Ordinance No. 1244-2026

By Council Members Conwell and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

To repeal various sections of Chapter 365 and 240 of the Codified Ordinances of the City of Cleveland, 1976, as amended by various ordinances; to supplement the Codified Ordinances by enacting new Sections 365.01 through 365.10, 240.05 through 240.08, all related to lead safe certificate program, lead safety, and various civil penalties; and to repeal Section 7 of Ordinance No. 747-2019, passed July 24, 2019.

WHEREAS, lead poisoning causes permanent injury to the developing brain, and no level of lead in a child's blood is considered safe; and in 2025, 11.7% of Cleveland children tested had blood lead levels at or above Ohio's 3.5 µg/dL action level, a burden that falls hardest on the same neighborhoods that have absorbed generations of disinvestment; and

WHEREAS, this is a health problem with a housing solution; roughly nine in ten Cleveland homes were built before 1978, most Cleveland families rent, and deteriorating lead paint on windows, porches, doors, and exterior siding remains the primary route by which lead reaches a child; and

WHEREAS, in 2019 this Council enacted Ordinance No. 747-2019, establishing the Lead Safe Certificate requirement for pre-1978 rental property and making Cleveland one of the few American cities to require proof of lead safety before a unit is rented; and the City, alongside the Lead Safe Cleveland Coalition, has since built the supporting infrastructure that the law requires, now serving Cleveland tenants and property owners; and

WHEREAS, seven (7) years of administering that law have shown great promise but it has also revealed challenges; and all members of the Council and the Mayor are committed to not resting until we have the most effective lead-safe rental registry in the country and we see a corresponding drop in our lead poisoning rates; and

WHEREAS, City health, housing and policy leaders have put forward the regulations and requirements contained in this ordinance to support the children of the City of Cleveland; and

WHEREAS, this ordinance constitutes an emergency measure to provide for the immediate preservation of the public peace, property, health and safety in that updating the lead safe laws will improve the effectiveness, strength, and administrability of the City's lead-safety requirements and thereby protect and promote the health and well-being of Cleveland children; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council finds that the provisions contained in Section 3 and 4 of this ordinance are part of the City's housing, building, and health codes within the meaning of division (B)(1) of Section 5321.19 of the Revised Code.

Section 2. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 365.01, 365.02, and 365.03, as amended by Ordinance No. 1039-2023, passed February 5, 2024,

Sections 365.04, 365.05, 365.06, 365.07, and 365.08, as enacted by Ordinance No. 747-2019, passed July 24, 2019, and

Section 365.09, as amended by Ordinance No. 1039-2023, passed February 5, 2024,

Section 365.10, as enacted by Ordinance No. 747-2019, passed July 24, 2019, and

Sections 245.05, 245.06, 245.07, and 245.08, as enacted by Ordinance No. 747-2019, passed July 24, 2019,

are repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 365.01, 365.02, 365.03, 365.04, 365.05, 365.06, 365.07, 365.08, 365.09, and 365.10 to read as follows:

Chapter 365
Rental Registration and Lead-Safe Certification

Section 365.01 Definitions

For the purposes of this chapter:

(a) "Director" means the Director of Building and Housing.

(b) "Governmental Entity" means the United States, or an agency thereof, the State of Ohio or a political subdivision thereof, or a county land reutilization corporation organized and existing under Chapter 1724 of the Revised Code or its wholly owned subsidiary.

(c) "Gut Rehabilitation" means the general replacement of the interior of a building that may or may not include changes to structural elements such as flooring systems, columns, or loadbearing interior or exterior walls.

(d) "Lead-Based Paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health as set forth in the OAC Rule 3701-32-19.

(e) "Lead Hazard" means lead-based paint, lead-contaminated dust, lead contaminated soil or other material that is likely to cause lead exposure and endanger an individual's health as set forth in OAC Rule 3701-32-19.

(f) "Lead-Safe Certification" means that the owner of a residential rental unit built before January 1, 1978 has provided to the Director of Public Health a lead safe certificate application with sufficient supporting documentation to demonstrate that Lead Hazards are not identified in the unit. A Lead-Safe Certification shall be valid for the applicable term prescribed in division (d) of Section 365.04.

(g) "Local Agent in Charge" means a natural person who is of sound mind and at least eighteen (18) years of age and who is designated by the owner; who is authorized by the owner to receive service of a Notice of Violation on the owner's behalf; and who is responsible for the maintenance and management of the Residential Rental Unit.

(1) If the owner is a natural person and a resident of Cuyahoga County or a contiguous county, then the Local Agent in Charge may be the owner. Otherwise, the Local Agent in Charge shall be a natural person who resides within Cuyahoga County.

(2) If the Local Agent in Charge is not the owner, then the Local Agent in Charge shall, in a form to be supplied by the Director, accept responsibility with the owner (including any potential criminal, civil, or administrative liability) for the maintenance and management of the premises during any time when such person is identified as the Local Agent in Charge. The form shall include a provision in which the owner indemnifies the Local Agent in Charge for any such responsibility and liability. In any enforcement or pursuit of those responsibilities and liabilities, the City shall make a good faith effort to hold the owner exclusively responsible or liable, but the City may, in its sole discretion, hold the Local Agent in Charge responsible or liable, in part or in full.

(3) If the Local Agent in Charge is a real estate broker as defined in Section 4735.01 of the Revised Code, then the Local Agent in Charge shall include a copy of their real estate broker's license in any form or application they file with the City.

(4) If the owner is a Governmental Entity, then the owner shall be deemed to be the Local Agent in Charge and owner shall not be required to designate any natural person as the Local Agent in Charge.

(h) "Local Lead Clearance Examination" means a systematic investigation, performed by a clearance technician, lead inspector, or lead risk assessor, to determine whether Lead Hazards identified in a Local Lead Risk Assessment or Local Lead Inspection have been sufficiently controlled. It includes a visual assessment and collection and analysis of environmental samples that meet the requirements of the rules issued by the City's Director of Public Health.

(i) "Local Lead Inspection" means a surface-by-surface investigation to determine the presence of Lead-Based Paint that meet the requirements of the rules issued by the City's Director of Public Health.

(j) "Local Lead Inspection License" means an official local license issued by the City's Director of Public Health to a person who holds a valid, active license issued by the Ohio Department of Health as a lead inspector, lead risk assessor or clearance technician under Chapter 3742 of the Revised Code and who also meets any additional requirements in rules issued by the City's Director of Public Health. The license authorizes the person to conduct Local Lead Inspections, Local Lead Clearance Exams, and Local Lead Risk Assessments that are used to apply for a Lead-Safe Certification under this chapter.

(k) "Local Lead Risk Assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit including information gathered from the unit, current owner's knowledge regarding

the age and painting history of the unit and occupancy by children under six (6) years of age, visual inspection and limited wipe sampling or other environmental sampling techniques that meet the requirements of the rules issued by the City's Director of Public Health.

(l) "Local Lead Tests" means Local Lead Risk Assessments, Local Lead Inspections, and Local Lead Clearance Examinations.

(m) "Non-Target Housing" means any 0-Bedroom Dwellings or housing designed solely for the elderly or persons with disabilities, unless any child who is less than 6 years of age resides or is expected to reside in such housing.

(n) "OAC" means the Ohio Administrative Code as it may be amended from time to time.

(o) "Owner" means the natural person, partnership or corporation that holds title to the Residential Rental Unit.

(p) "Permanent" means an expected design life of at least twenty (20) years.

(q) "Residential Rental Unit" means any part of a building being used, designed or intended to be used as an individual's private residence, including a unit occupied by one (1) or more persons regardless of whether the occupant pays rent or provides anything else of value to the titled owner in consideration for occupying the structure. A Residential Rental Unit does not include a unit occupied by the titled owner.

(r) "0-Bedroom Dwelling" means any residential dwelling in which the living area is not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory housing, military barracks, and rentals of individual rooms in residential dwellings.

Section 365.02 Non-Owner-Occupied Residential Unit Registration Required; Application for and Issuance of Certificate of Non-Owner-Occupied Residential Registration; Certificate Approving Rental Occupancy; Revocation

(a) *Non-Owner-Occupied Residential Unit Registration Required.* An Owner of a non-owner-occupied residential unit or units located in the City shall apply to register each unit in a manner prescribed in writing by the Director in a publicly available non-owner-occupied residential unit registry established and maintained by the Director. Upon approval of an application, the Owner shall receive a Certificate of Non-Owner-Occupied Residential Unit Registration. Such an Owner, before renting such a unit, shall obtain a Certificate Approving Rental Occupancy. If the owner is a Governmental Entity, then it shall be exempt from the rental registration requirements of this Section 365.02, unless and until the Governmental Entity intends to rent the unit as evidenced by the owner simultaneously applying for a Certificate Approving Rental Occupancy as described in division (d) of this section.

(b) *Information Required for Annual Non-Owner-Occupied Residential Unit Registration.* Application for a certificate of non-owner-occupied residential unit registration required by this chapter shall be made annually, on or before March 1st of each calendar year in accordance with the process prescribed in writing by the Director.

Information, or documentation, to be supplied on, or with, an application shall include, but is not limited to, the following:

(1) The name, address, telephone number and email address of the owner or owners of the premises. If the owner is a partnership, then the names, addresses, telephone numbers and email addresses of all general partners. If the owner is a corporation, the names, addresses, telephone numbers and email addresses of the current statutory agent and all corporate officers of the corporation. The address for corporations and partnerships shall be the principal place of business and the address for persons shall be the home address;

A. If the Owner is a natural person, then the application shall include a copy of the owner's driver's license or an acceptable government issued photo identification card.

B. If the Owner is not a natural person, then the application shall include documentation that the owner is incorporated in, or registered to do business in, the State of Ohio with the Ohio Secretary of State.

(2) The name, address, telephone number and email address of a Local Agent in Charge.

(c) *Issuance of Certificate of Non-Owner-Occupied Residential Unit Registration*. After receipt of application, the Director shall review the application to determine if it meets the requirements of this section. If it meets the requirements of this section, the Director shall issue a Certificate of Non-Owner-Occupied Residential Unit Registration that shall state conspicuously: "This Certificate establishes that the residential unit described here is registered with the City of Cleveland Department of Building and Housing, which means that the owner has provided information to the Department concerning the property as required by law. This Certificate does not establish that the residential unit described herein is safe from lead paint hazards, meets Housing Code and Building Code requirements, or is fit and habitable to live in. A separate "Certificate Approving Rental Occupancy" from the Department of Building and Housing establishes a record of compliance with those laws and requirements." The Certificate shall also indicate:

(1) The street address or other identifying characteristics of the building or other structure;

(2) The name, address, telephone number and email address of the owner or owners of the premises. In the case of a partnership, the names of all general partners;

(3) If the record owner is a corporation, the names, addresses, telephone numbers and email addresses of the current statutory agent and all corporate officers of that corporation;

(4) The name, address, telephone number and email address of the managing agent of the premises, if any;

(5) The name, address (including the dwelling unit, apartment or room number), telephone number and email address of the superintendent, custodian, or other individual employed by the owner or managing agent to provide regular maintenance services, if any;

(6) The name, address, telephone number and email address of an individual representative of the owner or managing agent who may be reached or contacted at any time in the event of an emergency affecting the premises of any rental unit in that structure, including such emergencies as the failure of a utility system or service, and who has the authority to make emergency decisions concerning the building including its repairs or expenditures;

(7) The name, address, telephone number and email address of any Local Agent in Charge;

(8) The use and occupancy authorized; and

(9) A statement concerning the current Lead-Safe Certification status of the property, if applicable, and a statement concerning the existence of any Lead Hazard Control Order.

(d) *Certificate Approving Rental Occupancy*. Before a non-owner-occupied residential unit that is registered under this section can be rented, the owner must apply for and obtain a Certificate Approving Rental Occupancy. The owner shall apply for such certificate in a manner prescribed by the Director, using forms supplied by the Director.

To obtain such a certificate, the property owner shall provide the Director with the following documentation demonstrating compliance with the following requirements:

(1) *HVAC Inspection*. Where a non-owner-occupied residential unit is part of a building with four (4) or more residential units, the unit shall have been examined by a licensed Heating Ventilating and Air Condition (HVAC) contractor every two years, and the HVAC systems for the unit(s) shall have been found to be well-maintained and in working order. If a building has an HVAC system for each individual unit, ten percent (10%) but in no event fewer than five (5) units, shall be inspected every two years and found to be in safe working order.

(2) *Utility Accounts*. Where a non-owner-occupied residential unit is part of a building with four (4) or more residential units, and the service account holder for water service, electricity service, or natural gas service is not the occupant of that unit, then each such account shall be active, paid in full, and otherwise in good standing.

(3) *Lead Safety*. If applicable, the unit shall comply with the City's Lead-Safe Certification requirement and all applicable Lead Hazard Control Orders.

(4) *Resolved Violations*. Any past notices of violations issued for the unit shall have been resolved and documentation must be provided. Acceptable documentation demonstrating resolution may include, but not be limited to, as appropriate, certificates of correction, inspection reports, or documentation from contractors demonstrating and certifying that the conditions that were the subject of the notice of violation have been resolved.

(5) *Property Taxes*. The parcels shall not have delinquent property taxes, unless the delinquent taxes are subject to a County payment plan that is in good standing.

(6) *Fines, Other Charges and Assessments*. The property owner and parcels, as appropriate, shall not be subject to any unpaid City fines, fees, charges, or any assessments, including, but not limited to, amounts imposed or certified against the parcel by the City for nuisance abatement.

(e) *Revocation of Certificate of Non-Owner-Occupied Residential Unit Registration*. The Director may revoke a Certificate of Non-Owner-Occupied Residential Unit registration if the applicant makes any false statement in connection with the registration, or if the structure that was covered by it is no longer in compliance with the requirements of this Code, or if the owner, agent, or person in charge of a structure refuses to comply with any provision of this Code required for the use, maintenance and/or occupancy of a structure, including this chapter and Chapters 240, 367, 369, and 371. If the Director revokes a Certificate of Non-Owner-Occupied Residential Unit Registration, the owner may appeal the Director's action in the same manner prescribed in the administrative appeals process set forth in divisions (c) and (d) of Section 3104.04 for the appeal of civil tickets. The appeal shall be filed within thirty (30) days of the decision. An appeal of that decision may be made to the Board of Zoning Appeals within thirty (30) days of the decision. The Board shall approve, modify, or reverse the finding from which the appeal is taken. The Board's decision shall be final. The filing of an appeal shall not stay the Director's action while the appeal is pending.

(f) *Revocation of Certificate Approving Rental Occupancy*. Whenever the Director discovers that a non-owner-occupied residential unit no longer qualifies for a Certificate Approving Rental Occupancy, the Director shall revoke the certificate. The Director shall mail a copy of the revocation to the Owner and to the residential unit addressed to the occupants by name or as "occupants". The Director may have the revocation posted on the residential unit. The revocation of the certificate shall in no way alter the rights of an occupant under a rental agreement or relieve the owner of its obligations under a rental agreement.

(g) *Notice of Change in Information*. It is the owner and the Local Agent in Charge's obligation to notify the Director, in writing, of any change in the name, address, telephone number, and/or email address of any information provided in this section within seven (7) days after the change occurs. If written notification is not

provided as required in this section, the Director may revoke the certificate of non-owner-occupied residential unit registration until the changed name, address, telephone number, and/or email address is provided in writing.

(h) The owner or Local Agent in Charge of the unit shall pay a fine of one hundred dollars ($100.00) upon revocation of the Certificate of Non-Owner-Occupied Residential Unit Registration or the Certificate Approving Rental Occupancy, and the certificates shall not be reissued while any fee or fine is outstanding. Cumulative fines for such revocations that are associated with a single owner shall not exceed thirty thousand dollars ($30,000.00) per calendar year.

Section 365.03 Rental Registration Fee

(a) An application for a Certificate of Non-Owner-Occupied Residential Unit registration shall be accompanied by a nonrefundable fee for each non-owner-occupied residential unit of seventy dollars ($70.00) for each Residential Rental Unit.

(b) The Board of Control shall establish any fee exemptions and guidelines for implementation.

(c) No fees shall be collected in excess of thirty thousand dollars ($30,000.00) per calendar year from an owner of a one (1) multi-unit apartment complex consisting of one (1) or more buildings under common ownership, located on the same lot or contiguous lots within the City, and operated under the same brand or complex name.

(d) A certificate may be renewed prior to expiration upon application and payment of the fee described above. A certificate that has expired may be renewed upon payment of the above registration fee plus a late fee of one hundred dollars ($100.00).

(e) The Director shall be authorized to enter into one or more letter agreements with an owner that is a Governmental Entity or an organization exempt from taxes under Section 501(c)(3) of the Internal Revenue Code that reduces or waives the registration fee described in this Section 365.03.

Section 365.04 Lead-Safe Certification Required for Residential Rental Units Built Before January 1, 1978

(a) *Presumption and Policy*. Any Residential Rental Unit originally constructed prior to January 1, 1978 is presumed to have Lead-Based Paint. It is the policy of the City to help prevent the poisoning of children by requiring that the presence of deteriorated Lead-Based Paint on the interior and exterior of residential rental structures built before January 1, 1978 be identified and be correctly addressed by reducing and controlling Lead-Based Paint hazards which may be present, in order to prevent human exposure to these hazards.

(b) *Lead-Safe Certification*. Beginning March 1, 2023, every owner of a Residential Rental Unit constructed before January 1, 1978 shall have a Lead-Safe Certification from the Director of Public Health for that unit. No Residential Rental Unit

constructed prior to January 1, 1978 shall be rented, leased, subleased, let, or otherwise authorized for occupancy without a Lead Safe Certificate.

(c) *Exemption*. To be exempt from the Lead-Safe Certification requirement set forth in this section, the Owner of a Residential Rental Unit constructed prior to January 1, 1978 shall satisfy one of the following:

(1) Submit evidence in the form and manner prescribed by the Director of Public Health that the unit is Non-Target Housing.

(2) Submit evidence in the form and manner prescribed by the Director of Public Health that the unit has undergone a conversion from commercial to residential use or Gut Rehabilitation that removes pre-1978 substrates in living or common areas.

(3) Submit a passing Local Lead Risk Assessment and Local Lead Inspection or a passing Local Lead Clearance after a failed Local Lead Risk Assessment and Local Lead Inspection demonstrating that the property is free of Lead-Based Paint and Lead Hazards.

Properties built after January 1, 1978 and properties that are exempted under this Section may be subject to future regulation related to Lead Hazards that arise from environmental or non-Lead Paint sources.

(d) *Types, Terms, and Application Requirements*. The types of Lead-Safe Certification, the term of each certification from the date of issuance, and the application and additional supporting documentation for each certification are set forth in the table below.

Name	**Term of Certification**	**Lead-Safe Certification Application**	**Additional Supporting Documentation**
Standard Lead-Safe Certification	Three (3) years	The owner shall submit either: (1) a passing Local Lead Risk Assessment showing that no lead hazards were identified; or (2) a passing Local Lead Clearance Examination completed after a failed Local Lead Risk Assessment demonstrating that all identified lead hazards have been controlled. If a Local Lead Clearance Examination is submitted after a failed	None.

		Local Lead Risk Assessment, the owner shall submit both reports.	
Standard Lead-Safe Certification With Windows Extension	Five (5) years	The owner shall submit either (1) a passing Local Lead Risk Assessment showing that no lead hazards were identified; or 2) a passing Local Lead Clearance Examination completed after a failed Local Lead Risk Assessment showing that all identified lead hazards have been controlled. If a Local Lead Clearance Examination is submitted after a failed Local Lead Risk Assessment, the owner shall submit both reports.	Evidence in the form and manner prescribed by rules issued by the Director of Public Health demonstrating either that all movable and accessible windows in the house have been replaced after January 1, 1980; or evidence based on XRF technology that the window components do not contain any Lead-Based Paint.
Extended Lead-Safe Certification for Third Passed Test	Ten (10) years	The owner shall submit a passing Local Lead Risk Assessment showing that no lead hazards were identified.	Evidence in the form and manner prescribed by rules issued by the Director of Public Health that the property has had two (2) previous passing submissions for a Lead-Safe Certificate. These may include prior passing Local Lead Risk Assessments, risk assessments dated prior to February 1, 2027, clearance exams dated prior to December 1, 2024, or Lead Safe Certificate records maintained at the City. The property is not eligible for this certificate if there was a gap of more than six (6) months between Lead-Safe Certifications. Additionally,

			passing Local Lead Risk Assessments may not have been conducted more than six (6) months prior to expiration of the prior Lead-Safe Certification.
Extended Certification for Post-1960 Properties	Ten (10) years	The owner shall submit a passing Local Lead Risk Assessment showing that no lead hazards were identified.	Evidence from the Cuyahoga County property records that the property was originally built between January 1, 1960 and December 31, 1977.
Extended Lead-Safe Certification with High-Risk Component Replacement	Ten (10) years	The owner shall submit a passing Local Lead Risk Assessment showing that no lead hazards were identified.	Evidence in the form and manner prescribed by the Director of Public Health demonstrating that: (1) all movable and accessible windows in the Residential Rental Unit have been replaced after January 1, 1980 (2) all exterior doors and door frames in the house have been replaced, stripped, encapsulated or enclosed after January 1, 1980 (3) all painted porch components on the house have been replaced, stripped, encapsulated or enclosed after January 1, 1980. Photographic evidence that the house has no porch satisfies this requirement. Evidence using XRF technology that the components listed above do not contain any Lead-Based Paint is an acceptable substitution.
Lead Abatement Certificate	Twenty (20) years	The owner shall submit either (1) a passing Local Lead Risk Assessment and Local Lead Inspection showing that all Lead Hazards on the property have been abated; or 2) a passing Local Lead Clearance	None.

		Examination completed after a failed Local Lead Risk Assessment & Local Lead Inspection showing that all identified lead hazards have been abated. If a Local Lead Clearance Examination is submitted after a failed Local Lead Risk Assessment and Local Lead Inspection, the owner shall submit both reports.	

(1) *Extensions*. All two-year certifications that are active at the time this legislation passes and at the time it goes into effect shall be valid for one (1) additional year from their existing expiration date.

(2) *Commencement Date of Certifications*.

A. If the required submissions were delivered to the Director of Public Health within ninety (90) calendar days after the date on which the later of the Local Lead Tests was conducted, then the certification term shall commence on the date the certificate was approved in writing by the Director of Public Health.

B. If the required submissions were delivered to the Director of Public Health more than ninety (90) calendar days after the date on which the later of the Local Lead Tests was conducted, then, the certification term, upon written approval by the Director of Health, shall commence on the date on which the later of the Local Lead Tests was conducted.

(3) *Multi-Unit*. For a structure constructed prior to January 1, 1978, that contains five (5) or more Residential Rental Units the submission materials required by this section may utilize the Federal HUD Guidelines, 2012 edition, as may be amended from time to time, to determine the minimum number of units tested and the sampling methodology required.

(4) *Coordination with Federal Lead Safe Housing Rule*. Where a property is subject to the Federal Lead Safe Housing Rule and public housing authority's lead clearance process is initiated because of a failed visual exam, for an owner to obtain a Lead-Safe Certification, an owner may submit to the City's Director of Public Health the same materials it submits to the public housing authority in lieu of a Local Lead Risk Assessment or a Local Lead Clearance Examination. To be an accepted substitute, the materials must include documentation of a passing visual and passing dust wipe samples. The owner

may also submit additional supporting materials to gain a certification for a longer term of years.

(5) *Coordination with Lead Hazard Control Order*. Where a property is subject to a lead hazard control order, for an owner to obtain a Lead-Safe Certification an owner may submit to the City's Director of Public Health the same materials it submits to lift the lead hazard control order in lieu of a Local Lead Risk Assessment or a Local Lead Clearance Exam. In this case, the owner may also submit additional information related to component-based replacement to gain a certificate for a longer term of years.

(6) *Revocation*. The Director of Building and Housing or the Director of Public Health, as appropriate, is authorized to revoke a Lead-Safe Certification for the remaining term of years upon evidence of any of the following:

A. The certificate was obtained using inaccurate, falsified, or misleading information;

B. Lead hazards were found on the property as part of a Public Health Lead Investigation following an elevated blood level. In this instance the Lead Hazard Control Order must be lifted for a certification to be reissued; or

C. Any other active Lead Hazards on the property were identified by the Director of Public Health or the Director of Building and Housing.

The owner may appeal the director's action in the same manner prescribed in the administrative appeals process set forth in divisions (c) and (d) of Section 3104.04 for the appeal of civil tickets. Appeals of that decision shall be made to the Board of Zoning appeals within thirty (30) days of the decision. The Board shall approve, modify, or reverse the findings from which the appeal is taken. The Board's decision shall be final. The filing of an appeal shall not stay the Director's action while appeal is pending.

(e) *Local License Required*. A clearance technician, lead risk assessor, or lead inspector licensed by the Ohio Department of Health Lead Licensure and Accreditation Program may not conduct a Local Lead Test for an owner to obtain a Lead-Safe Certification under this chapter, unless, in addition to their state license, they also obtain and maintain a Local Lead Inspection License from the City's Director of Public Health.

(1) *Rules*. The City's Director of Public Health is authorized to issue rules to govern the qualifications, application process, terms, and fees for local licenses under this chapter.

(2) *Inspections*. To the extent permitted by law, the Director of Public Health, or their designee, may perform inspections of Residential Rental Units to determine whether Local Lead Tests comply with this chapter or the Director of Public Health's rules.

(3) *Public Disclosure*. The Director of Public Health may publicly disclose the results of those inspections and other evaluations of a licensee's

compliance with the Director of Public Health's rules. A person who is determined to be conducting activities that are not in compliance with this chapter or the City's Director of Public Health's rules may appeal the results of the determination in the same manner prescribed in the administrative appeals process set forth in divisions (c) and (d) of Section 3104.04 for the appeal of civil tickets. Appeals of that determination shall be made to the Board of Zoning appeals within thirty (30) days of the decision. The Board shall approve, modify, or reverse the findings from which the appeal is taken. The Board's decision shall be final. The filing of an appeal shall not stay the Director's determination while the appeal is pending.

(4) *Revocation of License*. The Director of Public Health or their designee may issue a written order revoking a Local Lead Inspection License. Such order must specify the basis for disqualification and a period, if any, after which they can reapply. The owner may appeal the Director's action in the same manner prescribed in the administrative appeals process set forth in divisions (c) and (d) of Section 3104.04 for the appeal of civil tickets. Appeals of that decision shall be made to the Board of Zoning appeals within thirty (30) days of the decision. The Board shall approve, modify, or reverse the findings from which the appeal is taken. The Board's decision shall be final. The filing of an appeal shall not stay the Director's determination while the appeal is pending.

(5) *Conflict of Interest*. No person who holds a Local Lead Inspection License shall conduct a Local Lead Test if they have a conflict of interest. A conflict of interest exists if the Local Lead Inspection License holder:

A. is the owner or an immediate family member, agent or employee of the Owner;

B. owns, controls, manages, is employed by, or is otherwise associated with any corporation, partnership, limited liability company, association, trust, or other legal entity that is directly or beneficially owned, controlled or managed by the Owner, or by an immediate family member, agent or employee of the Owner;

C. is hired by or under contract with the Owner to manage or maintain the Owner's Residential Rental Unit or Units as directed by the Owner;

D. has been authorized by the Owner to manage or maintain the owner's Residential Rental Unit or Units; or

E. has a financial interest in the laboratory results of dust sampling or testing, or in the determination of whether lead hazards are identified in the Owner's Residential Rental Unit or Units.

(f) *Rulemaking*. The Director of Public Health and Director of Building and Housing are authorized to adopt rules and regulations as may be necessary for the proper interpretation and enforcement of this chapter. Such rules and regulations shall be published in the *City Record* for two (2) consecutive weeks and shall be effective after thirty (30) days from the second publication thereof. Such rules and regulations shall

have the force and effect of this chapter and continue in effect until revoked by the applicable director or by legislation of Council.

Section 365.05 Internal Review

The Director, through a designated Lead-Safe Auditor, shall monitor the City's Lead-Safe Certification process to ensure efficiency and effectiveness. The Lead-Safe Auditor shall also perform such other tasks as required by the Director, including maintaining an updated list of certified inspectors and contractors and coordinating regular monitoring and reporting with the Lead-Safe Advisory Board and other appropriate entities.

Section 365.06 Impact of Lead-Safe Certification Requirement on Tenants

(a) The Lead Safe Auditor, or other designee of the Director of Public Health, may report to the Lead Safe Advisory Board whether any tenants have been systematically displaced due to the Lead-Safe Certification requirement under this chapter and to identify any other negative unintended consequences that may have occurred due to implementation of the Lead-Safe Certification requirement. If negative impacts are occurring or have occurred, the City will re-evaluate the program and work toward eliminating any negative impacts.

(b) An Owner shall not retaliate against a tenant by decreasing services that are due to the tenant, shutting off, or causing the shutoff any utilities, bringing or threatening to bring an action for possession of the tenant's premises, terminating or threatening to terminate the tenant's rental agreement, refusing to renew the tenant's rental agreement or to continue the tenant's tenancy, or materially altering the terms of the rental agreement because the tenant: 1) reports a failure by the Owner to obtain a Lead-Safe Certification from the City; 2) reports suspected Lead-Based Paint or other Lead Hazards to the Owner or the City; or 3) reports other issues alleging non-compliance with this chapter or other provisions of the City's Building or Housing Codes to the Owner or the City.

(c) If an Owner violates division (b) of this section, the tenant and the Owner have their respective rights and remedies described in divisions (b), (c) and (d) of Section 375.08

(d) Nothing in this chapter shall be construed to limit the rights and remedies of tenants under the Ohio Landlord-Tenant Act, including but not limited to the remedies provided in Section 5321.07 of the Revised Code. The civil and criminal remedies, penalties, and enforcement measures provided in this chapter are non-exclusive. They are in addition to, and do not abrogate, any contract right or remedy that a tenant, lessee, occupant, Owner or the City, has or may have, including any claim for breach of contract, damages, rescission, and/or restitution. Nor do they abrogate any statutory right, tort action, or any other right of action or remedy that a tenant, lessee, occupant, or Owner has or may have.

Section 365.07 Lead-Safe Advisory Board; Responsibilities

(a) There is hereby established a Lead-Safe Advisory Board to consist of the Lead Safe Auditor and seven (7) members: six (6) members shall be appointed by the Mayor with approval of Council and one (1) member shall be appointed by Council and shall be a member of Council or their designee. Of the seven (7) members, at least two (2) shall be representatives from the Lead Safe Cleveland Coalition or similar organization, at least one (1) shall be a current owner of residential rental property located in the City, and at least one (1) shall be a current member of the Cleveland Area Board of Realtors or similar organization of realtors. Of the original appointments, three (3) shall be appointed for terms of two (2) years and four (4) shall be appointed for terms of three (3) years. Thereafter, the terms shall be four (4) years. None of the seven (7) members shall be current employees of the City, except for the member of Council or their designee. The Lead-Safe Advisory Board shall meet as often as a majority of its members deems necessary, but at least quarterly in each calendar year. The Board shall establish its own rules and regulations.

(b) The responsibilities of the Lead-Safe Advisory Board shall be as follows: to provide recommendations for improvements to the City's lead-safe policies and procedures; to report, on a quarterly basis, progress and status of the City's Lead-Safe Certification requirement and other lead poisoning prevention related efforts to the Council, the Directors of Building and Housing, Public Health and Community Development, and the Lead Safe Cleveland Coalition or similar organization; to evaluate the availability and success of relocation programs; to review at least once every five (5) years the efficacy of the component and risk-grading certificate schedules; to produce or cause an appropriate outside entity or entities to produce impact analyses of the Lead-Safe Certification program as needed; to review such analyses and report same to the Council, the Directors of Building and Housing, Public Health and Community Development, and the Lead Safe Cleveland Coalition or similar organization.

Section 365.08 Records Kept by Department

Copies of all applications, certificates of rental registration and documents submitted for Lead-Safe Certification are a public record and shall be kept on file by the Director as required by applicable law.

Section 365.09 Inspections; Right of Entry

(a) All Residential Rental Units shall be subject to inspection for the purpose of determining compliance with the provisions of this Housing Code and all other applicable laws, ordinances, rules and regulations. Inspections shall be conducted in accordance with the Residential Rental Unit inspection schedule established by the Director, or as may be necessary in the Director’s discretion pursuant to specific complaint received under this Code.

(b) The Director and the Director’s duly authorized agents or inspectors may enter at reasonable times any Residential Rental Unit registered under this chapter in accordance with the right of entry defined in Chapter 367.

Section 365.10 Severability

If any section, subsection, sentence, clause, phrase, or other portion of this chapter, or its application to any person, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions of this chapter.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 245.05, 245.06, 245.07, and 245.08, to read as follows:

Section 240.05 Lead Abatement and Lead Hazard Control

(a) The Commissioner is authorized to establish a program for loaning equipment, at no cost or reduced cost, for the testing, removal or control of lead hazards in the City and is authorized to enter into contracts, as approved by the Director of Law, for the purpose of loaning the equipment.

(b) The Directors of the Departments of Public Health and Building and Housing and the commissioners and inspectors of the Division of Environment and Department of Building and Housing are authorized to issue a stop work or cease and desist order to any person performing work in violation of Chapter 3742 of the Revised Code or this chapter.

(c) No person shall fail to immediately stop lead abatement or control activities when ordered to do so under division (b) of this section. No person shall resume lead abatement or control activities except in conformance with all applicable standards and methods prescribed in Chapter 3742 of the Revised Code.

Section 240.06 Disclosures in Sale or Lease of Target Housing Regarding Lead Hazards

(a) Disclosure in Purchase or Lease of Target Housing.

(1) A seller or lessor of target housing must disclose information concerning lead upon the transfer of any target housing pursuant to the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. 4852d, and shall adhere to all rules and regulations promulgated under the Act, as may be amended from time to time. Before a purchaser or tenant is obligated under a contract to purchase target housing or a rental agreement to lease target housing, the seller or lessor shall perform the activities and provide the disclosures described in this section:

A. Provide the purchaser or tenant with an EPA-approved lead hazard information pamphlet;

B. Disclose to the purchaser in writing in the sales contract, or to the tenant, in writing in the rental agreement: (i) the presence of any known lead-based paint, or any known lead-based paint hazards, in the housing; (ii) any additional information available concerning the known lead-based paint and/or lead-based paint hazards, such as the basis for the

determination that lead-based paint and/or lead-based paint hazards exist, the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces; and (iii) whether the property or unit is under a lead hazard control order;

C. Disclose to the tenant a copy of the Lead-Safe Certification for a pre-1978 property and, if requested, the most recent clearance examination, lead risk assessment, or Local Lead Tests as that term is defined in Chapter 365;

D. Provide to the purchaser or tenant any records or reports (including notices or letters of violation) available pertaining to lead-based paint or lead-based paint hazards in the target housing, including regarding common areas, and regarding other residential dwellings in multi-family target housing, provided that the information is part of an evaluation or reduction of lead-based paint and/or lead-based paint hazards in the target housing;

E. Permit the purchaser a ten (10) day period (unless the parties mutually agree in writing to a different period of time or to waive this requirement) to conduct a Local Lead Test for the presence of lead-based paint and/or lead-based paint hazards;

F. Include in the sale or rental agreement all certifications, acknowledgements, signatures, and any other information required by 40 C.F.R. 745.113;

G. Include in the sale or rental agreement acknowledgments that the pamphlet, disclosures, ten (10) day period (if required) and warning required were provided.

(2) Discovery of Lead Hazards or Presumed Lead Hazards. If the owner of a residential unit learns of the presence of lead-based paint and/or lead-based paint hazards the owner shall notify each tenant of the presence of lead-based paint and/or lead-based paint hazards within ten (10) days of discovering its presence. In addition, the owner shall notify prospective tenants of presumed lead-based paint and shall provide each tenant with a Lead Warning Statement and the lead hazard information pamphlet, as prescribed by 42 U.S.C. 4852d.

(3) Compliance Assurance. Whenever a seller or lessor has entered into a contract with an agent for the purpose of selling or leasing a unit of target housing, the agent, on behalf of the seller or lessor, shall ensure compliance with the requirements of this section and 40 C.F.R. 745 Subpart F. An agent means any party who enters into a contract with a seller or lessor, including any party who enters into a contract with a representative of the seller or lessor, for the purpose of selling or leasing target housing. The term "agent" does not apply to purchasers or any purchaser's representative who receives all compensation from the purchaser.

(b) *Penalties for Violations.*

(1) *Criminal Penalty*. Any person who knowingly fails to comply with any provision of this section shall be subject to the penalties provided in Section 240.99.

(2) The Director of Public Health or Commissioner is authorized to take lawful action as may be necessary to enforce this section or to enjoin any violation of it.

(3) *Civil Liability*. Any person who violates any provision of this section may be subject to the rights and remedies available to the purchaser or lessee under the federal Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4851 et seq.

(4) In any action brought for damages under this section, the appropriate court may award court costs to the party commencing the action, together with reasonable attorney fees and any expert witness fees, if that party prevails.

(c) *Validity of Contracts and Liens*. Nothing in this section may affect the validity or enforceability of any sale or contract for the purchase and sale or lease of any interest in residential real property or any loan, loan agreement, mortgage, or lien made or arising in connection with a mortgage loan, nor may anything in this section create a defect in title.

Section 240.07 Residential Property Renovation; Paint Outlet Information Rule

(a) All renovations, repair and painting performed for compensation in target housing shall be performed in compliance with 40 C.F.R. Part 745, Subpart E, Residential Property Renovation, as may be amended from time to time. Any person performing renovations, repair and painting shall provide to occupants of the residential property a renovation-specific pamphlet as required under 40 C.F.R. 745.81.

(b) All retail and wholesale outlets of paint and paint removal products shall conspicuously display and make available an EPA- approved lead hazard information pamphlet to each purchaser of paint and paint removal products.

Section 240.08 Notice Requirements

For any lead abatement, interim controls, lead-safe maintenance practices or lead-safe renovation work in a residential unit, child day-care facility or school, the owner shall provide all notices required by federal and State of Ohio lead safe housing regulations, including when notice is required by a lead hazard control order.

Section 5. That Section 7 of Ordinance No. 747-2019, passed July 24, 2019, is hereby repealed.

Section 6. That the repeal of Sections 365.01, 365.02, 365.03, 365.04, 365.05, 365.06, 365.07, 365.08, 365.09, 365.10, 245.05, 245.06, 245.07, and 245.08 of the

Ordinance No. 1244-2026

Codified Ordinances of Cleveland, Oho, 1976, under Section 2 of this ordinance, and the enactment of Sections 365.01, 365.02, 365.03, 365.04, 365.05, 365.06, 365.07, 365.08, 365.09, 365.10, 245.05, 245.06, 245.07, and 245.08 of the Codified Ordinances of Cleveland, Ohi0, 1976, under Sections 3 and 4 of this ordinance, shall take effect and be in force on February 1, 2027.

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

RM:SM:ST:nl
10-12-26

FOR: Director Martin O'Toole

Ord. No. 1244-2026

By Council Members Conwell and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

To repeal various sections of Chapter 365 and 240 of the Codified Ordinances of the City of Cleveland, 1976, as amended by various ordinances; to supplement the Codified Ordinances by enacting new Sections 365.01 through 365.10, 240.05 through 240.08, all related to lead safe certificate program, lead safety, and various civil penalties; and to repeal Section 7 of Ordinance No. 747-2019, passed July 24, 2019.

READ FIRST TIME on October 12, 2026 **REPORTS**
and referred to DIRECTORS of Building and Housing, Finance and Law; COMMITTEES on Health, Human Services and the Arts; Finance, Diversity, Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record

REPORT
after second Reading

PASSAGE RECOMMENDED BY COMMITTEE ON
HEALTH, HUMAN SERVICES and the ARTS
FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY COMMITTEE ON
FINANCE, DIVERSITY, EQUITY and INCLUSION
FILED WITH COMMITTEE