

## **Fostering compliance with healthy housing practices: The current regulatory landscape governing healthy homes and healthy communities<sup>1</sup>**

The charts on the following page illustrate the current laws and regulations governing indoor environmental health hazards. Each chart concerns a distinct jurisdiction: City of Chicago, Cook County, Unincorporated Cook County, or Illinois. The x-axis on each chart lists specific indoor environmental health hazards, while the y-axis lists factors of concern, such as whether there is a law on-point, whether any law creates a private right of action for tenants in unhealthy housing, among other aspects. Taken together, the charts describe laws or regulations that directly address indoor environmental hazards in Chicago and Cook County.

In addition to regulations that address specific indoor environmental health hazards, there are several laws that affect healthy homes and communities without referencing a particular substandard housing condition or indoor environmental hazard. For example, under the implied warranty of habitability, all dwellings in Chicago, Cook County, Unincorporated Cook County, and Illinois must be fit for living.<sup>2</sup> While the implied warranty of habitability does not name specific indoor environmental health hazards, it requires all residential property to be in compliance with local building and health codes for the duration of a renter's tenancy. In addition, the Fair Housing Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, Illinois Retaliatory Eviction Act, and public nuisance laws also address housing conditions.

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<sup>1</sup> This chart was created by law, medical, and public health students enrolled in the Health Justice Project at Loyola University Chicago School of Law during spring 2014, including Emily Coffey, Alexandra Goss, Carlos Minaya, and Paige Steffen, under the supervision of Professor Emily Benfer, Professor Dhrubajyoti Bhattacharya, and Allyson Gold. The students built upon research completed during summer and fall 2013 by Loyola University Chicago School of Law student, Amanda Crews Slezak. Ms. Slezak received a stipend from Loyola University Chicago's Strategic Planning Initiative to undertake the work. Ms. Slezak's work product is available through Professor Anita Weinberg, Director of the ChildLaw Policy Institute, Loyola University Chicago School of Law.

<sup>2</sup> *Jack Spring, Inc. v. Little*, 280 N.E.2d 208 (Ill. 1972).

**CHICAGO POLICIES REGARDING INDOOR ENVIRONMENTAL HAZARDS**

	Mold	Lead	Air Quality and Carbon Monoxide	Pests	Radon	Pesticides
Law or Resolution Specifically Addressing Hazard in Name		X		X		
At Least one Law Prohibits Presence of Hazard		X				
Law is Preventative (e.g. Requires Testing for Presence of Hazard Prior to Move-in)						
Allowable Level of Exposure to Hazard Defined		X		X		
Laws Address Hazard After Tenant Exposure		X		X		
Discretionary Enforcement Under One or More Provisions of the Law		X		X		
Mandatory Inspection to Identify Hazard						
Mandatory Inspection in Some Cases						
Private Right of Action		X				
Assigned Department		Chicago Dept. of Public Health		Chicago Dept. of Buildings and Chicago Dept. of Public Health		
Property Owner Pays for Repairs		X		X		
Sanctions/Fines Available for Non-Compliance		X		X		

**COOK COUNTY POLICIES REGARDING INDOOR ENVIRONMENTAL HAZARDS**

Law or Resolution Specifically Addressing Hazard in Name			X	X		
At Least one Law Prohibits Presence of Hazard			X			
Law is Preventative (e.g. Requires Testing for Presence of Hazard Prior to Move-in)						
Allowable Level of Exposure to Hazard Defined						
Laws Address Hazard After Tenant Exposure				X		
Discretionary Enforcement Under One or More Provisions of the Law			X	X		
Mandatory Inspection to Identify Hazard						
Mandatory Inspection in Some Cases				X		
Private Right of Action						
Assigned Department			Cook County Department of Public Health	Department of Property Maintenance		
Property Owner Pays for Repairs				X		
Sanctions/Fines Available for Non-Compliance			X			

**UNINCORPORATED COOK COUNTY POLICIES REGARDING INDOOR ENVIRONMENTAL HAZARDS**

Law or Resolution Specifically Addressing Hazard in Name	X		X	X		
At Least one Law Prohibits Presence of Hazard	X		X			
Law is Preventative (e.g. Requires Testing for Presence of Hazard Prior to Move-in)						
Allowable Level of Exposure to Hazard Defined						
Laws Address Hazard After Tenant Exposure	X			X		
Discretionary Enforcement Under One or More Provisions of the Law	X		X	X		
Mandatory Inspection to Identify Hazard						
Mandatory Inspection in Some Cases				X		
Private Right of Action						
Assigned Department	Cook County Dept. of Public Health		Cook County Dept. of Public Health	Dept. of Property Maintenance		
Property Owner Pays for Repairs	X			X		
Sanctions/Fines Available for Non-Compliance	X		X			

**ILLINOIS POLICIES REGARDING INDOOR ENVIRONMENTAL HAZARDS**

Law or Resolution Specifically Addressing Hazard in Name	X	X	X		X	X
At Least one Law Prohibits Presence of Hazard		X	X		X	X
Law is Preventative (e.g. Requires Testing for Presence of Hazard Prior to Move-in)						
Allowable Level of Exposure to Hazard Defined		X	X		X	
Laws Address Hazard After Tenant Exposure		X				
Discretionary Enforcement Under One or More Provisions of the Law		X	X		X	X
Mandatory Inspection to Identify Hazard						
Mandatory Inspection in Some Cases		X				
Private Right of Action						
Assigned Department	IL Dept. of Public Health	IL Dept. of Public Health	IL Board of Health		IL Emergency Management Agency	IL Dept. of Public Health; Governor's Structural Pest Control Advisory Council
Property Owner Pays for Repairs		X				
Sanctions/Fines Available for Non-Compliance		X	X		X	X