

DRAFT

Report to Lead Safe Advisory Board City of Cleveland

December 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: July 1 – September 30, 2023

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Summary

The Cleveland Lead Safe ordinance required that all rental properties built before 1978 receive a Lead Safe certification by the end of March 2023. Cleveland Building & Housing established a schedule of compliance by Zip Codes over eight calendar quarters, rolled out through the end of 2022. This quarter showed growth in cumulative metrics of property owners newly pursuing lead safe compliance but a continued slowing of new applications. This is also the third quarter for previously certified properties to pursue renewal of their lead safe certificate and limited renewals are seen from these properties.

Key Findings

- Quarterly volume of new lead safe applications continues to decline– By September 30, 2023), cumulative applications for lead safe certification had grown to 7,342 and approvals stood at 6,481. The quarter showed a first-time application volume (355), that was 35% lower than Q2 2023 (550), and 67% lower than Q3 2022 (1,013). This is the fifth quarter of application volume declines following 1,076 in Q2 2022.
- Half of properties facing a lead safe renewal are complying – As previously certified properties reach the two-year point they are required to renew their lead safe certification. Among 1,094 properties that have reached their renewal date through September 2023, 627 have renewed (57% of properties; 65% of units), and 467 have expired. Certification renewals are essential to the overall aims of the ordinance. If renewals continue to be sought by one half of previously certified properties, overall compliance will drop below current levels. Approximately 141 properties (3,880 units) have received a 20-year Lead Safe certificate via XRF testing and are not subject to the two-year renewal.
- Pending and denied applications have dramatically increased – The number of applications that have not received a lead safe certification increased from 475 as of March 2023 to 861 as of September 2023. These applications are associated with nearly 4,118 units of rental housing. An updated policy issued 8/9/23 by Building & Housing stated that “Due to an overwhelming amount emails ‘contesting’ deficiency letters we have decided that we will no longer accept adjustments to reports after

they are submitted” and provided guidance on common application errors. This suggests that the process for reviewing the sufficiency of applications is undergoing change. This is essential to ensure that all properties seeking a lead safe certification can be processed in a timely and efficient way.

- Compliance comparable to peer cities but insufficient to reach goals in timely way – Through September 30, 2023, property-level compliance with the Cleveland Lead Safe ordinance (13%) is consistent with the early compliance trends found in Rochester, Detroit, and Rhode Island as they implemented similar rental property requirements. Cleveland’s compliance accounts for 28% of the rental units in the City. To reach a 7-year goal of compliance (by 2028), the volume of new lead safe certification applications would need to reach approximately 2,600 per quarter and requires high compliance on the two-year certification renewals.
- Compliance varies based on prior rental registry status and property size – The data pattern continues to demonstrate greater compliance (23%) among properties that were previously on the City’s rental registry compared to properties that had not previously complied (7%) with the rental registration requirement. Similarly, compliance varies by the number of units in the property. Properties with more than ten units show the highest rates of compliance (44%) followed by properties with 6-10 units (25%). Doubles show the lowest compliance rates (9%), followed by 3-5 units (12%) and single-unit properties (12%). This differential response continues to show that enhanced outreach strategies are needed, especially for owners of properties with few units.

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 in 2021 and 2022. Each calendar quarter focused on a selected zone of the City, as defined by a subset of Zip Codes (See Attachment 3).

Implementation of Ordinance

Through the eight roll-out zones, 27 Zip Codes were subject to the ordinance with an initial deadline of submission at the end of each quarter for lead safe certification. See Figure 1 for map of zones and included Zip Codes. 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 (30%) 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”).

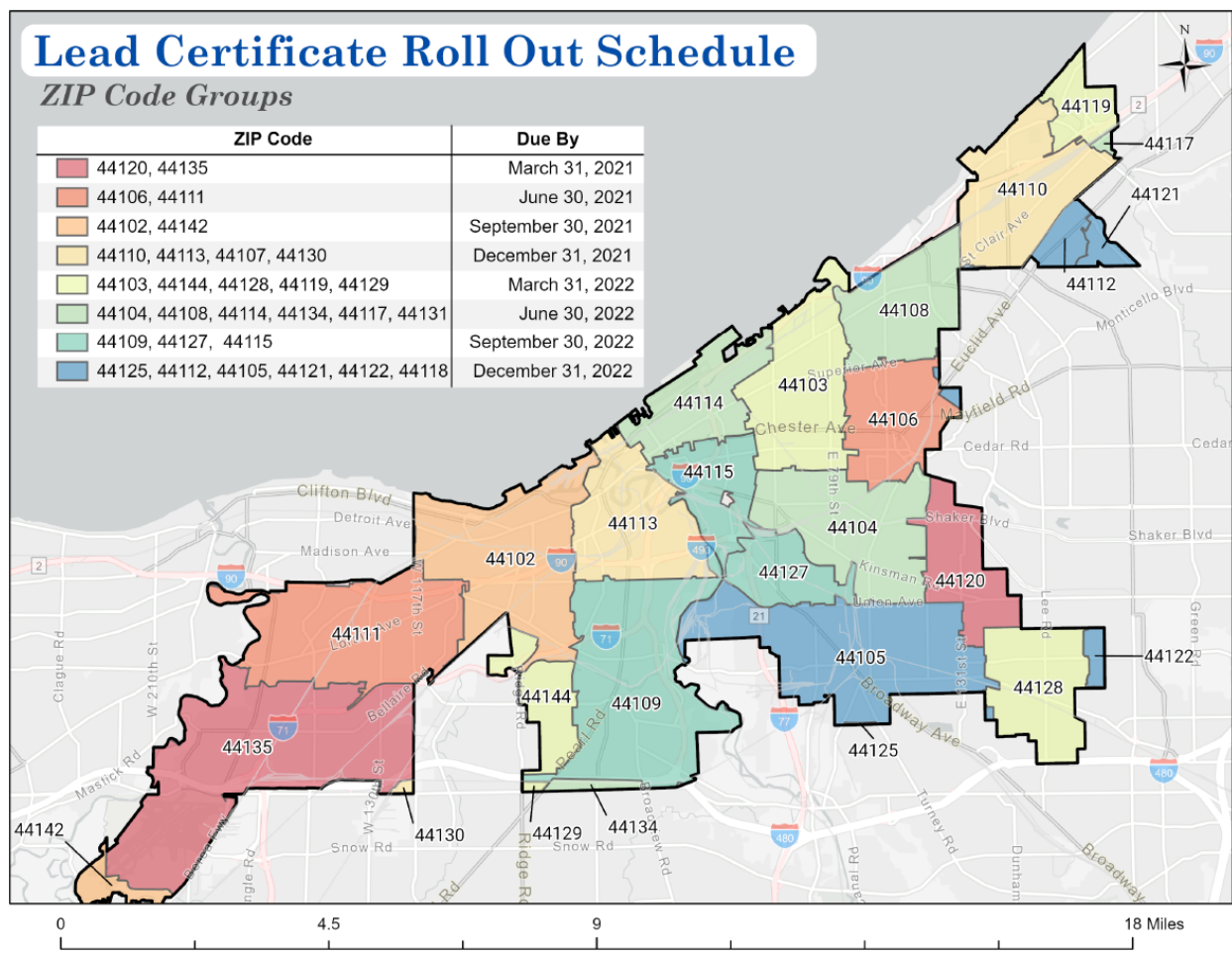


Figure 1: Ordinance Roll-out Zones

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 had previously joined 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, calendar years 2021-2022

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 continued but declining activity by landlords regarding compliance with the lead safe ordinance. This follows continued 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 7,342 and approvals stood at 6,481. See Figure 2a.

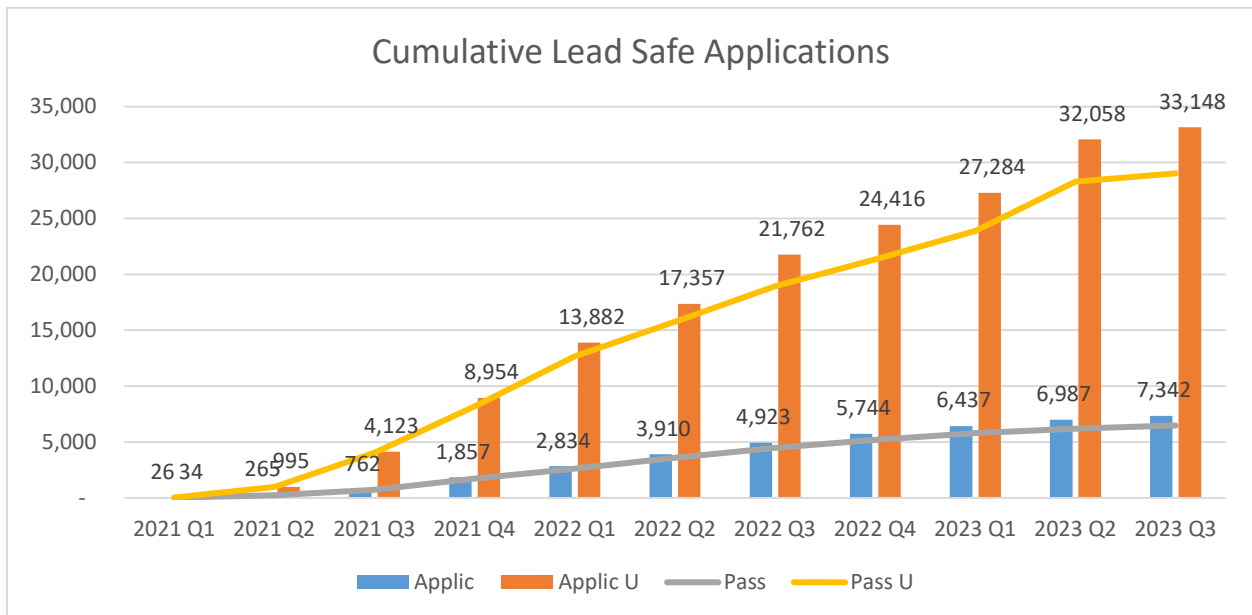


Figure 2a: Cumulative Lead Safe Certification Applications and Approvals by quarter, January 2021-September 2023

The quarter showed a first-time application volume (355), that was 35% lower than Q2 2023 (550), and 67% lower than Q3 2022 (1,013). The continued decline in new application volume from mid-2022 is notable and concerning. See Figure 2b.

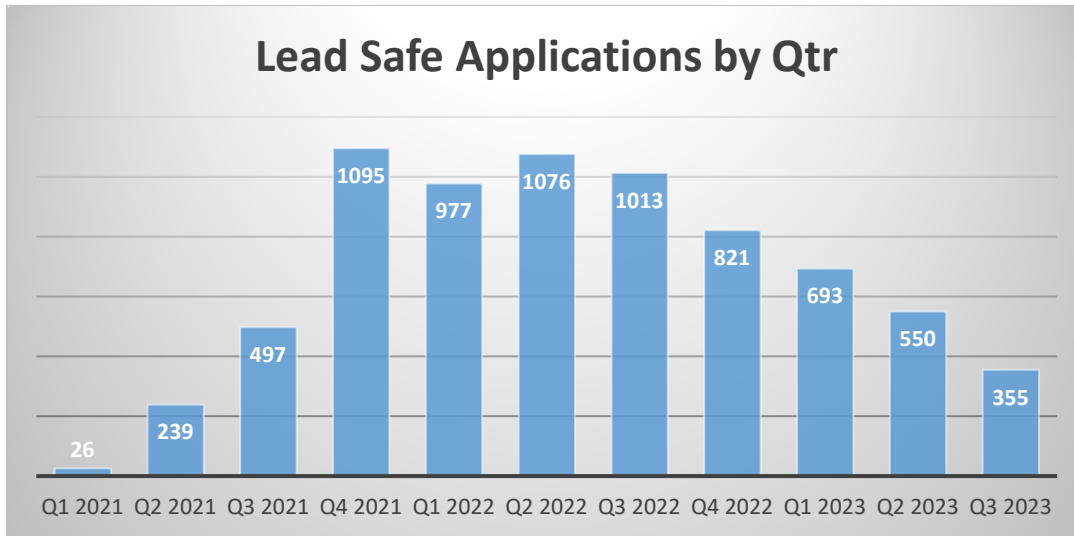


Figure 2b: New Lead Safe Certification Applications and Approvals by quarter, January 2021-September 2023

Through September 30, 2023, a total of 7,342 Lead Safe certification applications had been submitted to Cleveland Building & Housing, involving 33,148 units of rental housing. See Table 2 for detail by roll-out zone.

Table 2 – Lead Safe Applications and Disposition by Zone through September 2023

Zone	Apps	Units	Approved	Units	Never Approved	Units
1	1,424	4,377	1,294	4,135	130	242
2	1,313	4,359	1,185	3,573	128	786
3	1,077	3,989	938	3,456	139	533
4	795	4,794	699	4,414	96	380
5	889	2,364	795	2,093	94	271
6	374	4,411	288	3,422	86	989
7	879	7,668	777	6,741	102	927
8	572	1,276	478	1,116	94	160
Total	7,342	33,148	6,481	29,030	861	4,118

Among the 7,342 lead safe certification applications, 6,481 had been approved by the end of the period (88%). A total of 861 applications (12%) have resulted in noncertification, either through denial or continued pending status. Among 1,094 initially certified properties reaching their two-year renewal, 627 have renewed (57%) and 467 have expired (43%). Figure 3 shows the status of all applications as of September 30, 2023. Nearly 82% of all properties that initially applied have an active or renewed lead safe certificate. Six percent of properties have an expired certificate and 12% applied but have never received a certificate (denied or pending).

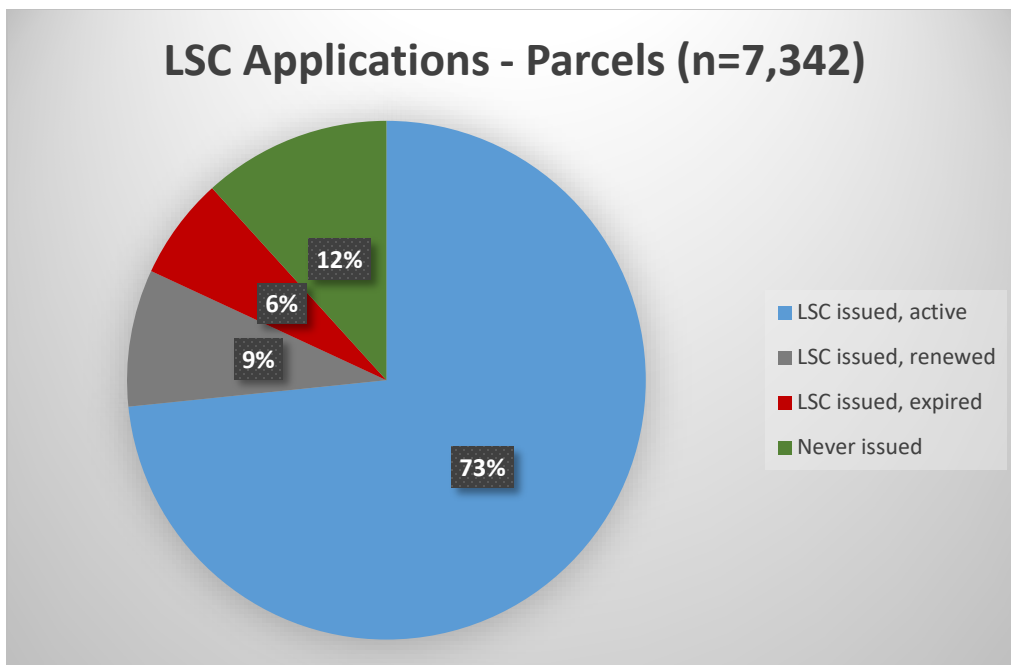


Figure 3: Lead Safe Certification Applications Status, September 2023

See Figure 4 for a map showing the location of all properties receiving a lead safe certification through September 30, 2023.

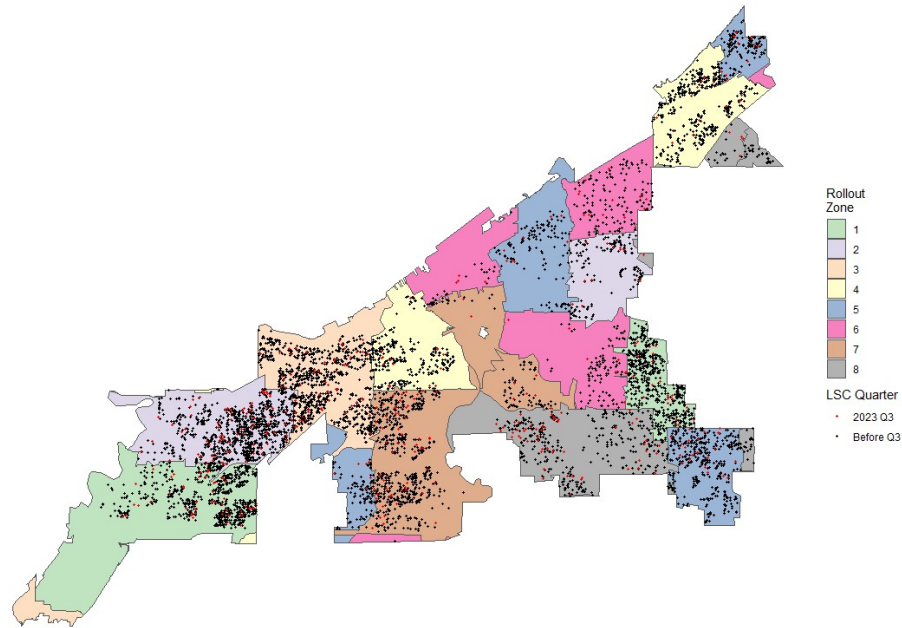


FIGURE 4: Map of Properties for which a Lead Safe Certification was issued, January 2021 – September 2023

Application processing. Timeliness of in the handling of the lead safe applications had been an issue through early 2023. However, with continuing lower new application volumes, processing times are shorter and the backlog of pending applications was substantially reduced. The average time between submission and a determination letter being issued in quarter 3 of 2023 was reduced from 25 in the previous quarter to 18 days. At the same time, the number of applications having received a denial disposition dramatically increased from 412 in Q1 2023 to 861 in Q3 2023. Denied applications are associated with over 4,000 units of rental housing. An updated policy issued 8/9/23 by Building & Housing stated that “Due to an overwhelming amount emails ‘contesting’ deficiency letters we have decided that we will no longer accept adjustments to reports after they are submitted” and provided guidance on common application errors. This suggests that the process for reviewing the sufficiency of applications is undergoing change. This is essential to ensure that all properties seeking a lead safe certification can be processed in a timely and efficient way.

Lead inspectors. Through this quarter, applications involved lead inspections done by 164 certified lead clearance technicians. Roughly two-thirds (65%) of these inspectors completed inspections for less than 20 properties and the median number of applications per inspector was 7. Thus far, 22 inspectors have conducted inspections submitted with 100 or more lead safe applications, and four inspectors have completed over 300 inspections linked to a lead safe certification. Twelve inspectors account for 55% of all lead inspections connected to submitted lead safe applications.

Tracking Metrics

The overall data in 2023 show a slowing of new applications, accompanied by a drop in the approval of new 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 time, the trend in compliance counts among property owners is inadequate for full compliance among rental properties on a shorter time horizon.

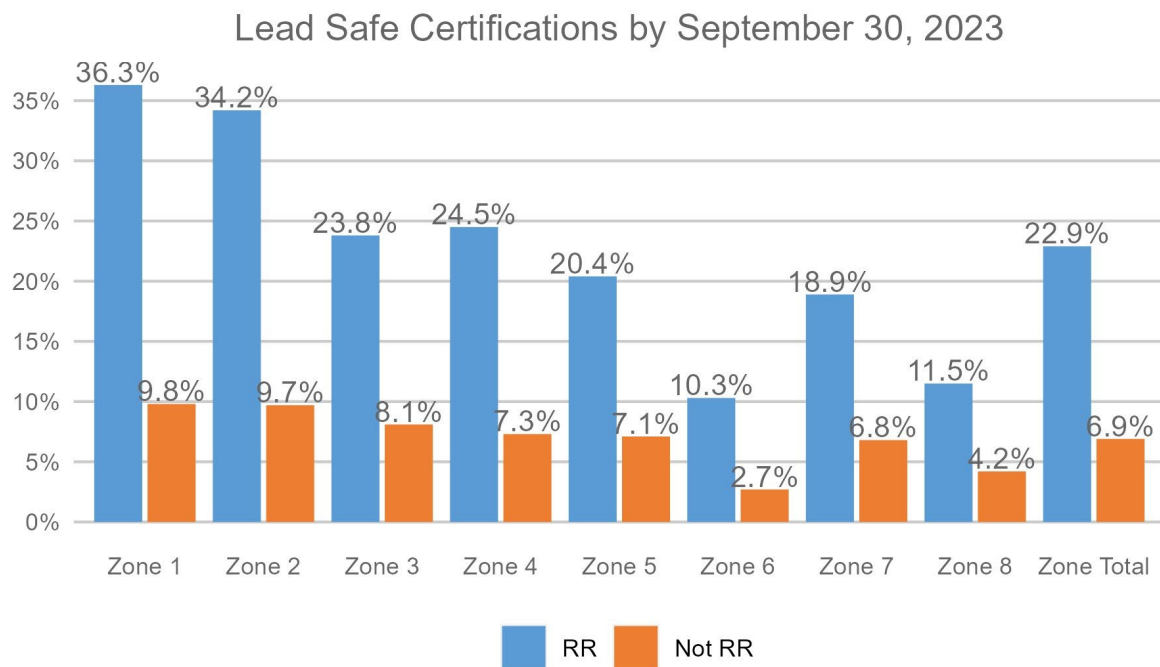
Table 3 –Cumulative Ordinance Metrics, September 2023

Lead Safe Certification	Property Count	Units Involved
Initial Certifications submitted	7,342	33,148
Initial Certifications approved	6,481	29,030
Initial Certifications unapproved	861	4,118
Renewal Certifications approved	627	940
Initial Certifications expired	467	701
Properties receiving 20-year LSC	141	3,880

Compared to the number of properties subject to the Lead Safe ordinance, 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 13% of estimated rental properties (28% of

units). An examination of compliance by zone demonstrates higher compliance as more time elapses. See Figure 5.

For example, for Zone 1, with over 2.5 years elapsed since the initial compliance deadline of March 2021, there have been 1,424 applications submitted as compared to an estimated 7,284 probable rental properties. That represents 20% compliance, leaving nearly 6,000 properties as yet noncompliant. Given that the majority of applications have come from properties on the rental registry, the bulk of those remaining noncompliant properties are likely a very difficult-to-reach population of owners or responsible parties.



*Includes certifications that are currently expired or pending renewal

FIGURE 5: Lead Safe Certifications by Zone by prior Rental Registry Status through September 2023

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 September 30, 2023, properties with ten or more units show the highest rates of compliance (44%) followed by properties with 6-10 units (25%). At the aggregate level, patterns are heavily influenced by the more mature roll out zones. Doubles show the lowest compliance rates (9%). Single-

unit properties and 3-5 unit properties sit slightly higher than doubles, both at approximately 12% compliance.

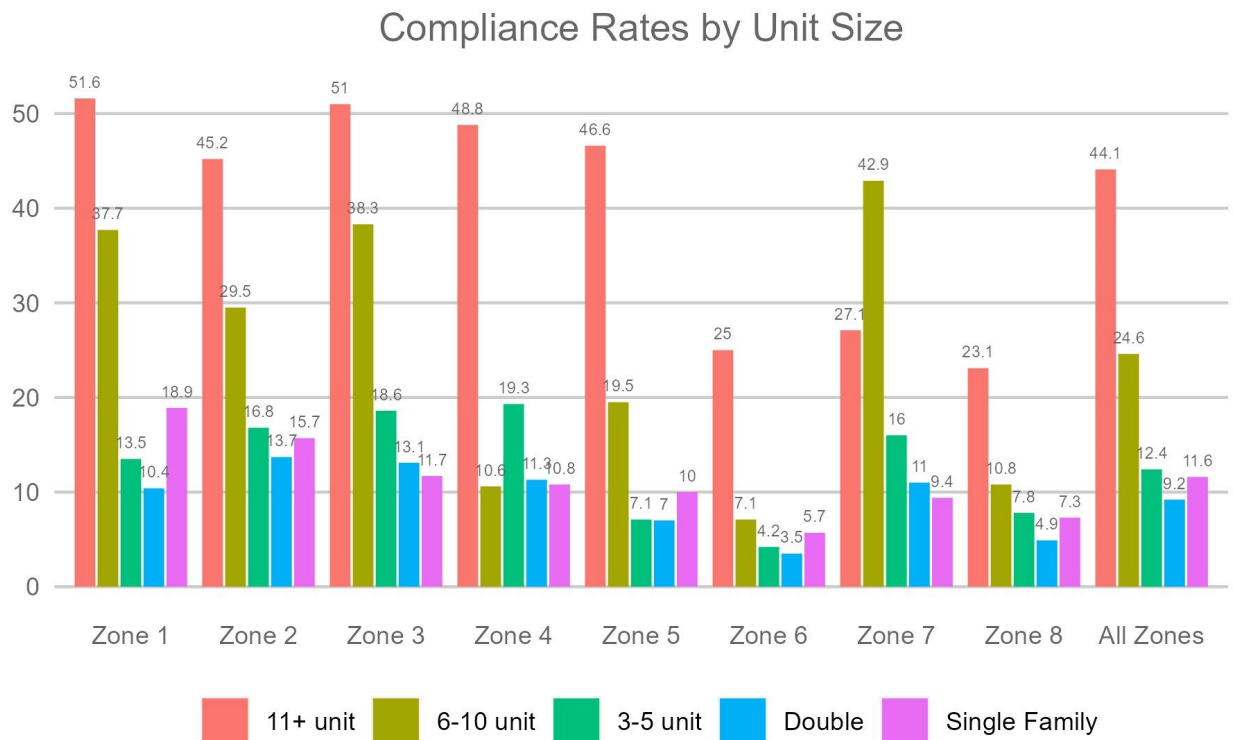


FIGURE 6: Lead Safe Ordinance Compliance by Zone and Property Size, September 2023

Motivating more property owners to comply is essential for the ordinance to reach the intended goal of full compliance among pre-1978 rental housing. As implementation continues, Building & Housing is well-advised to execute a dual approach of engaging and supporting landlords in the application process, along with holding accountable those who have failed to achieve compliance. This approach must now extend to those owners who initially complied with the ordinance but have failed to renew their certification.

Overall Status of Compliance

Through September 30, 2023, compliance with the Cleveland Lead Safe ordinance (13%) 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 13%

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.

It is important to note that the comparison cities relied principally on rental housing estimates based on rental registries, not including unregistered rentals as Cleveland has. This means that the Cleveland compliance rates are based on larger and more varied rental housing populations. In Cleveland, compliance levels are at 23% among rental registry properties (well above the peer cities) and 7% among previously unregistered rentals.

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 2,600 per quarter well above the application volume over the recent quarters. Each quarter that underperforms this mark will increase the numbers needed in subsequent periods to achieve the goal.

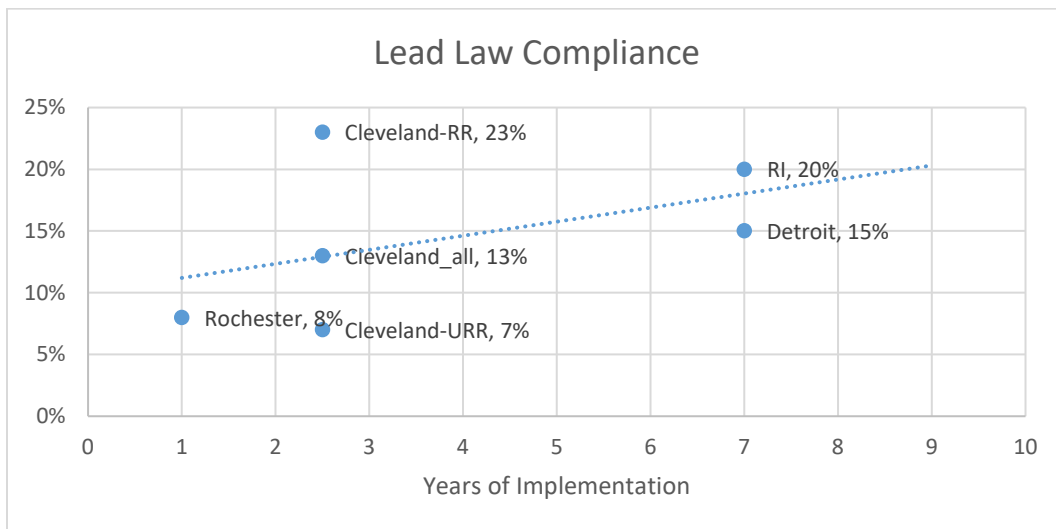


FIGURE 7: Lead Safe Ordinance Compliance by Years of Implementation

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.

New Publications based on Cleveland work

- Coulton, C., Richter, F., Cho, Y., Park, J., Jeon, J. & Fischer, R. L. (2023). Making the case for lead safe housing: Downstream effects of lead exposure on outcomes for children and youth. Health & Place, 84, 1-10.
- Coulton, C., Richter, F., Jeon, J., Henderson, M., Schramm, M., & Fischer, R. L. (in press). Using linked administrative data to profile a city's rental stock and landlords and guide a lead-safe housing initiative. CityScape. Accepted October 2023.

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. This contract was renewed for 2022-23.

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:

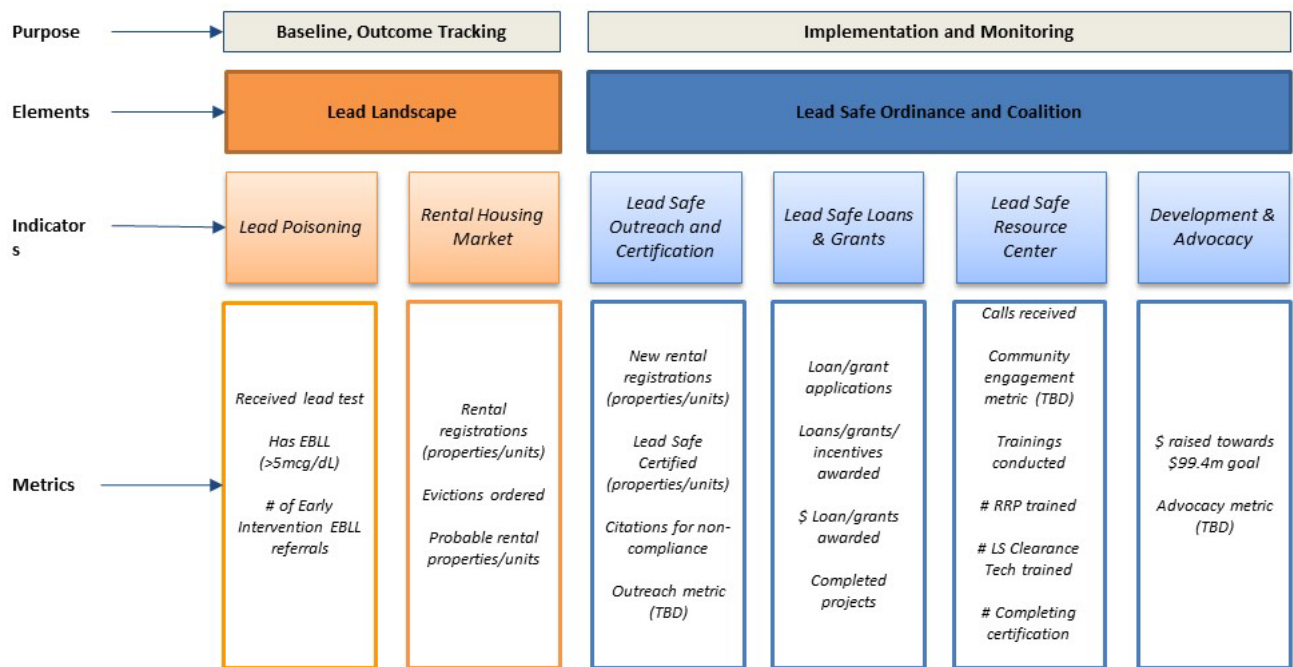
- Lead Safe Loans and Grants – The Loans and Grants, managed by the nonprofit CHN Housing Partners, provide a variety of grant and loan products to property owners as well as project management to assist with the remediation of lead risk hazards.
- Lead Safe Resource Center – The Resource Center, managed 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.

