

116TH CONGRESS
2D SESSION

H. R. 8713

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 HOUSE OF REPRESENTATIVES

OCTOBER 30, 2020

Mr. MCEACHIN (for himself and Mr. GARCÍA of Illinois) introduced the following bill; which was referred to the Committee on Financial Services

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 2020”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds that—

8 (1) according to the Centers for Disease Con-
9 trol and Prevention (CDC), in 2014 approximately

1 995,600 or 4 percent of children under the age of
2 6 in the United States had elevated blood lead levels
3 above the CDC reference value of 5 micrograms per
4 deciliter ($\mu\text{g}/\text{dL}$);

5 (2) there is no safe level of lead poisoning;

6 (3) according to the CDC, the effects of lead
7 poisoning are immediate and permanent—childhood
8 exposure to lead, even at very low levels, can have
9 lifelong consequences, including decreased IQ and
10 cognitive function, developmental delays, and behav-
11 ioral problems;

12 (4) higher exposures to lead at a young age can
13 cause seizures, coma, and even death;

14 (5) according to the National Housing Law
15 Project, there are over 90,400 children in the United
16 States living in housing assisted under the Housing
17 Choice Voucher Program who have lead poisoning
18 and there are an additional 340,000 children living
19 in federally assisted housing who are at risk;

20 (6) under current program rules, children
21 whose families participate in the Housing Choice
22 Voucher Program must develop lead poisoning be-
23 fore a lead hazard risk assessment occurs;

24 (7) Columbia University estimates the potential
25 societal costs of lead poisoning in the Housing

1 Choice Voucher Program to be almost \$1.2 billion;
2 and

3 (8) while some localities have required property
4 owners to conduct risk assessments and abate lead
5 when a child under the age of 6 will reside in a
6 dwelling unit, there has been evidence that such poli-
7 cies led to augmented instances of housing discrimi-
8 nation on the basis of familial status, making hous-
9 ing opportunities less available for families with chil-
10 dren and increasing the risk of homelessness for
11 such families.

12 **SEC. 3. AMENDMENTS TO THE LEAD-BASED PAINT POI-**
13 **SONING PREVENTION ACT.**

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

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

18 (2) by inserting after paragraph (3) the fol-
19 lowing:

20 “(4) ADDITIONAL PROCEDURES FOR FAMILIES
21 WITH CHILDREN UNDER THE AGE OF 6.—

22 “(A) RISK ASSESSMENT.—

23 “(i) DEFINITION.—In this subpara-
24 graph, the term ‘covered housing’—

1 “(I) means housing receiving
2 Federal assistance described in para-
3 graph (1) that—

4 “(aa) was constructed prior
5 to 1978; and

6 “(bb)(AA) is public housing;

7 “(BB) receives project-based
8 rental assistance under section 8
9 of the United States Housing Act
10 of 1937 (42 U.S.C. 1437f);

11 “(CC) receives assistance
12 under the Housing Opportunities
13 for Persons With AIDS under
14 subtitle D of title VIII of the
15 Cranston-Gonzalez National Af-
16 fordable Housing Act (42 U.S.C.
17 12901 et seq.); or

18 “(DD) receives assistance
19 under the Supportive Housing
20 for Persons With Disabilities
21 under section 811 of the Cran-
22 ston-Gonzalez National Afford-
23 able Housing Act (42 U.S.C.
24 8013); and

25 “(II) does not include—

1 “(aa) single-family housing
2 covered by an application for
3 mortgage insurance under the
4 National Housing Act (12 U.S.C.
5 1701 et seq.); or

6 “(bb) multi-family housing
7 that—

8 “(AA) is covered by an
9 application for mortgage in-
10 surance under the National
11 Housing Act (12 U.S.C.
12 1701 et seq.); and

13 “(BB) does not receive
14 any other Federal housing
15 assistance.

16 “(ii) REGULATIONS.—Not later than
17 180 days after the date of enactment of
18 the Lead-Safe Housing for Kids Act of
19 2020, the Secretary shall promulgate regu-
20 lations that—

21 “(I) require the owner of covered
22 housing in which a family with a child
23 of less than 6 years of age will reside
24 or is expected to reside to conduct an

1 initial risk assessment for lead-based
2 paint hazards—

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

15 “(bb) in the case of covered
16 housing not described in item
17 (aa), not later than a date estab-
18 lished by the Secretary;

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

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

1 agency for or owner of the covered
2 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, ex-
13 cept that to the extent that the
14 requirements under this item re-
15 sult in additional costs, this item
16 shall be effective and apply only
17 to the extent that amounts to
18 cover such additional costs are
19 provided in advance in appropria-
20 tion Acts; and

21 “(bb) provide notice to all
22 residents in the covered housing
23 affected by the initial risk assess-
24 ment, and provide notice in the
25 common areas of the covered

1 housing, that lead-based paint
2 hazards were identified and will
3 be controlled within the 30-day
4 period described in item (aa);
5 and

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

9 “(iii) EXCEPTIONS.—The regulations
10 promulgated under clause (ii) shall provide
11 an exception to the requirement under sub-
12 clause (I) of such clause for covered hous-
13 ing—

14 “(I) if the public housing agency
15 for or owner of the covered housing
16 submits to the Secretary documenta-
17 tion—

18 “(aa) that the public hous-
19 ing agency or owner conducted a
20 risk assessment of the covered
21 housing for lead-based paint haz-
22 ards during the 12-month period
23 preceding the date on which the
24 family is expected to reside in the
25 covered housing; and

1 “(bb) of any clearance ex-
2 aminations of lead-based paint
3 hazard control work resulting
4 from the risk assessment de-
5 scribed in item (aa);

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

13 “(III)(aa) if the dwelling unit is
14 unoccupied;

15 “(bb) if the public housing agen-
16 cy for or owner of the covered hous-
17 ing, without any further delay in occu-
18 pancy or increase in rent, provides the
19 family with another dwelling unit in
20 the covered housing that has no lead-
21 based paint hazards; and

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

1 “(IV) if the covered housing is in
2 compliance with the schedule for risk
3 assessment under the program under
4 which assistance is provided for the
5 housing and such schedule provides
6 that the period of time between the
7 most recent assessment and the next
8 assessment will not exceed 24 months.

9 “(B) RELOCATION.—Not later than 180
10 days after the date of enactment of the Lead-
11 Safe Housing for Kids Act of 2020, the Sec-
12 retary shall promulgate regulations to provide
13 that a family with a child of less than 6 years
14 of age that occupies a dwelling unit in covered
15 housing in which lead-based paint hazards were
16 identified, but not controlled in accordance with
17 regulations required under clause (ii), may relo-
18 cate on an emergency basis and without place-
19 ment on any waiting list, penalty (including
20 rent payments to be made for that dwelling
21 unit), or lapse in assistance to another dwelling
22 unit in covered housing that has no lead-based
23 paint hazards.”.

1 **SEC. 4. DEMONSTRATION PROGRAM FOR TENANT-BASED**
2 **HOUSING.**

3 (a) IN GENERAL.—Not later than 12 months after
4 the date of the enactment of this Act, the Secretary of
5 Housing and Urban Development shall establish and im-
6 plement a demonstration program under which—

7 (1) an owner of a dwelling for which tenant-
8 based rental assistance under section 8 of the
9 United States Housing Act of 1937 (42 U.S.C.
10 1437f) is provided and in which a child of less than
11 6 years of age will reside or is expected to reside
12 shall conduct, and cover the costs of, an initial risk
13 assessment for lead-based paint hazards in such
14 housing;

15 (2) the Secretary shall cover the costs of abate-
16 ment of any lead-based paint hazards identified pur-
17 suant to risk assessments paid for as provided under
18 paragraph (1); and

19 (3) the owner of any dwelling unit for which
20 abatement activities are conducted pursuant to para-
21 graph (2) is required, for a period to be determined
22 by the Secretary based on the cost or percentage of
23 the cost of such abatement activities covered by the
24 Secretary, to rent the dwelling unit only to a house-
25 hold assisted with tenant-based rental assistance
26 under such section 8.

1 (b) PROCEDURES AND REQUIREMENTS.—Under the
2 demonstration program, the Secretary shall establish pro-
3 cedures and requirements with respect to housing covered
4 by the demonstration program that are similar to the pro-
5 cedures and requirements applicable under paragraph (1)
6 of section 302(a) of the Lead-Based Paint Poisoning Pre-
7 vention Act (42 U.S.C. 4822(a)(1)) to housing covered by
8 such paragraph, except as otherwise modified by this sec-
9 tion.

10 (c) GEOGRAPHICAL DIVERSITY.—The Secretary shall
11 carry out the demonstration program under this section
12 in a variety of locations having high rates of lead poi-
13 soning, including urban areas and rural areas, in a man-
14 ner that ensures geographically diversity of housing as-
15 sisted under the program.

16 (d) COORDINATION.—Public housing agencies pro-
17 viding rental assistance for dwelling units participating in
18 the demonstration program under this section shall coordi-
19 nate with local public health agencies to determine if such
20 dwelling units had a previous history of lead poisoning and
21 if that lead poisoning was reported to the public housing
22 agency.

23 (e) MONITORING; REPORTING.—

24 (1) MONITORING.—The Secretary shall monitor
25 the extent of landlord compliance and participation

1 under the demonstration program under this section
2 and shall assess the relationships between the period
3 of affordability required under subsection (a)(2), the
4 amount or portion of the cost of abatement activities
5 covered by the Secretary pursuant to such sub-
6 section, and the level of participation in the dem-
7 onstration program by landlords.

8 (2) ANNUAL REPORTS.—The Secretary shall
9 submit a report annually to the Congress on land-
10 lord compliance and participation in the demonstra-
11 tion program. Each such report shall identify any
12 changes in the rate of landlord compliance and par-
13 ticipation from year to year and from immediately
14 before the implementation of the demonstration pro-
15 gram to the time of such report, and shall include
16 an analysis of whether and the extent to which the
17 availability of dwelling units to be assisted with ten-
18 ant-based rental assistance under section 8 of the
19 United States Housing Act of 1937 is restricted or
20 limited based on race, color, religion, sex, disability,
21 familial status, or national origin in any manner
22 that does not comply with the Fair Housing Act.

23 (3) INVOLVEMENT OF OFFICE OF FAIR HOUS-
24 ING AND EQUAL OPPORTUNITY.—In conducting
25 monitoring pursuant to paragraph (1) and preparing

1 reports pursuant to paragraph (2), the Secretary
2 shall involve and consult with the Office of Fair
3 Housing and Equal Opportunity.

4 (4) FINAL REPORT.—Not later than the expira-
5 tion of the 6-month period beginning upon the ter-
6 mination of the demonstration program under sub-
7 section (h), the Secretary shall submit a final report
8 on the program to the Congress that shall include
9 the following information:

10 (A) ANNUAL REPORT INFORMATION.—All
11 information required to be submitted pursuant
12 to paragraph (2) in each annual report under
13 such paragraph.

14 (B) EFFECTIVENESS IN PREVENTING LEAD
15 POISONING.—Identification of—

16 (i) the overall number of dwelling
17 units where a risk assessment identified a
18 lead hazard before a child under age six
19 occupied the unit; and

20 (ii) if feasible, for each dwelling with
21 such an identified lead hazard—

22 (I) whether the unit had visual
23 signs of a lead hazard or had pre-
24 viously passed a visual inspection; and

1 (II) any documented cases of
2 lead poisoning in children previously
3 residing in the dwelling unit.

4 (C) ACTUAL COST.—Identification of—

5 (i) the actual cost of conducting pre-
6 occupancy risk assessments of dwelling
7 units, including the varying cost based on
8 the age, building type, and location of the
9 unit;

10 (ii) the actual cost of lead-based paint
11 hazard control activities conducted after a
12 risk assessment that indicated the presence
13 of a lead-based paint hazard in the partici-
14 pating units; and

15 (iii) the actual cost of the clearance
16 examination conducted after completion of
17 lead-based paint hazard control activities.

18 (D) PARTICIPATING TENANTS.—Identifica-
19 tion of—

20 (i) the number, age, race, and eth-
21 nicity of children who would have lived in
22 dwelling units where a lead hazard was
23 discovered after a pre-occupancy risk as-
24 sessment; and

1 (ii) the number, age, race, and eth-
2 nicity of children residing in dwelling units
3 in buildings in which a participating dwell-
4 ing unit having a lead-based paint hazard
5 is located.

6 (E) PARTICIPATING UNITS.—Identification
7 of—

8 (i) the age of participating dwelling
9 units;

10 (ii) the block in which participating
11 units are located and, if not available, the
12 census tract in which participating units
13 are located;

14 (iii) the type of building in which par-
15 ticipating units are located; and

16 (iv) the number of participating units
17 in which a lead-based paint hazard was
18 discovered.

19 (F) RISK ASSESSMENTS.—Identification
20 of—

21 (i) the number of inspectors available
22 in each locality to conduct risk assessments
23 under the program;

- 1 (ii) the amount of time elapsed from
2 making of a request for a risk assessment
3 until completion of the assessment; and
4 (iii) the agency employing each in-
5 spector.

6 (f) PUBLIC AVAILABILITY OF INFORMATION.—The
7 Secretary shall make information collected pursuant to the
8 demonstration program under this section publicly avail-
9 able on the website of the Department in a manner that
10 does not provide any personally identifiable information
11 regarding individuals or households participating in the
12 program.

13 (g) DEFINITIONS.—For purposes of this section, the
14 terms “risk assessment”, “inspection”, “interim con-
15 trols”, and “lead-based paint hazard” have the same
16 meaning given such terms in section 1004 of the Residen-
17 tial Lead-Based Paint Hazard Reduction Act of 1992 (42
18 U.S.C. 4851b).

19 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated \$50,000,000 for fiscal years
21 2021 through 2025 to carry out this section.

22 (i) TERMINATION.—The demonstration program es-
23 tablished under this section shall terminate 5 years after
24 the date of the enactment of this Act.

1 **SEC. 5. RISK ASSESSMENTS.**

2 Paragraph (25) of section 1004 of the Residential
3 Lead-Based Paint Hazard Reduction Act of 1992 (42
4 U.S.C. 4851b(25)) is amended—

5 (1) by redesignating subparagraph (E) as sub-
6 paragraph (G); and

7 (2) by striking subparagraphs (C) and (D) and
8 inserting the following new subparagraphs:

9 “(C) dust sampling;

10 “(D) soil sampling;

11 “(E) paint testing;

12 “(F) water testing; and”.

13 **SEC. 6. NOTICE TO ASSISTED FAMILIES REGARDING FAIR**
14 **HOUSING RIGHTS AND LEAD-BASED PAINT.**

15 Subtitle F of title V of the Quality Housing and Work
16 Responsibility Act of 1998 is amended—

17 (1) in section 578(c) (42 U.S.C. 13663(c)), by
18 striking “section 579(a)(2)” and inserting “section
19 580(a)(2)”;

20 (2) by redesignating section 579 (42 U.S.C.
21 13664) as section 580; and

22 (3) by inserting after section 578 (42 U.S.C.
23 13663) the following new section:

1 **“SEC. 579. NOTICE TO ASSISTED FAMILIES REGARDING**
2 **FAIR HOUSING RIGHTS AND LEAD-BASED**
3 **PAINT.**

4 “(a) REQUIRED PROVISION.—The Secretary shall re-
5 quire each public housing agency and owner of housing
6 described in subsection (d) to provide written notice under
7 subsection (b) to each—

8 “(1)(A) applicant who is selected from the wait-
9 ing list for admission to such federally assisted hous-
10 ing or to such a federally assisted housing program;
11 and

12 “(B) assisted family who moves to a different
13 such federally assisted housing dwelling unit; and

14 “(2) whose household at the time of such selec-
15 tion or move, includes a child of less than 6 years
16 of age who will reside or is expected to reside in
17 such housing.

18 “(b) CONTENTS; TIMING.—Written notice under this
19 subsection shall be notice, in the form developed under
20 subsection (c) that is provided at the time of the selection
21 or move, as applicable, described in subsection (a)(1), that
22 includes information sufficient to describe to the applicant
23 or assisted family—

24 “(1) the adverse health effects lead poisoning
25 can have on individuals and particularly on children;

1 “(2) their rights under the Fair Housing Act
2 and other applicable State or local laws regarding
3 fair housing, including how to report housing dis-
4 crimination violations under such Act and laws;

5 “(3) the extent of the owner’s responsibility to
6 ensure that their housing is controlled for lead-based
7 paint;

8 “(4) that the responsibility described pursuant
9 to paragraph (2) should not limit the ability of the
10 applicant or assisted family to secure federally as-
11 sisted housing based on Fair Housing rights under
12 such paragraph; and

13 “(5) that all children enrolled in Medicaid, in-
14 cluding children enrolled for medical assistance
15 under a State plan under title XIX of the Social Se-
16 curity Act (42 U.S.C. 1396 et seq.) (or a waiver of
17 such a plan) and children enrolled for child health
18 assistance under a State child health plan under title
19 XXI of such Act (42 U.S.C. 1397aa et seq.) (or a
20 waiver of such a plan), are required to receive blood
21 lead screening tests at ages 12 months and 24
22 months and that, in addition, any child between 24
23 and 72 months with no record of a previous blood
24 lead screening test must receive such a screening
25 test.

1 “(c) STANDARD FORM.—The Secretary shall develop
 2 a standard form of the notice required under this section
 3 that complies with all of the requirements of this section
 4 and shall make such standard form available to public
 5 housing agencies and owners of federally assisted housing
 6 to facilitate compliance with the requirements this section.

7 “(d) COVERED HOUSING PROGRAMS.—Housing de-
 8 scribed in this subsection is housing that is—

9 “(1) specified in subparagraph (A), (B), (C), or
 10 (F) of section 580(a)(1); or

11 “(2) assisted under the Housing Opportunities
 12 for Persons With AIDS under subtitle D of title
 13 VIII of the Cranston-Gonzalez National Affordable
 14 Housing Act (42 U.S.C. 12901 et seq.)”.

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

16 There is authorized to be appropriated to carry out
 17 the amendments made by section 2 such sums as may be
 18 necessary for each of fiscal years 2020 through 2024 for—

19 (1) covering administrative costs of public hous-
 20 ing agencies and other owners of covered housing in
 21 complying with such amendments, including cost of
 22 providing notice under section
 23 302(a)(4)(A)(ii)(III)(bb) of the Lead-Based Paint
 24 Poisoning Prevention Act (as added by the amend-
 25 ment made by section 2(2) of this Act) and section

1 579 of the Quality Housing and Work Responsibility
2 Act of 1998 (as added by section 5(3) of this Act);

3 (2) costs of the Department of Housing and
4 Urban Development for training individuals to con-
5 duct risk assessments to be conducted under section
6 302(a) of the Lead-Based Paint Poisoning Preven-
7 tion Act and under the demonstration program
8 under section 4 of this Act;

9 (3) the Office of Fair Housing and Equal Op-
10 portunity of the Department of Housing and Urban
11 Development—

12 (A) for carrying out a national education
13 campaign regarding lead-based paint on Fair
14 Housing Act protections and for tenant out-
15 reach and landlord engagement; and

16 (B) for enforcement activities, including
17 activities under the Fair Housing Initiatives
18 Program under section 561 of the Housing and
19 Community Development Act of 1987 (42
20 U.S.C. 3616a); and

21 (4) the Secretary of Housing and Urban Devel-
22 opment to conduct a study of universal lead abate-
23 ment that is phased in over time.

○