



CITY OF CLEVELAND
Mayor Justin M. Bibb

Lead Safe Certificate Legislation: Policy Guide for LSCC

1. WHAT THIS DOCUMENT IS

Cleveland's Lead Safe Certificate program was created by Ordinance 747-2019 and took effect in 2021. The Lead Safe Cleveland Coalition (LSCC) was formed to end childhood lead poisoning in Cleveland, and supporting the implementation of this law has been a cornerstone of that work. For seven years, putting the ordinance into practice has been a shared project of the Coalition and the City. The last seven years have taught us a great deal about what the law does well and where the most vexing implementation challenges remain. In response to all we've learned, the Coalition and the City have been discussing amendments, including a set of recommendations sent from the Coalition to the City in April 2026.

The City staff -- led by Rebecca Maurer, Dave Margolius and Sally Martin -- have prepared a package of amendments to Chapters 365 and 240 that incorporate these discussions. Mayor Bibb gave us a clear charge: we must develop a proposal robust enough to keep the promise Cleveland made to its children in 2019. This proposal must account for everyone in the lead ecosystem and position the City to make more progress than we have made up until now. The resulting amendments the City is proposing build upon, but do differ in some ways, from the original set of Coalition recommendations.

The next step is proposing these amendments through City Council. Before we do, the City is coming back to the Coalition to review the policy process and the updated proposed amendments. This document is a guide through the proposed amendments so that Coalition members can provide input.

2. VALUES WE BRING TO THE TABLE

Policymaking isn't a search for the one perfect answer. If there were a single correct answer, we would all pick it. Every decision in this package involves tradeoffs, and reasonable people can land in different places on them. Our job in navigating that process is to be thoughtful, data-driven, and grounded in real-world administration.

To that end, the City came into this process with five values in mind:

- **Reward investments that protect kids.** Find ways to reward investments that get properties from lead safe to lead safer, even if they cannot yet reach an abatement standard.
- **Put effort where the risk is.** Recognize risk through the age of the home and risky components.
- **Work towards harm reduction, not perfection.** No regime will make every Cleveland home lead-free. In that imperfect world, we chose rules that balance impact and administrability.
- **Keep it simple.** We sought ways to balance our goals of rewarding investment with the need for simplicity, valuing the need for every landlord, tenant, and lead worker to understand the program.



- **Back the law with action.** Legislation is only part of the work. The City is committed to pairing these amendments with administrative progress on enforcement.

3. THE PROBLEMS WE'RE TRYING TO SOLVE

Around 30% of the rentals in Cleveland have complied with the 2019 law so far. 70% have not. We need to build a system that can bring more rentals into compliance, which means spreading our resources better, setting the right standards, and creating the right incentives. Broadly we split these problems into three areas:

1. **Update the Certificate Schedule:** The certificate schedule is too narrow to capture real-world incentives for owners. Instead of getting more landlords in compliance, we're catching highly compliant landlords in fast 2-year cycles without an off-ramp.
2. **Improve Quality Control:** We need more flexibility to ensure the quality of the lead tests themselves. We know that our tests are not guarantees because they are captures of a moment in time. But we need more flexibility to make sure Cleveland lead tests work for Clevelanders.
3. **Administration:** The further we've gotten into administration, the more we see administrative fixes that could be win-wins for tenants, landlords, and kids.

4. THE PROCESS SO FAR

This package reflects months of research, conversation and revision. Along the way we talked with:

- **LSCC policy committee members.** We held one-on-one briefings and feedback sessions with every active member of the policy committee: Rob Curry, Joe Libretti, Zach Ravanelli, Scott Kroehle, Rob Fisher and Gabriella Celeste. We've also presented the work to the Enterprise team in their role as the Coalition's backbone organization.
- **Peer cities and states.** We spoke with the people carrying out lead laws in Rochester, Toledo, Syracuse, Rhode Island and New York State to learn what has worked for them and what hasn't.
- **Landlords.** We met with landlord representatives, including Nathan Fischer, who put forward the legislative petition referenced in this document. We have also briefed the Akron-Cleveland Association of Realtors (ACAR) and plan to present at their legislative committee in October.
- **Tenant Advocates:** We also gave overviews of the proposed changes to grassroots groups like C-COAL and CLASH and provided a formal invitation to Legal Aid, allowing us to have in-depth discussions with their attorneys Abigail Staudt and Bobbi Salzman.
- **Lead Workers:** We gathered feedback from the lead risk assessors and contractors who do this work in Cleveland homes every day.
- **City Staff:** In order to make these amendments work, they must not only work on paper, but in the real world. To that end, we spoke extensively with City Staff about the ways that amendments could be incorporated into the existing process.
- **Lead Safe Auditor and Lead Safe Advisory Board:** While the Lead Safe Auditor is not formally commenting on legislative changes, they have offered best practices from other cities, which were shared with the administration and Lead Safe Advisory Board members. The Board co-chairs have been briefed on the legislation as well.



Through these conversations, we've incorporated feedback into the proposal. At times we've made changes directly. At other times the recommendations were in conflict. We note those moments in this document.

PART ONE

The Certificate Schedule

The 2019 law as drafted offers two terms.

- Two years if a property passes a lead risk assessment.
- Twenty years if all lead hazards are abated through methods like enclosure, encapsulation, removal or stripping.

The proposed schedule replaces two tiers with a range of options that reward improvements and put effort where the risk is.

1.1

Move the base term from two years to three years

THE RECOMMENDATION A property with a passing lead risk assessment, or a failed assessment followed by a passing clearance, receives a three-year certificate. Every certificate currently in effect adds a year.

WHY Two years was a reasonable number when this law was written. It is now the shortest cycle among the cities we benchmarked against. The national standard has moved:

- Toledo: five years for a visual inspection plus dust wipes (Ord. 167-2025).
- Rochester: three years for dust wipes and a visual inside high-risk areas; six years for the same test in one- and two-family properties outside them (Rochester City Code § 90-16H(1)(a)–(c)).
- Philadelphia: moved from two years to four years in 2022 (Phila. Code §§ 6-802(15), 6-803).
- New York State: three years under the 2024 Lead Safe Certificate law (N.Y. Pub. Health Law § 1377).
- New Jersey: three years for passing dust wipe samples and visuals (P.L. 2021, c. 182)

THE ARGUMENT AGAINST The two-year cycle exists because interim controls need maintenance in a way that abatement does not. A property that passes once will not necessarily stay safe, and a short clock functions as a form of supervision. From the opposite direction, a landlord group has pressed for a five-year base, citing the need to lower costs.

HOW WE WEIGHED IT The maintenance concern is the strongest case for leaving this alone, and we take it seriously. But we've strengthened the testing requirements through Mayor Bibb's 2024 Executive Orders. We believe that what protects a child is a balance of the quality of the assessment and the frequency of the paperwork, not tipping in excess in either direction. For instance, those interim controls that are on a 2-year



maintenance cycle are not available when there's deteriorated paint on the riskiest parts of the home like windows. So passing a high-quality lead risk assessment that catches issues like chipped and peeling paint on windows means fewer interim controls.

Our goal is to strike the right balance. There are also real-world administrative constraints to shorter certificate cycles. Every submission requires staff time to review. Hyper-compliant landlords are also cycling through the system, increasing cost and staff review time, but no longer increasing safety.

Lastly, longer certificate cycles for interim controls is the direction that our peer cities, including Rochester and Philadelphia are moving towards. State-level programs adopted in recent years like New York and New Jersey also used three years as the baseline.

THE CITY RECOMMENDS MOVING FROM A 2-YEAR TO A 3-YEAR BASE CERTIFICATE

1.2 Move from 20 years for full abatement to 40 years or lifetime

THE DEBATE Currently the law offers a 20-year certificate for properties that reach full abatement. Full abatement does not mean lead free. It means each source of lead-based paint has been tackled, including by long-term mechanisms like “encapsulation” which are graded to last for 20 years. The Lead Safe Cleveland Coalition recommended extending this certificate to the lifetime of the property. We have considered an alternative of doubling the term of years to 40 years instead, but making them renewable. The other possibility is maintaining the 20 year system.

THE 40-YEAR APPROACH We are currently holding the baton on lead poisoning prevention here in Cleveland. In 40 years, another generation of advocates will be holding the baton. We wanted those advocates to have the chance to craft their own position. In 40 years, we may be fighting lead hazards we are not able to focus on now. The definition of lead-based paint may change in the future. Or we may be able to focus on air-borne dust more than we are able to now. If we give properties a lifetime exemption from lead safe laws based on current paint standards, it may limit the work of those future generations.

THE LIFETIME APPROACH Some Policy Committee members strongly favor lifetime certification precisely because the point is to give an owner who fully abates the strongest reward we have. Forty years is functionally a lifetime for most owners while withholding the clarity of the label. Those who support a lifetime point out that the advertising bonus may be worthwhile on its own. They argued we could draft a revocation provision for use in the future, including a revocation provision that might get at the issue of lead standards that change over time. New York and New Jersey both adopted lifetime certificates for the abatement standard.

MULTIPLE RECOMMENDATIONS POSSIBLE The City has a recommendation of 40 years but we do not hold it strongly.



1.3

Adopt a certificate schedule that rewards investment and risk-grading

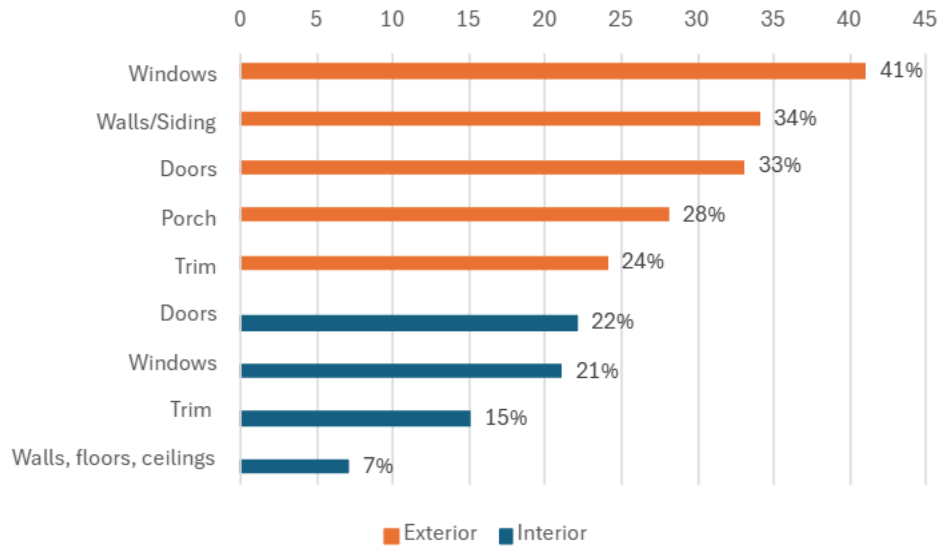
THE RECOMMENDATION Across the board of policy-makers, there has been strong interest in adding certificates in between the two existing ones to incentivize investment by adding time for tackling high-risk components or to recognize the decrease in risk that comes with later-built homes. So few homes in old cities like Cleveland can reach the full abatement metric, there is an interest in creating rewards for other steps along the way.

This recommendation was also included in the LSCC recommendations to the city. The City agrees with them, but has made modifications. With the recommendation to move from 2 years to 3 years for the base certificate, we had to elongate the times to make the incentives line up. We also wanted to focus on the highest-risk component that could be standardized across all properties, and that pushed us to focus on windows first.

<i>Term</i>	<i>Short Name</i>	<i>Test</i>	<i>Extras</i>
3 years	Base Certificate	Passing lead risk assessment	<i>None</i>
5 years	Windows Bonus Certificate	Passing lead risk assessment	+ all movable and accessible windows are lead-free
10 years	Track Record Certificate	Passing lead risk assessment	+ two previously passing risk assessments or clearances
	Post-1960 Certificate	Passing lead risk assessment	+ home was built after 1960
20 years	High Risk Component Certificate	Passing lead risk assessment	+ windows, doors, porch, siding, and stairs all addressed
40 years <i>or Lifetime</i>	Abatement / Gut Rehab Certificate	Passing LIRA (Lead Paint Inspection + Risk Assessment)	Full lead abatement, gut rehabilitation, or commercial conversion

WHY This approach is the first rung of the investment ladder and it is meant to be reachable. The national data and local XRF data puts windows as one of top risky components. Lead workers on the ground will tell you that the friction of old windows moving up and down is one of the most common sources of poisonings they see. This is part of why HUD requirements include windows sills and troughs as key testing areas in old homes.





% of components coated with lead-based paint in pre-1940 properties.

Source: Jacobs, 2002, Table 5.3. Lead-based paint as defined by the federal standard (1.0 mg/cm² or 5,000 ppm).

THE ARGUMENT AGAINST We did not receive any negative feedback against the idea of a component-grading or risk-grading model more broadly. Adding gut-rehabs, extended track-records and differences for post-1960 properties didn't get any negative feedback either. But we did receive feedback on how to structure the components. For instance, what if we offered the 5-year certificate for porch, doors, *or* siding. Or a 7-year certificate for windows, doors, *and* the porch. We also had a member of the Policy committee who disagreed with adding interior doors to the 20-year certificate option and instead wanted it to just be exterior doors because he felt interior doors were low risk and too expensive to abate.

HOW WE WEIGHED IT We went back and forth on this across several drafts. Reasonable people may differ here and we would take alternate feedback seriously. We landed on the certificate cycle laid out above for a few reasons. Windows alone offered many benefits, including simplicity and administrability for city staff. We could also build incentive programs around it, like window rebates. And unlike other components, they can be confirmed visually from the outside of the home. We decided against multiple tiers of components for the sake of simplicity. And we declined to remove interior doors because of their relatively high positivity rate and because of conversations with long-term city risk assessors about the dangers they posed.

As a middle ground, we added language to the law asking the Lead Safe Advisory Board to review the certificate schedule every 5 years and provide feedback on ways that it should be updated.

THE CITY RECOMMENDS ADOPTING THE CERTIFICATE CYCLE AS WRITTEN



PART TWO

Improving Testing Quality

2

Adding a local risk assessment standard and a local inspection license

THE RECOMMENDATION Adopt “Local Lead Risk Assessment” and “Local Lead Clearance Exam” definitions throughout Chapter 365, and establish a Local Lead Inspection License.

WHY The current ordinance refers to risk assessments and clearances through reference to Ohio Department of Health and HUD standards. Three problems follow from having no local definition:

- We have received low-quality assessments and, in some cases, fraudulent ones, with no clean way to disqualify the assessor from our program.
- The state and federal risk assessment standards are rooted in post-exposure (EBLL) work. We are a preventive program and we want to be able to focus on preventive work like taking more photos.
- We cannot set reporting requirements that fit Cleveland’s housing stock, which is what the Policy Committee asked for in April when it recommended a standardized template.

THE ARGUMENT AGAINST A local standard adds a layer for practitioners who already hold state licenses. Risk assessors will have to sign up to be in our city program and this adds a layer on city staff to administer it.

HOW WE WEIGHED IT For an assessor already doing good work, the local license is a light administrative step. There is no cost and on the administrative side we think it will be as simple as a Microsoft Form. We are also not writing on a blank page: Toledo created a “Local Lead Test” standard for this same flexibility, and Rochester runs in-house dust technicians against a Rochester-specific standard. Both cities found these to be important tools. The status quo, by contrast, means continuing to accept assessments whose standards we cannot set and whose authors we cannot act against, which is what produced the quality problems in the first place.

THE CITY RECOMMENDS ADOPTING THE LOCAL LEAD TEST AND LOCAL LEAD LICENSE



PART THREE

Other Administrative Decisions

3.1 Adding HUD's non-target housing definition

THE RECOMMENDATION Add HUD's definition of non-target housing and exempt those properties from the lead safe certificate law. HUD uses a definition of target housing that exempts certain rentals from lead safe laws, including dormitories, military barracks, single-room occupancies, and properties made for seniors or individuals with disabilities. This definition currently is not in Cleveland's law and we recommend adding it.

THE ARGUMENT AGAINST The biggest concern is confusion over what properties for seniors or individuals with disabilities means. Some people think that may include single family homes that a senior happens to live in. It does not. Instead, this definition refers to a senior residential facility like Benjamin Rose or a permanent supportive housing complex like Harper's Pointe. An additional concern is that this definition might exempt senior housing where children may spend time, but not live. But in turn, adopting it would remove an expensive administrative burden for properties that are very low risk and allow properties like CWRU and CSU dorms to come into compliance with city rules.

THE CITY RECOMMENDS ADOPTING THE ADDITION OF NON-TARGET HOUSING

3.2 Adding immediate family exemption

THE RECOMMENDATION Staff and lead safe workers had requested an amendment that would allow a local property owner to exempt 1 or 2 units from the leads law if both the owners and the tenant certified annually that they were immediate family. Under this rule, properties rented to your immediate family would still have to be on the rental registry.

As drafted, an "Immediate family member" means a spouse, father, mother, child, brother, sister, grandparent, grandchild, aunt, uncle, nephew, niece, cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister." The goal is not to monitor or check what type of family people are.

WHY This amendment was highly requested by frontline city staff who deal a lot with seniors renting to immediately family members and facing significant barriers to compliance. The theory was that this exclusion



mirrored the core theory of the rental registry law in the first place – that family members are more likely to maintain quality properties for their own kin. That is why we don’t include owner occupants.

THE ARGUMENT AGAINST A child in a family-owned rental faces the same biological risk as any other child. In fact, it is maybe the compliance issues experienced by staff that weigh in favor of including them – if they cannot get their homes certified, maybe that means their homes are risky. Lastly, self-certification is hard to verify and could be claimed by owners looking to avoid certification. We saw this issue in the past and an immediate family exemption was removed from the rental registry for this reason.

HOW WE WEIGHED IT We think this is a policy difference where reasonable people disagree. We initially had it drafted as legislation, but in response to conversations with the Law Department, we realized we could instead make it a matter of prosecutorial discretion. So rather than approving immediate family rentals without a lead-safe certificate, we would just de-prioritize them for prosecution.

MULTIPLE RECOMMENDATIONS POSSIBLE We have a recommendation to deprioritize these properties from prosecution, but we do not hold it strongly.

3.3 Tenant protections against retaliation

THE DECISION New § 365.06(b) and (c) protect tenants who report lead concerns from retaliation, following Toledo’s standard and Cleveland’s existing Codified Ordinances Chapter 375. The provision confirms that these remedies sit alongside tenant rights under the Ohio Landlord-Tenant Act, R.C. Chapter 5321, and do not replace them.

WHY These tenant protections were recommendations of our conversation with Legal Aid and our survey review of our peer cities. Tenant reporting is one of the main ways hazards come to our attention, and it becomes more important as enforcement expands. Without protection, the tenants in the highest-risk properties are the least able to speak up. These additions were the result of conversations and feedback from the policy committee members at Legal Aid.

THE ARGUMENT AGAINST It adds litigation exposure for small landlords, and it may duplicate protections that already exist under state law and Chapter 375. We were not convinced by this argument.

THE CITY RECOMMENDS ADDING TENANT PROTECTIONS FOR RETALIATION



3.4 Finding an advocacy home for relocation assistance

THE RECOMMENDATION Section 7 of the original ordinance created the Lead Safe Housing Action Board board, which was authorized but never consistently stood up. The Board was supposed to monitor relocation assistance. As drafted it was never clear who was supposed to run this Housing Action Board – non profits or the city. We want to find a home for relocation assistance oversight. We recommend swapping one of the seats on Lead Safe Advisory Board by removing the Lead Safe Auditor, who could not formally vote on things, and adding somebody dedicated to relocation assistance or advocating directly for impacted communities.

WHY Relocation advocacy needs to have a home in the lead safe ecosystem. When a hazard turns up and the unit is not safe to occupy during the work, where the family goes often decides whether the work happens at all. We can fix the problem of the original drafting while still having dedicated oversight.

THE ARGUMENT AGAINST An alternative suggestion of the Lead Safe Advisory Board was to make relocation work a sub committee and still swap out the auditor seat for a vacant seat with no restrictions.

THE CITY RECOMMENDS MOVING RELOCATION ASSISTANCE OVERSIGHT TO THE LEAD SAFE ADVISORY BOARD But we will also wait for confirmation from the LSAB members on their preferred next steps.

3.5 Other Administrative Amendments

We had a variety of other ministerial fixes that we think are definitively the right move. Rather than approve each individually, we group them together here.

Amendment	Section	What it does and why
Certificate start-date rule	§ 365.04(b)(3)	Clears up a persistent source of confusion around the 90-day rule and squares the program with the fact that repairs routinely take longer than ninety days.
Removal of the vacancy exception	§ 365.04	The vacancy rule predates Residents First, which established the rental registry and made the exception unnecessary. The immediate family exemption in Decision 8 is the successor provision.
Coordination with the federal Lead Safe Housing Rule	§ 365.04(b)(5)	Closes a loophole in which Section 8 landlords must satisfy both our rule and CMHA's, which call for slightly different and mutually incompatible tests. An owner should not fail one program by complying with the other.



Amendment	Section	What it does and why
Coordination with lead hazard control orders	§ 365.04(b)(6)	An owner who has done the work to lift a Health Department order should not pay for a second, nearly identical test to satisfy the certificate program. We already accept this in practice. Legislating it settles the question.
Clarification on revocation	§ 365.04(b)(7)	Routes revocation of Lead Safe Certificates and of rental registrations under § 365.02 to the same place, so the two processes stop diverging. Law Director Griffin and Dave Roberts requested this structure.
XRF tool lending program	§ 240.05(a)	Clarifies the existing authorization, establishes the lending program formally, and creates a dedicated fund so program fees cover maintenance, insurance, staffing, and training instead of competing with other Department needs.
Conforming notice requirements	§ 240.08(a)	Removes a local notice requirement that goes unenforced and exceeds federal and state standards.
Disclosure in sale or lease	§ 240.06(a)	Making sure that disclosure of the Lead Safe Certificate status is codified in our local laws
Implementation and Retroactivity	Multiple sections	All certificates in effect at the time of passage get an additional year (2 year) or are moved to the 40 year/lifetime standard. Otherwise the law goes into effect in January 2027

THE CITY RECOMMENDS ADOPTING ALL OF THESE AMENDMENTS

