

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

8/16/2021

Present:

Cleveland Interim Building Director Toni Allen

Councilman Kerry McCormack

Lead Safe Auditor Rob Fischer

Wyonette Cheairs

Scott Kroehle

Dr. Aparna Bole

Diana Shulsky

Not Present:

Sonia Matis

Welcome

The meeting recording began. Scott Kroehle welcomed board members and attendees to the meeting and board members introduced themselves.

Approval of Minutes and Future Meeting Schedule

Scott Kroehle stated that minutes along with meeting materials will be posted on the Building & Housing and City Council's webpages, as well as the Lead Safe Auditor's website. The minutes from the last meeting were provided to the board in advance of the meeting. Scott Kroehle asked to approve the minutes, Wyonette Cheairs motioned to approve, and Dr. Aparna Boles seconded the motion. Scott Kroehle thanked the board for selecting dates that could work for the November 2021 and January 2022 meetings, based on availability of the Auditor's report. Rob Fischer verified that the next report will be done in time for a Nov. 9 meeting. Scott Kroehle said we will make sure there will be public notice of meetings.

Building & Housing Update

Dir. Allen outlined her time to discuss the Department of Building & Housing staffing, technology updates and other initiatives. For staffing, the challenge to hire three legal secretaries was improved by asking the hiring service to amend the requirement for typing speed of applicants. Hiring for the Environmental Compliance Specialist 2 and Environmental Compliance Specialist 3 were still in progress with many applicants for the latter position.

For system enhancement needed by the department to process the lead safe certifications and continue work on the database of rental housing, Dir. Allen said that by the end of August they will have more progress, with the interface most likely done in September.

Dir. Allen stated she has had meetings regarding the enforcement for the ordinance, and issuing tickets will come to fruition with staffing and technology steps being taken. Violation notices and the expected due process that landlords can participate in, with the department working with those that make contact, is a desired outcome. Dir. Allen stated that a 6-page FAQ sheet for the website, for the court and public use is being created. The importance of the initiative will be supported through a brochure and post card for the public outreach as well. Building & Housing is still working with landlords to understand the ordinance.

Scott Kroehle asked if Building & Housing has begun any spot checking of the RRP contractors? Dir. Allen did not know if that will be within the jurisdiction of Building & Housing. Wyonette Cheairs offered that the US EPA is the issuing entity for those licenses. Scott Kroehle stated that there is a culture of non-compliance, or limited to no enforcement of the guidelines that RRP contractors must uphold. Dir. Allen suggested we would need a plan in place to validate, and do not currently have, but would be open to suggestions. Scott Kroehle and Wyonette Cheairs tabled the conversation for the time being to continue the meeting agenda.

Audit Report Summary

Rob Fischer provided a report outline and mentioned that the board has a week to make comments before finalizing the report. The second quarter highlights relate to Zone 1 (Jan.-March compliance timeframe) – 2 zip codes and Zone 2 (April-June compliance timeframe) – 2 zip codes.

The rental universe has approximately 2,000 known rentals in each Zone, with 5,000 likely additional rentals in each Zone for a total of approximately 7,000 total rentals in each Zone. These are mainly counts of parcels, and not units within parcels. At this time the property/parcel is receiving the Lead Safe Certificate. One reason is the rental registry is set up as parcel-oriented. One quarter of all rentals are in the first two Zones. Scott Kroehle suggested we track all rentals by units. Dr. Aparna Bole added that the types of properties should be known as the compliance numbers are provided, since for example, a duplex house has a higher risk of lead poisoning than a single rental home. Diana Shulsky added that the IT system interface will play a critical role in getting the identification of housing units on

track from the beginning and will help avoid much confusion in months and years to come with compliance when part of a property is in compliance, but some units fail inspection. Dir. Allen stated that they can break down by units now and will plan to expand that to capture the data.

Lead Safe Application Count

The number of applications has increased. 77% have been approved, 16% are pending and 7% have been denied. This is from roughly 6% of known rental properties in Zones 1 & 2, and estimated to be only 2% of the number of likely rentals. Dir. Allen said with 1,716 applications having been received, we are moving in the right direction.

Rob Fischer stated that 44135 & 44111 have the most application volume currently. Scott Kroehle asked about applications that are being denied to receive certification, if that is because landlords are not sending the correct completed paperwork? Rob Fischer said it would be good to get a sense of whether it is an issue of clearance or non-clearance.

Q2 Metrics

4.7 days is the average time between submission and determination letter being issued. We may need to track the average days between submission and determination in pending status. Most completions are unique property owners – of 174 unique property owners, 44% applied for one property. There are eight owners that had greater or equal to 5 property applications at once, and that accounted for 27% of all applications. Scott Kroehle suggested it may be easier for a landlord with multiple properties to do one at a time to better manage the tenant notification process.

Thirty-one licensed lead assessors conducted lead inspections. Three of these did 40% of the inspections. It was discussed that there are two levels of third party activity by hired inspectors in the home. Scott Kroehle suggested we may need to reach landlords to receive feedback on the contractor or inspector since there is no back end for tracking yet.

Conclusion

We are improving our numbers but compliance is still low overall. When a property is inspected, it seems to be favorable for certification approval. We must acknowledge that signals across future zones will be based on current progress, along with knowledge shared to landlords about the penalties for non-compliance.

Open Implementation Discussion

Scott Kroehle said as far as the goal for collecting portal feedback, it may not be possible to learn statistically about the ways to make improvements. We may need to learn through a case by case

approach. Rob Fischer suggested that the unintended consequences, such as evictions, are part of the larger picture items that we will have to come to understand. It was asked if a quality rating is what is needed, and the response from Dir. Allen for checking the inspection and RRP work is that it is related to staffing which the department does not have right now, although that will start to change between now and the next meeting. The department is willing to strategize as to how to have this oversight. Wyonette Cheairs and Diana Shulsky suggested the Resource Center is an option for quality assurance among vendors. Wyonette Cheairs said that the Resource Center has developed a survey to check on Resource Center vetted workers.

Dir. Allen stated that there is new information to be learned as applications are processed, such as how to address inspections for group homes, or rental housing that is in a lease-to-own transition between parties. Not all situations have been envisioned as to how the ordinance will be applied. Overall Dr. Allen said they are waiting for the enforcement piece so that once they can document punitive actions such as ticketing, then the department will be able to share that with the board.

Scott Kroehle said as an action item he would like to evaluate the wide ranging information about inspectors. For example, if grant money has been applied to a remediation, how is containment being handled? Is the RRP contractor the same person for clearance? He does not wish to slow down the process, but we want to support getting the work done really well.

Dr. Aparna Bole offered where can this function live? Does the tenant have understanding of what is taking place for their safety? How do we operationalize with the early intervention piece? Dir. Allen said a Quality Assurance (QA) implementation is a good thought but it may be swimming upstream at first. The RRP quality may be counter to the number of certifications issued.

Rob Fischer reminded the board that the auditor will interview implementers and look for challenges in the work as part of the audit reporting. Tenants and property owners will ideally provide a diverse set of voices. We have a limited view for now.

A final item is the platform for public info and accessibility. Rob Fischer reminded that Case Western along with the Poverty Center will host the Lead Auditor's page. It will have reports, presentations and serve as a mechanism for questions and comments to the board. This site will be up in a month. The goal is to cross-advertise with the Coalition and Building & Housing pages, and the board will play a key role in the content for the site.

Upcoming Board Meeting

Scott Kroehle encouraged everyone to continue to respond to Wyonette Cheair's polls. Notice will go out prior to the next meeting in November. There was a question from Commissioner Jackson but due time Scott Kroehle will respond afterwards. Scott Kroehle agreed to chair the next meeting.

Conclusion of Minutes, 8/16/21