



**Rebecca Maurer** COUNCIL MEMBER, WARD 12

**COMMITTEES:** Health, Human Services & the Arts - *Vice Chair* • Municipal Services & Properties • Operations • Rules • Transportation & Mobility

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***Statement of Councilwoman Maurer on latest lead poisoning data in the City of Cleveland***

This morning, the Bibb administration released its full Data Brief on the rates of lead poisoning in Cleveland. The report's key findings are deeply troubling, particularly after [the conversation about lead safety at CMHA properties this summer](#). Not only are we not moving the needle on Cleveland's stubbornly high lead poisoning numbers, but we have now identified 11 cases where a child tested positive for high levels of lead in a property that had received a lead-safe certificate from the city.

I join the Mayor in saying as loudly and clearly as we can that this is unacceptable.

Sadly, [concerns with the program and the lack of progress have been previewed over and over again at the Lead Safe Advisory Board meetings that I co-chair](#). These challenges, along with the pressing need to connect health data to housing data, were all topics of the Lead Safe Housing Fall Agenda that I released last month. That document is included below. Now that we have the full Data Brief, my sense of urgency is even higher.

Even prior to receiving this new data, Council had scheduled a hearing on lead this upcoming Monday, October 14<sup>th</sup> at 9:30am. I strongly encourage the public and those interested in lead-safe housing to join us. The Health Department will share the Data Brief and Council will have the chance to ask questions of the Departments and partners implementing the lead-safe housing program.

It's clear that something needs to change.

It is our moral obligation as a city to protect our kids from lead poisoning. I welcome any conversation of how to do that. The Mayor's statement this morning calls for a move towards lead risk assessments and abatement rather than lead clearance exams and remediation. These higher standards should absolutely be on the table. But I also think there are nuances to discuss.

I have spent the last 5 years working on lead-safe housing. I've moved from being an advocate outside the system pushing for change to being a member of City Council, leading the Council conversations on how to implement these policies on the ground in our communities. With that experience in mind, I want to offer some insights and context for the conversation spurred by today's announcement.

*First, I want to explain the difference between the different testing standards the Administration's statement discussed.*

Before the 2019 Lead Law and Lead Safe Certificate program, there was no proactive testing program to identify lead hazards in Cleveland homes. The child was the lead detector. The goal of the 2019 law was to move from *reactive* testing to *proactive* testing. A key question was what standard of testing should be used on properties that hadn't yet been documented to poison a child. The Ohio Department of Public Health and the Federal HUD standards provide a menu of options. I'm attaching some useful references from the HUD guidelines. Broadly speaking there are a few tests to know about:

- **Lead Clearance Exam:** A clearance inspection is the simplest level of testing and is a snapshot in time meant to ask whether a home is clear of immediate hazards. It is typically used after renovation work is completed. There is a visual examination and dust-wipe sampling. It cannot be the basis of a plan to remediate or abate the house. It relies largely on doing a very thorough cleaning prior to the dust wipe samples.
- **Lead Risk Assessment:** A Lead Risk Assessment or LRA is a more thorough examination and testing of a property to identify where hazards are *or* may be in the future. It involves testing of paint on friction surfaces in addition to the dust sampling and visual assessments of a clearance exam. It is meant to help develop an approach to making the home lead-safe (remediation) or lead-free (abatement) in the future. You must have a higher certification to perform a LRA compared to a clearance exam.
- **Combination Lead Risk Assessment and Paint Inspection Report:** This report includes everything in a Lead Risk Assessment as well as a surface-by-surface analysis of every part of the home and is used to certify that the property is free of lead hazards.

The entire menu of options was on the table in 2019. The final version of the bill that passed council used the Clearance Exam approach for a two-year lead-safe certificate and the combination LRA / Paint Inspection report for a 20-year lead-free certificate. The Administration's announcement today discusses the possibility of moving away from a Clearance Exam to a Lead Risk Assessment and moving from a remediation approach to an abatement approach.

*Second, I firmly believe that two things are true at the same time — we are struggling to meet the lower Clearance Exam standard across the City's rental properties and the Clearance Exam standard itself is causing issues.*

I will not sugar coat it. There are numerous issues we need to address in the structure & implementation of the program. We've only barely cracked 20% compliance. Single-family and duplex homes are far, far behind. The online portal that landlords use to submit for certificates has been down for months. We have not spent public or private dollars nearly fast enough to make significant and necessary lead-safe repairs.

In other words, we have work to do to keep our own house clean. [As I talked about recently, partners are coming together to "pivot" or "re-tool" the program.](#) We want to spend money faster. We want a workforce within Building and Housing and at CDCs to do this work. We need enforcement.

But what has also become clear over the past few months is that the Clearance Exam standard itself is also part of the problem. Unscrupulous lead clearance technicians are using this abbreviated test to tell landlords what repairs they need to make and then coming back to test a second time – a practice prohibited under Ohio law. A clearance exam overly relies on day-of cleaning. I’ve heard stories of clearance techs, incentivized to get a passing score, giving a heads up to landlords about the areas where “extra cleaning” might be needed before a dust-wipe sample.

All of these tactics are a recipe for exactly what we saw today – homes that pass as lead-safe that really aren’t. Especially old, high-risk homes.

We should not give up on moving to a higher standard of testing, especially for riskier homes, even if we know we have issues within the program to fix too. Both problems are true at the same time. And we must, for the sake of our city’s children, find solutions for both.

***Third, as we open the door to possible ordinance changes to the 2019 ordinance, I will be looking for a more tailored approach that incorporates everything we’ve learned in the last 5 years, rather than creating a new one-size-fits-all standard.***

Full abatement is not possible for every property. Moreover, HUD analysis included below implies that much of Cleveland’s housing stock – even though built before 1978 – may not have any lead-based paint in it at all.

I would like to see a more properties, particularly those between 1940 and 1978, get a surface-by-surface analysis and get into a 20-year lead-free standard, removing them from the cycle of testing.

As we remove these properties from the pool of homes, we can focus our intensive resources and higher testing standards on the smaller number of homes that really are a risk to kids.

We need to learn from our mistakes in the first iteration of this program, focusing on a diversified, available lead-safe workforce and focusing on a relentless drive to turn the dollars we have for home repair into real on-the-ground improvements. I’m sure that as City Council, the Administration, and private partners work collaboratively on changes, more lessons learned will emerge.

I say this at almost every Lead Safe Advisory Board meeting and I will say it here again: Cleveland is trying to do something that no city has succeeded at doing. We have a bigger lead problem than other cities, and we are forging a new path. There were always going to be times when we had to pivot and change. This is one of them. It’s a generational fight. And I, for one, am in it for the long haul.

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**Table 5.1 Comparison of Risk Assessment, Lead Hazard Screen, Lead-Based Paint Inspection, and Combination Inspection/Risk Assessment.**

Analysis, Content, or Use	Risk Assessment	Lead Hazard Screen	Lead-Based Paint Inspection	Combination Inspection/ Risk Assessment
Paint	Deteriorated paint and intact paint on friction and impact surfaces only*	Deteriorated paint only	Surface-by-surface (all paint surfaces, including deteriorated paint)	Surface-by-surface (all paint surfaces, including deteriorated paint)
Dust	Yes	Yes	No	Yes
Soil	Yes	No	No	Yes
Water	Optional	No	No	Optional
Air	No	No	No	No
Maintenance status	Optional	No	No	Optional
Management plan	Optional	No	No	Optional
Status of any current child lead-poisoning cases	If information is available	If information is available	No	If information is available
Review of previous paint testing	Yes	Yes	Yes	Yes
Typical applications	<ol style="list-style-type: none"> <li>1. Interim controls</li> <li>2. Building nearing the end of expected life</li> <li>3. Sale of property or turnover</li> <li>4. Insurance (documentation of lead-safe status)</li> <li>5. Remodeling and Repainting</li> <li>6. Lead Safe Housing Rule compliance</li> </ol>	Post-1960 housing in good condition for which a risk assessment is required or recommended	<ol style="list-style-type: none"> <li>1. Abatement</li> <li>2. Renovation work</li> <li>3. Weatherization</li> <li>4. Sale of property or turnover</li> </ol>	Renovation work
Final Report	Location of lead-based paint hazards and options for acceptable hazard control methods, or certification that no lead-based paint hazards were found.	Probable existence of lead-based paint hazards (based on more stringent standards used for screen), or the absence of lead-based paint hazards.	Lead concentrations for each painted building component or certification that no lead-based paint was found.	Combination of risk assessment and inspection report content.

*This chart from HUD can be found [here](#) and explains some of the differences in testing. Of note, this does not include a “Clearance Exam” which is typically limited to post-renovation work. The Lead Hazard Screen is the most similar test, but includes testing of deteriorated paint. Deteriorated paint should be an automatic fail for a clearance. Note that HUD recommends that Lead Hazard Screens are only used in post-1960 housing in good condition.*

**Table 5.2 Percentage of Housing Units with Significant Lead-Based Paint Hazards, and Percentage with Bare Soil Lead Levels in Yard  $\geq$  1200 ppm, United States, 2005-2006\*.**

Hazard	Year of Construction			
	1978-2005	1960-1977	1940-1959	Before 1940
Significant Lead-Based Paint Hazards *	3%	11%	39%	67%
Bare Soil in Yard Equal to or Exceeding 1,200 ppm **	0.3%	0.3%	4%	14%

Source: HUD, 2011. See also Jacobs, 2002, for which the construction-year percentages for a similar survey conducted in 1998-1999 were 3% (for 1978-1998), 8%, 43%, and 68%, respectively, for significant hazards, and 0% (for 1978-1998), 0%, 14% and 19% for bare soil  $\geq$  1200 ppm.

\* A "significant" lead-based paint hazard is any paint-lead, dust-lead or soil-lead hazard above de minimis levels in HUD's Lead Safe Housing Rule (24 CFR 35.1320(b)(2)(i)(B) or 35.1350(d), as applicable).

\*\* Measured when total amount of bare soil in yard exceeded 9 square feet.



**Table 5.3 Percentage of Component Types Coated with Lead-Based Paint, by Year of Construction, and by Interior or Exterior Location, United States, 2000.**

Component Type	Year of Construction			
	1978-1998	1960-1977	1940-1959	Before 1940
<b>Interior:</b>	(%)	(%)	(%)	(%)
Walls, Floors, Ceilings	0	1	2	7
Windows	1	2	6	21
Doors	0	1	7	22
Trim	0	2	4	15
Other	0	1	2	12
<b>Exterior:</b>				
Walls	0	9	18	34
Windows	0	12	30	41
Doors	2	5	29	33
Trim	3	8	16	24
Porch	1	7	25	28
Other	0	8	37	37

Source: Jacobs, 2002. (Lead-based paint is defined as 1.0 mg/cm<sup>2</sup> or 5,000 ppm lead, in accordance with the Federal standard.)

This chart from HUD can be found [here](#) and highlights that the oldest homes are the ones most at risk of having lead-based paint.

# LEAD-SAFE HOUSING 2024 FALL AGENDA

Presented by Councilwoman Rebecca Maurer



## MEETINGS & EVENTS

- **September 12 at 1pm: Lead Safe Advisory Board Meeting**  
The Lead Safe Advisory Board (LSAB) meets once per quarter and reviews updates to the implementation of the 2019 lead-safe housing law.
- **October 14 at 9:30am: Lead update to Cleveland City Council's Health, Human Services and the Arts Committee**  
The Health, Human Services and the Arts Committee will be inviting partners from across the city and Lead Safe Cleveland Coalition (LSCC) to provide an update.
- **October 20-26: Lead Poisoning Prevention Week**  
The annual Lead Poisoning Prevention Week will have events across the city including the annual Lead Walk on October 26th to raise awareness.

## GOALS AND METRICS

- ✓ **Ensure Lead-Safe Certificates Are Accessible and Standardized.** The City needs to re-launch the online portal for lead safe certificates and release the final guidance document to help landlords and lead-safe workers navigate requirements of the 2019 law.
- ✓ **Evaluate How Money is Being Spent.** We have to spend our lead-safe dollars. I will be looking at how many homes have been helped and how much money we spend from the City windows and doors program, LSCC home repair program, HUD home repair program and LSCC lead-safe incentives.
- ✓ **Select a new Lead Safe Auditor.** The current lead-safe auditor's contract ended this summer. Cleveland has released the RFP and we want the new Auditor to be selected and onboarded on schedule by November 2024.
- ✓ **Expand the Lead-Safe Workforce.** This fall we have the chance to expand the lead-safe work-force. We want both the 1-3 Family Unit to be up and running at Building and Housing and we want the CDC-based workforce coordinated by LSCC to be hiring.
- ✓ **Expand Enforcement.** There must be carrots and sticks to ensure homes are lead-safe. Building and Housing and the Law Department have already begun enforcement. This fall, I will be looking for implementation of the Residents First law to expand enforcement.
- ✓ **Better Connect Housing Outcomes to Testing Outcomes.** We need to take a hard look at the outcomes being driven by the 2019 law and connect it to child testing data. We need to continue to increase testing rates among Cleveland families, including those in both private and CMHA properties.

*The lead-safe fall agenda that I released in September discussing substantive progress we need to see in the coming months.*