

Report to Lead Safe Advisory Board City of Cleveland

November 2022

Submitted by the Lead Safe Auditor
Center on Urban Poverty & Community Development
Jack, Joseph and Morton Mandel School of Applied Social Sciences
Case Western Reserve University

Period Covered: July 1 – September 30, 2022

Rob Fischer, Ph.D.

Michael Henderson, Ph.D.

Joe Andre, MS

Francisca Richter, Ph.D.

Claudia Coulton, Ph.D.

Contact Information: Rob Fischer, fischer@case.edu, 216/368-2711

<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 before 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 July-September 2022 marks the requirement for the seventh roll-out zone (Zone 7 – Zip Codes 44109, 44115, 44127).

This quarter showed continuing growth in cumulative metrics of property owners pursuing lead safe compliance with a slowing of applications and compliance. Operational details show that applications have taken substantially longer to process over the past two quarters though approval rates are high among completed applications.

Key Findings

- Volume of new lead safe applications and certifications increased – By the end of the seventh quarter (September 30, 2022), applications for lead safe certification had grown to 4,930 and approvals stood at 4,279. The quarter showed an application volume (1,026), 4.6% lower than the previous quarter (1,076). Zone 1 (at 1,207) and Zone 2 (at 1,062) exceed 1,000 applications submitted with Zone 3 approaching that benchmark with 804 applications.
- Compliance in line with peer cities but well below needed levels
Through September 30, 2022, compliance with the Cleveland Lead Safe ordinance (9% of covered properties) 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 that had not previously complied with the rental registration requirement. Similarly,

compliance varies by the number of units in the property. Properties with more than ten units show the highest rates of compliance (31%) followed by properties with 6-10 units (15%). Doubles show the lowest compliance rates (5%). Single-unit properties and 3-5 unit properties sit slightly higher than doubles at 7% and 6% respectively. This differential response suggests that enhanced outreach strategies are needed for properties with few units.

- Certification application approval rates remain high – Among the 4,930 lead safe certification applications, 4,279 had been approved by the end of the period (88%). A total of 348 applications (7%) resulted in a denial of lead safe certification based on the submission. Quarterly denials have been consistent throughout 2022 but peaked in the most recent quarter. For 126 applications (3%) the property was found to be exempt from the ordinance; for the third quarter this was within the existing variance. There were 177 applications (4%) still in process. Among applications for which a determination was made (i.e., excluding those pending and exempt), the approval rate overall is 93%, reflecting the expectation that landlords only apply when they have a passing lead inspection.
- Determination times have increased – There has been an increase in the time to determination in handling of lead safe applications in 2022 leading up to quarter 3. The average time between submission and determination has increased substantially to 29.2 days. In the second quarter of 2022 that average was 20.9 days, and in the first quarter the average was 12.3 days, with an average across all periods of 16 days. The median review time in the most recent quarter is 29 days, versus a median of 17 in the previous quarter, and 3 days in the quarter before that. Processing times continue to rise and are substantially higher compared to the prior year. While the first year of activity was typified by applications processed in a week or less, the past two quarters have seen a substantial increase in delays of greater than two weeks. In quarter two delays of fifteen days or greater accounted for over half (58%). In quarter two that figure jumped to over 80%, with 35% taking 30 or more days compared to 16% in the previous quarter.

- Applications reflect many property owners with few properties –The 4,930 lead safe certification applications involved a pool of 3,384 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.
- Many lead inspections conducted by a relatively small pool of licensed contractors – Through September 30, 2022, applications involved lead inspections done by 119 certified lead assessors, showing continued growth in the pool of qualified inspectors. Roughly two-thirds (66%) of these inspectors completed inspections for 1-19 properties and the median number of applications per inspector was 10. Thus far, 12 inspectors have conducted inspections submitted with 100 or more lead safe applications, two of which have completed over 300 inspections linked to a lead safe certification. Ten inspectors account for over half (53%) of all lead inspections connected to submitted lead safe applications.

Introduction

This is the seventh 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 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 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 September 30th compliance deadline for rental properties in the seventh roll-out zone, as well as continued outreach to property owners in Zones 1-6. See Figure 1 for map of zones and included Zip Codes.

Through the seventh roll-out period, 24 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 47,000 likely rental properties was identified in these Zip Codes (See Table 1). Of these, approximately 14,000 were on the rental registry in 2019 and are referred to as registered rentals. An additional 33,000 properties had characteristics that suggested they were being operated as rentals, even though they were not on the City’s rental registry (“likely rentals”).

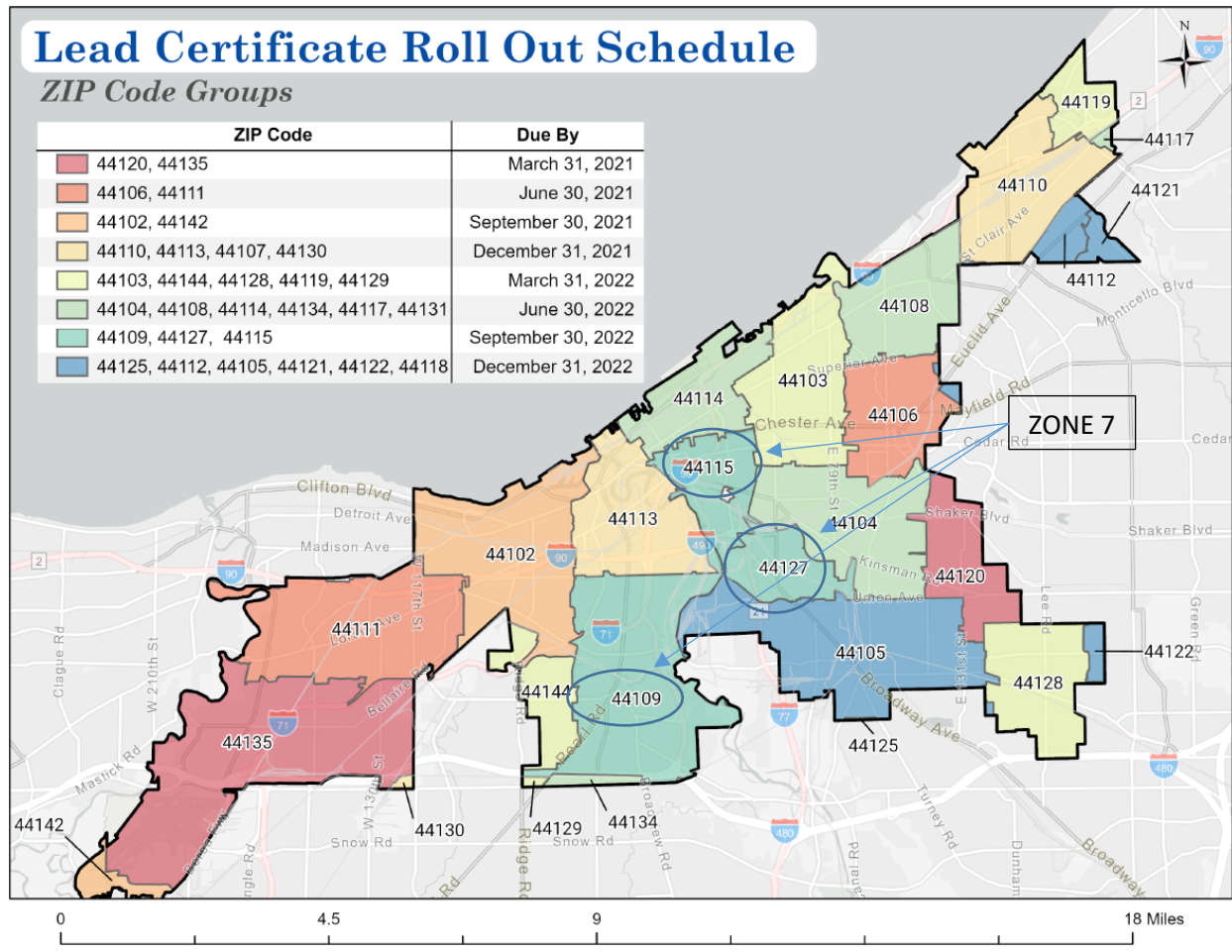


Figure 1: Ordinance Roll-out Zone 7

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 through September 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
	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 1-7	47,349	14,141	33,208

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) Z6 (44131)

*Zone 8 totals excluded

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 substantial activity by landlords regarding compliance with the lead safe ordinance. This follows extensive 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 4,930 and approvals stood at 4,279. This quarter saw 1,026 applications of which 748 received approval. After a substantial dip in applications in the first quarter of 2022, application volume has continued to fluctuate, despite an increasing pool of potential applicants as the rollout continued. Approvals have shown fluctuation as well, but their pattern is not consistent with changes in applications from month to month. See Figure 2.

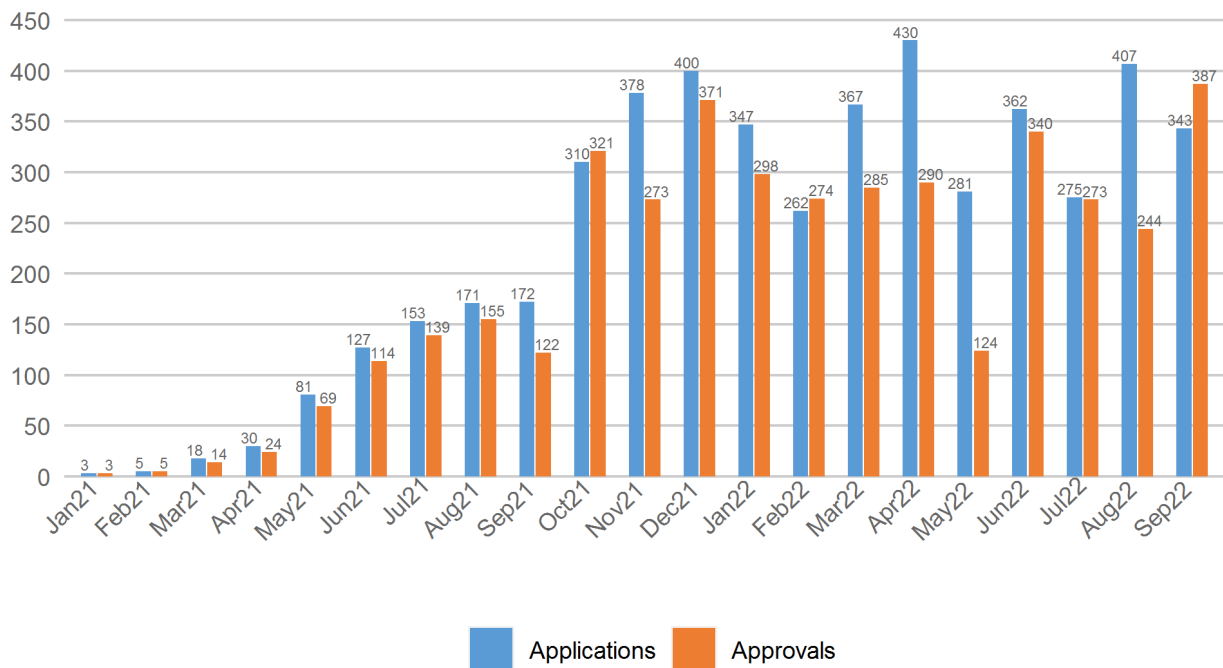


Figure 2: Lead Safe Certification Applications and Approvals by Month, 2021-22

Through September 30, 2022, a total of 4,930 Lead Safe certification applications had been submitted to Cleveland Building & Housing, involving 21,735 units of rental housing.

Approximately 6% of applications came from owners of properties in zone 7, which was the most recent region to be subject to the ordinance requirement. See Table 2.

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

Zone	Apps	Units	Approved	Denial	Exempt	Pending	To be Reviewed
1	1,207	3,745	1,088	63	37	6	12
2	1,062	3,741	945	73	28	4	12
3	804	3,328	698	74	11	3	18
4	570	4,229	498	45	14	3	10
5	596	1,749	540	23	16	4	13
6	183	2,765	125	27	14	3	14
7	310	1,881	242	14	5	10	39
8	198	297	143	28	1	3	23
Total	4,930	21,735	4,279	348	126	36	141

Among the 4,930 lead safe certification applications, 4,279 had been approved by the end of the period (87%). Only 348 applications (7%) resulted in a denial of lead safe certification based on the submission. For 126 applications (3%) the property was found to be exempt from the ordinance. An additional 177 applications (4%) were still in process (“waiting”), pending initial review or the submission of additional materials.

Among the 348 denied applications, the denial notes reflect the following reasons: additional testing/examination needed (e.g. pending exterior; needs more units tested) (26%), failed clearance/hazard identified (24%), incomplete/missing/unusable report or application (18%), report is too old/outdated (8%), missing retest of previously identified hazard (4%), Lead Hazard Control Order in place (3%), active structure inventory violation (2%), conflict of interest (1%), identified hazard never rectified (1%); blank or unclear reason (12%).

Among applications for which a determination was made (i.e., excluding those pending and exempt), the approval rate overall is 93%. When applications are broken out by 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 September 30, 2022.

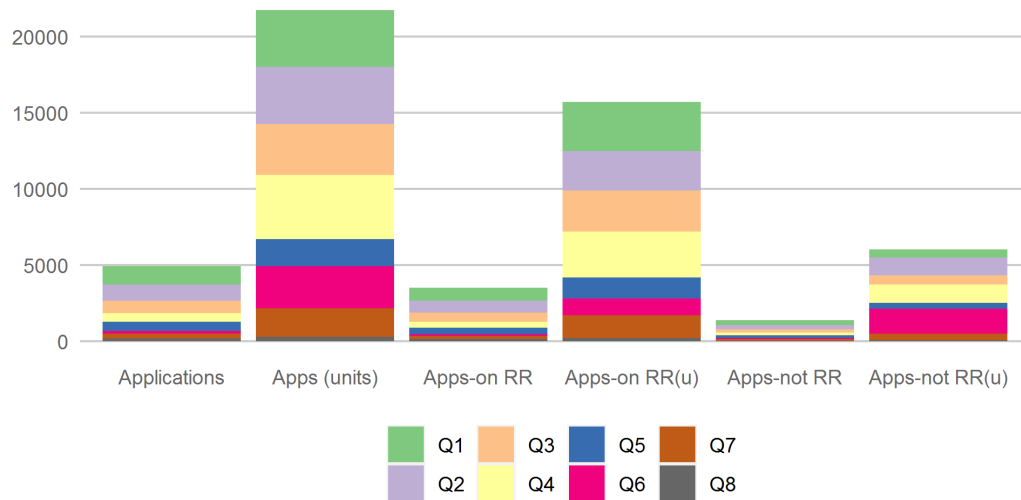


Figure 3: Lead Safe Certification Applications by Rental Registry Status and Zones, September 2022

Properties Issued a Lead Safe Certification through 09/30/2022

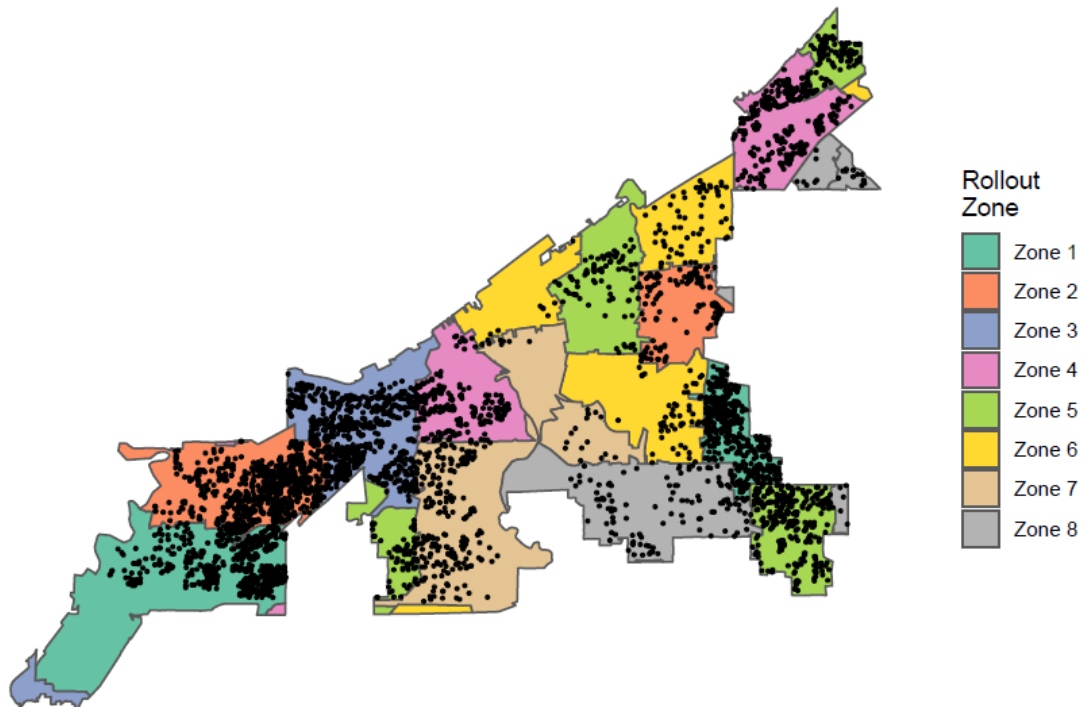


FIGURE 4: Map of Properties for which a Lead Safe Certification was issued, January 2021 - September 2022

Application processing. Processing times for Lead Safe certification applications has continued to climb during 2022. The average time between submission and a determination letter being issued has increased from 12.3 days in the first quarter to 29.2 days in the third quarter; while the median time has grown from 3 to 29 days in the same period. Less than 4% of applications for which a determination was made had a determination letter generated within one week of submission in the third quarter compared to 32% in the second quarter. Less than 6% had a determination within two weeks of submission in the third quarter while 42% achieved determination in the same length of time during the second quarter. Determinations within a 15-to-30-day window are comparable between the second and third quarters, 41% and 45% respectively; but in no prior quarter did that exceed 6%. For determinations that took greater than 30 days, the figure stands at 35%. That is nearly double the prior quarter (16%), itself nearly doubling the running average to that point.

Property Owners. The 4,930 lead safe certification applications involved a pool of 3,384 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 119, mostly very active, certified lead assessors. Roughly two-thirds (66%) of these inspectors completed inspections for less than 20 properties and the median number of applications per inspector was 10. Thus far, 12 inspectors have conducted inspections submitted with 100 or more lead safe applications, two of which have completed over 300 inspections linked to a lead safe certification. Ten inspectors account for over half (53%) of all lead inspections connected to submitted lead safe applications.

Tracking Metrics

The overall data from the third quarter of 2022 show a slowing or leveling of growth in applications and a substantial 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 seven 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 – Quarter 3 Cumulative Ordinance Metrics as of June 2022

Lead Safe Certification	Property Count	Units Involved
Lead Safe Certifications submitted	4,930	21,735
Lead Safe Certifications approved	4,279	18,035
Lead Safe Certifications pending	177	366
Lead Safe Certifications denied	348	2,512
Citations for noncompliance	TBD	TBD

Note: 126 applications (822 units) were coded as exempt.

Compared to the number of properties subject to the Lead Safe ordinance thus far in zones 1-7, the numbers involved in a lead safe certification application reflect low compliance to date. Based on the estimated total number of probable rentals subject to the ordinance in these zones, applications account for only 10% of estimated rental properties. An examination of compliance by zone demonstrates higher compliance as more time elapses. See Figure 5.

For Zone 1, with over one and a half years elapsed since their deadline in March 20, 2021, there have been 1,207 applications where we have estimated 7,284 possible properties. That would represent 17% compliance, leaving just over 6,000 properties as yet untouched. Given that the majority of applications come from properties on the rental registry, the bulk of those remaining non-compliant properties are likely a very difficult-to-reach population of owners or responsible parties.

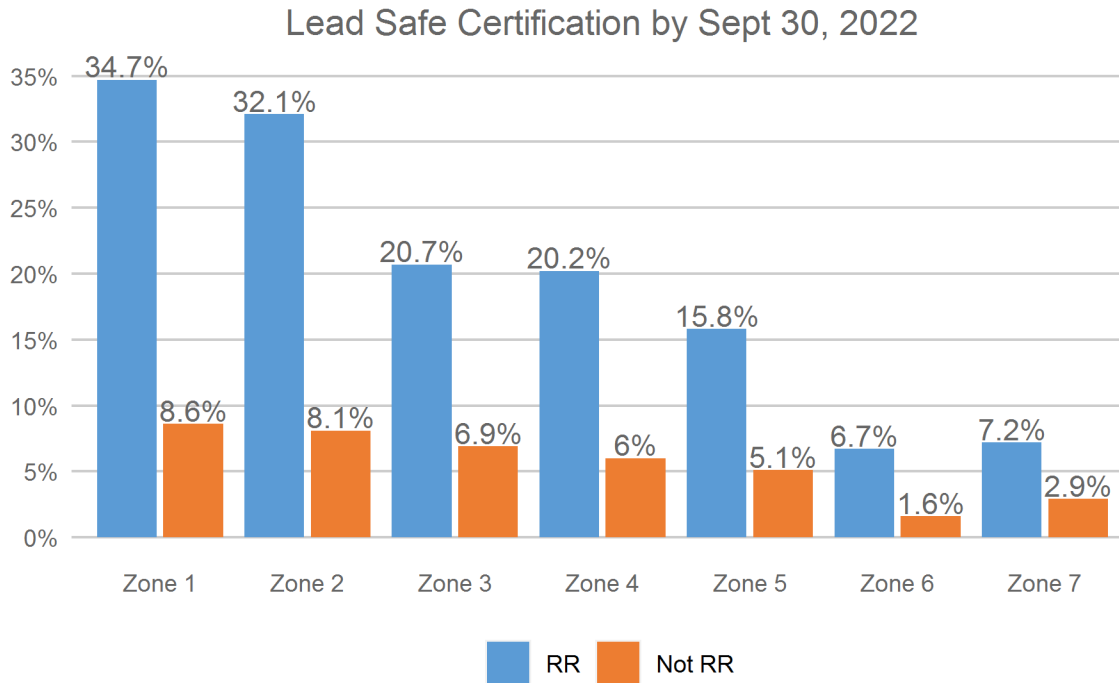


FIGURE 5: Lead Safe Ordinance Compliance by Zone by prior Rental Registry Status through September 2022

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 September 30, 2022, in the first three roll-out zones, properties with ten or more units show the highest rates of compliance (32% to 43%) followed by properties with 6-10 units (22% to 32%).

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 (31%) followed by properties with 6-10 units (15%). Doubles show the lowest compliance rates (5%). Single-unit properties and 3-5 unit properties sit slightly higher than doubles at 7% and 6% respectively.

Compliance Rates by Unit Size

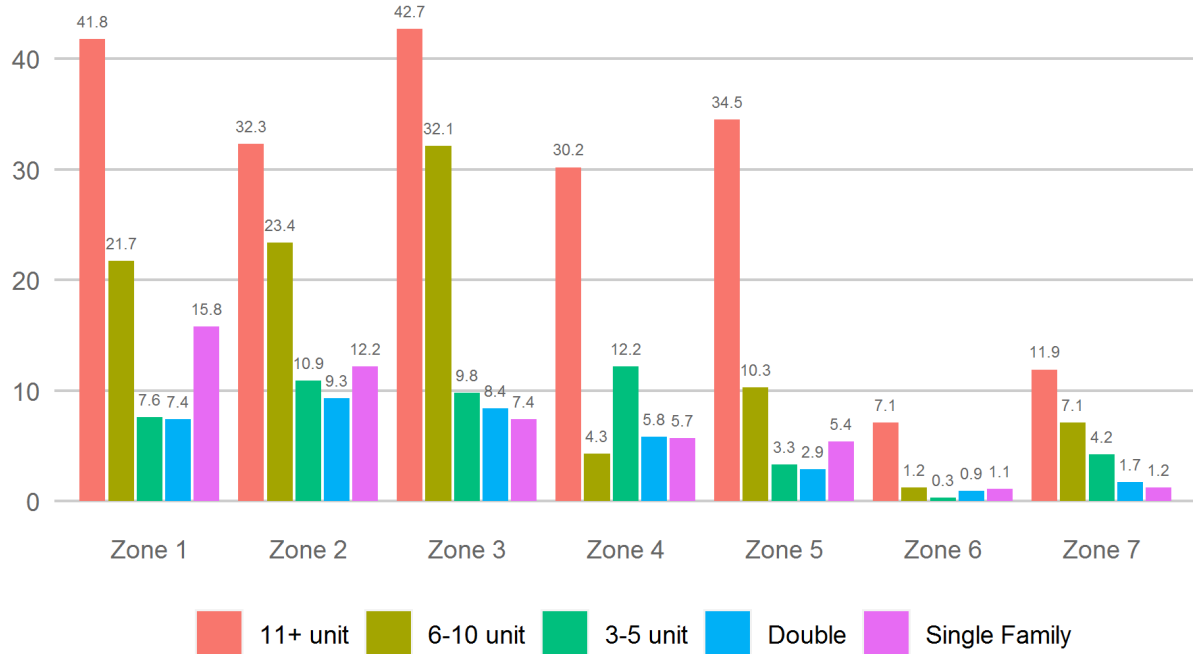


FIGURE 6: Lead Safe Ordinance Compliance by Property Units, Zones 1-3, September 2022

Motivating more property owners to comply is essential for the ordinance to have its intended effect. As implementation continues in Zone 7 and expands into Zone 8, 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 September 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 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 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.

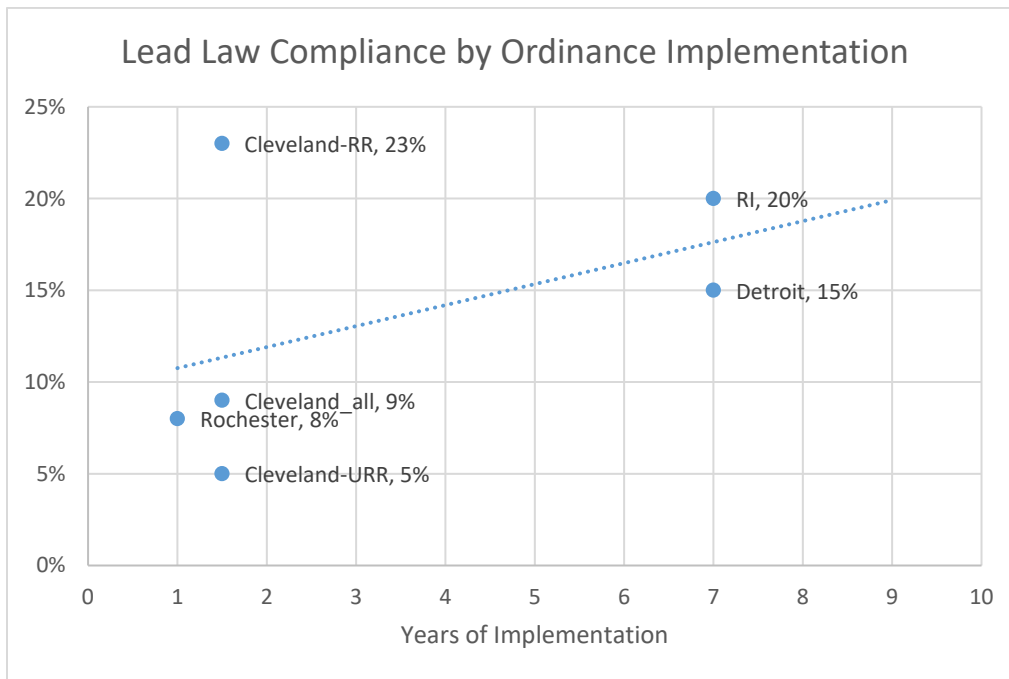


FIGURE 7: Lead Safe Ordinance Compliance by Years of Implementation

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 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.

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:

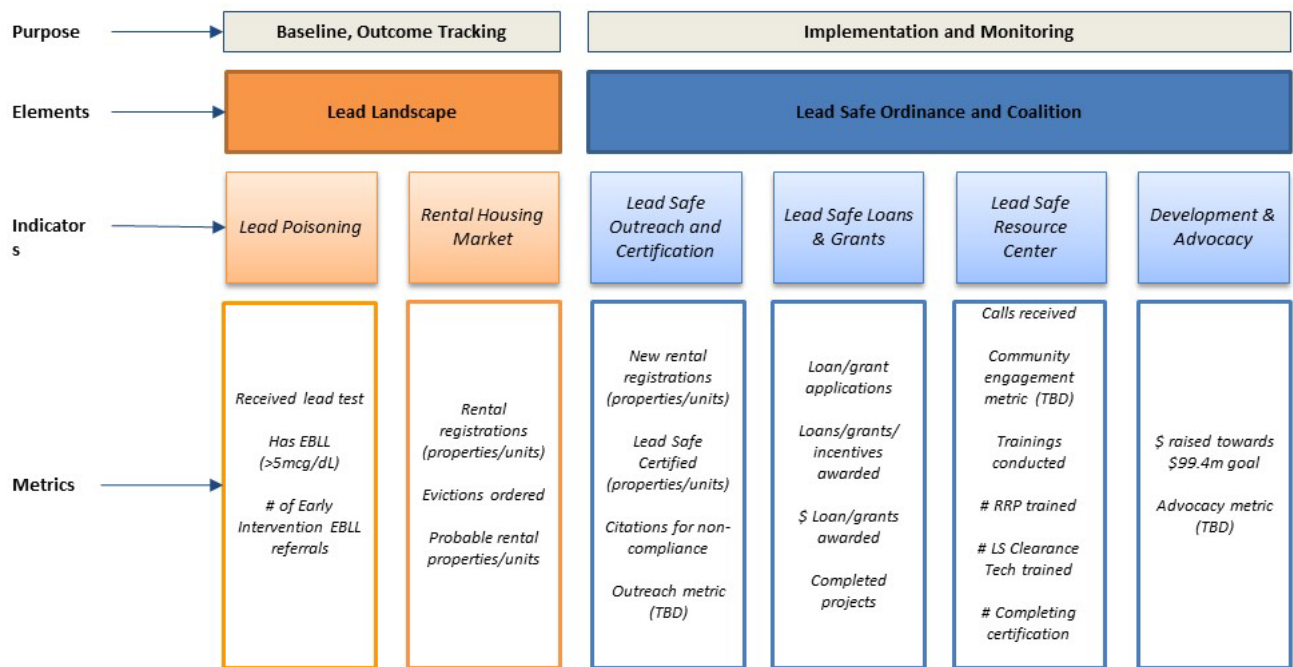
- Lead Safe Loans and Grants – The Loans and Grants, managed by the nonprofit CHN Housing Partners, provide a variety of grant and loan products to property owners as well as project management to assist with the remediation of lead risk hazards.
- Lead Safe Resource Center – The Resource Center, managed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

