

117TH CONGRESS
1ST SESSION

S. 1860

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

MAY 26, 2021

Mr. DURBIN (for himself, Mr. SCOTT of South Carolina, Mr. MENENDEZ, Mr. PORTMAN, Ms. DUCKWORTH, Mr. YOUNG, Ms. SMITH, and Mr. KAINE) 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 2021”.

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 2021, 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

on which the family and the owner submit a request for approval of a tenancy or lease renewal, whichever occurs first;

“(bb) in the case of covered housing receiving public housing assistance under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) or project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), not later than 15 days after the date on which a physical condition inspection occurs; and

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

“(II) provide that a visual assessment alone is not sufficient for purposes of complying with subclause (I);

“(III) require that, if lead-based paint hazards are identified by an ini-

1 tial risk assessment conducted under
2 subclause (I), the owner of the cov-
3 ered housing shall—

4 “(aa) not later than 30 days
5 after the date on which the initial
6 risk assessment is conducted,
7 control the lead-based paint haz-
8 ards, including achieving clear-
9 ance in accordance with regula-
10 tions promulgated under section
11 402 or 404 of the Toxic Sub-
12 stances Control Act (15 U.S.C.
13 2682, 2684), as applicable; and

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

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

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

9 “(I) if the owner of the covered
10 housing submits to the Secretary doc-
11 umentation—

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

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

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

8 “(III) if—

9 “(aa) lead-based paint haz-
10 ards are identified in the dwelling
11 unit in the covered housing in
12 which the family will reside or is
13 expected to reside;

14 “(bb) the dwelling unit is
15 unoccupied;

16 “(cc) the owner of the cov-
17 ered housing, without any further
18 delay in occupancy or increase in
19 rent, provides the family with an-
20 other dwelling unit in the covered
21 housing that has no lead-based
22 paint hazards; and

23 “(dd) the common areas
24 servicing the new dwelling unit

1 have no lead-based paint hazards;
2 and

3 “(IV) in accordance with any
4 other standard or exception the Sec-
5 retary deems appropriate based on
6 health-based standards.

7 “(B) RELOCATION.—Not later than 180
8 days after the date of enactment of the Lead-
9 Safe Housing for Kids Act of 2021, the Sec-
10 retary shall promulgate regulations to provide
11 that a family with a child of less than 6 years
12 of age that occupies a dwelling unit in covered
13 housing in which lead-based paint hazards were
14 identified, but not controlled in accordance with
15 regulations required under subparagraph
16 (A)(ii), may relocate on an emergency basis and
17 without placement on any waitlist, penalty (in-
18 cluding rent payments to be made for that
19 dwelling unit), or lapse in assistance to—

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

22 “(ii) another dwelling unit in covered
23 housing that has no lead-based paint haz-
24 ards.”.

1 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 the amendments made by section 2 such sums as may be
4 necessary for each of fiscal years 2022 through 2026.

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