

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

**6/8/2023**

***Board Members Present:***

Councilwoman Rebecca Maurer

Lead Safe Auditor Rob Fischer

Wyonette Cheairs, LSCC

Scott Kroehle

Carol Smith

Diana Shulsky

***Board Members Not Present:***

Sonia Matis

***Staff Members Present:***

Cleveland Building Director Sally Martin

Program Manager of City Lead Program Karen Dettmer

***Guests:***

Michael Henderson

Regina Samuels – virtual

Signal Cleveland – virtual

Michelle Root – virtual

Nani Palmer – virtual

Bobbi Saltzman – virtual

Jenna Freyermuth – virtual

## **Welcome and Approval of Minutes**

City Councilwoman Rebecca Maurer opened the meeting by saying this is the first full meeting following the adoption of the board's governing by-laws. Councilwoman Maurer, along with co-chair Scott Kroehle, called the meeting to order. The first agenda item was to approve the minutes from the past two board meetings. Scott moved to approve the March meeting minutes, Carol Smith seconded the motion and the board approved. Scott moved to approve the November meeting minutes, Wyonette Cheairs seconded the motion and the board approved.

## **Update from Building & Housing on role of Lead Program Manager and NST Survey**

Karen Dettmer explained the adjustment of her role working within the Department of Building & Housing. Karen's office moved to 65 Erieview where there is more interface with the department and employees working on the lead initiative. Karen explained her excitement in moving to this position and will have a more hands on role to monitor and implement change.

Director Martin updated on the need to mobilize and lead the lead initiatives now that the NST survey of housing in the city is completed. She explained that with the results/grades for housing it is time to work with other departments and escalate obvious problems.

Councilwoman Maurer asked what could we expect to learn from the press conference regarding the survey results. Director Martin stated that the department now knows where the main lead risks exist because the survey is based on property condition as well as finding other telltale signs of issues like peeling paint. As a result of door knocking and targeted outreach, more was learned about occupants and suspected rentals. It is important to use the survey in any way possible as the city is looking for richer data. Karen Dettmer mentioned that properties that may not be displaying placards were identified and this helps in coordination with the Health Dept. Scott Kroehle asked about any visual clues of hazards in the survey in order to itemize areas of a house as a prominent hazard. Director Martin added that many photographs from all angles of a property are part of the survey, and by deep diving into a property's condition this way, it can dovetail with programs to potentially remediate specific parts of houses, like front porches. Also Director Martin added that the survey is not intended to hand out violations.

Karen Dettmer stated that a heat map of the survey results showed that the worst grades for hazards aligned with where children that have had the highest levels of lead poisoning live. Carol Smith asked for clarity on whether the houses included in the survey are registered or unregistered rentals. Director Martin responded the survey includes both. She emphasized that focus can be on places where we have the most poisoned children, namely on the southeast side of the city, where the greatest need exists to get the dollars from our programs. Councilwoman Maurer suggested bringing in the Community Development Corp. representatives for the highest heat-mapped areas to the conversation.

With windows often being the biggest area of concern from the survey, Karen Dettmer said that deteriorated wood windows will be identified with the deteriorated paint checkbox. Director Martin said that she would love to see a window replacement program. Wyonette Cheairs said that such a program could assist if replacing windows eliminates an existing hazard. Director Martin added that going to area manufacturers of vinyl replacement windows to start a program for replacement is a smarter endeavor than painting and remediating old wood windows, as it is a nearly permanent solution to the largest area of concern for lead dust in older homes.

Scott Kroehle brought up the coordination that would be needed to organize a program with one or several replacement window suppliers, since many of the manufacturers are still involved in a supply chain struggle that has lasted for years now. There could be a more direct way to funnel the coalition money to the landlords by providing rebates for landlords that replaced deteriorated wood windows with vinyl replacement, by showing proof after the installation is completed. This can help build the needed scale for the program on the supply side since not only must the windows be made, they have to be installed by local workforce installers who cannot necessarily be waiting for payment through a program. Scott continued to say that building a pilot program in the “reddest” areas of the city could make the impact where it is needed most at first.

Karen Dettmer asked who could manage the rebate part of the program so as not to make landlords wait excessively long. Scott Kroehle also added that it can possibly be a choice for how to receive the funds. A rebate could be given at completion, or the same funds could be used to lower the price of the job initially. Diana Shulsky added that by contacting manufacturers with an approach to provide mostly standard sized windows, it might be more manageable to have available product, since many rental houses always need the same conventionally-sized windows replaced in kitchens, dining rooms, living rooms and bedrooms. Karen added that it makes sense to work with Ohio manufacturers and distributors. Carol Smith emphasized it’s really the older windows that are the culprit in lead contamination of the homes. Scott added that going for the greater good of making the homes better will be aided by responsibly building scale with the suppliers of these replacement windows.

Councilwoman Maurer said there is internal work we can do by amplifying the need for a pilot program for window replacement through what we focus on in our meetings, and through the metrics we study. The board can plan to show the coalition a return on investment utilizing \$1,000,000 in funds to replace 4,000 windows, for example. Director Martin asked if we are not using that money now, can’t we reprogram to have access to that funding? Wyonette Cheairs reminded the board that we are at the end of our current budget at the end of June, and the future use of the loan fund is being determined now. As far as grant money applied for and given directly to landlords for repairs like windows, we can try to learn in which specific ways the money was used which might help in piloting a program specifically for windows. Rob Fischer added that this would no doubt impact participation in our initiative, but to also be aware that we are trending towards slower response on applications being submitted to the city, so we would want to be conscious of our handling time for any program.

## **Auditor Report**

Rob Fischer opened up the audit report conversation by saying it was not a good quarter for performance. With all eight zones having hit their deadlines for compliance by March 31, we now see a decline in the number of applications. For those properties that already have complied with the ordinance, renewals have started being processed for the early zones. Including the last quarter, the city has roughly 56,000 properties, or about 11% of the entire suspected rental universe in a compliant status with a total of 6,380 total applications submitted and a total of 5,502 applications approved. As that translates to the number of units involved, it accounts for approximately 100,000 units which would be 23% of the entire suspected rental universe. Scott Kroehle stated that the renewal rate is an essential piece of the effectiveness of the program. Rob continued that just in the past quarter, there have been 645 new applications, down 20% from the 4<sup>th</sup> quarter of last year. If our goal is to process 2,500 applications per quarter to stay on par with our goals, then that number will have to also increase to cover any shortfall in applications that we currently experience.

## **Application Count by Zone**

Rob Fischer continued to review that each zone comprises 6,000-7,000 rental properties, and the zones have been uniform in their metrics. Scott Kroehle stated for second round applications on the two year rotation, you are a good citizen if you are re-upping for the cost of the inspection again. The lower number of applications being submitted does not indicate what percentage are first time applications vs second time applications. Knowing this should be a big priority.

## **Application Count by Status and Size of Property**

Rob Fischer explained that the numbers show that only 8% of the applications are for properties previously unregistered in the city's rental registry. The largest properties are consistently the most compliant at 40%. The majority of non-compliance is still with single and double houses.

Scott Kroehle asked if there are any numbers to indicate how many of the properties with 20-year lead safe certifications would net out of those numbers? Mike Henderson said he will take that into account for next quarter. Scott added that those were the lowest risk properties anyway. Rob Fischer said if we can use survey data in conjunction with renewal numbers, it would be helpful.

## **Processing Time of Applications**

With seven weeks on average for processing time of applications, Rob Fischer stated it is noticeably slower than it had been. Karen Dettmer added that by starting to work alongside the staff members who are processing the applications, she will begin to understand what is causing this. It is possible the application quality is suffering, requiring much more time per application to process, especially if an application has to be returned to correct information. Councilwoman Maurer asked if the submitters are able to receive updates online on their application status. Karen said yes, they can also get their certificates online now, and that landlords and clearance techs are both submitting the applications this way. The resource center is helping some techs do the entry as well. Carol Smith added that there is guidance for submitting applications on the portal and it seems to work well.

## **First Time Applicants**

Rob Fischer said that 400 entirely new owners of rental properties were identified in the last quarter's applications. Just over 70% of the owners have submitted for just one or two properties.

## **Number of Inspectors Growing**

There has also been an increase in the number inspectors with twenty-five doing the majority of inspections. Director Martin asked if some of the new inspectors are with the Community Development Corporations. Rob Fischer stated that is not known at this time. Rob ended the audit report review by stating that the last six quarters saw an average of 950 applications per month, and we were at the point where 2,500 applications per month are needed to meet our goals. With this last quarter falling short of the average by quite a bit, the 2,500 figure will need to be revised.

## **Comment Portal**

Rob Fischer summarized the comments to involve gaining access to the board meetings, resource center questions and resource center functionality, ie: what are the hours, verifying whether a grant is real, along with other suggestions.

## Open Discussion

Scott Kroehle emphasized that things are going badly and we need to get aggressive to improve at this point. We have structural problems with the implementation of the ordinance, so it is not an accident that the numbers indicate poor performance. Carol Smith said she always felt to reduce the amount of work we should consider giving some properties that have the best condition and no red flags more leeway to get certified. Director Martin said the distinction between having a clearance tech perform the type of scrutiny required of a lead assessor role is bogging down the process. Councilwoman Maurer stated we have not gotten the system where it needs to be. Poisoning has been going on for years, but she acknowledged it is important that at this moment of self-awareness of our struggle to decide how we go from here.

Scott Kroehle said we must evaluate the system sooner than later. Wyonette Cheairs said we need to explain more effectively to the public and have consistency for the integrity of the inspection work. Scott continued to say that the payor paying the inspector must be looked at and probably now we have to build a city employed workforce piece. We should go back to the City of Cleveland to hire inspectors and not rely further on just privatization, as there would be less conflict of interest. Wyonette said the capacity for handling internal inspections was initially the issue for the choice to go to privatization.

Director Martin said that we need to cite those who are not compliant. We owe it to ourselves to revisit the ordinance and we owe it to the children to get it right.

Scott Kroehle said that capacity is something you pay for. It costs basically \$300 per unit to be compliant for two years. It is an allocation of funds issue that the city must look at, and not simply a capacity issue. Diana Shulsky mentioned even if you rely on fixing the system you still have behavioral/avoidance issues among landlords. Incentives like receiving funds, better performing assets and longer lasting tenants as a result, as well as avoiding the penalties and violations all have to be in place to have real meaning to landlords. Director Martin mentioned that civil ticketing is being explored right now as an easier way to attach a fine to a property, impacting the property taxes.

Councilwoman Maurer asked what should we do as the advisory board, as we already have mixed capacity now when we adopted by-laws to allow for ad hoc, so why wait for another quarter to pass? Rob Fischer added that thus far, it looks like we could have even lower numbers for the current quarter. Director Martin asked where the coalition is on marketing efforts and Wyonette Cheairs said we will have new marketing out next month.

Scott Kroehle said he would like to look at making the inspections in-house. Director Martin said Building & Housing can come in to inspect or the property owner can still use a contractor – giving the property owner the choice. Karen Dettmer said with that, at least we could better understand the reasons for compliance failure. Director Martin said perhaps in the red areas like the southeast zones, having the option to have a city inspector enter a property might work better. Councilwoman Maurer asked for three non-staff board members to join the ad hoc committee along with herself, and Scott Kroehle and Wyonette Cheairs immediately stepped forward. Councilwoman Maurer added that any changes being suggested to the legislation would be vetted by this entire board.

Scott Kroehle stated he did not get to the screening and testing topic on the agenda. The model for the letter is known as the Standard of Care in Akron, and it was decided after a brief discussion that advising the potential standard of care for our area should not come from our board. Rather, that should come from the screening and testing committees within the coalition.

Wyonette Cheairs added that new incentives can be discussed at a later meeting, and Carol Smith reminded that the city should continue to research a pilot program for window replacement. Karen Dettmer emphasized to use the money we have available now, as it may not always be the case that those funds are available to utilize.

Meeting adjourned.

**Conclusion of Minutes 6/8/23**