Report to Lead Safe Advisory Board
City of Cleveland

September 2023

Submitted by the Lead Safe Auditor

Center on Urban Poverty & Community Development

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Period Covered: April 1 – June 30, 2023

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https://case.edu/socialwork/povertycenter/our-work/lead-safe-research/lead-safe-auditor

Summary

The Cleveland Lead Safe ordinance required that all rental properties built before 1978 receive a Lead Safe certification by the end of March 2023. Cleveland Building & Housing established a schedule of compliance by Zip Codes over eight calendar quarters, rolled out through the end of 2022. This quarter showed continuing growth in cumulative metrics of property owners newly pursuing lead safe compliance but a substantial slowing of new applications. This is also the second quarter for previously certified properties to pursue renewal of their lead safe certificate and limited renewals are seen from these properties.

Key Findings

- Quarterly volume of new lead safe applications decreased last three quarters– By June 30, 2023), cumulative applications for lead safe certification had grown to 6,852 and approvals stood at 6,000. The quarter showed a first-time application volume (490), that was 24% lower than Q1 2023 (645), and 39% lower than Q4 2022 (808). This is the fourth quarter of application volume declines following 1,085 in Q2 2022.
- Properties facing a lead safe renewal are not complying – As previously certified properties reach the two-year point they are required to renew their lead safe certification. Of 300 properties originally certified in January-June 2021, only 58 (19%) sought recertification by June 30, 2023. Of these, 47 successfully renewed their certification and 11 failed recertification, reflecting a passage rate of 81%. Fully 81% of properties needing to renew (242) did not seek a lead safe renewal by June 30, 2023. Certification renewals are essential to the overall aims. If renewals continue to be sought by only one in five previously certified properties, overall compliance will drop from 13% to under 3% in time.
- Application denials have dramatically increased – The number of applications denied lead safe certification increased by 53% in the most recent quarter, from 475 as of March 2023 to 728 as of June 2023. Denied applications are associated with nearly 3,500 units of rental housing. An updated policy issued 8/9/23 by Building &

Housing stated that "Due to an overwhelming amount emails 'contesting' deficiency letters we have decided that we will no longer accept adjustments to reports after they are submitted" and provided guidance on common application errors. This suggests that the process for reviewing the sufficiency of applications is undergoing change. This is essential to ensure that all properties seeking a lead safe certification can be processed in a timely and efficient way.

- Compliance comparable to peer cities but insufficient to reach goals in timely way – Through June 30, 2023, compliance with the Cleveland Lead Safe ordinance (13%) is consistent with the early compliance trends found in Rochester, Detroit, and Rhode Island as they implemented similar rental property requirements. To reach a 7-year goal of compliance (by 2028), the volume of lead safe certification applications would need to reach approximately 2,500 per quarter compared to the average of nearly 950 applications per quarter over the last six quarters.
- Compliance varies based on prior rental registry status and property size – The data pattern continues to demonstrate greater compliance among properties that were previously on the City's rental registry compared to properties that had not previously complied with the rental registration requirement. Similarly, compliance varies by the number of units in the property. Using Zone 1 for illustration, properties with more than ten units show the highest rates of compliance (47%) followed by properties with 6-10 units (35%). Doubles show the lowest compliance rates (10%), followed by 3-5 units (12%). Single-unit properties showed higher compliance at 19%. This differential response continues to show that enhanced outreach strategies are needed, especially for owners of properties with few units.

Introduction

This is the eighth in a series of reports from the Lead Safe Auditor addressing the implementation of the Lead Safe Ordinance. The Lead Safe Auditor role was created as part of the Lead Safe Ordinance passed in 2019. Per City of Cleveland Ordinance 747-2019 [Section 365.05 Internal Review], "The Director, through a designated Lead-Safe Auditor, a shall monitor the City lead-safe certification process to ensure efficiency and effectiveness. The Lead-Safe Auditor shall perform such other tasks as required by the Director, including maintaining a list of certified inspectors and contractors and coordinating regular monitoring and reporting with the Lead-Safe Advisory Board and other appropriate entities." See Attachment 1.

The City Ordinance implementation is concurrent with a set of supporting strategies implemented by the Lead Safe Cleveland Coalition. These strategies are designed to increase public awareness of lead safety and the ordinance and provide resources to property owners and tenants (see Appendix 2). Implementation of the Lead Safe Certification was rolled out across eight calendar quarters. Each calendar quarter focused on a selected zone of the City, as defined by a subset of Zip Codes (See Attachment 3).

Implementation of Ordinance

This quarter involved the first period following the passage of the deadline for all rental properties in the eight roll-out zones. In addition, this period is the first to have previously certified properties (those certified in Jan-Mar 2021) to reach a renewal deadline for their two-year certificate. See Figure 1 for map of zones and included Zip Codes.

Through the eight roll-out zones, 27 Zip Codes were subject to the ordinance with an initial deadline of submission at the end of each quarter for lead safe certification. Using baseline data on the rental housing market, a universe of over 54,000 likely rental properties was identified in these Zip Codes (See Table 1). Of these, approximately 16,000 were on the rental registry in 2019 and are referred to as registered rentals. An additional 38,000 properties had characteristics that suggested they were being operated as rentals, even though they were not on the City's rental registry ("likely rentals").

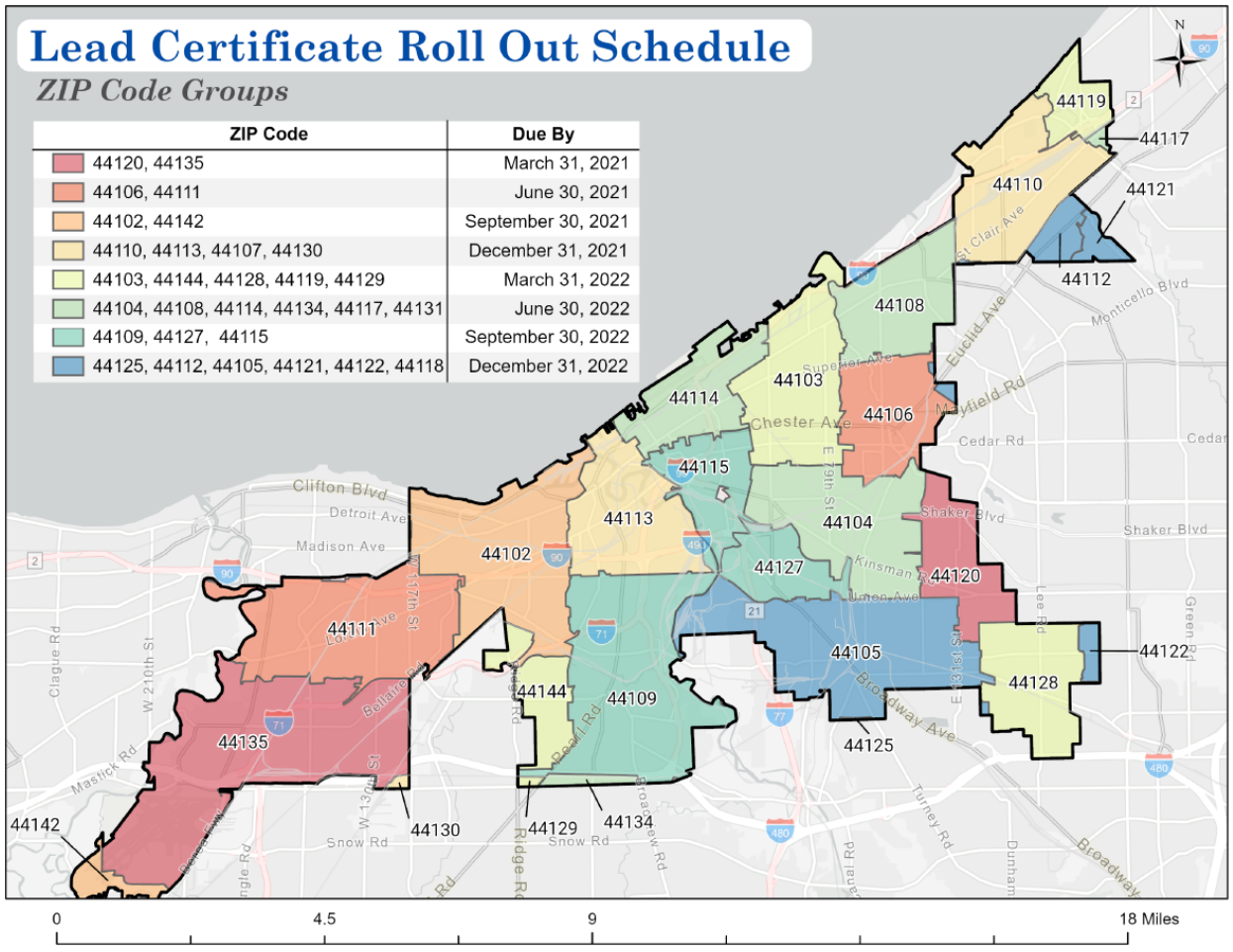


Figure 1: Ordinance Roll-out Zones

An issue is noteworthy here. Properties previously on the rental registry reflect owners who have already complied with the City rental registry requirement, whereas likely rentals have yet to comply with this requirement. Practically speaking, the owners of likely rentals, since they are not on the rental registry, will be more challenging for the City of Cleveland Building & Housing Department to connect with and motivate to participate in lead safe compliance efforts.

It has been reported in prior quarters, as in this one, that compliance for rentals not on the registry has been minimal, providing factual evidence that further efforts must be made to bring those property owners into the certification process and achieve the stated goals.

Table 1 – Roll-out Zones Subject to the Ordinance, calendar years 2021-2022

Zone	Zip Code	Est Universe of Rental Properties	# Properties on Rental Registry 2019	# Likely Rental Properties not on Rental Registry
Zone 1	44120	4,245	1,146	3,099
	44135	3,039	1,033	2,006
	Z1 Total	7,284	2,179	5,105
Zone 2	44111	5,327	1,705	3,622
	44106	1,713	308	1,405
	Z2 Total	7,040	2,013	5,027
Zone 3	44102	6,889	2,342	4,547
	Z3 Total	6,889	2,342	4,547
Zone 4	44107	18	3	15
	44110	3,328	1,065	2,263
	44113	2,177	610	1,567
	Z4 Total	5,523	1,678	3,845
Zone 5	44103	2,380	500	1,880
	44119	1,006	292	714
	44128	2,621	917	1,704
	44144	1,178	401	777
	Z5 Total	7,185	2,110	5075
Zone 6	44104	2,282	456	1,826
	44108	3,874	891	2,983
	44114	315	69	246
	44134	12	4	8
	44117	3	1	2
	Z6 Total	6,486	1,421	5,065
Zone 7	44109	5,967	2,148	3,819
	44115	81	18	63
	44127	894	232	662
	Z7 Total	6,942	2,398	4,544
Zone 8	44105	6,258	1,752	4,506
	44112	715	157	558
	44121	182	66	116
	Z8 Total	7,155	1,975	5,180
TOTAL	Zones 1-8	54,504	16,116	38,388

Note: Data extracted from *Characteristics of Rental Properties and Landlords in Cleveland: Implications for Achieving Lead Safe Rental Housing* (September 2020).
Zip codes not shown due to the absence of rental properties – Z3 (44142), Z4 (44130), Z5 (44129) Z6 (44131)

Data on progress during the quarter were assembled by the Lead Safe Auditor team from a variety of sources, primarily from data provided by the City of Cleveland Building & Housing Department.

Lead Safe Certification Process

The quarter saw continued activity by landlords regarding compliance with the lead safe ordinance. This follows continued marketing and outreach efforts by the Lead Safe Cleveland Coalition and the City of Cleveland Building & Housing Department since the Fall of 2020. By the end of the quarter, applications for lead safe certification had grown to 6,852 and approvals stood at 6,000. This quarter saw 490 new applications, down 24% from Q1 2023 (645), and down 39% from Q4 of 2022 (808). The continued decline in application volume from mid-2022 is notable and of concern. See Figure 2.

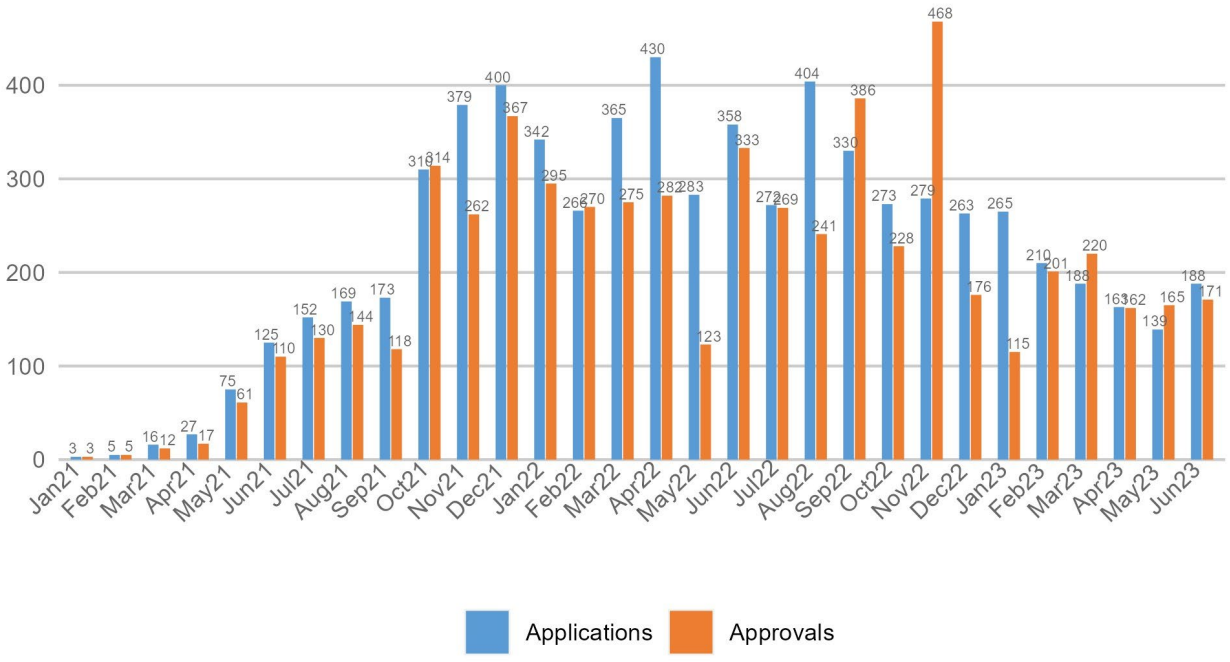


Figure 2: Lead Safe Certification Applications and Approvals by Month, January 2021-March 2023

Through June 30, 2023, a total of 6,852 Lead Safe certification applications had been submitted to Cleveland Building & Housing, involving 27,919 units of rental housing. See Table 2.

Table 2 – Lead Safe Applications and Disposition by Zone through June 2023

Zone	Apps	Units	Approved	Denial	Exempt	Pending	To be Reviewed
1	1,390	4,152	1,249	110	21	9	1
2	1,245	4,099	1,112	112	12	2	7
3	1,058	3,841	888	157	3	8	0
4	749	4,741	656	78	11	4	0
5	821	2,094	743	62	11	3	0
6	321	4,145	249	53	15	2	0
7	768	3,881	679	80	7	2	0
8	500	960	404	76	8	12	0
Total	6,852	27,913	6,000	728	88	42	8

Among the 6,852 lead safe certification applications, 6,000 had been approved by the end of the period (87%). A total of 728 applications resulted in a denial of lead safe certification based on the submission, up 53% from the previous period. For 88 applications (1%) the property was found to be exempt from the ordinance. An additional 50 applications (<1%) were pending initial review or the submission of additional materials (status "Pending" or "To be Reviewed"), down substantially from the previous period.

Among applications for which a determination was made (i.e., excluding those pending and exempt), the approval rate overall is 89%. When applications are disaggregated by prior rental registry status, it is evident that compliance rates are substantially higher for properties previously on the rental registry (See Figure 3).

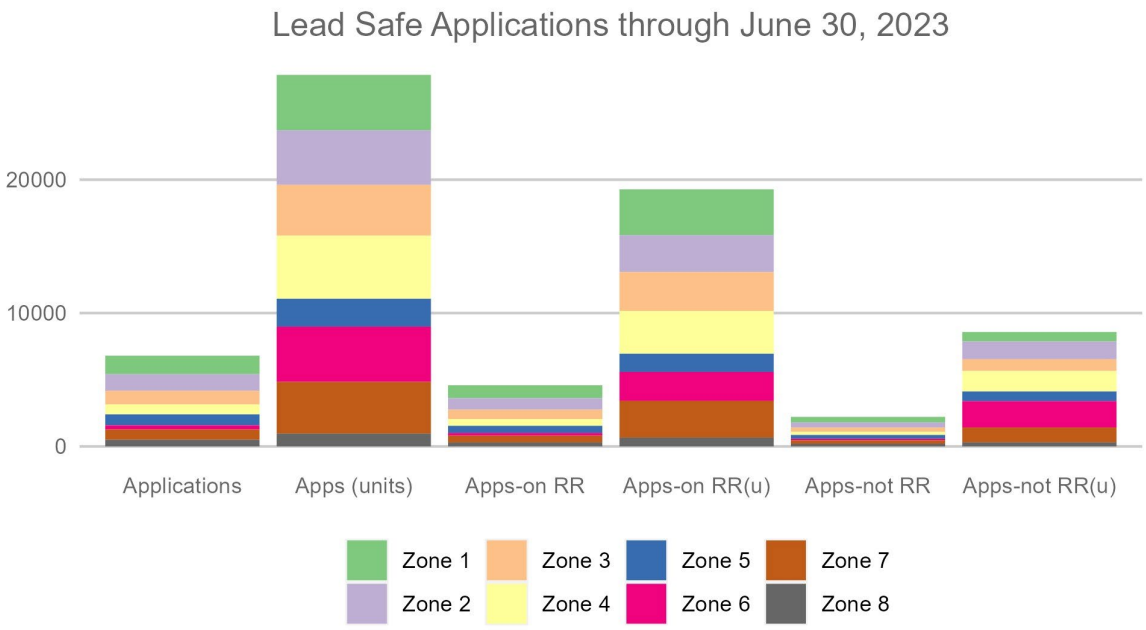


Figure 3: Lead Safe Certification Applications by Rental Registry Status and Zones, March 2023

See Figure 4 for a map showing the location of all properties receiving a lead safe certification during through June 30, 2023.

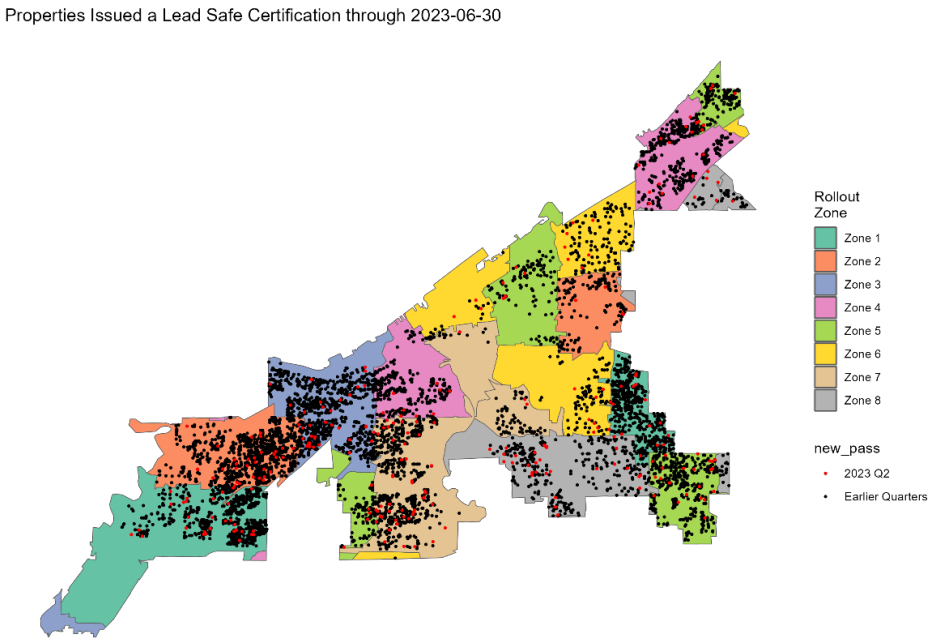


FIGURE 4: Map of Properties for which a Lead Safe Certification was issued, January 2021 – March 2023

Application processing. Timeliness of in the handling of the lead safe applications had been an issue through early 2023. However, with lower new application volumes this quarter, processing was more timely and the backlog of pending applications was substantially reduced (from 224 to 50). The average time between submission and a determination letter being issued in quarter 2 of 2023 was cut from 52 in the previous quarter to 25 days. At the same time, the number of applications that received a denial disposition dramatically increased (53%) from 412 in Q1 2023 to 728 in Q2 2023. Denied applications are associated with nearly 3,500 units of rental housing. An updated policy issued 8/9/23 by Building & Housing stated that "Due to an overwhelming amount emails 'contesting' deficiency letters we have decided that we will no longer accept adjustments to reports after they are submitted" and provided guidance on common application errors. This suggests that the process for reviewing the sufficiency of applications is undergoing change. This is essential to ensure that all properties seeking a lead safe certification can be processed in a timely and efficient way

Property Owners. The 6,852 lead safe certification applications involved a pool of 4,615 unique property owners, based on the name of the individual or entity owning the property. This quarter 301 new property owners appeared among applications. Most (72%) of owners thus far have applied for certification of a single property (42%) or two properties (31%). A relatively small group of owners (14%) have applied for lead safe certification for 3-4 or more properties, and 14% have applied for 5 or more properties.

Lead inspectors. Through this quarter, applications involved lead inspections done by 147 certified lead clearance technicians. Roughly two-thirds (65%) of these inspectors completed inspections for less than 20 properties and the median number of applications per inspector was 10. Thus far, 22 inspectors have conducted inspections submitted with 100 or more lead safe applications, and four inspectors have completed over 300 inspections linked to a lead safe certification. Twelve inspectors account for 55% of all lead inspections connected to submitted lead safe applications.

Tracking Metrics

The overall data from the first quarter of 2023 show a slowing or leveling of growth in applications and a continued (but lessened) drop in the approval of properties. This process is the primary function under the purview of the City of Cleveland Building & Housing Department regarding the Lead Safe ordinance, and thus a primary focus for the Auditor. See Table 3. Despite growth over the eight quarters of the program, the trend in compliance counts and rates among property owners is inadequate for full compliance among rental properties on a shorter time horizon.

Table 3 –Cumulative Ordinance Metrics as of June 2023

Lead Safe Certification	Property Count	Units Involved
Initial Certifications submitted	6,852	27,919
Initial Certifications approved	6,000	23,543
Initial Certifications pending	50	71
Initial Certifications denied	728	3,496
Renewal Certifications submitted	58	65
Renewal Certifications expiring	242	512

Note: 166 applications were coded as exempt.

Compared to the number of properties subject to the Lead Safe ordinance, the numbers involved in a lead safe certification application reflect low compliance to date. Based on the estimated total number of probable rental properties subject to the ordinance in these zones, applications account for only 13% of estimated rental properties (28% of units). An examination of compliance by zone demonstrates higher compliance as more time elapses. See Figure 5.

For example, for Zone 1, with over two years elapsed since the initial compliance deadline of March 2021, there have been 1,317 applications submitted as compared to an estimated 7,284 probable rental properties. That represents 18% compliance, leaving nearly 6,000 properties as yet noncompliant. Given that the majority of applications have come from properties on the rental registry, the bulk of those remaining noncompliant properties are likely a very difficult-to-reach population of owners or responsible parties.

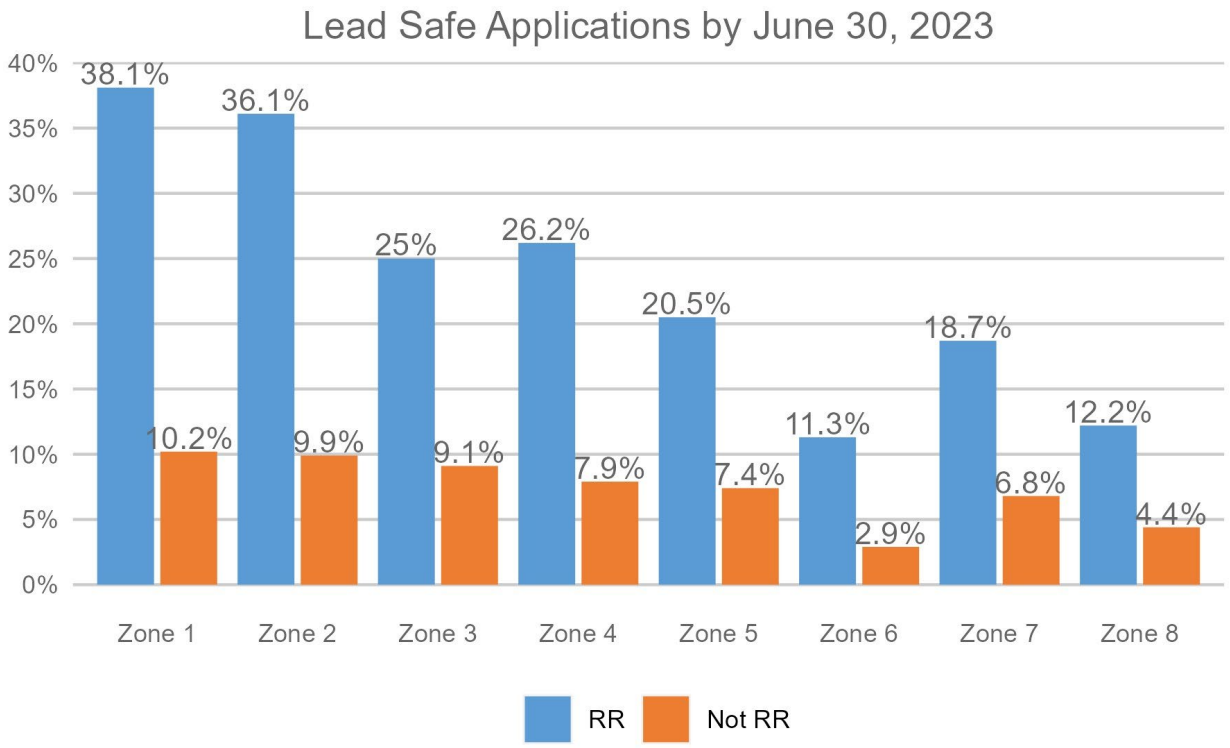


FIGURE 5: Lead Safe Applications by Zone by prior Rental Registry Status through June 2023

This pattern demonstrates greater compliance among properties that were previously on the City's rental registry and minimal compliance among properties that had not previously complied with the rental registration requirement. Similarly, compliance varies by the number of units in the property. See Figure 6. Through June 30, 2023, in the first three roll-out zones, properties with ten or more units show the highest rates of compliance (42% to 51%) followed by properties with 6-10 units (26% to 35%).

At the aggregate level, patterns are heavily influenced by the more mature roll out zones. Properties with more than ten units show the highest rates of compliance (42%) followed by properties with 6-10 units (22%). Doubles show the lowest compliance rates (8%). Single-unit properties and 3-5 unit properties sit slightly higher than doubles, both at approximately 11% compliance.

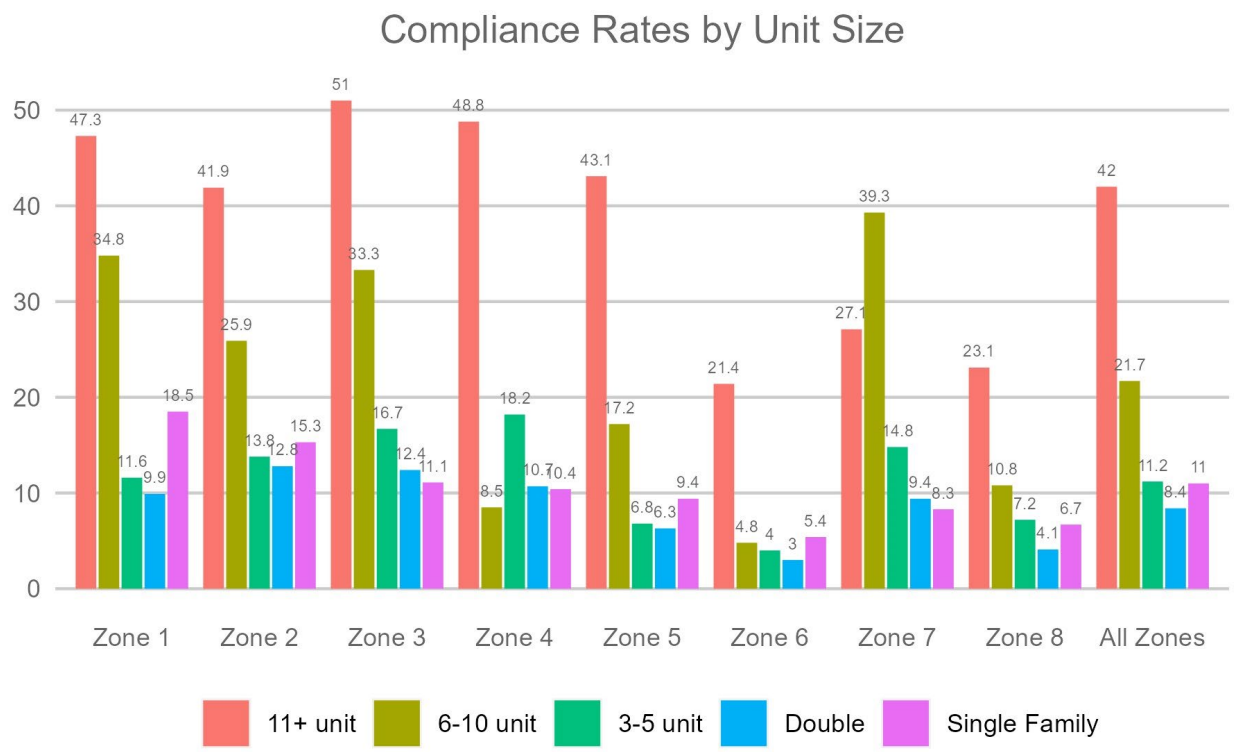


FIGURE 6: Lead Safe Ordinance Compliance by Zone and Property Size, June 2023

Motivating more property owners to comply is essential for the ordinance to have its intended effect. As implementation continues beyond the two-year roll-out period, Building & Housing is well-advised to execute a dual approach of engaging and supporting landlords in the application process, along with holding accountable those who have failed to achieve compliance. This approach must now extend to those owners who initially complied with the ordinance but have failed to renew their certification.

Overall Status of Compliance

Through June 30, 2023, compliance with the Cleveland Lead Safe ordinance (13%) is consistent with the early compliance trends found in Rochester (2006 launch), Detroit (2010 launch), and Rhode Island (2002 launch) as they implemented similar rental property requirements. Drawing on publicly reported data on these programs, the 13% compliance in Cleveland is in line with the 8% reported for Rochester after one year. Data on the Detroit and Rhode Island cases show 15-20% compliance after seven years of implementation. See Figure 7.

After 15 years of implementation, Rochester has reported 85% compliance. This reflects good compliance after a substantial period of implementation. Though Cleveland adopted a two-year roll-out of the ordinance, no specific benchmarks were set to judge progress during this period. Stakeholders articulated a 5-7 year goal for reaching lead safety in Cleveland's rental stock. Given progress to date, to reach a 7-year goal of compliance (by 2028), the volume of lead safe certification applications would need to reach approximately 2,500 per quarter compared to the average of 650 applications per quarter over the last three quarters. Each quarter that underperforms this mark will increase the numbers needed in subsequent periods to achieve the goal.

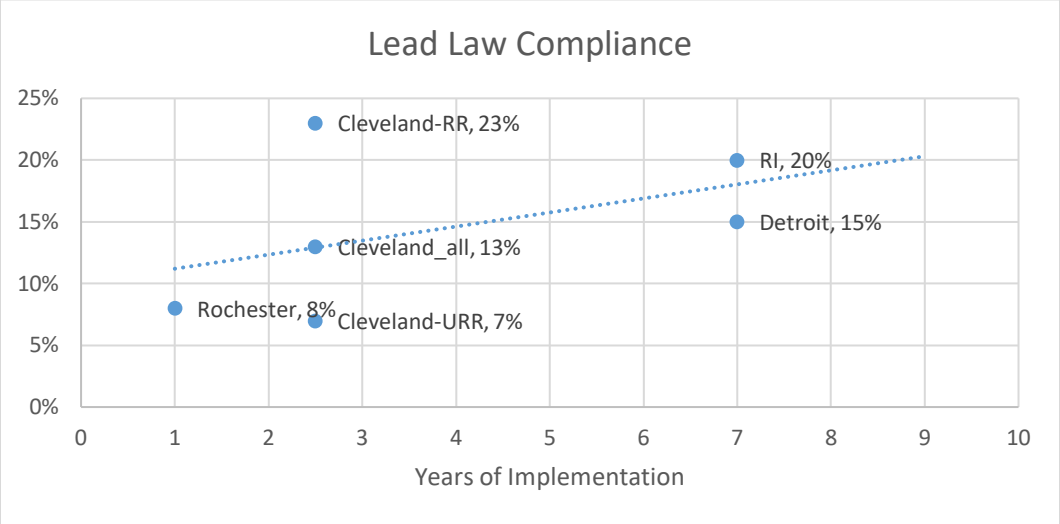


FIGURE 7: Lead Safe Ordinance Compliance by Years of Implementation

References

Boyce, S., Ruffer, R., & Ayoob, M. (2008). An Evaluation of the City of Rochester's Lead Law: 2006-2008. Greater Rochester Health Foundation. December.

City of Rochester (2021). Lead-Based Paint Poisoning Prevention Ordinance: Fifteenth Year Review, Years 1-15 (7/1/06 – 6/30/21). Available at https://www.cityofrochester.gov

Hazen-Aaronson, R., Eastman, J., Schultz, G., Cassani-Brandt, B., Robledo, M., & Stewart, W. (2017). A Review of the Current Public Health Burden and Regulatory Status of Lead Poisoning and Lead Hazards in Rhode Island. Rhode Island Alliance for Healthy Homes. February.

Ruffer, R., & Boyce, S. (2007). An Evaluation of the City of Rochester's Lead Law: Year One Report. Greater Rochester Health Foundation. December.

Attachment 1

Scope of Lead Safe Auditor

The Lead Safe Certification legislation (Ordinance 747-2019) passed in May 2019 outlines the following responsibilities for the Lead Safe Auditor:

- Coordinate regular monitoring and reporting to the Lead-Safe Advisory Board
- Serve as a member of the Lead-Safe Advisory Board
- Maintain a list of certified lead inspectors
- Maintain a list of certified lead abatement contractors

In addition to fulfilling the responsibilities above, the Auditor will monitor the progress and status of the City of Cleveland's Lead Safe Certification program and other lead poisoning prevention efforts conducted by the City of Cleveland, and analyze and report quarterly related to selected indicators, including:

- *Housing Units/Properties* - Rental registrations, Lead safe certified, Vacant/abandoned, Condition, violations, Value, sales/transfers, Evictions, Permits, Lead hazard control orders, Availability of lead safe rental housing
- *Property Owners/Landlords* - Type of owner, Number of properties, Sales/transfers, Eviction frequency
- *Tenants/Renters* - Mobility, Displacement, Evictions, Homelessness, Economic status, Rental costs

The Auditor will also proactively monitor for changes in the housing landscape in the community that could indicate unanticipated consequences of the Lead Safe Certification program. In March 2020, the City of Cleveland passed legislation naming the Center on Urban Poverty & Community Development as the Lead Safe Auditor for the two-year period 2020-2022. This contract was renewed for 2022-23.

Attachment 2

Efforts by Lead Safe Cleveland Coalition

The principal focus of the Lead Safe Auditor work is on the properties, landlords, and tenants directly impacted by the Lead Safe ordinance and does not extend to the other strategy areas undertaken broadly within the Lead Safe Cleveland Coalition. These other areas are:

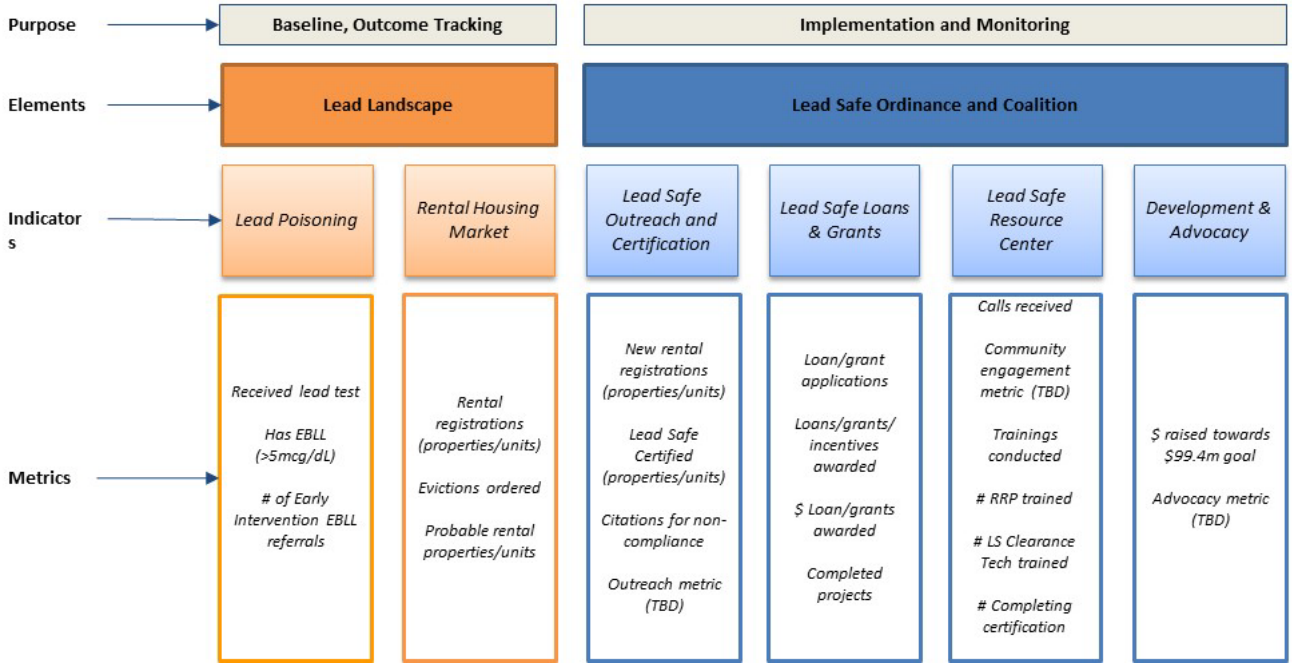
- Lead Safe Loans and Grants – The Loans and Grants, managed by the nonprofit CHN Housing Partners, provide a variety of grant and loan products to property owners as well as project management to assist with the remediation of lead risk hazards.
- Lead Safe Resource Center – The Resource Center, managed by the nonprofit Environmental Health Watch, is charged with operating a community-based location that makes available a wide range of information on lead safety. The Center assists landlords and tenants, families impacted by lead, and the general community in understanding information and accessing available resources. This Center also offers training to individuals to learn to test properties and remediate lead risk hazards.

If the Coalition's strategies are successful, a decrease in the childhood lead exposure rate in Cleveland will be evident in time. However, in the short term, with a focus on increased screening and testing, the number of children testing positive for lead will likely increase from baseline as more cases are identified. Screening and testing rates will be examined at the neighborhood level on an annual basis. Baseline data are now available on the testing rates and these will be tracked over time to assess the benefits of enhanced outreach to medical providers, health insurance payers, and parents. In addition, testing results will be examined at the neighborhood level annually. These data will be examined in relation to the timing of the City's roll-out by Zip Code area, allowing for comparison between the pre-roll-out and post-roll-out periods. As properties are tested and lead risks are abated in these properties, the incidence of exposure of children from these properties should decline.

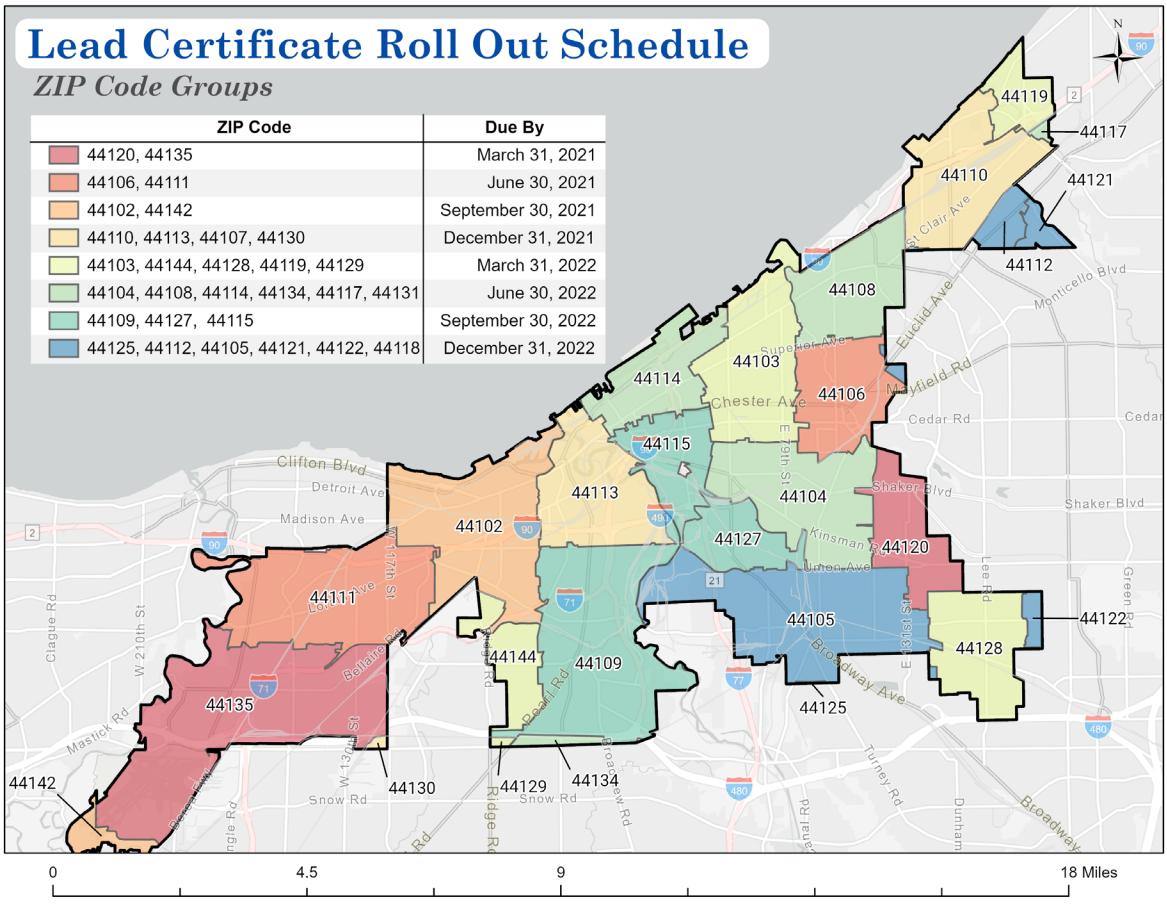
Impact Tracking Framework

Given the interrelationship between the implementation of the City ordinance and the strategies of the Lead Safe Cleveland Coalition, it is useful to conceptualize an integrated view of the tracking work. Figure A shows the core set of tracking metrics. Childhood lead poisoning and the conditions of the rental housing market are conceived of as features of the baseline lead landscape (in orange). These metrics will be updated annually, partly due to the time required to effect change but also limitations on the availability of child lead testing data and having sufficient sample sizes to report estimates. Also shown in the figure (in blue) are four areas to be tracked quarterly focused on the implementation of the key strategies, including lead safe certifications, access to loans and grants, access to the Lead Safe Resource Center, and fundraising for the coalition.

Figure A – Framework for Lead Safe Tracking Metrics



The metrics shown in Figure 2 represent a high-level summary of measures in each of the domains. The broader data being collected are much deeper and will allow analysis across domains over time.

Attachment 3

Lead Safe Certification Roll-Out Zones by Zip Codes