



State of Illinois

# Illinois Tenant Protection Act

EPA Region 5 Radon Meeting  
**August 15, 2025**

ILLINOIS EMERGENCY MANAGEMENT AGENCY  
AND OFFICE OF HOMELAND SECURITY




# Illinois Tenant Protection Act

- Amendment to Illinois Radon Awareness Act
  - Effective January 1, 2024
  - **Old** - Disclosure to tenants only if radon hazard found
  - **NEW** –
    - Disclosure form and documents required prior to entering lease
    - If elevated levels found (and confirmed by licensed professional if needed) and lessor refuses to mitigate, tenant may break lease with no penalty




# Illinois Tenant Protection Act



Illinois Emergency Management Agency  
and Office of Homeland Security

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## RADON

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## Lessor's and Tenants


Illinois Radon Awareness Act (420 ILCS 46) provides for the disclosure of radon information by the Lessor to potential Tenants or renewing Tenants. The Lessor must provide the following to tenants or prospective tenants in units below the third story:

1. At the time of a prospective tenant's application to lease a dwelling unit, before a lease is entered into, or at any time during the leasing period, upon request, the lessor shall provide the prospective tenant or tenant of a dwelling unit with the IEMA-OHS pamphlet entitled "Radon Guide for Tenants."
2. Copies of any records or reports pertaining to radon concentrations within the dwelling unit that indicate a radon hazard to the tenant.
3. The document "Disclosure of Information on Radon Hazards to Tenants."

At the commencement of the agreed leasing period, a tenant shall have 90 days to conduct his or her own radon test of the dwelling unit. If the tenant chooses to have a radon test performed, the tenant shall provide the lessor with copies of the results, including any records or reports pertaining to radon concentrations, within 10 days after receiving the results of the radon test. If the tenant's radon test provides a result in excess of the IEMA-OHS recommended Radon Action Level and the lessor has elected to not mitigated the radon hazard, the tenant may terminate the lease.

If the tenants radon test results indicate a radon hazard, the lessor may hire a radon contractor to perform an additional radon test within 30 days after the tenant notifies the lessor of the results of his or her radon test. The results of a measurement by a radon contract may be used by the lessor to disprove the presence of a radon hazard. Test results are valid for a period of 2 years after the date of the testing unless any renovations, additions, or modifications are made to the building containing the dwelling unit.

 [Radon Guide for Tenants](#)

 [Disclosure of Information on Radon Hazards to Tenants](#)



# Illinois Tenant Protection Act



IEMA-OHS

ILLINOIS EMERGENCY MANAGEMENT AGENCY  
AND OFFICE OF HOMELAND SECURITY

## Radon Guide for Tenants



### What Can Lessors Do About Radon Problems?

- The lessor may hire a radon contractor to perform an additional radon test within 30 days after the tenant notifies the lessor of the results of a radon test.
- The results of a measurement by a radon contractor may be used by the lessor to disprove the presence of a radon hazard.
- Test results are valid for a period of 2 years after the date of the testing unless any renovations, additions, or modifications are made to the building containing the dwelling unit.
- If the lessor declines to dispute the results of the tenant's radon test showing a radon hazard or does not mitigate the hazard, the tenant may, within 60 days:
  - (1) hire, at the tenant's expense, a radon contractor to perform radon mitigation activities. If the tenant chooses to conduct mitigation activities, the mitigation activities shall only be done with express consent of the lessor; or
  - (2) terminate the lease.
- Radon reduction requires a trained professional. To find out which radon reduction system is right for a building, and the cost of repairs, Lessors should consult with a licensed radon contractor.



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### Tenant's Radon Checklist

- At the time of entering into a lease, or at any time during the leasing period, upon request, the lessor shall provide to a tenant in a unit below the third story with:
  - (1) the IEMA-OHS pamphlet Radon Guide for Tenants;
  - (2) copies of any records or reports pertaining to radon concentrations within the dwelling unit that indicate a radon hazard; and
  - (3) the Disclosure of Information on Radon Hazards to Tenants form.
- Follow instructions included in your radon test kit.
- If your test shows radon levels above 4.0 pCi/L, notify the Lessor of the test results in writing within 10 days.
- If you have high radon levels or if you need additional information and assistance about radon testing and radon repairs, contact the IEMA radon office, the National Radon Helpline or other organizations that work on radon or housing issues.

### If You Smoke . . .

Smoking combined with exposure to high radon levels is a serious health risk. If you smoke or are a former smoker, the presence of radon greatly increases your risk of lung cancer. If you stop smoking and lower your radon levels, you will reduce your lung cancer risk.

For More Information  
IEMA-OHS Website  
[www.radon.illinois.gov](http://www.radon.illinois.gov)  
IEMA Toll-free Hotline  
1-800-325-1245

# Illinois Tenant Protection Act

## DISCLOSURE OF INFORMATION ON RADON HAZARDS

(For Current and Prospective Tenants)

### Radon Warning Statement

Each tenant in this residence or dwelling unit is notified that the property may present exposure to levels of indoor radon gas that may place the occupants at risk of developing radon-induced lung cancer. Radon, a Class-A human carcinogen, is the leading cause of death in private homes and the leading cause of lung cancer in nonsmokers. The lessor of any residence is required to provide each tenant with any information on radon test results of the dwelling unit that present a radon hazard to the tenant.

The Illinois Emergency Management Agency (IEMA) strongly recommends that ALL rental properties have a radon test performed and radon hazards mitigated if elevated levels are found in a dwelling unit or a routinely occupied area of a multiple family residence. Elevated radon concentrations can easily be reduced by a radon contractor.

**Dwelling Unit Address:** \_\_\_\_\_

### Lessor's Disclosure (initial each of the following that apply)

- (a) \_\_\_\_\_ Lessor has no knowledge of elevated radon concentrations (or records or reports pertaining to elevated radon concentrations) in the dwelling unit.
- (b) \_\_\_\_\_ Radon concentrations (at or above the IEMA recommended Radon Action Level 4.0 pCi/L) are known to be present within the dwelling unit.
- (c) \_\_\_\_\_ Lessor has provided the tenant with copies of all available records and reports, if any, pertaining to radon concentrations within the dwelling unit.

### Tenant's Acknowledgment (initial each of the following that apply)

- (d) \_\_\_\_\_ Tenant has received copies of all information listed above.
- (e) \_\_\_\_\_ Tenant has received the pamphlet "Radon Guide for Tenants".

### Agent's Acknowledgment (initial) (if applicable)

- (g) \_\_\_\_\_ Agent has informed the seller of the seller's obligations under Illinois law.

### Certification of Accuracy

The following parties have reviewed the information above and each party certifies, to the best of his or her knowledge, that the information he or she provided is true and accurate.

Lessor \_\_\_\_\_  
Printed Name

Lessor \_\_\_\_\_ Date \_\_\_\_\_  
Signature

Tenant \_\_\_\_\_  
Printed Name

Tenant \_\_\_\_\_ Date \_\_\_\_\_  
Signature



# Illinois Tenant Protection Act



## Illinois Radon Policy Taskforce

### ILLINOIS LAW HELPS PROTECT TENANTS FROM RADON

(PUBLIC ACT 103-0298, A CHANGE TO 420 ILCS 46/ ILLINOIS RADON AWARENESS ACT)

#### TENANTS RIGHTS AND LANDLORD ACTION WILL PROTECT AGAINST RADON

EFFECTIVE JANUARY 1, 2024, A NEW LAW HELPS PROTECT RENTERS FROM RADIOACTIVE RADON

**1. Landlord must give a radon awareness piece** to potential tenants and renewing tenants, (or current tenants, if they request). *Awareness piece is available at Ill. Emergency Management Agency (IEMA) website after Dec. 2023.*

**2. Landlord must give a disclosure form** about known radon levels in the unit and any test records, to potential tenants (or current tenants, if they request). *This form is available at IEMA website after Dec. 2023*

**3. Tenant can test apartment** during the first 90 days of the lease, or renewal, using a professional or DIY test, and send results to Landlord within 10 days. If at or above 4 Picocuries per Liter, they may request landlord mitigate (remove) the radon.

**4. Landlord can choose whether to mitigate the radon or not.** If they choose within 30 days, using a professional tester. If this test does not show high radon, no action is required. This test supersedes results from tenant's test.

**5. Landlord can mitigate** high levels of radon, to below Picocuries per liter.

**6. Tenant can,** If Landlord does not mitigate within 60 days:

A. **leave the lease**, without penalty, or  
B. **have a mitigation system installed**, with Landlord's permission, by a professional, the costs of which will be subtracted from the rent in equal portions across the rest of the lease period.

#### Other Notes:

- It is recommended a test be performed after any mitigation to ensure performance.
- All test results are deemed valid for 2 years unless any renovation, addition, or substantial modifications are made to the building.
- This regulation applies even in Home Rule jurisdictions.
- No testing nor mitigation is REQUIRED by any party
- The IEMA strongly recommends testing and mitigating high radon on all rental properties

This handout is courtesy of Illinois Radon Policy Taskforce. Questions answered by the Illinois Emergency Management Agency Radon Program.


## Illinois Radon Policy Taskforce


- Loose association with IEA
- <https://www.mwaarst.org/tenant-radon-safety/>

**1. IN DETAILS** Tenant Protection Law Explained 2023 10 06 Watch | Source: Illinois Radon Policy Taskforce

### 2. Disclosure Form And Reports

- Property owner gives to  potential tenants and lease renewers



Watch on  YouTube

[https://youtu.be/LM\\_O8-Dv2qw](https://youtu.be/LM_O8-Dv2qw)



# Illinois Tenant Protection Act

- **What does IEMA-OHS do?**
  - Education, Awareness & Outreach
  - Notification Letter for complaints/ non-compliance
- **No Enforcement Ability**
  - Civil lawsuit is only legal recourse pathway



# Questions?

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