

115TH CONGRESS
2D SESSION

H. R. 6252

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 HOUSE OF REPRESENTATIVES

JUNE 27, 2018

Mr. MCEACHIN (for himself and Mr. FASO) introduced the following bill;
which was referred to the Committee on Financial Services

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 2018”.

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

3 (2) by inserting after paragraph (3) the fol-
4 lowing:

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

7 “(A) RISK ASSESSMENT.—

8 “(i) DEFINITION.—In this subpara-
9 graph, the term ‘covered housing’—

10 “(I) means housing receiving
11 Federal assistance described in para-
12 graph (1) that was constructed prior
13 to 1978; and

14 “(II) does not include—

15 “(aa) single-family housing
16 covered by an application for
17 mortgage insurance under the
18 National Housing Act (12 U.S.C.
19 1701 et seq.); or

20 “(bb) multi-family housing
21 that—

22 “(AA) is covered by an
23 application for mortgage in-
24 surance under the National

1 Housing Act (12 U.S.C.
2 1701 et seq.); and

3 “(BB) does not receive
4 any other Federal housing
5 assistance.

6 “(ii) REGULATIONS.—Not later than
7 180 days after the date of enactment of
8 the Lead-Safe Housing for Kids Act of
9 2018, the Secretary shall promulgate regu-
10 lations that—

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

17 “(aa) in the case of covered
18 housing receiving tenant-based
19 rental assistance under section 8
20 of the United States Housing Act
21 of 1937 (42 U.S.C. 1437f), not
22 later than 15 days after the date
23 on which the family and the
24 owner submit a request for ap-
25 proval of a tenancy;

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

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

24 “(iii) EXCEPTIONS.—The regulations
25 promulgated under clause (ii) shall provide

1 an exception to the requirement under sub-
2 clause (I) of such clause for covered hous-
3 ing—

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

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

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

20 “(II) from which all lead-based
21 paint has been identified and removed
22 and clearance has been achieved in ac-
23 cordance with regulations promul-
24 gated under section 402 or 404 of the

1 Toxic Substances Control Act (15
2 U.S.C. 2682, 2684), as applicable;

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

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

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

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

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

23 “(B) RELOCATION.—Not later than 180
24 days after the date of enactment of the Lead-
25 Safe Housing for Kids Act of 2018, the Sec-

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

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

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

16 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated to carry out
18 the amendments made by section 2 such sums as may be
19 necessary for each of fiscal years 2019 through 2023.

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