

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

**2/10/2022**

***Present:***

Cleveland outgoing Building Director Toni Allen

Cleveland incoming Building Director Sally Martin

Lead Safe Auditor Rob Fischer

Wyonette Cheairs

Scott Kroehle

Diana Shulsky

***Not Present:***

Councilman Kerry McCormack

Sonia Matis

**Welcome**

The meeting recording began. Scott Kroehle welcomed board members and attendees to the meeting and reviewed the upcoming dates for advisory board meetings in 2022. Scott Kroehle asked if we should consider having our first in person meeting in May, and will look into the logistics with Councilman McCormack.

**Approval of Minutes**

Scott Kroehle motioned to approve the amended minutes that were distributed to board members. Rob Fischer approved.

**Building & Housing Update**

Dir. Sally Martin introduced herself to the board and thanked Dir. Allen. Dir. Martin said his has been joining many meetings and looking forward to being instrumental in helping Cleveland children and

families have healthier and lead safe housing. Scott Kroehle encouraged Dir. Martin to bring us new statistics on the progress the city is making as soon as they information is learned.

### **Audit Report Summary**

Rob Fischer provided a draft of the fourth quarter audit report in advance of the meeting and began with the highlights relative to the fourth zone roll-out zone (October - December 2021 compliance timeframe) – which includes all of zip code 44113, 44110, 44130 and 44107 (the latter two having significantly fewer rentals than the first two zip codes). Also compliance numbers from previous zip codes from Zone 1, 2 and 3 continue to roll up as well.

The total rental universe for Zone 4 has 5,523 rental properties (1,678 known through rental registry, along with 3,845 likely rental properties.) Total numbers across 4 zones thus far is 26,736 (8,212 known rentals and 18,524 likely rentals).

### **Application approvals**

There is an average of 360 applications per month for October through December, doubling the number of applications being approved. Of the 781 applications that were processed in the quarter, 86% received approval. 4% received a denial and 3% were exempt. There was 7% pending in the case of one property. Of the 97% that were either approved, denied or in pending status, this accounts for 20% of the known rental properties in zones 1-4 and 6% of all estimated rentals in those zones.

These numbers do not reflect rental properties that have begun the inspection process and perhaps failed the lead assessment inspection, since an application requires a passed inspection. Also it was noted that owners of large properties may be disproportionately represented in the approved application category. Better response is coming from registered rentals. For full compliance there would be an expectation to receive 680 applications per month from the registered rental pool. It would be expected that as many as 2,000 applications per month would be submitted if all known rentals were in the process of applying for certification.

Rob Fischer showed density mapping of approved applications per zone, and also indicated that mapping can also reflect where individual lead assessors worked.

For all applications received since the inception of the program, there have been 1,851 applications submitted. Of those 1,589 were approved, 130 are pending, and 73 were denied.

### **Application approval response time**

Once an application has been by the Dept. of Building & Housing, there is an average of three days to send a determination letter. 86% of the applications are processed within one week. Scott Kroehle asked about tracking the type of property that contributes towards these numbers. He stated that he might

expect 70% compliance for 10+ unit properties, and expect lower compliance for 1-2 unit properties. Rob Fischer stated that there are other ways of evaluating the properties besides number of units. One way is to look at ownership type. Another way is to categorize by the inspector for the property. Most applications have been received by owners that have 1 to 2 total properties.

### **Lead assessors**

There are 70 different inspectors available for hire. One half of these inspectors have completed 1-9 properties. There are twelve inspectors that have completed 70% of the properties, with 50-150 inspections each. Reaching the inspectors to learn more about the failures that we are not tracking thus far might help us better understand where they are in the process, for ex. If they are currently doing interim controls before bring an inspector back for further evaluation.

### **Conclusion to Audit Report**

The conclusion of the auditor is that although there is substantial growth each quarter in the number of applications, the compliance is still low at 20% of registered rentals. The group of non-compliant properties continues to grow and the status regarding enforcement is unclear.

### **Open Implementation Discussion**

Scott Kroehle asked what can we do as a board? Rob Fischer suggested we need to roll out info coming in from the vetted inspectors in the field. Scott Kroehle suggested that the information received from assessors that perform their work within the framework of a CDC or other institution may be easier to collect and utilize. Wyonette Cheairs informed the board that Environmental Health Watch just completed a survey of the inspectors on the vetted list. Dir. Allen observed that 1-2 unit properties' applications represented the higher ratio in the beginning, but this has recently changed to 3+ multi-family dwellings being the prominent housing type seeking certification.

Erin Randel, a resident in the 44128 joined the conversation to inform about vitality initiatives promoted by Neighborhood Leadership. She said there are pre-emptive discussions and participation at events such as one recently held in the Harvard area that may help explain better compliance numbers.

Rob Fischer mentioned that the public comment portal found on the poverty center site that was launched in October has begun to work. The comments posted include nine that were added by Environmental Health Watch from their conversations over the phone. Of those, five involved expressing frustration over the resource center communication (capacity has since been added), two were from residents stating they had received possible scam calls from individuals posing as lead assessors, one from an individual looking for lead certified safe housing, and one from someone interested in sharing their overall experience with the lead certification process. Scott Kroehle is calling this individual.

Dir. Martin mentioned that the Housing Health app had run out of money in the past and it may be good to reinvigorate and augment the app since it seemed to be very useful to residents. Environmental Health Watch also has used the resources of Global Health Metrics in the past, and new data may be helpful from that source as well, although we do not want to confuse people with too many places to go for information. Cleveland Housing Network has given rental assistance in the past, and it may make sense to recommend registration of those rentals and compliance with the lead ordinance for ongoing assistance.

### **New reference level for lead**

Scott Kroehle addressed the matter of the new lead clearance standards and what is deemed unacceptable contamination, after the press release from the EPA in the fall. The allowable micrograms of lead in dust per s.f. has been reduced from 250 mg down to 100 mg for windows, and from 40 mg down to 10 mg for floors. The new level initiated at the federal level was adopted by the state of Ohio immediately, and the coalition needs to be concerned with the practical implementations of this new standard. It is expected that the clearance exams will have a higher rate of failure. Wyonette Cheairs said that the projected effects could create a big void in data. Building & Housing, by automatically adopting this standard for clearance inspections, may want to study what condition a rental unit must be in to pass. Diana Shulsky mentioned how the lower threshold is a big concern for achieving the necessary compliance rates, at an exponential disadvantage. She suggested that the new standard is not practical if typical rental housing, even if properly cleaned and prepped for inspection, cannot maintain the new safe level from normal resident use of the unit over a few days or if it contains wood window components. Scott Kroehle suggested we could calibrate our testing levels so the standards imply what should be considered safe and achievable. Rob Fischer brought up that rental properties that had already been given lead safe certification under the former standard may have an issue when in two years the same units must be retested under a tighter standard. Dir. Martin stated that the Dept. of Building & Housing should take a real stab at that, and conduct that evaluation with lead assessors in the conversation. Erin Randel suggested that as far as wood windows not being able to pass the new standard, to consider the coalition looking at the Green window pilot program, and Scott Kroehle said that would be worth further discussion.

### **Annual Impact Analysis**

Scott Kroehle asked Rob Fischer if this will be done as part of the auditor role. Rob Fischer stated that the expectation of the Poverty Center was that the analysis will be done within one year of the final implementation of the ordinance, and by whomever has the funds to provide the analysis. Scott Kroehle asked if we will learn if tenants had been unduly displaced as a result of the ordinance and does not see significant correlation yet. Rob Fischer said the unintended consequences, such as evictions increasing, or rental housing turning into other types of housing would be studied. Wyonette Cheairs said the impact analysis is for the city to review the impacts of the legislation but does not specifically say which

department of the city will do the review. It could be the law department. Diana Shulsky stated that the result of non-compliance could lead to landlords unable to evict tenants and have an unexpected inverse result on evictions that might conceal the real concern. Dir. Allen suggested that many landlords have already sold off their rental housing, and Rob Fischer stated that we can look at that by contrasting the 2020 report of known and suspected rentals to an updated study that was already being planned for the middle of this year 2022 for the entire rental “universe”.

Scott Kroehle stated since we had gotten through our agenda a little early to have more time for comments from participants in the meeting. A participant “Mary” asked how is the city encouraging new landlords to be compliant rather than turn them off? Will there be a hotline, a better vetted list of inspectors? She stated that there is a sell-off of properties happening to out of state investors. Scott Kroehle stated that we are seeing all the practical challenges that were anticipated. Everyone has to participate in what is “a pretty heavy lift”, and contribute to a sense of building our city. We should be compelled to be a part of the solution for a problem that has needed to be addressed for over a century. Dir. Martin said that certificate of disclosures for any housing sale in Cleveland will start to indicate what is rental housing and she is hopeful that the additional information through the certification process will be helpful information for investors. Emily Lundgard commented on Mary’s concern regarding costs to the landlords, that there is assistance available to those involved in the lead certification process.

**Conclusion of Minutes, 2/10/22**