

116TH CONGRESS  
1ST SESSION

# H. R. 4416

To authorize the Secretary of Housing and Urban Development to award grants to eligible entities to evaluate and reduce lead-based paint hazards, lead in drinking water hazards, and lead in soil hazards in pre-1978 residential real properties.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2019

Mr. GOLDEN (for himself, Mr. QUIGLEY, Mr. KHANNA, Ms. ROYBAL-ALLARD, Mr. ENGEL, and Ms. PINGREE) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To authorize the Secretary of Housing and Urban Development to award grants to eligible entities to evaluate and reduce lead-based paint hazards, lead in drinking water hazards, and lead in soil hazards in pre-1978 residential real properties.

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-Free Future Act  
5 of 2019”.

1 **SEC. 2. FINDINGS.**

2 Congress finds as follows:

3 (1) Lead poisoning is an entirely preventable  
4 environmental illness.

5 (2) The Centers for Disease Control and Pre-  
6 vention has declared that there is no safe level of  
7 lead, with even low-level exposure having lifelong  
8 negative impacts on children.

9 (3) In 2012, the Centers for Disease Control  
10 and Prevention determined that a concentration of 5  
11 micrograms per deciliter (ug/dL) in blood is the ref-  
12 erence level, at which it is recommended that public  
13 health action be initiated.

14 (4) The American Academy of Pediatrics has  
15 described lead exposure as “a causal risk factor for  
16 diminished intellectual and academic abilities, higher  
17 rates of neurobehavioral disorders such as hyper-  
18 activity and attention deficits, and lower birth  
19 weight in children.”.

20 (5) Studies of children with a history of ele-  
21 vated blood lead levels at or above 5ug/dL show the  
22 impact over the course of their life, including dimin-  
23 ished IQ scores, which lead to lower rates of high  
24 school graduation, lower earning potential, and fewer  
25 Quality-Adjusted Life Years.

1           (6) The Centers for Disease Control and Pre-  
2           vention has found that children are at higher risk of  
3           lead or lead exposure if they are low-income, a per-  
4           son of color, or a recent immigrant, live in poorly  
5           maintained rental properties, or have parents who  
6           are exposed to lead at work.

7           (7) The primary sources of lead exposure are  
8           dust from chipping and peeling paint found in pre-  
9           1978 homes and water as a result of lead service  
10          lines used to transport drinking water, although lead  
11          has also been found in food, soil, jewelry, pottery,  
12          and other consumer products.

13          (8) The Centers for Disease Control and Pre-  
14          vention has found that about 23,000,000 housing  
15          units, most of them built before 1960, have one or  
16          more lead-based paint hazards, where young children  
17          under age 6 are endangered by chipping or peeling  
18          lead paint or excessive amounts of lead-contaminated  
19          dust.

20          (9) According to the Centers for Disease Con-  
21          trol and Prevention, there were over 88,000 new  
22          cases of lead poisoning in the United States in 2016.

23          (10) A 2017 study by Pew Charitable Trust in-  
24          dicates that removing lead-based paint hazards and  
25          lead service lines from older housing with low-income

1 children results in a combined return on investment  
2 of \$2.77 per dollar invested.

3 (11) The 2019 Interagency Task Force Lead  
4 Action Plan found that a national strategy is re-  
5 quired to holistically address lead hazards in hous-  
6 ing, drinking water, and soil.

7 (12) The Federal Government has historically  
8 had a role in assessing and correcting home health  
9 hazards to support the national goal of providing de-  
10 cent, safe, and sanitary housing for every family in  
11 the United States.

12 (13) Standards for lead cleanup funding  
13 should—

14 (A) align with Federal health and environ-  
15 mental recommendations; and

16 (B) move all States to health-protective  
17 lead exposure prevention and mitigation strate-  
18 gies.

19 **SEC. 3. LEAD CLEANUP GRANTS.**

20 (a) IN GENERAL.—The Secretary of Housing and  
21 Urban Development (in this section referred to as the  
22 “Secretary”) shall award grants to eligible entities for the  
23 purpose of evaluating and reducing lead-based paint haz-  
24 ards, lead in drinking water hazards, and lead in soil haz-  
25 ards in residential real properties constructed before 1978.

1 (b) ELIGIBLE APPLICANTS.—To be eligible to receive  
2 a grant under this section, an entity shall be one of the  
3 following:

4 (1) A State or local government that has an ap-  
5 proved comprehensive housing affordability strategy  
6 under section 105 of the Cranston-Gonzalez Na-  
7 tional Affordable Housing Act (42 U.S.C. 12705).

8 (2) A State or local government that has pro-  
9 duced a comprehensive plan or strategy to address  
10 lead poisoning.

11 (3) A nonprofit organization that meets the fol-  
12 lowing requirements:

13 (A) The nonprofit organization is a com-  
14 munity-based social and human service organi-  
15 zation that provides housing services.

16 (B) The nonprofit organization has a dem-  
17 onstrated ability to provide, directly or through  
18 a subgrantee, lead hazard control interventions.

19 (c) APPLICATIONS.—To seek a grant under this sec-  
20 tion, an eligible entity shall submit an application in such  
21 form and manner as the Secretary shall require. Any such  
22 application shall contain—

23 (1) a description of the amount of assistance  
24 the eligible entity seeks under this section;

1           (2) a description of the planned activities to be  
2           undertaken with the grant, including an estimate of  
3           the amount of funds to be allocated to each activity;

4           (3) a description of the forms of financial as-  
5           sistance that will be provided to owners and occu-  
6           pants of pre-1978 housing through the grant;

7           (4) a demonstration that the jurisdiction, as re-  
8           quired by section 5—

9                   (A) has in effect a blood lead reference  
10                  level at or below the blood lead reference level  
11                  of the Centers for Disease Control and Preven-  
12                  tion; and

13                  (B) requires an environmental investiga-  
14                  tion to identify environmental sources of lead  
15                  exposure in residential properties and childcare  
16                  facilities occupied by a child with an elevated  
17                  blood lead level; and

18           (5) such assurances as the Secretary may re-  
19           quire regarding the eligible entity's capacity to carry  
20           out the activities to be funded through the grant.

21           (d) SELECTION CRITERIA.—The Secretary shall se-  
22           lect grant recipients under this section on the basis of—

23                   (1) the merit of the activities proposed to be  
24                   carried out; and

25                   (2) selection criteria including—

1 (A) the extent to which the proposed ac-  
2 tivities will reduce the risk of lead poisoning  
3 for—

4 (i) low-income children under 6 years  
5 of age; and

6 (ii) pregnant women;

7 (B) the proportion of pre-1978 housing in  
8 the area to be served using the grant;

9 (C) the number and percentage of homes  
10 in the area to be served using the grant where  
11 household income does not exceed 80 percent of  
12 the area median income;

13 (D) the degree of severity, and the extent  
14 of, lead-based paint hazards, lead in drinking  
15 water hazards, and lead in soil hazards in the  
16 area to be served, evaluated using data con-  
17 cerning the housing age and conditions, lead  
18 service line inventory, and incidence of elevated  
19 blood lead levels according to the reference  
20 blood lead level of the Centers for Disease Con-  
21 trol and Prevention;

22 (E) the ability of the applicant to leverage  
23 State, local, philanthropic, and private funds to  
24 supplement the grant; and

1 (F) such other factors as the Secretary de-  
2 termines appropriate to ensure that grants  
3 made available awarded under this section are  
4 used effectively in accordance with this section.

5 (e) ELIGIBLE ACTIVITIES.—As a condition on receipt  
6 of a grant under this section, a grantee shall agree to use  
7 the grant to evaluate and reduce lead-based paint hazards  
8 in residential real properties constructed before 1978,  
9 which may include—

10 (1) performing lead inspections and risk assess-  
11 ments in pre-1978 housing;

12 (2) providing for the remediation, abatement,  
13 and replacement of, or otherwise addressing, lead-  
14 based paint hazards in pre-1978 housing in accord-  
15 ance with applicable State and municipal health and  
16 housing regulations;

17 (3) providing for the additional cost of reducing  
18 lead-based paint hazards in units undergoing renova-  
19 tion funded by other sources;

20 (4) providing for the testing of drinking water,  
21 and identifying lead service lines and leaded plumb-  
22 ing fixtures, to identify lead hazards in drinking  
23 water;

24 (5) providing for the replacement of lead service  
25 lines, in communities where a water utility will or is

1 required to replace the utility-owned portion of the  
2 lead service line;

3 (6) remediation of lead in soil;

4 (7) monitoring the blood lead levels of workers  
5 involved in the lead-hazard reduction activities fund-  
6 ed under this section;

7 (8) assisting in the temporary relocation of  
8 families forced to vacate pre-1978 housing while  
9 lead-hazard-reduction measures are being conducted,  
10 if;

11 (9) educating the public on the nature and  
12 causes of lead poisoning and measures to reduce the  
13 exposure to lead, including exposure due to residen-  
14 tial lead-based paint hazards;

15 (10) testing soil, paint, interior surface dust,  
16 drinking water, and the blood lead levels of children  
17 under 6 years of age, and pregnant women, residing  
18 in pre-1978 housing after lead-based paint hazard  
19 reduction activity has been conducted, to assure that  
20 such activity does not cause excessive exposures to  
21 lead;

22 (11) creating or expanding workforce develop-  
23 ment, training, certification, and accreditation pro-  
24 grams; and

1           (12) carrying out such activities as the Sec-  
2           retary determines appropriate to promote the pur-  
3           pose described in subsection (a).

4           (f) FORMS OF ASSISTANCE.—A recipient of a grant  
5           under this section may use the grant to provide eligible  
6           activities described in subsection (e) through a variety of  
7           funding approaches, including subgrants, loans, equity in-  
8           vestments, revolving loan funds, loan funds, loan guaran-  
9           tees, interest write-downs, and other forms of assistance  
10          approved by the Secretary for purposes of this section.

11          (g) MATCHING REQUIREMENT.—As a condition on  
12          receipt of a grant under this section, a grantee shall agree  
13          to make contributions toward the cost of activities funded  
14          through the grant for a fiscal year in an amount that is  
15          not less than 4 percent of the total amount of the grant  
16          for such fiscal year.

17          (h) SUPPLEMENT NOT SUPPLANT.—As a condition  
18          on receipt of a grant under this section, a grantee shall  
19          agree to use amounts received through the grant to sup-  
20          plement and not supplant funds used by the grantee for  
21          eligible activities described in subsection (e).

22          (i) LIMITATION ON ADMINISTRATIVE EXPENSES.—  
23          As a condition on receipt of a grant under this section,  
24          a grantee shall ensure that not more than 10 percent of  
25          the grant is used for administrative expenses.

1 (j) FINANCIAL RECORDS.—As a condition on receipt  
2 of a grant under this section, a grantee shall agree to  
3 maintain and provide the Secretary with financial records  
4 sufficient, in the determination of the Secretary, to ensure  
5 proper accounting and disbursing of amounts made avail-  
6 able to the grantee through the grant.

7 (k) AFFORDABILITY MAINTENANCE.—As a condition  
8 on receipt of a grant under this section, a grantee shall  
9 agree to require the owner of any rental property receiving  
10 assistance through the grant, for a period of 3 years after  
11 lead remediation at the rental property pursuant to such  
12 assistance, or throughout the term of any loan made to  
13 the owner pursuant to the grant, whichever is longer—

14 (1) to maintain the affordability of rental units  
15 at the rental property; and

16 (2) to continue to rent to families with one or  
17 more children under 6 years of age or a pregnant  
18 woman.

19 (l) REPORTS.—For any fiscal year in which a grantee  
20 under this section expends funds received through the  
21 grant, such grantee shall submit a report to the Secretary  
22 on the use of the funds. For the respective fiscal year,  
23 any such report shall at a minimum—

24 (1) specify the number and type of residential  
25 housing units remediated of interior and exterior

1 lead-based paint hazards, lead dust, lead service  
2 lines, or leaded plumbing fixtures; and

3 (2) include community-level elevated blood lead  
4 surveillance data before and after such remediation,  
5 presented at the census block or census tract level.

6 (m) NOTICE OF FUNDING AVAILABILITY.—Not later  
7 than 120 days after the date on which funds are first ap-  
8 propriated to carry out this section, the Secretary shall  
9 publish a notice of funding availability regarding grants  
10 under this section.

11 (n) RELATION TO OTHER PROGRAMS.—The Sec-  
12 retary shall carry out the program under this section in  
13 conjunction with other Federal environmental lead hazard  
14 control and childhood lead-poisoning prevention programs.

15 (o) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—To carry out this section,  
17 there is authorized to be appropriated  
18 \$12,000,000,000 for the period of fiscal years 2020  
19 through 2024.

20 (2) FUNDING ALLOCATION.—The Secretary  
21 may allow grantees under this section, collectively, to  
22 allocate for each of fiscal years 2020 through 2024,  
23 a total of up to \$300,000 for capacity building de-  
24 scribed in subsection (e)(11).

1 **SEC. 4. BLOOD LEAD LEVEL SURVEILLANCE AND EDU-**  
2 **CATION FUNDING.**

3 (a) IN GENERAL.—The Secretary of Health and  
4 Human Services may award grants to States, the District  
5 of Columbia, Territories, and local governments to—

6 (1) increase blood lead level screening, including  
7 screening for elevated blood lead levels in infants,  
8 children, and pregnant women;

9 (2) ensure referral for treatment of, and envi-  
10 ronmental intervention for, infants and children with  
11 elevated blood lead levels;

12 (3) conduct blood lead level surveillance;

13 (4) facilitate data collection and analysis to bet-  
14 ter understand lead poisoning risk, including with  
15 respect to health, housing, and other environmental  
16 lead exposure source data;

17 (5) support data analysis for lead-poisoning  
18 prevention resource targeting; and

19 (6) educate the public on the impact of lead  
20 poisoning, including education to prevent and miti-  
21 gate the impact of childhood lead poisoning.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry  
23 out this section, there is authorized to be appropriated  
24 \$500,000,000 for the period of fiscal years 2020 through  
25 2024.

1 **SEC. 5. ALIGNMENT WITH FEDERAL HEALTH AND HOUSING**  
2 **STANDARDS.**

3 To be eligible to receive funding under section 3 or  
4 4 of this Act, under any program of the Office of Lead  
5 Hazard Control and Healthy Homes of the Department  
6 of Housing and Urban Development, or under the Child-  
7 hood Lead Poisoning Prevention Program of the Centers  
8 for Disease Control and Prevention, a State or local gov-  
9 ernment (or any subdivision thereof) shall—

10 (1) have in effect a blood lead reference level at  
11 or below the blood lead reference level of the Centers  
12 for Disease Control and Prevention; and

13 (2) require an environmental investigation, in  
14 accordance with the 2012 edition of the Department  
15 of Housing and Urban Development’s “Guidelines  
16 for the Evaluation and Control of Lead-Based Paint  
17 Hazards in Housing”, to identify environmental  
18 sources of lead exposure in residential properties and  
19 childcare facilities occupied by a child with an ele-  
20 vated blood lead level.

1 **SEC. 6. LEAD HAZARD INSPECTION, DISCLOSURE, AND RE-**  
2 **MEDIATION, REPLACEMENT, AND REPAIR IN**  
3 **FEDERALLY SUPPORTED HOUSING AND**  
4 **HOUSING WITH FEDERALLY RELATED MORT-**  
5 **GAGES.**

6 (a) IN GENERAL.—The Secretary of Housing and  
7 Urban Development, the Secretary of Agriculture, the Di-  
8 rector of the Federal Housing Finance Agency, and the  
9 Secretary of Veterans Affairs shall mandate alignment  
10 with Federal laws, including those related to lead-risk as-  
11 sessment and lead-hazard remediation, as a condition of  
12 eligibility for—

13 (1) any Federal mortgage assistance, any direct  
14 Federal mortgage, or any mortgage insurance or  
15 guarantee, through the Department of Housing and  
16 Urban Development, the Department of Agriculture,  
17 the Department of Veterans Affairs, the Federal  
18 National Mortgage Association, the Federal Home  
19 Loan Mortgage Corporation, or the Federal Home  
20 Loan Banks; or

21 (2) any federally supported housing (as such  
22 term is defined in section 7).

23 (b) STANDARD ACTIVITIES REQUIRED IN FEDER-  
24 ALLY ASSISTED HOUSING.—The Secretary of Housing  
25 and Urban Development, the Secretary of Agriculture, the  
26 Director of the Federal Housing Finance Agency, and the

1 Secretary of Veterans Affairs shall require the following  
2 activities, when appropriate, with respect to any federally  
3 supported housing and any housing for which any mort-  
4 gage, or mortgage assistance, insurance, or guarantee re-  
5 ferred to in subsection (a)(1) is provided:

6 (1) Lead-risk assessments including lead dust  
7 wipe testing, carried out by professionals with Envi-  
8 ronmental Protection Agency-required training and  
9 certification.

10 (2) Drinking water testing and identification of  
11 lead service line and leaded plumbing fixtures.

12 (3) Testing of soil for lead hazards.

13 (4) Lead remediation or abatement, lead-based  
14 paint hazards in accordance with State or municipal  
15 health and housing regulations.

16 (5) Replacement of leaded plumbing and lead  
17 service line replacement in communities where water  
18 utility will or is required to replace the utility-owned  
19 portion.

20 (6) Remediation of lead hazards in soil.

21 (7) Disclosure of identified lead hazards to rel-  
22 evant parties including tenants, buyers, sellers, in-  
23 vestors, Federal, State, and local housing and health  
24 officials as required by law or regulation, and other  
25 required parties.

1           (8) Temporary relocation of families while lead  
2 hazard reduction measures are being conducted.

3           (9) Other activities that the agency heads speci-  
4 fied in subsection (a) determine appropriate to pro-  
5 mote the purposes of this Act.

6 **SEC. 7. DEFINITIONS.**

7       In this Act:

8           (1) **ABATEMENT.**—The term “abatement”  
9 means the complete and permanent elimination of  
10 lead hazards.

11          (2) **BLOOD LEAD REFERENCE LEVEL.**—The  
12 term “blood lead reference level” means the min-  
13 imum concentration of lead in an individual’s blood,  
14 at or above which the jurisdiction or the Centers for  
15 Disease Control and Prevention, as applicable, rec-  
16 ommends public health actions be taken.

17          (3) **FEDERALLY SUPPORTED HOUSING.**—The  
18 term “federally supported housing” means housing  
19 for which assistance is provided by the Federal Gov-  
20 ernment under—

21                   (A) section 221(d)(3) or 236 of the Na-  
22 tional Housing Act (12 U.S.C. 1715l(d)(3);  
23 1715z–1);

24                   (B) section 101 of the Housing and Urban  
25 Development Act of 1965 (12 U.S.C. 1701s);

1 (C) section 8 of the United States Housing  
2 Act of 1937 (42 U.S.C. 1437f); or

3 (D) sections 502(a), 504, 514, 515, 516,  
4 or 533 of the Housing Act of 1949 (42 U.S.C.  
5 1472(a), 1474, 1484, 1485, 1486, 1490m).

6 (4) LEAD-BASED PAINT.—The term “lead-based  
7 paint” means paint or other surface coatings that  
8 contain lead in excess of limits established under  
9 section 302(c) of the Lead-Based Paint Poisoning  
10 Prevention Act (42 U.S.C. 4822(c)).

11 (5) LEAD-BASED PAINT HAZARD.—The term  
12 “lead-based paint hazard” means any condition that  
13 causes exposure to lead from lead-contaminated  
14 dust, lead-contaminated soil, lead-contaminated  
15 paint that is deteriorated or present in accessible  
16 surfaces, friction surfaces, or impact surfaces that  
17 would result in adverse human health effects as es-  
18 tablished by the appropriate Federal agency.

19 (6) LEAD-CONTAMINATED DUST.—The term  
20 “lead-contaminated dust” means surface dust in res-  
21 idential dwellings that contains an area or mass con-  
22 centration of lead in excess of levels determined by  
23 the appropriate Federal agency to pose a threat of  
24 adverse health effects in pregnant women or young  
25 children.

1           (7) LEAD DUST WIPE TESTING.—The term  
2           “lead dust wipe testing” means the process of  
3           verifying that the concentrations of lead dust  
4           present on household interior surfaces are lower  
5           than allowable standards.

6           (8) LEAD SERVICE LINE.—The term “lead serv-  
7           ice line” means a pipe that connects the water main  
8           to the building inlet and contains lead.

9           (9) LOAN GUARANTEE.—The term “loan guar-  
10          antee” means a formal agreement that 1 party will  
11          assume the debt obligation of a borrower if they are  
12          no longer able to pay the principal or interest of a  
13          loan.

14          (10) REMEDIATION.—The term “remediation”  
15          means an action taken to eliminate lead hazards in  
16          a nonpermanent way.

17          (11) RESIDENTIAL DWELLING.—The term “res-  
18          idential dwelling” means—

19                 (A) a single-family dwelling, including at-  
20                 tached structures such as porches and stoops;  
21                 or

22                 (B) a single-family dwelling unit in a  
23                 structure that contains more than 1 separate  
24                 residential dwelling unit, and in which each  
25                 such unit is used or occupied, or intended to be

1           used or occupied, in whole or in part, as the  
2           home or residence of one or more persons.

3           (12) RESIDENTIAL REAL PROPERTY.—The term  
4           “residential real property” means real property on  
5           which there is situated one or more residential dwell-  
6           ings used or occupied, or intended to be used or oc-  
7           cupied, in whole or in part, as the home or residence  
8           of one or more persons.

9           (13) REVOLVING LOAN FUND.—The term “re-  
10          volving loan fund” means a self-replenishing financ-  
11          ing mechanism that utilizes debt payments as capital  
12          to issue new loans.

13          (14) RISK ASSESSMENT.—The term “risk as-  
14          sessment” means an on-site investigation to deter-  
15          mine and report the existence, nature, severity, and  
16          location of lead-based paint hazards in the residen-  
17          tial dwellings, including—

18                 (A) information gathering regarding the  
19                 age and history of the housing and occupancy  
20                 by children under age 6;

21                 (B) visual inspection;

22                 (C) limited wipe sampling or other environ-  
23                 mental sampling techniques;

24                 (D) other activity as may be appropriate;

25                 and

1 (E) provision of a report explaining the re-  
2 sults of the investigation.

○