

**City of Cleveland Lead Safe Advisory Board
Minutes 3/9/2023**

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

Guests:

CWRU - Michael Henderson, Joe Andre

Spencer Wells

Chantal Dothey

AP – virtual

WEWS – virtual

Alex D – virtual

Tina Scott – virtual

Sarah Wean – virtual

Board Members Not Present:

Sonia Matis

Welcome and Approval of Minutes

Scott Kroehle welcomed board members and attendees to the first meeting of 2023. Councilwoman Maurer said the one month delay from having the meeting in February was due to Rob Fischer, Diana

Shulsky and Carol Smith needing reappointment/appointment to the board to have quorum. By the March meeting we are at a functional quorum. Scott moved to approve the minutes from the last meeting in November. Wyonette Cheairs made a suggestion for edits to the November minutes. Councilwoman Maurer suggested the amendments be made after today's meeting and sent out with the minutes from today's meeting for approval at the next meeting. Scott noted that with the by-laws we are voting on later in the meeting, the quarterly meetings will be moved to the second Thursday of months 3, 6, 9, and 12 of the calendar. This allows more time for the auditor to prepare reports from the previous quarter.

Property Survey Progress

Director Martin said the property survey of the city's rental inventory is 80% completed and is expected to be done in April. Some of the city's general building inspectors have already done 10,000 surveys and some fascinating metrics are coming out of the work. For example, roughly 1,700 properties were categorized as "F" parcels which will impact a lead score as well. Rob Fischer asked about lead risk scoring for the surveys and Director Martin said that the location of chipping and peeling paint, condition of landscaping, and if there is a lead placard are all items noted on the survey. Scott Kroehle asked if the survey notes the condition and number of wood windows for a given property? Karen Dettmer answered it is too late to add that specific checkpoint because we would not have a full data set, but the surveys contain photos of any deteriorating conditions such as windows. Scott mentioned he went on a sample survey and thought it would still be good to consider adding the specific checkbox about wood windows to the remaining 20% of the surveys even if it provides limited sample information.

Michael Henderson asked if the city came up with questions for the survey similar to previous county surveys and Director Martin mentioned that yes, this survey aligns with other past studies. The system used is Neighborhood Stabilization Technology (NST). Rob Fischer mentioned it would be good to get access to the data to compare properties that have achieved compliance and their risk score.

Audit Report review of Zone 8

Rob Fischer introduced Michael Henderson and Joe Andre with CWRU and the Poverty Center, who are helping with the data due to so much more being compiled.

The 8th Quarter of the zip code roll-out (zip codes 44105, 44112, 44121) ended Dec. 31, 2022 and now the entire city has been fully covered for collecting information on compliance with the ordinance. Based on going with older assumptions that there are roughly 54,000 rental properties in the city, of which roughly 16,000 are registered, that equates to 103,000 likely units in the rental universe.

Rob Fischer explained the submitted applications break down into approved, denied, exempt and in-process. Scott Kroehle asked Rob if we were keeping pace during the last quarter with applications submitted. Rob stated that from the last quarter data, the applications spiked right before December but there was less volume afterwards with a total of 808 applications processed, a reduction of 21% from previous quarter. Also due to slightly longer processing times for applications, we did not have the number of total approved applications because they were still in process in February. Michael Henderson stated that they should be completed now and that number is estimated to be 1000 applications.

Rob Fischer continued to say that we still have to achieve 2,500 approved applications per quarter going forward for first time certifications. Re-certifications, which will start to be required for the earliest zones will not be counted along with first time certifications. Scott Kroehle said the first time certifications are the bigger hurdle for landlords. Councilwoman Maurer asked if the certification are effective from the date when it was initially due, or is the certification good for two years from the application approval date. Director Martin stated it goes two years from the application approval date. Scott stated that larger properties should re-certify faster. Diana Shulsky mentioned that earlier compliant properties will also be subject to testing with lower threshold lead levels when they recertify. Rob also mentioned that some properties may no longer be rentals due to market forces or based on the ordinance being in effect and also that he expects we will still continue to refer to zones for data collection.

For application approvals, Rob Fischer stated that 92% overall are approved. Carol Smith asked about unregistered rentals and are we enforcing the ordinance differently whether a property is a registered or unregistered property? Director Martin stated that yes, the city will enforce and the staff is cross checking if an application comes in, if it is or is not registered, and will do both a registration and an application review at the same time. Rob asked to clarify, can you still register a rental if you are not already lead certified at the same time, and Director Martin said yes, we do not want to preclude property owners from coming into compliance however it starts.

Scott Kroehle mentioned that average clearance costs for property owners could be information we track. Scott went on to say for example we may be able to understand the landlord's cost of compliance to be an estimate of \$350-\$400 per unit. It would be good to have an overall understanding for understanding the landlord cost of compliance across the rental universe. Karen Dettmer asked Carol Smith about the twenty year certification cost to a landlord (XRF certification). As expected, it would be closer to \$1200 per unit, and larger buildings are using this form of certification more often. An expectation of that certification is that it would be for properties that already have windows replaced.

Rob Fischer also showed the density map which is still darkening with time and indicates more compliance throughout the city. The graph for compliance rates by rental registry status and property size are familiar statistics that are going up and the pattern is holding. The highest compliance is still the largest rental buildings. The rate of compliance drops for three to five family dwellings and doubles, but increases slightly for single family rentals.

Rob Fischer stated that the data for applications submitted continues to show 24 days on average from the time the application is received till it has a determination. The time had been just over a week at the beginning of the roll-out. Due to the carryover of processing the 2022 applications into 2023, we know that last year's processed applications are now complete. Most applications are from property owners with one to two properties. A few inspectors are still doing the majority of clearances, with two inspectors doing the most. Director Martin asked how many clearance technicians are there, and are the numbers growing? Wyonette Cheairs stated that the number of clearance technicians is really growing. Director Martin added it is likely the marketing and word of mouth that the busiest technicians are using that helps them get the most business. Scott Kroehle added that we could be seeing multiple clearance techs that work under the umbrella of one clearance tech, and not being represented as individual examiners possibly. Karen Dettmer stated that clearance examiners should not sign for other employed inspectors. Scott asked if there are any repercussions for doing that and Karen explained it really has to go back to Environmental Health Watch as they have the touch point to the clearance examiner community. Scott commented about the effect of market competition since examiners are third party providers, that it would be good to have data on the busiest clearance examiners to learn if there are reasons they are sought after for the number of clearances they are doing. We may need to have better due diligence there. Director Martin added that the staff is checking the photos that accompany the applications and the chain of custody of the clearance exams are being checked.

Rob Fischer mentioned a comment/complaint that came from a property owner who happened to watch the inspection that they had later passed. The comment was questioning how the minimal review done by the inspector is helping our mission of lead safety. Scott said that certainly we can audit any applications and Karen Dettmer added that the photos are definitely flagging some applications that perhaps should not pass. Councilwoman Maurer added that if the property survey information gathered by the city differs with the application for the same address, it should halt the application process as well. Scott suggested a checker for attending inspections and getting inside units at the time of the inspection. Karen Dettmer stated that the state can access all the inspection reports but it may be good for the city to have their own internal audit. Karen went on to say that a bad outcome is to have a lead safe certification on a property where a child later shows elevated lead levels. Karen added that if a house has peeling paint on the exterior, clearance techs should not even bother going in and should fail that property. And unfortunately a state level audit cannot know on a day-to-day basis where a clearance exam is happening since the third party examiners are not responsible for sharing their schedules.

Rob Fischer asked if landlords have information to anticipate what is involved in the testing of the property. Both Wyonette Cheairs and Karen Dettmer stated yes, we still emphasize the documents made available to landlords as this information is most critical for the quality of the lead inspection.

Rob Fischer continued to show the compliance trend for forecasting seven full years of the ordinance compared to other cities. Based on progress thus far, and if things continue at the current pace, compliance at the end of 2028 will be 33%. To catch up to full compliance for our city, the volume has to

be 2,500 passed application per month, with twenty quarters in the remaining five years.

City Council Questions from January Council Meeting

Rob Fischer attended the City Council meeting on January 30, 2023 and reviewed the questions that the council committee had for the advisory board:

- 1) To what extent do children live in the properties that have been certified vs not?

Rob Fischer commented that the data is being scrutinized to try to get an understanding of this number. Councilwoman Maurer added that CMSD can contribute information as to where children live. Karen Dettmer stated that she may not be able to get address information for a child with an elevated lead blood level due to HIPAA laws.

- 2) Any information on the extent of renovation/repair required to achieve certification across properties?

Scott Kroehle mentioned that we could be looking at permits to get more information on window replacement. He also suggested the city could waive some permit fees if replacement of windows is planned or has already taken place. It would be ideal to get a sample size of how many windows need replacement.

- 3) How does the compliance rate differ based on the type of property owner? e.g, LLC's, out of state investors?

Rob Fischer stated that it is hard to know whether LLC owners are out of state entities because they often have local representation through property management.

- 4) To what degree are lead inspectors affiliated with the construction industry vs nonprofits vs individual operators?

Scott Kroehle mentioned we may be able to get richer data on this item.

Comment Portal

Rob Fischer summarized the majority of comments on the portal relate to not getting called back. There have been questions on grant funding, to clarify changes in the qualification process due to new guidelines.

Wyonette Cheairs provided information on the number of individuals on the vetted list for clearance examiners and RRP contractors. She stated that there are roughly 79 clearance technicians and 24 RRP contractors on the vetted list. There have been approximately 500 individuals who have gone through RRP training through the resource center, but many to do work on their own properties.

Impact Analysis

Scott Kroehle said we should table the topic of Impact Analysis till the next meeting. Karen Dettmer asked will there be data on any children being poisoned in a home that has had lead clearance. Rob Fischer said that we need to increase testing rates and it will definitely be part of the data. Karen Dettmer agreed and stated that this is the year for improvement.

Revised By-laws

Councilwoman Maurer presented the draft of the revised by-laws which were expanded beyond the statutory language of the ordinance. She stressed the importance to have the revised by-laws for being a public board intertwined between private and public entities.

Councilwoman Maurer said the first topic regarding the responsibilities of the advisory board required revision, and this version takes a middle of the road solution.

The other four areas encompass rules regarding board member removal and notification of removal, a description of the council co-chair and mayoral co-chair appointees, creating formal responsibilities for co-chair and secretary roles, and for scheduling future meetings one month further out, including changes in meeting dates if quorum cannot be met and making meeting announcements for the council calendar.

Wyonette Cheairs mentioned some items in sections 3.1 and 4.3 to revise and Rob Fischer mentioned the distinction between a meeting that has been rescheduled vs cancelled. Councilwoman Maurer moved to adopt these by-laws as sent out by Scott Kroehle with changes to these areas and Rob Fischer seconded. The vote was unanimous and the motion passed and Councilwoman Maurer said we now have by-laws, and she also mentioned that anyone can volunteer to be the mayoral co-chair which is currently Scott Kroehle.

Open Discussion

Councilwoman Maurer and Director Martin brought up the steps for the discussion for the Impact Analysis at the next meeting. Rob Fischer stated it can help in understanding what the impact analysis can do. It implies we have an approach and is not just a regurgitation of the two years of audit reports, although the results should be what the original ordinance request required.

Scott Kroehle mentioned the impact analysis can look at funding vs process, what do we want to see, for example, is there a high correlation between cost of lead compliance and rising rents? Scott asked what do we see as important metrics? Wyonette Cheairs said understanding the unintended negative impacts of the ordinance would be a good analysis. Diana Shulsky stated that it would be possible to look at transfer data and that even if rental properties are sold off due to the impact of the ordinance,

there are positive outcomes that can come out of that as well. Large portfolios owned by out of state investors or older owners that are nearing the end of their business can break up and allow younger buyer/landlords to enter the marketplace and be better caretakers of properties, including more compliance with the ordinance.

Scott Kroehle said we can discuss more about what we would want to see in the report in the next meeting. Councilwoman Maurer added that we will have the revised minutes from the November meeting along with the minutes from this meeting to review in the weeks ahead, and that the revised by-laws will go on the council website. Meeting adjourned.

Conclusion of Minutes 3/9/23