

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

3/13/2024

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 O’Toole

Program Manager of City Lead Program Karen Dettmer

Guest Presenters:

Emily Collins – Mayor’s Office

Dr. David Margolis – Public Health

Anthony W. Scott – Community Development

Gina Ventre – Community Development

Guests:

Naomi Palmer
Ben Rosolowski
Michael Henderson
Victor Santillo
Regina Samuels
Joe Libretti
Zak Burkons
Cleveland Documenter Otter Pilot – virtual
Bobbi Saltzman – virtual
Imara – virtual
Candice – virtual
Kathleen Moser – virtual
Zach Cofer – virtual
Jen Feyermuth – virtual
Marie Zicklefoose – virtual

Welcome and Public Comments

City Councilwoman Rebecca Maurer convened the meeting and asked for public comments. Joe Libretti said that he learned that as a landlord he was ineligible for new grant money from the Cleveland Housing Network for window and door replacement because last year he had received funds for interim controls. He stated that landlords should not be precluded from receiving new funds for new programs since interim controls are temporary. Zak Burkons stated that he would like to see better turnaround on the appeals process to turn more denied applications into approvals.

Approval of Minutes and Re-Appointment Process

Councilwoman Maurer moved to start the business of the meeting by approving September and December minutes. Wyonette Cheairs asked for more clarification on sections of the December minutes. Scott Kroehle motioned to approve the September minutes, Carol Smith seconded and all voted yes.

Councilwoman Maurer mentioned that the re-appointment process for Scott Kroehle and Wyonette Cheairs is taking a little longer and that we still have a vacancy on the advisory board to address. We should have the appointment process completed soon.

Auditor Report

Rob Fischer began summary of the report for the fourth quarter October through December 2023 by outlining five topics: Context for the Zones and the Rental Universe, the Implementation Progress,

Quarterly Metrics, Compliance Findings and Conclusions. The quarterly data shows that approximately 14% of properties and 32% of rental units of the full rental universe for the city have submitted at least first time applications. Focusing on those that have renewed, there has been a drop based on the city software Accela and spreadsheet data with 19% renewed and just over four times that number having expired. Understanding what the motivations were for these properties to lapse when they had previously complied is important as ongoing compliance is the whole purpose of the ordinance.

Scott Kroehle asked if we can learn more in the future about the property type that is involved in the non-renewals. Rob Fischer added that as the city works towards moving completely to Accela the renewal numbers could be trending lower since this current quarter began. Even though roughly 34,000 units have gone through one entire compliance period, with the renewals down it is effectively reducing the compliance by 6,000 units. Scott observed that 166 properties received the 20-year lead-safe clearance and that these are almost exclusively larger buildings.

Compliance by rental status indicates that previously registered rentals are three times more likely to be certified compared to unregistered rentals. Larger properties are two to four times more likely to be certified. By looking at the original zip code zones the trends are the highest for the zones first exposed to the rollout of the ordinance. And based on property type, the smaller properties have the lowest numbers for compliance.

Building & Housing Practice Changes

Rob Fischer continued that some of the Building & Housing practice changes for processing applications were made beginning in the fall of 2022. Changes were announced via email to inspectors and included clarifications of various submission guidelines. In general there were three types of clarifications made: 1. All units on the parcel must be tested before certification can be achieved, however all units need to be submitted together at one time. The oldest report can be no older than 90 days from the date of the submission; 2. No longer will they accept adjustments to reports for errors, the appeal process must be engaged; and 3. Elimination of the winter deferment option.

Rob Fischer explained the effect of the first practice change from the inspector standpoint where you have one failed unit at a property and now the time for passing the whole property has ended and the inspectors have to go back to landlords and charge for lab work again or absorb the cost from the first round of tests. This hidden cost should be discussed more fully as to how it plays out in real time. Scott Kroehle asked how many properties the auditor believes this has affected. Rob responded that we only know the number of properties that have been denied. He also added that correcting errors on reports requires the appeal process, and that the winter deferment made a lot of sense during the zip code rollout when deadlines occurred in winter months. Rob felt that collectively the Building & Housing practice changes raised the bar for inspection reports and applications but also have contributed to an increased denial rate.

Compliance Trend

Rob Fischer continued that we had previously said we are in line with peer cities Providence and Detroit, and that he wants to re-state we are better than peer cities since we are using the entire rental universe for our metrics. Cleveland is at 23% compliance for the rental registry and this indicates we can get to 60% if we stay on trend. This shows a better compliance trend than the two peer cities. Scott Kroehle pointed out that the line for all suspected rentals could be pivoting downward. Rob responded that we have reported way more data than every other city has over the last fifteen years. Cleveland is trying to do it better and so we may be better on certain metrics than others. Our city could be looked at with national attention and the other cities can make better comparisons as well down the road.

Carol Smith mentioned a property owner that has an issue with a unit passing due to difficulty in entry or cleaning can sign an affidavit that they have experienced interference from a tenant. Risk assessors can send in the affidavit with an application. Councilwoman Maurer asked to further this conversation later in order to hear the auditor's primary conclusions.

Primary Conclusions

The new applications declined in the fourth quarter of 2023 to 345, continuing a six-quarter decline. Application approval rates remain high at 89% but denied applications (637) involve nearly 2,000 units of housing. Appeals have been very slow with only 3 being completed since late January 2024. Renewals among previously certified properties have declined to 19%, about 1 in 5 previously compliant properties, and continued non-renewal jeopardizes overall objectives. Compliance trends among registered rentals are well ahead of peer cities at 23% but below the level required to reach full compliance by 2028. Compliance among likely rentals is approximately 7%. The comment portal reflected a concern from a lead risk assessor about the 90-day time limit from the lab certificate date for a property obtaining clearance, and the assessor disputes that interpretation as an accurate requirement of HUD and Ohio Dept. of Health.

Presentation from the Mayor's Office

Councilwoman Maurer introduced Emily Collins from the Mayor's office as well as others in the room that have come to talk about the existing implementation of the ordinance and where to go from here. Emily stated that the city really wants to open the door to the improvements needed for lead poisoning from the lead paint perspective and not, for the purposes of these discussions, from the source of lead from water pipes. Emily continued that we are here intentionally as a group to give a holistic approach and describe where the city wants to take lead programming in the future. She described her background as a strategist and advisor in environmental law and pollutants and stated that the effort will be enhanced with the help of the other guest presenters who are here to speak to us. Emily stated

there has been strong work in what has been done before and in understanding what it will take to be a model nationally by presenting the opportunity of lead safe living environments. Emily continued that it has been extremely helpful to have the auditor's findings and insight, and had concluded that the initial model has focused on registration, repair and incentives. A command and control strategy for lead safe certification was developed. There is now a lot more we can think about as we lead up to compliance. Public Health and secondary prevention will be stressed as well.

Emily Collins continued that the Dept. of Community Development is focusing on the income eligible programs. These programs will be both broader and in some ways more limited than the Building & Housing programs in place. Glenville is ramping up both financially and contractually. ARPA funds are being deployed now to the coalition, putting a lot of weight into coalition function.

Emily Collins continued that Building & Housing has had compliance spikes, due to deadlines and now Residents First. There is renewal lapse and low compliance for 1- to 3-family properties. Public Health is seeing steady numbers of lead poisoning that no one is comfortable with. Community Development sees contractor shortages and technology issues in ramping up compliance. ARPA funds are earmarked for certification incentives and showed good usage in fourth quarter of 2023. Emily continued that now is the time to re-tool for greater effectiveness. With the midstream metrics in hand we need to set policy through a single guidance document. We were presented with a draft of the City of Cleveland Lead Safe Certification Guidance document. Emily stated this is the right way to go and can we all agree that we need to build trust with landlords. The only goal should be to make the living units safer. Lastly, it is incredibly important to empower the city working teams. The Accela roll-out is very important. Compliance is more than just data. The time is now to re-tool and communicate effectively, keeping in mind how the parties are able to interact and move swiftly through the process of compliance. Emily stressed user interaction and knowing who those users are, not forgetting those that are not always at the table.

Building & Housing Update

Director Martin stated that the department is rolling along, doing the best at handling issues that need to be addressed. Director Martin continued to say that she is excited about the \$4.9M coming in second quarter of 2024 for the window and door incentive through CHN, as well as getting more properties to seek the 20-year clearance.

We reviewed the increasing number of rejected applications. 611 failed reports this year to date indicate that risk assessment should occur before the testing. And most importantly, are the children being less poisoned through cleared units? We know there are low compliance numbers for smaller properties, and he have to remember that the housing stock is over 100 years old now. There is a lot of deferred maintenance. Also many landlords have a lack of credit to take on bigger projects.

Director Martin continued that targeted outreach is the intention in having a position opened for a Chief of 1-3 family rentals. Conducting a free lead risk assessment and immediately accessing funds out

of the Ohio Dept. of Health is a planned strategy. The incentive “carrots” are to hold the landlord’s hand to stall prosecution and getting them to a 20-year standard. We need to correct the current compliance of only 12% for single unit rentals and 9% for two-family rentals. By comparison, 10+ unit properties have 44% compliance. Once the units are ready, they are handed off to a clearance tech to take it from there.

The lead safe \$200 civil tickets, which can be issued every day if needed, will start in May of 2024. Accela is the department’s software for integrating the currently independent databases of registered rentals, vacant properties, lead compliant properties along with the civil ticket portal. The plan is to make all this available on the open web, along with regulating the guidance documents and simplifying the lead safe application.

Presentation from Dept. of Public Health

Dr. David Margolis introduced the Dept. of Public Health’s billboards to show the dynamic outreach being done at this time. With 300+ cases of lead poisoning greater than 10mcg/dl and 1,359 cases between 3.5-9.9 mcg/dl, the work is needed. David continued to say that lead hazard control order prosecutions are being handled with the city law director. 658 placards also results in affidavits tied to the deeds that property transfers cannot occur. Thirty six of these properties were cleared and released. Furthermore 163 have closed the lead hazard control orders.

Presentation from Dept. of Community Development

Anthony Scott unveiled the community development initiatives that have been worked with Larry Haley and Gina Ventre. Applicants for the grant programs can be landlords or tenants. LIRA grants (Lead Inspection Risk Assessment) can be used for interior or exterior work. The department brought in a consultant in 2022 and they are still organizing. The transition entails 30 new job hires, with four being hired already this year working on 92 applications city-wide. Currently they are collecting documents for eligibility. For the specific area of Glenville, there are 8 new job hires and work on 67 applications.

Anthony Scott continued that demand is high for contractors, and they pick and choose jobs. There are staffing adjustments as the department is moving away from bidding jobs, and there is currently a backlog in environmental review. Tony continued to say that there is discussion of residential effect of fixed pricing. There is outreach being done to the CDC’s to help with trying to get contractors and there is union involvement as well. There is an implementation vendor RFP job closing 4/15/24.

Gina Ventre spoke about the ARPA \$13M used for 2,531 lead safe certificates through Mt. Sinai. The current city budget is \$6.4M of which one third has been used. The private market is driving people to spend this money, and you can see the record of success by pushing the money in that direction.

Questions to Building & Housing and the Guest Presenters

Diana Shulsky asked about the impact of current hiring and fixed pricing on the inspector pool and whether community development efforts would weaken the number of available inspectors for the non-income eligible landlords. Councilwoman Maurer replied that there may not be a known ripple effect on workforce yet but that it may be more about getting the money out the door to enable as much compliance as possible.

Scott Kroehle asked that all parties at the table remember that supply chain is important especially with different types of coordination taking place. We will have more success with a targeted approach and leveraging economy of scale, building out a training initiative and taking into consideration other workforce issues as we have heard from Zak Burkons along the way.

Emily Collins mentioned that they are in the process of negotiating with the city's union for workforce. Rob Fischer also commented that the formation of a family lead unit can lead to questions of overlap if there are no children in a household. There could be some Residents First confusion as that rolls out, and getting people to the right solution. Anthony Scott added that simplifying the application process will help, as long as it still complies for funding, and will be important to strive for. The city will have employed inspectors but the clearance techs will still be in the private marketplace. RRP designated work will still be eligible to receive incentive money.

Carol Smith asked for clarification on the city/CDC integration. Wyonette Cheairs clarified that the number of units is fifty total, or twelve properties per zip code for incentives. Scott Kroehle added that we have been focusing on inspection and would like to see this pivot to help with the broad swath of skills that will be working on the properties. Gina Ventre added that in linking up the programs, we can perform more inspections. Wyonette Cheairs finished by saying that there is still free RRP training being offered to build the workforce.

Councilwoman Maurer asked for a motion to adjourn the meeting. Scott Kroehle moved and all seconded. All voted yes. Meeting adjourned.

Conclusion of Minutes 3/13/2024