

118TH CONGRESS  
2D SESSION

# S. 4210

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

APRIL 30, 2024

Mr. DURBIN (for himself and Mr. YOUNG) 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 2024”.

6 **SEC. 2. AMENDMENTS TO THE LEAD-BASED PAINT POI-**  
7 **SONING PREVENTION ACT.**

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

1           (1) in paragraph (1), in the matter preceding  
 2           subparagraph (A), by inserting after “mortgage in-  
 3           surance” the following: “, tenant-based rental assist-  
 4           ance under section 8(o) of the United States Hous-  
 5           ing Act of 1937 (42 U.S.C. 1437f(o)),”;

6           (2) by redesignating paragraph (4) as para-  
 7           graph (5); and

8           (3) by inserting after paragraph (3) the fol-  
 9           lowing:

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

12                   “(A) RISK ASSESSMENT.—

13                           “(i) DEFINITION.—In this subpara-  
 14                           graph, the term ‘covered housing’ means  
 15                           target housing, as defined in section 1004  
 16                           of the Residential Lead-Based Paint Haz-  
 17                           ard Reduction Act of 1992 (42 U.S.C.  
 18                           4851b), that—

19                                   “(I) is covered by an application  
 20                                   for mortgage insurance or housing as-  
 21                                   sistance payments under a program  
 22                                   administered by the Secretary; or

23   “(II) otherwise receives more  
 24   than \$5,000 in project-based assist-

1                   ance under a Federal housing pro-  
2                   gram.

3                   “(ii) REGULATIONS.—Not later than  
4                   1 year after the date of enactment of the  
5                   Lead-Safe Housing for Kids Act of 2024,  
6                   the Secretary shall promulgate regulations  
7                   that—

8                                 “(I) require the owner of covered  
9                                 housing in which a family with a child  
10                                of less than 6 years of age will reside  
11                                or is expected to reside to conduct an  
12                                initial risk assessment for lead-based  
13                                paint hazards—

14                                “(aa) in the case of covered  
15                                housing receiving tenant-based  
16                                rental assistance under section  
17                                8(o) of the United States Hous-  
18                                ing Act of 1937 (42 U.S.C.  
19                                1437f(o)), not later than 15 days  
20                                after the date on which the fam-  
21                                ily and the owner submit a re-  
22                                quest for approval of a tenancy  
23                                or lease renewal, whichever oc-  
24                                curs first;

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

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

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

20           “(III) require that, if lead-based  
21          paint hazards are identified by an ini-  
22          tial risk assessment conducted under  
23          subclause (I), the owner of the cov-  
24          ered housing shall—

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

11           “(bb) in accessible and alter-  
12 native formats consistent with  
13 the requirements under section  
14 504 of the Rehabilitation Act of  
15 1973 (29 U.S.C. 794), the Amer-  
16 icans with Disabilities Act of  
17 1990 (42 U.S.C. 12101 et seq.),  
18 and title VI of the Civil Rights  
19 Act of 1964 (42 U.S.C. 2000d et  
20 seq.), provide notice to all resi-  
21 dents in the covered housing af-  
22 fected by the initial risk assess-  
23 ment, and provide notice in the  
24 common areas of the covered  
25 housing, that lead-based paint

1 hazards were identified and will  
2 be controlled within the 30-day  
3 period described in item (aa);  
4 and

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

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

13 “(I) if the owner of the covered  
14 housing submits to the Secretary doc-  
15 umentation—

16 “(aa) that the owner con-  
17 ducted a risk assessment of the  
18 covered housing for lead-based  
19 paint hazards during the 12-  
20 month period preceding the date  
21 on which the family is expected  
22 to reside in the covered housing;  
23 and

24 “(bb) of any clearance ex-  
25 aminations of lead-based paint

1 hazard control work resulting  
2 from the risk assessment de-  
3 scribed in item (aa) that show  
4 that the housing passed the  
5 clearance examination;

6 “(II)(aa) if a lead-based paint in-  
7 spection of the covered housing deter-  
8 mined that lead-based paint was not  
9 present in the covered housing; or

10 “(bb) from which all lead-based  
11 paint has been identified and removed  
12 and clearance has been achieved in ac-  
13 cordance with regulations promul-  
14 gated under section 402 or 404 of the  
15 Toxic Substances Control Act (15  
16 U.S.C. 2682, 2684) or under this sec-  
17 tion, as applicable;

18 “(III) if—

19 “(aa) lead-based paint haz-  
20 ards are identified in the dwelling  
21 unit in the covered housing in  
22 which the family will reside or is  
23 expected to reside;

24 “(bb) the dwelling unit is  
25 unoccupied;

1           “(cc) the owner of the cov-  
2           ered housing, without any further  
3           delay in occupancy or increase in  
4           rent, provides the family with an-  
5           other dwelling unit in the covered  
6           housing that has no lead-based  
7           paint hazards; and

8           “(dd) the common areas  
9           servicing the new dwelling unit  
10          have no lead-based paint hazards;  
11          and

12          “(IV) in accordance with any  
13          other standard or exception the Sec-  
14          retary deems appropriate based on  
15          health-based standards.

16          “(B) RELOCATION.—

17               “(i) IN GENERAL.—Not later than 1  
18               year after the date of enactment of the  
19               Lead-Safe Housing for Kids Act of 2024,  
20               the Secretary shall promulgate regulations  
21               to provide that a family with a child of less  
22               than 6 years of age that occupies a dwell-  
23               ing unit in covered housing in which lead-  
24               based paint hazards were identified, but  
25               not controlled in accordance with regula-



1 tions required under subparagraph (A)(ii),  
 2 may relocate on an emergency basis and  
 3 without placement on any waitlist, penalty  
 4 (including rent payments to be made for  
 5 that dwelling unit), or lapse in assistance  
 6 to a dwelling unit that—

7 “(I) was constructed in 1978 or  
 8 later; or

9 “(II) is in covered housing that  
 10 has no lead-based paint hazards.

11 “(ii) REQUIREMENTS.—Relocation de-  
 12 scribed in clause (i) shall be performed  
 13 consistent with the standards set forth  
 14 under the Uniform Relocation Assistance  
 15 and Real Property Acquisition Policies Act  
 16 of 1970 (42 U.S.C. 4601 et seq.) and any  
 17 other applicable Federal civil rights, fair  
 18 housing, and nondiscrimination laws.”.

19 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated to carry out  
 21 the amendments made by section 2 such sums as may be  
 22 necessary for each of fiscal years 2025 through 2029.

○