

[DISCUSSION DRAFT]

117TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

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

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:

1 (1) Heat stress is a leading weather-related
2 cause of death in the United States, with over 600
3 people killed in the United States by extreme heat
4 every year, and many more experiencing respiratory
5 problems and heat-related illness.

6 (2) Urban areas are likely to experience higher
7 temperatures than surrounding areas due to man-
8 made factors such as low solar reflectance, low tree
9 cover, high building density, high impervious surface
10 cover, and waste heat emissions.

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

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

23 (5) Urban heat is not only a public health
24 threat but an economic one, as rising heat leads to
25 increased roadway maintenance costs, higher resi-

1 dential and commercial summer energy costs, and
2 lost labor productivity, as well as the cost to patients
3 and health care infrastructure for heat-related hos-
4 pitalizations and emergency department visits.

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

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

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

19 **SEC. 3. URBAN HEAT MITIGATION GRANT PROGRAM.**

20 (a) IN GENERAL.—The Secretary of Housing and
21 Urban Development, in coordination with the Adminis-
22 trator of the Environmental Protection Agency, shall, not
23 later than 1 year after the date of the enactment of this
24 Act, establish an urban heat mitigation grant program to

1 provide amounts to eligible entities for use in association
2 with eligible projects.

3 (b) ELIGIBLE PROJECT.—Eligible projects in this
4 grant program are those designed to mitigate heat in
5 urban areas, either by working to combat the causes of
6 higher temperatures, or mitigating the impacts thereof.

7 These may include—

8 (1) cool pavements;

9 (2) cool roofs;

10 (3) tree planting and maintenance with, where-
11 ever possible, preference for—

12 (A) native tree species; and

13 (B) tree species with high shade produc-
14 tion and carbon sequestration;

15 (4) green roofs;

16 (5) bus stop shelters;

17 (6) shade structures;

18 (7) cooling centers with, wherever possible,
19 preference for—

20 (A) cooling centers that collaborate with
21 existing community centers and spaces;

22 (B) cooling centers with year-round acces-
23 sibility, and

24 (C) cooling centers that incorporate holistic
25 resilience hubs and community efforts;

1 (8) outreach to communities about resources
2 available under this section; and

3 (9) local heat mitigation education efforts.

4 (c) SET-ASIDE.—Not less than 50 percent of the
5 amount of financial assistance provided under this Act in
6 any fiscal year shall be provided to eligible entities to im-
7 plement projects in low-income communities and Environ-
8 mental Justice communities as defined in this Act.

9 (d) TECHNICAL ASSISTANCE.—

10 (1) IN GENERAL.—Not more than 3 percent of
11 any amounts appropriated under this Act may be
12 used to provide technical assistance to eligible enti-
13 ties applying for assistance under this Act.

14 (2) PREFERENCE.—Technical assistance shall
15 be provided with a preference for eligible entities ap-
16 plying with an intent to serve Environmental Justice
17 communities.

18 (3) INCLUSIONS.—Technical assistance may in-
19 clude—

20 (A) assistance developing a complete appli-
21 cation;

22 (B) financial analysis and budget develop-
23 ment;

24 (C) support for project integration;

25 (D) assessment of project readiness; and

1 (E) implementation technical assistance
2 activities once a grant is received.

3 (e) APPLICATION.—To be considered for a grant
4 under this Act, an eligible entity shall submit an applica-
5 tion at such time and in such manner as required by the
6 Secretary in guidance issued not later than 180 days after
7 the date of the enactment of this Act and including—

8 (1) how the entity will use grant funds;

9 (2) how the eligible projects funded would com-
10 bat extreme heat or excess urban heat effects and
11 improve quality of life for impacted communities;

12 (3) a robust engagement plan that outlines how
13 the entity will meaningfully engage with the commu-
14 nities in which their eligible projects take place
15 throughout project implementation. Such plan
16 should demonstrate how the entity plans to—

17 (A) foster meaningful, reciprocal relation-
18 ships with community-based organizations;

19 (B) engage in respectful, good-faith con-
20 sultation with diverse community stakeholders;
21 and

22 (C) empower members of the community to
23 participate in decision-making; and

1 (4) how the entity will address the intersection
2 between human health, environment, and built envi-
3 ronment.

4 (f) MATCHING REQUIREMENT.—

5 (1) IN GENERAL.—Except as provided under
6 paragraph (2), the Federal share of the cost of a eli-
7 gible project carried out with amounts from the
8 urban heat mitigation grant program shall be 80
9 percent.

10 (2) WAIVER.—The Secretary may increase the
11 Federal share requirement described in paragraph
12 (1) from 80 percent to 100 percent for projects car-
13 ried out by an eligible entity that demonstrates eco-
14 nomic hardship, as determined by the Secretary.

15 (g) PRIORITY.—In awarding grants under this sec-
16 tion, the Secretary shall give priority to applicants that
17 are low-income communities and Environmental Justice
18 communities.

19 (h) REPORTING REQUIREMENT.—The Secretary
20 shall, each year, submit a report to the Congress that
21 identifies what eligible entities have received grants under
22 this Act and the geographic and economic distribution of
23 such entities.

24 (i) OVERSIGHT.—

1 (1) IN GENERAL.—In order to ensure the effec-
2 tiveness of projects that receive grants under this
3 Act, the Secretary shall use not more than 5 percent
4 of any amounts appropriated under this Act to es-
5 tablish an oversight board to help select grant recipi-
6 ents and review the progress made by grantees on
7 a yearly basis.

8 (2) EVALUATION.—The board established pur-
9 suant to paragraph (1) shall develop and apply a ru-
10 bric to evaluate how well grant projects are doing in
11 reaching their objective to combat the causes and ef-
12 fects of excess urban heat, and will serve in an advi-
13 sory capacity to the Secretary.

14 (3) MEMBERSHIP.—Members of the board es-
15 tablished pursuant to paragraph (1) board may in-
16 clude the following:

17 (A) Representatives from the Environ-
18 mental Protection Agency, particularly from the
19 Heat Island Reduction Program.

20 (B) Representatives from the Department
21 of Health and Human Services, particularly
22 from the Office of Climate Change and Health
23 Equity.

1 (C) Representatives from the Department
2 of Energy, particularly from the Office of En-
3 ergy Efficiency and Renewable Energy.

4 (D) Representatives from non-profits with
5 proven leadership in urban heat mitigation or
6 environmental justice, as determined by the
7 Secretary. Such representatives will have to cer-
8 tify that they do not have direct or financial
9 stake in any projects being considered that are
10 administered under this grant program.

11 (E) Representatives from academia and re-
12 search studying the effects of and mitigation of
13 excess urban heat, environmental justice, or re-
14 lated areas. Such representatives will have to
15 certify that they do not have direct or financial
16 stake in any projects being considered that are
17 administered under this grant program.

18 (j) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this Act,
20 \$30,000,000 in fiscal years 2023, 2024, 2025, 2026,
21 2027, 2028, 2029, and 2030.

22 **SEC. 4. DEFINITIONS.**

23 In this Act:

24 (1) ELIGIBLE ENTITY.—The term “eligible enti-
25 ty” means—

- 1 (A) State;
- 2 (B) a metropolitan planning organization;
- 3 (C) a unit of local government;
- 4 (D) a Tribal government;
- 5 (E) a nonprofit organization working in co-
- 6 ordination with an entity in this list; and
- 7 (F) a consortium of nonprofit organiza-
- 8 tions.

9 (2) ENVIRONMENTAL JUSTICE.—The term “en-

10 vironmental justice” means the fair treatment and

11 meaningful involvement of all people regardless of

12 race, color, culture, national origin, income, and edu-

13 cational levels with respect to the development, im-

14 plementation, and enforcement of protective environ-

15 mental laws, regulations, and policies.

16 (3) ENVIRONMENTAL JUSTICE COMMUNITIES.—

17 The term “environmental justice communities”

18 means minority, low-income, tribal, or indigenous

19 populations or geographic locations in the United

20 States that potentially experience disproportionate

21 environmental harms and risks. This

22 disproportionality can be as a result of greater vul-

23 nerability to environmental hazards, lack of oppor-

24 tunity for public participation, or other factors. In-

25 creased vulnerability may be attributable to an accu-

1 mulation of negative or lack of positive environ-
2 mental, health, economic, or social conditions within
3 these populations or places. The term describes situ-
4 ations where multiple factors, including both envi-
5 ronmental and socio-economic stressors, may act cu-
6 mulatively to affect health and the environment and
7 contribute to persistent environmental health dis-
8 parities.

9 (4) EXCESS URBAN HEAT EFFECT.—The term
10 “excess urban heat effect” refers to the phenomenon
11 of local urban warming, resulting from manmade
12 factors such as low solar reflectance, low tree cover,
13 high building density, high impervious surface cover,
14 and waste heat emissions.

15 (5) EXTREME HEAT.—The term “extreme
16 heat” means a prolonged period of excessively hot
17 weather, with temperatures well above climatological
18 normals for a given location and season.

19 (6) NONPROFIT ORGANIZATION.—The term
20 “nonprofit organization” has the meaning given in
21 section 501(c)(3) of title 26, United States Code,
22 and exempt from taxation under section 501(a) of
23 such title.

24 (7) SECRETARY.—The term “Secretary” means
25 the Secretary of Housing and Urban Development.

1 (8) STATE.—The term “State” has the mean-
2 ing given the term in section 101(a) of title 23,
3 United States Code.

4 (9) TRIBAL GOVERNMENT.—The term “Tribal
5 government” means the recognized governing body
6 of any Indian or Alaska Native tribe, band, nation,
7 pueblo, village, community, component band, or com-
8 ponent reservation, individually identified (including
9 parenthetically) in the list published most recently as
10 of the date of enactment of this Act pursuant to sec-
11 tion 104 of the Federally Recognized Indian Tribe
12 List Act of 1994.

13 (10) URBAN AREAS.—The term “urban areas”
14 has the meaning given the term in section
15 101(a)(33) of title 23, United States Code.