

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

11/10/2022

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

Carol Smith

Diana Shulsky – virtual

Guests:

Joe Libretti

Spencer Wells

Chantal Dothey

Mike Henderson – virtual

AP – virtual

Vinh Trinh – virtual

Seanna – virtual

Joe Andre – virtual

Zak Burkons – virtual

Gloria B – 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 if the next meeting on Feb. 9, 2023 at 1:00 p.m. was still good for everyone and it was agreed. Scott asked for a motion to approve the minutes from the last quarterly meeting on 8-11-22. Councilwoman Maurer motioned to approve. Karen Dettmer seconded the motion.

Board Vacancies

Rob Fischer stated that there are currently no vacancies on the board. As a potential board member, Carol Smith will go through the mayor's office for being appointed to the board. Scott Kroehle mentioned that in speaking to Sonia Matis about inability to attend meetings due to work hours, there was no indication of resignation.

Introduction of Board Member appointee

Carol Smith introduced herself as an experienced Lead Assessor working with Metro West and having history in lead remediation work since 1992. Board members thanked Carol for her willingness to be a part of the board.

Audit Report review of Zone 7

Rob Fischer presented the audit report for the seventh zone in the eight zone roll-out period. Zone 7 ended Sep. 30, 2022. Zone 7 is comprised of 6,942 rental properties in zip codes 44109, 44115 and 44127. Currently Zone 8 is in process. In reviewing Zones 1 through 7 for the rental universe, there are an estimated 47,000 subject rental properties. Of these, 14,000 are registered rentals and 33,000 are presumed unregistered rentals.

Application Count by Month and Zone

Rob Fischer stated that approximately 1,000 applications were sent to the city per quarter on average, and that this past quarter is down slightly from the previous quarter but consistent with the overall pace for applications. Among the applications submitted, excluding pending and exempt status, 97% were approved and certificates of compliance sent.

As more time has gone by, Rob explained that more applications continue to come in for earlier zones. So far 22,000 rental units have been counted in the applications. It is interesting to note that there has been a jump in the number of denied applications. That has increased from 100 on average per quarter to 350 this past quarter. Five of the denied applications accounted for half of the rental properties of those denied. Mike Henderson commented that he is with the Poverty Center and may be able to shed light on what the content of the inspections were that lead to so many more denials this past quarter. Scott Kroehle said we don't have a denial tracking method established although we have discussed as a board in the past. Rob mentioned that some of the reasons for denial were related to a conflict of interest between landlord and assessor, two with ongoing lead hazard control orders, and

one being out of the city of Cleveland. *It should be noted that following the meeting, Rob provided a more complete list of reasons and will include with the final audit report.*

Density Mapping

Rob Fischer explained that since the density mapping is getting very filled in, that the style of mapping will switch to a thematic percent map soon – 18,035 issued lead safe certificates are shown on the map by location. Scott Kroehle asked about how the re-certification of the next two year cycle of applications will be reflected. Rob answered that they are going to be focusing on the first time certifiers. The second time for certification will have to be shown in a separate way and will need to talk to the city about tracking that info. Karen Dettmer asked if the certificates are broken down to 2-year and 20-year type? Rob said the distinction is not tracked yet.

Carol Smith asked about the areas with a higher number of failed inspections and Karen offered that in some areas they are failing just based on the exterior condition. Scott suggested we need the clearance techs to retain the reasons for the failures and start to transfer that knowledge to the auditor. Rob said it is possible that 30% of the inspections could be in progress, already inspected and in the process of repairs for certain units, to get ready for bringing an inspector back, and therefore the application is not made yet. Karen said there is not a policing way to see what has failed to help with the education in the field. Carol said following her inspections she sends a letter to the owner and uses pictures to help landlords learn how to better pass. Wyonette Cheairs said it is important to identify the hazards, and also sending videos could be educational.

Compliance by Rental Status and Property Size

Rob Fischer showed that for Zone 1, 35% of the registered rentals are compliant now, and 9% of the unregistered rentals are compliant. Smaller buildings - singles and double houses - continue to be the least represented within these numbers. The most compliant property size and status is still the large property that is on the rental registry. Scott Kroehle asked if overall 92% are non-compliant, what is the most prevalent property type for that? Rob replied that he can start to track that.

Application Processing Time and Inspector Usage

Rob Fischer stated that the handling time for applications has increased to 29 days on average. However that is not due to higher volume, there is a consistent volume of applications from past quarters. Scott Kroehle said it is a responsibility of the city to provide timeliness of responses to the applicants. Rob also noted that there are 700 new property owners in the last quarter that have applied.

Twelve inspectors are showing in connection with 100 of the applications from the last quarter. Ten of the inspectors have performed over half of the inspections for all the applications submitted.

Comparison to Peer Cities and Summary

Rob Fischer stated that we are in line with other peer cities for the roll-out but well below the compliance numbers needed to meet the city's requirement.

Zone 1 is the most exposed to incentives by this point, and still we are only at 35% compliance for registered rentals and 9% for unregistered rentals. In context, after two years there is only 9% compliance overall. If our seven year goal by 2028 is met, we would need to be certifying 2,500 rental properties per quarter, versus the 1,000 currently. We have a lot of ground to make up if we are not increasing quarter over quarter at this point. The city of Detroit lead safe representatives admitted that they needed to reboot their program, and possibly plan to mimic Cleveland's process as a result.

Comments on the Portal

Newer comments were reviewed and included some complaints of no call-back, confusion about process for example. These comments were shared with the agencies involved to help with real time solutions as issues are identified. An interesting comment was confusion in the information provided about program eligibility after funding opportunities had already been used. It may help to define what expanded funding opportunities are available to landlords over time as needs arise.

Proposed By-Laws for Lead Advisory Board

Scott Kroehle asked the board if everyone had a chance to review the draft of by-laws being proposed for the advisory board as drafted by Councilwoman Maurer. Councilwoman Maurer said that from her experience, by-laws are helpful to set basics when various groups having a moral commitment over issues need a framework for how to move forward. By-laws help to carve out our role on the board. City Hall has a charter that it follows, and therefore as we enact the statute of the city, by-laws provide rules to enact the statute and give the membership structure and responsibilities.

Article I was reviewed by Councilwoman Maurer as the purpose which cannot be understated. Rob Fischer added that getting recognized nationally for this private and public collaboration and staying a public process is very unique, making it explicit to report back to the public. Wyonette Cheairs said that the way the draft is reading is that the advisory board would monitor the Cleveland Coalition and that is not the role of the advisory board. Councilwoman Maurer said it is her understanding from the language that to review the coalition is inherent. Scott Kroehle said the progress and status of lead poisoning prevention efforts and the certification requirement to assist with that are part of the overall solution. Councilwoman Maurer stated she did not see it as exclusive of also reviewing what the coalition is doing. Wyonette added it could be oversight of the coalition in the wording of the advisory board's role to interpret it that way. There are other overlapping committees involved such as the research committee and other parts of the steering committee to bring that evaluation to light. Scott suggested that our role as advisory board should involve analyzing the ecosystem. Rob Fischer added that initially

the advisory board is set up to audit the city's efforts. That was the intention of having the advisory board. Scott said he supports a broader vision since the city is limited by the coalition, so stopping at the city and not evaluating all the public/private relationships is too limited. Rob suggested that we don't want to overstate, so perhaps striking the word "oversight" would help to focus on the city programming that we can report on through the by-laws that we adopt. Wyonette said we just need to follow the law and that is what is intended.

Councilwoman Maurer went on to say that the rest of the proposed by-laws are ministerial in nature. Article II is related to the ability to remove people from the board. Removal would involve a resolution to the appointing authority, in this case the city. The article also proposes to allow up to three terms per board member. It involves having a city staff member and/or the senior lead strategist on the board, or whatever the role may be called in the future.

Rob Fischer said expanding the language to include reference to regular and special meetings is a good idea. The co-chairman structure would enable the council appointee to the board to be a co-chair. The topic of rotating co-chair came up and Wyonette mentioned the original intention of the prescribing rules for the role. Diana Shulsky mentioned that similar to the rotating chairman concept discussed previously, the co-chair being a rotating role may not be the best use of board members' talents since everyone on the board has a different skill set as to what they can bring to the table. Rob added that as auditor he should not be a co-chair due to conflict of interest. Councilwoman Maurer mentioned the secretary role could be a longer term role allowed by the by-laws. Scott Kroehle added that he felt it could be restrictive over time if we require board members to rotate. Councilwoman Maurer added that we can have renewal terms.

Councilwoman Maurer went on to say that the by-laws can also codify the public comment process, such as giving in-person comments to the board limited to one minute per individual, and limiting the overall time for comments to fifteen minutes in order to stay on track with the agenda. Scott mentioned using an upgraded video webinar and testing it prior to the next meeting might be a good idea, and Karen Dettmer said she would look into a more updated system and what that would involve.

Councilwoman Maurer agreed that the calendar can stay the same going forward, with February – May – August – November regular meetings on the second Thursday of the month at 1:00 p.m. unless board members require a change. Calendar notices through council can be done and an attendance quorum can be established. Additionally minutes could be required to be released to the city staff member within thirty days. Wyonette asked what other descriptions of the board positions and co-chairs would the article address? Councilwoman Maurer said the by-laws can state whose role it is to put together agendas etc., and Wyonette said that would be helpful to define.

For actions of the board, Councilwoman Maurer went on to say that with the support of the staff member, resolutions can be sent to any public/private involved party in the form of letters to be sent, and not envisioning an aggressive use of that ability, but allowing us to send letters to the mayor's office and to private and public partners of the coalition. Rob followed up with the question if that would

require the city to allocate more money for an impact analysis budget? Director Martin said she would find out how that would impact the budget.

Councilwoman Maurer discussed the amendments and having 2/3 of the vote to adopt an amendment as part of a meeting agenda. Scott asked about our next steps as far as defining the purpose statement. Councilwoman Maurer said it does not make sense to overextend, and therefore why she references the statute and interpreting it to identify what is inherently covered by our private and public partnership without coming across as a policing entity. Rather the goal would be to be a better reporting entity. Rob asked if the language could simply stay the same and Scott added that because of the cause and effects and previous decisions made, to better serve the landscape we should have these changes. Wyonette added that we don't have blinders at the coalition, the information on the performance of the roll-out is known. Scott countered by asking what is the downside of taking on the role of more oversight and creating the enabling by-laws to do so? Councilwoman Maurer said the by-laws can certainly be structured to encompass more. Karen Dettmer suggested that we should look at definitions of what each committee within the coalition is doing, so it becomes clear where there is coverage for advisory to the city. Scott mentioned the city does not have a statute for the coalition, but the city has made this board part of the city's domain. Rob felt we need more time to define the draft. Scott asked if we should vote. Councilwoman Maurer suggested that we not vote and rather do edits to the draft. Scott agreed we could review those changes and have more discussion on the amended by-laws. Councilwoman Maurer suggested the next draft could have a menu of options to discuss and Wyonette agreed that working on the language would be the best thing.

Scott ended the discussion of the by-laws with the two questions to ask ourselves as we proposed by-laws for the advisory board: What is the intention of the advisory board and what is legally permissible for our boundaries to support that intention? Councilwoman Maurer agreed by saying that our responsibilities are also our limits whether it impacts the city or the city and the private/public partnerships, and she will consult with Rachel Scalish at the city to get more clarity.

Conclusion of Minutes 11/10/22