



House Ways and Means Committee

Opponent Testimony

House Bill 280 – to revise the law governing lead testing, certification, and tax credits.

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Lead Safe Cleveland Coalition

April 23, 2024

Chairman Roemer, Vice Chair Lorenz, Ranking Member Troy, and members of the Ways and Means Committee, thank you for the opportunity to provide testimony in opposition to House Bill 280. I am Hazel Remesch, the Director of State and Local Policy for Enterprise Community Partners. Enterprise is a national nonprofit whose mission is to make home and community places of pride, power and belonging for all.

Since 2019, Enterprise has convened **The Lead Safe Cleveland Coalition** to address the public health crisis of lead poisoning in the City of Cleveland.

First, I would like to give some background about The Lead Safe Cleveland Coalition. The Coalition is a public-private partnership with over 500 members representing more than 150 different organizations, and families impacted by lead, with the shared goal – to prevent childhood lead poisoning. The cornerstone of the Coalition’s work is supporting the City of Cleveland’s Lead Safe Certification law passed in 2019, which requires residential rental properties built before 1978 to be proactively certified as lead safe.

To support the Coalition’s efforts to prevent lead poisoning, we created the Lead Safe Home Fund and have raised over \$110 million in private, public, and philanthropic dollars. The Lead Safe Home Fund is a first-of-its-kind, public-private solution to house programs and services necessary to make the Lead Safe Certification successful and make homes lead safe. The primary function of the Lead Safe Home Fund is financial assistance for property owners to perform lead mitigation work on properties located in Cleveland, Ohio. Through the Lead Safe Home Fund, the Coalition provides resources and services to the Cleveland community, such as grants, loans, incentives, and training, to support the lead safe certification implementation process. The Coalition is not tasked with enforcement of the Lead Safe Certification law.

Second, I would like to give background about lead exposure in Cuyahoga County and specifically in Cleveland. In Cuyahoga County, thousands of children have been and continue to be exposed to lead due primarily to deteriorated lead-based paint, and lead dust, in poorly maintained aging and deteriorating housing stock. In fact, in 2016, Cuyahoga County accounted for 14% of Ohio's lead tested children, but 41% of all children found to have an elevated blood lead level. The problem of lead exposure is not evenly distributed throughout Ohio. The number of children in just



the Cleveland suburbs with elevated blood lead levels exceeds the total number of children with elevated blood lead levels in all other counties in Ohio except Lucas and Hamilton Counties.¹

Nevertheless, despite standing up a new program in the middle of a pandemic – we are making progress towards creating a lead safe Cleveland.

The Lead Safe Cleveland Coalition asks that you oppose HB 280.

We appreciate the intent of H.B. 280, as we are all committed to having lead safe environments for the children in our community to thrive. However, we have concerns about the bill and whether it will in fact provide additional protections from lead hazards for children.

Pursuant to H.B. 280, a person who seeks to have their property certified as lead safe would apply to their municipality seeking a lead safe certificate. If the application is denied that person would be able to resubmit their application and the results of lead tests for up to 180 days after the initial application. This means that during this 6-month window, a child may live in a unit with existing lead hazards and thereby be lead poisoned or continue to be lead poisoned.

In addition, the bill allows untrained professionals (lead technicians, lead risk assessors, lead inspectors) to perform interim lead controls. This will stall the progress we have made to ensure that children are not lead poisoned, because the training for each of these trades is meaningfully different in their focus on lead safe methodologies. Specifically, these professionals are trained to clear a unit as lead safe after interim lead controls have been completed – they are not trained to perform the lead remediation or abatement.

Importantly, as written, H.B. 280 may allow the same professional who performed the interim lead controls to certify the unit as lead safe. This diminishes the integrity of the system that is protecting children from further lead exposure and poisoning. HUD guidelines, Chapter 15, advises it is a conflict of interest for a clearance examiner to be paid or employed or otherwise compensated by the lead hazard control contractor. The inference can be made that the same professional who performs the interim lead controls cannot certify the compliance with clearance standards for their own work.

These provisions in H.B. 280 will not provide additional protections for children.

H.B. 280 will have a chilling effect and disincentivize communities from addressing lead poisoning.

As currently introduced, H.B. 280 requires that municipalities issue or deny an application for lead safe certification, no later than 30 days after the receipt of such an application. We support the need for lead safe certification applications to be processed timely, but the penalty associated

¹ Ohio Department of Health, Public Health Data Warehouse.
<http://publicapps.odh.ohio.gov/EDW/DataBrowser/Browse/LeadData>



with this provision of H.B. 280 may lead to less funding for municipalities who are working towards developing systems and streamlining their processes for lead safe certifications.

In addition to the serious health issues this creates for children, H.B. 280 erodes charter cities' authority. Local municipalities that have enacted ordinances and created procedures to address lead hazards understand the different needs of their communities. Cities like Cleveland, where most of the housing stock was built before 1978 (the year lead paint was banned for residential use), have different needs than newer suburban communities. H.B. 280 would create a "one size fits all" approach.

The Ohio Lead Abatement Tax Credit.

H.B. 280 would make the Ohio Lead Abatement Tax Credit refundable and allow pass through entities to claim the credit. Conceptually, both changes could incentivize a higher use of the credit and encourage lead abatement.

It is important to note that the current funding for the Ohio Lead Abatement Tax Credit is insufficient to cover all the residential units across the state that have lead hazards, and that if abated, would be entitled to the credit.

The Coalition supports the ability of a property owner to assign an un-refundable credit to an eligible lead abatement specialist or a pass-through entity employing such a specialist. The enactment of a refundable tax credit could create an unintended consequence of lead abatement specialists taking advantage of property owners for the specialists to maximize the refundable credit.

If a refundable credit is implemented, the Coalition hopes that guardrails would be set to ensure the credit is not abused. For example, there could be a limit on the number of times that a pass-through entity can claim the credit as one guardrail.

The Lead Safe Cleveland Coalition understands the work of keeping children lead safe is hard. We are all anxious to make sure our housing is safe and healthy and an environment for children to thrive. However, the solutions to keep our children lead safe should not be based on rule changes at the detriment of the cities that are implementing lead safe laws.

Thank you for the opportunity to comment on HB 280. If you have any questions, I would be glad to answer them now.