



**OHIO REAL ESTATE INVESTORS ASSOCIATION
GOVERNMENT AFFAIRS COMMITTEE**

TO SUPPORT GOOD GOVERNMENT THAT IMPACTS THE PROFESSIONAL INVESTMENT
PROPERTY INDUSTRY AT STATE AND LOCAL LEVELS.

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**Donald J. Newman
House Bill 49 Proponent Testimony
Senate Finance Committee
June 7, 2017**

Chairman Oelslager, Vice Chair Manning, Ranking Member Skindell and members of the committee, it is my honor to present written testimony to you in support HB49, specifically the Representative Merrin language on regulation of lead paint.

I am representing the Ohio Real Estate Investor's Association; this is my fourth and final year serving as the President of this small, yet outstanding group of investors. Our organization is made up of 12 associations around the State of Ohio and represent well over 2500 real estate investors. I also own and operate a Title Insurance Agency in Toledo, Ohio and own 15 rental units in the Great City of Toledo, the other part of Ohio.

Primarily, I'm shocked and dismayed that anyone in this room would do anything to hurt children. Although, landlords have not only been labelled as slumlords, but now are being labeled anti-children. I am a father and hopefully soon to be a grandfather. I'm sure that most of you in this room are one or both. We do everything in our power to protect and watch over our children, that is our responsibility as parents and grandparents. Needless to say, our world is changing. Did you know that if you own an investment property and maybe some of you do, then you are against children? How does that make you feel? These are exactly the attacks my members have been receiving.

Let me unequivocally state that Representative Derek Merrin does not hate children! Although recent articles in *The Toledo Blade* and *Cleveland Plain Dealer* have tried to make him out to be a child hater, it is furthest from the truth. He is a talented young man and a dedicated public servant! Derek is an investor in Toledo and like all other investors in Toledo has an interest in what the City of Toledo has done concerning this absurd new law concerning Lead Based Paint enacted by the Toledo City Council. The lawmakers there voted unanimously to pass this law in fear of being labeled child haters.



I don't need to go over the specifics of the law, you have undoubtedly already heard them. I would like to point out one idea that would make you see how useless this law is. If I were here in person, I would demonstrate using an old painted window. Picture this in your mind. This window represents one of many windows in a pre-1978 home. You've contacted a "Lead Inspector" who took a one day course on the subject and passed a written test costing you about \$300.00 for the class. He is scheduled to arrive at 3:00 PM. You spend the day cleaning the unit with HEPA Vacuum Sweepers and you clean all of the window sills. You are now ready for the inspection. The inspector arrives at the door and you let him in. He walks to the window that you just cleaned to do a swipe test, one of thirteen by the way, and the sample is sent to a lab and several days later your results come back and you have PASSED the test. I'm now certified lead free for three years. I'm elated. The tenant moves into the home and opens the window to let fresh air in. The tenant has now created lead dust on that window sill just due to the opening and closing of that window. How have we "SAVED" a child? We have done nothing to prevent lead exposure. We have cleaned the house once prior to the inspection and just for the inspection. My costs are as follows: \$45.00 to Register my property with the Lucas County Department of Health, I paid the lead inspector \$300.00 to enter my home to inspect the unit. The inspector takes 13 swipe tests at a cost of \$30.00 each which equals \$390.00. This alone is a \$735.00 cost to the landlord without including time out of work to prepare for the inspection, cleaning supplies, etc. I alone am a small investor. I have 15 rental units. This total cost would represent \$11,025 and yet I have done NOTHING to save a child.

Secondly, let me ask you when the last time you painted the home you live in. I built my house in 2004. I have not painted that house since I built it. I really don't want to. Yet, almost every time a tenant moves out of one of my rentals I have it repainted and most of the time recarpeted. Most landlords do the same thing. Rental units are painted constantly more than any other property out there. I don't use encapsulating paint because that cost is around \$100.00 per gallon. It is not inexpensive to say the least but there must be hundreds of layers of paint over the top of the old lead paint.

Third and final thought that I have for you today, is the fact that the City of Toledo obviously feels that there is only lead paint in rental units. Either that or they must hate children from any of the following: any building over four units, apartment buildings, school buildings, hospitals, churches, restaurants, privately owned houses, section 8 housing units because they are all excluded from the Toledo lead



based paint law. How convenient when some of our council people own apartment complexes?

I have a rental property at 4015 N Lockwood Toledo, OH 43612. The property to the South of my property is a block building and is used as a carry out. The property to the North of me is a single-family dwelling with paint peeling from top to bottom. The children in that home evidently don't matter. The children that live in my property which has been vinyl sided, new windows, newer roof, hardwood floors, freshly painted, new kitchen and new bath is a "Lead Hazard" because the paint peeling from that house blows into my yard. Does this make sense to you? Bob Cole, of A.B.L.E., noted as one of the founders of this law, stated that there are statistics that show that no child has ever been poisoned by lead other than from a one to four family unit. It is just too unbelievable! He said he has proof and would send it to me; it has now been more than 10 days since I heard that and I am still waiting to see that proof. How can we account for every source that this child encounters: a grandparent's home, school, playground? etc.

This law that the City of Toledo has created is a debacle and embarrassment to the Citizens of the State of Ohio.

I am a true believer in what Representative Merrin has presented in his HB 49 amendment and hope that you, our State Senators, can see the nonsense as well.

Where were these Lead Paint Advocates in 1979 the year after the lead was deemed a hazard? Why has it taken 39 years for these advocacy groups to start fighting now? I'm 57 years old. I was 18 in 1978.

Statistics can be made up or tainted or swayed in one direction! Charts can be created!

I'm all for saving children, but let's all do it together. This is not just a Landlord issue, we all have paint on our hands!

Please maintain the statewide standard for lead regulation in the State of Ohio.