

TO: Ohio Department of Health

FROM: Rose Driscoll, Ann Walter, and Sundari Vudatala; Ohio Lead Safe Network

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RE: Lead Safe Housing

- STATEMENT OF ISSUE

In cities across Ohio, aging housing stock is putting children and adults at risk for lead poisoning. The city of Cleveland is at particular risk: 13.7 percent of children (ages 0-71 months) in Cleveland have blood lead levels greater than 10 micrograms per deciliter; 12.4 percent of children's blood lead levels exceed 5 micrograms per deciliter.²

Lead poisoning impacts a child's ability to learn, increases the amount of money that families and individuals must spend on healthcare, and increases rates of crime in Cleveland neighborhoods.³ The Centers for Disease Control have set a goal to eliminate lead levels higher than 10 micrograms per deciliter before 2020.⁴

- PRESENT POLICY

Under present Ohio Law, lead safety regulations are enacted at the city level while enforcement remains at the state level. For example, every child who is registered to attend Cleveland Metropolitan School District is tested for an elevated blood lead level; those who are found to have a blood level above 5 micrograms per deciliter trigger mandated reporting to the Ohio Department of Health, which then conducts an investigation to determine the cause of the exposure. If responsibility for the exposure can be proven, the child's family or guardians then are able to pursue recourse by filing claims against their landlord or other proprietor who should be held accountable.

- PROPOSED POLICY

The Cleveland Lead Advocates for Safe Housing have submitted to the Cleveland City Council a proposed lead safety legislation titled Lead Ordinance for the Initiative Petition, which they seek to pass by council vote or by petition and later popular vote by Cleveland's residents.

In this proposed legislation, anyone who owns a rental unit, child care center, or school for children younger than 71 months which was constructed before 1978 will be required to hire a lead risk assessor and complete a lead risk assessment. This will include a visual inspection of the building as well as a dust wipe assessment.

If no lead hazard is found, the owner of the building can apply for a Lead Safe Certificate through the City Department of Building and Housing. If a lead hazard is found, then owners must hire a certified lead clearance technician who can confirm the safety of the unit after remediation. The Department of Building and Housing will issue Lead Safe Certificates to both lead-safe buildings and remediated buildings and add these structures to the Lead Safe Registry.

Those who fail to comply will be fined \$50 per day, at a maximum of \$10,000 fine. Fines will be introduced to those who own properties built before 1950, which are at higher risk for unsafe lead levels.⁵

Advantages: This legislation takes an upstream approach to childhood lead poisoning. Testing the buildings where children may be exposed to lead (in this instance, their homes and their care centers) may save children from being poisoned, while under present legislation, a child must first be poisoned in order to trigger action taken against the entity responsible for exposure. Given that lead poisoning results in irreparable damage to a child's brain and body, the state should seek to minimize exposure rather than waiting for confirmation of an elevated blood lead level before taking action.

Considering the CDC's prioritization of lead safety and remediation; federal moneys are available to support this policy implementation. Mandatory participation and subsequent fines for noncompliance help to make it more likely that building owners and landlords will comply. Each dollar invested in lead hazard control eventually returns \$17–\$221 per child, or a net savings of \$181–269 billion. Ultimately, enacting lead safety legislation that will reduce or eliminate the risk of childhood lead exposure in schools and housing will save the state of Ohio billions of dollars.

Disadvantages: Families presently living in rental units with lead risks may be temporarily displaced. Without stringent enforcement of expanded tenants' rights as stated in the proposed legislation, tenants may also be at risk for retaliation by landlords. Furthermore, the cost of lead risk assessment (between \$400 and \$500 may discourage landlords from hiring assessors and later hesitancy for property owners to invest in rental housing in Cleveland and other urban areas in the state: long-term impact may include a need for newer housing stock and rental units below market prices.⁶

- **RECOMMENDATION**

It is the firm belief of these recommenders that the advantages of this legislation far outweigh the disadvantages. Furthermore, we believe that the state and all its citizens have a duty to protect vulnerable populations: in this instance, children. We endorse the Cleveland Lead Advocates for Safe Housing's proposed initiative and hope to see similar legislation passed in urban centers throughout the state of Ohio.

- SOURCES:

1. U.S. Department of Health & Human Services (2018, July 18) Lead. Retrieved from <https://www.cdc.gov/nceh/lead/default.htm>
2. Cleveland Lead Safe Network (2017) Lead Poisoning. Retrieved from <https://www.clevelandleadsafe.net/lead-safe-cleveland-initiative>
3. Cleveland Lead Safe Network (2017) Lead Safe Housing. Retrieved from <https://www.clevelandleadsafe.net/lead-safe-cleveland-initiative>
4. (2018, June 6) City of Cleveland Confirmed Elevated Blood Lead Levels. Retrieved from <http://www.ccbh.net/wp-content/uploads/2018/06/Report-2016-Children-residing-in-the-City-of-Cleveland.pdf>
5. Cleveland Lead Advocates for Safe Housing. Petition for Submission of Proposed Ordinance by Initiative Petition. <https://www.documentcloud.org/documents/5717869-Embargoed-Proposed-Lead-Ordinance-by-Initiative.html>. Published February 4, 2019. Accessed February 11, 2019.
6. Gould E. Childhood Lead Poisoning: Conservative Estimates of the Social and Economic Benefits of Lead Hazard Control. *Environmental Health Perspectives*. 2009;117(7):1162-1167. doi:10.1289/ehp.0800408