

116TH CONGRESS
1ST SESSION

S. 1583

To amend the Lead-Based Paint Poisoning Prevention Act to provide for additional procedures for families with children under the age of 6, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2019

Mr. DURBIN (for himself, Mr. SCOTT of South Carolina, Mr. MENENDEZ, Mr. YOUNG, Ms. DUCKWORTH, Mr. PORTMAN, Mr. KAINE, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the Lead-Based Paint Poisoning Prevention Act to provide for additional procedures for families with children under the age of 6, and for other purposes.

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-Safe Housing
5 for Kids Act of 2019”.

1 **SEC. 2. AMENDMENTS TO THE LEAD-BASED PAINT POI-**
 2 **SONING PREVENTION ACT.**

3 Section 302(a) of the Lead-Based Paint Poisoning
 4 Prevention Act (42 U.S.C. 4822(a)) is amended—

5 (1) by redesignating paragraph (4) as para-
 6 graph (5); and

7 (2) by inserting after paragraph (3) the fol-
 8 lowing:

9 “(4) **ADDITIONAL PROCEDURES FOR FAMILIES**
 10 **WITH CHILDREN UNDER THE AGE OF 6.—**

11 “(A) **RISK ASSESSMENT.—**

12 “(i) **DEFINITION.—**In this subpara-
 13 graph, the term ‘covered housing’—

14 “(I) means housing receiving
 15 Federal assistance described in para-
 16 graph (1) that was constructed prior
 17 to 1978; and

18 “(II) does not include—

19 “(aa) single-family housing
 20 covered by an application for
 21 mortgage insurance under the
 22 National Housing Act (12 U.S.C.
 23 1701 et seq.); or

24 “(bb) multi-family housing
 25 that—

1 “(AA) is covered by an
2 application for mortgage in-
3 surance under the National
4 Housing Act (12 U.S.C.
5 1701 et seq.); and

6 “(BB) does not receive
7 any other Federal housing
8 assistance.

9 “(ii) REGULATIONS.—Not later than
10 180 days after the date of enactment of
11 the Lead-Safe Housing for Kids Act of
12 2019, the Secretary shall promulgate regu-
13 lations that—

14 “(I) require the owner of covered
15 housing in which a family with a child
16 of less than 6 years of age will reside
17 or is expected to reside to conduct an
18 initial risk assessment for lead-based
19 paint hazards—

20 “(aa) in the case of covered
21 housing receiving tenant-based
22 rental assistance under section 8
23 of the United States Housing Act
24 of 1937 (42 U.S.C. 1437f), not
25 later than 15 days after the date

on which the family and the owner submit a request for approval of a tenancy or lease renewal, whichever occurs first;

“(bb) in the case of covered housing receiving public housing assistance under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) or project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), not later than 15 days after the date on which a physical condition inspection occurs; and

“(cc) in the case of covered housing not described in item (aa) or (bb), not later than a date established by the Secretary;

“(II) provide that a visual assessment alone is not sufficient for purposes of complying with subclause (I);

“(III) require that, if lead-based paint hazards are identified by an ini-

1 tial risk assessment conducted under
2 subclause (I), the owner of the cov-
3 ered housing shall—

4 “(aa) not later than 30 days
5 after the date on which the initial
6 risk assessment is conducted,
7 control the lead-based paint haz-
8 ards, including achieving clear-
9 ance in accordance with regula-
10 tions promulgated under section
11 402 or 404 of the Toxic Sub-
12 stances Control Act (15 U.S.C.
13 2682, 2684), as applicable; and

14 “(bb) provide notice to all
15 residents in the covered housing
16 affected by the initial risk assess-
17 ment, and provide notice in the
18 common areas of the covered
19 housing, that lead-based paint
20 hazards were identified and will
21 be controlled within the 30-day
22 period described in item (aa);
23 and

1 “(IV) provide that there shall be
2 no extension of the 30-day period de-
3 scribed in subclause (III)(aa).

4 “(iii) EXCEPTIONS.—The regulations
5 promulgated under clause (ii) shall provide
6 an exception to the requirement under sub-
7 clause (I) of such clause for covered hous-
8 ing—

9 “(I) if the owner of the covered
10 housing submits to the Secretary doc-
11 umentation—

12 “(aa) that the owner con-
13 ducted a risk assessment of the
14 covered housing for lead-based
15 paint hazards during the 12-
16 month period preceding the date
17 on which the family is expected
18 to reside in the covered housing;
19 and

20 “(bb) of any clearance ex-
21 aminations of lead-based paint
22 hazard control work resulting
23 from the risk assessment de-
24 scribed in item (aa);

1 “(II) from which all lead-based
2 paint has been identified and removed
3 and clearance has been achieved in ac-
4 cordance with regulations promul-
5 gated under section 402 or 404 of the
6 Toxic Substances Control Act (15
7 U.S.C. 2682, 2684), as applicable;

8 “(III)(aa) if lead-based paint
9 hazards are identified in the dwelling
10 unit in the covered housing in which
11 the family will reside or is expected to
12 reside;

13 “(bb) the dwelling unit is unoccu-
14 pied;

15 “(cc) the owner of the covered
16 housing, without any further delay in
17 occupancy or increase in rent, pro-
18 vides the family with another dwelling
19 unit in the covered housing that has
20 no lead-based paint hazards; and

21 “(dd) the common areas servicing
22 the new dwelling unit have no lead-
23 based paint hazards; and

24 “(IV) in accordance with any
25 other standard or exception the Sec-

1 retary deems appropriate based on
2 health-based standards.

3 “(B) RELOCATION.—Not later than 180
4 days after the date of enactment of the Lead-
5 Safe Housing for Kids Act of 2019, the Sec-
6 retary shall promulgate regulations to provide
7 that a family with a child of less than 6 years
8 of age that occupies a dwelling unit in covered
9 housing in which lead-based paint hazards were
10 identified, but not controlled in accordance with
11 regulations required under clause (ii), may relo-
12 cate on an emergency basis and without place-
13 ment on any waitlist, penalty (including rent
14 payments to be made for that dwelling unit), or
15 lapse in assistance to—

16 “(i) a dwelling unit that was con-
17 structed in 1978 or later; or

18 “(ii) another dwelling unit in covered
19 housing that has no lead-based paint haz-
20 ards.”.

21 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated to carry out
23 the amendments made by section two such sums as may
24 be necessary for each of fiscal years 2020 through 2024.

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