

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

5/26/2022

Present:

Cleveland Building Director Sally Martin

Senior Lead Strategist Karen Dettmer

Lead Safe Auditor Rob Fischer

Wyonette Cheairs – virtual

Emily Lundgard – virtual

Jena Freyermuth – virtual

Scott Kroehle

Diana Shulsky

Emma Sedlock – Cleveland Document Services

Chantal Dothey – retired pediatrician

Not Present:

Councilman Kerry McCormack

Sonia Matis

Welcome

The meeting recording began for our first in-person meeting. Scott Kroehle welcomed board members and attendees who were in person and virtual to the meeting. Scott reviewed the upcoming dates of August 11 and November 10 for advisory board meetings in 2022. We verified that the Webex should be better going forward to allow for the ability to broadcast. Karen Dettmer said she will use that system for future meetings.

Approval of Minutes

Scott Kroehle moved to adopt the minutes from the last meeting as amended, and Director Sally Martin seconded.

Introduction of Senior Lead Strategist

Karen Dettmer introduced herself as the former Lead Program Manager, Division of Public Health, Department of Lead Safe Living program with 25 years of experience assisting the former mayor in all lead programs for the city. Karen explained she feels the new role for the new mayor will allow the various initiatives to move forward in a collaborative way. Thus far the role is going well, and includes outside stakeholders that are very supportive of the work. Scott Kroehle asked what can the advisory board do to support those efforts? Karen suggested we can help to communicate between organizations to keep from duplicating efforts and even in light of some overlapping efforts, that it is amazing what has been accomplished thus far. Rob Fischer said that all department efforts will be made more noticeable to the coalition. Director Martin said the role has been long overdue, there has been confusion as to how to tap resources and make sure we drive more results so we can do better as a result.

Building and Housing Update

Director Martin gave an overview as to how the lead compliance efforts rolled out. She explained how the work is tied to the city's rental registry with a universe of approximately 100,000 units with approximately 60,000 registered. The program rolled out by zip code for management of the process but all zip codes and zones will be done by the end of this year. In general, 12,770 units have received clearance, 566 have been found to have deficiencies and have not been cleared yet, 663 are exempt, and 2,217 are in the process. This adds up to approximately 16,000 units somewhere in the process of compliance.

Director Martin said we may need to rethink the idea that the zip code roll-out is the way to enforce the ordinance. The idea for a door-to-door property assessment has been considered, to do a triage of all the properties in the city using a metric for assessing the lead risk from the exterior, in addition to letter grading the overall property. This would lead to trying to go after the worst properties to get into the programming and funding cycle.

Karen Dettmer mentioned that placarding for a lead hazard control order is information that will be tracked alongside the certifications. Diana Shulsky asked for an explanation of placarding and Karen Dettmer stated that the public can identify a property that does not respond to lead hazard control order if it has a placard placed on the front of the property. Sometimes the placards are removed by landlords. But systematically the city will continue to track which have work to do, which have been renovated. To help bypass some of the cost of the control order, exemptions are created.

Scott Kroehle said that reducing fees for lower income landlords should be a goal due to the high cost of clearance exams on a bi-annual basis. If up to 10% of a landlord's annual income from a property goes towards compliance, it would be expected that it can put a disproportionate burden on lower rent properties which the coalition should avoid. Director Martin said that the ordinance will impose less affordability over time, so can we provide more of the resources sooner than later to avoid negative financial impact. Karen Dettmer asked if the incentives will continue?

Wyonette Cheairs asked about the triage and enforcement suggestion from Director Martin. Director Martin said the zip code roll-outs may not be all we need to do with such a large amount of shadow inventory. Emily Lundgren wrote in the chat that target and selective enforcement had been considered in 2019 in Toledo but had been problematic. Director Martin stated that the triage is intended for outreach and for offering assistance, which would be less of a "stick" to help the approximately 40,000 not touched by the zip code method. Scott Kroehle asked for a breakdown on property types which we can learn more about as we get into the audit report. Rob Fischer said there are two more rentals out there for every one that is registered. Scott suggested that we could use a data point for how many units have original wood windows, which are difficult to maintain and due to friction have the capacity to be the source for much of the lead contamination in a rental home. By knowing some of the numbers there, it could result in a vector for associating poisoning in a home, and regulating to corral property owners to understand what needs to be done to be the most effective by making permanent repairs to a house, such as replacing the windows. This leads to better value to come out of RRP work. Also with deep discounts being made possible by coalition resources estimated at \$115M, and by buying in bulk and mobilizing vendors, we can engage more landlords. Karen Dettmer said this could also help to reduce cost in some of the HUD programs that grant money for lead clearance on a given property, with the "carrot" being more financial incentive to make those long term improvements. Diana Shulsky suggested that all landlords can apply for some discounts on windows to be covered by the fund, without providing sensitive financial info to the city about their profits or tenants' information. If further assistance is available based on income, then the landlords have the option of supplying that information for consideration. Both Karen Dettmer and Director Martin agreed that we can work towards that, and once a new rental survey is done all that information can be linked back to what is already on record.

Audit Report

Rob Fischer could not share the screen for the broadcast of the audit report slides. The power point presentation and final version of the audit report for the 5th Q will be available. Rob said the fifth report in the series of audit reports will reinforce our current and past conversations. The report began with an explanation of numbers starting from the 1st Q of 2022.

The zip codes for the 5th Q rollout include 44103, 44119 and 44128. There are a total of 6,007 rental properties in the rental universe for the 5th Q. There were 223 applications submitted for a total of 516 units. Of those, 223 were approved, 1 was denied, 10 were pending, 1 was exempt. Furthermore the total rental universe of known and suspected rentals for the zones Q1-Q5 contains 32,743 properties,

and in 2019 9,921 were on the rental registry. Rob mentioned that by looking at the applications month by month, the numbers were low early on and were likely pandemic-related at first, then numbers increased in the fall of 2021, but then the numbers came down again for Q5, although an early snapshot for April numbers indicated the applications are back up with 414 applications being off the chart compared to past months. Rob explained that we are past the mid-way point now for the zip code process.

Scott Kroehle asked what would we need to achieve on a monthly basis to catch up to the intended goals for compliance for the lead ordinance? Rob Fischer calculated and it was determined that 1,000 properties per month would need to have accepted applications to catch up by the end of 2022 when all zip codes will have come due.

Rob Fischer continued by saying that properties get certification based on address, and the units within that property follow that property. Diana Shulsky suggested that assigning UPC codes for recognizing individual units as a discreet entity within any given property should be adopted, thereby allowing the compliance trail to be connected to each property in more detail which would help immediately and in years to come.

He summarized progress on issuance of certificates from applications, with 4.7 days being the average time between receiving the application to issuance of the lead safe certificate, still very quick. Of all applications submitted, 97% are approved. The data on the application timing for sending the determination letter is often the same day to within a week. Rob provided the breakdown of the rental universe with variation for property mix. For all zip codes, 1,868 unique property owners have applied with 72% owning 1-2 properties. By contrast, 89 unique property owners have applied for more than 20 properties each. Rob mentioned that some property owners are ahead of their due date. Non-compliance will lead to citations and will need help from the city to tell the advisory board how many citations have been issued.

Lead Assessors

Most inspections have been performed by a small cadre of 70 inspectors, and 5 inspectors have done exams for 40% of the applications, which does not reflect the number of failed inspections. Also it was noted that 70 may be an umbrella number, representing one outfit that employs others to do testing.

Compliance by Type of Property

Compliance by rental status and property size of those that are registered indicates that the longer you are past your zip code period for compliance, the more compliant you are likely to be. Of the entire rental universe, ten or more unit properties have the highest compliance, doubles have the least performance. Rob observed that we drive up the numbers with progress on large properties, but this also kicks the can down the road to provide focus on the small landlords with 2-5 units. Scott Kroehle said this statistic is very insightful however we also see that Zone 1 is not better than Zone 3, at least

half of the registered rentals seem to be resistant to compliance. He felt we need to dive more into the process gaps and financial reasoning that could be impacting those results. Karen Dettmer added that landlord/owner occupied doubles could be less likely to comply. Scott Kroehle said that a study of rental operators might be helpful so that we can know more of the reasons why 94% of double houses are taking a pass at compliance.

Enforcement Progress

Wyonette Cheairs asked about the enforcement progress. Director Martin stated that some notices have been sent. There is now a final notice before court is requested. This is for early zones and the mid-step to the enforcement process, and when landlords may start to feel a ripple. This is the same for all types of housing. There is one legal secretary hired just to work on this.

Conclusion to Audit Report

The 5th Q shows a dip of 22% in approved applications. The certificates are issued in a timely fashion. A small number of lead assessors are doing the majority of inspections. Compliance is higher among previously registered and larger properties. For Zone 1 which is now post-1 year deadline, 27% of those compliant are among the registered properties, and 5% are among the non-registered properties. For 10+ unit properties, 39% are compliant, for doubles, 6% are compliant, and for 3-5 unit properties, 7% are compliant.

Open Implementation Discussion

Director Martin continued the discussion of bringing “carrots” to the court process. In Glenville, there are under-utilized funds due to maxing out HUD grants per property. Lead mitigation often costs more than the maximum for each grant. Anyone under a lead hazard control order will often exceed the amount of the grant. Karen Dettmer stated many are put off for that reason. Director Martin said perhaps we can fill the gap with coalition funds.

Scott Kroehle said the HUD grants are a reactive way for the process to unfold. Why wait for poisoning to occur to get needed money? CHN seems to experience the same problem. Scott asked Wyonette Cheairs how much has been spent towards mitigation thus far? Wyonette said she will get that information at the next meeting. Diana Shulsky mentioned that a combination of Director Martin’s triage suggestion for identifying houses that would likely be eligible for funds, along with the reactive approaches already in place, is a better balance. Director Martin said we should not keep these funds and processes in separate silos. Scott Kroehle said that we need to hold hands to deconstruct these silos, and at the same time spend the time and money to improve the user experience. Karen Dettmer

asked about CHN and what is covered and Wyonette Cheairs said they are looking at the use of funds there. Rob Fischer said if there are comments on the audit report to send to him by end of next week.

Annual Impact Analysis

Scott Kroehle mentioned last item of discussion is the memo that Rob Fischer had provided to the board to review and agree to as far as getting more direction from the city as to what the content of the analysis should be. He suggested we need to learn if the city is looking for anecdotal information or if the city is looking for consequences of compliance, for example. Scott Kroehle said it was very difficult as we rolled this out during the pandemic, when there was a moratorium, with the high value rents in many parts of the city, to clearly understand the impact. Rob Fischer said there will be a repeat evaluation of the rental housing inventory so we can better understand how many properties are really left to comply. Also how are evictions affected? Scott Kroehle asked if we could check Zillow as they have density maps that can be used to layer over the past three years to see if we can find patterns. Will council fund that type of analysis? Karen Dettmer supported the Zillow report idea, however Scott acknowledged it could be next to impossible to get Zillow to release those figures.

Scott Kroehle suggested that as far as when we provide the Impact Analysis, if Karen Dettmer could communicate with Councilman McCormack to find out what they want from the law that the city wrote, that the analysis is be completed one year later. Rob Fischer said it makes sense to interpret that to mean one year after the end of the roll-out, or end of 2023.

Portal Comments

Scott Kroehle asked about the contents of the portal comments that have been received recently, and Rob Fischer brought up a comment of clearance examiner licenses from the State, and another for a possible conflict of interest for an examiner. Wyonette suggested this may be past the scope of the advisory board to comment on.

Conclusion of Minutes, 5/25/22