

Report to Lead Safe Advisory Board City of Cleveland

August 2022

Submitted by the Lead Safe Auditor
Center on Urban Poverty & Community Development
Jack, Joseph and Morton Mandel School of Applied Social Sciences
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Period Covered: April 1 – June 30, 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 April-June 2022 marks the requirement for the sixth roll-out zone (Zone 6 - Zip Codes 44104, 44108, 44114, 44134, 44117, 44131).

This quarter showed continuing growth in cumulative metrics of property owners pursuing lead safe compliance and an increase over the previous quarter. 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

- Quarterly volume of new lead safe applications and certifications increased – By the end of the sixth quarter (June 30, 2022), applications for lead safe certification had grown to 3,928 and approvals stood at 3,423. The quarter showed application volume (1,085), 10% higher than the previous quarter (983). Zone 1 now exceeds 1,000 applications submitted and Zone 2 is nearing that mark (938).
- Compliance in line with peer cities but insufficient to reach goals
Through June 30, 2022, compliance with the Cleveland Lead Safe ordinance (9%) 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 1,000 applications per quarter over the last three 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 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 3,928 lead safe certification applications, 3,423 had been approved by the end of the period (88%). Only 101 applications (3%) resulted in a denial of lead safe certification based on the submission. For 87 applications (2%) the property was found to be exempt from the ordinance. An additional 298 applications (8%) 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%, reflecting the expectation that landlords only apply when they have a passing lead inspection.
- Determinations made in timely fashion but time increasing – 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 10 days while the median time is 2 days. Fully 65% of applications for which a determination was made (i.e., excluding pending group) had a determination letter generated within one week of submission. An additional 28% of applications had a determination issued in less than 30 days. Approximately 8% had a period of 30 days or longer between submission and determination.
- Applications reflect many properties owners with few properties – The 3,928 lead safe certification applications involved a pool of 2,693 unique property owners, based on the name of the individual or entity owning the property. This quarter saw applications from 825 property owners who had not applied for lead safe certification. 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 (13%) have applied for lead safe certification for 3-4 or more properties, and 14% have applied for 5 or more properties.

- Many lead inspections conducted by relatively small pool of licensed contractors – Through June 30, 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 22. Thus far, 12 inspectors have conducted inspections submitted with 100 or more lead safe applications, three of which have completed over 300 inspections linked to a lead safe certification. Five inspectors account for 45% of all lead inspections connected to submitted lead safe applications. No new lead inspectors were seen connected to applications this quarter.

Introduction

This is the sixth 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 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 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).

Implementation of Ordinance

This quarter involved the implementation of a June 30th compliance deadline for rental properties in the sixth roll-out zone, as well as continued outreach to property owners in Zones 1-5. See Figure 1 for map of zones and included Zip Codes.

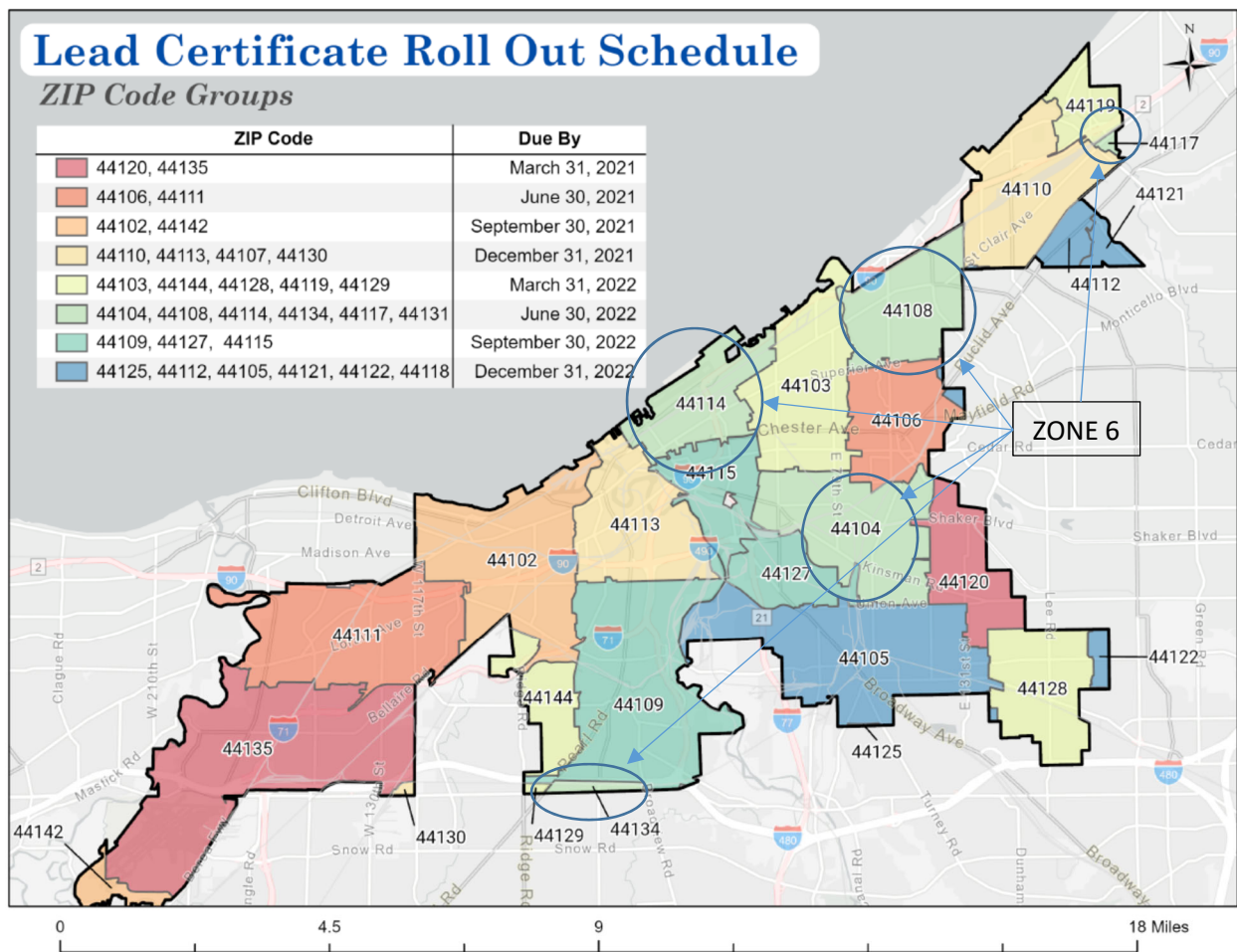


Figure 1: Ordinance Roll-out Zone 6

Through the sixth roll-out period, 21 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 39,000 likely rental properties was identified in these Zip Codes (See Table 1). Of these, approximately 11,300 were on the rental registry in 2019 and are referred to as registered rentals. An additional 28,000 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 June 2022

| Roll-out 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 |
| | Z5 Total | 6,007 | 1,709 | 4,298 |
| 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 |
| TOTAL | Zones 1-6 | 39,229 | 11,342 | 27,887 |

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) 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 City of Cleveland Building & Housing.

Lead Safe Certification Process

The quarter saw substantial 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 quarter, applications for lead safe certification had grown to 3,928 and approvals stood at 3,423. This quarter saw 1,085 applications of which 859 saw approval. After a substantial dip in applications in the first quarter of 2022, application volume increased by 10%, on par with the volume in the last quarter of 2021. See Figure 2.

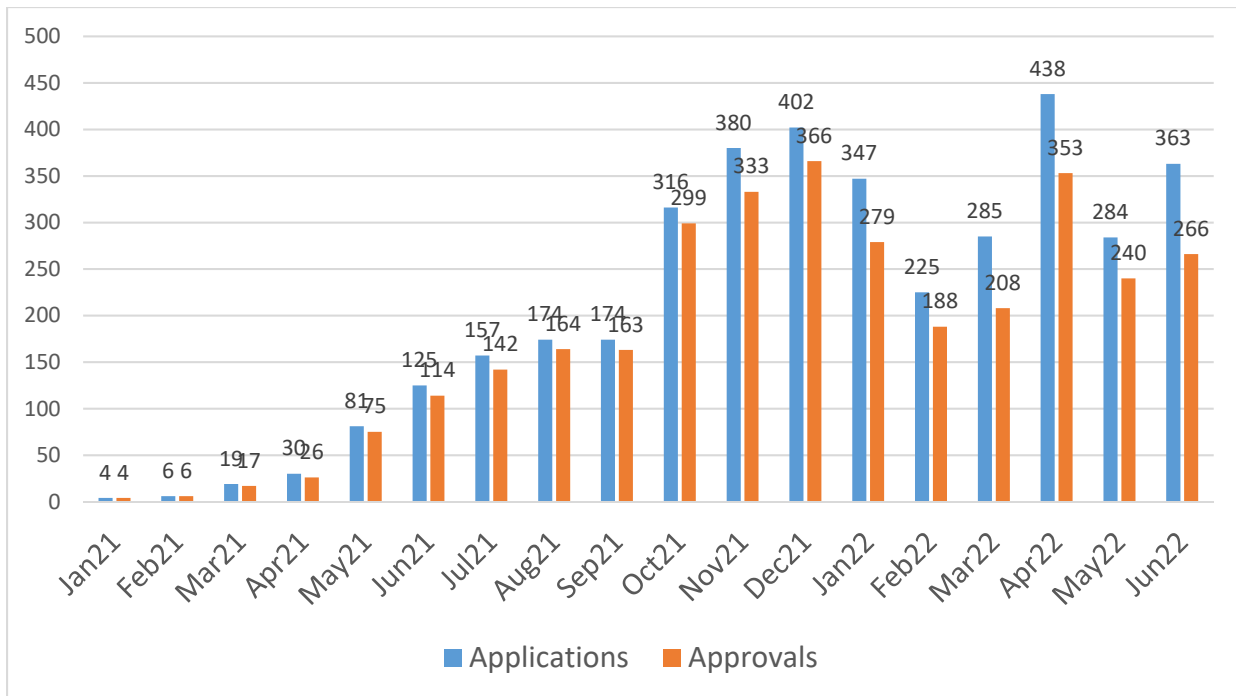


Figure 2: Lead Safe Certification Applications and Approvals by Month, 2021-22

Through June 30, 2022, a total of 3,928 Lead Safe certification applications had been submitted to Cleveland Building & Housing, involving over 17,393 units of rental housing. Approximately 6% of applications came from owners of properties in zones (7-8) which were not yet subject to the ordinance requirement. See Table 2.

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

| Zone | Apps | Units | Approved | Denial | Exempt | Pending |
|-------|-------|--------|----------|--------|--------|---------|
| 1 | 1,108 | 3,283 | 989 | 26 | 25 | 66 |
| 2 | 938 | 3,321 | 821 | 16 | 21 | 77 |
| 3 | 702 | 3,066 | 589 | 28 | 10 | 72 |
| 4 | 435 | 3,014 | 357 | 16 | 14 | 43 |
| 5 | 420 | 1,282 | 398 | 1 | 8 | 11 |
| 6 | 91 | 2,458 | 64 | 8 | 6 | 11 |
| 7-8 | 234 | 969 | 205 | 6 | 3 | 18 |
| Total | 3,928 | 17,393 | 3,423 | 101 | 87 | 298 |

Among the 3,928 lead safe certification applications, 3,423 had been approved by the end of the period (88%). Only 101 applications (3%) resulted in a denial of lead safe certification based on the submission. For 87 applications (2%) the property was found to be exempt from the ordinance. An additional 298 applications (8%) 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%. When applications are broken out by a properties prior rental registry status, it is clear that compliance rates are substantially higher for properties previously on the rental registry (See Figure 3). See Figure 4 for a map showing the location of all properties receiving a lead safe certification during through June 30, 2022.

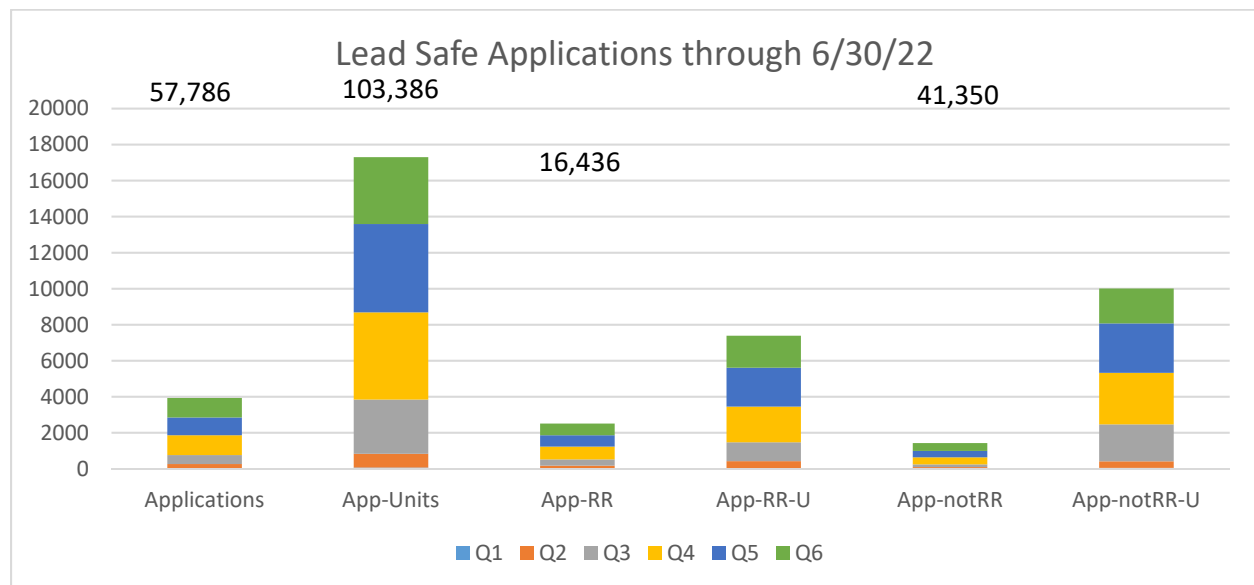


Figure 3: Lead Safe Certification Applications by Rental Registry Status and Zones, June 2022

Properties Issued a Lead Safe Certification through 06/30/2022

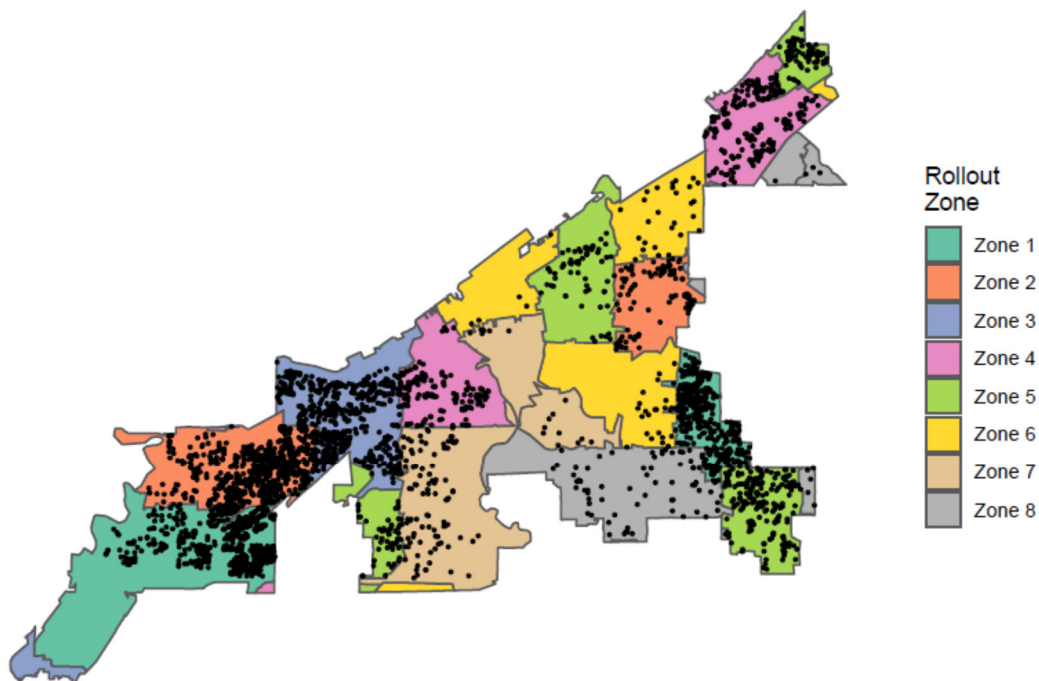


FIGURE 4: Map of Properties for which a Lead Safe Certification was issued, January 2021 - June 2022

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 10 days while the median time is 2 days. Fully 65% of applications for which a determination was made (i.e., excluding pending group) had a determination letter generated within one week of submission. An additional 28% of applications had a determination issued in less than 30 days. Approximately 8% 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 2,693 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

(13%) 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 70 certified lead assessors, showing involvement by a good number of certified individuals. Nearly one-third of these inspectors completed inspections for less than 20 applications and the median number of applications per inspector was 22. Thus far, 12 inspectors have conducted inspections submitted with 100 or more lead safe applications, three of which have completed over 300 inspections linked to a lead safe certification. Five inspectors account for 45% of all lead inspections connected to submitted lead safe applications.

Tracking Metrics

The overall data from the second 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 nominal thus far and could jeopardize the achievement of full compliance among rental properties on a shorter time horizon.

Table 3 – Quarter 3 Cumulative Ordinance Metrics as of June 2022

| Lead Safe Certification | Property Count | Units Involved |
|------------------------------------|-----------------------|-----------------------|
| Lead Safe Certifications submitted | 3,928 | 17,393 |
| Lead Safe Certifications approved | 3,423 | 14,638 |
| Lead Safe Certifications pending | 298 | 1,493 |
| Lead Safe Certifications denied | 101 | 496 |
| Citations for noncompliance | TBD | TBD |

Note: 87 applications (743 units) were coded as exempt.

Compared to the numbers of properties subject to the Lead Safe ordinance thus far in Zones 1-6, the numbers involved in a lead safe certification application reflect 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 1-6. 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 more than 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.

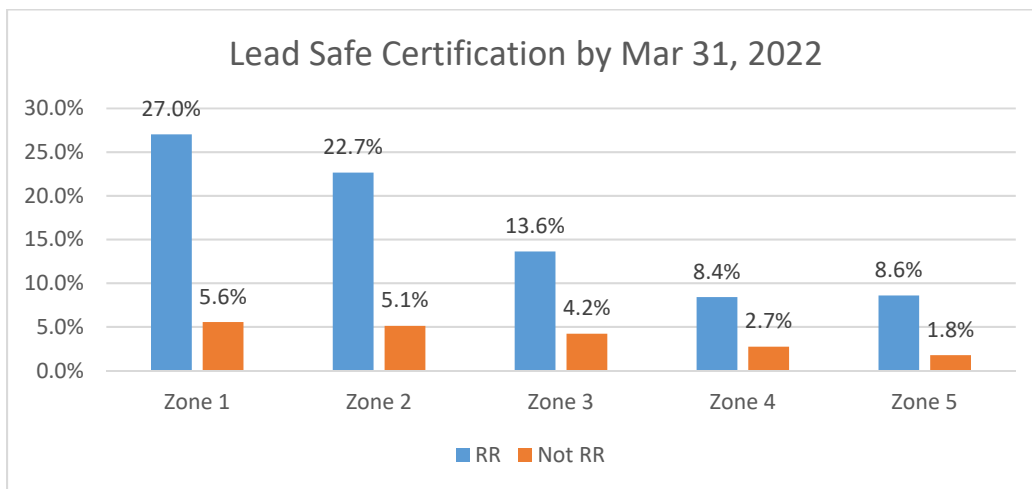


FIGURE 5: Lead Safe Ordinance Compliance by Zone by prior Rental Registry Status through June 2022

[Figure being updated]

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, 2022 in the first three roll-out zones, 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%)

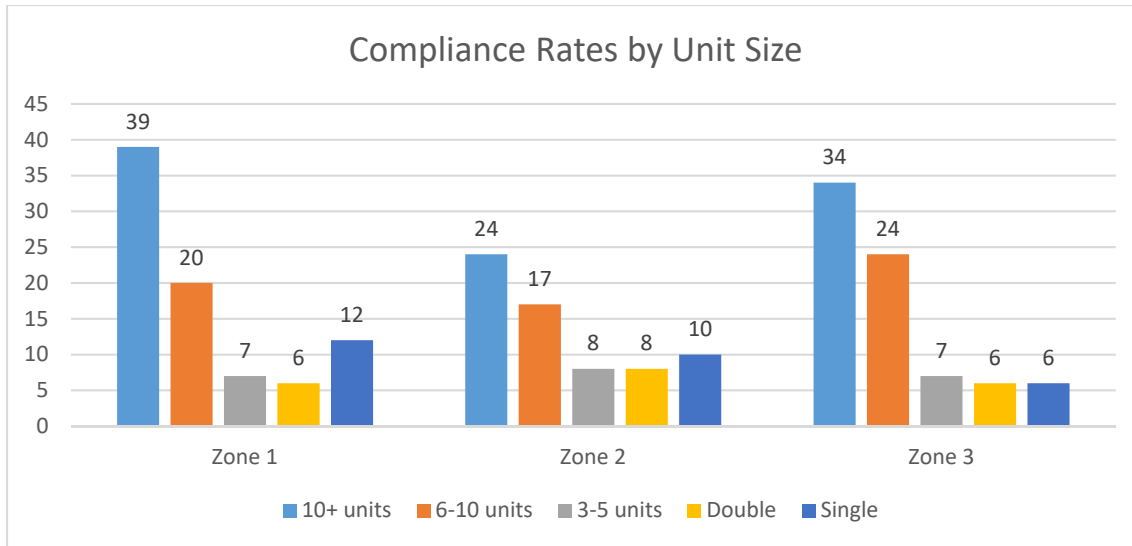


FIGURE 6: Lead Safe Ordinance Compliance by Property Units, Zones 1-3, June 2022
[Figure being updated]

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.

Overall Status of Compliance

Through June 30, 2022, compliance with the Cleveland Lead Safe ordinance (9%) 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 9% compliance in Cleveland is in line with 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 but 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 1,000 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.

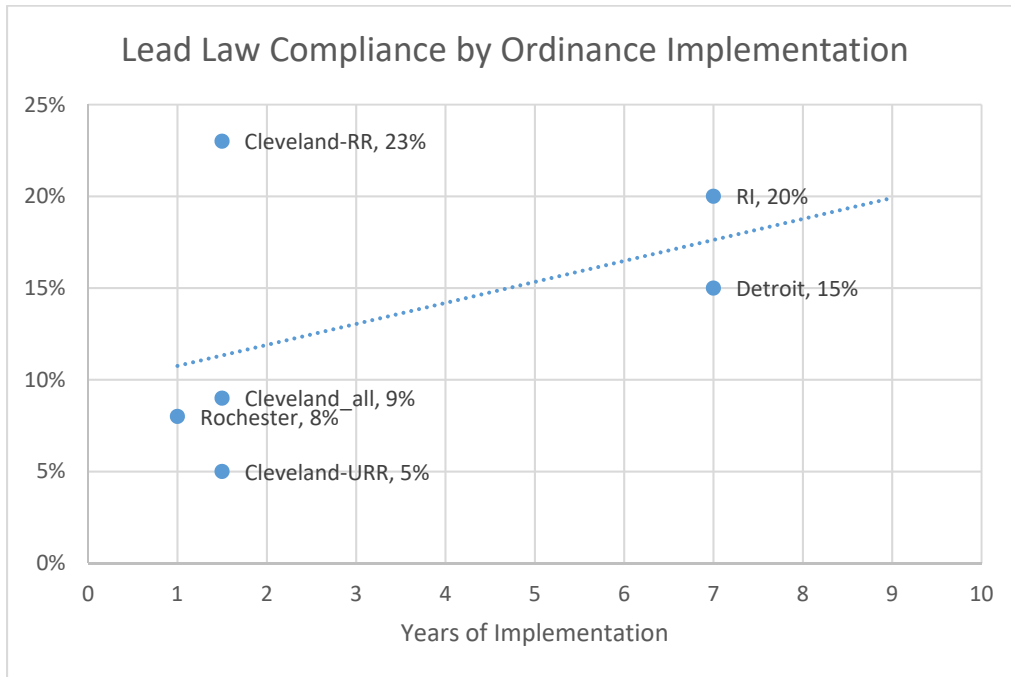


FIGURE 7: Lead Safe Ordinance Compliance by Years of Implementation

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 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:

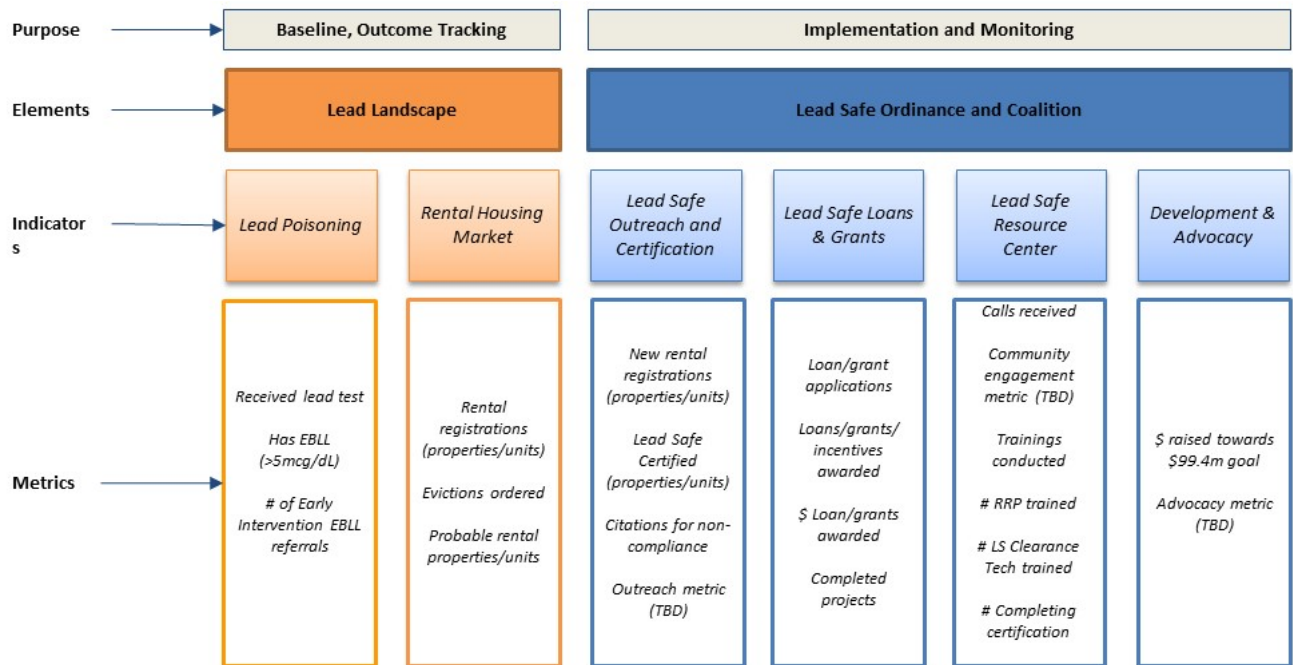
- Lead Safe Loans and Grants – The Loans and Grants, managed by the nonprofit CHN Housing Partners, provides a variety of grant and loan products to property owners as well as project management to assist with the remediation of lead risk hazards.
- Lead Safe Resource Center – The Resource Center, managed 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.

Attachment 3

Lead Safe Certification Roll-Out Zones by Zip Codes

