

116TH CONGRESS
1ST SESSION

H. R. 4416

To authorize the Secretary of Housing and Urban Development to award grants to eligible entities to evaluate and reduce lead-based paint hazards, lead in drinking water hazards, and lead in soil hazards in pre-1978 residential real properties.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2019

Mr. GOLDEN (for himself, Mr. QUIGLEY, Mr. KHANNA, Ms. ROYBAL-ALLARD, Mr. ENGEL, and Ms. PINGREE) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Secretary of Housing and Urban Development to award grants to eligible entities to evaluate and reduce lead-based paint hazards, lead in drinking water hazards, and lead in soil hazards in pre-1978 residential real properties.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lead-Free Future Act
5 of 2019”.

1 **SEC. 2. FINDINGS.**

2 Congress finds as follows:

3 (1) Lead poisoning is an entirely preventable
4 environmental illness.

5 (2) The Centers for Disease Control and Pre-
6 vention has declared that there is no safe level of
7 lead, with even low-level exposure having lifelong
8 negative impacts on children.

9 (3) In 2012, the Centers for Disease Control
10 and Prevention determined that a concentration of 5
11 micrograms per deciliter (ug/dL) in blood is the ref-
12 erence level, at which it is recommended that public
13 health action be initiated.

14 (4) The American Academy of Pediatrics has
15 described lead exposure as “a causal risk factor for
16 diminished intellectual and academic abilities, higher
17 rates of neurobehavioral disorders such as hyper-
18 activity and attention deficits, and lower birth
19 weight in children.”.

20 (5) Studies of children with a history of ele-
21 vated blood lead levels at or above 5ug/dL show the
22 impact over the course of their life, including dimin-
23 ished IQ scores, which lead to lower rates of high
24 school graduation, lower earning potential, and fewer
25 Quality-Adjusted Life Years.

1 (6) The Centers for Disease Control and Pre-
2 vention has found that children are at higher risk of
3 lead or lead exposure if they are low-income, a per-
4 son of color, or a recent immigrant, live in poorly
5 maintained rental properties, or have parents who
6 are exposed to lead at work.

7 (7) The primary sources of lead exposure are
8 dust from chipping and peeling paint found in pre-
9 1978 homes and water as a result of lead service
10 lines used to transport drinking water, although lead
11 has also been found in food, soil, jewelry, pottery,
12 and other consumer products.

13 (8) The Centers for Disease Control and Pre-
14 vention has found that about 23,000,000 housing
15 units, most of them built before 1960, have one or
16 more lead-based paint hazards, where young children
17 under age 6 are endangered by chipping or peeling
18 lead paint or excessive amounts of lead-contaminated
19 dust.

20 (9) According to the Centers for Disease Con-
21 trol and Prevention, there were over 88,000 new
22 cases of lead poisoning in the United States in 2016.

23 (10) A 2017 study by Pew Charitable Trust in-
24 dicates that removing lead-based paint hazards and
25 lead service lines from older housing with low-income

1 children results in a combined return on investment
2 of \$2.77 per dollar invested.

3 (11) The 2019 Interagency Task Force Lead
4 Action Plan found that a national strategy is re-
5 quired to holistically address lead hazards in hous-
6 ing, drinking water, and soil.

7 (12) The Federal Government has historically
8 had a role in assessing and correcting home health
9 hazards to support the national goal of providing de-
10 cent, safe, and sanitary housing for every family in
11 the United States.

12 (13) Standards for lead cleanup funding
13 should—

14 (A) align with Federal health and environ-
15 mental recommendations; and

16 (B) move all States to health-protective
17 lead exposure prevention and mitigation strate-
18 gies.

19 **SEC. 3. LEAD CLEANUP GRANTS.**

20 (a) IN GENERAL.—The Secretary of Housing and
21 Urban Development (in this section referred to as the
22 “Secretary”) shall award grants to eligible entities for the
23 purpose of evaluating and reducing lead-based paint haz-
24 ards, lead in drinking water hazards, and lead in soil haz-
25 ards in residential real properties constructed before 1978.

1 (b) ELIGIBLE APPLICANTS.—To be eligible to receive
2 a grant under this section, an entity shall be one of the
3 following:

4 (1) A State or local government that has an ap-
5 proved comprehensive housing affordability strategy
6 under section 105 of the Cranston-Gonzalez Na-
7 tional Affordable Housing Act (42 U.S.C. 12705).

8 (2) A State or local government that has pro-
9 duced a comprehensive plan or strategy to address
10 lead poisoning.

11 (3) A nonprofit organization that meets the fol-
12 lowing requirements:

13 (A) The nonprofit organization is a com-
14 munity-based social and human service organi-
15 zation that provides housing services.

16 (B) The nonprofit organization has a dem-
17 onstrated ability to provide, directly or through
18 a subgrantee, lead hazard control interventions.

19 (c) APPLICATIONS.—To seek a grant under this sec-
20 tion, an eligible entity shall submit an application in such
21 form and manner as the Secretary shall require. Any such
22 application shall contain—

23 (1) a description of the amount of assistance
24 the eligible entity seeks under this section;

1 (2) a description of the planned activities to be
2 undertaken with the grant, including an estimate of
3 the amount of funds to be allocated to each activity;

4 (3) a description of the forms of financial as-
5 sistance that will be provided to owners and occu-
6 pants of pre-1978 housing through the grant;

7 (4) a demonstration that the jurisdiction, as re-
8 quired by section 5—

9 (A) has in effect a blood lead reference
10 level at or below the blood lead reference level
11 of the Centers for Disease Control and Preven-
12 tion; and

13 (B) requires an environmental investiga-
14 tion to identify environmental sources of lead
15 exposure in residential properties and childcare
16 facilities occupied by a child with an elevated
17 blood lead level; and

18 (5) such assurances as the Secretary may re-
19 quire regarding the eligible entity's capacity to carry
20 out the activities to be funded through the grant.

21 (d) SELECTION CRITERIA.—The Secretary shall se-
22 lect grant recipients under this section on the basis of—

23 (1) the merit of the activities proposed to be
24 carried out; and

25 (2) selection criteria including—

1 (A) the extent to which the proposed ac-
2 tivities will reduce the risk of lead poisoning
3 for—

4 (i) low-income children under 6 years
5 of age; and

6 (ii) pregnant women;

7 (B) the proportion of pre-1978 housing in
8 the area to be served using the grant;

9 (C) the number and percentage of homes
10 in the area to be served using the grant where
11 household income does not exceed 80 percent of
12 the area median income;

13 (D) the degree of severity, and the extent
14 of, lead-based paint hazards, lead in drinking
15 water hazards, and lead in soil hazards in the
16 area to be served, evaluated using data con-
17 cerning the housing age and conditions, lead
18 service line inventory, and incidence of elevated
19 blood lead levels according to the reference
20 blood lead level of the Centers for Disease Con-
21 trol and Prevention;

22 (E) the ability of the applicant to leverage
23 State, local, philanthropic, and private funds to
24 supplement the grant; and

1 (F) such other factors as the Secretary de-
2 termines appropriate to ensure that grants
3 made available awarded under this section are
4 used effectively in accordance with this section.

5 (e) ELIGIBLE ACTIVITIES.—As a condition on receipt
6 of a grant under this section, a grantee shall agree to use
7 the grant to evaluate and reduce lead-based paint hazards
8 in residential real properties constructed before 1978,
9 which may include—

10 (1) performing lead inspections and risk assess-
11 ments in pre-1978 housing;

12 (2) providing for the remediation, abatement,
13 and replacement of, or otherwise addressing, lead-
14 based paint hazards in pre-1978 housing in accord-
15 ance with applicable State and municipal health and
16 housing regulations;

17 (3) providing for the additional cost of reducing
18 lead-based paint hazards in units undergoing renova-
19 tion funded by other sources;

20 (4) providing for the testing of drinking water,
21 and identifying lead service lines and leaded plumb-
22 ing fixtures, to identify lead hazards in drinking
23 water;

24 (5) providing for the replacement of lead service
25 lines, in communities where a water utility will or is

1 required to replace the utility-owned portion of the
2 lead service line;

3 (6) remediation of lead in soil;

4 (7) monitoring the blood lead levels of workers
5 involved in the lead-hazard reduction activities fund-
6 ed under this section;

7 (8) assisting in the temporary relocation of
8 families forced to vacate pre-1978 housing while
9 lead-hazard-reduction measures are being conducted,
10 if;

11 (9) educating the public on the nature and
12 causes of lead poisoning and measures to reduce the
13 exposure to lead, including exposure due to residen-
14 tial lead-based paint hazards;

15 (10) testing soil, paint, interior surface dust,
16 drinking water, and the blood lead levels of children
17 under 6 years of age, and pregnant women, residing
18 in pre-1978 housing after lead-based paint hazard
19 reduction activity has been conducted, to assure that
20 such activity does not cause excessive exposures to
21 lead;

22 (11) creating or expanding workforce develop-
23 ment, training, certification, and accreditation pro-
24 grams; and

1 (12) carrying out such activities as the Sec-
2 retary determines appropriate to promote the pur-
3 pose described in subsection (a).

4 (f) FORMS OF ASSISTANCE.—A recipient of a grant
5 under this section may use the grant to provide eligible
6 activities described in subsection (e) through a variety of
7 funding approaches, including subgrants, loans, equity in-
8 vestments, revolving loan funds, loan funds, loan guaran-
9 tees, interest write-downs, and other forms of assistance
10 approved by the Secretary for purposes of this section.

11 (g) MATCHING REQUIREMENT.—As a condition on
12 receipt of a grant under this section, a grantee shall agree
13 to make contributions toward the cost of activities funded
14 through the grant for a fiscal year in an amount that is
15 not less than 4 percent of the total amount of the grant
16 for such fiscal year.

17 (h) SUPPLEMENT NOT SUPPLANT.—As a condition
18 on receipt of a grant under this section, a grantee shall
19 agree to use amounts received through the grant to sup-
20 plement and not supplant funds used by the grantee for
21 eligible activities described in subsection (e).

22 (i) LIMITATION ON ADMINISTRATIVE EXPENSES.—
23 As a condition on receipt of a grant under this section,
24 a grantee shall ensure that not more than 10 percent of
25 the grant is used for administrative expenses.

1 (j) FINANCIAL RECORDS.—As a condition on receipt
2 of a grant under this section, a grantee shall agree to
3 maintain and provide the Secretary with financial records
4 sufficient, in the determination of the Secretary, to ensure
5 proper accounting and disbursing of amounts made avail-
6 able to the grantee through the grant.

7 (k) AFFORDABILITY MAINTENANCE.—As a condition
8 on receipt of a grant under this section, a grantee shall
9 agree to require the owner of any rental property receiving
10 assistance through the grant, for a period of 3 years after
11 lead remediation at the rental property pursuant to such
12 assistance, or throughout the term of any loan made to
13 the owner pursuant to the grant, whichever is longer—

14 (1) to maintain the affordability of rental units
15 at the rental property; and

16 (2) to continue to rent to families with one or
17 more children under 6 years of age or a pregnant
18 woman.

19 (l) REPORTS.—For any fiscal year in which a grantee
20 under this section expends funds received through the
21 grant, such grantee shall submit a report to the Secretary
22 on the use of the funds. For the respective fiscal year,
23 any such report shall at a minimum—

24 (1) specify the number and type of residential
25 housing units remediated of interior and exterior

1 lead-based paint hazards, lead dust, lead service
2 lines, or leaded plumbing fixtures; and

3 (2) include community-level elevated blood lead
4 surveillance data before and after such remediation,
5 presented at the census block or census tract level.

6 (m) NOTICE OF FUNDING AVAILABILITY.—Not later
7 than 120 days after the date on which funds are first ap-
8 propriated to carry out this section, the Secretary shall
9 publish a notice of funding availability regarding grants
10 under this section.

11 (n) RELATION TO OTHER PROGRAMS.—The Sec-
12 retary shall carry out the program under this section in
13 conjunction with other Federal environmental lead hazard
14 control and childhood lead-poisoning prevention programs.

15 (o) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—To carry out this section,
17 there is authorized to be appropriated
18 \$12,000,000,000 for the period of fiscal years 2020
19 through 2024.

20 (2) FUNDING ALLOCATION.—The Secretary
21 may allow grantees under this section, collectively, to
22 allocate for each of fiscal years 2020 through 2024,
23 a total of up to \$300,000 for capacity building de-
24 scribed in subsection (e)(11).

1 **SEC. 4. BLOOD LEAD LEVEL SURVEILLANCE AND EDU-**
2 **CATION FUNDING.**

3 (a) IN GENERAL.—The Secretary of Health and
4 Human Services may award grants to States, the District
5 of Columbia, Territories, and local governments to—

6 (1) increase blood lead level screening, including
7 screening for elevated blood lead levels in infants,
8 children, and pregnant women;

9 (2) ensure referral for treatment of, and envi-
10 ronmental intervention for, infants and children with
11 elevated blood lead levels;

12 (3) conduct blood lead level surveillance;

13 (4) facilitate data collection and analysis to bet-
14 ter understand lead poisoning risk, including with
15 respect to health, housing, and other environmental
16 lead exposure source data;

17 (5) support data analysis for lead-poisoning
18 prevention resource targeting; and

19 (6) educate the public on the impact of lead
20 poisoning, including education to prevent and miti-
21 gate the impact of childhood lead poisoning.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry
23 out this section, there is authorized to be appropriated
24 \$500,000,000 for the period of fiscal years 2020 through
25 2024.

1 **SEC. 5. ALIGNMENT WITH FEDERAL HEALTH AND HOUSING**
2 **STANDARDS.**

3 To be eligible to receive funding under section 3 or
4 4 of this Act, under any program of the Office of Lead
5 Hazard Control and Healthy Homes of the Department
6 of Housing and Urban Development, or under the Child-
7 hood Lead Poisoning Prevention Program of the Centers
8 for Disease Control and Prevention, a State or local gov-
9 ernment (or any subdivision thereof) shall—

10 (1) have in effect a blood lead reference level at
11 or below the blood lead reference level of the Centers
12 for Disease Control and Prevention; and

13 (2) require an environmental investigation, in
14 accordance with the 2012 edition of the Department
15 of Housing and Urban Development’s “Guidelines
16 for the Evaluation and Control of Lead-Based Paint
17 Hazards in Housing”, to identify environmental
18 sources of lead exposure in residential properties and
19 childcare facilities occupied by a child with an ele-
20 vated blood lead level.

1 **SEC. 6. LEAD HAZARD INSPECTION, DISCLOSURE, AND RE-**
2 **MEDIATION, REPLACEMENT, AND REPAIR IN**
3 **FEDERALLY SUPPORTED HOUSING AND**
4 **HOUSING WITH FEDERALLY RELATED MORT-**
5 **GAGES.**

6 (a) IN GENERAL.—The Secretary of Housing and
7 Urban Development, the Secretary of Agriculture, the Di-
8 rector of the Federal Housing Finance Agency, and the
9 Secretary of Veterans Affairs shall mandate alignment
10 with Federal laws, including those related to lead-risk as-
11 sessment and lead-hazard remediation, as a condition of
12 eligibility for—

13 (1) any Federal mortgage assistance, any direct
14 Federal mortgage, or any mortgage insurance or
15 guarantee, through the Department of Housing and
16 Urban Development, the Department of Agriculture,
17 the Department of Veterans Affairs, the Federal
18 National Mortgage Association, the Federal Home
19 Loan Mortgage Corporation, or the Federal Home
20 Loan Banks; or

21 (2) any federally supported housing (as such
22 term is defined in section 7).

23 (b) STANDARD ACTIVITIES REQUIRED IN FEDER-
24 ALLY ASSISTED HOUSING.—The Secretary of Housing
25 and Urban Development, the Secretary of Agriculture, the
26 Director of the Federal Housing Finance Agency, and the

1 Secretary of Veterans Affairs shall require the following
2 activities, when appropriate, with respect to any federally
3 supported housing and any housing for which any mort-
4 gage, or mortgage assistance, insurance, or guarantee re-
5 ferred to in subsection (a)(1) is provided:

6 (1) Lead-risk assessments including lead dust
7 wipe testing, carried out by professionals with Envi-
8 ronmental Protection Agency-required training and
9 certification.

10 (2) Drinking water testing and identification of
11 lead service line and leaded plumbing fixtures.

12 (3) Testing of soil for lead hazards.

13 (4) Lead remediation or abatement, lead-based
14 paint hazards in accordance with State or municipal
15 health and housing regulations.

16 (5) Replacement of leaded plumbing and lead
17 service line replacement in communities where water
18 utility will or is required to replace the utility-owned
19 portion.

20 (6) Remediation of lead hazards in soil.

21 (7) Disclosure of identified lead hazards to rel-
22 evant parties including tenants, buyers, sellers, in-
23 vestors, Federal, State, and local housing and health
24 officials as required by law or regulation, and other
25 required parties.

1 (8) Temporary relocation of families while lead
2 hazard reduction measures are being conducted.

3 (9) Other activities that the agency heads speci-
4 fied in subsection (a) determine appropriate to pro-
5 mote the purposes of this Act.

6 **SEC. 7. DEFINITIONS.**

7 In this Act:

8 (1) ABATEMENT.—The term “abatement”
9 means the complete and permanent elimination of
10 lead hazards.

11 (2) BLOOD LEAD REFERENCE LEVEL.—The
12 term “blood lead reference level” means the min-
13 imum concentration of lead in an individual’s blood,
14 at or above which the jurisdiction or the Centers for
15 Disease Control and Prevention, as applicable, rec-
16 ommends public health actions be taken.

17 (3) FEDERALLY SUPPORTED HOUSING.—The
18 term “federally supported housing” means housing
19 for which assistance is provided by the Federal Gov-
20 ernment under—

21 (A) section 221(d)(3) or 236 of the Na-
22 tional Housing Act (12 U.S.C. 1715l(d)(3);
23 1715z–1);

24 (B) section 101 of the Housing and Urban
25 Development Act of 1965 (12 U.S.C. 1701s);

1 (C) section 8 of the United States Housing
2 Act of 1937 (42 U.S.C. 1437f); or

3 (D) sections 502(a), 504, 514, 515, 516,
4 or 533 of the Housing Act of 1949 (42 U.S.C.
5 1472(a), 1474, 1484, 1485, 1486, 1490m).

6 (4) LEAD-BASED PAINT.—The term “lead-based
7 paint” means paint or other surface coatings that
8 contain lead in excess of limits established under
9 section 302(c) of the Lead-Based Paint Poisoning
10 Prevention Act (42 U.S.C. 4822(c)).

11 (5) LEAD-BASED PAINT HAZARD.—The term
12 “lead-based paint hazard” means any condition that
13 causes exposure to lead from lead-contaminated
14 dust, lead-contaminated soil, lead-contaminated
15 paint that is deteriorated or present in accessible
16 surfaces, friction surfaces, or impact surfaces that
17 would result in adverse human health effects as es-
18 tablished by the appropriate Federal agency.

19 (6) LEAD-CONTAMINATED DUST.—The term
20 “lead-contaminated dust” means surface dust in res-
21 idential dwellings that contains an area or mass con-
22 centration of lead in excess of levels determined by
23 the appropriate Federal agency to pose a threat of
24 adverse health effects in pregnant women or young
25 children.

1 (7) LEAD DUST WIPE TESTING.—The term
2 “lead dust wipe testing” means the process of
3 verifying that the concentrations of lead dust
4 present on household interior surfaces are lower
5 than allowable standards.

6 (8) LEAD SERVICE LINE.—The term “lead serv-
7 ice line” means a pipe that connects the water main
8 to the building inlet and contains lead.

9 (9) LOAN GUARANTEE.—The term “loan guar-
10 antee” means a formal agreement that 1 party will
11 assume the debt obligation of a borrower if they are
12 no longer able to pay the principal or interest of a
13 loan.

14 (10) REMEDIATION.—The term “remediation”
15 means an action taken to eliminate lead hazards in
16 a nonpermanent way.

17 (11) RESIDENTIAL DWELLING.—The term “res-
18 idential dwelling” means—

19 (A) a single-family dwelling, including at-
20 tached structures such as porches and stoops;
21 or

22 (B) a single-family dwelling unit in a
23 structure that contains more than 1 separate
24 residential dwelling unit, and in which each
25 such unit is used or occupied, or intended to be

1 used or occupied, in whole or in part, as the
2 home or residence of one or more persons.

3 (12) RESIDENTIAL REAL PROPERTY.—The term
4 “residential real property” means real property on
5 which there is situated one or more residential dwell-
6 ings used or occupied, or intended to be used or oc-
7 cupied, in whole or in part, as the home or residence
8 of one or more persons.

9 (13) REVOLVING LOAN FUND.—The term “re-
10 volving loan fund” means a self-replenishing financ-
11 ing mechanism that utilizes debt payments as capital
12 to issue new loans.

13 (14) RISK ASSESSMENT.—The term “risk as-
14 sessment” means an on-site investigation to deter-
15 mine and report the existence, nature, severity, and
16 location of lead-based paint hazards in the residen-
17 tial dwellings, including—

18 (A) information gathering regarding the
19 age and history of the housing and occupancy
20 by children under age 6;

21 (B) visual inspection;

22 (C) limited wipe sampling or other environ-
23 mental sampling techniques;

24 (D) other activity as may be appropriate;

25 and

- 1 (E) provision of a report explaining the re-
- 2 sults of the investigation.

