..... (Original Signature of Member)

115th CONGRESS 2d Session



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

Mr. McEACHIN introduced the following bill; which was referred to the Committee on _____

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 Housing5 for Kids Act of 2018".

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 "(bb) multi-family housing 24 25 that-

 $\mathbf{2}$

1 "(AA) is covered	by an
2 application for mortga	age in-
3 surance under the N	ational
4 Housing Act (12	U.S.C.
5 1701 et seq.); and	
6 "(BB) does not	receive
7 any other Federal h	ousing
8 assistance.	
9 "(ii) REGULATIONS.—Not late	r than
10 180 days after the date of enactm	nent of
11 the Lead-Safe Housing for Kids	Act of
12 2018, the Secretary shall promulgate	e regu-
13 lations that—	
14 "(I) require the owner of a	overed
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 cond	luct an
18 initial risk assessment for lead	l-based
19 paint hazards—	
20 "(aa) in the case of c	overed
21 housing receiving tenant	t-based
22 rental assistance under see	ction 8
23 of the United States Housi	ing Act
of 1937 (42 U.S.C. 1437	f), not
25 later than 15 days after th	ne date

1on which the family and the2owner submit a request for ap-3proval of a tenancy;

"(bb) in the case of covered 4 housing receiving public housing 5 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

"(cc) in the case of covered 16 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

2

5

subclause (I), the owner of the covered housing shall—

"(aa) not later than 30 days 3 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-

scribed in subclause (III)(aa).

25

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-

 $\overline{7}$

	· ·
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 2018, 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 2019 through 2023.