

## July 18<sup>th</sup> 2010 - CCIA Legislative Update

### US Government - Lead Paint [www.epa.gov/lead/](http://www.epa.gov/lead/)

There are new requirements regarding renovations in pre-1978 housing. If you are disturbing 6 sq ft/room interior or 20 sq ft on exterior you need to comply.

These EPA requirements took effect April 22, 2010. The fine is a minimum of \$32,500 minimum for non-compliance. There are links on our website [www.ccia-info.com](http://www.ccia-info.com) to companies that are providing the required training. Owners of property in Wisconsin, Iowa and a handful of other states need to check with their state for the requirements that apply to them.

\*\*\* New news regarding this EPA rule. The EPA pushed back enforcement until October 1<sup>st</sup>, 2010. Following that they won't enforce against an individual if they have enrolled in the class by September 30<sup>th</sup>, and complete it by Dec. 31<sup>st</sup>.

Effective July 6<sup>th</sup>, 2010 EPA removed the "opt-out" provision for owner occupied pre 1978 housing. If you are hiring contractors for renovations they need to be certified. You can still work on your own residence without falling under this regulation.

### Regulations Regarding Seller Financing

Federal – The Conference Committee resolving differences in the House and Senate versions of the "financial overhaul legislation" agreed to relax the rules. They have been relaxed to allow 3 seller financed transactions per year without the need to be licensed as a loan originator. As of this writing, this has not yet been signed into law by the President.

Attention: You may need to have a Residential Mortgage License to provide a seller-financed note and mortgage on residential property in Illinois once the following bill is signed into law. The details of this bill can be found at [www.ilga.gov](http://www.ilga.gov).

Illinois – SB3781 – Mortgage Loan Originator – This Bill is reworking the Residential Mortgage License Act of 1987. The rework removes (strikes) the exemption that applied to most folks doing seller financing:

~~Any person or entity that does not originate mortgage loans in the ordinary course of business making or acquiring residential mortgage loans with his or her or its own funds for his or her or its own investment without intent to make, acquire, or resell more than 2 residential mortgage loans in any one calendar year.~~

If you broker, fund, originate, service or purchase residential mortgage loans you need to read this legislation and see if it applies to you. You may also want to call your legislators and ask them what their intent was in passing this law at this time.

As of this writing, this bill has passed the House and Senate and is awaiting the Governor's signature. It appears enforcement will initially only be done in Cook and Sangamon Counties.

## **Eviction Defense**

HB5523 – Eviction Defense – Domestic Violence.

As soon as the Governor signs this bill into law, tenants who are victims of domestic violence or similar crimes will be able to use their victim status as a defense against eviction. They need to have proof that they sought help, and this defense does not prevent evictions for non-payment or rent or other lease violations.

The details of this bill can be found at [www.ilga.gov](http://www.ilga.gov).