

**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

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.
