

**City of Cleveland Lead Safe Advisory Board
Minutes 8/11/2022**

Board Members Present:

Cleveland Building Director Sally Martin

Senior Lead Strategist Karen Dettmer

Councilwoman Rebecca Maurer

Lead Safe Auditor Rob Fischer

Wyonette Cheairs, LSCC

Scott Kroehle

Diana Shulsky

Guests:

Emily Lundgard, LSCC

Spencer Wells

Marian Bryant – virtual

Jena Freyermuth – virtual

Najee Jahean – virtual

Ayonna Donald, LSCC – virtual

Zak Burkons – virtual

Etoi Shaquila Young – virtual

Board Members Not Present:

Sonia Matis

Welcome and Approval of Minutes

Scott Kroehle welcomed board members and attendees who were in person and virtual to the meeting. Scott asked for a motion to approve the minutes from last quarterly meeting on 5-26-22. Diana Shulsky motioned for a vote. Councilwoman Maurer abstained and none opposed.

Meeting Notices

Scott Kroehle asked Rob Fischer if more time is needed between end of quarter to prepare the audit report before the next meeting, and Rob answered that the timing is fine, that six weeks after the end of the period is best.

Scott suggested that it could be valuable to have more meetings besides the quarterly review to cover other topics, possibly monthly. Councilwoman Maurer suggested adding in one for thematic discussions which would not disrupt the quarterly schedule either. Both Director Martin and Scott stated it would allow us to deep dive on topics. The quarterly meetings can continue into 2023 on the second Thursday of those months, and therefore the next three quarterly meetings will be Nov. 11, 2022, February 9, 2023 and May 11, 2023.

Introduction of Councilwoman Maurer

Councilwoman Maurer introduced herself as having a ward that covers four Cleveland neighborhoods. Her work has intertwined with lead safe housing initiatives from very early on. Having begun her career with Legal Aid has given her early experience in how we now handle lead preventative testing and with the workings of the 2019 lead ordinance that we are implementing currently. She went on to say that fixing Cleveland means fixing the lead problem and this will be true for decades to come, it will be a generational challenge.

Building and Housing Update and Discussion

Director Martin announced that the recent conclusion of the case of Christopher Daniel vs Shaker House resulted in a decoupling of the eviction process from the lead safe mandates for landlords. The tenant can now be evicted due to non-payment of rent even if a landlord has not received lead clearance, however in order to be rented again, the unit must have the lead clearance certificate.

The work in the department is focusing on aligning marketing pieces such as post cards and tip sheets to be uniform in look so messaging appears more seamless to landlords from the department. The first zone violation hearings and prosecutions, which are being handled by the law department, have begun and this has involved more staff training for Building and Housing including issuing revocation letters.

Director Martin said the biggest priority is in addressing parcels with lead hazard control orders – some of these units are still rented – with some landlord cases over four years old. In reviewing the rental registration process, it is being adjusted to identify and align for these instances.

Scott Kroehle stated that making landlords aware of the enhanced incentives, ie: carrots for landlords, can also include the removal of friction to get through the process for landlords. The city and coalition could potentially see higher compliance if, for example, the benefit to seek reimbursement for clearance exams is not only available by providing income verification, and therefore only available to

lower income landlords. Director Martin said Scott's input is valuable coming from a landlord, and evaluating training and workforce development will also go a long way. Scott stated that even in training more private RRP contractors may not solve the issue since they would be free to take work anywhere in the county due to labor shortages. Karen Dettmer stated that Director Hernandez, through the processes of Community Development, could attract more RRP contractors to work on the rentals. Scott said that would be a good topic for one of our first non-quarterly meetings. Councilwoman Maurer offered to work with the board to schedule the first non-quarterly meeting before November.

Director Martin stated that by this fall, Building and Housing will be going door to door and scoring each rental in the city for lead risk. Scott asked if the department will be counting the number of wood windows on the property. Director Martin said that windows would not be counted but that windows would be part of the lead risk score by identifying if the structure has wood windows and if the porch and siding areas are in disrepair. All those factors would affect the score to see possible opportunities to apply our funding in these cases. Rob Fischer offered that the coalition has a way through existing property identification tools to know the approximate number of windows a given property has. Scott asked if there can be a sampling for an area and Rob answered it would more likely come in the form of a census. Diana Shulsky asked if likely unregistered rentals will be picked up this way and Director Martin answered yes, the database will definitely grow through this process of door to door scoring, and it is likely to identify 50,000 or more properties that need to be registered.

Rob Fischer asked about the first zone prosecutions for violations and is it primarily focused on landlords of larger multi-unit housing. Director Martin said that ticket processing and court appearances have begun and that larger multi-unit buildings are the focus and being handled by Toni Allen in Building and Housing.

Audit Report for April – June 2022

Rob Fischer summarized that we have now completed six zones of the city's rollout and are now one and a half years into the two year process. With an average of 5000-7000 properties per zone, Zone Six includes zip codes 44104, 44108, 44114, 44134, 44117 and 44131. There is growth in the cumulative metrics for property owners and increases over last quarter.

So far, approximately 39,000 properties are captured in the six zones, with approximately 11,000 on the registry and approximately 28,000 unregistered. The applications by month are still approved at a very high percentage with 88% approved, 3% denied, 2% exempt and 7% pending. Excluding the exempt and pending the actual percentage is 97% approved. There are 10% higher applications than last quarter.

Zones Seven and Eight also contributed to the numbers of applications due to early adopters who are already working towards certification. The breakdown for certifications submitted broken down by property and unit is 3,928 properties which encompasses 17,393 units, with 3,423 properties encompassing 14,638 units approved.

With Zone One as the benchmark since tracking compliance has had the longest time to show results, 32% or roughly one third of properties on the rental registry are compliant. In addition, 8% of unregistered rentals in Zone One are compliant.

Larger housing units are still the largest group by property size for compliance. It should be noted that 75% of Cleveland's rental housing is single and double houses, and have the lowest participation.

The increase in applications has resulted in a ten day average time for letters of acceptance being issued by Building and Housing. Most are issued within one week.

Approximately 2,700 unique property owners are in the compliance process. Eight hundred new owner names are now being tracked with 8% who have applied for ten or more properties.

There is no significant change in the list of seventy active inspectors, all have more volume and five of the inspectors have done nearly half of all the applications that the city has received.

Comparison to Peer Cities and Summary

Rob Fischer further explained that the coalition did not set formal benchmarks for compliance to the inspection process as the cities of Detroit, MI and Rochester, NY had. Detroit has recently redone their ordinance after seven years of implementation with a three year renewal program. Rochester has been implementing their ordinance for fifteen years and is now 85% compliant. Rhode Island is also used as a comparison area.

To summarize the findings, with roughly 57,000 properties in the registry and 100,000 in the total universe of rental housing, and not factoring renewals that will start to add to the numbers, we need to more than double the number of certifications. To catch up, there needs to be 7,200 approvals per quarter.

Overall, compliance growth is in line with peer cities but implies a longer horizon for lead safety than originally projected. Rochester moved quickly which has allowed for higher compliance since they had early lead poisoning data. Scott Kroehle said that we cannot forget that the Ohio Dept. of Health specifications for the clearance exams changed and must be having an effect on lab testing results.

Councilwoman Maurer asked when the ODH Elevated Blood Level measure would change and Rob Fischer said it will adjust once per year. Scott Kroehle suggested we reset the curve based on the new levels. Rob said that it would be very advantageous to pen an agreement with the testing lab used, to get data directly from the lab rather than rely on the lead assessors to relay the number of passed lab results vs. failed. This would be an important data source. Scott said in standardizing the inspector template that would be used, we can check on quality control issues to avoid fraud in the inspection process. It may be easier to get the data on pass and fail numbers directly from ODH since we cannot get the failed reports from technicians and both Karen Dettmer and Director Martin agreed it would not be possible to get the data from the lab. Karen added it may be possible to get the data from ODH in bulk fashion and will check if they can share for the ones submitted, how many are failing. Wyonette

Cheairs stated that the coalition’s Screening and Testing Commission was also trying to get this data from ODH.

Comments on the Portal

There were four comments posted on the public portal last month. Three were typical complaints regarding communication between landlords, the Resource Center and lead assessors. One was of a different nature and stated that the inspector reported being in danger at a property he was inspecting, due to a hostile tenant who was described as being in fear of being evicted if lead risk was found. Karen Dettmer responded to all the comments.

Both Scott and Wyonette said that case management and reporting the outcomes of the learned information from the portal was not the purpose of having the portal. The portal is to serve as a stop gap for comments in lieu of having an Ombudsman in place.

CDC-based Lead Clearance Technician Initiative

Scott Kroehle introduced an initiative he developed with his partner Anna Perlmutter which proposes clearance technicians (elsewhere referred to as Lead Assessors) to be employed by the local Community Development Corporations (CDCs), alongside inspectors that are already working in the private marketplace. Due to cost to landlords of cleaning and testing, etc., the effect on lower gross rent rentals is harsher, due to the cost of compliance compared to gross annual receipts of income. We now understand this can lead to situations where landlords must raise rent for the lower income tenants and contributing to a worsening housing affordability dynamic.

Scott explained that we have a rich data set that lead clearance techs have already. The coalition could be collecting more information if the CDCs have access to the clearance exams. Gathering information from the private market has been hard. We can work towards reducing conflict of interest with more guarantees around integrity of the process. The clearance technicians can also communicate in a consistent way with the landlord at the property. Scott further explained that the coalition has already collaborated with the CDCs and mentioned Metro West’s implementation through conversations with Kris Harsh, Kevin DeLeon (clearance tech) and Carol Smith.

Workforce Development Phase 2.0

Wyonette Cheairs stated that a new administrator is being sought for Workforce Development and discussions about new initiatives to bring on clearance technicians will be part of that effort. Wyonette mentioned that the Puritas area and Slavic Village area are trusted community partners and have already expressed interest in possibly housing clearance techs to avoid price gouging of landlords. Karen Dettmer commented it would be good to see a current snapshot of who the CDCs have now. Councilwoman Maurer mentioned that the CDCs will need new employees as the money is allocated, as

the current staff of the CDCs is completely consumed now. She also mentioned that the Healthy Home Initiative (HHI) which is already funded through and operating at the CDC level can bring in the caring side of the tenant experience. The potential new CDC employee doing clearance exams can refer to the HHI person whose message is “we are not Building and Housing but we can help.” Some CDCs drive around looking for outreach opportunities and some operate more passively. The city’s Community Development gives the CDCs resources and is also seeking a new manager.

Scott Kroehle mentioned funding the proposed employees would occur externally but housing would be at the CDC locations. Karen Dettmer offered to communicate with CDCs on best practices. Rob Fischer asked about timing of the Enterprise Community Partners request for quote for the Phase 2.0 Workforce Development and Wyonette stated it will be out soon with roll-out of the program planned for January, 2023.

Additional Board Member

Scott Kroehle mentioned a board position to replace Dr. Boles has not been filled. Wyonette Cheairs said that our role is to evaluate the certification process and establish what the timeline looks like for replacement.

Councilwoman Maurer suggested we include a meeting checklist for every meeting with a standardized sign-in sheet. Scott asked if Karen Dettmer, being the dedicated staff person, can take on those routines. Councilwoman Maurer continued that the city is asking for our scope and roles and having by-laws for the advisory board is the way to go. The city has various acting boards and either formalized by-laws or informal guidelines are good. Scott mentioned that we can establish our guidelines internally as our role states. Councilwoman Maurer offered to confirm if the model for boards throughout the city might work well. Diana Shulsky mentioned this will help with timing as there are board positions that are on the two- and three-year cycle and so the topic of replacement or renewal of board members, which the Mayor approves, is imminent. Wyonette Cheairs added that all the other city procedures we need to observe should be considered, we should consider as a group about having a rotating chair and standard agenda items. Councilwoman Maurer said she will take that action item.

Scott Kroehle said filling the vacancy on the board could adjust the demographic to bring in someone with housing experience and that is open for discussion. Wyonette Cheairs agreed that we have the child health concern covered in other areas so a doctor may not be necessary, but that someone from the city’s Community Development and also Public Health departments should attend our meetings. Scott agreed we have public health covered through other facets of the coalition, so someone with construction or contractor experience could be valuable. We can give the recommendation to the Mayor’s office. Wyonette closed by saying that we are also missing a community voice and Scott asked if she would look into suggesting resignation of the board member that has not attended, or at least determine if scheduling issues could resolve that. A resignation will give a second vacancy.

Conclusion of Minutes 8/11/22