

ORDINANCE

WHEREAS, The City of Chicago (the “City”) is a home rule unit of government under Article VII, Section 6(a) of the Constitution of the State of Illinois, and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Lead is a toxic metal that can cause severe health issues, particularly in children and pregnant women, and prolonged exposure to lead can lead to developmental delays, learning disabilities, and damage to nervous systems and kidneys; and

WHEREAS, Since even low levels of lead exposure can have detrimental health effects over time, any amount of lead in drinking water poses a public health problem; and

WHEREAS, With approximately 400,000 lead service lines – the most in the nation – the City of Chicago has a moral and civic obligation to address this public health threat by replacing lead water service lines with safer piping alternatives; and

WHEREAS, The continued use of lead water service lines – particularly in disproportionately affected minority and low-income communities, whose residents are least likely to be able to afford lead service line replacements – constitutes not only a public health and environmental crisis, but also a crisis of equity and justice that the City must address; and

WHEREAS, While the City Council has authorized the creation of various lead service line replacement programs by the Department of Water Management (the “Department”), the City has thus far failed to implement an impactful lead service line replacement program that effectively addresses the existing public health and environmental threat; and

WHEREAS, The State and federal government have recently authorized various programs to assist municipalities in removing and replacing lead service lines; and

WHEREAS, The City must institute an aggressive, bold, and equitable lead service line replacement program to address the urgent public health and environmental risks and maximize the program’s impact by leveraging available State and federal funding; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are incorporated herein and made a part hereof.

SECTION 2. The Safe Drinking Water in Chicago Pilot Program (the “Program”), as set forth in Exhibit A attached hereto and made a part hereof, is hereby authorized. The Department is hereby designated to administer the Program in accordance with this ordinance, and subject to the availability of duly appropriated funds.

SECTION 3. Pursuant to the authority granted under Section 11-12-910(c), the Commissioner of Water Management is hereby authorized to negotiate, execute, and deliver such agreements as may be necessary or advisable in connection with the Program, as authorized by this ordinance.

SECTION 4. Chapter 11-12 of the Municipal Code of Chicago is hereby amended by inserting a new Section 11-12-930, as follows:

11-12-930 LSLR Advisory Committee.

(a) *Establishment and composition.* There is hereby established the Lead Service Line Replacement Advisory Council (“LSLR Advisory Council”), which shall consist of 17 members, with nine ex officio members and eight members appointed by the Mayor in accordance with this subsection. The Chair of the Committee on Economic, Capital and Technology Development; (G) the Chair of the Committee on Environmental Protection and Energy shall serve as co-chairs of the LSLR Advisory Council.

(1) *Ex officio members.* The following City officials, or their successors, shall serve as ex officio voting members of the LSLR advisory Council, other than the Commissioner of Water Management, who shall serve as a non-voting ex office member: (A) the Deputy Mayor for Infrastructure and Services; (B) the Commissioner of Water Management; (C) the Commissioner of Buildings; (D) the Commissioner of Public Health; (E) the Chief Sustainability Officer; (F) the Chair of the Committee on Economic, Capital and Technology Development; (G) the Chair of the Committee on Environmental Protection and Energy; (H) the Chair of the Committee on Health and Human Services; and (I) the Chair of the Committee on Workforce Development.

(2) *Appointed members:* The Mayor shall appoint, for a term of three years and subject to City Council approval, eight representatives from organizations in one or more of the following fields to serve as members of the LSLR Advisory Council: (A) housing advocacy; (B) public health; (C) violence prevention; (D) plumbers or pipefitters trade union; (E) a trade union other than plumbers and pipefitters; (F) homeowners associations; (G) construction trade associations; and (H) non-profit civic or community-based organizations.

(b) *Powers and duties.* The LSLR Advisory Council shall, with respect to lead service line replacement programs established under to this Article IX, or any related pilot programs, initiatives or other programs established for the purpose of replacing lead service lines within the City:

(1) Hold regular meetings at least once each calendar quarter, provided that special meetings may be held upon the call of either co-chair;

(2) Advise the Commissioner of Water Management on how such programs may be improved and be made more equitable and transparent;

(3) Appear before the Committee on Economic, Capital and Technology Development or the Committee on Environmental Protection and Energy, or a joint committee thereof, upon request, to provide recommendations or other testimony; and

(4) Review, recommend, and assist the Commissioner of Water Management in applying for gifts and grants of services, equipment, supplies, materials, or funds from the United States, the State of Illinois, other government entities, their agencies, or officers, or from any person, foundation, association, not-for-profit corporation, firm, or corporation; and

(5) During the term of the Safe Drinking Water in Chicago Pilot Program (the “Pilot Program”), publish an annual report detailing the progress of the Pilot Program, which shall include, at a minimum, an update on all facets of the Pilot Program, including details of how many lead service lines have been replaced in each pilot area; information on expenditures, licensed contractors, and the number of Chicago residents trained and hired; ratings on the quality of work completed under the Pilot Program, including restorations; and the public communication efforts that have been enacted to ensure public participation and cooperation.

SECTION 5. Chapter 11-12 of the Municipal Code of Chicago is hereby amended by inserting a new Section 11-12-940, as follows:

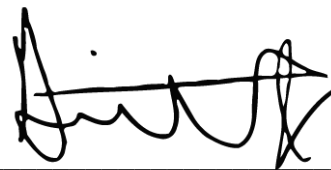
11-12-940 Penalties for violations of or interference with LSLR replacement programs.

Any person who violates the requirements of any lead service line replacement programs established under to this Article IX, or any related pilot programs, initiatives, or other programs established for the purpose of replacing lead service lines within the City, or who otherwise interferes with any replacement of a lead service line under such programs without legal justification, shall be subject to a fine of not less than \$250 and not more than \$1,000, imprisonment for a period not to exceed 90 days, community service for a period not to exceed 1,000 hours, or any combination thereof.

SECTION 6. The Corporation Counsel, in consultation with Chief Financial Officer, the Comptroller, the City Treasurer, and the City Clerk, as applicable, shall review all outstanding bond issuances to determine whether proceeds from such bonds may be used to fund the Program. Within 30 days of the effective date of this section, the Corporation Counsel shall submit a legal opinion to City Council as to whether proceeds from any outstanding bond issuances or the water revenue fund may be used to fund the Program, or if any legal or legislative action is required before the proceeds from such bonds or the water revenue fund may be used fund the Program.

SECTION 7. To the extent that any ordinance, resolution, rule, order, or provision of the Municipal Code, or part thereof, conflicts with the provisions of this ordinance, the provisions of this ordinance shall control. If any section, paragraph, clause, or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this ordinance.

SECTION 8. Section 5 of this ordinance shall take effect ten days after passage and publication. The remainder of this ordinance shall take effect upon passage and approval.



GILBERT VILLEGAS
Alderman, 36th Ward

EXHIBIT A

Safe Drinking Water in Chicago Pilot Program

Pursuant to the authority granted under Section 11-12-910, the Commissioner of Water Management, in consultation with the Deputy Mayor for Infrastructure and Services, is hereby authorized and directed to establish the Chicago Safe Drinking Water Pilot Program in accordance with this ordinance.

Definitions: For the purposes of this Exhibit A, the following definitions shall apply:

“Commissioner” means the Commissioner of Water Management.

“Department” means the Department of Water Management.

“LSLR Advisory Council” means the LSLR Advisory Council established pursuant to Section 4 of this ordinance.

“Program” means the Chicago Safe Drinking Water Pilot Program authorized by this ordinance.

“Residential building” means any building or structure that is primarily designed or used, as determined by the Commissioner, for dwelling by persons in a dwelling unit, including, but not limited to, single family homes, two- and three-flats, townhouses and rowhouse, multi-unit residential rental buildings, cooperative buildings, condominium buildings, hotels, dormitories, and similar residential occupancies.

Program Overview: The Program shall require the removal and replacement of all full lead service lines (as defined in Section 11-12-900) serving any residential building located within a pilot area, at no cost to the owner or any occupant, by a contractor selected by the Commissioner. Prior to commencing any work under the Program, the Commissioner shall send each owner of a residential building in each pilot area notice of the Program, including the proposed date of any inspection or work, and a right of entry form provided by the Commissioner, drafted in consultation with the Corporation Counsel and the contractor, to provide the Contractor with access to the owner’s property to verify the existence of any lead service lines and complete replacement and restoration work under the Program.

An owner of a residential building may be excluded from the Program only if, within 15 days of receiving such notice, the owner: (1) submits written proof from a duly licensed and certified plumber that no lead service lines serve the residential building, or that any lead service lines that served the residential building have been removed and replaced; or (2) elects to replace all lead service lines serving the residential building, at the owner’s expense, and, within 90 days of making such election, submits with proof that the lead service line has been replaced, including, at a minimum: a permit issued by the City to a licensed plumber authorized to do the work; an invoice from the contractor who completed the work; a copy of the estimate along with any report of the work completed; and an inspection report verifying the removal. Prior to the contractor commencing work at any residential building where lead service lines have been identified, the Commissioner shall send to each affected dwelling unit, at no cost to the owner or occupants, filters certified by an accredited third-party certification body to NSF/ANSI 53 and NSF/ANSI 42 standards for the reduction of lead and particulates.

In designing and implementing the Program, including the selection of pilot areas, the Commissioner shall make every effort to ensure that at least 40,000 lead service lines are replaced during the term of the Program.

Term and Reporting: The term of the Program shall expire on May 17, 2027, subject to extension by City Council. During the term of the Program, the Commissioner, in consultation with the Deputy Mayor for Infrastructure and Services, shall provide a quarterly report to City Council and the LSLR Advisory Council regarding the Program's status and effectiveness, outreach efforts, and a description of all private, State, federal, or other governmental gifts and grants of services, equipment, supplies, materials, or funds that have been applied for or received in connection with the Program.

No later than 30 days after the adoption of this ordinance, and annually thereafter for the term of the Program, the Commissioner and the Deputy Mayor for Infrastructure and Services, or their respective designees, and members of the LSLR Advisory Council shall appear at a hearing before a joint committee of the Committee on Economic, Capital and Technology Development and the Committee on Environmental Protection and Energy, or their respective successor committees, to provide an overview of the Program's status and effectiveness, including the information in the quarterly reports submitted to City Council and the LSLR Advisory Committee in the preceding year, as well as a recommendation as to whether the Program should be extended beyond the then-current term or expanded beyond the then-current pilot areas.

Pilot Areas: The Commissioner, in consultation with the Deputy Mayor for Infrastructure and Services, and the Commissioner of Housing, shall select at least five pilot areas for participation in the Program. Pilot areas must: (i) consist of one or more contiguous areas that are "disadvantaged communities" as defined by the Illinois Environmental Protection Agency under the rules governing the distribution of funding for lead service line replacement under the federal Bipartisan Infrastructure Law; (ii) each cover a minimum of 15,000 households; and (iii) include, in the aggregate across all pilot areas, a representative mix of the types of residential buildings located in the City, including single family homes, two- and three-flats, townhouses and rowhouse, multi-unit residential rental buildings, cooperative buildings, condominium buildings, and similar occupancies. At least one pilot area must be located in each of the following districts:

(1) The North District, bounded by the City limits to the north, Lake Michigan to the east, Fullerton Avenue to the south, and the City limits to the west;

(2) The Southeast District, bounded by Interstate 55 to the north (as extended east to Lake Michigan), Lake Michigan to the east, 87th Street to the south, and Interstates 90/94 and 94 to the west;

(3) The Far South District, bounded by 87th Street to the north, Lake Michigan to the east, and the City limits to the south and west;

(4) The Southwest District, bounded by Interstate 55 to the north, Interstates 90/94 and 94 to the east, 87th Street to the south, and the City limits to the west; and

(5) The West District, is bounded by Fullerton Avenue to the north, Interstates 90/94 to the east, Interstate 55 to the south, and the City limits to the west.

Contractor Requirements and Standards: The contract for the work under the Program shall be awarded as a competitively bid construction project in accordance with Chapter 2-92. The

contractor shall comply with all applicable requirements governing construction projects and construction contracts, each as defined in Chapter 2-92, including any applicable MBE, WBE, and VBE goals; city resident and project area resident work hour requirements; and prevailing wage requirements; provided that such requirements shall not apply to the extent inconsistent with any applicable State or federal requirements. Notwithstanding the foregoing, the City shall waive permit fees for any permits the contractor is required to obtain in connection with any work under the Program, provided the contractor complies with all other applicable permitting requirements.

All work completed by the contractor shall comply with the applicable requirements of the Municipal Code and the American Water Works Association (AWWA) Standard for Replacement and Flushing of Lead Service Lines. The contractor shall replace and restore any public or private property disturbed by such work to at least as good a condition as before the work causing such disturbance was done, in accordance with the Municipal Code and any applicable regulations related to restoration of the public way. In the event the contractor fails to perform such replacement or restoration, the City or the applicable owner shall have the right to do so at the sole expense of the contractor, including through a reduction of any amounts owed to the contractor by the City for such work.

In connection with replacing lead service lines under the Program, the contractor shall also complete interior and exterior flushing, including aerator cleaning, for all other affected water lines serving the residential building. Prior to the completion of lead service line replacement at any residential building, the Commissioner shall provide information to the owner and any occupants regarding recommended flushing activities following lead service line replacement, recommended filter use instructions, and information on the testing water for elevated lead levels, including a recommend testing schedule and the option to request a free water sample test kit.

Tenant and Condominium Unit Owner Protections: The Commissioner shall, by rule, establish minimum protections for occupants of rental dwelling units and occupants of multi-family residential buildings which shall, at a minimum, require notice that the owner of the residential building is seeking to be excluded from the Program, and the opportunity to file a complaint that an owner has submitted false information to the Commissioner in violation of Chapter 1-21 of the Municipal Code.

Community Outreach: The Commissioner, in consultation with the Deputy Mayor for Infrastructure and Services, the Deputy Mayor of Immigrant, Migrant, and Refugee Rights, the Commissioner of Housing, the Commissioner of Public Health, the Commissioner of the Mayor's Office for People with Disabilities, and the LSLR Advisory Council, shall develop a robust community outreach program designed to educate owners and occupants of residential buildings located within the pilot areas about the Program. Subject to the availability of duly appropriated funds, the Commissioner shall partner with local community, civic, religious, and cultural organizations to assist with developing and executing the community outreach program in a culturally sensitive and equitable manner. The community outreach program shall be designed to inform owners and occupants of residential buildings located within the pilot areas of: (i) the existence, benefits, requirements, and timing of the Program; (ii) the health and environmental risks of lead service lines; (iii) the availability of lead service line replacement and water filters under the Program; and (iv) the tenant and condominium owner protections promulgated by the Commissioner. Such community outreach program shall comply with the requirements of Chapter 2-40 and Executive Order 2022-4, and include, at a minimum:

(1) public service announcements through community media outlets (as defined in Executive Order 2022-4) and other local media outlets, including television and radio stations and print and digital publications;

(2) a City-hosted website and an internet-enabled application where residents can receive information and submit documents related to the Program; and

(3) an inventory and interactive service line mapping tool to allow residents to track the Program's progress.

State and Federal Funding; Coordination with other Work: The Commissioner, in consultation with the LSLR Advisory Council and the Deputy Mayor for Infrastructure and Services, shall design the Program and any rules promulgated hereunder, to the maximum extent possible, to: (i) leverage available State and federal grants and other funding; and (ii) align work under the Program with the City's then-current Capital Improvement Plan and any planned replacement of or other work related to any water main within a pilot area.

Rules and Regulations: The Commissioner may promulgate additional rules and regulations that do not conflict with this ordinance, or applicable State and federal laws.