

els of government and the private sector, to develop the most promising, cost-effective methods for evaluating and reducing lead-based paint hazards;

(6) to reduce the threat of childhood lead poisoning in housing owned, assisted, or transferred by the Federal Government; and

(7) to educate the public concerning the hazards and sources of lead-based paint poisoning and steps to reduce and eliminate such hazards.

(Pub. L. 102-550, title X, § 1003, Oct. 28, 1992, 106 Stat. 3897.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning title X of Pub. L. 102-550, Oct. 28, 1992, 106 Stat. 3897, known as the Residential Lead-Based Paint Hazard Reduction Act of 1992. For complete classification of this Act to the Code, see Short Title note set out under section 4851 of this title and Tables.

#### § 4851b. Definitions

For the purposes of this chapter, the following definitions shall apply:

##### (1) Abatement

The term “abatement” means any set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by appropriate Federal agencies. Such term includes—

(A) the removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead contaminated soil; and

(B) all preparation, cleanup, disposal, and postabatement clearance testing activities associated with such measures.

##### (2) Accessible surface

The term “accessible surface” means an interior or exterior surface painted with lead-based paint that is accessible for a young child to mouth or chew.

##### (3) Certified contractor

The term “certified contractor” means—

(A) a contractor, inspector, or supervisor who has completed a training program certified by the appropriate Federal agency and has met any other requirements for certification or licensure established by such agency or who has been certified by any State through a program which has been found by such Federal agency to be at least as rigorous as the Federal certification program; and

(B) workers or designers who have fully met training requirements established by the appropriate Federal agency.

##### (4) Contract for the purchase and sale of residential real property

The term “contract for the purchase and sale of residential real property” means any contract or agreement in which one party

agrees to purchase an interest in real property on which there is situated 1 or more residential dwellings used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of 1 or more persons.

##### (5) Deteriorated paint

The term “deteriorated paint” means any interior or exterior paint that is peeling, chipping, chalking or cracking or any paint located on an interior or exterior surface or fixture that is damaged or deteriorated.

##### (6) Evaluation

The term “evaluation” means risk assessment, inspection, or risk assessment and inspection.

##### (7) Federally assisted housing

The term “federally assisted housing” means residential dwellings receiving project-based assistance under programs including—

- (A) section 1715(d)(3) or 1715z-1 of title 12;
- (B) section 1 of the Housing and Urban Development Act of 1965;
- (C) section 1437f of this title; or
- (D) sections 1472(a), 1474, 1484, 1485, 1486 and 1490m of this title.

##### (8) Federally owned housing

The term “federally owned housing” means residential dwellings owned or managed by a Federal agency, or for which a Federal agency is a trustee or conservator. For the purpose of this paragraph, the term “Federal agency” includes the Department of Housing and Urban Development, the Farmers Home Administration, the Resolution Trust Corporation, the Federal Deposit Insurance Corporation, the General Services Administration, the Department of Defense, the Department of Veterans Affairs, the Department of the Interior, the Department of Transportation, and any other Federal agency.

##### (9) Federally supported work

The term “federally supported work” means any lead hazard evaluation or reduction activities conducted in federally owned or assisted housing or funded in whole or in part through any financial assistance program of the Department of Housing and Urban Development, the Farmers Home Administration, or the Department of Veterans Affairs.

##### (10) Friction surface

The term “friction surface” means an interior or exterior surface that is subject to abrasion or friction, including certain window, floor, and stair surfaces.

##### (11) Impact surface

The term “impact surface” means an interior or exterior surface that is subject to damage by repeated impacts, for example, certain parts of door frames.

##### (12) Inspection

The term “inspection” means a surface-by-surface investigation to determine the presence of lead-based paint as provided in section 4822(c) of this title and the provision of a report explaining the results of the investigation.

**(13) Interim controls**

The term “interim controls” means a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

**(14) Lead-based paint**

The term “lead-based paint” means paint or other surface coatings that contain lead in excess of limits established under section 4822(c) of this title.

**(15) Lead-based paint hazard**

The term “lead-based paint hazard” means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by the appropriate Federal agency.

**(16) Lead-contaminated dust**

The term “lead-contaminated dust” means surface dust in residential dwellings that contains an area or mass concentration of lead in excess of levels determined by the appropriate Federal agency to pose a threat of adverse health effects in pregnant women or young children.

**(17) Lead-contaminated soil**

The term “lead-contaminated soil” means bare soil on residential real property that contains lead at or in excess of the levels determined to be hazardous to human health by the appropriate Federal agency.

**(18) Mortgage loan**

The term “mortgage loan” includes any loan (other than temporary financing such as a construction loan) that—

- (A) is secured by a first lien on any interest in residential real property; and
- (B) either—
  - (i) is insured, guaranteed, made, or assisted by the Department of Housing and Urban Development, the Department of Veterans Affairs, or the Farmers Home Administration, or by any other agency of the Federal Government; or
  - (ii) is intended to be sold by each originating mortgage institution to any federally chartered secondary mortgage market institution.

**(19) Originating mortgage institution**

The term “originating mortgage institution” means a lender that provides mortgage loans.

**(20) Priority housing**

The term “priority housing” means target housing that qualifies as affordable housing under section 12745 of this title, including housing that receives assistance under subsection (b) or (o) of section 1437f of this title.

**(21) Public housing**

The term “public housing” has the same meaning given the term in section 1437a(b) of this title.

**(22) Reduction**

The term “reduction” means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

**(23) Residential dwelling**

The term “residential dwelling” means—

- (A) a single-family dwelling, including attached structures such as porches and stoops; or

(B) a single-family dwelling unit in a structure that contains more than 1 separate residential dwelling unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of 1 or more persons.

**(24) Residential real property**

The term “residential real property” means real property on which there is situated 1 or more residential dwellings used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of 1 or more persons.

**(25) Risk assessment**

The term “risk assessment” means an on-site investigation to determine and report the existence, nature, severity and location of lead-based paint hazards in residential dwellings, including—

- (A) information gathering regarding the age and history of the housing and occupancy by children under age 6;
- (B) visual inspection;
- (C) limited wipe sampling or other environmental sampling techniques;
- (D) other activity as may be appropriate; and
- (E) provision of a report explaining the results of the investigation.

**(26) Secretary**

The term “Secretary” means the Secretary of Housing and Urban Development.

**(27) Target housing**

The term “target housing” means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities or any 0-bedroom dwelling (unless any child who is less than 6 years of age resides or is expected to reside in such housing). In the case of jurisdictions which banned the sale or use of lead-based paint prior to 1978, the Secretary, at the Secretary’s discretion, may designate an earlier date.

(Pub. L. 102-550, title X, § 1004, Oct. 28, 1992, 106 Stat. 3898; Pub. L. 115-31, div. K, title II, § 237(b), May 5, 2017, 131 Stat. 789.)

**Editorial Notes****REFERENCES IN TEXT**

This chapter, referred to in text, was in the original “this Act”, meaning title X of Pub. L. 102-550, Oct. 28,

1992, 106 Stat. 3897, known as the Residential Lead-Based Paint Hazard Reduction Act of 1992. For complete classification of this Act to the Code, see Short Title note set out under section 4851 of this title and Tables.

Section 1 of the Housing and Urban Development Act of 1965, referred to in par. (7)(B), is section 1 of Pub. L. 89-117, which is set out as a Short Title of 1965 Amendment note under section 1701 of Title 12, Banks and Banking.

#### AMENDMENTS

2017—Par. (27). Pub. L. 115-31, §237(b)(1), which directed insertion of “or any 0-bedroom dwelling” after “disabilities,”, was executed by making the insertion after “disabilities” the first place appearing to reflect the probable intent of Congress.

Pub. L. 115-31, §237(b)(2), which directed substitution of “housing” for “housing for the elderly or persons with disabilities) or any 0 bedroom dwelling”, was executed by making the substitution for “housing for the elderly or persons with disabilities) or any 0-bedroom dwelling” to reflect the probable intent of Congress.

#### SUBCHAPTER I—LEAD-BASED PAINT HAZARD REDUCTION

### **§ 4852. Grants for lead-based paint hazard reduction in target housing**

#### **(a) General authority**

The Secretary is authorized to provide grants to eligible applicants to evaluate and reduce lead-based paint hazards in housing that is not federally assisted housing, federally owned housing, or public housing, in accordance with the provisions of this section. Grants shall only be made under this section to provide assistance for housing which meets the following criteria—

(1) for grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under this section, for not less than 3 years following the completion of lead abatement activities, to families with a child under the age of six years, except that buildings with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level;

(2) for grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with income at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under the age of six years or shall be units where a child under the age of six years spends a significant amount of time visiting; and

(3) notwithstanding paragraphs (1) and (2), Round II grantees who receive assistance under this section may use such assistance for priority housing.

#### **(b) Eligible applicants**

A State or unit of local government that has an approved comprehensive housing afford-

ability strategy under section 12705 of this title is eligible to apply for a grant under this section.

#### **(c) Form of applications**

To receive a grant under this section, a State or unit of local government shall submit an application in such form and in such manner as the Secretary shall prescribe. An application shall contain—

(1) a copy of that portion of an applicant’s comprehensive housing affordability strategy required by section 12705(b)(16)<sup>1</sup> of this title;

(2) a description of the amount of assistance the applicant seeks under this section;

(3) a description of the planned activities to be undertaken with grants under this section, including an estimate of the amount to be allocated to each activity;

(4) a description of the forms of financial assistance to owners and occupants of housing that will be provided through grants under this section; and

(5) such assurances as the Secretary may require regarding the applicant’s capacity to carry out the activities.

#### **(d) Selection criteria**

The Secretary shall award grants under this section on the basis of the merit of the activities proposed to be carried out and on the basis of selection criteria, which shall include—

(1) the extent to which the proposed activities will reduce the risk of lead-based paint poisoning to children under the age of 6 who reside in housing;

(2) the degree of severity and extent of lead-based paint hazards in the jurisdiction to be served;

(3) the ability of the applicant to leverage State, local, and private funds to supplement the grant under this section;

(4) the ability of the applicant to carry out the proposed activities; and

(5) such other factors as the Secretary determines appropriate to ensure that grants made available under this section are used effectively and to promote the purposes of this chapter.

#### **(e) Eligible activities**

A grant under this section may be used to—

(1) perform risk assessments and inspections in housing;

(2) provide for the interim control of lead-based paint hazards in housing;

(3) provide for the abatement of lead-based paint hazards in housing;

(4) provide for the additional cost of reducing lead-based paint hazards in units undergoing renovation funded by other sources;

(5) ensure that risk assessments, inspections, and abatements are carried out by certified contractors in accordance with section 2682 of title 15;

(6) monitor the blood-lead levels of workers involved in lead hazard reduction activities funded under this section;

(7) assist in the temporary relocation of families forced to vacate housing while lead hazard reduction measures are being conducted;

<sup>1</sup> See References in Text note below.