

115TH CONGRESS  
1ST SESSION

# S. 1845

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.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2017

Mr. DURBIN (for himself, Mr. SCOTT, Mr. MENENDEZ, Mr. YOUNG, Mr. DONNELLY, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## 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 2017”.

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 2017, 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

1 on which the family and the  
2 owner submit a request for ap-  
3 proval of a tenancy;

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

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

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

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

1 subclause (I), the owner of the cov-  
2 ered 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; and

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

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

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

6           “(I) if the owner of the covered  
7 housing submits to the Secretary doc-  
8 umentation—

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

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

22           “(II) from which all lead-based  
23 paint has been identified and removed  
24 and clearance has been achieved in ac-  
25 cordance with regulations promul-

1 gated under section 402 or 404 of the  
2 Toxic Substances Control Act (15  
3 U.S.C. 2682, 2684), as applicable;

4 “(III)(aa) if lead-based paint  
5 hazards are identified in the dwelling  
6 unit in the covered housing in which  
7 the family will reside or is expected to  
8 reside;

9 “(bb) the dwelling unit is unoccu-  
10 pied;

11 “(cc) the owner of the covered  
12 housing, without any further delay in  
13 occupancy or increase in rent, pro-  
14 vides the family with another dwelling  
15 unit in the covered housing that has  
16 no lead-based paint hazards; and

17 “(dd) the common areas servicing  
18 the new dwelling unit have no lead-  
19 based paint hazards; and

20 “(IV) in accordance with any  
21 other standard or exception the Sec-  
22 retary deems appropriate based on  
23 health-based standards.

24 “(B) RELOCATION.—Not later than 180  
25 days after the date of enactment of the Lead-

1 Safe Housing for Kids Act of 2017, the Sec-  
2 retary shall promulgate regulations to provide  
3 that a family with a child of less than 6 years  
4 of age that occupies a dwelling unit in covered  
5 housing in which lead-based paint hazards were  
6 identified, but not controlled in accordance with  
7 regulations required under clause (ii), may relo-  
8 cate on an emergency basis and without place-  
9 ment on any waitlist, penalty (including rent  
10 payments to be made for that dwelling unit), or  
11 lapse in assistance to—

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

14 “(ii) another dwelling unit in covered  
15 housing that has no lead-based paint haz-  
16 ards.”.

17 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated to carry out  
19 the amendments made by section 2 such sums as may be  
20 necessary for each of fiscal years 2018 through 2022.

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