council
25 shall determine whether a sufficient number of lead abatement

1 training programs exist to serve the pilot sites. If it is
2 determined additional programs are needed, the Advisory
3 Council shall work with the Department to establish the
4 additional training programs for purposes of the CLEAR-WIN
5 Program.

6 Section 25. Insurance assistance. The Department shall
7 make available, for the portion of a policy related to lead
8 activities, 100% insurance subsidies to licensed lead
9 abatement contractors who primarily target their work to the
10 pilot area communities and employ a significant number of
11 licensed lead abatement workers from the pilot area
12 communities. Receipt of the subsidies shall be reviewed
13 annually by the Department. The Department shall adopt rules
14 for implementation of these insurance subsidies within 6 months
15 after the effective date of this Act.

16 Section 30. Advisory Council. The Advisory Council shall
17 submit an annual written report to the Governor and General
18 Assembly on the operation and effectiveness of the CLEAR-WIN
19 Program. The report must evaluate the program's effectiveness
20 on reducing the prevalence of lead poisoning in children in the
21 pilot area communities and in training and employing persons in
22 the pilot area communities. The report also must describe the
23 numbers of units in which lead-based paint was abated; specify
24 the type of work completed and the types of dwellings and

1 demographics of persons assisted; summarize the cost of
2 lead-based paint hazard control and CLEAR-WIN Program
3 administration; rent increases or decreases in the pilot area
4 communities; rental property ownership changes; and any other
5 CLEAR-WIN actions taken by the Department or the Advisory
6 Council and recommend any necessary legislation or rule-making
7 to improve the effectiveness of the CLEAR-WIN Program.