

116TH CONGRESS  
1ST SESSION

# S. 1583

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

MAY 21, 2019

Mr. DURBIN (for himself, Mr. SCOTT of South Carolina, Mr. MENENDEZ, Mr. YOUNG, Ms. DUCKWORTH, Mr. PORTMAN, Mr. KAINE, and Ms. SMITH) 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 2019”.

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 2019, 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 or lease re-  
4 newal, whichever occurs first;

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

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

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

24 “(III) require that, if lead-based  
25 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)(aa) if lead-based paint  
9           hazards are identified in the dwelling  
10          unit in the covered housing in which  
11          the family will reside or is expected to  
12          reside;

13          “(bb) the dwelling unit is unoccu-  
14          pied;

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

21          “(dd) the common areas servicing  
22          the new dwelling unit have no lead-  
23          based paint hazards; and

24          “(IV) in accordance with any  
25          other standard or exception the Sec-

1                   retary deems appropriate based on  
2                   health-based standards.

3                   “(B) RELOCATION.—Not later than 180  
4                   days after the date of enactment of the Lead-  
5                   Safe Housing for Kids Act of 2019, the Sec-  
6                   retary shall promulgate regulations to provide  
7                   that a family with a child of less than 6 years  
8                   of age that occupies a dwelling unit in covered  
9                   housing in which lead-based paint hazards were  
10                  identified, but not controlled in accordance with  
11                  regulations required under clause (ii), may relo-  
12                  cate on an emergency basis and without place-  
13                  ment on any waitlist, penalty (including rent  
14                  payments to be made for that dwelling unit), or  
15                  lapse in assistance to—

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

18                               “(ii) another dwelling unit in covered  
19                               housing that has no lead-based paint haz-  
20                               ards.”.

21 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

22                   There is authorized to be appropriated to carry out  
23 the amendments made by section two such sums as may  
24 be necessary for each of fiscal years 2020 through 2024.

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