

111TH CONGRESS  
1ST SESSION

# S. 1658

To establish the Council on Healthy Housing, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2009

Mr. REED (for himself, Mr. JOHANNES, Mrs. BOXER, Mr. MERKLEY, and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To establish the Council on Healthy Housing, 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 “Healthy Housing  
5   Council Act of 2009”.

### 6   **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) In the United States—

9                       (A) 5,700,000 households live in homes

10                      with moderate or severe physical hazards;

1 (B) 23,000,000 homes have significant  
2 lead-based paint hazards;

3 (C) 8,700,000 homes have had leaks in the  
4 last 12 months;

5 (D) 6,000,000 homes have had signs of  
6 mice in the last 3 months; and

7 (E) 1 in 15 homes have dangerous levels of  
8 radon.

9 (2) Residents of housing that is poorly de-  
10 signed, constructed, or maintained are at risk for  
11 cancer, carbon monoxide poisoning, burns, falls, ro-  
12 dent bites, childhood lead poisoning, asthma, and  
13 other illnesses and injuries. Vulnerable subpopula-  
14 tions, such as children and the elderly, are at ele-  
15 vated risk for housing-related illnesses and injuries.

16 (3) Because substandard housing typically  
17 poses the greatest risks, the disparities in the dis-  
18 tribution of housing-related health hazards are strik-  
19 ing. One million two hundred thousand housing  
20 units with significant lead-based paint hazards house  
21 low-income families with children under 6 years of  
22 age.

23 (4) Housing-related illnesses, including asthma  
24 and lead poisoning, disproportionately affect children  
25 from lower-income families and from specific racial

1 and ethnic groups. In 2005, 13 percent of Black  
2 children were reported to have asthma, as compared  
3 with 9 percent of both Hispanic and White children.  
4 Black children are twice as likely to die from resi-  
5 dential injuries as White children, and 3 percent of  
6 Black children and 2 percent of Mexican-American  
7 children have elevated blood lead levels, as compared  
8 to only 1.3 percent of White children.

9 (5) The annual costs for environmentally attrib-  
10 utable childhood diseases in the United States, in-  
11 cluding lead poisoning, asthma, and cancer, total  
12 \$54,900,000,000. This amount is approximately 3  
13 percent of total health care costs.

14 (6) Appropriate housing design, construction,  
15 and maintenance, timely correction of deficiencies,  
16 planning efforts, and low-cost preventative measures  
17 can reduce the incidence of serious injury or death,  
18 improve the ability of residents to survive in the  
19 event of a major catastrophe, and contribute to over-  
20 all well-being and mental health. Housing units that  
21 are kept lead-safe are approximately 25 percent less  
22 likely to have another child with elevated blood lead  
23 levels. Properly installed and maintained smoke  
24 alarms reduce the risk of fire deaths by 50 percent.

1           (7) Providing healthy housing to families and  
2 individuals in the United States will help prevent an  
3 estimated 240,000 elevated blood lead levels in  
4 young children, 11,000 unintentional injury deaths,  
5 12,000,000 nonfatal injuries, 3,000 deaths in house  
6 fires, 14,000 burn injuries, and 21,000 radon-associ-  
7 ated lung cancer deaths that occur in United States  
8 housing each year, as well as 20,000,000 asthma  
9 cases and 14,000,000 missed school days.

10           (8) While there are many programs in place to  
11 address housing-related health hazards, these pro-  
12 grams are fragmented and spread across many agen-  
13 cies, making it difficult for at-risk families and indi-  
14 viduals to access assistance or to receive comprehen-  
15 sive information.

16           (9) Better coordination among Federal agencies  
17 is needed, as is better coordination at State and  
18 local levels, to ensure that families and individuals  
19 can access government programs and services in an  
20 effective and efficient manner.

21 **SEC. 3. DEFINITIONS.**

22 In this Act, the following definitions shall apply:

23           (1) COUNCIL.—The term “Council” means the  
24 Interagency Council on Healthy Housing established  
25 under section 4.

1           (2) HOUSING.—The term “housing” means any  
2       form of residence, including rental housing, home-  
3       ownership, group home, or supportive housing ar-  
4       rangement.

5           (3) HEALTHY HOUSING.—The term “healthy  
6       housing” means housing that is designed, con-  
7       structed, rehabilitated, and maintained in a manner  
8       that supports the health of the occupants of such  
9       housing.

10          (4) HOUSING-RELATED HEALTH HAZARD.—The  
11       term “housing-related health hazard” means any bi-  
12       ological, physical, or chemical source of exposure or  
13       condition either in, or immediately adjacent to, hous-  
14       ing, that can adversely affect human health.

15          (5) LOW-INCOME FAMILIES AND INDIVID-  
16       UALS.—The term “low-income families and individ-  
17       uals” means any household or individual with an in-  
18       come at or below 200 percent of the Federal poverty  
19       line.

20          (6) POVERTY LINE.—The term “poverty line”  
21       means the official poverty line defined by the Office  
22       of Management and Budget based on the most re-  
23       cent data available from the Bureau of the Census.

24          (7) PROGRAM.—The term “program” includes  
25       any Federal, State, or local program providing hous-

1       ing or financial assistance, health care, mortgages,  
2       bond and tax financing, homebuyer support courses,  
3       financial education, mortgage insurance or loan  
4       guarantees, housing counseling, supportive services,  
5       energy assistance, or other assistance related to  
6       healthy housing.

7           (8) SERVICE.—The term “service” includes  
8       public and environmental health services, housing  
9       services, energy efficiency services, human services,  
10      and any other services needed to ensure that fami-  
11      lies and individuals in the United States have access  
12      to healthy housing.

13   **SEC. 4. INTERAGENCY COUNCIL ON HEALTHY HOUSING.**

14      (a) ESTABLISHMENT.—There is established in the ex-  
15      ecutive branch an independent council to be known as the  
16      Interagency Council on Healthy Housing.

17      (b) OBJECTIVES.—The objectives of the Council are  
18      as follows:

19           (1) To promote the supply of and demand for  
20      healthy housing in the United States through capac-  
21      ity building, technical assistance, education, and  
22      public policy.

23           (2) To promote coordination and collaboration  
24      among the Federal departments and agencies in-  
25      volved with housing, public health, energy efficiency,

1 emergency preparedness and response, and the envi-  
2 ronment to improve services for families and individ-  
3 uals residing in inadequate or unsafe housing and to  
4 make recommendations about needed changes in  
5 programs and services with an emphasis on—

6 (A) maximizing the impact of existing pro-  
7 grams and services by transitioning the focus of  
8 such programs and services from categorical ap-  
9 proaches to comprehensive approaches that con-  
10 sider and address multiple housing-related  
11 health hazards;

12 (B) reducing or eliminating areas of over-  
13 lap and duplication in the provision and accessi-  
14 bility of such programs and services;

15 (C) ensuring that resources, including as-  
16 sistance with capacity building, are targeted to  
17 and sufficient to meet the needs of high-risk  
18 communities, families, and individuals; and

19 (D) facilitating access by families and indi-  
20 viduals to programs and services that help re-  
21 duce health hazards in housing.

22 (3) To identify knowledge gaps, research needs,  
23 and policy and program deficiencies associated with  
24 inadequate housing conditions and housing-related  
25 illnesses and injuries.

1           (4) To help identify best practices for achieving  
2           and sustaining healthy housing.

3           (5) To help improve the quality of existing and  
4           newly constructed housing and related programs and  
5           services, including those programs and services  
6           which serve low-income families and individuals.

7           (6) To establish an ongoing system of coordina-  
8           tion among and within such agencies or organiza-  
9           tions so that the healthy housing needs of families  
10          and individuals are met in a more effective and effi-  
11          cient manner.

12          (c) MEMBERSHIP.—The Council shall be composed of  
13          the following members:

14               (1) The Secretary of Health and Human Serv-  
15               ices.

16               (2) The Secretary of Housing and Urban Devel-  
17               opment.

18               (3) The Administrator of the Environmental  
19               Protection Agency.

20               (4) The Secretary of Energy.

21               (5) The Secretary of Labor.

22               (6) The Secretary of Veterans Affairs.

23               (7) The Secretary of the Treasury.

24               (8) The Secretary of Agriculture.

25               (9) The Secretary of Education.



1           (10) The head of any other Federal agency as  
2           the Council considers appropriate.

3           (11) Six additional non-Federal employee mem-  
4           bers, as appointed by the President to serve terms  
5           not to exceed 2 years, of whom—

6                   (A) 1 shall be a State or local Government  
7           Director of Health or the Environment;

8                   (B) 1 shall be a State or local Government  
9           Director of Housing or Community Develop-  
10          ment;

11                  (C) 2 shall represent nonprofit organiza-  
12          tions involved in housing or health issues; and

13                  (D) 2 shall represent for-profit entities in-  
14          volved in the housing, banking, or health insur-  
15          ance industries.

16          (d) CO-CHAIRPERSONS.—The co-Chairpersons of the  
17          Council shall be the Secretary of Housing and Urban De-  
18          velopment and the Secretary of Health and Human Serv-  
19          ices.

20          (e) VICE CHAIR.—Every 2 years, the Council shall  
21          elect a Vice Chair from among its members.

22          (f) MEETINGS.—The Council shall meet at the call  
23          of either co-Chairperson or a majority of its members at  
24          any time, and no less often than annually.

1 **SEC. 5. FUNCTIONS OF THE COUNCIL.**

2 (a) **RELEVANT ACTIVITIES.**—In carrying out the ob-  
3 jectives described in section 4(b), the Council shall—

4 (1) review Federal programs and services that  
5 provide housing, health, energy, or environmental  
6 services to families and individuals;

7 (2) monitor, evaluate, and recommend improve-  
8 ments in existing programs and services adminis-  
9 tered, funded, or financed by Federal, State, and  
10 local agencies to assist families and individuals in  
11 accessing healthy housing and make recommenda-  
12 tions about how such agencies can better work to  
13 meet the healthy housing and related needs of low-  
14 income families and individuals; and

15 (3) recommend ways to—

16 (A) reduce duplication among programs  
17 and services by Federal agencies that assist  
18 families and individuals in meeting their  
19 healthy housing and related service needs;

20 (B) ensure collaboration among and within  
21 agencies in the provision and availability of pro-  
22 grams and services so that families and individ-  
23 uals are able to easily access needed programs  
24 and services;

1 (C) work with States and local govern-  
2 ments to better meet the needs of families and  
3 individuals for healthy housing by—

4 (i) holding meetings with State and  
5 local representatives; and

6 (ii) providing ongoing technical assist-  
7 ance and training to States and localities  
8 in better meeting the housing-related needs  
9 of such families and individuals;

10 (D) identify best practices for programs  
11 and services that assist families and individuals  
12 in accessing healthy housing, including model—

13 (i) programs linking housing, health,  
14 environmental, human, and energy serv-  
15 ices;

16 (ii) housing and remodeling financing  
17 products offered by Government, quasi-  
18 government, and private sector entities;

19 (iii) housing and building codes and  
20 regulatory practices;

21 (iv) existing and new consensus speci-  
22 fications and work practices documents;

23 (v) capacity building and training pro-  
24 grams that help increase and diversify the  
25 supply of practitioners who perform assess-

ments of housing-related health hazards  
and interventions to address housing-re-  
lated health hazards; and

(vi) programs that increase commu-  
nity awareness of, and education on, hous-  
ing-related health hazards and available  
assessments and interventions;

(E) develop a comprehensive healthy hous-  
ing research agenda that considers health, safe-  
ty, environmental, and energy factors, to—

(i) identify cost-effective assessments  
and treatment protocols for housing-re-  
lated health hazards in existing housing;

(ii) establish links between housing  
hazards and health outcomes;

(iii) track housing-related health prob-  
lems including injuries, illnesses, and  
death;

(iv) track housing conditions that may  
be associated with health problems;

(v) identify cost-effective protocols for  
construction of new healthy housing; and

(vi) identify replicable and effective  
programs or strategies for addressing  
housing-related health hazards;

1           (4) hold biannual meetings with stakeholders  
 2           and other interested parties in a location convenient  
 3           for such stakeholders, or hold open Council meet-  
 4           ings, to receive input and ideas about how to best  
 5           meet the healthy housing needs of families and indi-  
 6           viduals;

7           (5) maintain an updated website of policies,  
 8           meetings, best practices, programs and services,  
 9           making use of existing websites as appropriate, to  
 10          keep people informed of the activities of the Council;  
 11          and

12          (6) work with member agencies to collect and  
 13          maintain data on housing-related health hazards, ill-  
 14          nesses, and injuries so that all data can be accessed  
 15          in 1 place and to identify and address unmet data  
 16          needs.

17          (b) REPORTS.—

18           (1) BY MEMBERS.—Each year the head of each  
 19           agency who is a member of the Council shall prepare  
 20           and transmit to the Council a report that briefly  
 21           summarizes—

22           (A) each healthy housing-related program  
 23           and service administered by the agency and the  
 24           number of families and individuals served by  
 25           each program or service, the resources available

1 in each program or service, and a breakdown of  
2 where each program and service can be  
3 accessed;

4 (B) the barriers and impediments, includ-  
5 ing statutory or regulatory, to the access and  
6 use of such programs and services by families  
7 and individuals, with particular attention to the  
8 barriers and impediments experienced by low-  
9 income families and individuals;

10 (C) the efforts made by the agency to in-  
11 crease opportunities for families and individ-  
12 uals, including low-income families and individ-  
13 uals, to reside in healthy housing, including how  
14 the agency is working with other agencies to  
15 better coordinate programs and services; and

16 (D) any new data collected by the agency  
17 relating to the healthy housing needs of families  
18 and individuals.

19 (2) BY THE COUNCIL.—Each year the Council  
20 shall prepare and transmit to the President and the  
21 Congress, a report that—

22 (A) summarizes the reports required in  
23 paragraph (1);

24 (B) utilizes recent data to assess the na-  
25 ture of housing-related health hazards, and as-

1           sociated illnesses and injuries, in the United  
2           States;

3           (C) provides a comprehensive and detailed  
4           description of the programs and services of the  
5           Federal Government in meeting the needs and  
6           problems described in subparagraph (B);

7           (D) describes the activities and accomplish-  
8           ments of the Council in working with Federal,  
9           State, and local governments, nonprofit organi-  
10          zations and for-profit entities in coordinating  
11          programs and services to meet the needs de-  
12          scribed in subparagraph (B) and the resources  
13          available to meet those needs;

14          (E) assesses the level of Federal assistance  
15          required to meet the needs described in sub-  
16          paragraph (B); and

17          (F) makes recommendations for appro-  
18          priate legislative and administrative actions to  
19          meet the needs described in subparagraph (B)  
20          and for coordinating programs and services de-  
21          signed to meet those needs.

22   **SEC. 6. POWERS OF THE COUNCIL.**

23          (a) **HEARINGS.**—The Council may hold such hear-  
24          ings, sit and act at such times and places, take such testi-

1 mony, and receive such evidence as the Council considers  
2 advisable to carry out the purposes of this Act.

3 (b) INFORMATION FROM AGENCIES.—Agencies which  
4 are represented on the Council shall provide all requested  
5 information and data to the Council as requested.

6 (c) POSTAL SERVICES.—The Council may use the  
7 United States mails in the same manner and under the  
8 same conditions as other departments and agencies of the  
9 Federal Government.

10 (d) GIFTS.—

11 (1) IN GENERAL.—The Council may accept,  
12 use, and dispose of gifts or donations of services or  
13 property.

14 (2) INTERNAL REGULATIONS.—The Council  
15 shall adopt internal regulations governing the receipt  
16 of gifts or donations of services or property similar  
17 to those described in part 2601 of title 5, Code of  
18 Federal Regulations.

19 (e) CONTRACTS AND INTERAGENCY AGREEMENTS.—  
20 The Council may enter into contracts with State, Tribal,  
21 and local governments, public agencies and private-sector  
22 entities, and into interagency agreements with Federal  
23 agencies. Such contracts and interagency agreements may  
24 be single-year or multi-year in duration.



1 **SEC. 7. COUNCIL PERSONNEL MATTERS.**

2 (a) **COMPENSATION OF MEMBERS.**—

3 (1) **NON-FEDERAL EMPLOYEES.**—A member of  
4 the Council who is not an officer or employee of the  
5 Federal Government shall be reasonably com-  
6 pensated for that member's participation in the  
7 Council, including reimbursement for travel expenses  
8 as described in subsection (b).

9 (2) **FEDERAL EMPLOYEES.**—A member of the  
10 Council who is an officer or employee of the United  
11 States shall serve without compensation in addition  
12 to the compensation received for services of the  
13 member as an officer or employee of the Federal  
14 Government.

15 (b) **TRAVEL EXPENSES.**—The members of the Coun-  
16 cil shall be allowed travel expenses, including per diem in  
17 lieu of subsistence, at rates authorized for employees of  
18 agencies under subchapter I of chapter 57 of title 5,  
19 United States Code, while away from their homes or reg-  
20 ular places of business in the performance of services for  
21 the Council.

22 (c) **STAFF.**—

23 (1) **EXECUTIVE DIRECTOR.**—The Council shall  
24 appoint an Executive Director at its initial meeting.  
25 The Executive Director shall be compensated at a  
26 rate not to exceed the rate of pay payable for level

1 V of the Executive Schedule under section 5316 of  
2 title 5, United States Code.

3 (2) COMPENSATION.—With the approval of the  
4 Council, the Executive Director may appoint and fix  
5 the compensation of such additional personnel as are  
6 necessary to carry out the duties of the Council. The  
7 rate of compensation may be set without regard to  
8 the provisions of chapter 51 and subchapter II of  
9 chapter 53 of title 5, United States Code, relating  
10 to classification of positions and General Schedule  
11 pay rates, except that the rate of pay may not ex-  
12 ceed the rate payable for level V of the Executive  
13 Schedule under section 5316 of such title.

14 (d) TEMPORARY AND INTERMITTENT SERVICES.—In  
15 carrying out its objectives, the Council may procure tem-  
16 porary and intermittent services of consultants and ex-  
17 perts under section 3109(b) of title 5, United States Code,  
18 at rates for individuals which do not exceed the daily  
19 equivalent of the annual rate of basic pay prescribed for  
20 level V of the Executive Schedule under section 5316 of  
21 such title.

22 (e) DETAIL OF GOVERNMENT EMPLOYEES.—Upon  
23 request of the Council, any Federal Government employee  
24 may be detailed to the Council without reimbursement,

1 and such detail shall be without interruption or loss of  
2 civil service status or privilege.

3 (f) ADMINISTRATIVE SUPPORT.—The Secretary of  
4 Housing and Urban Development shall provide the Coun-  
5 cil with such administrative (including office space) and  
6 supportive services as are necessary to ensure that the  
7 Council can carry out its functions.

8 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—There are authorized to be appro-  
10 priated to carry out this Act, \$750,000 for each of fiscal  
11 years 2010 through 2014.

12 (b) AVAILABILITY.—Amounts authorized to be appro-  
13 priated by subsection (a) shall remain available for the 2  
14 fiscal years following such appropriation.

○