Report to Lead Safe Advisory Board
City of Cleveland

February 2023

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: October 1 – December 31, 2022

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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 October-December 2022 marks the requirement for the eighth and final roll-out zone (Zone 8 – Zip Codes 44105, 44112, 44121, 44125).

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 three quarters though approval rates are high among completed applications.

Key Findings

- Quarterly volume of new lead safe applications and certifications decreased – By the end of the eighth quarter (December 31, 2022), cumulative applications for lead safe certification had grown to 5,735 and approvals stood at 4,907. The quarter showed an application volume (808), 21.1% lower than the previous quarter (1,026). Zone 1 (at 1,277) and Zone 2 (at 1,131) exceed 1,000 applications submitted with Zone 3 approaching that benchmark with 884 applications.

- Compliance comparable to peer cities but insufficient to reach goals in timely way – Through December 31, 2022, compliance with the Cleveland Lead Safe ordinance (10%) 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 five 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 compared to properties that had not previously complied with the rental registration requirement. Similarly, compliance varies by the number of units in the property. Using Zone 1 for illustration,

properties with more than ten units show the highest rates of compliance (42%) followed by properties with 6-10 units (22%). Doubles show the lowest compliance rates (7%), followed by 3-5 units (8%). Single-unit properties showed higher compliance at 16% . This differential response suggests that enhanced outreach strategies are needed, especially for owners of properties with few units.

- <u>Certification application approval rates remain high</u> – Among the 5,735 lead safe certification applications, 4,907 had been approved by the end of the period (86%). Only 412 applications (7%) resulted in a denial of lead safe certification based on the submission. Quarterly denials have been consistent throughout 2022. For 166 applications (3%) the property was found to be exempt from the ordinance; for the fourth quarter this was within the existing variance. By the end of quarter 4, some 243 submitted applications (4%) were pending or had yet to be reviewed; the vast majority of these applications without a determination were submitted in the previous quarter. Among applications for which a determination was made (i.e., excluding those pending and exempt), the approval rate overall is 88%, reflecting the expectation that landlords only apply when they have a passing lead inspection.

- <u>Determination delays continue</u> – There has been a decrease in the speed in handling of lead safe applications in 2022 leading up to quarter 4. The average time between submission and determination has increased to 24 days. In quarter 3 (the prior quarter) that average was 32 days, in quarter 2 the average was 22, and in quarter 1 the average was 13 days, with an average across all periods of 19 days. The median review time for quarter 4 is 24 days, for quarter 3 the median was 30, for quarter 2 the median was 17, and for quarter 1 the median was 3 days. Processing times continue to rise and are relatively high compared to the prior year. While the first year of activity was typified by applications processed in a week or less, 2022 saw a substantial increase in delays of greater than two 2 weeks. Approximately 30% of applications submitted in quarter 4 have yet to be reviewed, while delays of fifteen days or greater accounted for 61% of all reviewed applications submitted in the quarter.

- Applications reflect many property owners with few properties –The 5,735 lead safe certification applications involved a pool of 3,910 unique property owners, based on the name of the individual or entity owning the property. Nearly one-half (42%) of these owners have applied for certification of a single property thus far and one-quarter (31%) have applied for two properties. A small group of owners (14%) have applied for lead safe certification for 3-4 or more properties, and 13% have applied for 5 or more properties.

- Many lead inspections conducted by a relatively small pool of licensed contractors – Through December 31, 2022, applications involved lead inspections done by 115 certified lead assessors, showing continued growth in the pool of qualified inspectors. Roughly two-fifths (43%) of these inspectors completed inspections for 1-19 properties and the median number of applications per inspector was 10. Thus far, 14 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 (54%) of all lead inspections connected to submitted lead safe applications.

Introduction

       This is the eighth 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, a 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 was rolled out 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 December 31st compliance deadline for rental properties in the eighth roll-out zone, as well as continued outreach to property owners in Zones 1-7. See Figure 1 for map of zones and included Zip Codes.

       Through the eighth roll-out period, 27 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 54,000 likely rental properties was identified in these Zip Codes (See Table 1). Of these, approximately 16,000 were on the rental registry in 2019 and are referred to as registered rentals. An additional 38,000 properties had characteristics that suggested they were being operated as rentals, even though they were not on the City's rental registry ("likely rentals").
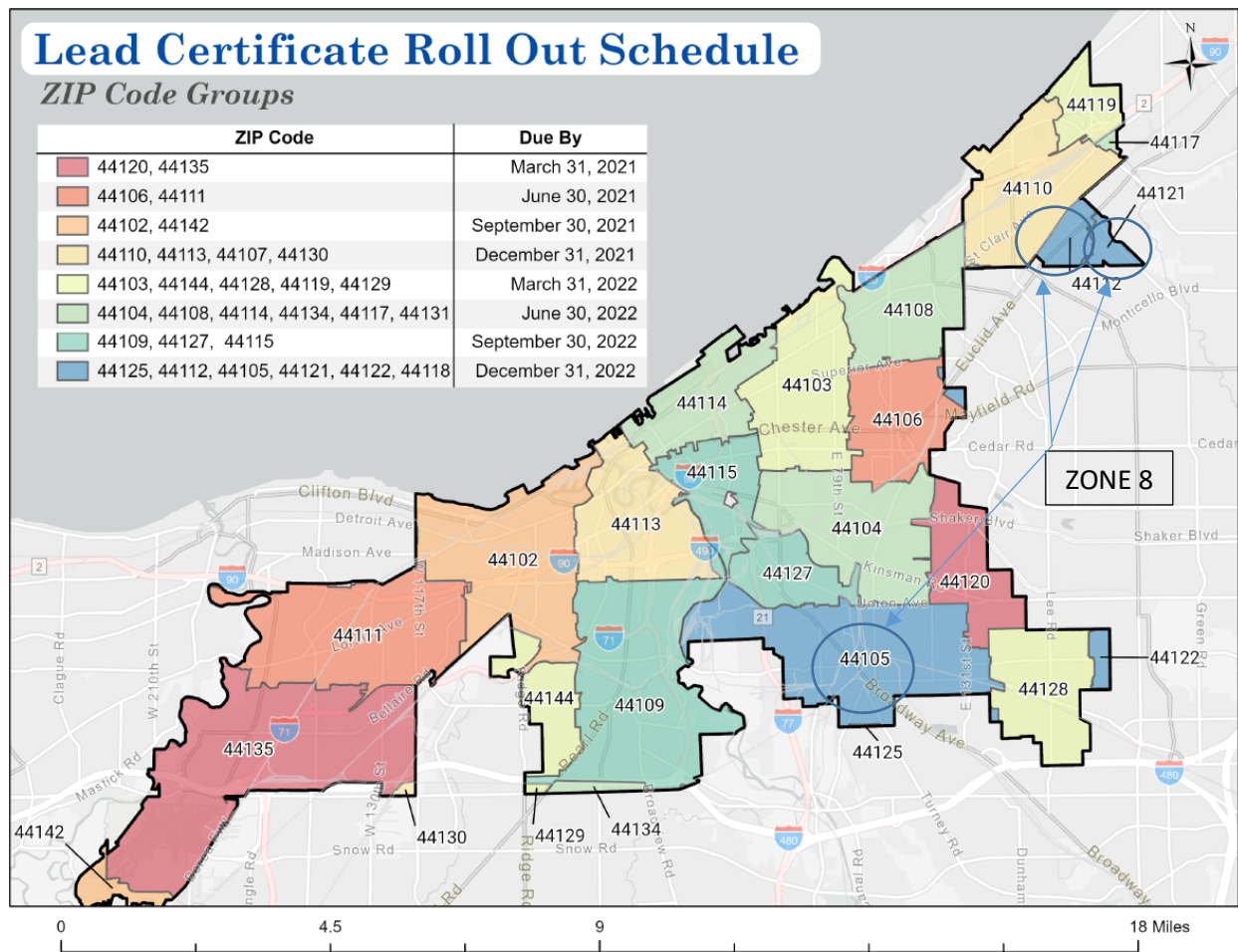
Figure 1: Ordinance Roll-out Zone 8

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 December 2022

| 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 1-8	54,504	16,116	38,388

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 the absence of rental properties – Z3 (44142), Z4 (44130), Z5 (44129) 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 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 5,735 and approvals stood at 4,907. This quarter saw 808 applications of which 495 saw 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.
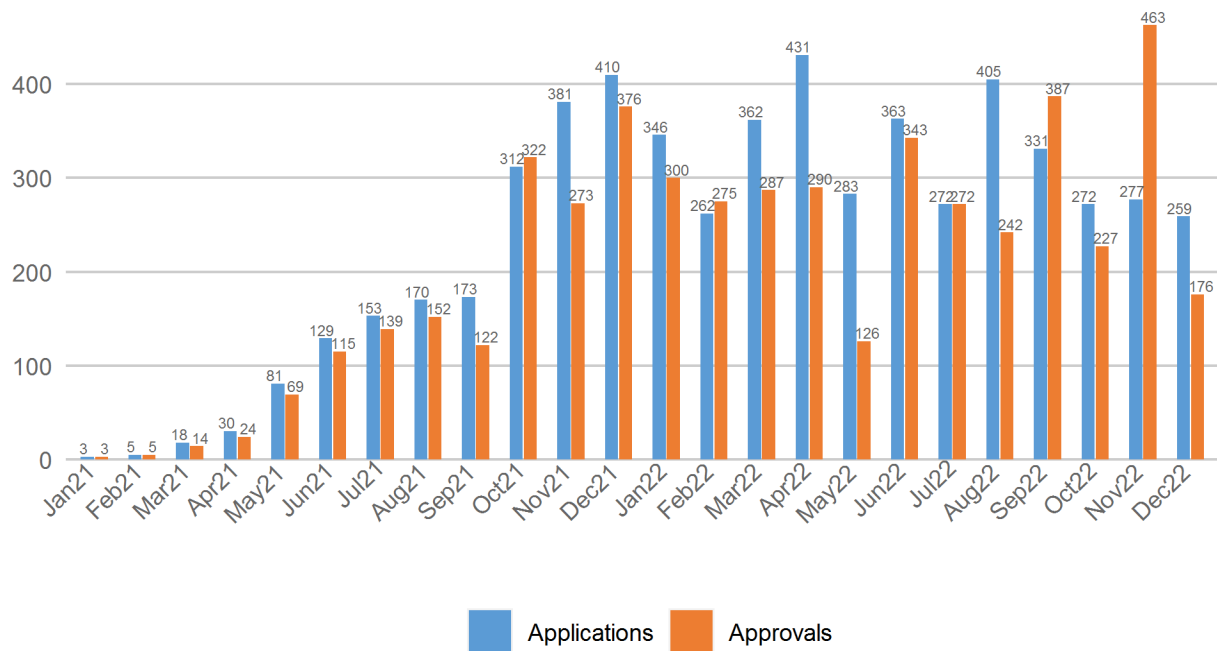
Figure 2: Lead Safe Certification Applications and Approvals by Month, 2021-22

Through December 31, 2022, a total of 5,735 Lead Safe certification applications had been submitted to Cleveland Building & Housing, involving 24,749 units of rental housing.

Approximately 5% of applications came from owners of properties in zone 8, 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 December 2022

Zone	Apps	Units	Approved	Denial	Exempt	Pending	To be Reviewed
1	1,277	3,858	1,147	64	48	1	16
2	1,131	4,183	1,011	73	28	1	18
3	884	3,512	761	79	14	3	23
4	658	4,463	562	48	21	2	25
5	701	1,924	631	29	20	1	19
6	246	3,898	178	36	19	0	12
7	528	2,444	397	38	9	3	81
8	310	467	220	45	7	0	38
Total	5,735	24,749	4,907	412	166	11	232

Among the 5,735 lead safe certification applications, 4,907 had been approved by the end of the period (86%). Only 412 applications (7%) resulted in a denial of lead safe certification based on the submission. For 166 applications (3%) the property was found to be exempt from the ordinance. An additional 243 applications (4%) were pending initial review or the submission of additional materials (status "Pending" or "To be Reviewed").

Among applications for which a determination was made (i.e., excluding those pending and exempt), the approval rate overall is 88%. When applications are disaggregated by prior rental registry status, it is evident 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 December 31, 2022.

Lead Safe Applications through 12/31/22
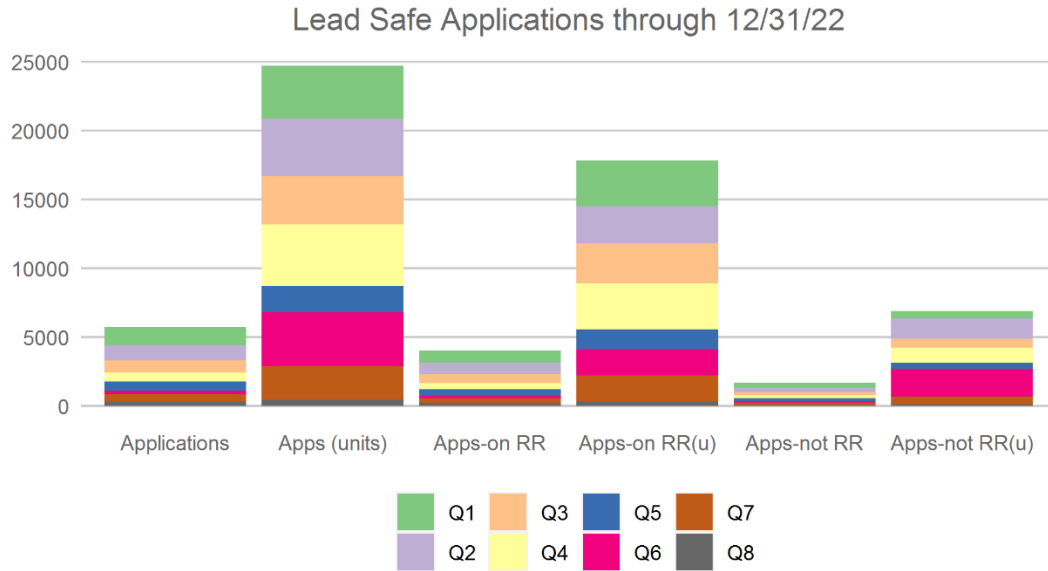
Figure 3: Lead Safe Certification Applications by Rental Registry Status and Zones, December 2022

Properties Issued a Lead Safe Certification through 2022-12-31
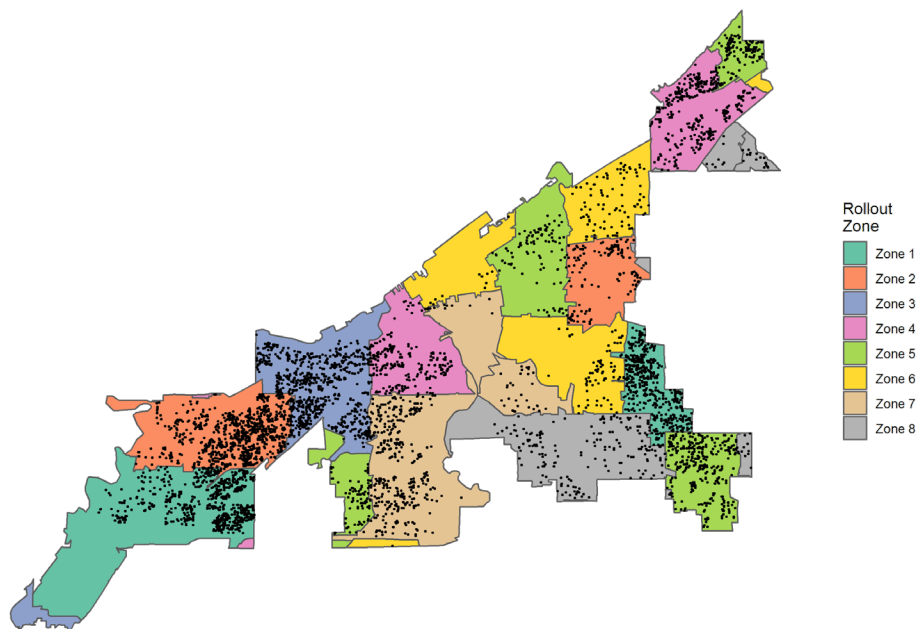
FIGURE 4: Map of Properties for which a Lead Safe Certification was issued, January 2021 - December 2022

Application processing. City Building & Housing has had setbacks in maintaining timely handling of the lead safe applications received in 2022. The average time between submission and a determination letter being issued has increased from 13.8 days in the first quarter to 23.8 days in the fourth quarter; while the median time has grown from 3 to 24 days in the same period. Approximately 6.5% of applications submitted in quarter 4 for which a determination had been made as of the latest data extract provided by Building & Housing (January 19) had a determination within one week of submission, compared to 80% of applications submitted in the first quarter of 2022. On the other hand, there was marked improvement in the share of applications reviewed and given a determination within 30 days of submission in quarter 4, as compared to the previous quarter. In quarter 3, 52% of applications were processed within 30 days, while *at least* 59% of applications submitted in quarter 4 were reviewed within the same timeframe. It is important to note that this because this analysis is based on LSC application data through January 19, which is less than 30 days after the end of the quarter, applications reviewed from January 20-30 are not taken into account. Thus, it is very likely that this figure is in reality higher than 59%.

Property Owners. The 5,735 lead safe certification applications involved a pool of 3,910 unique property owners, based on the name of the individual or entity owning the property. Nearly one-half (42%) of these owners have applied for certification of a single property and one-quarter (31%) 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 115, mostly very active, certified lead assessors. Roughly two-fifths (43%) of these inspectors completed inspections for less than 20 properties and the median number of applications per inspector was 13. Thus far, 15 inspectors have conducted inspections submitted with 100 or more lead safe applications, and two inspectors have completed over 300 inspections linked to a lead safe certification. Ten inspectors account for over half (51%) of all lead inspections connected to submitted lead safe applications.

The overall data from the fourth quarter of 2022 show a slowing or leveling of growth in applications and a continued (but lessened) 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 eight 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 December 2022

Lead Safe Certification	Property Count	Units Involved
Lead Safe Certifications submitted	5,735	24,749
Lead Safe Certifications approved	4,907	20,055
Lead Safe Certifications pending	11	55
Lead Safe Certifications denied	412	2,810

Note: 166 applications (1,340 units) were coded as exempt.

Compared to the number of properties subject to the Lead Safe ordinance thus far in zones 1-8, the numbers involved in a lead safe certification application reflect low compliance to date. Based on the estimated total number of probable rental properties 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 1,277 applications where we have estimated 7,284 possible properties. That would represent 18% 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.

Lead Safe Certification by Dec 31, 2022
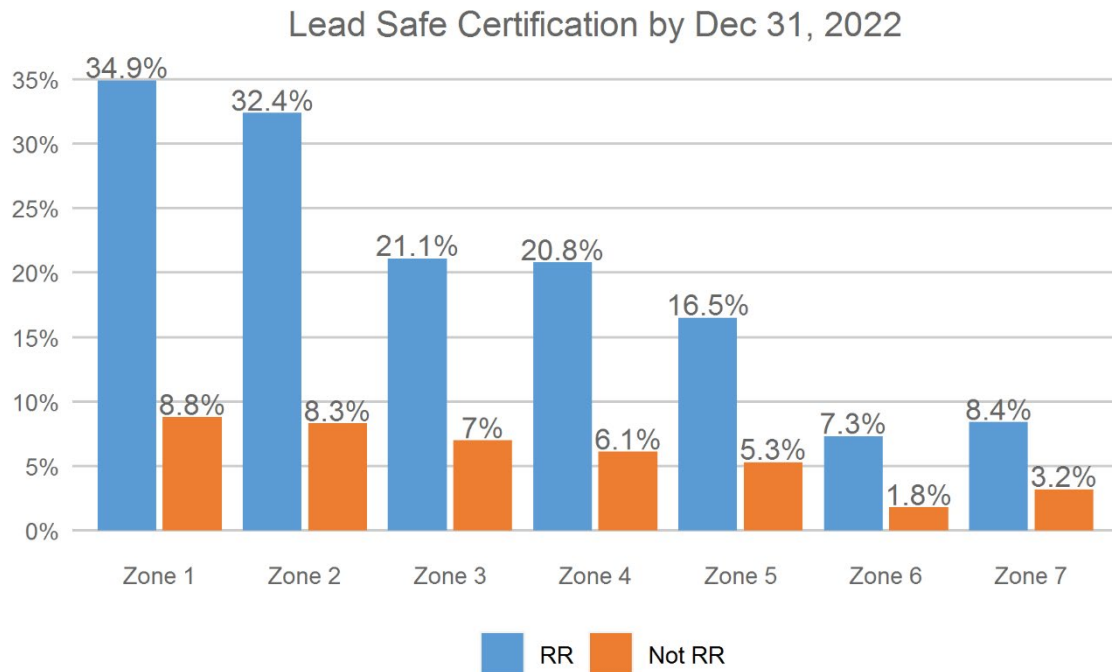
FIGURE 5: Lead Safe Ordinance Compliance by Zone by prior Rental Registry Status through December 2022

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 December 31, 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 (38%) followed by properties with 6-10 units (19%). Doubles show the lowest compliance rates (7%). Single-unit properties and 3-5 unit properties sit slightly higher than doubles, both at approximately 9.5% compliance.

Compliance Rates by Unit Size
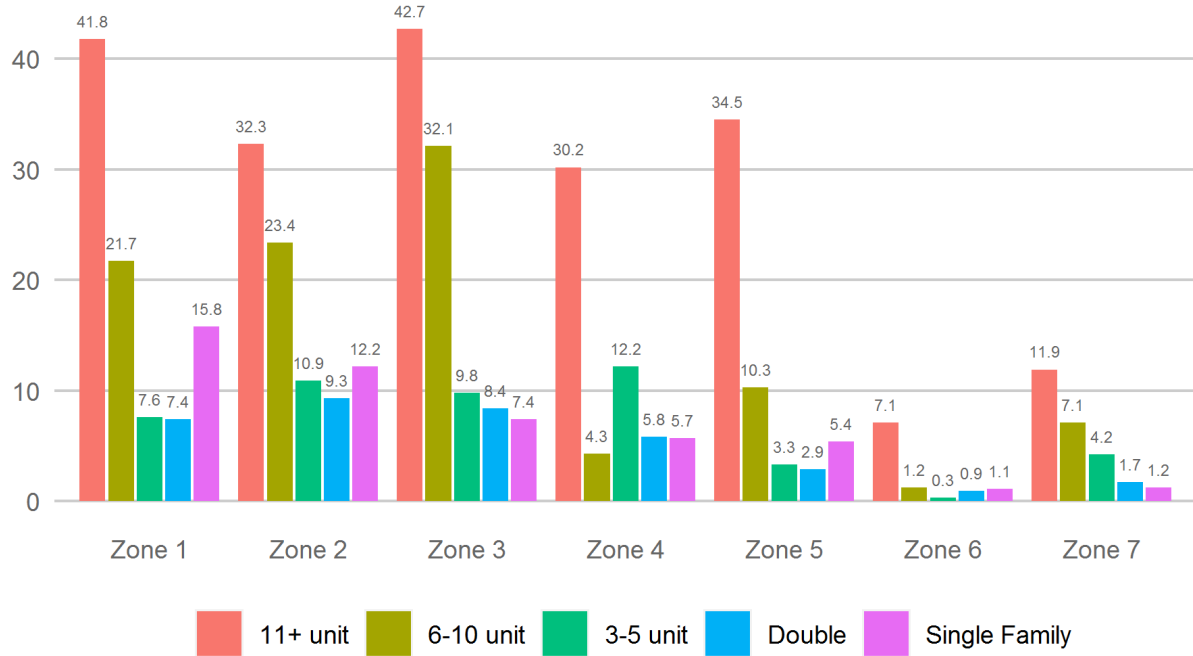
FIGURE 6: Lead Safe Ordinance Compliance by Zone and Property Size, December 2022
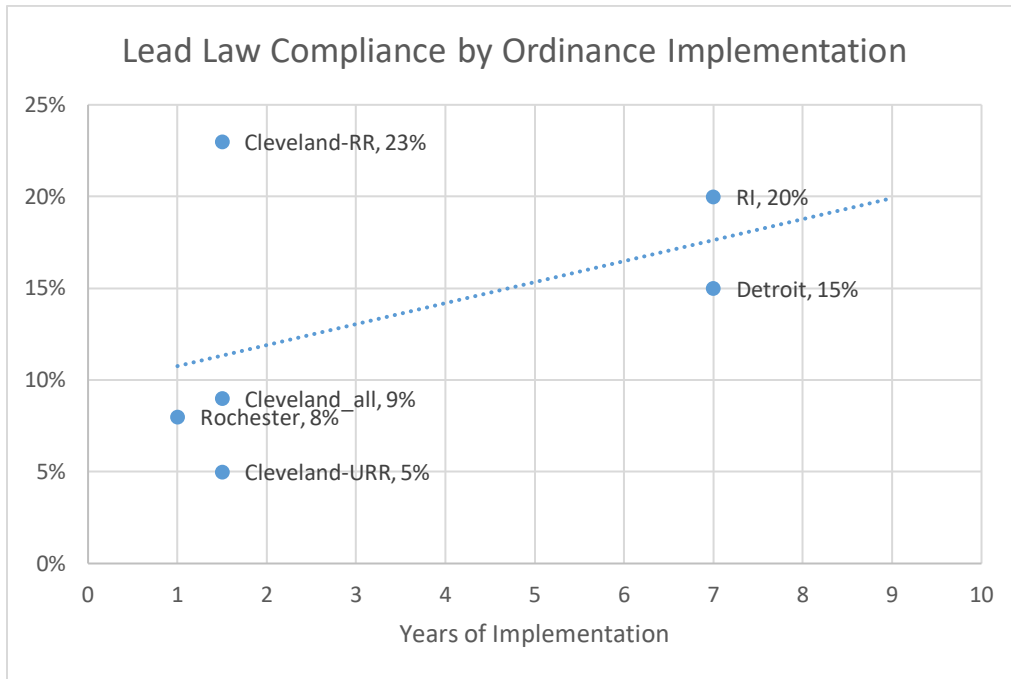
Motivating more property owners to comply is essential for the ordinance to have its intended effect. As implementation continues beyond the initial roll-out period, Building & Housing is well-advised to execute a dual approach of engaging and supporting landlords, along with holding accountable those who have failed to achieve compliance.

Overall Status of Compliance

Through December 31, 2022, compliance with the Cleveland Lead Safe ordinance (10%) 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 10% 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.

Lead Law Compliance by Ordinance Implementation

- Cleveland-RR, 23%
- RI, 20%
- Detroit, 15%
- Cleveland_all, 9%
- Rochester, 8%
- Cleveland-URR, 5%

Years of Implementation

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
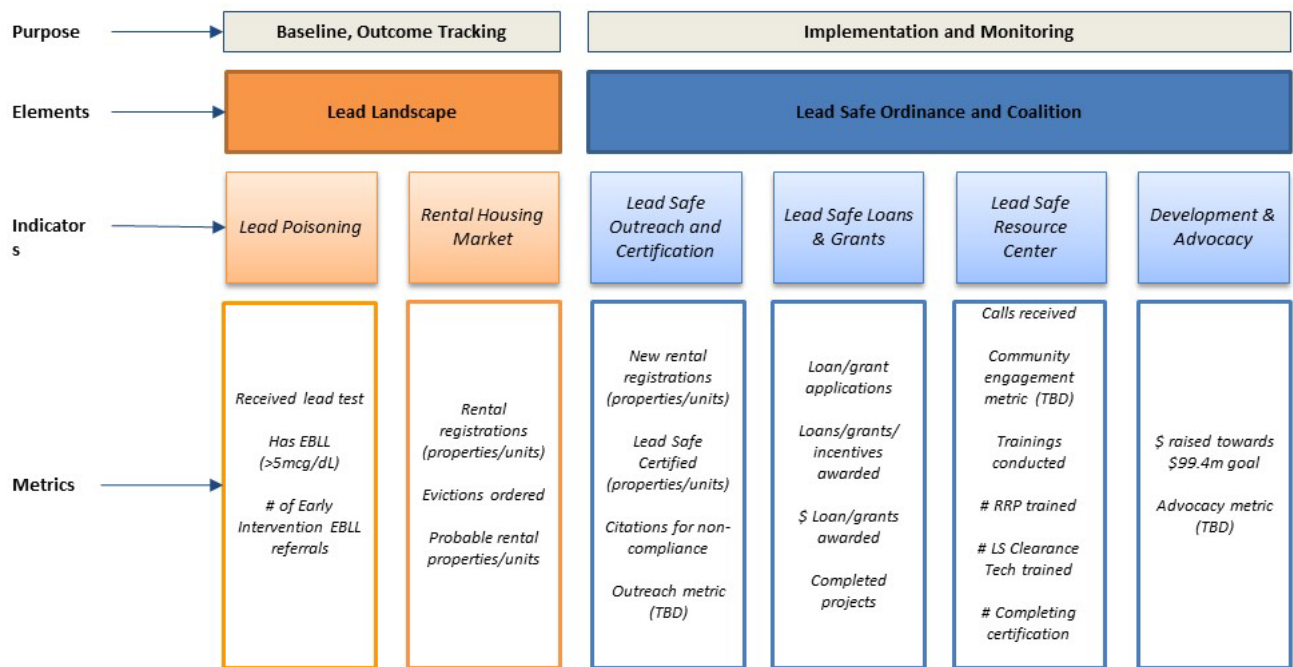
The metrics shown in Figure 2 represent a high-level summary of measures in each of the domains. The broader data being collected are much deeper and will allow analysis across domains over time.

Attachment 3

Lead Safe Certification Roll-Out Zones by Zip Codes

Lead Certificate Roll Out Schedule

ZIP Code Groups

ZIP Code	Due By
44120, 44135	March 31, 2021
44106, 44111	June 30, 2021
44102, 44142	September 30, 2021
44110, 44113, 44107, 44130	December 31, 2021
44103, 44144, 44128, 44119, 44129	March 31, 2022
44104, 44108, 44114, 44134, 44117, 44131	June 30, 2022
44109, 44127, 44115	September 30, 2022
44125, 44112, 44105, 44121, 44122, 44118	December 31, 2022