

117TH CONGRESS
2D SESSION

S. 5313

To require the Secretary of Housing and Urban Development to establish an excess urban heat mitigation grant program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20, 2022

Mr. BROWN introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To require the Secretary of Housing and Urban Development to establish an excess urban heat mitigation grant program, 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 “Excess Urban Heat
5 Mitigation Act of 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Heat stress is a leading weather-related
9 cause of death in the United States, with more than
10 600 people killed in the United States by extreme

1 heat every year, and many more experiencing res-
2 piratory problems and heat-related illness.

3 (2) Urban areas are likely to experience higher
4 temperatures than surrounding areas due to design-
5 related attributes of the built environment, including
6 manmade factors such as low solar reflectance, low
7 tree cover, high building density, high impervious
8 surface cover, and waste heat emissions.

9 (3) Underserved communities are disproportion-
10 ately impacted by extreme heat. In the United
11 States, low-income census blocks have 15.2 percent
12 less tree cover and an average land surface tempera-
13 ture that is 1.5 degrees Celsius hotter than high-in-
14 come blocks.

15 (4) Studies show that in 97 percent of the larg-
16 est urbanized areas in the United States, people of
17 color live in census tracts with higher surface urban
18 heat intensity than non-Hispanic Whites, indicating
19 that heat exposure is unequally distributed by race.

20 (5) Urban heat is not only a public health
21 threat but also an economic one, as rising heat leads
22 to increased roadway maintenance costs, higher resi-
23 dential and commercial summer energy costs, and
24 lost labor productivity, as well as the cost to patients

1 and health care infrastructure for heat-related hos-
2 pitalizations and emergency department visits.

3 (6) Excess urban heat causes increased energy
4 consumption, elevated emission of air pollutants and
5 greenhouse gases, and impaired water quality.

6 (7) Heat waves are expected to not only occur
7 more frequently in the United States but also be of
8 longer duration, lasting 10 to 20 days longer by the
9 end of the century.

10 (8) Solutions exist that communities can imple-
11 ment now to mitigate the challenge of urban heat.
12 One example is the planting of urban trees to offset
13 or reverse the urban heat island effect. Studies in
14 multiple cities in the United States have shown that
15 urban trees can offset projected increases in heat-re-
16 lated mortality in 2050 by 40 to 99 percent.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) COVERED CENSUS TRACT.—The term “cov-
20 ered census tract” means a census tract with a pov-
21 erty rate of not less than 20 percent, as measured
22 by the 5-year data series available from the Amer-
23 ican Community Survey of the Bureau of the Census
24 for the period of 2014 through 2018, including such
25 a census tract that includes an area that was des-

1 ignated as “hazardous” or “definitely declining” in
2 maps drawn by the Home Owners’ Loan Corpora-
3 tion.

4 (2) COVERED GRANT.—The term “covered
5 grant” means a grant awarded under section 4(a).

6 (3) ELIGIBLE ENTITY.—The term “eligible enti-
7 ty” means—

8 (A) a State (as defined in section 102 of
9 the Housing and Community Development Act
10 of 1974 (42 U.S.C. 5302));

11 (B) a metropolitan planning organization;

12 (C) a unit of general local government (as
13 defined in section 102 of the Housing and Com-
14 munity Development Act of 1974 (42 U.S.C.
15 5302));

16 (D) an Indian tribe (as defined in section
17 102 of the Housing and Community Develop-
18 ment Act of 1974 (42 U.S.C. 5302));

19 (E) a territorial government;

20 (F) a nonprofit organization working in co-
21 ordination with an entity described in subpara-
22 graphs (A) through (E); and

23 (G) a consortium of nonprofit organiza-
24 tions.

1 (4) ELIGIBLE PROJECT.—The term “eligible
2 project”—

3 (A) means a project designed to mitigate
4 heat in an urban area by—

5 (i) working to combat the causes of
6 higher temperatures; or

7 (ii) mitigating the impacts of higher
8 temperatures or other extreme weather
9 events; and

10 (B) includes the implementation, construc-
11 tion, or maintenance of—

12 (i) tree planting and maintenance
13 with, wherever possible, preference for—

14 (I) native tree species;

15 (II) tree species with high shade
16 production and carbon sequestration;
17 and

18 (III) tree species that provide ed-
19 ible fruit and nuts;

20 (ii) cool pavements;

21 (iii) cool roofs;

22 (iv) green roofs;

23 (v) bus stop shelters;

24 (vi) shade structures;

1 (vii) cooling centers with, wherever
2 possible, preference for—

3 (I) cooling centers that collabo-
4 rate with existing community centers
5 and spaces;

6 (II) cooling centers with year-
7 round accessibility; and

8 (III) cooling centers that utilize
9 renewable energy;

10 (viii) community gardens, including
11 agroforestry practices;

12 (ix) outreach to communities about re-
13 sources available under this section;

14 (x) local heat mitigation education ef-
15 forts; or

16 (xi) other actions the Secretary deter-
17 mines appropriate to address or mitigate
18 excess urban heat.

19 (5) ENVIRONMENTAL JUSTICE.—The term “en-
20 vironmental justice” means the fair treatment and
21 meaningful involvement of all people regardless of
22 race, color, culture, national origin, income, and edu-
23 cational levels with respect to the development, im-
24 plementation, and enforcement of protective environ-
25 mental laws, regulations, and policies.

1 (6) EXCESS URBAN HEAT EFFECT.—The term
2 “excess urban heat effect” means the phenomenon
3 of local urban warming, resulting from manmade
4 factors such as low solar reflectance, low tree cover,
5 high building density, high impervious surface cover,
6 and waste heat emissions.

7 (7) EXTREME HEAT.—The term “extreme
8 heat” means a prolonged period of excessively hot
9 weather, with temperatures well above climatological
10 normals for a given location and season.

11 (8) NONPROFIT ORGANIZATION.—The term
12 “nonprofit organization” means an organization de-
13 scribed in section 501(c)(3) of the Internal Revenue
14 Code of 1986 and exempt from taxation under sec-
15 tion 501(a) of such Code.

16 (9) SECRETARY.—The term “Secretary” means
17 the Secretary of Housing and Urban Development.

18 (10) URBAN AREA.—The term “urban area”
19 has the meaning given the term in section 101(a) of
20 title 23, United States Code.

21 **SEC. 4. URBAN HEAT MITIGATION GRANT PROGRAM.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Secretary, acting
24 through the Office of Community Planning and Develop-
25 ment, in coordination with the Administrator of the Envi-

1 ronmental Protection Agency, the Chief of the Forest
2 Service, and the Director of the Climate Program Office
3 of the National Oceanic and Atmospheric Administration,
4 shall establish an urban heat mitigation grant program to
5 award grants to eligible entities to implement eligible
6 projects.

7 (b) SET-ASIDE.—Not less than 75 percent of the
8 amounts of covered grants awarded for a fiscal year shall
9 be awarded to eligible entities to implement projects in a
10 covered census tract.

11 (c) TECHNICAL ASSISTANCE.—

12 (1) IN GENERAL.—Not more than 3 percent of
13 amounts appropriated to carry out this section may
14 be used to provide technical assistance to eligible en-
15 tities applying for or implementing a covered grant.

16 (2) PREFERENCE.—In providing technical as-
17 sistance under paragraph (1), the Secretary shall
18 give preference to eligible entities that intend to
19 serve communities—

20 (A) located in a covered census tract; or

21 (B) with lower-tree canopy and higher
22 maximum daytime summer temperatures com-
23 pared to surrounding communities, as deter-
24 mined by the Secretary, based on publicly avail-
25 able information.

1 (3) INCLUSIONS.—Technical assistance pro-
2 vided under paragraph (1) may include—

3 (A) assistance developing a complete appli-
4 cation;

5 (B) financial analysis and budget develop-
6 ment;

7 (C) support for project integration;

8 (D) assessment of project readiness; and

9 (E) technical assistance implementing ac-
10 tivities once a covered grant is received.

11 (d) APPLICATION.—

12 (1) IN GENERAL.—An eligible entity desiring a
13 covered grant shall submit to the Secretary an appli-
14 cation, at such time and in such manner as required
15 by the Secretary in guidance, that includes, at a
16 minimum—

17 (A) how the eligible entity will use the cov-
18 ered grant;

19 (B) how the eligible projects funded will
20 combat extreme heat or excess urban heat ef-
21 fects and improve quality of life for impacted
22 communities;

23 (C) a robust engagement plan that—

24 (i) outlines how the eligible entity will
25 meaningfully engage with the communities

1 in which the eligible projects take place
2 throughout project implementation; and

3 (ii) demonstrates how the eligible enti-
4 ty plans to—

5 (I) foster meaningful, reciprocal
6 relationships with community-based
7 organizations;

8 (II) engage in respectful, good-
9 faith consultation with diverse com-
10 munity stakeholders; and

11 (III) empower members of the
12 community to participate in decision
13 making; and

14 (D) how the eligible entity will address the
15 intersection between human health, environ-
16 ment, and built environment.

17 (2) GUIDANCE.—Not later than 180 days after
18 the date of enactment of this Act, the Secretary
19 shall issue the guidance described in paragraph (1).

20 (e) MATCHING REQUIREMENT.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), the Federal share of the cost of an eligi-
23 ble project carried out with amounts from a covered
24 grant shall be not more than 80 percent.

1 (2) WAIVER.—The Secretary may increase the
2 maximum Federal share described in paragraph (1)
3 from 80 percent to 100 percent for an eligible
4 project carried out by an eligible entity that dem-
5 onstrates economic hardship, as determined by the
6 Secretary.

7 (f) PRIORITY.—In awarding covered grants, the Sec-
8 retary shall give priority to an eligible entity that serves—

9 (1) a community located in a covered census
10 tract; or

11 (2) a community with lower tree canopy and
12 higher maximum daytime summer temperatures
13 compared to surrounding communities, as deter-
14 mined by the Secretary, based on publicly available
15 information.

16 (g) REPORTING REQUIREMENT.—The Secretary shall
17 submit an annual report to Congress that identifies the
18 recipients of covered grants and the geographic and eco-
19 nomic distribution of those recipients.

20 (h) OVERSIGHT.—

21 (1) IN GENERAL.—In order to ensure the effec-
22 tiveness of projects that are carried out using cov-
23 ered grants, the Secretary shall use not more than
24 5 percent of any amounts appropriated to carry out
25 this section to establish an oversight board to help—

1 (A) select recipients of covered grants; and

2 (B) review the progress made by recipients
3 of covered grants on a yearly basis.

4 (2) EVALUATION.—The board established under
5 paragraph (1) shall—

6 (A) develop and apply a rubric to evaluate
7 the success of projects carried out using covered
8 grants in reaching their objective to combat the
9 causes and effects of excess urban heat; and

10 (B) serve the Secretary in an advisory ca-
11 pacity.

12 (3) MEMBERSHIP.—

13 (A) IN GENERAL.—Members of the board
14 established under paragraph (1) may include—

15 (i) representatives from the Environ-
16 mental Protection Agency, particularly
17 from the Heat Island Reduction Program;

18 (ii) representatives from the Depart-
19 ment of Health and Human Services, par-
20 ticularly from the Office of Climate
21 Change and Health Equity;

22 (iii) representatives from the Depart-
23 ment of Energy, particularly from the Of-
24 fice of Energy Efficiency and Renewable
25 Energy;

1 (iv) representatives from the Depart-
2 ment of Agriculture, particularly from the
3 Urban and Community Forestry Program;

4 (v) subject to subparagraph (B), rep-
5 resentatives from nonprofit organizations
6 with proven leadership in urban heat miti-
7 gation or environmental justice, as deter-
8 mined by the Secretary; and

9 (vi) subject to subparagraph (B), rep-
10 resentatives from academia and research
11 studying the effects of and mitigation of
12 excess urban heat, environmental justice,
13 or related areas.

14 (B) CERTIFICATION REQUIRED.—In order
15 to be a member of the board established under
16 paragraph (1), a representative described in
17 clause (v) or (vi) of subparagraph (A) of this
18 paragraph shall certify that the representative
19 does possess any conflict of interest with re-
20 spect to projects being considered for a covered
21 grant or being carried out using a covered
22 grant.

1 (i) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 \$30,000,000 for each of fiscal years 2023 through 2030.

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