



**Board of Commissioners of Cook County  
Minutes of the Health & Hospitals Committee**

**Wednesday, September 25, 2019**

**10:00 AM**

**Cook County Building, Board Room  
118 North Clark Street, Chicago, Illinois**

**ATTENDANCE**

**Present:** Deer, Arroyo, Anaya, Britton, Daley, Degnen, Gainer, Johnson, Lowry, Miller, Moore, K. Morrison, S. Morrison, Silvestri, Sims and Suffredin (16)

**Absent:** Tobolski (1)

**PUBLIC TESTIMONY**

**Chairman Deer asked the Secretary to the Board to call upon the registered public speakers, in accordance with Cook County Code.**

**George Blakemore - Concerned Citizen**

[19-5714](#)

**COMMITTEE MINUTES**

Approval of the minutes from the meeting of 07/25/2019

**A motion was made by Vice Chairman Arroyo, seconded by Commissioner Johnson, to approve 19-5714. The motion carried by the following vote:**

**Ayes:** Deer, Arroyo, Anaya, Britton, Daley, Degnen, Gainer, Johnson, Lowry, Miller, Moore, K. Morrison, S. Morrison, Silvestri, Sims and Suffredin (16)

**Absent:** Tobolski (1)

[19-4222](#)

**Sponsored by:** TONI PRECKWINKLE (President), DENNIS DEER, JOHN P. DALEY, LUIS ARROYO JR, ALMA E. ANAYA, BRANDON JOHNSON, KEVIN B. MORRISON, PETER N. SILVESTRI, DEBORAH SIMS, LARRY SUFFREDIN and JEFFREY R. TOBOLSKI, Cook County Board Of Commissioners

**PROPOSED ORDINANCE**

**BE IT ORDAINED,** by the Cook County Board of Commissioners, that Chapter 38 - ADMINISTRATION, ARTICLE X. - Lead Poisoning Prevention, Sec. 38-251 - Sec. 38-273 is hereby enacted:

**ARTICLE X. - LEAD POISONING PREVENTION**

**Sec. 38-251. Title.**

**Sec. 38-252. Purpose and Jurisdiction.**

**Sec. 38-253. Definitions.**

**Sec. 38-254. Use of Lead-Bearing Substances Prohibited.**

**Sec. 38-255. Maintenance of Regulated Facility.**

**Sec. 38-256. Sale, Transfer or Distribution of Items or Objects Containing Lead-Bearing Substances.**

**Sec. 38-257. Required Notice By Commercial Establishments Offering Paint or Other Supplies.**

**Sec. 38-258. Inspections of Regulated Facilities.**

**Sec. 38-259. Right of Entry.**

**Sec. 38-260. Subpoena Powers.**

**Sec. 38-261. Procedures Upon Determination of a Lead Hazard in a Regulated Facility.**

**Sec. 38-262. Procedures Upon Determination of Lead-Bearing Substances in a Commercial Establishment.**

**Sec. 38-263. Service of Inspection Report, Mitigation Notice and Mitigation Order.**

**Sec. 38-264. Presumption of Violation Where Owner Fails to Permit Lead Risk Assessor Access to Regulated Facility or Commercial Establishment.**

**Sec. 38-265. Mitigation or Abatement of Lead Hazards in Regulated Facilities or Commercial Establishments.**

**Sec. 38-266. Emergency Measures.**

**Sec. 38-267. Regulated Facilities Not Requiring Abatement or Mitigation Due to a Stipulation Agreement.**

**Sec. 38-268. Owner's Obligation to Post Warnings.**

**Sec. 38-269. Owner's Obligations with Respect to Purchasers and Prospective Lessees.**

**Sec. 38-270. Penalties.**

**Sec. 38-271. Rules and Regulations.**

**Sec. 38-272. Remedies.**

**Sec. 38-273. Severability.**

**Effective date:** This ordinance shall be in effect immediately upon passage.

Full text of ordinance amendment can be found here: <https://tinyurl.com/y3qrutfn>

**A motion was made by Vice Chairman Arroyo, seconded by Commissioner Johnson, to accept as amended 19-4222. The motion carried by the following vote:**

**Ayes:** Deer, Arroyo, Anaya, Britton, Daley, Degnen, Gainer, Johnson, Lowry, Miller, Moore, Morrison, Morrison, Silvestri, Sims and Suffredin (16)

**Absent:** Tobolski (1)

[19-4222](#)

**Sponsored by:** TONI PRECKWINKLE (President), DENNIS DEER, JOHN P. DALEY, LUIS ARROYO JR, ALMA E. ANAYA, BRANDON JOHNSON, KEVIN B. MORRISON, PETER N. SILVESTRI, DEBORAH SIMS, LARRY SUFFREDIN, JEFFREY R. TOBOLSKI, SCOTT R. BRITTON, BRIDGET DEGNEN, BRIDGET GAINER, BILL LOWRY, DONNA MILLER, STANLEY MOORE and SEAN M. MORRISON, Cook County Board Of Commissioners

**PROPOSED AMENDMENT TO 19-4222  
(Health and Hospitals Committee 9/25/2019)**

Sponsored by: DENNIS DEER, County Commissioner

**PROPOSED ORDINANCE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 38 - ADMINISTRATION, ARTICLE X. - Lead Poisoning Prevention, Sec. 38-251 - Sec. 38-273 is hereby enacted:

**ARTICLE X. - LEAD POISONING PREVENTION**

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**Sec. 38-269. - Owner's Obligations with Respect to Purchasers and Prospective Lessees.**

(a) An Owner of a Regulated Facility who has received a Mitigation Notice under this Article shall, before the renewal of an existing lease agreement or before entering into a new lease agreement or sales contract for the dwelling for which the Mitigation Notice was issued provide:

- (1) The current lessee or lessees, if the lease is to be renewed, and prospective lessees or purchasers of that unit with written notice that a Lead Hazard has previously been identified in the Dwelling, unless the Owner has obtained a Certificate of Compliance for the unit. An Owner shall satisfy this notice requirement by providing the prospective lessee or purchaser with a copy of the Mitigation Notice and inspection report and obtaining from the prospective lessee or purchaser a signed statement verifying receipt of the copy of the Mitigation Notice and inspection report.
- (2) The Illinois Department of Public Health and Cook County Department of Public Health with written notice of the sale of the Dwelling for which the Mitigation Notice was issued, including the date of the sale, and the name, address, telephone number, and email address of the prospective purchaser of the unit. Owner shall also provide to CCDPH a copy of the signed statement by the purchaser or lessee verifying receipt of the Mitigation Notice and inspection report. The notice required to CCDPH shall be submitted as prescribed by CCDPH. The Owner must fulfill this requirement within 30 days of sale or lease of the Regulated Facility.

(b) An Owner of a Regulated Facility who has received a Mitigation Notice under this article or an Owner of a Regulated Facility who has purchased the facility from an Owner who has received a Mitigation Notice under this Article and who also receives notice as provided in this section shall before entering into a new lease agreement for the for which the Mitigation Notice was issued, mitigate the Lead Hazard previously identified in the Regulated Facility and obtain a Certificate of Compliance. For purposes of determining compliance with this Article, the date of the Mitigation Notice for an Owner of a Regulated Facility who has purchased the facility from an Owner subject to this section and who also receives notice as provided for in this section shall be deemed to be the date of the sale.

(c) If an Owner of a Regulated Facility violates subsection (b) of this Section, the lessee may recover in a civil action damages equal to five times the full monthly rent and the interest on that amount calculated at the prevailing rate, together with costs and such reasonable attorney’s fees as the court allows. ~~Such action may be brought without first filing an administrative complaint.~~ The statute of limitations for a civil action brought pursuant to this Ordinance shall be for a period of three years from the date of the last event constituting the alleged violation for which the action is brought.

(d) Before entering into a residential lease agreement or sales contract, all Owners of Regulated Facilities containing Dwellings built before 1978 shall give prospective lessees or purchasers information on the potential health hazards posed by lead in Regulated Facilities by providing prospective lessees or purchasers with a copy of an informational brochure prepared by the Department and shall be consistent with the requirements set forth in 40 CFR Part 745, subpart F.

**A motion was made by Vice Chairman Arroyo, seconded by Commissioner Johnson, to recommend for approval as amended 19-4222. The motion carried by the following vote:**

**Ayes:** Deer, Arroyo, Anaya, Britton, Daley, Degnen, Gainer, Johnson, Lowry, Miller, Moore, K. Morrison, S. Morrison, Silvestri, Sims and Suffredin (16)

**Absent:** Tobolski (1)

[19-5089](#)

**Presented by:** TERRY MASON, MD, FACS, Chief Operating Officer, Cook County Department of Public Health

**REPORT**

**Department:** Cook County Department of Public Health (CCDPH)

**Report Title:** CCDPH Quarterly Report

**Report Period:** Third Quarter, 2019

**Summary:** The Cook County Department of Public Health hereby presents its Quarterly Report to the Cook County Board of Commissioners in their capacity as the Board of Health of Cook County.

**A motion was made by Vice Chairman Arroyo, seconded by Commissioner Johnson, to recommend for approval 19-5089. The motion carried by the following vote:**

**Ayes:** Deer, Arroyo, Anaya, Britton, Daley, Degnen, Gainer, Johnson, Lowry, Miller, Moore, K. Morrison, S. Morrison, Silvestri, Sims and Suffredin (16)

**Absent:** Tobolski (1)

ADJOURNMENT

A motion was made by Vice Chairman Arroyo, seconded by Commissioner Johnson, to adjourn the meeting. The motion carried by the following vote:

**Ayes:** Deer, Arroyo, Anaya, Britton, Daley, Degnen, Gainer, Johnson, Lowry, Miller, Moore, K. Morrison, S. Morrison, Silvestri, Sims and Suffredin (16)

**Absent:** Tobolski (1)

Respectfully submitted,



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Chairman



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Secretary

A video recording of this meeting is available at <https://cook-county.legistar.com>.