

**City of Cleveland Lead Safe Advisory Board  
Minutes**

**11/9/2021**

***Present:***

Cleveland Building Director Toni Allen

Councilman Kerry McCormack

Lead Safe Auditor Rob Fischer

Wyonette Cheairs

Scott Kroehle

Diana Shulsky

***Not Present:***

Sonia Matis

**Welcome**

The meeting recording began. Scott Kroehle welcomed board members and attendees to the meeting and reviewed the agenda for the meeting. As a first order of business, Wyonette Cheairs stated that even as we had imagined a revolving chair to the board at first, it has become more evident that the board will be best served with consistency in this role. She suggested that Scott Kroehle continue as board chair going forward through his term. Scott Kroehle said he would take on the role if the board approves. Wyonette Cheairs called for a vote to install Scott Kroehle as Advisory Board chairman. Rob Fischer motioned to approve and Councilman McCormack seconded.

**Approval of Minutes and Future Meeting Schedule**

Scott Kroehle said that in seeking a routine schedule for the quarterly meetings, the poll sent to board members indicated the second Thursday at 1:00 will work for the months of February, May, August and November 2022 and if a board member learns they have a conflict with any of those times to let him know. Wyonette Cheairs said she will work on the public notice of the meetings on the websites. It was asked if meetings should start to occur in person with many board members assenting, but no vote was taken. The minutes from the last meeting were provided to the board in advance of the

meeting. Scott Kroehle asked if anyone had any questions about the minutes and asked to approve the minutes. Rob Fischer motioned to approve, and Councilman McCormack seconded the motion.

### **Building & Housing Update**

Dir. Allen said she enjoyed all the Lead Week events that were just held. She announced that there has been an increase in submission to the Dept. of Building & Housing for Lead Safe Certifications, slowly but surely the numbers are increasing. There are an average of 70-73 new submissions per week. The dept. has been sending delinquent notices as well. The goal with the notices is to get a response from the property owner, first and foremost to know that they are receiving this information. The letters for Zone 2 went out the week of November 1.

Beginning November 15, notices of violations will go out for Zone 1 for property owners with 5+ dwellings or above. The notices mention if the property owner needs assistance to reach out. The main purpose of the notice is to indicate that the city requires compliance.

There has been an increase in the deficiencies on the properties at 633. The total pending are 416. Still it is favorable that they are responding so those property owners will not receive notices, rather they will be kept in the deficiency or pending status.

The city's communications department is reviewing the violation notice language that will soon go out. They are also considering a mailing blast to go out to say that enforcement is coming although the date for that is not yet known.

In setting goals for 2022, the dept. is interested in expanding communication, planning on doing enforcement in a strategic manner for a productive outcome, doing it correctly through education, training and awareness.

The department is still planning on hiring three legal secretaries. Two may be on board by year end. The third role, an environmental specialist certified role, could take longer until sometime in 2022.

Finally the Lead Safe Certification application is now interactive, available online.

Rob Fischer asked how many notices will go out for Zone 1? Director Allen responded that for Zone 1, 200 known property owners are non-compliant but 75 are categorized as 5+ units and above. (125 are 1-2-3-4 unit dwellings.) The 75 with 5+ dwellings will be the focus of the first notice.

Scott Kroehle asked if there is someone at the Resource Center to help provide an explanation of this structure to landlords. Director Allen answered that Tracie Washington at the Resource Center and Lead Compliance Specialist Jenna are on board to assist with those questions.

Scott Kroehle asked if we are gathering information from the calls in order to eliminate friction points? Could the calls be coded? Rob Fischer mentioned that a dedicated Google Sheet could be employed since the public portal for collecting questions is not up and running yet. Scott Kroehle further

asked if there are top themes that Director Allen is seeing. Director Allen stated that the top things that come to mind are that property owners sometimes cannot reach or hear from the Resource Center, or that the property owners are unable to get a vetted remediation contractor very quickly. Dir. Allen said the response from the staff is to keep trying. The staffing is based on average peak periods of calls, and not staffed for the spikes in activity. Scott Kroehle mentioned we can learn more about progress in the next meeting.

### **Auditor Report Summary**

Rob Fischer provided a draft of the third quarter audit report in advance of the meeting and began with the highlights relative to the third roll-out zone (July – September 2021 compliance timeframe) – which includes all of zip code 44102 and a portion of zip code 44142 (with no known rental properties). Also compliance numbers from previous zip codes from Zone 1 and 2 continue to roll up as well.

The total rental universe for Zone 3 has 6,889 rental properties (2,342 known through rental registry, along with 4,547 likely rental properties.) Each zone has been established to contain approximately 7,000 rental properties. Total numbers across 3 zones thus far is 21,213 (6,534 known rentals and 14,679 likely rentals).

### **Clarifying properties and units**

Scott Kroehle asked if the property counts reflect the number of units, or the number of properties that landlords own within the city. Rob Fischer explained that the numbers reflect the number of properties. Applications are made and processed based on the property. Director Allen explained that for the past compliance period, 400 applications were processed, with a prior period count of 200, and 111 for the period prior to that. In addition, 70 applications were processed for future zip code/zones.

### **Application approvals**

Of the 781 applications that were processed, 90% received approval. 5% received a denial and 3% were exempt. There was 1% pending in the case of one property, due to a current Lead Hazard Control Order violation that was being worked through. Of the applicants where a determination could be made, the approval rate has been 94%.

The aggregate compliance is 12% of registered rentals, and 3.5% of likely rentals. For consistent performance across zip codes and zones, the goal would be to see heavy clustering of black “pin drops” on the visual map of lead safe certified properties.

### **Application approval response time**

Once an application has been completed the average determination period is six days, with a median determination time of one day. Of applications received, 80% received a determination in one week. One reason for the various response times is that a property owner sometimes is required to provide additional documentation before approval can be given.

### **Property owners with fewest rental properties are in higher compliance**

Of 495 property owners that applied for the Lead Safe Certification, 76% applied for one property. Only 22 property owners applied for greater or equal than five properties.

### **Inspectors hired**

Most of the inspections have been conducted by a small number of licensed contractors. 51 licensed lead assessors conducted all the lead inspections by end of the previous quarter. Half of these inspectors had only conducted between one and four inspections. Ten lead assessors completed 69% of the inspections.

### **Conclusion to Auditor Report**

The conclusion of the auditor is to keep working with past zones for further compliance, even as the city ramps up with new zones. The most growing compliance is with property owners who own a single property. This also means that thousands of rental properties are now non-compliant with the ordinance. Also a small number of lead assessors are doing the majority of inspections.

### **Open Implementation Discussion**

Diana Shulsky asked about the inspectors that are most frequently hired by the property owners, if there was a better response time involved, or a contact list advantage? Wyonette Cheairs offered that it could be a factor of full or part time offering of services, since not all assessors just do lead inspections.

Scott Kroehle asked for deeper metrics analyzing the numbers based on units instead of just property owners with 1-4 dwellings or 5 or greater dwellings. Rob Fischer explained that of the 781 properties that the city has received applications for, it could involve 4,255 units. For property owners with 5+ properties, that percentage is 8% of the applications, or 68 properties. Property owners with 1-4 unit dwellings accounted for 92% of the applications. Scott Kroehle further questioned how many total units are in the 8% or 68 properties. Rob Fischer suggested that could actually involve 75% of the units in the zone, and Wyonette Cheairs added that these larger dwellings are more likely to be in the rental registry so may be closer to the actual number of rentals for larger dwellings, whereas the total universe of likely rentals will be more likely to contain the greatest portion of 1-4 unit dwellings.

## **New reference level for lead**

Rob Fischer stated that In October, the Centers for Disease Control officially lowered the blood lead reference level from 5 mcg/deciliter to 3.5 mcg/deciliter. The new reference level means that testing will likely reveal a 50% higher affected rate for children tested. Rob Fischer added that he is not sure how the Ohio Board of Health and other medical boards will respond to the change.

## **Lead Safe Ombudsman**

Wyonette Cheairs said that the role being considered for an ombudsman would be for resolving disputes between tenants and landlords and making recommendations to the city. The question was asked of the board, where will the entity live? Would it be housed with the resource center, for example? Scott Kroehle thought it may not be as good as a resolution tool in that place, however it could still work well as an information tool. Director Allen felt there is not value to take away from staff time by housing this role within the Dept. of Building & Housing. Rob Fischer suggested that Environmental Health Watch could take on the role in the interim. The information could have a quality assurance format, such as learning how much is being charged by contractors. It was mentioned that Environmental Health Watch has already received a great volume of responses to the ordinance. Scott Kroehle continued that the role should be operationally different from program delivery and that is perhaps why the resource center should not house this new role. Wyonette Cheairs asked Rob Fischer if outside of Environmental Health Watch, would Case have the ability to support the role? Rob Fischer answered that he felt a community organization would be a better choice. Scott Kroehle suggested that homework is needed here, to find an organization to hire, train and find funding for the role. Diana Shulsky suggested the city could fund the role, but not have the person/entity work for the city. Community Development Corporations (CDC's) for the city could have contacts in place that allow the dispute resolution to start on a local neighborhood level for easier accessibility, and then roll up to an Ombudsman which could delve into issues as needed and ultimately provide direct feedback to the Auditor. Scott Kroehle stated that avoiding frustration for property owners and resolving inconsistent messaging about the ordinance could possibly be handled that way. He added that the CDC's have Healthy Home Coordinators now, and it would be on the doorstep of that property owner's engagement with the process. We have to monitor, curate over time and communicate through this role. Scott suggested we put more thought into answering this question before February's meeting.

Wyonette Cheairs said it would be good timing to make these suggestions as part of the 2022 budgeting process for the City of Cleveland. Rob Fischer added that clarifying if the Ombudsman will or will not be part of the Resource Center would be a good first step. Scott Kroehle said that he feels the smaller subset of property owners who may experience mistreatment or who can help to identify gaps in the city's process would have to be considered. The value of resolving disputes could ultimately be lower than the value of resolving implementation issues, and allow the advisory board to better understand what they are dealing with. Director Allen suggested we define expectations for the role and Wyonette Cheairs suggested to Director Allen that they can work together prior to the next meeting to get more substance into the proposal.

### **Link to Dashboard**

Just following the meeting, Rob Fischer offered this link for the dashboard that is now up and running, containing operational data on Quarters 1 & 2:

<https://povertycentercle.github.io/lsc-dashboard-0927/>

### **Conclusion of Minutes, 11/9/21**