

117TH CONGRESS
2D SESSION

H. R. 7175

To require disclosure of asbestos hazards in the sale and lease of residential dwellings, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2022

Mrs. TORRES of California introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require disclosure of asbestos hazards in the sale and lease of residential dwellings, 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 “Asbestos Exposure in
5 Housing Reduction Act of 2022”.

6 **SEC. 2. DISCLOSURE IN SALE OR LEASE OF HOUSING.**

7 (a) **REQUIRED DISCLOSURE.**—The Secretary of
8 Housing and Urban Development and the Administrator
9 of the Environmental Protection Agency shall, not later

1 than the expiration of the 2-year period beginning on the
2 date of the enactment of this Act, jointly issue regulations
3 under this section requiring the disclosure of asbestos haz-
4 ards in dwellings that are offered for sale or lease. Such
5 regulations shall require that, before the purchaser or les-
6 see is obligated under any contract to purchase or lease
7 the dwelling, the seller or lessor shall—

8 (1) disclose to the purchaser or lessee the pres-
9 ence of any known asbestos, and any known asbes-
10 tos-based hazards, in such dwelling and provide to
11 the purchaser or lessee any asbestos hazard evalua-
12 tion report available to the seller or lessor; and

13 (2) permit the purchaser a 10-day period (un-
14 less the parties mutually agree upon a different pe-
15 riod of time) to conduct a risk assessment or inspec-
16 tion for the presence of asbestos hazards.

17 (b) ASBESTOS WARNING STATEMENT.—The regula-
18 tions issued under this section shall provide that every
19 contract for the purchase and sale of any interest in a
20 dwelling, and every contract for lease of a dwelling, shall
21 contain an Asbestos Warning Statement and a statement
22 signed by the purchaser or lessee that the purchaser has—

23 (1) read the Asbestos Warning Statement and
24 understands its contents; and

1 (2) had a 10-day opportunity (unless the par-
2 ties mutually agreed upon a different period of time)
3 before becoming obligated under the contract to pur-
4 chase the dwelling to conduct a risk assessment or
5 inspection for the presence of asbestos-based haz-
6 ards.

7 (c) CONTENTS OF ASBESTOS WARNING STATE-
8 MENT.—The Asbestos Warning Statement shall contain
9 the following text printed in large type on a separate sheet
10 of paper attached to the contract: “Every purchaser of any
11 interest in residential real property on which a dwelling
12 is located, and every lessee of a dwelling, is notified that
13 such property may present exposure to asbestos that may
14 place occupants at risk of lung disease and mesothe-
15 lioma—a form of cancer. The seller of any interest in resi-
16 dential real property, and the lessor of a dwelling, is re-
17 quired to provide the buyer or lessee, respectively, with
18 any information on asbestos-based hazards from risk as-
19 sessments or inspections in the seller’s or lessor’s posses-
20 sion and notify the buyer or lessee of any known asbestos-
21 based hazards. A risk assessment or inspection for pos-
22 sible asbestos-based hazards is recommended prior to pur-
23 chase or lease.”.

24 (d) COMPLIANCE ASSURANCE.—Whenever a seller or
25 lessor has entered into a contract with an agent for the

1 purpose of selling or leasing a dwelling, the regulations
2 issued under this section shall require the agent, on behalf
3 of the seller or lessor, to ensure compliance with the re-
4 quirements of this section.

5 (e) PENALTIES FOR VIOLATIONS.—

6 (1) MONETARY PENALTY.—Any person who
7 knowingly violates any provision of this section shall
8 be subject to civil money penalties in accordance
9 with the provisions of section 102 of the Department
10 of Housing and Urban Development Reform Act of
11 1989 (42 U.S.C. 3545).

12 (2) INJUNCTION AUTHORITY.—The Secretary is
13 authorized to take such lawful action as may be nec-
14 essary to enjoin any violation of this section.

15 (3) CIVIL LIABILITY.—

16 (A) IN GENERAL.—Any person who know-
17 ingly violates the provisions of this section shall
18 be jointly and severally liable to the purchaser
19 or lessee in an amount equal to 3 times the
20 amount of damages incurred by such individual.

21 (B) COSTS.—In any civil action brought
22 for damages pursuant to this paragraph, the
23 appropriate court may award court costs to the
24 party commencing such action, together with

1 reasonable attorney fees and any expert witness
2 fees, if that party prevails.

3 (4) PROHIBITED ACT.—It shall be a prohibited
4 act under sections 15 and 409 of the Toxic Sub-
5 stances Control Act (15 U.S.C. 2614, 2689) for any
6 person to fail or refuse to comply with a provision
7 of this section or with any rule or order issued under
8 this section. For purposes of enforcing this section
9 under the Toxic Substances Control Act (15 U.S.C.
10 2601 et seq.), the penalty for each violation applica-
11 ble under section 16 of such Act (15 U.S.C. 2615)
12 shall not be more than \$10,000.

13 (f) VALIDITY OF CONTRACTS AND LIENS.—Nothing
14 in this section shall affect the validity or enforceability of
15 any sale or contract for the purchase and sale or lease
16 of any interest in residential real property or any loan,
17 loan agreement, mortgage, or lien made or arising in con-
18 nection with a mortgage loan, nor shall anything in this
19 section create a defect in title.

20 (g) DEFINITIONS.—For purposes of this section, the
21 following definitions shall apply:

22 (1) ASBESTOS.—The term “asbestos” has the
23 meaning given such term in section 202 of the Toxic
24 Substances Control Act (15 U.S.C. 2642).

1 (2) ASBESTOS-BASED HAZARD.—The term “as-
2 bestos-based hazard” means any condition that
3 causes exposure to asbestos that would result in ad-
4 verse human health effects as established by the ap-
5 propriate Federal agency.

6 (3) DWELLING.—The term “dwelling” means
7 any dwelling, as such term is defined in section 802
8 of the Fair Housing Act (42 U.S.C. 3602) that was
9 constructed prior to 2019. The exemptions under
10 section 803(b) of such Act (42 U.S.C. 3603) shall
11 not apply for purposes of this Act.

12 (4) INSPECTION.—The term “inspection”
13 means an on-site investigation to determine the pres-
14 ence of asbestos and the provision of a report ex-
15 plaining the results of the investigation.

16 (5) RISK ASSESSMENT.—The term “risk assess-
17 ment” means an on-site investigation to determine
18 and report the existence, nature, severity and loca-
19 tion of asbestos-based hazards in dwellings, includ-
20 ing—

21 (A) information gathering regarding the
22 age and history of the housing;

23 (B) visual inspection;

24 (C) sampling or other environmental sam-
25 pling techniques;

1 (D) other activity as may be appropriate;

2 and

3 (E) provision of a report explaining the re-

4 sults of the investigation.

5 (h) EFFECTIVE DATE.—The regulations issued
6 under this section shall take effect upon the expiration of
7 the 2-year period beginning on the date of the enactment
8 of this Act.

9 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated for each fiscal year such
11 sums as may be necessary to carry out this section.

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