[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.

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IN THE HOUSE OF REPRESENTATIVES

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

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

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

(3) Underserved communities are disproportionately impacted by extreme heat. In the United States, low-income census blocks have 15.2 percent less tree cover and an average land surface temperature that is 1.5 degrees Celsius hotter than high-income blocks.

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

(5) Urban heat is not only a public health threat but an economic one, as rising heat leads to increased roadway maintenance costs, higher resi-
ential and commercial summer energy costs, and
lost labor productivity, as well as the cost to patients
and health care infrastructure for heat-related hos-
pitalizations and emergency department visits.

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

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

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

SEC. 3. URBAN HEAT MITIGATION GRANT PROGRAM.

(a) In General.—The Secretary of Housing and
Urban Development, in coordination with the Adminis-
trator of the Environmental Protection Agency, shall, not
later than 1 year after the date of the enactment of this
Act, establish an urban heat mitigation grant program to
provide amounts to eligible entities for use in association with eligible projects.

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

(1) cool pavements;
(2) cool roofs;
(3) tree planting and maintenance with, wherever possible, preference for—

(A) native tree species; and
(B) tree species with high shade production and carbon sequestration;
(4) green roofs;
(5) bus stop shelters;
(6) shade structures;
(7) cooling centers with, wherever possible, preference for—

(A) cooling centers that collaborate with existing community centers and spaces;
(B) cooling centers with year-round accessibility, and
(C) cooling centers that incorporate holistic resilience hubs and community efforts;
(8) outreach to communities about resources available under this section; and

(9) local heat mitigation education efforts.

(c) SET-ASIDE.—Not less than 50 percent of the amount of financial assistance provided under this Act in any fiscal year shall be provided to eligible entities to implement projects in low-income communities and Environmental Justice communities as defined in this Act.

(d) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—Not more than 3 percent of any amounts appropriated under this Act may be used to provide technical assistance to eligible entities applying for assistance under this Act.

(2) PREFERENCE.—Technical assistance shall be provided with a preference for eligible entities applying with an intent to serve Environmental Justice communities.

(3) INCLUSIONS.—Technical assistance may include—

(A) assistance developing a complete application;

(B) financial analysis and budget development;

(C) support for project integration;

(D) assessment of project readiness; and
(E) implementation technical assistance activities once a grant is received.

(c) APPLICATION.—To be considered for a grant under this Act, an eligible entity shall submit an application at such time and in such manner as required by the Secretary in guidance issued not later than 180 days after the date of the enactment of this Act and including—

(1) how the entity will use grant funds;
(2) how the eligible projects funded would combat extreme heat or excess urban heat effects and improve quality of life for impacted communities;
(3) a robust engagement plan that outlines how the entity will meaningfully engage with the communities in which their eligible projects take place throughout project implementation. Such plan should demonstrate how the entity plans to—

(A) foster meaningful, reciprocal relationships with community-based organizations;
(B) engage in respectful, good-faith consultation with diverse community stakeholders; and
(C) empower members of the community to participate in decision-making; and
(4) how the entity will address the intersection between human health, environment, and built environment.

(f) **MATCHING REQUIREMENT.—**

(1) **IN GENERAL.—**Except as provided under paragraph (2), the Federal share of the cost of a eligible project carried out with amounts from the urban heat mitigation grant program shall be 80 percent.

(2) **WAIVER.—**The Secretary may increase the Federal share requirement described in paragraph (1) from 80 percent to 100 percent for projects carried out by an eligible entity that demonstrates economic hardship, as determined by the Secretary.

(g) **PRIORITY.—**In awarding grants under this section, the Secretary shall give priority to applicants that are low-income communities and Environmental Justice communities.

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

(i) **OVERSIGHT.—**
(1) IN GENERAL.—In order to ensure the effectiveness of projects that receive grants under this Act, the Secretary shall use not more than 5 percent of any amounts appropriated under this Act to establish an oversight board to help select grant recipients and review the progress made by grantees on a yearly basis.

(2) EVALUATION.—The board established pursuant to paragraph (1) shall develop and apply a rubric to evaluate how well grant projects are doing in reaching their objective to combat the causes and effects of excess urban heat, and will serve in an advisory capacity to the Secretary.

(3) MEMBERSHIP.—Members of the board established pursuant to paragraph (1) board may include the following:

(A) Representatives from the Environmental Protection Agency, particularly from the Heat Island Reduction Program.

(B) Representatives from the Department of Health and Human Services, particularly from the Office of Climate Change and Health Equity.
(C) Representatives from the Department of Energy, particularly from the Office of Energy Efficiency and Renewable Energy.

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

(E) Representatives from academia and research studying the effects of and mitigation of excess urban heat, environmental justice, or related areas. Such representatives will have to certify that they do not have direct or financial stake in any projects being considered that are administered under this grant program.

(j) Authorization of Appropriations.—There are authorized to be appropriated to carry out this Act, $30,000,000 in fiscal years 2023, 2024, 2025, 2026, 2027, 2028, 2029, and 2030.

SEC. 4. DEFINITIONS.

In this Act:

(1) Eligible entity.—The term “eligible entity” means—
(A) State;

(B) a metropolitan planning organization;

(C) a unit of local government;

(D) a Tribal government;

(E) a nonprofit organization working in coordination with an entity in this list; and

(F) a consortium of nonprofit organizations.

(2) ENVIRONMENTAL JUSTICE.—The term “environmental justice” means the fair treatment and meaningful involvement of all people regardless of race, color, culture, national origin, income, and educational levels with respect to the development, implementation, and enforcement of protective environmental laws, regulations, and policies.

(3) ENVIRONMENTAL JUSTICE COMMUNITIES.—The term “environmental justice communities” means minority, low-income, tribal, or indigenous populations or geographic locations in the United States that potentially experience disproportionate environmental harms and risks. This disproportionality can be as a result of greater vulnerability to environmental hazards, lack of opportunity for public participation, or other factors. Increased vulnerability may be attributable to an accu-
mulation of negative or lack of positive environmental, health, economic, or social conditions within these populations or places. The term describes situations where multiple factors, including both environmental and socio-economic stressors, may act cumulatively to affect health and the environment and contribute to persistent environmental health disparities.

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

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

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

(7) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.
(8) **STATE.**—The term “State” has the meaning given the term in section 101(a) of title 23, United States Code.

(9) **TRIBAL GOVERNMENT.**—The term “Tribal government” means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994.

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