

From: Brooke Christy, Fair Shake Environmental Legal Services  
Re: Lead-Safe Ordinances  
Last Updated: February 15, 2024

## OVERVIEW

- **Legislative Process:** An ordinance is a set of rules passed by a local municipality. In most towns, ordinances are reviewed by the City Council, and if the majority of Council members vote ‘yes’, the ordinance is passed. Ordinances can address a variety of issues, including building codes within the municipality.
- **History:** Throughout the 1900’s, lead was used by corporate entities and government entities because of its cheap cost, versatility, and ability to help colors maintain their bright hues. This led to widespread cases of lead poisoning and the eventual ban on leaded gasoline, the manufacturing of lead service water lines, and the manufacturing of lead-based paint.
- **Environmental Injustice:** Lead exposure continues to disproportionately affect communities with low-income and communities of color. Failure to continue to invest in the early detection of lead will only further perpetuate environmental injustice in these communities.
- **Funding:** Municipalities across the country are receiving unprecedented amounts of funds from the federal government to address lead hazards. To assist municipalities in utilizing these funds, we have created a worksheet that displays some of the policy options available.
  - This list is not exhaustive but instead should help facilitate initial conversation.
  - These examples are displayed by ordinance type. These categorizations were created to reflect the federal government’s priorities, so that our team and municipal partners are competitively marketing these ideas when seeking federal and related state grants.
- **Community Democracy River:** This river too often flows backwards. Preventative policies typically require significant capital and/or political investment—resulting in the neglect of lead prevention efforts until governments realize how much remediation financially costs and the price paid by residents exposed to lead hazards.
  - Regardless of the policy proposal is right for your community, consider where you are in the river from prevention to remediation and whether your local entity is considering external costs paid by residents exposed to lead.
  - Ensure that your community knows that for every dollar invested in lead paint hazard control the return to society is at least \$17 to \$221. These benefits include decreased medical costs, decreased special education costs, increased future earnings of children, decreased crime, and more!<sup>1</sup>

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<sup>1</sup> *Return on investment calculator for lead poisoning prevention*, Green & Healthy Homes Initiative, <https://www.greenandhealthyhomes.org/publication/return-on-investment-calculator-for-lead-poisoning-prevention/#:~:text=A%20dollar%20invested%20in%20lead,of%20a%20lead%20poisoned%20individual.>

## OVERVIEW OF LEAD SAFE CERTIFICATIONS

- Lead abatement activities and Renovation, Repair and Painting (RRP) projects may sometimes look similar, but they are two separate programs that require different certifications and are regulated differently by Environmental Protection Agency (EPA).
- General understanding of these differences is important for policy drafting and grant applications.

	Lead Abatement Activities	Similar or Different	Renovation, Repair and Painting (RRP)
<b>Purpose</b>	<ul style="list-style-type: none"> <li>□ Known hazard</li> <li>□ Permanently eliminate existing lead-based paint hazards</li> </ul>	Different	<ul style="list-style-type: none"> <li>□ Suspected hazard</li> <li>□ Conduct renovations, repairs or painting to reduce lead-based paint hazards.</li> </ul>
<b>Initiated by</b>	<ul style="list-style-type: none"> <li>□ Tribal, state or local government</li> <li>□ Voluntary request by property owner</li> </ul>	Different	<ul style="list-style-type: none"> <li>□ Voluntary request by property owner</li> </ul>
<b>Certifications</b>	<ul style="list-style-type: none"> <li>□ Individuals must be trained and certified in lead abatement activities</li> <li>□ Firms must be certified to conduct lead abatement activities</li> </ul>	Similar	<ul style="list-style-type: none"> <li>□ Individuals must be trained and certified in RRP activities</li> <li>□ Firms must be certified to conduct RRP activities</li> </ul>
<b>Occupant Protection</b>	<ul style="list-style-type: none"> <li>□ Firms are required to make sure occupants are out of the home, childcare facility or preschool</li> </ul>	Different	<ul style="list-style-type: none"> <li>□ Firms are not required to make sure occupants are out of the home, childcare facility or preschool</li> <li>□ Firms must distribute EPA's <i>The Lead-Safe Certified Guide to Renovate Right</i> before starting renovation work</li> <li>□ Occupants should not be present in the work area</li> </ul>

## MUNICIPAL ORDINANCES OVERVIEW

Ordinance Type	Ordinance Policy Proposals	Municipal Examples
Targeted Outreach and Education	<p><b><i>Creation of a Housing Advisory Committee to review housing codes and promote changes to better protect health, accessibility, and tenants' rights.</i></b></p> <ul style="list-style-type: none"> <li>□ This policy acknowledges that housing codes and administrative housing policies have typically not been updated for decades and may not reflect best practices. This ordinance would allow for experts to convene to recommend updates to these codes and relevant administrative policies.</li> <li>□ <b><u>Practicality:</u></b> This does not require funding. It would only require government authorization for the committee to convene. The ordinance should expressly allow its municipal employees to conduct committee work during work hours.</li> <li>□ <b><u>Equitability:</u></b> Efforts should be made to ensure that the committee is comprised of diverse members who can properly represent vulnerable communities. The committee should hold several public meetings and solicit community comments on a interim report prior to publishing a public report.</li> <li>□ <b><u>Resiliency:</u></b> This policy has no requirement that the recommendations are implement.</li> </ul> <p><b><i>Provide access to uncertified testing—free kits for water and/or surface swabs.</i></b></p> <ul style="list-style-type: none"> <li>□ This policy would provide residents with free lead testing kits upon request. The kits would allow residents to detect the presence of lead via water testing kits or surface swabs.</li> <li>□ These kits are not preferred because it can result in false positive or negatives—therefore, there is little information on best practices. Some localities have attempted to address this by focusing on water testing and only having residents take water samples which are sent to certified laboratories for testing.</li> <li>□ <b><u>Practicality:</u></b> This arguably is the fastest and potentially cheapest way to get tests into the community. Testing kits could easily be allocated by household. However,</li> </ul>	<p><i>Creation of a Housing Advisory Committee, Get Out the Lead PGH<sup>3</sup></i></p> <ul style="list-style-type: none"> <li>□ Community groups call on the county board of health and health department to convene this committee.</li> </ul> <p><i>Free kits for testing water, Pittsburgh Water and Sewer Authority<sup>4</sup></i></p> <ul style="list-style-type: none"> <li>□ While the water authority provided these kits, the program could easily be modified into an ordinance and provided by the locality or a specified partner.</li> </ul>

<sup>3</sup> Allegheny County Board of Health Must Protect Residents, Get Out the Lead, PGH, <https://gettheleadoutpgh.org/take-action/allegheny-county-board-of-health/>.

<sup>4</sup> Request a Lead Test Kit, Pittsburgh Water and Sewer Authority, <https://lead.pgh2o.com/resources/request-a-lead-test-kit/>.

	<p>a lot of research would need to be done on which surface swab testing kits are most reliable and relevant best practices.<sup>2</sup></p> <ul style="list-style-type: none"> <li>□ <u>Equitability/Resiliency</u>: Even if the location tests positive for lead, no government authority will be required to act because the test is not certified. This action could help at-risk communities raise awareness but does not assist them in addressing the hazard.</li> </ul> <p><b><i>Case management and services.</i></b></p> <ul style="list-style-type: none"> <li>□ This policy would recognize that persons experiencing lead exposure often need a variety of government and community services to address the lead hazard. Such services may include, but not be limited to (1) relocation assistance, (2) childcare development access, (3) food access, (4) assistance navigating healthcare costs/coverage, (5) translation services, and (6) potentially legal services.</li> <li>□ This policy could assign a government office or fund a community partner to lead an office which would coordinate intake services, partnership contracts, and public educational campaigns. Resources and educational materials should be provided or linked on relevant municipal websites.</li> <li>□ <u>Practicality</u>: This is a big task for areas where services may not yet exist. Therefore, take time to identify if lead efforts in your region suffer from lack of investment or lack of coordination.</li> <li>□ <u>Equitability</u>: This assists in easing the burdens on persons experiencing lead exposure. This does not prevent exposure.</li> <li>□ <u>Resilience</u>: Proper coordination increases access to services for residents in need, therefore, showing legislative bodies that they should continue to investment in these services.</li> </ul> <p><b><i>Mobile clinic.</i></b></p> <ul style="list-style-type: none"> <li>□ Allocate funding for the locality to purchase mobile health units which could be utilized by the Department of Health and approved government partners to offer blood lead tests and similar services.</li> </ul>	<p><i>Case management and services, City of Dayton and Montgomery County</i><sup>5</sup></p> <ul style="list-style-type: none"> <li>□ The county received a \$1.8 million-dollar federal grant to conduct this work.</li> <li>□ The terms of the grant could be redrafted to implement a local ordinance.</li> </ul> <p><i>Mobile clinics, City of Cleveland</i><sup>6</sup></p> <ul style="list-style-type: none"> <li>□ Authorized the Director of Public Works to purchase two</li> </ul>
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<sup>2</sup>See OSHA Guideline, <https://www.osha.gov/lead/lead-test#kits>. They do not endorse any lead testing kit but describe the general procedures and surfaces the surface swabs may be used on.

<sup>5</sup> *Lead Hazard Control Program*, Montgomery County, <https://www.montgomerycountypa.gov/1124/Lead-Program>.

<sup>6</sup> Michael Indriolo, *New mobile clinics aim to tear down barriers to quality healthcare*, <https://thelandcle.org/stories/new-mobile-clinics-aim-to-tear-down-barriers-to-quality-healthcare/> (December 7, 2021).

	<ul style="list-style-type: none"> <li>□ <b>Practicality:</b> These units are cheaper than building offices in regions to increase access. Efforts would need to be made to ensure that health care providers / pediatricians are comfortable serving as young patients so that both the provider and families have a positive experience.</li> <li>□ <b>Equitability:</b> This policy would meet at-risk populations where they are and could reach even the most remote populations.</li> <li>□ <b>Resilience:</b> Purchasing these vehicles would be a long-term investment and could be adapted easily to serve different community needs.</li> </ul>	<p>mobile health units which were estimated to cost between \$575,000 and \$1,150,000 total.<sup>7</sup></p> <ul style="list-style-type: none"> <li>□ To utilize ARPA funds expeditiously, these allocations were made before a final concept was created on how the City would manage these mobile clinics.</li> </ul>
<p>Increase Abatement of Lead Hazards</p>	<p><b><i>Create a HEPA vacuum loan program to tackle lead dust.</i></b></p> <ul style="list-style-type: none"> <li>□ This program educates community members that regular vacuums do not capture lead dust adequately and may even put it back into the air while providing them with the tools needed—a high efficiency particulate air (HEPA) vacuum—to combat lead dust.</li> </ul> <p><b><i>Create a program/office to maximize funding sources for lead abatement and remediation.</i></b></p> <ul style="list-style-type: none"> <li>□ This program could leverage federal, state, and local funds to identify at-risk housing stock, quantify specific un-met needs, combine various funding sources, and finance projects in the community for lead abatement and remediation.</li> <li>□ <b>Practicality:</b> The locality would need to dedicate personnel to grant writing, processing resident applications, and dispersing funds to contractors.</li> </ul>	<p><i>Vacuum loan program,</i></p> <ul style="list-style-type: none"> <li>□ Across Ohio, health departments have several HEPA (high efficiency) vacuums that may be used by residents. The vacuum may be used to clean up lead dust and is loaned out for a period of 1 week at a time. There is no charge for the use.<sup>9</sup></li> </ul> <p><i>Assistance funds,</i></p> <ul style="list-style-type: none"> <li>□ Lead Safe Cuyahoga with Cleveland Heights provides up to \$9000 for lead abatement or remediation. Owner must contribute 10% of project cost. Income limits apply. Children 5 or younger must be in the home.<sup>10</sup></li> </ul>

<sup>7</sup> Emergency Ordinance 1072-2021, Cleveland City Council, <https://cityofcleveland.legistar.com/LegislationDetail.aspx?ID=5255070&GUID=55BC6E89-C72E-4E80-A45E-6B1E8D1D725C&Options=ID%7CText%7C&Search=amend>.

<sup>9</sup> HEPA Vacuum Loan Program, Ohio Department of Health, <https://odh.ohio.gov/know-our-programs/lead-licensure-and-accreditation-program/hepa-vacuum-loaner-program>.

<sup>10</sup> Lead Safe Homes, City of Cleveland Heights, <https://www.clevelandheights.gov/246/Lead-Safe-Homes>.

	<ul style="list-style-type: none"> <li>□ <u>Equitability</u>: Localities should actively recruit homeowners with at-risk housing stock and those who have been subjected to past violations—otherwise, lead poisoned children may continue to be the catalyst for homeowners seeking financing programs.</li> <li>□ <u>Resiliency</u>: This acknowledges that financial barriers play a role in landlords' inability to address lead hazards. This does not address absentee landlords or workforce limitations in meeting the increasing demand.</li> </ul> <p><b><i>Establish lead as a nuisance to promote safe tear downs of contaminated houses.</i></b></p> <ul style="list-style-type: none"> <li>□ This policy acknowledged that unsafe demolition practices can significantly increase lead exposure of nearby residents. The safest method is the wet-wet-wet method which captures lead dust to prevent it from entering the atmosphere and spreading widely.</li> <li>□ <u>Practicality</u>: This ordinance need only establish lead as a public nuisance. Localities which do not have legal teams to enforce this provision against those who conduct unsafe tear downs, should either contract with outside counsel or include a provision which grants standing to community organizations, environmental health organizations, or housing organizations to sue on behalf of the aggrieved parties.</li> <li>□ <u>Equitability</u>: This ordinance only helps after people have been harmed but can indirectly be a preventive measure by pressuring contractors to conduct safe demolition practices.</li> </ul>	<ul style="list-style-type: none"> <li>□ City of Cincinnati<sup>11</sup></li> <li>□ City of Columbus requires rent control for no less than 3 years after completion of projects.<sup>12</sup></li> <li>□ Summit County assistance is a 5 year, deferred, forgivable mortgage. Landlords will be responsible for 25% of the contractor's final bid. Services may include: window replacement, siding, porch replacement/repair and door replacement/repair.<sup>13</sup></li> </ul> <p><i>Establishing nuisance, City of Cleveland<sup>14</sup></i></p> <ul style="list-style-type: none"> <li>□ Establishes lead as a nuisance.</li> <li>□ States that the Commissioner of the Division of the Environment of the Department of Public Health may order the immediate control of the nuisance if, in the Commissioner's opinion, it threatens the public health.</li> </ul>
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<sup>11</sup> *Lead Abatement*, City of Cincinnati, <https://choosecincy.com/homeowner-renter-assistance/lead-abatement/>.

<sup>12</sup> *Lead Safe Columbus*, City of Columbus, <https://new.columbus.gov/Services/Public-Health/Housing-Assistance-Programs/Housing-Renters-Programs/Lead-Safe-Columbus>.

<sup>13</sup> *Lead Abatement Program*, County of Summit, <https://co.summitoh.net/pages/Lead-Abatement-Program.html>.

<sup>14</sup> Cleveland Ordinances § 240.02, Lead Hazards are a Nuisance, [https://codelibrary.amlegal.com/codes/cleveland/latest/cleveland\\_oh/0-0-0-9643](https://codelibrary.amlegal.com/codes/cleveland/latest/cleveland_oh/0-0-0-9643).

	<p>☐ <u>Resilience</u>: This ordinance will only have impact if enforced.</p> <p><b>Capacity building programs.</b></p> <p>☐ This policy would increase the number of lead risk assessors / lead risk abatement contractors in your area.</p> <p>☐ <u>Practicality</u>: When localities may have capacity issues in promptly responding to contractors that are seeking Lead Abatement or Renovation, Repair, and Painting (RRP) training, a third party may assist in providing these services.</p> <p>☐ <u>Equitability</u>: This presents an opportunity to partner with third parties that have experience recruiting diverse contractors, such as women or minority owned businesses.</p> <p>☐ <u>Resiliency</u>: Such entities would need to be properly screened to ensure quality and continuity of service.</p> <p><b>Tax incentives.</b></p> <p>☐ Consider whether your municipality is adequately promoting the State of Ohio Lead Abatement Tax Credit program when managing lead abatement programs.<sup>8</sup></p> <p>☐ Similarly, consider if there are financial barriers to developers in your region that could be modified to increase your areas competitiveness for bids.</p> <p>☐ <u>Practicality</u>: This would not require up-front investment.</p> <p>☐ <u>Equitability</u>: This may divert funds from necessary municipal accounts over time.</p> <p>☐ <u>Resiliency</u>: This is not a long-term solution to workforce development concern.</p> <p><b>Relocation and relevant coordination.</b></p> <p>☐ This policy could focus on funding the relocation of persons who have lead hazard control orders. This could be supplemented with policies such as those mentioned in case management and services.</p> <p>☐ It is already required that landlords provide relocation assistance to tenants if the unit has a lead hazard control order. However, barriers often prevent adequate</p>	<p><i>Capacity building.</i></p> <p>☐ City of Pittsburgh—A non-profit, Women for a Healthier Environment, was responsible for maintaining a website for registrations, collecting the nominal fee charged to registrants, and remitting collected fees to the department responsible for permits.<sup>15</sup></p> <p>☐ Coalition on Lead Emergency—Trained 250 community members on lead abatement.<sup>16</sup></p> <p><i>Relocation and relevant coordination,</i></p> <p>☐ HUD explains these funds typically pay for advisory services, moving expenses, and/or rental/purchase expenses.<sup>17</sup></p>
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<sup>8</sup> *Lead Abatement Tax Credit Program*, Ohio Department of Health, <https://odh.ohio.gov/know-our-programs/lead-abatement-tax-credit-program>.

<sup>15</sup> Resolution 2022-0459, The City of Pittsburgh, <https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=5690905&GUID=0002343C-98A8-4B91-B38B-CA4BB220D132&Options=ID%7cText%7c&Search=lead&FullText=1>.

<sup>16</sup> Coalition on Lead Emergency, <https://coalitiononleademergency.org>.

<sup>17</sup> *Relocation Assistance for Tenants Displaced from Their Home*, U.S. Department of Housing and Urban Development

	<p>alternative housing—such as the homeowner may claim they do not have the cash on hand and there may be a shortage of alternative housing.</p> <ul style="list-style-type: none"> <li>□ Localities could address this by (1) fronting the money for alternative housing and requiring the landlord to either repay the municipality or creating a tax structure to require repayment, (2) creating partnerships with homeowners to provide leases to families in need under this provision.</li> <li>□ <u>Practicality</u>: This may be difficult due to the nation’s shortage of affordable housing. This will require upfront financial investment.</li> <li>□ <u>Equitability</u>: Inadequate alternative housing is often cited as one of the greatest concerns for families experiencing lead exposure. Inadequate alternative housing also forces these families, which are already struggling, to expend more financial resources (increased transit costs, inadequate kitchens, located away from community support systems/childcare, lack of privacy for family in small spaces increases stressors over long time periods)</li> <li>□ <u>Resiliency</u>: This builds community networks and prevents ongoing lead exposure.</li> </ul>	<ul style="list-style-type: none"> <li>□ The City of Cincinnati utilizes federal funds for tenant relocation during abatement work.<sup>18</sup></li> <li>□ The City of Cleveland Heights allows municipal funds to be utilized for tenant relocation and places a lien on the property to be collected as taxes from the landlord.<sup>19</sup></li> </ul>
Proactively Identify Potential Lead Hazards	<p><b><i>Provide access to certified testing—train municipal staff or community organizations to become lead risk assessors.</i></b></p> <ul style="list-style-type: none"> <li>□ With the increased demand of lead risk assessments, investing in a government or community entity to become certified lead risk assessors and purchase XRF machine(s) would ensure the area receives these services while: <ul style="list-style-type: none"> <li>○ creating revenue for the municipality which could be reinvested in lead safety programs,</li> <li>○ provides residents with a clear point of contact for these services, and</li> <li>○ creates a reasonable expectation of what the costs should be.</li> </ul> </li> <li>□ <u>Practicality</u>: This would likely be managed within the County Health Department; the department responsible for the municipal permitting, licenses, and inspections;</li> </ul>	<p><i>Provide access to testing, City of Warren<sup>20</sup></i></p> <ul style="list-style-type: none"> <li>□ It is unclear if the municipality ever fully implemented this ordinance.</li> <li>□ This could be updated to display modern prices and clearly establish which office is responsible for these duties.</li> </ul>

Office of Community Planning and Development, <https://www.hud.gov/sites/documents/tenadisp.pdf>.

<sup>18</sup> *Tenant Relocation Information*, City of Cincinnati, <https://choosecincy.com/wp-content/uploads/2022/05/Tenant-Relocation-Information-fillable-2022.pdf>.

<sup>19</sup> Section 522.08(c-d), City of Cleveland Heights, <https://www.clevelandheights.gov/DocumentCenter/View/11702/Ordinance-78-2021-Fifth-Reading-As-Amended?bidId=>.

<sup>20</sup> Section 1705.06 Evaluation and Inspection of Lead Hazards; Fees., City of Warren, [https://codelibrary.amlegal.com/codes/warren/latest/warren\\_oh/0-0-0-21001](https://codelibrary.amlegal.com/codes/warren/latest/warren_oh/0-0-0-21001).



	<p>or community group. Currently, state and federal grant opportunities are available to provide entities with funds to pay for certification and equipment. While the certified team awaits the municipalities implementation of the program, they could begin by testing publicly accessible facilities, such as libraries, schools, and playgrounds.</p> <ul style="list-style-type: none"> <li>□ <u>Equitability</u>: The relevant ordinance should provide tenants the authority to provide the government agency access to the home for testing. The city council should also consider utilizing any potential funds generated from risk assessment to offset a free assessment program for low-income tenants, homeowners, and small business that provide childcare services.</li> <li>□ <u>Resiliency</u>: Municipal bodies tend to have less turnover than private contractors and their operations are not as volatile in response to economic changes.</li> </ul> <p><b><i>Proactive testing in schools and child-care centers.</i></b></p> <ul style="list-style-type: none"> <li>□ This policy could require all schools and child-care centers to certify that they have: <ul style="list-style-type: none"> <li>○ tested water sources for lead or are providing NSF filters at water stations</li> <li>○ allow the municipality to enter the premise to conduct a lead risk assessment or hired a private contractor to conduct one.</li> </ul> </li> <li>□ This timeline for complying with the policy could be set at a date which seems appropriate for the resources of the area.</li> <li>□ <u>Practicality</u>: This would likely be managed by the office responsible for local permits. This office should have existing records of childcare centers in the area and the authority to inspect schools. It would be beneficial for this office to build partnerships with labs for testing water for lead and invest in certifying staff to conduct lead risk assessments.</li> <li>□ <u>Equitability</u>: Without proper funding to support the implementation of this ordinance, it is likely that the respective costs would be shifted onto the parents.</li> </ul>	<p><i>Proactive testing in schools and child-care centers</i></p> <ul style="list-style-type: none"> <li>□ A 2018 report displayed 41% of school districts—serving 12 million students—had not tested school water for lead.<sup>21</sup></li> <li>□ Facilities that offer Head Start and Pre-K programs should be lead safe and receive education on how to detect signs of lead exposure.<sup>22</sup></li> <li>□ A 2004 report explains how local governments can address misinterpretations of HIPPA which result in barriers to data</li> </ul>
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<sup>21</sup> *K-12 Education: Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance*, U.S. Government Accountability Office, <https://www.gao.gov/products/gao-18-382>.

<sup>22</sup> *The Role of Head Start Programs in Addressing Lead in Water*, ACF-IM-HS-23-01, U.S. Dep’t of Health and Human Services, <https://eclkc.ohs.acf.hhs.gov/policy/im/acf-im-hs-23-01#:~:text=The%20adverse%20health%20effects%20of,preventing%20lead%20poisoning%20in%20children>.

	<ul style="list-style-type: none"> <li>□ <u>Resiliency</u>: Ensure that children’s environments are safe from lead hazards provides the great benefit to society. It is likely that this investment would initially be costly but would decrease significantly in future years.</li> </ul>	<p>sharing about childhood lead poisoning cases.<sup>23</sup></p>
<p>Affirmative Marketing of Lead Safe Properties</p>	<p><b><i>Voluntary rental registry with lead-safe certification.</i></b></p> <ul style="list-style-type: none"> <li>□ This policy acknowledged that landlords often need permits prior to renting and allows for them to seek lead risk assessments at the same time. Certifying a rental lead safe can decrease liability for the homeowner and protect families.</li> <li>□ <u>Practicality</u>: There is no financial incentive, beyond decreased liability, for the homeowner to participate, therefore, usage of the voluntary registration may be low.</li> <li>□ <u>Equitability</u>: This still leaves many families at risk. The homeowners participating in the voluntary rental registry will often be those who would have done lead hazard prevention in good faith regardless, and this program provided a clear path to do so. This program does not address ‘bad’ or absentee landlords.</li> <li>□ <u>Resiliency</u>: If the program does not have adequate participation or adequately address the community’s needs, it will likely be challenged from multiple actors.</li> </ul> <p><b><i>Mandatory rental registry with lead-safe certification.</i></b></p> <ul style="list-style-type: none"> <li>□ This policy would create a municipal rental registry. <ul style="list-style-type: none"> <li>○ Option 1: Require relevant permits and certification, such as a lead safe certification prior to being lawfully listed on the rental registry.</li> <li>○ Option 2: Require minimal information to be admitted on the rental registry but require homeowners to comply with scheduled inspections for rentals and make recertification contingent on past compliance.</li> </ul> </li> <li>□ The landlord may have to comply by a certain deadline, before leasing, and/or on a reoccurring bases (to ensure lead-based paint has not deteriorated since the last inspection.</li> </ul>	<p><i>Voluntary Rental registry with lead-safe certification,</i></p> <ul style="list-style-type: none"> <li>□ The State of Ohio rental online registry list is maintained by the Ohio Housing Finance Agency but only contain about 1,200 available rentals.</li> <li>□ City of Cleveland<sup>24</sup></li> <li>□ City of Cleveland Heights</li> </ul> <p><i>Mandatory rental registry with lead-safe certification.</i></p> <ul style="list-style-type: none"> <li>□ The City of Pittsburgh has various versions of a mandatory rental registry.<sup>25</sup> However, it has never been implemented due to legal challenges that are not applicable in Ohio and West Virginia.</li> <li>□ City of Toledo requires owners of a 1-4-unit residential rental property or family childcare home that was built before 1978, you are required to have your property inspected and certified</li> </ul>

<sup>23</sup> *Overcoming Barriers to Data-Sharing Related to the HIPPA Privacy Rule, A Guide to State and Local Childhood Lead Poisoning Prevention Programs*, Alliance for Healthy Home, <https://www.cdc.gov/nceh/lead/docs/policy/HIPAADoc.pdf> (2004).

<sup>24</sup> *Lead Safe Certification*, City of Cleveland, <https://www.clevelandohio.gov/city-hall/departments/building-housing/divisions/records-administration/lead-safe-certification>.

<sup>25</sup> *New Pittsburgh Rental Registry Ordinance*, Lynch Law Group, <https://lynchlaw-group.com/new-pittsburgh-residential-rental-ordinance/>.

	<ul style="list-style-type: none"> <li>□ <u>Practicality</u>: This program would require substantial investment and training of municipal staff. However, this could be phased in, like the City of Toledo’s ordinance.</li> <li>□ <u>Equitability</u>: This ordinance targets all actors and provides the greatest protection for residents.</li> </ul>	<p>lead-safe. This requirement is being phased-in by census tract over several compliance deadlines.<sup>26</sup></p> <ul style="list-style-type: none"> <li>□ The City of Maumee requires homeowners to register rentals and comply with scheduled inspections.<sup>27</sup></li> </ul>
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<sup>26</sup> *Owners*, Lead Safe Toledo, <https://toledoleadsafe.com/forowners/>.

<sup>27</sup> City Of Maumee Rental Registry And Inspection Code 3-21-2023, <https://maumee.org/download/city-of-maumee-rental-registry-and-inspection-code-3-21-2023/>.