

# **Report to Lead Safe Advisory Board City of Cleveland**

May 2022

Submitted by the Lead Safe Auditor  
Center on Urban Poverty & Community Development  
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Period Covered: January 1 – March 31, 2022

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

## Summary

The Cleveland Lead Safe ordinance requires that all rental properties built prior to 1978 receive a Lead Safe certification by March 30, 2023. Cleveland Building & Housing has established a schedule of compliance by Zip Codes over eight calendar quarters, through the end of 2022. The period October - December 2021 marks the requirement for the fourth roll-out zone (Zone 4 - Zip Codes 44107, 44110, 44113, 44130).

The first quarter of 2022 showed continuing growth in cumulative metrics of property owners pursuing lead safe compliance. The volume of applications for lead safe certification declined in the quarter though applications continue to reflect the population of rental owners in the zones subject to the ordinance thus far. Operational details show that applications continue to be handled in a timely way by Building & Housing despite substantial volume and approval rates are high among completed applications. Expanded tracking of metrics on compliance efforts are essential to monitor as these approaches are fully brought into use.

## **Key Findings**

- Volume of new lead safe applications and certifications declined – By the end of the fifth quarter (March 31, 2022), applications for lead safe certification had grown to 2,726 and approvals stood at 2,384. The first quarter of 2022 showed application volume (857) 22% lower than the fourth quarter of 2021 (1,098). It is unclear to what extent this decline is due to seasonal effects on lead-related work or continuing effects of the pandemic.
- Compliance varies based on prior rental registry status and property size – The data pattern demonstrates greater compliance among properties that were previously on the City's rental registry and minimal compliance among properties which had not previously complied with the rental registration requirement. Similarly, compliance varies by the number of units in the property. Properties with ten or more units show the highest rates of compliance (approximately one-third) followed by properties with 6-10 units. Doubles show the lowest compliance rates, followed by properties with 3-5 units, both approximately 7%. Single unit properties show

slightly higher compliance rates (6-12%). This differential response suggests that enhanced outreach strategies are needed for properties with few units.

- Certification application approval rates remain high – Among the 2,726 lead safe certification applications, 2,384 had been approved by the end of the period (86%). Only 79 applications (3%) resulted in a denial of lead safe certification based on the submission. For 71 applications (3%) the property was found to be exempt from the ordinance. An additional 174 applications (6%) were still in process (“waiting”), pending the submission of additional materials. Among applications for which a determination was made (i.e., excluding those pending and exempt), the approval rate overall is 97%.
- Determinations made quickly on applications despite volume – Building & Housing has maintained timely handling of the lead safe applications received thus far. The average time between submission and a determination letter being issued has increased to 4.7 days while the median time remains at 1 day. Fully 27% of applications for which a determination was made (i.e., excluding pending group) had a determination letter generated the same day as the application was submitted and 87% have a determination within one week of submission. An additional 11% of applications had a determination issued in less than 30 days. Less than 2% had a period of 30 days or longer between submission and determination.
- Applications reflect many properties owners with single property – Among the pool of 1,868 unique property owners, based on the name of the individual or entity owning the property. Nearly one-half (43%) of these owners have applied for certification of a single property and one-quarter (29%) have applied for two properties. A 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. These include individual owners, owner groups, LLCs, and other institutional owners.
- Many lead inspections conducted by relatively small pool of licensed contractors – Through March 31, 2022, applications involved lead inspections done by 70 certified lead assessors, showing activity by a good number of qualified individuals. Nearly one-half of these inspectors completed inspections for 1-19 applications and

the median number of applications per inspector was 11. Thus far, 10 inspectors have conducted inspections submitted with 75 or more lead safe applications, nine of which have completed over 100 inspections linked to a lead safe certification. Five inspectors account for 40% of all lead inspections connected to submitted lead safe applications.

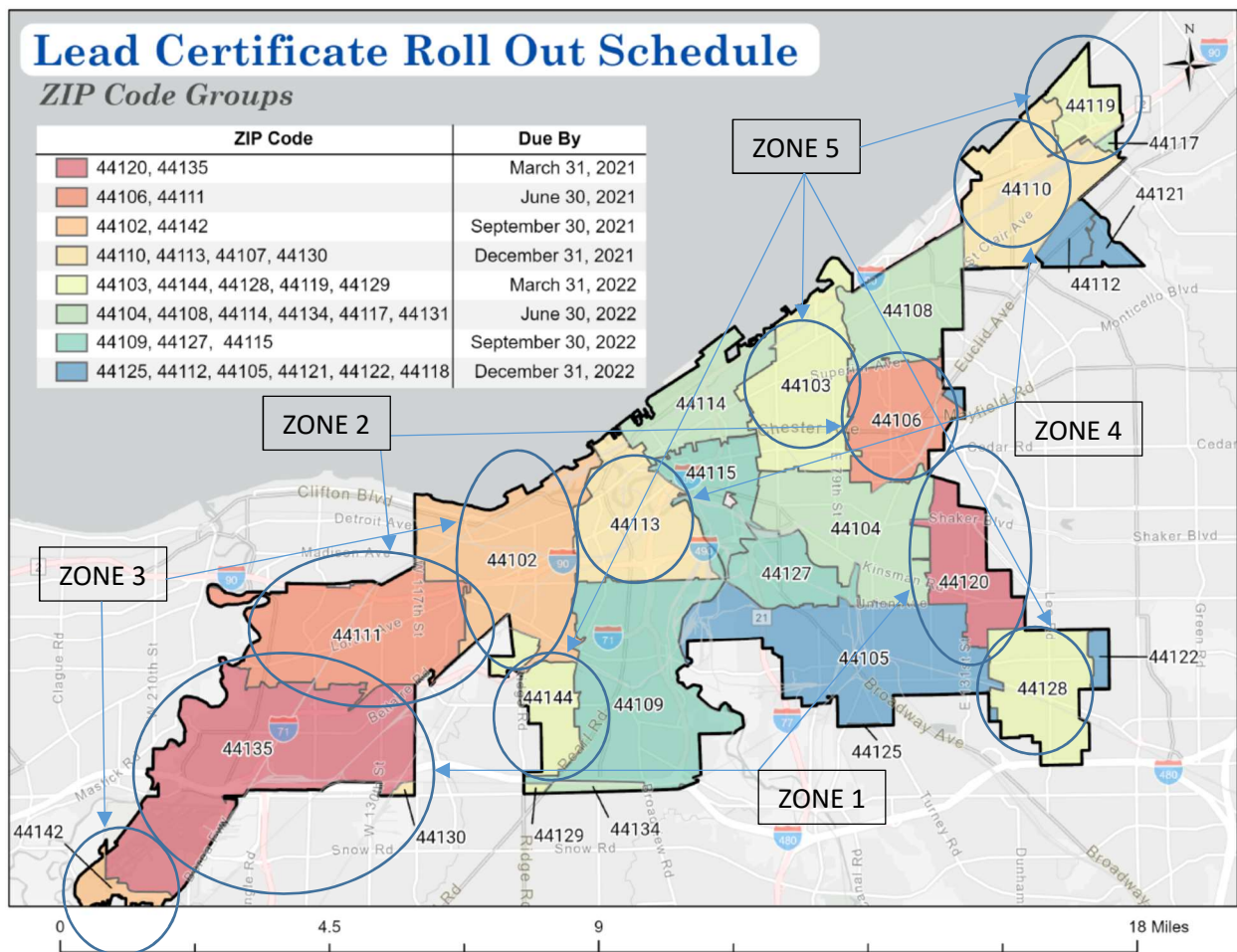
## Introduction

This is the fifth 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, 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 implementation of the City Ordinance is being done concurrent with a set of supporting strategies implemented by the Lead Safe Cleveland Coalition. These 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 is occurring across eight calendar quarters. Each quarter focuses on a selected zone of the City, as defined by a subset of Zip Codes (See Attachment 3). The period January-March 2022 marks the requirement for the fifth roll-out zone (Zip Codes 44103, 44144, 44119, 44128, 44129) and continued outreach to owners in Zones 1-4.

## Implementation of Ordinance

The first quarter of 2022 involved the implementation of a March 31<sup>st</sup> compliance deadline for rental properties in the fifth roll-out zone, as well as continued outreach to property owners in Zones 1-4. See Figure 1 for map of zones and included Zip Codes.



**Figure 1: Ordinance Roll-out Zones 1-5**

Through the fifth roll-out period, 14 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 nearly 33,000 likely rental properties was identified in these Zip Codes (See Table 1). Of these, approximately 9,900 were on the rental registry in 2019 and are referred to as registered rentals. An additional 23,000 properties had characteristics that suggested they were being operated as rentals, even though they were not on the City’s rental registry (“likely rentals”). 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 City of Cleveland Building & Housing to connect with and motivate to full lead safe compliance.

**Table 1 – Roll-out Zones Subject to the Ordinance through March 2022**

<b>Roll-out Zone</b>	<b>Zip Code</b>	<b>Est Universe of Rental Properties</b>	<b># Properties on Rental Registry 2019</b>	<b># Likely Rental Properties not on Rental Registry</b>
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
	Z5 Total	6,007	1,709	4,298
<b>TOTAL</b>	<b>Zones 1-5</b>	<b>32,743</b>	<b>9,921</b>	<b>22,822</b>

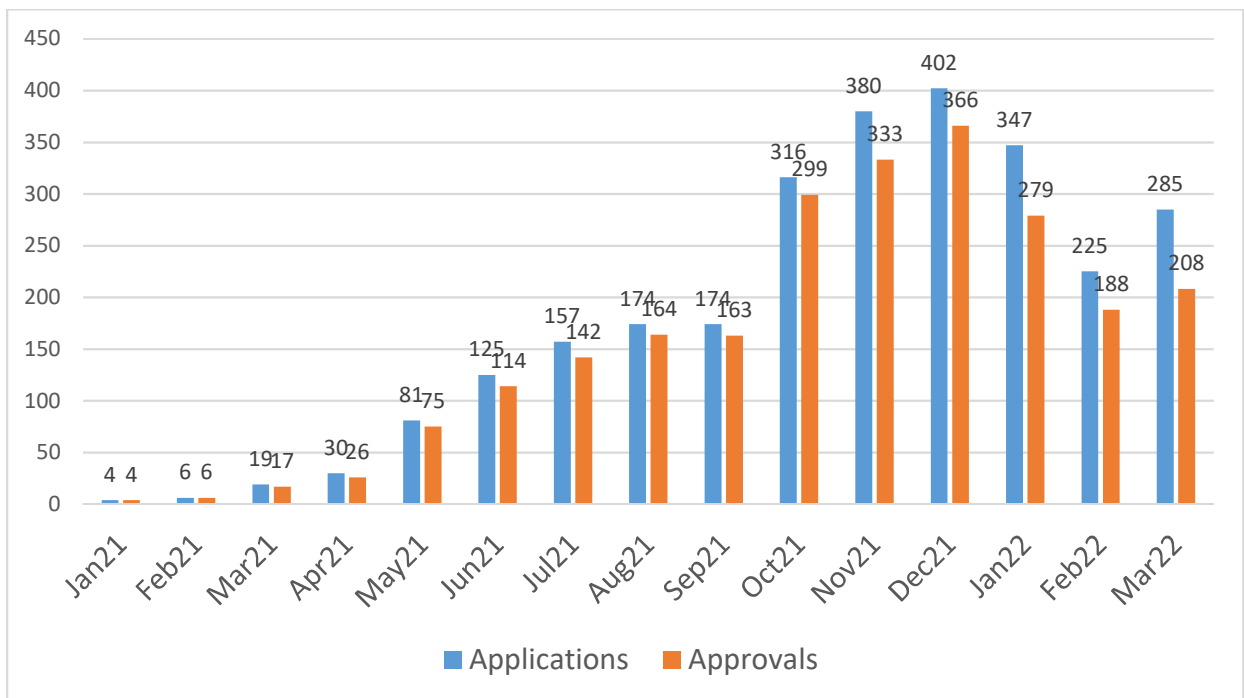
Note: Data extracted from *Characteristics of Rental Properties and Landlords in Cleveland: Implications for Achieving Lead Safe Rental Housing* (September 2020).

Zip codes not shown due to absence of rental properties – Z3 (44142), Z4 (44130), Z5 (44129, 44144)

During the first quarter of 2022, some procedures were still in process and under refinement. For example, Building & Housing was still pursuing implementation of a new interface for landlords to submit applications for the lead safe certification. In addition, a pilot of enforcement procedures with properties (>5 units) in Zone 1 was launched . Data on progress during the quarter were assembled by the Lead Safe Auditor team from a variety of sources, primarily from data provided by City of Cleveland Building & Housing.

## Lead Safe Certification Process

The third quarter saw substantial increases in activity by landlords in regard to complying with the lead safe ordinance. This follows extensive marketing and outreach efforts by the Lead Safe Cleveland Coalition and City of Cleveland Building & Housing since fall 2020. By the end of the third quarter, applications for lead safe certification had grown to 781 and approvals stood at 702. The first quarter of 2022 saw application volume (857) 22% lower than the fourth quarter of 2021 (1,098). It is unclear to what extent this decline is due to seasonal effects on lead-related work or continuing effects of the pandemic. See Figure 2.



**Figure 2: Lead Safe Certification Applications and Approvals by Month, 2021-22**

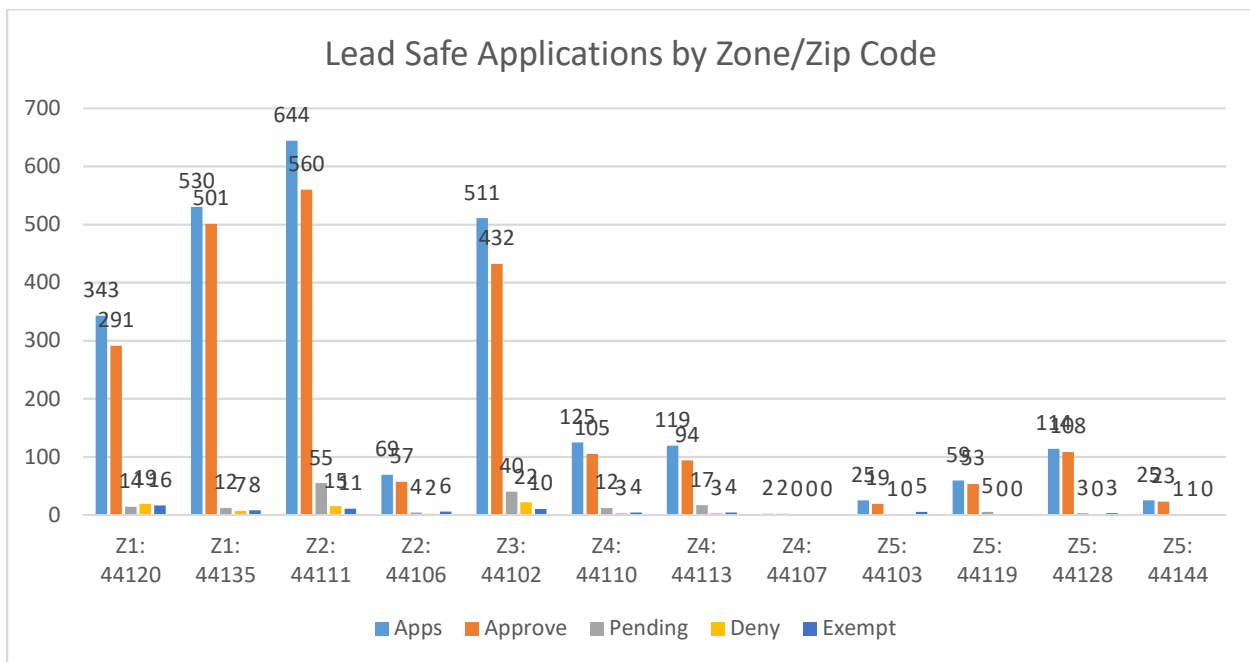
Through March 31, 2022, a total of 2,726 Lead Safe certification applications had been submitted to Cleveland Building & Housing, involving over 13,378 units of rental housing. Approximately 6% of applications came from owners of properties in zones (6-8) which were not yet subject to the ordinance requirement. See Table 2.



**Table 2 – Lead Safe Applications and Disposition by Zone through March 2022**

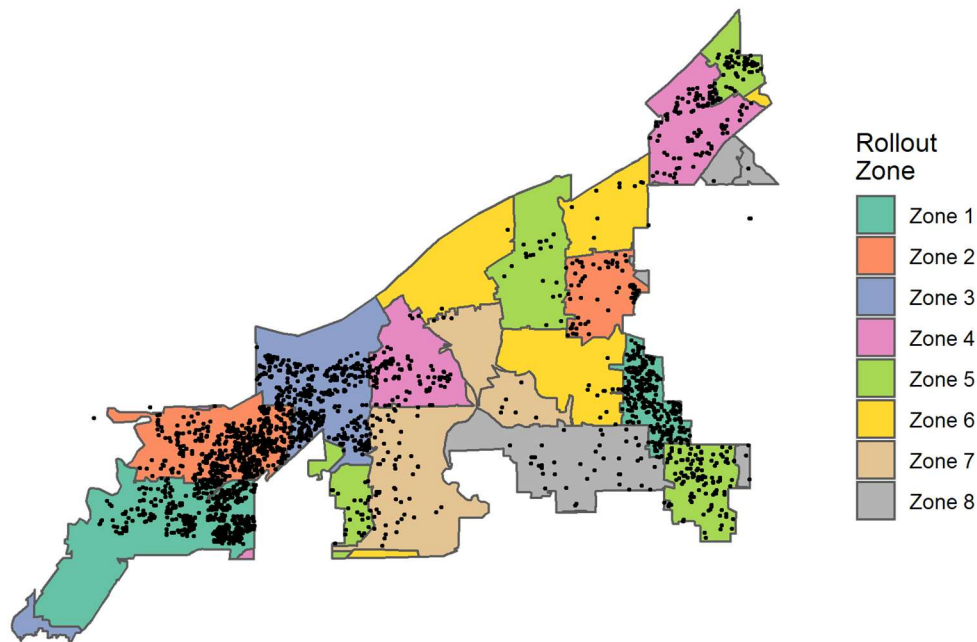
Zone	Apps	Units	Approved	Denial	Pending	Exempt
1	873	3,172	792	26	26	24
2	713	2,801	617	17	59	17
3	511	2,493	432	22	40	22
4	246	2,182	201	6	29	6
5	223	516	203	1	10	1
6-8	160	2,214	139	7	10	4
Total	2,726	13,378	2,384	79	174	71

Among the 2,726 lead safe certification applications, 2,384 had been approved by the end of the period (86%). Only 79 applications (3%) resulted in a denial of lead safe certification based on the submission. For 71 applications (3%) the property was found to be exempt from the ordinance. An additional 174 applications (6%) were still in process (“waiting”), pending the submission of additional materials. Among applications for which a determination was made (i.e., excluding those pending and exempt), the approval rate overall is 97%. See Figure 3. Approval rates across Zip Codes are comparable (approximately 88-95%). See Figure 4 for a map showing the location of all properties receiving a lead safe certification during the first three quarters.



**Figure 3: Lead Safe Certification Applications and Disposition, Zones 1-5, March 2022**  
 Note: Zip Codes 44142 (Z3) and 44130 (Z4) not shown due to an absence of rentals.

## Properties Issued a Lead Safe Certification through 03/31/2022



**FIGURE 4: Map of Properties for which a Lead Safe Certification was issued, January 2021 - March 2022**

**Application processing.** Building & Housing has maintained timely handling of the lead safe applications received thus far. The average time between submission and a determination letter being issued has increased to 4.7 days while the median time remains at 1 day. Fully 27% of applications for which a determination was made (i.e., excluding pending group) had a determination letter generated the same day as the application was submitted and 87% have a determination within one week of submission. An additional 11% of applications had a determination issued in less than 30 days. Less than 2% had a period of 30 days or longer between submission and determination.

**Property Owners.** The 2,726 lead safe certification applications involved a pool of 1,868 unique property owners, based on the name of the individual or entity owning the property. Nearly one-half (43%) of these owners have applied for certification of a single property and one-quarter (29%) have applied for two properties. A 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 March 31, 2022, applications involved lead inspections done by 70 certified lead assessors, showing activity by a good number of qualified individuals. Nearly one-half of these inspectors completed inspections for 1-19 applications and the median number of applications per inspector was 11. Thus far, 10 inspectors have conducted inspections submitted with 75 or more lead safe applications, nine of which have completed over 100 inspections linked to a lead safe certification. Five inspectors account for 40% of all lead inspections connected to submitted lead safe applications.

### Tracking Metrics

The overall data from the first quarter of 2022 show substantial growth in both the applications for and approval of properties' Lead Safe Certification. This process is the primary function under the purview of City of Cleveland Building & Housing in regard to the Lead Safe ordinance, and thus a primary focus for the Auditor. See Table 3. Despite this growth, the compliance rate among property owners is minimal thus far and could jeopardize the achievement of full compliance among rental properties by March 2023.

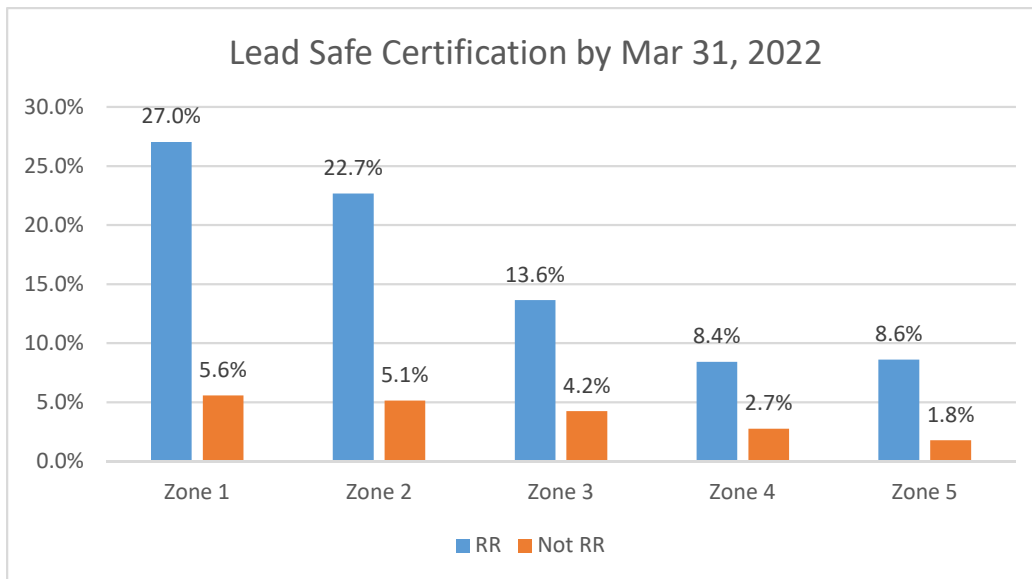
**Table 3 – Quarter 3 Cumulative Ordinance Metrics as of March 2022**

<b>Lead Safe Certification</b>	<b>Property Count</b>	<b>Units Involved</b>
Lead Safe Certifications submitted	2,726	13,378
Lead Safe Certifications approved	2,384	11,131
Lead Safe Certifications pending	174	873
Lead Safe Certifications denied	79	546
Citations for noncompliance	TBD	TBD

Note: 71 applications were coded as exempt.

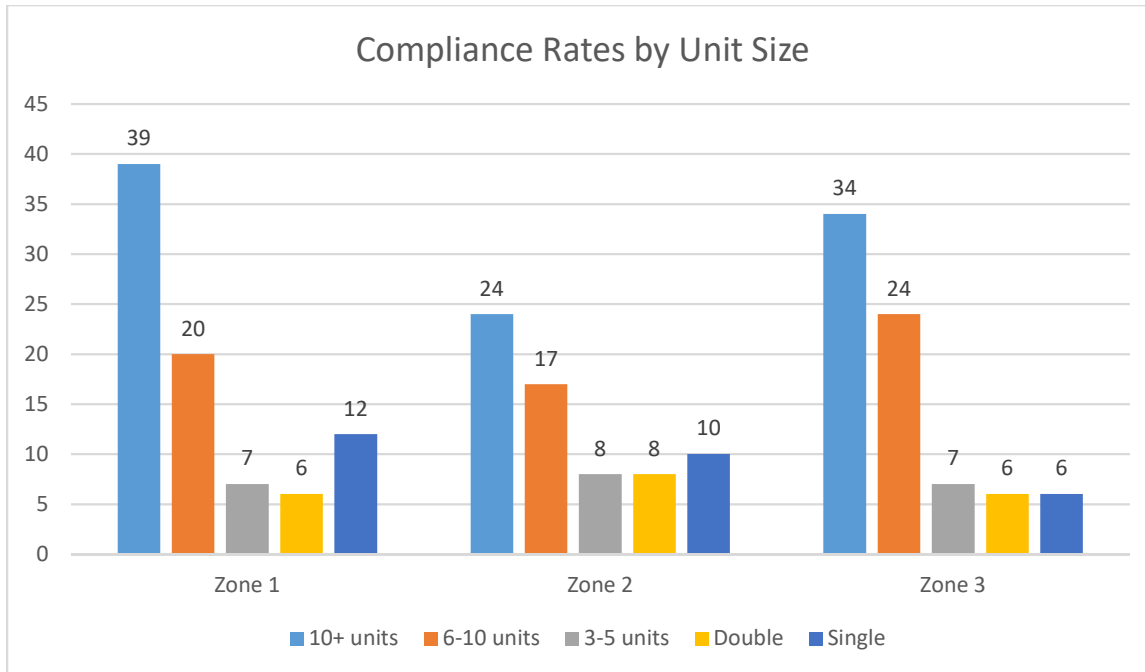
Compared to the numbers of properties subject to the Lead Safe ordinance thus far in Zones 1-5, the numbers involved in a lead safe certification application reflect very low compliance to date. Based on the numbers of known rentals (on the City's Rental Registry in a previous two-year period), applications account for approximately 20% of these

properties in Zones 1-5. Based on the estimated total number of probable rentals subject to the ordinance in these zones, applications account for only 6% of estimated rental properties. An examination of compliance by zone demonstrates higher compliance as more time elapses. See Figure 5. For Zone 1, where a full year has elapsed since the deadline (March 30, 2021), 27% of properties previously on the rental registry have complied, compared to 5% of properties not previously on the rental registry. More recent Zones have less time elapsed and show lower levels of compliance.



**FIGURE 5: Lead Safe Ordinance Compliance by Zone by prior Rental Registry Status through March 2022**

This pattern demonstrates greater compliance among properties that were previously on the City’s rental registry and minimal compliance among properties which had not previously complied with the rental registration requirement. Similarly, compliance varies by the number of units in the property. See Figure 6. Properties with ten or more units show the highest rates of compliance (approximately one-third) followed by properties with 6-10 units. Doubles show the lowest compliance rates, followed by properties with 3-5 units, both approximately 7%. Single unit properties show slightly higher compliance rates (6-12%)



**FIGURE 6: Lead Safe Ordinance Compliance by Property Units, Zones 1-3, March 2022**

Motivating more property owners to compliance is essential for the ordinance to have its intended effect. With the roll-out over the first five zones, approximately 62% of the City’s rental properties have become subject to the ordinance requirement. As implementation continues, Building & Housing is well-advised to execute a dual approach of engaging and supporting landlords, along with holding accountable those who fail to achieve compliance.

## **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 the fulfilling the responsibilities above, the Auditor will monitor the progress and status of City of Cleveland's Lead Safe Certification program and other lead poisoning prevention efforts conducted by the City of Cleveland, and analyze and report on a quarterly basis 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.

## **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:

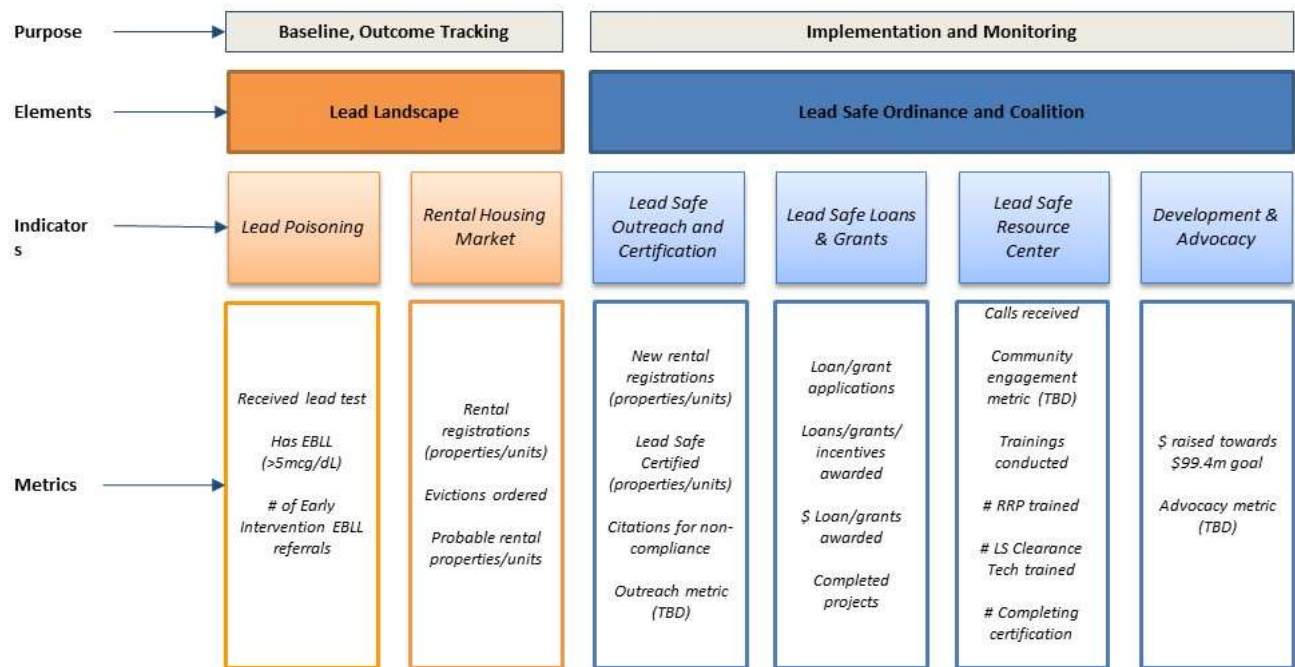
- Lead Safe Loans and Grants – The Loans and Grants, managed by the nonprofit CHN Housing Partners, provides a variety of grant and loan products to property owners as well as project management to assist with the remediation of lead risk hazards.
- Lead Safe Resource Center – The Resource Center, managed 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 trainings 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, it is likely that the number of children testing positive for lead will 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 overtime 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 time 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 on a quarterly basis focused on 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.



