

118TH CONGRESS
2D SESSION

S. _____

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 SENATE OF THE UNITED STATES

Mr. DURBIN (for himself and Mr. YOUNG) introduced the following bill; which was read twice and 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 Housing
5 for Kids Act of 2024”.

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) in paragraph (1), in the matter preceding
2 subparagraph (A), by inserting after “mortgage in-
3 surance” the following: “, tenant-based rental assist-
4 ance under section 8(o) of the United States Hous-
5 ing Act of 1937 (42 U.S.C. 1437f(o)),”;

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

8 (3) by inserting after paragraph (3) the fol-
9 lowing:

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

12 “(A) RISK ASSESSMENT.—

13 “(i) DEFINITION.—In this subpara-
14 graph, the term ‘covered housing’ means
15 target housing, as defined in section 1004
16 of the Residential Lead-Based Paint Haz-
17 ard Reduction Act of 1992 (42 U.S.C.
18 4851b), that—

19 “(I) is covered by an application
20 for mortgage insurance or housing as-
21 sistance payments under a program
22 administered by the Secretary; or

23 “(II) otherwise receives more
24 than \$5,000 in project-based assist-

1 ance under a Federal housing pro-
2 gram.

3 “(ii) REGULATIONS.—Not later than
4 1 year after the date of enactment of the
5 Lead-Safe Housing for Kids Act of 2024,
6 the Secretary shall promulgate regulations
7 that—

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

14 “(aa) in the case of covered
15 housing receiving tenant-based
16 rental assistance under section
17 8(o) of the United States Hous-
18 ing Act of 1937 (42 U.S.C.
19 1437f(o)), not later than 15 days
20 after the date on which the fam-
21 ily and the owner submit a re-
22 quest for approval of a tenancy
23 or lease renewal, whichever oc-
24 curs first;

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) in accessible and alter-
12 native formats consistent with
13 the requirements under section
14 504 of the Rehabilitation Act of
15 1973 (29 U.S.C. 794), the Amer-
16 icans with Disabilities Act of
17 1990 (42 U.S.C. 12101 et seq.),
18 and title VI of the Civil Rights
19 Act of 1964 (42 U.S.C. 2000d et
20 seq.), provide notice to all resi-
21 dents in the covered housing af-
22 fected by the initial risk assess-
23 ment, and provide notice in the
24 common areas of the covered
25 housing, that lead-based paint

1 hazards were identified and will
2 be controlled within the 30-day
3 period described in item (aa);
4 and

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

8 “(iii) EXCEPTIONS.—The regulations
9 promulgated under clause (ii) shall provide
10 an exception to the requirement under sub-
11 clause (I) of such clause for covered hous-
12 ing—

13 “(I) if the owner of the covered
14 housing submits to the Secretary doc-
15 umentation—

16 “(aa) that the owner con-
17 ducted a risk assessment of the
18 covered housing for lead-based
19 paint hazards during the 12-
20 month period preceding the date
21 on which the family is expected
22 to reside in the covered housing;
23 and

24 “(bb) of any clearance ex-
25 aminations of lead-based paint

1 hazard control work resulting
2 from the risk assessment de-
3 scribed in item (aa) that show
4 that the housing passed the
5 clearance examination;

6 “(II)(aa) if a lead-based paint in-
7 spection of the covered housing deter-
8 mined that lead-based paint was not
9 present in the covered housing; or

10 “(bb) from which all lead-based
11 paint has been identified and removed
12 and clearance has been achieved in ac-
13 cordance with regulations promul-
14 gated under section 402 or 404 of the
15 Toxic Substances Control Act (15
16 U.S.C. 2682, 2684) or under this sec-
17 tion, as applicable;

18 “(III) if—

19 “(aa) lead-based paint haz-
20 ards are identified in the dwelling
21 unit in the covered housing in
22 which the family will reside or is
23 expected to reside;

24 “(bb) the dwelling unit is
25 unoccupied;

1 “(cc) the owner of the cov-
2 ered housing, without any further
3 delay in occupancy or increase in
4 rent, provides the family with an-
5 other dwelling unit in the covered
6 housing that has no lead-based
7 paint hazards; and

8 “(dd) the common areas
9 servicing the new dwelling unit
10 have no lead-based paint hazards;
11 and

12 “(IV) in accordance with any
13 other standard or exception the Sec-
14 retary deems appropriate based on
15 health-based standards.

16 “(B) RELOCATION.—

17 “(i) IN GENERAL.—Not later than 1
18 year after the date of enactment of the
19 Lead-Safe Housing for Kids Act of 2024,
20 the Secretary shall promulgate regulations
21 to provide that a family with a child of less
22 than 6 years of age that occupies a dwell-
23 ing unit in covered housing in which lead-
24 based paint hazards were identified, but
25 not controlled in accordance with regula-

1 tions required under subparagraph (A)(ii),
2 may relocate on an emergency basis and
3 without placement on any waitlist, penalty
4 (including rent payments to be made for
5 that dwelling unit), or lapse in assistance
6 to a dwelling unit that—

7 “(I) was constructed in 1978 or
8 later; or

9 “(II) is in covered housing that
10 has no lead-based paint hazards.

11 “(ii) REQUIREMENTS.—Relocation de-
12 scribed in clause (i) shall be performed
13 consistent with the standards set forth
14 under the Uniform Relocation Assistance
15 and Real Property Acquisition Policies Act
16 of 1970 (42 U.S.C. 4601 et seq.) and any
17 other applicable Federal civil rights, fair
18 housing, and nondiscrimination laws.”.

19 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated to carry out
21 the amendments made by section 2 such sums as may be
22 necessary for each of fiscal years 2025 through 2029.