
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 813 Session of
2021

INTRODUCED BY ISAACSON, BURGOS, CIRESI, DEASY, DELLOSO, FREEMAN,
HILL-EVANS, HOHENSTEIN, HOWARD, McNEILL, NEILSON, O'MARA,
PISCIOTTANO, ROZZI, SAMUELSON, SANCHEZ, SCHLOSSBERG,
SCHWEYER, SIMS AND WEBSTER, MARCH 8, 2021

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 8, 2021

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, providing for lead abatement
3 assistance; establishing the Lead Abatement Grant Program and
4 the Lead Abatement Assistance Fund; and imposing an
5 architectural paint surcharge.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 27 of the Pennsylvania Consolidated
9 Statutes is amended by adding a chapter to read:

10 CHAPTER 64

11 LEAD ABATEMENT ASSISTANCE

12 Sec.

13 6401. Scope of chapter.

14 6402. Definitions.

15 6403. Lead Abatement Grant Program.

16 6404. Lead Abatement Assistance Fund.

17 6405. Imposition of surcharge.

18 6406. Guidelines.

1 § 6401. Scope of chapter.

2 This chapter relates to lead abatement assistance.

3 § 6402. Definitions.

4 The following words and phrases when used in this chapter
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Architectural paint." Interior and exterior architectural
8 coatings used for commercial or homeowner use. The term does not
9 include aerosol spray paint or coatings purchased for industrial
10 or original equipment manufacturer use.

11 "Department." The Department of Environmental Protection of
12 the Commonwealth.

13 "Fund." The Lead Abatement Assistance Fund established in
14 section 6404 (relating to Lead Abatement Assistance Fund).

15 "Lead abatement." A set of measures designed to permanently
16 eliminate lead-based paint hazards in accordance with standards
17 established by the department, provided that the standards are
18 consistent with applicable Federal standards. The term includes:

19 (1) The removal of lead-based paint and lead-
20 contaminated dust, the permanent containment or encapsulation
21 of lead-based paint, the replacement of lead-painted surfaces
22 or fixtures and the removal or covering of lead-contaminated
23 soil.

24 (2) All preparation, cleanup, disposal and postabatement
25 clearance testing activities associated with such measures.

26 "Lead hazard control work." Work to make housing lead-safe
27 or to mitigate through the use of interim controls as permitted
28 under Federal law and as defined in 42 U.S.C. § 4851b (relating
29 to definitions), or to eliminate permanently lead-based paint
30 hazards on a premises by a person certified to perform lead

1 abatement work under the act of July 6, 1995 (P.L.291, No.44),
2 known as the Lead Certification Act.

3 "Operator." A person in control of or having responsibility
4 for the daily operation of a store which may include, but not be
5 limited to, the owner of a store.

6 § 6403. Lead Abatement Grant Program.

7 (a) Establishment.--

8 (1) The department, in consultation with the Department
9 of Health and the Department of Community and Economic
10 Development, shall establish a program that issues grants to
11 municipalities.

12 (2) Grants must be used to provide assistance to owners
13 of single-family homes and owners of rental housing, whether
14 or not utilized as rental housing, for lead hazard control
15 work.

16 (3) Grants shall be provided for a period to be
17 determined by the department.

18 (b) Eligibility.--To receive a grant under this section, a
19 municipality must demonstrate that the municipality has an
20 existing or planned lead abatement assistance program that
21 satisfies the conditions of subsection (a).

22 (c) Competitive awards.--The department shall issue grants
23 under this section to municipalities on a competitive basis
24 according to the following criteria:

25 (1) Whether the municipality demonstrates a financial
26 need for the grant.

27 (2) The overall age of the housing stock located within
28 the municipality.

29 (3) The number of households in proportion to the total
30 population, with household incomes less than 50% of the

1 median area income.

2 (4) Whether the municipality gives priority
3 consideration to households with household incomes less than
4 50% of the median area income.

5 (5) Whether the municipality gives priority
6 consideration to residences in which children under six years
7 of age reside.

8 (6) The department shall take into consideration
9 geographical distribution of funds awarded to municipalities
10 to ensure that all areas of this Commonwealth participate to
11 the greatest extent possible.

12 § 6404. Lead Abatement Assistance Fund.

13 (a) Establishment.--The Lead Abatement Assistance Fund is
14 established within the State Treasury. The money in the fund is
15 appropriated to the department on a continuing basis for the
16 purposes specified in this chapter.

17 (b) Deposit.--Money collected from the surcharge established
18 under section 6405 (relating to imposition of surcharge) shall
19 be deposited in the fund.

20 (c) Use of money.--

21 (1) The fund shall be used by the department exclusively
22 for the purpose of issuing grants provided for under section
23 6403 (relating to Lead Abatement Grant Program).

24 (2) The department may utilize up to 10% of the total
25 money collected and deposited in the fund within a fiscal
26 year to cover the costs associated with administering this
27 chapter.

28 § 6405. Imposition of surcharge.

29 (a) Establishment of surcharge.--A surcharge of 50¢ shall be
30 imposed on each gallon of architectural paint sold by an

1 operator to a consumer.

2 (b) Collection.--The operator shall collect the surcharge
3 and remit the money to the Commonwealth on a quarterly basis.

4 § 6406. Guidelines.

5 Within 180 days of the effective date of this section, the
6 department shall establish rules and guidelines to carry out the
7 provisions of this chapter.

8 Section 2. This act shall take effect in 60 days.