

Property Owners/ Managers/ Realtors®: New and Existing Requirements on Lead Paint

Lead poisoning in children can cause irreversible brain damage and even at very low levels can lead to life-long learning, behavioral and physical problems. Most children are poisoned in their own homes, and deteriorating lead paint on windows, doors, and porches in homes built before 1978 is the main cause.

The Illinois Lead Poisoning Prevention Act of 2006* was signed into law by Governor Blagojevich on June 20, 2006. The law sets out new requirements for property owners/ managers/ Realtors®, retailers, and state and local departments of public health aimed at preventing the devastating effects of childhood lead poisoning.

THE NEW LAW REQUIRES PROPERTY OWNERS TO:

- Submit to a *mandatory* Illinois Department of Public Health (IDPH) or local departments of public health inspection of the unit and common areas if a resident child under 3 has screened positive for lead poisoning. (*Illinois Public Act 094-0879, Section 45/8*)
- Allow inspection by departments of public health of common areas of residential buildings when two or more units within a five-year period have had mitigation notices issued, and to allow a lead inspection by departments of public health when a pregnant woman, parent or guardian of a child under six years, residing in the same building, requests an inspection. (*Illinois Public Act 094-0879, Section 45/9.2*)
- Post notices in the common area of a building when the property owner has received a mitigation notice. The posted notice must say that a lead hazard has been discovered, that other units may also have a hazard, that children under six years should be screened, where to seek further information, and whether the owner has received multiple mitigation notices. (*Illinois Public Act 094-0879, Section 45/9.4*)
- Follow mitigation plans within a time frame established by departments of public health with consideration given by the Department to the owner's financial ability to complete repairs. IDPH must make an owner aware of any financial assistance programs available. (*Illinois Public Act 094-0879, Section 45/9.2-9.3*)
- Note: The new law also sets new penalties for violations, including prohibiting residential property owners who have willfully and knowingly failed to comply with a mitigation order from doing business for a period of time with the State or State agencies. (*Illinois Public Act 094-0879, Section 50/14.5*)

* P.A. 94-0879

Existing Laws on Lead Paint for Property Owners/Managers/Realtors®

Federal law already requires property owners to:

- Disclose any knowledge of lead-based paint or lead-based paint hazards when selling or renting a house built before 1978.
- Allow a buyer to have a lead inspection at the buyer's expense.
- Include a lead warning statement in leases.
- Use lead-safe work practices when making certain repairs and renovations.
- Note: Federal law places increased requirements on HUD landlords.

These regulations can be found at www.epa.gov/lead

Illinois state law already requires property owners to:

- Allow inspection of property, at the discretion of IDPH, when a resident is found to be lead-poisoned. (*Illinois Lead Poisoning Prevention Act, Section 45/8*)
- Follow regulated mitigation procedures when a lead hazard has been identified. (*Illinois Lead Poisoning Prevention Act, Section 45/9.2*)
- Follow regulated lead abatement procedures if mitigation is ineffective. (*Illinois Lead Poisoning Prevention Act, Section 45/9.7*)
- Disclose any lead hazard to renters and provide IDPH brochure to buyers or renters in buildings built before 1978. (*Illinois Lead Poisoning Prevention Act, Section 45/9.1*)

These laws can be found at www.ilga.gov

City of Chicago law already requires property owners to:

- Maintain residential buildings so as to prevent the existence of lead hazards.
- Allow inspections of all units for lead hazards. (*Municipal Code of Chicago Chapter 7-4-030*)
- Provide a mitigation plan, subject to Chicago Department of Public Health approval, when a lead hazard is identified. (*CDPH Rules and Regulations, Control and Mitigation of Lead Bearing Substances, Promulgated Pursuant to Municipal Code Chapter 7-4*)
- Follow regulated mitigation procedures when a lead hazard has been identified. (*CDPH Rules and Regulations, Control and Mitigation of Lead Bearing Substances, Promulgated Pursuant to Municipal Code Chapter 7-4*)

These ordinances can be found at www.cityofchicago.org

For detailed information on how to comply with lead prevention laws and lead safety:

www.hud.gov/offices/lead

www.lead-safe-illinois.org/owners

or call:

City of Chicago Department of Public Health, 312 747 LEAD or
Illinois Department of Public Health, 217 782 5830