

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

12/14/2023

Board Members Present:

Councilwoman Rebecca Maurer – Co-Chair

Scott Kroehle – Co-Chair

Lead Safe Auditor Rob Fischer

Wyonette Cheairs, LSCC

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

Joe Libretti

Zak Burkons

David Brenner

Victor Santillo – virtual

Joe O. – virtual

Dean Jackson – virtual

Michelle Root – virtual

Etoi Shaquila Young – virtual

Welcome and Approval of Minutes

City Councilwoman Rebecca Maurer convened the meeting and asked to hold off approving the minutes from the September meeting till everyone could review.

Auditor Report

Rob Fischer began summary of the report for July - September 2023 by stating that we have improved data due to the rental registry process simultaneously adding a greater number of lead safe renewal applications. The renewal rate is now considered to be closer to 60% as of 9/30/23. Previously 20% renewal was reported.

Rob Fischer continued that there have been 7,342 cumulative first-time applications submitted with 6,481 approved and 861 in either a pending or denied status. This represents 13% of all rental properties and 28% of all rental units applying for their first time certification.

At this time 1,094 previously certified properties are up for renewal, and of those 57% have renewed as of 9/30/23.

For the lead safe application count per quarter, 355 applications have come in the last quarter, down 35% from Q2 2023, which had 550 applications. This is the fifth straight quarter of decline. These applications represent 1,100 units. Currently 45% of registered rentals are compliant.

Rob Fischer continued to say that 88% of applications are approved, and 12% are in pending/denied status. Early zones show the highest compliance. Each zone comprises 6,000-7,000 rental properties. The 20-year lead clearances are not showing in these numbers, which represents almost 4,000 units. Compliance by rental type and size indicates that the largest rental properties, those with six or more units, are two to four times more likely to be compliant, and previously registered rental properties are three times more likely to be certified.

Auditor Conclusions and Board Comments

Rob Fischer stated that lead safe applications have declined, down 1,000 per quarter since mid-2022. Application and approval rates remain high at 88%, but there are now approximately 4,000 properties in a declined or unapproved status. Renewals among previously certified properties is 57%, but 467 expired renewals could be an indication of ambivalence towards the program. Continued non-renewal jeopardizes overall objectives. The compliance trends are in line with peer cities however the trend is showing that if we stay even pace we will be at 40% for our compliance objective by 2028. We will need to have 2,600 applications sent in per quarter to catch up to our goal of full compliance.

Scott Kroehle said we should be going to 6,000/6,200 per quarter based on the full rental universe of registered and unregistered rentals, along with processing renewals. Councilwoman Maurer said we are measuring different things, and the auditor's numbers indicate who has engaged with the system. Scott Kroehle added that he wishes to see the full potential of compliance.

Rob Fischer broke down that for every 20,000 known rentals, there exist another 10,000 "fugitive" rentals, which in comparison to other cities, was not taken into consideration.

Director Martin said that we have certainly made progress, and it is disempowering to the staff at the city to hear bad headlines. Councilwoman Maurer added that those declining numbers could mean we are losing the progress we have made. Scott Kroehle said that we are not necessarily looking at the highest risk, which translates to those living in the mostly likely to be unregistered rentals in the city. Rob Fischer commented that we are moving to matching health data with addresses in 2024 with an integrative health system through Case's Poverty Center, where we can see if a child is associated at the property address level. A guest, David Brenner said that there is not a place on the current inspection reports to indicate if children live in the subject property being tested. Karen Dettmer added that HIPAA privacy rules may have not allowed the association of a child with an address for the application process.

Rob Fischer finished reviewing the report by showing the recent comments from the Lead Safe comment portal, which touched upon application and timing issues for clearance. Rob finished by saying will likely get into more detail on these comments since the clearance examiners were in the room and can more fully explain their concerns.

Update from Building & Housing

Director Martin opened by saying that the timing issues will be better explained through the roll-out of House Bill 280. She stated that in reference to the concerns about the 90-day timeframe for remediation of failed inspections, which was also a part of previous board discussions, that a FAQ and guidance doc is expected to clarify these items. As far as passing marginal applications with sloppy or incomplete data, Director Martin stated that the bill will mostly likely move our process towards having greater statistical confidence before approving. As far as denied applications, Director Martin and Karen Dettmer said they would be explaining more in our next meeting.

Diana Shulsky stated that if sales of rentals in the city are being held up by failed attempts to become certified in order to transfer, that the city might need to look at funds to be held in escrow if, for example, a large building has many passed units but also has one that may be difficult to pass due to a hoarder or being under the RRP or construction process and timeline. The financial impact of holding up a sale when there is willingness from a landlord to comply can be very detrimental to a landlord's livelihood.

Window and Door Program

Councilwoman Maurer asked to move to discussion on our next agenda item, the window and door program. Director Martin was happy to report that \$4.9M has been earmarked for this new program. It will impact the landlords by allowing CHN, vendors, and other likely partners to fund, supply and install windows at properties.

Scott Kroehle asked about sub-contractor payment, and Karen Dettmer offered that they will be paid directly from Building & Housing. Scott suggested that on a small scale, it would be good to allow landlords to receive reimbursement of funds directly to pay installers. Karen added they want to avoid having funds disbursed without work potentially being completed. Both Director Martin and Karen added that a clearance must be associated with the property and a certificate of compliance.

Councilwoman Maurer asked how many properties will the city attempt to include in the program? Karen Dettmer said that a 200 property sample size with \$12,000 earmarked per property will be the goal. Scott Kroehle asked if the city has considered rolling out based on highest risk zip codes. Director Martin said it can be accomplished with how we are marketing the program rather than restricting the use of the program. Karen added that the impending notices of prosecution may prioritize users of the program. Scott continued that he did not think the highest at risk will be meaningfully targeted just from marketing. Karen voiced her concern that targeting the program may look like bias, and Scott said when you use a public health perspective, and go by census track which identifies areas of maximum number of poisonings, that it is not bias. Karen also commented that this program will help us work with properties that have had denials. Rob Fischer stated that this program cannot be combined with properties that have had lead hazard controls placed since they have different funding sources available.

Carol Smith asked if the clearance examiners will be introducing the program to landlords? Wyonette Cheairs said that we will have leverage points to receive windows if you work towards all area of safe and healthy homes. It is possible this will lead to more city dollars becoming available. Councilwoman Maurer said that this builds on Home Fund 2.0 and Wyonette added that it is all part of one fund. Karen Dettmer asked should the money also be used to incentivize renewals or would it be geared more towards first time applicants? Wyonette suggested the focus be on first time compliance.

Civil Ticket Roll-out once Residents First is passed

Councilwoman Maurer introduced discussion on the Residents First package which has the provision for civil tickets. Director Martin explained that if a landlord does not take action to comply with the ordinance, that Building & Housing will issue \$200 tickets, potentially daily fines, which will eventually show on the tax duplicates. The tickets that will be issued will be considered minor misdemeanors. The Residents First proposal will be before city council first and Councilwoman Maurer stated she is highly in favor of this proposal. The city law director has said they are in a position to process one hundred tickets per week.

Director Martin went on to say that prosecution is an iterative process. It will include placarded properties. The city will add two lead prosecutors to the staff. Also there will be changes to the rental registration whereby out of state property owners will have to identify local property managers and there will be more systematic oversight of these properties. Scott Kroehle asked if the city expects the liens on the properties that will come of this process to lead to abandonment of properties. Director Martin further explained that there will be an off-ramp for those that come forward to work with the city. There will be an appeal offered through an administrative board separate of Building & Housing. A lead compliance unit will be set up to hear from mostly the one- to three-family property owners. The city will work hand in glove with the landlords.

Diana Shulsky and Scott Kroehle both mentioned the timing of when landlords will learn they have been getting fined. Some property owners may not realize that fines were applied during the current year until the taxes are certified at the end of year and next year billing statements come out. This would seem to be more likely with properties that are unregistered or do not have a good mailing address to get the notice of tickets directly to the property owner. Director Martin said we are going to ratchet up the enforcement which will therefore affect the course of action to be taken. Councilwoman Maurer said that more communication is going to be needed and she believes this will get the needed attention.

Request for Update from Community Development Regarding Glenville HUD Grant, Contractors

An invite from Glenville Community Development has come in front of the Lead Advisory Board to discuss HUD funds for hot spots, where Lead Hazard Control Order money can be available. The cap is being raised and the Ohio Dept. of Health will help with funds too. This will be discussed more fully in our next meeting.

Policy Committee Meeting Recap

Councilwoman Maurer discussed the reconvening of the policy committee with the meeting held 11/17 with approximately forty attendees, and some of the lead advisory board members and staff present. Wyonette Cheairs summarized information presented in the meeting. She summarized the childcare pilot program and educational interventions presented that day, and reviewed that Director Martin spoke about the Residents First program proposal of House Bill 280. She re-capped that there were thirty minute break-out groups to gather what the policy committee should focus on in the future in three areas: program delivery infrastructure, Home Fund, and outstanding legislation pertaining to prevention. The next meeting date was announced to be January 23, 2024 at 10 a.m. at the county Land Bank offices.

Diana Shulsky summarized the Home Fund break-out group conversation. The fund has given \$1.5M in incentives to date. Eligibility has been improved. The three main areas of landlord support are grants

and loans, along with \$750/unit incentive following certification. Then it was suggested that funding focus on asset improvement like the window replacement program, marketing the value that will be added to a property, getting information disseminated on spending and what is being done with coalition funds, and asking for more clarity and transparency about grant utilization - making sure grant money gets to the landlords.

Councilwoman Maurer summarized her discussions in the legislative break-out group which would be concerned with changes needed following the 2019 policy recommendations to city council. Having a Lead Ombudsman appointed for the coalition was revisited.

Future discussions from the next policy meeting in January would be good input at the next Lead Advisory board meeting.

Joint Meeting with Steering Committee

Councilwoman Maurer and Wyonette Cheairs had more information for the proposed joint meeting for the Lead Safe Advisory Board and the Steering Committee, working towards a date at the end of February. In addition Councilwoman Maurer said she will soon announce the board's meeting dates for our quarterly meetings in 2024. Scott Kroehle verified that we are looking for a separate meeting with the Steering Committee, and it was mentioned that Emily Collins from the Mayor's office would be included in the communication.

Approval of Minutes from 9-14-23 meeting

As Councilwoman Maurer motioned to approve the minutes from the last meeting, Wyonette Cheairs suggested that we have the minutes updated with the new data on renewal numbers that came out during the second quarter of 2023. Rob Fischer said he will send the language to Diana Shulsky for an amended comment within the minutes. The board will vote whether to approve the amended minutes at the next board meeting.

Re-appointment of Lead Advisory Board Members

Councilwoman Maurer mentioned that both Scott Kroehle and Wyonette Cheairs will need to be re-appointed for another term and will need to send resumes for council to review. An opening for a board member also will exist.

Public Comments

Zak Burkons stated that the numbers need to be very specific as to the renewals, separate of first time compliance, because it is not beneficial to compare to other cities that cite their numbers in a more favorable light. Zak continued to say that the workforce issue is the biggest problem with the implementation of the ordinance. He mentioned that much of the workforce has dropped out since second quarter of 2022, and he offered to send his analysis to the board for review. He continued that Residents First is a great idea but there are still not enough inspectors. Also he follows Ohio laws and ordinances and has asked for public records to clarify the enforcement of the ordinance to little avail, and has gone as far as the Court of Claims. He would like to see the information promulgated in a meaningful manner.

Scott Kroehle stated that this has been a consistent concern about workforce, and he is wondering if this indicates a decline in demand or simply unmet demand? He continued by illustrating that a window program will ramp up this demand, and perhaps we are artificially lower than we should be because we simply cannot get enough workers. Scott continued to say that the busiest two clearance examiners cannot meet all requests. Director Martin agreed that some workers are being underutilized and Wyonette Cheairs said she will look at the latest usage reports. Carol Smith added that workers will drop off as risk assessors or clearance examiners if they are feeling the process is inconvenient; they will find other work. Scott added that there should be an equitable way to spread the work around.

Scott Kroehle also emphasized that the user interface is underdeveloped and the user, whether a landlord, worker or tenant does not know how to quickly navigate to the information they seek. Scott suggested it would be a good idea to call through the channels again to see how calls are answered and routed. Carol Smith continued to say that in particular, locating a clearance tech through the website is difficult. Wyonette Cheairs said we can have the website improved to offer more direct fact finding for users. Karen Dettmer asked if a link through Case's website would be beneficial. Zak Burkons said that the RRP list on the coalition website is very meager and added that the Cleveland Hts. Lead program will be rolled out in January and we can look to see how they will be scaling their workforce as well.

Rob Fischer motioned to adjourn the meeting. Scott Kroehle moved and Carol Smith seconded. All voted yes. Meeting adjourned.

Conclusion of Minutes 12/14/23