

115TH CONGRESS
1ST SESSION

S. 1845

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

SEPTEMBER 19, 2017

Mr. DURBIN (for himself, Mr. SCOTT, Mr. MENENDEZ, Mr. YOUNG, Mr. DONNELLY, and Ms. DUCKWORTH) 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 2017”.

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 2017, 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

1 on which the family and the
2 owner submit a request for ap-
3 proval of a tenancy;

4 “(bb) in the case of covered
5 housing receiving public housing
6 assistance under the United
7 States Housing Act of 1937 (42
8 U.S.C. 1437 et seq.) or project-
9 based rental assistance under
10 section 8 of the United States
11 Housing Act of 1937 (42 U.S.C.
12 1437f), not later than 15 days
13 after the date on which a phys-
14 ical condition inspection occurs;
15 and

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

20 “(II) provide that a visual assess-
21 ment alone is not sufficient for pur-
22 poses of complying with subclause (I);

23 “(III) require that, if lead-based
24 paint hazards are identified by an ini-
25 tial risk assessment conducted under

1 subclause (I), the owner of the cov-
2 ered housing shall—

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

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

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

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

6 “(I) if the owner of the covered
7 housing submits to the Secretary doc-
8 umentation—

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

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

22 “(II) from which all lead-based
23 paint has been identified and removed
24 and clearance has been achieved in ac-
25 cordance with regulations promul-

1 gated under section 402 or 404 of the
2 Toxic Substances Control Act (15
3 U.S.C. 2682, 2684), as applicable;

4 “(III)(aa) if lead-based paint
5 hazards are identified in the dwelling
6 unit in the covered housing in which
7 the family will reside or is expected to
8 reside;

9 “(bb) the dwelling unit is unoccu-
10 pied;

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

17 “(dd) the common areas servicing
18 the new dwelling unit have no lead-
19 based paint hazards; and

20 “(IV) in accordance with any
21 other standard or exception the Sec-
22 retary deems appropriate based on
23 health-based standards.

24 “(B) RELOCATION.—Not later than 180
25 days after the date of enactment of the Lead-

1 Safe Housing for Kids Act of 2017, the Sec-
 2 retary shall promulgate regulations to provide
 3 that a family with a child of less than 6 years
 4 of age that occupies a dwelling unit in covered
 5 housing in which lead-based paint hazards were
 6 identified, but not controlled in accordance with
 7 regulations required under clause (ii), may relo-
 8 cate on an emergency basis and without place-
 9 ment on any waitlist, penalty (including rent
 10 payments to be made for that dwelling unit), or
 11 lapse in assistance to—

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

14 “(ii) another dwelling unit in covered
 15 housing that has no lead-based paint haz-
 16 ards.”.

17 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated to carry out
 19 the amendments made by section 2 such sums as may be
 20 necessary for each of fiscal years 2018 through 2022.

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