

Testimony In Opposition to House Bill 280

House Ways and Means Committee

Ohio House of Representatives

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Frank Ford, Chair

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Chairman Roemer, Vice Chairman Lorenz, Ranking Member Troy, and members of the House Ways and Means Committee, thank you for the opportunity to submit written testimony on House Bill 280 which proposes to revise the law related to lead testing, certification, and tax credits.

The Cuyahoga County Vacant and Abandoned Property Action Council (VAPAC), a coalition of civic and governmental agencies, opposes House Bill 280 for the reasons outlined below.

Testimony from both opponents and proponents suggest that parties on all sides agree that lead paint is a severe hazard impacting the health of Ohio's children. Yet a careful reading of HB 280 reveals that several of the proposed amendments would actually undermine efforts to safeguard Ohio's children.

HB 280 illogically removes the separation between lead abatement contractors, and the inspectors who are supposed to examine and certify the quality of their work. The purpose of a lead clearance examination is to ensure that lead hazards have been removed and a dwelling is safe for children. The examination is done after a contractor has completed either full lead abatement or performed interim controls that have sufficiently controlled a lead hazard. Ohio law is very specific about the parties that are authorized to examine and inspect the work of a lead contractor: they are a "lead risk assessor, lead inspector or clearance technician" (Ohio Administrative Code Rule 3701-32-12). But HB280 would turn this on its head by allowing any of the same parties (lead risk assessor, lead inspector or clearance technician) to also be a contractor that can perform interim lead hazard controls. The illogic of this is staggering. The reason to require an inspection in the first place is to ensure that a contractor's work is done properly. It makes no sense to allow the contractor who does the work to also be the party that inspects the work to ensure it was done correctly.

HB 280 imposes an unreasonable deadline of 30 days for a municipality to approve or deny an application for lead safe certification. This fails to take into consideration delays that can occur when applications are submitted with defective or missing information, and have to be resubmitted. Forcing a city to approve or deny within this strict time period could result in

unnecessary denials or questionable approvals, as opposed to encouraging a flexible and collaborative process to cure deficiencies.

Instead of encouraging municipalities to develop lead safe certification programs, HB 280 will likely have a chilling effect. HB 280 compounds the impact of the 30-day strict certification deadline by threatening to claw back state funding payments to municipalities that fail to comply with the 30-day deadline. Losing state funds due to the processing times for lead safe certificates is overly punitive, unfair and could disincentivize communities from addressing lead poisoning.

We support the Ohio Lead Abatement Tax Credit (“LATC”), but HB 280’s proposal to allow property owners to assign the tax credit to a lead abatement contractor raises concerns. In theory this could incentivize greater use of the tax credit and lead to greater lead abatement. HB 280 defines the proposed assignment as a consumer transaction under Ohio Revised Code 1345, which generally protects against unfair, deceptive or unconscionable practices. However, unless more detailed consumer disclosures are required, property owners may not be fully informed about the tax credit or have a clear understanding of what is actually being charged when asked to sign away their interest, potentially allowing the contractor to charge higher fees without the full awareness of the property owner.

In conclusion, thank you again for the opportunity to provide testimony on House Bill 280. Please contact me if I can be of further assistance.

Respectfully submitted,



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