

April 22, 2024

The Honorable Bill Roemer, Chairman
Ways and Means Committee, Ohio House of Representatives
1 Capitol Square Columbus, Ohio 43215

Thank you for this opportunity to provide this interested party testimony on House Bill 280. As an academic researcher studying programs to improve outcomes for children and families, I am passionate about eliminating the scourge of childhood lead poisoning in Ohio. My center also serves as the designated Lead Safe Auditor for the City of Cleveland, through which we have monitored the implementation of the City's Lead Safe Ordinance for rental housing since its launch in 2021.

Though I will not be taking an explicit position on HB 280, I would like to offer commentary that is relevant to some of the bill's core elements. These comments are based on my Center's research on childhood lead exposure and experience in evaluating housing-based solutions. I regret I am unable to provide this testimony in person.

Success Depends on Leveraging Private Markets

Under the Cleveland ordinance, owners of rental properties are required to secure a lead safe certificate from the City Division of Building and Housing. To secure a certificate, owners are expected to engage private market lead inspectors/assessors to conduct the needed inspections in their rental properties. If deficiencies are found, the owners must also engage private market RRP contractors who can implement appropriate interim controls in the property. These individuals – lead inspectors and RRP contractors – are private business owners seeking to assist property owners with bringing their properties into compliance. Strategies which rely on mobilizing these private market players should take this into account, as opposed to strategies which rely on governmental inspectors. Approaches which ease the burden on the private market players will likely increase their willingness to engage in this work.

To achieve scale in testing and certification of properties at the local level, it is essential to have access to a large workforce of individuals with expertise in doing the work. It is also the case that for an individual to be successful in a business sense, they need to grow the volume of work to achieve certain efficiencies of operation. In Cleveland, though nearly 130 lead clearance technicians have been involved in the lead safe certification process, the majority have only been associated with a handful of applications. Approximately 12 clearance technicians are associated with the majority of lead certification applications thus far and this suggests that only a small number of these business owners can achieve sufficient scale to be successful.

Specific policy elements - such as ensuring timeliness of processing submissions, accommodating software-based submissions, and allowing lead abatement credits to be designated to a third party – all appear to serve as ways to ease unnecessary burdens on these private businesses involved in the lead certification process. Private market inspectors need to have a constant flow of business and a timely path to having receivables paid in order to stay in business. Lessening administrative burden and ensuring timely processing and payments all further this goal.

One area of concern relates to the objectivity of lead inspectors, both actual and perceived. Under current policy, there is a wall between the inspectors and those that do the cleanings and RRP work, so that there is no conflict of interest in these roles. Inasmuch as lead testing results are specific to the actual location subjected to a test wipe or XRF gun, the separation of these roles is essential for the process to be free of concerns of coordination or collusion. Though lab results do not lie, the locations tested may not be representative of a property's condition, and independence of roles strengthens confidence in testing. Policy change that could further muddy these roles may have unintended consequences in regard to the objectivity of testing approaches and their results.

Success Depends on Municipal Capacity to Manage Processes

Municipal entities should be accountable for the timeliness in their handling of certifications. However, failure to issue certifications within 30 days, is likely a symptom of capacity issues in the municipal department handling these certifications (e.g. lack of staffing, technology, systems). A financial penalty to municipalities may be counterproductive as it would only serve to further reduce municipal capacity to handle the work. In addition, such a punitive approach might encourage municipalities to simply issue denials of applications rapidly in order to meet timeliness standards. Strategies that reward high performance by municipalities may prove more useful for consideration.

I would be pleased to provide additional information if the Committee so requests.

Thank you,

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