

114TH CONGRESS
2D SESSION

S. 2631

To amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2016

Mr. DURBIN (for himself and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level, 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 2016”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “Department” means the Depart-
9 ment of Housing and Urban Development;

1 (2) the term “housing receiving Federal assist-
2 ance”—

3 (A) means housing that—

4 (i) except as provided in subparagraph
5 (B), is covered by an application for mort-
6 gage insurance from the Department;

7 (ii) receives housing assistance pay-
8 ments under a program administered by
9 the Department; or

10 (iii) otherwise receives more than
11 \$5,000 in project-based assistance under a
12 Federal housing program administered by
13 a Federal agency other than the Depart-
14 ment; and

15 (B) does not include—

16 (i) single-family housing covered by an
17 application for mortgage insurance from
18 the Federal Housing Administration; or

19 (ii) multi-family housing that—

20 (I) is covered by an application
21 for mortgage insurance from the Fed-
22 eral Housing Administration; and

23 (II) does not receive any other
24 Federal housing assistance;

1 (3) the term “public housing agency” means an
 2 agency described in section 3(b)(6) of the United
 3 States Housing Act of 1937 (42 U.S.C.
 4 1437a(b)(6)); and

5 (4) the term “Secretary” means the Secretary
 6 of Housing and Urban Development.

7 **SEC. 3. UPDATES TO LEAD-CONTAMINATED DUST AND**
 8 **LEAD-CONTAMINATED SOIL STANDARDS.**

9 (a) EPA REGULATIONS.—Not later than 120 days
 10 after the date of enactment of this Act, the Administrator
 11 of the Environmental Protection Agency, in consultation
 12 with the Director of the Centers for Disease Control and
 13 Prevention, shall promulgate regulations to update the
 14 standards for lead-contaminated dust and lead-contami-
 15 nated soil under part 745 of title 40, Code of Federal Reg-
 16 ulations, in accordance with health-based standards.

17 (b) HUD REGULATIONS.—The Secretary shall
 18 promptly promulgate regulations to update the standards
 19 for lead-contaminated dust and lead-contaminated soil
 20 under part 35 of title 24, Code of Federal Regulations,
 21 in accordance with the regulations promulgated by the Ad-
 22 ministrator of the Environmental Protection Agency under
 23 subsection (a).

1 **SEC. 4. AMENDMENTS TO RESIDENTIAL LEAD-BASED PAINT**
 2 **HAZARD REDUCTION ACT OF 1992.**

3 (a) IN GENERAL.—Section 1004 of the Residential
 4 Lead-Based Paint Hazard Reduction Act of 1992 (42
 5 U.S.C. 4851b) is amended—

6 (1) by redesignating paragraphs (6) through
 7 (27) as paragraphs (7) through (28), respectively;

8 (2) by inserting after paragraph (5) the fol-
 9 lowing:

10 “(6) ELEVATED BLOOD LEAD LEVEL.—The
 11 term ‘elevated blood lead level’ means the lower of—

12 “(A) 5 $\mu\text{g}/\text{dL}$ (micrograms of lead per
 13 deciliter); or

14 “(B) the most recent definition for ele-
 15 vated blood lead level or reference range level in
 16 children ages 1 through 5 years set by the Cen-
 17 ters for Disease Control and Prevention.”; and

18 (3) in paragraph (28), as so redesignated, by
 19 striking “or any 0-bedroom dwelling”.

20 (b) RELATION TO OTHER AUTHORITIES.—Nothing in
 21 this Act or the amendments made by this Act shall be
 22 construed to affect the authority of the Environmental
 23 Protection Agency under section 403 of the Toxic Sub-
 24 stances Control Act (15 U.S.C. 2683).

25 (c) REGULATIONS.—Not later than 120 days after
 26 the date of enactment of this Act, the Secretary shall

1 amend the regulations of the Department to comply with
 2 the amendments made by subsection (a).

3 **SEC. 5. AMENDMENTS TO THE LEAD-BASED PAINT POI-**
 4 **SONING PREVENTION ACT.**

5 Section 302(a) of the Lead-Based Paint Poisoning
 6 Prevention Act (42 U.S.C. 4822(a)) is amended by adding
 7 at the end the following:

8 “(5) ADDITIONAL PROCEDURES FOR FAMILIES
 9 WITH CHILDREN UNDER THE AGE OF 6.—

10 “(A) RISK ASSESSMENT.—

11 “(i) DEFINITION.—In this section, the
 12 term ‘covered housing’—

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

17 “(II) does not include—

18 “(aa) single-family housing
 19 covered by an application for
 20 mortgage insurance from the
 21 Federal Housing Administration;
 22 or

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

1 “(AA) is covered by an
 2 application for mortgage in-
 3 surance from the Federal
 4 Housing Administration;
 5 and

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

9 “(ii) REGULATIONS.—Not later than
 10 120 days after the date of enactment of
 11 the Lead-Safe Housing for Kids Act of
 12 2016, the Secretary shall promulgate regu-
 13 lations that—

14 “(I) require an initial risk assess-
 15 ment for all covered housing in which
 16 a family with a child of less than 6
 17 years of age will reside or be expected
 18 to reside for lead-based paint hazards
 19 prior to occupancy by the family; and

20 “(II) provide that a visual assess-
 21 ment is not sufficient for purposes of
 22 complying with subclause (I).

23 “(iii) EXCEPTION.—The regulations
 24 promulgated under clause (ii) shall provide
 25 an exception to the requirement under sub-

clause (I) of such clause for covered housing—

“(I) from which all lead-based paint has been identified and removed and clearance has been achieved in accordance with section 402 or 404 of the Toxic Substances Control Act (15 U.S.C. 2682 and 2684), as applicable; or

“(II) in accordance with any other standard or exception the Secretary deems appropriate.

“(B) RELOCATION.—Not later than 120 days after the date of enactment of the Lead-Safe Housing for Kids Act of 2016, the Secretary shall promulgate regulations to provide that a family with a child of less than 6 years of age that occupies a dwelling unit in covered housing may relocate on an emergency basis, and without placement on any waitlist, penalty, or lapse in assistance, to another unit of covered housing that has no lead-based paint hazards if—

“(i) lead-based paint hazards were identified in the dwelling unit; or

1 “(ii)(I) lead-based hazards were iden-
 2 tified in the dwelling unit; and

3 “(II) the blood lead level for the child
 4 is an elevated blood lead level, as defined
 5 in section 1004(6) of the Residential Lead-
 6 Based Paint Hazard Reduction Act of
 7 1992 (42 U.S.C. 4851b(6)).”.

8 **SEC. 6. GAO REPORTS ON LEAD HAZARDS IN FEDERALLY**
 9 **ASSISTED HOUSING.**

10 (a) INITIAL REPORT.—Not later than 90 days after
 11 the date of enactment of this Act, the Comptroller General
 12 of the United States shall submit to Congress an initial
 13 report on lead hazards in housing receiving Federal assist-
 14 ance, which shall analyze the implications of—

15 (1) changing Department regulations to align
 16 with the Centers for Disease Control and Prevention
 17 guidance; and

18 (2) requiring a risk assessment (beyond a visual
 19 assessment) for initial and periodic inspections for
 20 lead-based paint hazards for all housing receiving
 21 Federal assistance, and the impact it would have on
 22 landlord participation and the stock of affordable
 23 housing.

24 (b) SUBSEQUENT REPORT.—Not later than 180 days
 25 after the date of enactment of this Act, the Comptroller

1 General of the United States shall submit to Congress a
2 report on lead hazards in housing receiving Federal assist-
3 ance, which shall—

4 (1) analyze whether existing Federal programs
5 and Federal funding for lead hazard control activi-
6 ties in housing receiving Federal assistance meet the
7 current and evolving needs, and if not, the merits of
8 identifying and providing dedicated funds within new
9 or existing Federal programs to conduct lead hazard
10 control activities;

11 (2) evaluate the financial and social cost of
12 lead-based paint hazard prevention and lead hazard
13 control activities, and provide recommendations on
14 how to improve coordination and leveraging of public
15 and private funds, including private investments and
16 tax incentives, to reduce the cost associated with the
17 identification and remediation of lead hazards and
18 expedite home remediation;

19 (3) identify existing partnerships with public
20 housing agencies and public health agencies in ad-
21 dressing lead-based paint hazards, what gaps exist
22 in compliance and enforcement, and whether the
23 partnerships can be replicated and enhanced with
24 dedicated funding and better data collection and dis-
25 semination among stakeholders; and

1 (4) examine the appropriateness and efficacy of
2 existing Department protocols on reducing or abat-
3 ing lead-based paint hazards and whether they are
4 aligned with specific environmental health scenarios
5 to ensure the best and appropriate health outcomes
6 and reduce further exposure.

7 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated to carry out
9 this Act and the amendments made by this Act such sums
10 as may be necessary for each of fiscal years 2017 through
11 2021.

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