

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

6/13/2024

Board Members Present Virtually:

Councilwoman Rebecca Maurer – Co-Chair

Scott Kroehle – Co-Chair

Lead Safe Auditor Rob Fischer

Wyonette Cheairs, LSCC

Carol Smith

Diana Shulsky

Staff Members Present Virtually:

Cleveland Building Director Sally Martin O’Toole

Program Manager of City Lead Program Karen Dettmer

Emily Collins – Mayor’s Office

Guests:

Zak Burkons – virtual

Jabril Shabazz – virtual

Roopa Thakur – virtual

Taylor Wizner – virtual

Todd Knight – virtual

Betty – virtual

Chanel – virtual

CLE Documentor – virtual

Doug – virtual

Courtney – virtual

AD – virtual

Welcome

City Councilwoman Rebecca Maurer convened the meeting by thanking everyone for their patience with our move to a virtual meeting, and recommended we start with the auditor's report then follow up with housekeeping items.

Auditor Report

Rob Fischer began summary of the report for the first quarter January 1 through March 31, 2024 by explaining that they used data from Accela combined with the legacy system data from Building & Housing. Rob thanked Jenna Freyermuth and Mike Henderson for getting the data in shape for presentation. Rob continued to say that B&H has processed 8,000 applications for properties to date, encompassing 31,000 units. The estimate for the number of all rentals is about 56,000 properties and 100,000 units, as far as the full rental universe. The applications to date represent 14% of properties and 32% of units. Registered rentals stand at 24% compliance. When we make comparisons to peer cities, we are ahead and we also have a more expansive goal. The auditor's report paused.

Councilwoman Maurer stated that the city is still receiving recommendations for retooling the program. The process for developing documentation and new procedures for the city's lead program is ongoing, along with ongoing efforts by the coalition and Building & Housing for formalizing programs like the window and door program and making funding streams available. Today's focus for the meeting will be looking at the present situation. Councilwoman Maurer continued that we are not ignoring or moving past these matters, and we will be coming back to those conversations in the next upcoming board meetings.

Approval of Minutes and Re-Appointment Process

Councilwoman Maurer asked for the approval of minutes from December and March. Councilwoman Maurer stated we have one correction to the December minutes and moved to approve with the change if everyone agrees. Scott Kroehle moved and Karen Dettmer seconded. All voted yes. Councilwoman Maurer asked for a motion to approve the March minutes, Karen moved, Scott seconded and all voted yes.

Councilwoman Maurer brought up board membership. We have two processes to complete and mentioned that the re-appointment process for Scott Kroehle and Wyonette Cheairs is forthcoming and has been submitted to City Council. Councilwoman Maurer also discussed the second matter, our seventh position is open and that anyone can submit a resume by sending it to the Mayor's office. Six of the seats are appointed by the Mayor and the seventh is a member of council. Emily Collins joined the meeting and mentioned that we will have an open call for applications. Emily continued that the board members will receive notice of the appointment by a letter from the Mayor's office. Scott Kroehle

offered that as far as the requirement for the board member demographics, there are no additional statutory requirements for the seventh seat since all the required roles have been met. Councilwoman Maurer concurred that there are no statutory requirements for that seat. Diana Shulsky spoke to personally recommend and encourage Zak Burkons to make the application to join the board. Diana explained that he interfaces with the landlords and the city, and is in the trenches working on lead inspections and is an inspector from the private sector and not partially subsidized for his work at the community level. Diana continued that he is very informed at the state and local level and we could use that integration of knowledge.

Auditor Report

Rob Fischer resumed once we had the power point shared with the group. Rob reviewed the data relating to application status and that the pending numbers are continuing to go down by moving forward into other categories, as well as the denied numbers being reduced. If you go back to comparative reports quarter by quarter, due to revisions to previous records, a significant change happened. Rob continued that last time we reported 33,000 units were tracked from submitted applications, but there was a big error with one property, and once the correction was made that left us with 31,000 for our current quarter. That number reflects cumulative first time applications. Scott Kroehle mentioned he would like to see that number of units netted out with the number of expired. Rob suggested he may be able to demonstrate with another slide, and that through March we had 450 applications that had renewed and 2,000 have expired.

Rob Fischer continued that 88% of first time applications have been approved. For the balance of the last three quarters we have plateaued at a lower level at about 350/quarter, and therefore we know that ongoing level won't get the job done. Furthermore, 182 properties representing about 4,000 units have had the 20-year certification. Scott Kroehle asked who are the applicants within that minimum set, and what is the motivator? Rob said we can dig into that.

In turning to the pie chart, we reviewed the application status, with 57% issued and active and 25% expired. 63% of the current compliant properties equate to 57% first time and 6% renewed applications of all cumulative passed applications. About 8,700 units are now outside of compliance that once had been compliant. Scott Kroehle noted that represents 19,800 dwelling units. Rob posed the question by asking if the protective effect is still there because a property met a standard at one time, and is there still protection for children since they met a standard previously? Scott answered that it stands to the limits of the program and the whole framework of the law.

Compliance by Rental Status and Size

Rob Fischer noted that previously registered rentals still have better compliance than unregistered rentals. Largest properties show highest compliance at 48% and are 2-4 times more likely to have

received the first time certification. Rob continued to say that the smaller properties are inching up but are not changing much from the past. Scott Kroehle hoped to get clarification on how new policies and rules could be disproportionately affecting the large vs the smaller property owners.

Rob Fischer continued that regarding the renewers vs the non-renewers, across all roll-out zones the renewal rate stands at 18.5%, except in zone 7 which stands at 28%. Scott Kroehle observed there are more 6-10 unit dwellings in zone 7. Rob agreed and stated that renewals are also higher if a property is new to the rental registry.

Rob Fischer stated some interested facts about certain neighborhoods; the lowest renewal rates are within some of our poorest neighborhoods. Rob pointed out that there is an opportunity to see what is working in some of the more successful neighborhoods like Slavic Village, Collinwood and Tremont. Are there some practices working there to make a difference? Scott Kroehle asked about the number of units owned, and type of ownership of some of these more successful areas, as well as the type of professionalism happening there, and it would be good to see all of this data mapped. Rob commented that with only 450 renewed, it is hard to really slice it down since it is more about having individual conversations; for example, are the landlords really more engaged in Tremont? Councilwoman Maurer agreed, as in the case of Slavic Village, the higher renewal rate could be due to individual action.

Current Trends and Conclusion

Rob Fischer explained that even if we don't have great reference points, we are in better shape than our peer cities, plus we have held ourselves to a higher standard by not just including registered rentals. If we project out to where we need to be, should we continue at a 20% renewal rate, we will never get to our goal. If we continue on the trend to have a property have at least one certification over time, that grows to 70-80% among registered rentals, and up to 50% for the entire universe of rentals by end of year seven. Rob continued to say we want to be fair to the work in a post-pandemic atmosphere, yet we have a higher standard and higher expectations to fulfill.

Rob Fischer continued that there is a consistent average of 350 approved applications/quarter for the last three quarters. 4,000 units have the 20-year clearance. Rob said we continue to monitor the denied that involve a large chunk of units. About a third of compliant properties have hit their renewal. The 18% renewal rate will have to change in order to get to the goal. This is not preliminary data. In a short time all of our properties will hit the two year renewal date. If we account for non-renewers, we are at 10% currently compliant with the lead safe ordinance. Rob concluded the auditor's report by saying that there were no comments this quarter on portal.

Building & Housing and Coalition Updates

Councilwoman Maurer asked for updates from Building & Housing and from the coalition. Director Martin had an update on Accela and Wyonette Cheairs had an update on the incentive programs.

Director Martin stated that her department has made significant progress. The Accela program was up and accepting lead applications, but had to upgrade to a new coding system. The rental web portal for submitting new applications will be up by the end of June. Wyonette Cheairs stated they are continuously on track for a 30-day distribution of incentive payments, more property owners are able to take advantage, and have extended dollars for this year by using allocated dollars from next year's budget to maintain the timeline.

Scott Kroehle asked about whether there will be a rolling incentive program or if there is an end date and Wyonette Cheairs said the end date is June 2026 for ARPA money, but added that there are discussions happening now for extending those incentive funds which we can discuss in a future meeting.

Councilwoman Maurer asked about the administration of the lead safe home fund and how they are accepting applications? Wyonette Cheairs went on to explain that they are accepting applications through various outlets. Wyonette said that the incentive system is not centralized yet. They are finalizing the intake system and the administrators still use paper, but it should be up and running by next quarter. Carol Smith asked Wyonette if the incentives are available for the renewals in addition to the first round of work? Wyonette said yes, that they are available for renewals as well.

Scott Kroehle discussed that in getting this chance to work with a city on a reboot, it is really critical that we should focus on user experiences as we try to build a functional system. Just the other day a local CDC received a summons over some of their affordable rental units due to not having clearances, and there was nobody to talk to at the courts because they did not have an attorney representing them. We have to be prepared to capture those people as they step into those rooms. There is so much to be gained from doing close observation of the regulatory eco-system. Scott referred to Zak Burkons' previous comments regarding the impact of workforce issues in appeals. Scott closed by saying that as we anticipate the ongoing reboot, we need a deep inspection of the impact of this regulatory system on people. Councilwoman Maurer concurred.

Public Comments

Councilwoman Maurer asked for public comments.

Zak Burkons spoke about seven worsening quarters for the lead safe program. He mentioned that there are probably just five active inspectors, when there had been 32 active inspectors in 2022, which is an 80% drop to the number in 2024. Zak continued that it is down to two inspectors doing most of the work. Zak described that they are dropping out due to not being able to deal with shifting rules and inability to get assistance from the department. With what we have learned, we must face reality that the problems are due to a disconnect between the city and the workforce. Until that is fixed we will see

poor performance. Zak stated he is looking forward to new upcoming policy rules and enforcement. Absent enforcement, this program will not work. Accela and the lead app is a good thing but last time he reviewed the app, there was no security involved. Moving forward there should be more vision and Zak said he will continue to offer his assistance.

Todd Knight expanded on Zak Burkon's concerns by introducing himself as a risk assessor and a parent of a previously lead poisoned child. Todd said his experiences center around working with CHN to help landlords and it is very difficult. There is a lot of red tape, and it is very frustrating for anyone that wants the grants. Todd stated that users need a more streamline experience.

There were no additional public comments.

Councilwoman Maurer adjourned the meeting.

Conclusion of Minutes 6/13/2024