

**EIGHTH DISTRICT COURT OF APPEALS
CUYAHOGA COUNTY**

STATE OF OHIO *ex rel.*,
S.P., by and through her parents and next
friends M.P. and N.P.

██████████
Cleveland, Ohio

Relator

v.

THE CITY OF CLEVELAND
601 Lakeside Avenue
Cleveland, Ohio 44114

FRANK G. JACKSON, in his official
capacity as the Mayor of the City of
Cleveland,
601 Lakeside Avenue
Cleveland, Ohio 44114

MERLE GORDON, in her official capacity
as the Director of the Cleveland Department
of Public Health,
75 Erieview Plaza
Cleveland, OH 44114

Respondents

) Case No.

) Verified Complaint in Mandamus

VERIFIED COMPLAINT FOR WRIT OF MANDAMUS

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Preliminary Statement

1. Lead hazards are frequently found in dust and chipped paint in homes built before 1978, the year lead-based paint was banned. According to the County Auditor's data, of the 126,784 housing structures existing in Cleveland as of the year 2000, 123,485 were built prior to 1978. See Cleveland Planning Commission, *Housing Challenges*, http://planning.city.cleveland.oh.us/cwp/hous_chall.php (accessed May 5, 2017). Lead poisoning can irreversibly affect children's neurological and physical development, especially in children under the age of six. Young children, whose brains are in key developmental stages, ingest lead as they explore the world around them with their hands, picking up lead dust as they put their hands into their mouths.
2. Relator S.P. ("S.P.") is one of these children who now has elevated blood lead levels. Given the severe risk lead poisoning poses, the State of Ohio passed laws that require cities to test, identify, and remediate homes with lead hazards. However, Respondents City of Cleveland, Mayor Frank Jackson, and Director Merle Gordon (collectively, "the City") have repeatedly and openly failed to enforce these laws despite having a clear legal duty to act and being capable of doing so. As a result of the City's failure to enforce these laws, S.P. remains at risk of continued and future lead poisoning. She brings this Verified Complaint for a writ of mandamus seeking an order that the City abide by the State's mandatory lead abatement laws. S.P. lacks an adequate remedy in the ordinary course of the law.

Jurisdiction and Venue

3. This Court is vested with jurisdiction to hear an original mandamus action pursuant to Article IV, Section 3(B)(1) of the Ohio Constitution and R.C. 2731.02.

Parties

4. S.P. is a two-year-old child. She brings this action by and through her parents and next friends, M.P. and N.P.
5. S.P. resides at ' [REDACTED] ' ("the residential premises") in Cleveland, Ohio with her family. The residential premises are a rental unit owned by a third-party landlord.
6. Respondent City of Cleveland is a municipal corporation chartered under Article XVIII, Section 7 of the Ohio Constitution located in Cuyahoga County. Cleveland City Hall is located at 601 Lakeside Avenue, Cleveland, Ohio.
7. Respondent Frank G. Jackson ("Respondent Jackson") is the Mayor of the City of Cleveland. As Mayor of the City of Cleveland, Respondent Jackson is charged to act as chief conservator of the peace within the City; to supervise the administration of the affairs of the City; to see that all ordinances of the City are enforced; to recommend to the Council for adoption such measures as he may deem necessary or expedient; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the Council such reports as may be required by that body, and to exercise such powers and perform such duties as are conferred or required by this Charter or by the laws of the State. Charter of the City of Cleveland, Ch. 11 § 71.
8. Respondent Merle Gordon ("Respondent Gordon") is the Director of Public Health for the City of Cleveland. As the Director of Public Health, Respondent Gordon oversees, among other things, the lead safe living division. The Department of Public Health is located at 75 Erieview Plaza Cleveland, OH 44114.
9. With respect to each allegation in this Complaint concerning an action or failure to act of the Respondent City of Cleveland, Respondent Jackson, and/or Respondent Gordon, the action

or failure to act was pursuant to the decision of the person who has final decision-making authority for the City relative to the particular action or failure to act, and the action or failure to act was in violation of a Ohio statute. The relevant law is set forth in the Ohio Revised Code, the Ohio Administrative Code, and the City of Cleveland Codified Ordinances.

Statutory Provisions

Lead Abatement Under Ohio Law

10. Chapter 3742 of the Ohio Revised Code addresses lead abatement in residential units, child care facilities, and schools.
11. Chapter 3701-30 of the Ohio Administrative Code codifies regulations pursuant to Chapter 3742 of the Ohio Revised Code. These regulations and Chapter 3742 of the Ohio Revised Code are hereafter collectively referred to as “the Ohio lead abatement laws.”
12. Pursuant to R.C. 3742.34 and the City of Cleveland, Codified Ordinance 240.04, the City of Cleveland Department of Public Health is the designated entity authorized to enforce the relevant sections of these laws.
13. The Ohio lead abatement laws set forth the steps that the City is required to follow to investigate and remediate lead hazards in residential units in which a child who has lead poisoning resides.

Lead Investigation

14. The first step the City is required to take under Ohio law is called the lead investigation. When the City becomes aware that a child under six years of age has lead poisoning evidenced by elevated blood lead levels, the City is required to conduct an investigation to determine the source of the lead poisoning. R.C. 3742.35.

15. The City is required to provide a copy of the complete lead investigation to the parent or guardian of the child whose elevated blood lead levels triggered the lead investigation. Ohio Adm.Code 3701-30-07(E).

Lead Risk Assessment

16. The second step the City is required to take under Ohio law is called the lead risk assessment. If the City determines through the lead investigation that a residential unit is a possible source of the child's lead poisoning, the City is required to conduct a lead risk assessment, which is a more extended evaluation of the potential lead hazards in the residential unit. R.C. 3742.36; Ohio Adm. Code 3701-30-07.
17. Prior to or within three calendar days of the lead risk assessment, the City is required to send written notice by regular mail or hand-delivery to the owner of the property informing the owner that the residential unit is suspected of being a possible source of a child's lead poisoning. Ohio Adm. Code 3701-30-08(B). The notice is required to state that the City will be conducting or already has conducted the lead risk assessment and the date of the assessment.
18. The City is required to prepare a report ("lead risk assessment report") after conducting the lead risk assessment that contains the results of the visual assessment, the testing methods and data, specific state and federal statutory language, results of the dust sample tests, results of soil tests, results of water tests, a description of the location and type of identified lead hazards, and a recommendation of control options for each identified lead hazard. Ohio Adm. Code 3701-30-08(C).

19. The City is required to send a copy of the lead risk assessment report by certified mail return receipt requested or by hand-delivery to the owner of the residential unit within fourteen calendar days of receipt of laboratory tests. Ohio Adm. Code 3701-30-08(D).
20. The City is required to provide a copy of the lead risk assessment report to the child's parent or guardian. Ohio Adm. Code 3701-30-07(E).
21. The lead risk assessment and the lead investigation may be conducted on the same day. Ohio Adm. Code 3701-30-08(B). If the final report is a combination of the lead risk assessment and the lead investigation, all of the notice requirements for both steps are still applicable and must be met: the City is required to serve the owner of the residential unit with notice of the lead risk assessment by regular mail or hand delivery prior to the lead risk assessment; the City is required to provide a copy of the final report to the child's parent or guardian; and, the City is required to send by certified mail or hand delivery a copy of the final report to the owner of the residential unit within fourteen days of the City's receipt of the laboratory tests.

Lead Hazard Control Order

22. The third step is called the lead hazard control order. After conducting the lead risk assessment, if the City determines that lead hazards are contributing to the child's lead poisoning, the City "immediately shall issue an order to have each lead hazard in the property controlled." R.C. 3742.35
23. The City is required to deliver the lead hazard control order to the owner of the residential unit. R.C. 3742.37(B). The City is required to send the lead hazard control order by certified mail return receipt requested or hand deliver it to the owner and manager of the residential unit that is the subject of the lead hazard control order. Ohio Adm. Code 3701-30-09.

24. If a lead hazard control order is returned undelivered, the City is required to re-send it by regular mail. After three calendar days, there is a presumption that the lead hazard control order has been delivered. Ohio Adm. Code 3701-30-09(D).
25. Pursuant to the lead hazard control order, the City is required to order the owner to remediate each lead hazard in the residential unit. Ohio Adm. Code 3701-30-09; Ohio Adm. Code 3701-30-10.
26. After the owner has remediated the lead hazards pursuant to the lead hazard control order, the residential unit is subject to a clearance exam conducted by a certified clearance technician. R.C. 3742.39; R.C. 3742.01(D).
27. The owner of the residential unit is required to remediate the lead hazards in the residential unit and to pass the clearance examination within ninety calendar days from the owner's receipt of the lead hazard control order. Ohio Adm. Code 3701-30-09(B)(2).

Prohibition of Use Order and Placarding

28. The fourth step has two parts which are called the order to prohibit use and placarding. If the owner of a residential unit does not comply with a lead hazard control order in the allotted time, and is not granted an extension, the City is required by Ohio law to issue an order prohibiting the owner and manager from permitting the residential unit to be used as a residential unit until the unit passes a clearance exam. R.C. 3742.40; Ohio Adm. Code 3701-30-11(A).
29. On receipt of the order to prohibit use, the owner or manager is required to take appropriate measures to notify each occupant of the residential unit to vacate the unit until the unit passes a clearance exam. R.C. 3742.40; Ohio Adm. Code 3701-30-11(A).

30. Additionally, the City is required to placard the residential unit by posting a sign at the residential unit that warns the public that the residential unit has a lead hazard, a declaration that the residential unit is unsafe for human occupation, especially for children under six years of age and pregnant women, and a statement that removal of the sign is a crime. R.C. 3742.40; Ohio Adm. Code 3701-30-11(C).
31. "The sign shall remain posted until the director determines the lead hazards have been sufficiently controlled and the lead hazard control order is lifted." Ohio Adm. Code 3701-30-11(D).
32. The Ohio lead abatement laws mandates that the local health authority designated to enforce the State code follow each of these steps—the lead investigation, the lead risk assessment, the lead hazard control order, and the prohibition of use and placarding.

Factual Allegations

Lead Hazards Where S.P. Resides

33. S.P. is a minor child who, from April 2016 to the time of filing, has resided at the residential premises.
34. In October 2016, when S.P. was eighteen months old, S.P. tested with elevated blood lead levels.
35. S.P.'s blood lead level test was high enough to trigger the City's lead investigation of the residential premises.
36. On November 11, 2016, the City conducted both the lead investigation and the lead risk assessment at the residential premises.
37. The City failed to provide notice to the owner of the residential premises that it would be conducting the lead risk assessment.

38. On November 23, 2016, the City received the results from the laboratory analysis of the samples taken from the residential unit during the lead risk assessment. See Exhibit A, which is incorporated herein by reference.
39. On December 7, 2016, the City completed its combined lead-based paint inspection and lead risk assessment report ("Report"). Exhibit A.
40. In the Report, the City identified lead hazards in 40 areas of the residential premises: 38 areas throughout the premises were coated with lead-based paint, a window sill in a playroom contained four times the level of lead in lead dust designated to be hazardous by the EPA, and exposed soil in the backyard presented a lead hazard. Exhibit A.
41. The City failed to provide a copy of the Report to the parents of S.P. at any time.
42. The City failed to provide a copy of the Report to the owner of the residential premises within the statutorily mandated fourteen days.
43. On March 14, 2017, more than three months after the Report was completed, the City sent a lead hazard control order ("March 14, 2017 lead hazard control order") to the residential premises by certified mail to the owner. See Exhibit B, which is incorporated herein by reference.
44. On April 24, 2017, the Post Office returned the March 14, 2017 lead hazard control order to the City as undelivered.
45. On April 26, 2017 and April 28, 2017, the City re-sent the March 14, 2017 lead hazard control order by regular mail to the owner of the residential premises.
46. Pursuant to the March 14, 2017 lead hazard control order, the City required the owner of the residential premises to remediate the lead in the 38 areas of the residential premises that contain lead-based paint, the window sill in the play room, and the soil in the backyard.

Pursuant to the order, the owner has ninety days to remediate the lead and pass a clearance examination. Exhibit B.

47. The March 14, 2017 lead hazard control order states that if the owner does not comply with the Order, "the Cleveland Department of Public Health may issue an Order to Vacate which would prohibit anyone from living in the residenceA warning sign would be posted to show the public that the property is unsafe." Exhibit B.
48. On December 7, 2016, the City had conclusive evidence that the residential premises contained lead hazards that were plausibly related to S.P.'s elevated blood lead levels.
49. From December 7, 2016 to March 14, 2017, the City failed to act on this knowledge. It failed to immediately issue an order to have each lead hazard in the premises controlled.
50. From December 7, 2016 to April 29, 2017, the City failed to serve notice on the owner of the residential premises of the City's findings in the Report.
51. The City never notified S.P.'s parents of the City's findings in the Report, depriving S.P.'s parents of specific information about the areas of the residential premises that contained the highest levels of lead.
52. In the March 14, 2017 lead hazard control order, the City states that the possibility of issuance of an order prohibiting use and placarding are discretionary, even though the prohibition of use and placarding are mandatory obligations under the Ohio lead abatement laws if the owner fails to remediate timely. See Exhibit B.

Known Lead Hazards at Other Residences

53. S.P.'s parents are actively seeking to move to lead safe housing.

54. S.P.'s parents risk renting a unit with an outstanding and unaddressed lead hazard control order due to the City's pattern and practice of failing to comply with its mandatory obligations to issue orders prohibiting use and to placard residential units in which the City has identified lead hazards that have not been remediated timely.
55. On information and belief, the City has failed on hundreds of occasions to issue a prohibition of use order and to placard residential units where the City has issued lead hazard control orders and the lead hazards have not been remediated timely.
56. On information and belief, Respondent Jackson's reluctance to enforce Ohio lead abatement laws that would cause the City to act too quickly or too aggressively in response to lead hazards has led to the City's pattern and practice of noncompliance with the Ohio lead abatement laws.
57. On information and belief, Respondent Gordon has acknowledged that the City does not plan to enforce, now or in the future, the Ohio lead abatement laws regarding issuing lead hazard control orders and placarding residential units with lead hazards.
58. On information and belief, Respondent Gordon, stated: "Our view is that placarding is the very last thing we would want to do."
59. On information and belief, the City has a pattern and practice of failing to comply with its obligations under the Ohio lead abatement laws.
60. On information and belief, on numerous occasions the City has delayed for months in issuing the lead hazard control orders in residential units with lead hazards after conducting the lead risk assessment, receiving the laboratory results and determining that lead hazards in the residential unit were contributing to the child's lead poisoning.

61. On information and belief, the City has delayed placarding residential units and issuing prohibition of use orders by months or years after the owners failed to timely comply with the lead hazard control order.
62. On information and belief, the City's delays in following the steps of the Ohio lead abatement laws contribute to the lead poisoning in children who are city residents and who are intended to be under the protection of the timely enforcement of the Ohio lead abatement laws.
63. On information and belief, the City's failure to comply and failure to timely comply with the Ohio lead abatement laws have allowed new residents to move into residential units where the City has documented lead hazards. These new residents notice from the City of the lead hazards, that their children may be at risk of lead poisoning, or that they should take measures to protect themselves in the unit.
64. On information and belief, the City has failed to follow the sequential steps of the Ohio lead abatement law in a timely manner, sometimes delaying enforcement by over a year, and the City has only arbitrarily enforced the laws.
65. On information and belief, in 2015, the State considered revoking the City's authority to enforce the Ohio lead abatement laws because of the City's failure to follow State procedures while handling its backlog of cases.
66. On information and belief, the City knew, as of 2016, of more than five hundred residential units in the City of Cleveland that had been identified as containing lead hazards that contributed to a child's elevated blood lead level, where the lead hazards had not been remediated timely under the Ohio lead abatement laws, and that still have not been remedied.

Mootness

67. The City's failure to timely and properly follow the Ohio lead abatement laws is a problem capable of repetition yet evading review.
68. The City's delay in issuing and successfully serving the March 14, 2017 lead hazard control order is too short to be fully litigated before the City's actions may moot the issue.
69. Because of S.P.'s age, she continues to need protection from lead hazards when her parents move into another residential unit in Cleveland. Due to the City's failure to placard residential units with unabated lead hazards, there is a reasonable expectation that S.P. could be subject to exposure of lead hazards in the future.
70. As a result, it is reasonable to conclude that S.P. will need the protection of the State's lead abatement process again, and could be subject to the same delays that have endangered her health at the residential premises.

Claim for Writ of Mandamus

71. S.P. restates the allegations in all preceding paragraphs as if fully stated herein.
72. S.P. has a clear legal right to the requested relief. The City has consistently failed to do the following actions required by the Ohio lead abatement laws:
 - a. The City failed to notify the owner of the residential premises in which S.P. resided that the City was conducting a lead risk assessment;
 - b. The City failed to deliver to the owner the lead risk assessment report following the receipt of the laboratory results;
 - c. The City failed to immediately issue a lead hazard control order following the lead risk assessment report.

- d. The City failed to successfully deliver the March 14, 2017 lead hazard control order to the owner for over four months.
 - e. By repeatedly failing to inform the owner of the lead hazards present in the residential premises, the City prevented the owner from remediating the lead hazards sooner.
 - f. The City failed to provide a copy of the lead investigation and lead risk assessment to S.P.'s parents.
 - g. The City failed to issue orders prohibiting use and placarding residential units that have not been remediated in compliance with lead hazard control orders, preventing S.P.'s parents from locating lead-safe housing.
73. The Ohio lead abatement laws are intended to protect S.P.'s health, and she has a clear legal right to the benefit arising from the City's proper and timely compliance with these laws.
74. The City of Cleveland, in particular its Department of Public Health, is the designated public authority with the clear legal duty to enforce the Ohio lead abatement laws under Chapter 3742 of the Ohio Revised Code and the associated sections of the Ohio Administrative Code.
75. S.P. lacks any other adequate remedy in the ordinary course of the law to compel the City of Cleveland to comply with its obligations under the Ohio lead abatement laws.
76. As a result, S.P. seeks a writ of mandamus against the City.

Prayer for Relief

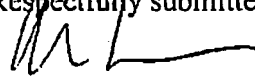
WHEREFORE, Relator respectfully requests that the Court issue a peremptory Writ of Mandamus against Respondents in which this Court:

- A. Assumes jurisdiction over this action;

- B. Pursuant to Ohio Adm. Code 3701-30-07, orders Respondents to send a copy of the complete lead investigation and/or lead risk assessment to the parent or guardian of any child whose elevated blood lead levels triggered the investigation within one week of its completion.
- C. Pursuant to Ohio Adm. Code 3701-30-08, orders Respondents to serve written notice via regular mail or hand delivery on the owner of any residential unit which is the subject of a lead risk assessment prior to or within three calendar days that the City will conduct the lead risk assessment.
- D. Pursuant to Ohio Adm. Code 3701-30-08, orders Respondents to send a copy of the lead risk assessment by certified mail return receipt requested or hand delivered to the owner of any residential unit upon which a lead risk assessment was conducted within fourteen calendar days of receipt of laboratory tests.
- E. Orders Respondents to determine within a reasonable time, not to exceed one week, whether a lead hazard control order must issue due of the results of all lead risk assessments conducted.
- F. Pursuant to R.C. 3742.40, orders Respondents to issue an order prohibiting all owners and managers from permitting the unit to be used as a residential unit and to placard any unit that has not been remediated in compliance with the issuance of a lead hazard control order.
- G. Orders Respondents to comply with the other rules and regulations in Chapter 3742 of the Ohio Revised Code and the associated sections of the Ohio Administrative Code.

In the event that this Court requires further evidence to determine the issues presented, Relator requests that this Court issue an alternative Writ of Mandamus.

Respectfully submitted,



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STATE OF OHIO

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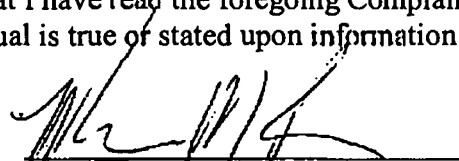
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VERIFICATION

COUNTY OF CUYAHOGA

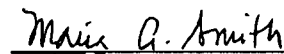
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I, M [REDACTED], P [REDACTED], being duly sworn, depose and state that I have read the foregoing Complaint in Mandamus, and that the information stated therein as factual is true or stated upon information and belief.


M [REDACTED]. P [REDACTED]

NOTARY PUBLIC

SWORN TO, BEFORE ME, and subscribed in my presence this 17th day of May 2017.



NOTARY PUBLIC

MARIA A. SMITH
NOTARY PUBLIC • STATE OF OHIO
My Commission Expires 12/31/2018
Section 147.03 O.R.C.

STATE OF OHIO

:

: ss

VERIFICATION

COUNTY OF CUYAHOGA

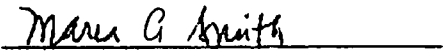
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I, N [REDACTED] P [REDACTED], being duly sworn, depose and state that I have read the foregoing Complaint in Mandamus, and that the information stated therein as factual is true or stated upon information and belief.


N [REDACTED] P [REDACTED]

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NOTARY PUBLIC

MARIA A. SMITH, ATTY.
NOTARY PUBLIC • STATE OF OHIO
My Commission Has No Expiration Date
Section 147.03 O.R.C.

STATE OF OHIO

:

: ss

AFFIDAVIT

COUNTY OF CUYAHOGA

:

I, M [REDACTED] . P [REDACTED], being duly sworn, depose and state the following from personal knowledge:

1. I am the mother of S.P., who is 2 years old.
2. I have lived with my husband, my daughter S.P., and my other children at [REDACTED]
[REDACTED], Cleveland, Ohio since April 2016.
3. In October 2016, S.P. received a blood lead level test.
4. S.P. tested at an elevated level of 12 micrograms per deciliter.
5. Sometime in November 2016, an employee of the City of Cleveland Department of Public Health informed me that the City would evaluate my home at [REDACTED] for lead hazards.
6. On November 16, 2016, an employee from the City of Cleveland Department of Public Health came out to our house and conducted the inspection.
7. After the inspector left, I never heard from the Department of Public Health again.
8. I did not receive any follow up mail about the lead in the house.
9. Our landlord never followed up with us about the lead in the house.
10. We never received a copy of the Lead Based Paint Inspection and Lead Risk Assessment Report from the City of Cleveland.
11. We are now in the process of finding another property to move our family.
12. We want the new property to be lead-safe.

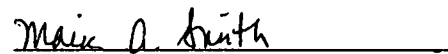
13. We want to know if the next property we move into has a lead hazard which the owner has not abated.

Further affiant sayeth naught.


M. P.

NOTARY PUBLIC

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NOTARY PUBLIC

MARIA A. SMITH, ATTY.
NOTARY PUBLIC • STATE OF OHIO
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STATE OF OHIO

:

: ss

AFFIDAVIT

COUNTY OF CUYAHOGA

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I, N([REDACTED] / P [REDACTED], being duly sworn, depose and state the following from personal knowledge:

14. I am the father of S.P., who is 2 years old.

15. I have lived with my wife, my daughter S.P., and my other children at [REDACTED],
Cleveland, Ohio since April 2016.

16. In October 2016, S.P. received a blood lead level test.

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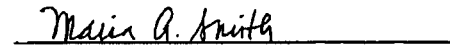
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N. P.

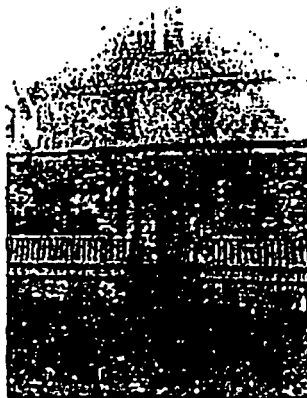
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NOTARY PUBLIC

MARIA A. SMITH
NOTARY PUBLIC • STATE OF OHIO
My Commission Has No Expiration Date
Section 147.03 O.R.C.

Lead Based Paint Inspection and Lead Risk Assessment Report



Performed at:

Private Residence

Cleveland, Ohio

Cuyahoga County

Estimated Date of Construction: 1920

Property Owner Information:

V. [REDACTED] M. [REDACTED]

[REDACTED]

[REDACTED]

Prepared By:

Susan Friend, RS

Cleveland Department of Public Health

Susan Friend - LA9289

75 Erieview Plaza, 3rd Floor

Cleveland, Ohio 44114

(216) 664-7419

Signature: _____

Susan Friend

Date of Assessment: November 11, 2016

Date of Report: December 7, 2016



Rev. 9/2015

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DISCLOSURE REQUIREMENTS FOR RESIDENTIAL UNITS

Ohio law (section 5302.30 of the Revised Code) requires every person who intends to transfer any residential real property by sale, land installment contract, lease with option to purchase, exchange, or lease for a term of ninety-nine years and renewable forever, to complete and provide a copy to the prospective transferee of the applicable property disclosure forms, disclosing known hazardous conditions of the property, including lead-based paint hazards.

Federal law (24 CFR part 35 and 40 CFR part 745) requires sellers and lessors of residential units constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling to disclose and provide a copy of this report to new purchasers or lessees before they become obligated under a lease or sales contract. Property owners and sellers are also required to distribute an educational pamphlet approved by the United States environmental protection agency and include standard warning language in sales contracts or in or attached to lease contracts to ensure that parents have the information they need to protect children from lead-based paint hazards.

BACKGROUND INFORMATION

The dwelling is a three-story, single family home built in 1920. The exterior had newer vinyl siding. The dwelling also included a basement.

EXECUTIVE SUMMARY

Pursuant to sections 3742.35 and 3742.36 of the Ohio Revised Code, on November 11, 2016 a lead inspection and lead risk assessment was conducted at [REDACTED] Cleveland, Ohio [REDACTED]. As a result of the lead based paint inspection and lead hazard risk assessment (to be referred to as "Assessment") conducted on November 11, 2016, it was found that lead based paint and lead based paint hazards were present on the subject property as of the date of the Assessment. The assessment consisted of the following activities:

- ✓ Completion of a questionnaire to determine possible sources of lead;
- ✓ Visual inspection of paint condition;
- ✓ Use of a portable X-ray fluorescence (XRF) analyzer to test for lead in paint; and
- ✓ Collection of environmental lead samples.

Following is a report of the information collected during this Assessment.

IDENTIFYING INFORMATION AND PURPOSE OF ASSESSMENT

An Assessment was conducted at [REDACTED], Cleveland, Ohio [REDACTED] on November 11, 2016. The Assessment was conducted by Susan Friend, a licensed Lead Inspector and Risk Assessor (LA9289) and Karen Droz-Dettmer, a licensed Lead Inspector and Risk Assessor (LA1358). The purpose of the Assessment was to identify the presence of lead hazards on surfaces inside and outside the residence and attached or unattached structures located within the same lot line as the residential unit.

IDENTIFIED LEAD PAINT HAZARDS

The building and its paint was in fair condition during the Assessment, the XRF results from the paint that was tested showed that LBP hazards exist, as defined in the Residential LBP Hazard Reduction Act of 1992 (Title X) and as defined by the Environmental Protection Agency (EPA) regulation published in the January 5, 2001 Federal Register. The XRF results indicate that lead levels above EPA and/or US Department of Housing and Urban Development (HUD) criteria exist in the following locations:

SUMMARY OF EXISTING LEAD BASED PAINT AND LEAD HAZARDS IDENTIFIED

The following areas are coated with Lead-Based Paint (LBP) that is *deteriorated* and *currently present* existing lead-based paint hazards. All component substrates are primarily wood unless otherwise noted in sample collection notes. Long-term and Temporary control options are provided for each paint hazard identified.

Exterior Lead-Based Paint Hazards

Lead Hazard (Side/Component)	Long-term Control Option(s)	Temporary Control Option(s)
Front Porch Floor	Removal/Replacement; Enclosure	None
Front Porch Vertical Columns	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Front Porch Spindles	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Window Sash Side C	Removal/Replacement	None
Window Sash Side B	Removal/Replacement	None
Door Jamb Side A	Removal/Replacement	None

Interior Lead-Based Paint Hazards

Lead Hazard (Wall/Component)	Long-term Control Option(s)	Temporary Control Option(s)
Den Baseboards Sides A, B, C, D	Removal/Replacement; Enclosure	None
Den Window Casings Sides A, D	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Den Window Apron Sides A, D	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Den Door Casing Side A	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Living Room Baseboards Sides A, B, C, D	Removal/Replacement; Enclosure	None
Living Room Window Casings Side A	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization

<u>Lead Hazard (Wall/Component)</u>	<u>Long-term Control Option(s)</u>	<u>Temporary Control Option(s)</u>
Dining Room Baseboards Sides A, B, C, D	Removal/Replacement; Enclosure	None
Dining Room Door Casing Entry Side D	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Dining Room Door Jamb Entry Side D	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Dining Room Window Casings Sides B, C	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Dining Room Built-in Cabinet Casing Side B	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Kitchen Entry Door Casings Sides A, B	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Kitchen Entry Door Jamb Sides A, B	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Kitchen Door Jamb Side C	Removal/Replacement	None
Stairway to 2 nd Floor Window Casing Side D	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Stairway to 2 nd Floor Baseboards Sides A, C, D	Removal/Replacement; Enclosure	None
Stairway to 2 nd Floor Stringers Sides A, C	Removal/Replacement; Enclosure	None
Stairway to 2 nd Floor Entry Door Casing Side B	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Stairway To 2 nd Floor Entry Door Jamb Side B	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Stairway to 2 nd Floor Door Stop Side B	Removal/Replacement	None
Bedroom 1 Door Stop Side B	Removal/Replacement	None
Bedroom 1 Closet Trim Sides A, B, C, D	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Bedroom 1 Closet Shelf	Removal/Replacement; Enclosure	None
Bedroom 2 Door Stop Side C	Removal/Replacement	None
Bedroom 2 Closet Trim Sides A, B, D	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Bedroom 3 Closet Door Casing Side D	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Bedroom 3 Closet Trim Sides A, B, C, D	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Bedroom 3 Closet Shelf Side D	Removal/Replacement; Enclosure	None
Bedroom 4 Door Stop Side B	Removal/Replacement	None

Lead Hazard (Wall/Component)	Long-term Control Option(s)	Temporary Control Option(s)
Bedroom 4 Closet Trim Sides A, B, C, D	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Basement Brick Column	Removal/Replacement; Enclosure; Encapsulation	Paint Stabilization
Basement Door Jamb at Top of Stairs Side B	Removal/Replacement	None

Hazard control options for the components identified as containing lead-based paint and that represent current lead-based paint hazards are included. In an effort to aid in the interpretation of the listed findings a glossary of terms and a list of publications and resources addressing lead hazards and their health effects are included at the end of this report.

A listing of environmental sampling locations and their associated lead contamination levels can be found in the sections addressing the analytical laboratory results for paint, dust, soil, paint chip and water.

EXCLUDED COMPONENTS

The following table lists those components and areas which the lead risk assessor was not able to test and the reason for which it was not tested. It is recommended for the safety of the occupants of this unit that components and areas listed as inaccessible be tested so as to determine the presence of lead based paint as soon as possible. Components listed as inaccessible are not eligible to be defined as presenting Lead Based Paint Hazards due to the inability to complete inspection-required testing by the Risk Assessor. It is highly recommended that any future disturbance of these component surface coatings be treated with caution and safety measures taken. Lead Safe Work Practices are always recommended.

EXCLUDED COMPONENTS LIST

Room Equivalent	Component	Position (Side/Wall)	Reason not Tested
Den	Floor		ENCL
Den	Ceiling		INA
Den	Crown Molding	A, B, C, D	INA
Den	Door	A	NEW
Den	Window Sashes	A, D	NEW
Living Room	Floor		ENCL
Living Room	Ceiling		INA
Living Room	Crown Molding	A, B, C, D	INA
Living Room	Window Sashes	A	NEW
Kitchen	Floor		ENCL
Kitchen	Wall	D	UNC
Kitchen	Trim	D	NONE

Room Equivalent	Component	Position (Side/Wall)	Reason not Tested
Kitchen	Baseboards	A, B, C, D	NONE
Kitchen	Window Sashes	C, D	NEW
Kitchen	Window Casing	D	NEW
Kitchen	Cabinets	A, D	NEW
Kitchen	Door	C, D	NEW
Kitchen	Door Threshold	C	NEW
Bedrooms 1-4	Floor		ENCL
Bedrooms 1-4	Ceiling		INA
Bedrooms 1-4	Window Sashes	A, B, C, D	NEW
Bedroom 1 and 2	Door	C	NEW
Bedroom 3 and 4	Door	A	NEW
Bathroom	Door	D	NEW
Bathroom	Window		UNC/NEW
3 rd Floor Closet	All	A, B, C, D	INA
Exterior	Siding	A, B, C, D	NEW
Exterior Back Porch	All	A, B, C, D	NEW
Exterior	Window Casing	A, B, C, D	NEW
Exterior	Trim	A, B, C, D	NEW

KEY:

UNC – UNCOATED

INA – INACCESSIBLE

ENCL – ENCLOSED

NEW – POST-1978 COMPONENT

ONGOING MONITORING

On-going monitoring will be necessary in this property since lead based paint (LBP) is present. When LBP is present, the potential exists for LBP hazards to develop. Hazards can develop by means such as, but not limited to: the failure of lead hazard control measures; previously intact LBP becoming deteriorated; dangerous levels of lead-in-dust (dust lead) re-accumulating through friction, impact, and deterioration of paint; or, through the introduction of contaminated exterior dust and soil into the interior of the structure. Ongoing monitoring typically includes two different activities: re-evaluation and annual visual assessments. A re-evaluation is a risk assessment that includes limited soil and dust sampling and a visual evaluation of paint films and any existing lead hazard controls. Re-evaluations are supplemented with visual assessments by the property owner, which should be conducted at least once a year, when the property owner or its management agent (if the housing is rented in the future) receives complaints from residents about deteriorated paint or other potential lead hazards, when the residence (or if, in the future, the house will have more than one dwelling unit, any unit that turns over or becomes vacant), or when significant damage occurs that could affect the integrity of hazard control treatments (e.g., flooding, vandalism, fire).

The visual assessment should cover the dwelling unit (if, in the future, the housing will have more than one dwelling unit, each unit and each common area used by residents), exterior painted surfaces, and ground cover (if control of soil-lead hazards is required or recommended). Visual assessments should confirm that all paint with known LBP is not deteriorating, that lead hazard control methods have not failed, and that structural problems do not threaten the integrity of any remaining known or suspected LBP.

Visual assessments do not replace the need for professional re-evaluations by a certified risk assessor. The re-evaluation should include:

1. A review of prior reports to determine where lead-based paint and lead-based paint hazards have been found, what controls were done, and when these findings and controls happened;
2. A visual assessment to identify deteriorated paint, failures of previous hazard controls, visible dust and debris, and bare soil;
3. Environmental testing for lead in dust, newly deteriorated paint, and newly bare soil; and
4. A report describing the findings of the reevaluation, including the location of any lead-based paint hazards, the location of any failures of previous hazard controls, and, as needed, acceptable options for the control of hazards, the repair of previous controls, and modification of monitoring and maintenance practices.

The first reevaluation should be conducted no later than two years after completion of hazard controls, or, if specific controls or treatments are not conducted, two years from the beginning of ongoing lead-based paint monitoring and maintenance activities. Subsequent reevaluations should be conducted at intervals of two years, plus or minus 60 days. If two consecutive reevaluations are conducted two years apart without finding a lead-based paint hazard, reevaluation may be discontinued.

Please refer to your community development agency, housing authority, or other applicable agency for additional local/regional regulations and guidelines governing re-evaluation activities.

DISCLOSURE REGULATIONS

A copy of this complete report must be made available to new lessees (tenants) and must be provided to purchasers of this property under Federal law before they become obligated under any future lease or sales contract transactions (Section 1018 of Title X – found in 24 CFR Part 35 and 40 CFR Part 745), until the demolition of this property. Landlords (Lessors) and/or sellers are also required to distribute an educational pamphlet developed by the EPA entitled *"Protect Your Family From Lead in Your Home"* and include standard warning language in their leases or sales contracts to ensure that parents have the information they need to protect their children from LBP hazards.

CONDITIONS & LIMITATIONS

Staff of the Cleveland Department of Public Health performed the tasks listed above in a thorough and professional manner consistent with commonly accepted standard industry practices, using state of the art practices and best available known technology, as of the date of the assessment. Cleveland Department of Public Health cannot guarantee and does not warrant that this Assessment has identified all adverse environmental factors and/or conditions affecting the subject property on the date of the Assessment. Cleveland Department of Public Health cannot and will not warrant that the Assessment will satisfy the dictates of, or provide a legal defense in connection with, any environmental laws or regulations. It is the responsibility of property owner of the property subject to this assessment to know and abide by all applicable laws, regulations, and standards, including EPA's Renovation, Repair and Painting regulation.

The results reported and conclusions reached by Cleveland Department of Public Health are solely for the benefit of the owner. The results and opinions in this report, based solely upon the conditions found on the property as of the date of the Assessment, will be valid only as of the date of the Assessment. Cleveland Department of Public Health assumes no obligation to advise the owner of any changes in any real or potential lead hazards at this residence and on attached and unattached structures located within the same lot line as the residence that may or may not be later brought to our attention. Further conditions and limitations to this contracted report are included in the general terms and conditions supplied to the owner with the contract for services.

SITE INFORMATION AND FIELD TESTING

PAINT SAMPLING AND TESTING

On November 11, 2016, a total of 290 tests (assays) were taken on surfaces inside and outside of the residence and on attached and unattached structures located within the same lot line of the residence using an x-ray fluorescence analyzer. Lead concentrations that meet or exceed the HUD published levels identified as being potentially dangerous (e.g., greater than or equal to 1.0 milligrams per centimeter square [$\geq 1.0 \text{ mg/cm}^2$]) were encountered.

Some of the remaining test locations exhibited lead levels below the EPA/HUD limits, but in great enough quantities to be detectable by our XRF analyzer. These components will have a NEGATIVE notation in the XRF report results but may read $>0 \text{ mg/cm}^2$. It should be noted that lead concentrations (in paint) that are less than the levels that identify a surface coating as LBP still have the potential of causing lead poisoning. Should these LBP painted components and/or surfaces be disturbed in any manner that generates dust, extreme care must be taken to limit its spread. Lead Safe Work Practices are always recommended.

Equipment Information

XRF Manufacturer: ThermoFisher Scientific
Model: Niton XLp 303A
Serial Number: 94743
Mode of Operation: Standard
Date of Radioactive Source: 3/1/2015

XRF Calibration Checks

Reading	Mode of Operation	Standard Used	Result (mg/cm ²)
1	Standard	ThermoFisher Scientific, Lead Paint Standard, P/N 550-934; SRM 2571 (3.58 +/- 0.39 mg/cm ²)	4.5
2	Standard	ThermoFisher Scientific, Lead Paint Standard, P/N 500-934; SRM 2570 (<0.01 mg/cm ²)	0
3	Standard	ThermoFisher Scientific, Lead Paint Standard, P/N 550-934; SRM 2571 (3.58 +/- 0.39 mg/cm ²)	2.7
294	Standard	ThermoFisher Scientific, Lead Paint Standard, P/N 500-934; SRM 2572 (1.53 +/- 0.09)	0.22
295	Standard	ThermoFisher Scientific, Lead Paint Standard, P/N 500-934; SRM 2570 (<0.01 mg/cm ²)	0
296	Standard	ThermoFisher Scientific, Lead Paint Standard, P/N 550-934; SRM 2571 (3.58 +/- 0.39 mg/cm ²)	1.3

XRF Lead-Based Paint Testing Results

Full XRF results can be found in *Appendix A – XRF Sample Analytical Data*.

INTERIOR DUST SAMPLING

Dust samples must be collected from a window sill and floor area in all rooms of the housing unit where young children will come into contact with dust. A sample at the principle entryway must also be collected. A minimum of nine (9) samples should be collected. A total of 10 dust wipe samples were collected in an effort to help to determine the levels of lead-containing dust on the interior window sills and floors. These samples were collected from areas most likely to be lead contaminated if lead-in-dust is present. These samples were collected in accordance with the requirements of ASTM Standard E-1728, Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques. In accordance with this standard, a field blank was also collected (sample 5).

EPA, HUD and State of Ohio regulations define the following as hazardous levels for lead dust in residences: floors – $\geq 40 \mu\text{g}/\text{ft}^2$ (micrograms per square foot); interior window sills – $\geq 250 \mu\text{g}/\text{ft}^2$. There is no EPA dust-lead hazard standard for window troughs. Please refer to *Appendix B – Dust Wipe Analytical Data* for the laboratory reports and to *Appendix I – Additional Lead and Lead Safety Resource Data* for a list of publications and resources addressing lead hazards and their health effects; both are located at the end of this report. As indicated below, a hazardous level of lead dust, as defined by EPA and HUD, was detected in one sample(s). Testing data in bold indicates dust lead levels at or above the EPA Hazardous Levels of Lead regulations that were published on January 5, 2001.

Sample	Location	Component	Sample Area (ft ²)	Results ($\mu\text{g}/\text{ft}^2$)	Control Option(s)
1	3 rd Floor Play Room	Floor	1.00	28.81	None
2	3 rd Floor Play Room	Window Sill	0.25	1132.14	Specialized Cleaning
3	Bedroom 2	Floor	1.00	< 5.00	None
4	Bedroom 2	Window Sill	0.23	66.96	None
5	Blank	-	1.00	< 5.00	-
7	Den	Floor	1.00	14.16	None
8	Den	Window Sill	0.23	56.60	None
9	Kitchen	Floor	1.00	6.37	None
10	Kitchen	Window Sill	0.25	42.32	None
11	Dining Room	Floor	1.00	< 5.00	None
12	Dining Room	Window Sill	0.25	55.54	None

Laboratory Information

Laboratory	Accurate Antical Testing LLC 30105 Beverly Road Romulus, MI 48174
Dust Wipe Analysis Protocol:	EPA Method 7082
Dust Wipe Medium Used:	Lead Wipe Lynx Products, ASTM #E1792
National Lead Laboratory Accreditation	#100986
Program Serial Number:	

SOIL SAMPLING AND LABORATORY INFORMATION

One soil samples were collected at this residence in accordance with the requirements of ASTM Standard E-1727, Standard Practice for Field Collection of Soil Samples for Lead Determination by Atomic Spectrometry Techniques. The samples were collected from bare soil areas only. See the following table for a summary of the soil sampling results. Please refer to *Appendix C – Soil Sample Analytical Data* for the detailed analytical reports. Testing data in bold indicates soil lead levels at or above the EPA Hazardous Levels of Lead regulations that were published on January 5, 2001.

Sample	Location	Play area? (Y or N)	Results (ppm)	Control option(s)
6	Side C	Y	530.52	Permanent covering such as concrete or asphalt; Removal of the top six inches of lead-contaminated bare soil and replacing it with six inches of new soil having a lead concentration of less than four hundred parts per million.

Laboratory Information

Laboratory	Accurate Analytical Testing LLC 30105 Beverly Road Romulus, MI 48174
Soil Analysis Protocol:	EPA Method SW-846 7420, and 3050B Method
National Lead Laboratory Accreditation Program Serial Number:	#100986

LEAD HAZARD CONTROL OPTIONS

Lead abatement, interim controls, lead-safe work practices and worker/occupant protection practices complying with current EPA, HUD and OSHA standards will be necessary to safely complete all work involving the disturbance of LBP coated surfaces and components. In addition, any work considered lead hazard control will enlist the use of interim control (temporary) methods and/or abatement (permanent) methods. It should be noted that all lead hazard control activities have the potential of creating additional hazards or hazards that were not present before. Properly trained and certified persons, as well as properly licensed firms (as mandated) should accomplish all abatement/interim control activities conducted at this residence.

Details for the listed lead hazard control options and issues surrounding occupant/worker protection practices can be found in the publication entitled: *Guidelines for the Evaluation and Control of LBP Hazards in Housing* published by HUD, the Environmental Protection Agency (EPA) lead-based paint regulations, and the Occupational Safety and Health Administration (OSHA) regulations found in its Lead in Construction Industry Standard. Further recommendations for temporary or long-term control have been provided in each section above.

Interim controls, as defined by HUD, means a set of measures designed to temporarily reduce human exposure to LBP hazards and/or lead containing materials. These activities include, but are not limited to: component and/or substrate stabilization, paint and varnish stabilization, and tilling and placement of appropriate ground cover over bare soil areas.

Abatement, as defined by HUD, means any set of measures designed to permanently eliminate LBP and/or LBP hazards. The product manufacturer and/or contractor must warrant abatement methods to last a minimum of twenty (20) years, or these methods must have a design life of at least twenty (20) years. These activities include, but are not necessarily limited to: the removal of LBP from substrates and components; the replacement of lead based paint components; the permanent enclosure of LBP with construction materials; the encapsulation of LBP with approved products; and the removal or permanent covering (concrete or asphalt) of soil-lead hazards.

APPENDICES

APPENDIX A XRF SAMPLE ANALYTICAL DATA

Only four blue tape indicators intact (lead based paint
bold face blue tape underneath identifies DETERIORATED lead based paint)

256	12/11/2015 13:43 PAINT	3.26 mg/cm ²	Final	WOOD	C	INTACT	BLUE	SUSAN FRIEND	THIRD	BEDROOM \$	0.05	0.04	Negative
257	12/11/2015 13:44 PAINT	1.01 mg/cm ²	Final	PLASTER	A	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	0	0.02	Negative
258	12/11/2015 13:44 PAINT	3.29 mg/cm ²	Final	PLASTER	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	0	0.02	Negative
259	12/11/2015 13:44 PAINT	3.26 mg/cm ²	Final	PLASTER	C	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	0.14	0.07	Negative
260	12/11/2015 13:44 PAINT	3.27 mg/cm ²	Final	PLASTER	D	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	0	0.02	Negative
261	12/11/2015 13:45 PAINT	6.28 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	0.9	0.2	Negative
262	12/11/2015 13:45 PAINT	3.26 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	0.2	0.2	Negative
263	12/11/2015 13:45 PAINT	2.27 mg/cm ²	Final	WOOD	C	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	1.9	0.8	Positive
264	12/11/2015 13:45 PAINT	2.26 mg/cm ²	Final	WOOD	C	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	22.2	12.8	Positive
265	12/11/2015 13:47 PAINT	0.75 mg/cm ²	Final	WOOD	A	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	0	0.02	Negative
266	12/11/2015 13:48 PAINT	3.26 mg/cm ²	Final	WOOD	A	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	0	0.02	Negative
267	12/11/2015 13:48 PAINT	6.28 mg/cm ²	Final	WOOD	A	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	0	0.02	Negative
268	12/11/2015 13:48 PAINT	1.01 mg/cm ²	Final	WOOD	A	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	0.04	0.11	Negative
269	12/11/2015 13:50 PAINT	1.01 mg/cm ²	Final	WOOD	A	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	0.06	0.18	Negative
270	12/11/2015 13:51 PAINT	3 mg/cm ²	Final	WOOD	A	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	0.04	0.11	Negative
271	12/11/2015 13:51 PAINT	2.27 mg/cm ²	Final	WOOD	A	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	1.9	0.7	Positive
272	12/11/2015 13:54 PAINT	4.29 mg/cm ²	Final	WOOD	A	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2	1	Positive
273	12/11/2015 13:54 PAINT	4.29 mg/cm ²	Final	WOOD	A	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.5	1.5	Positive
274	12/11/2015 13:54 PAINT	2.24 mg/cm ²	Final	WOOD	A	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	1.7	0.7	Positive
275	12/11/2015 13:55 PAINT	3.28 mg/cm ²	Final	WOOD	A	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	1	1.4	Positive
276	12/11/2015 13:55 PAINT	1 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	0.25	0.1	Negative
277	12/11/2015 13:55 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	0.2	0.17	Negative
278	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	0	0.01	Negative
279	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	0	0.01	Negative
280	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	0.31	0.09	Positive
281	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	1.3	1.2	Positive
282	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
283	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
284	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
285	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
286	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
287	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
288	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
289	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
290	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
291	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
292	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
293	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
294	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
295	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
296	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
297	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
298	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
299	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
300	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
301	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
302	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
303	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
304	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
305	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive
306	12/11/2015 13:56 PAINT	1.01 mg/cm ²	Final	WOOD	B	INTACT	WHITE	SUSAN FRIEND	THIRD	PLAYROOM	2.2	2.1	Positive

2001 Lead and Unleaded Composites DETERIORATED Lead Based Paint
 0.001 Feet Over Hole Indenture INTACT Lead Based Paint

APPENDIX B DUST WIPE SAMPLE ANALYTICAL DATA



30105 Beverly Road
Rochester, MI 48374
Ph: 734-629-8161; Fax: 734-629-8431

Certificate of Analysis: Lead In Dust Wipe by NIOSH Method 7082

Client: City of Cleveland-Community Development
601 Lakoside Avenue
Cleveland, OH 44114

Attn: Brian Kimball Email: bkimball@city.cleveland.oh.us
Phone: 216-664-2175 Fax: 216-664-3953

AAT Project: 317809
Sampling Date: 11/11/2016
Date Received: 11/21/2016
Date Analyzed: 11/23/2016
Date Reported: 11/23/2016 8:27:29AM

Client Project: [REDACTED] CLEVELAND OH [REDACTED]
Project Location: [REDACTED] CLEVELAND OH [REDACTED]

Lab Sample ID	Client Code	Sample Description	Length (Inch)	Width (Inch)	Area (Sq Ft)	Results Lead $\mu\text{g}/\text{ft}^2$
3015847	1	3RD FL PLAY RM F	12	12	1.00	28.81
3015848	2	3RD FL PLAY RM WS	3	12	0.25	1132.14
3015849	3	BR2 F	12	12	1.00	<5.00
3015850	4	BR2 WS	2.75	12	0.23	66.96
3015851	5	SIDE B ENTRANCE F	12	12	1.00	<5.00
3015852	7	DEN F	12	12	1.00	14.16
3015853	8	DEN WS	2.75	12	0.23	56.60
3015854	9	KITCHEN F	12	12	1.00	8.37
3015855	10	KITCHEN WS	3	12	0.25	12.32
3015856	11	DINING RM F	12	12	1.00	<5.00
3015857	12	DINING RM WS	3	12	0.25	65.54

Analyst Signature

Chris Kennedy

Chris Kennedy

Nathan Ditty

Nathan Ditty

NOTE: This document, when properly used, is a statement of the results of the analysis performed by the laboratory. It is not a contract. The laboratory is not responsible for the results of the analysis if the sample is not properly labeled, if the sample is not properly stored, if the sample is not properly handled, if the sample is not properly analyzed, if the sample is not properly reported, if the sample is not properly used, if the sample is not properly disposed of, if the sample is not properly stored, if the sample is not properly handled, if the sample is not properly analyzed, if the sample is not properly reported, if the sample is not properly used, if the sample is not properly disposed of.

APMA ELLAP, Lab ID #100965, NY State DOH ELLAP, Lab ID #11061, Date of Ohio Lab ID # 10042

Date Printed: 11/23/2016

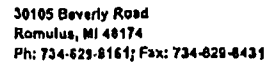
AAT Project: 317809



03/11/2016

Page 1 of 3

APPENDIX C SOIL SAMPLE ANALYTICAL DATA



Client: City of Cleveland-Community Development
601 Lakeside Avenue
Cleveland, OH 44114

Attn: Brian Kimball Email: bdkimball@city.cleveland.oh.us
Phone: 216-664-2175 Fax: 216-664-3353

Client Project: [REDACTED] CLEVELAND OH 4 [REDACTED]
Project Location: 4 [REDACTED] CLEVELAND OH [REDACTED]

AAT Project: 317609
Sampling Date: 11/11/2016
Date Received: 11/21/2016
Date Analyzed: 11/23/2016
Date Reported: 11/23/2016 8:27:26AM

Analyst Signature

Chris Kennedy

Nathan Ditty



AAT Project: 317809



30106 Boverly Road
Romulus, MI 48174
Ph: 734-629-8161; Fax: 734-629-8431

To : City of Cleveland-Community Development
601 Lakeside Avenue
Cleveland, OH 44114

Attn : Brian Kimball

Email : bkimball@city.cleveland.oh.us
Phone : 216-664-2175

Project Location : [REDACTED] CLEVELAND OH [REDACTED]

AAT Project : 317809

Client Project : [REDACTED]

Date Reported : 11/23/2016 8:27:28AM

Sample	Client Code	Analysis Requested	Completed	Analyst
3015847	1	Dust Wipe	11/23/2016	Nathan Ditty
3015848	2	Dust Wipe	11/23/2016	Nathan Ditty
3015848	3	Dust Wipe	11/23/2016	Nathan Ditty
3015850	4	Dust Wipe	11/23/2016	Nathan Ditty
3015851	5	Dust Wipe	11/23/2016	Nathan Ditty
3015852	7	Dust Wipe	11/23/2016	Nathan Ditty
3015853	8	Dust Wipe	11/23/2016	Nathan Ditty
3015854	8	Dust Wipe	11/23/2016	Nathan Ditty
3015855	10	Dust Wipe	11/23/2016	Nathan Ditty
3015858	11	Dust Wipe	11/23/2016	Nathan Ditty
3015857	12	Dust Wipe	11/23/2016	Nathan Ditty
3015858	6	Lead Soil	11/23/2016	Chris Kennedy

Reviewed By

Quality Assurance Coordinator - Robert A. Theya

This report is prepared by the analyst or by the analyst's assistant. It may contain information that is privileged, confidential and otherwise exempt by the Ohio "discovery" law. If you receive this information in any other way, please do not disseminate it. If you have received this information in error, please do not disseminate it. Thank you.

AMA ELAP Lab ID #100208, NY State DOH ELAP Lab ID #1004, 6200 of Ohio Lab ID #10042

Date Printed: 11/23/2016 8:27AM

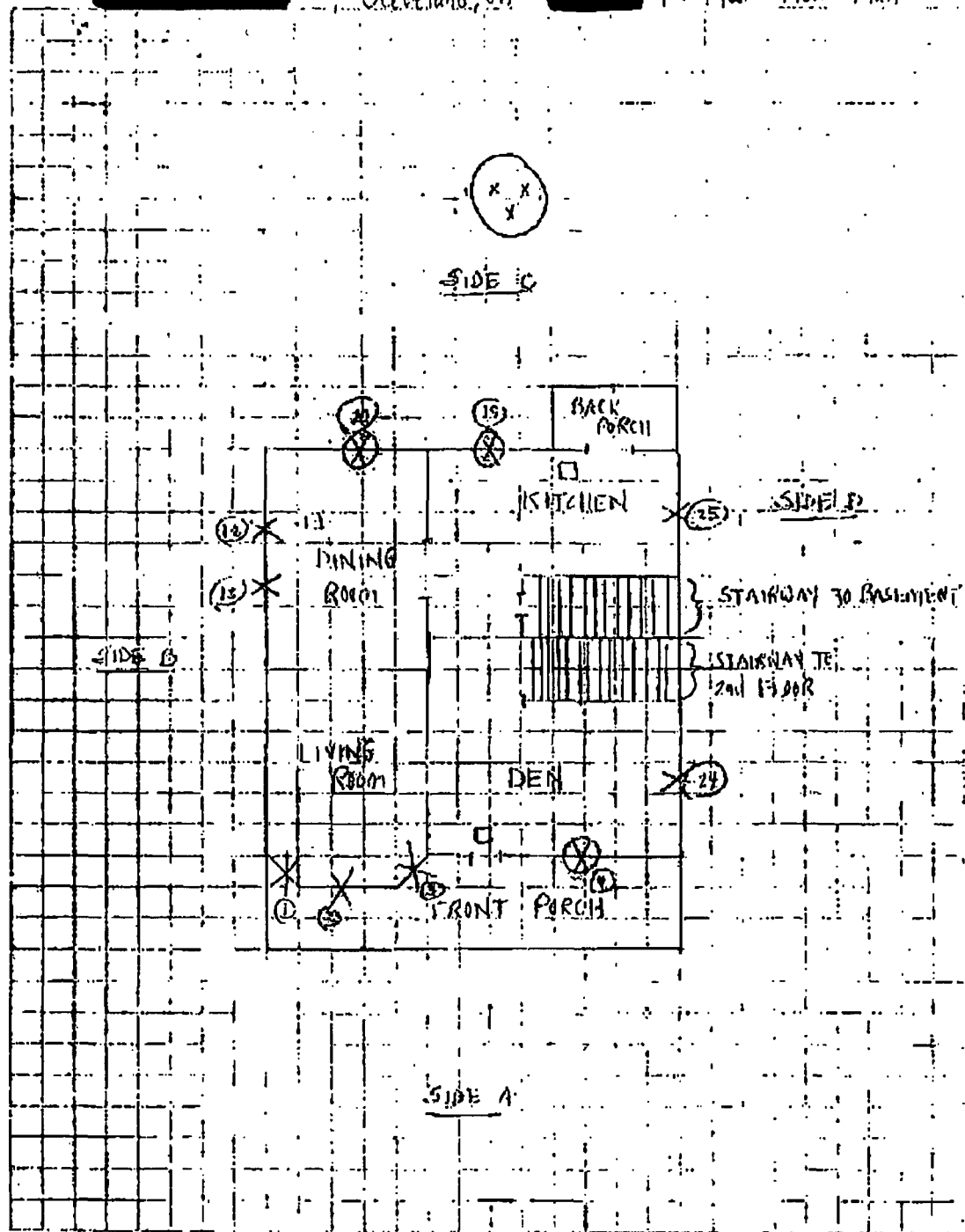
AAT Project: 317809

Page 3 of 3

APPENDIX D SITE AND FLOOR PLAN

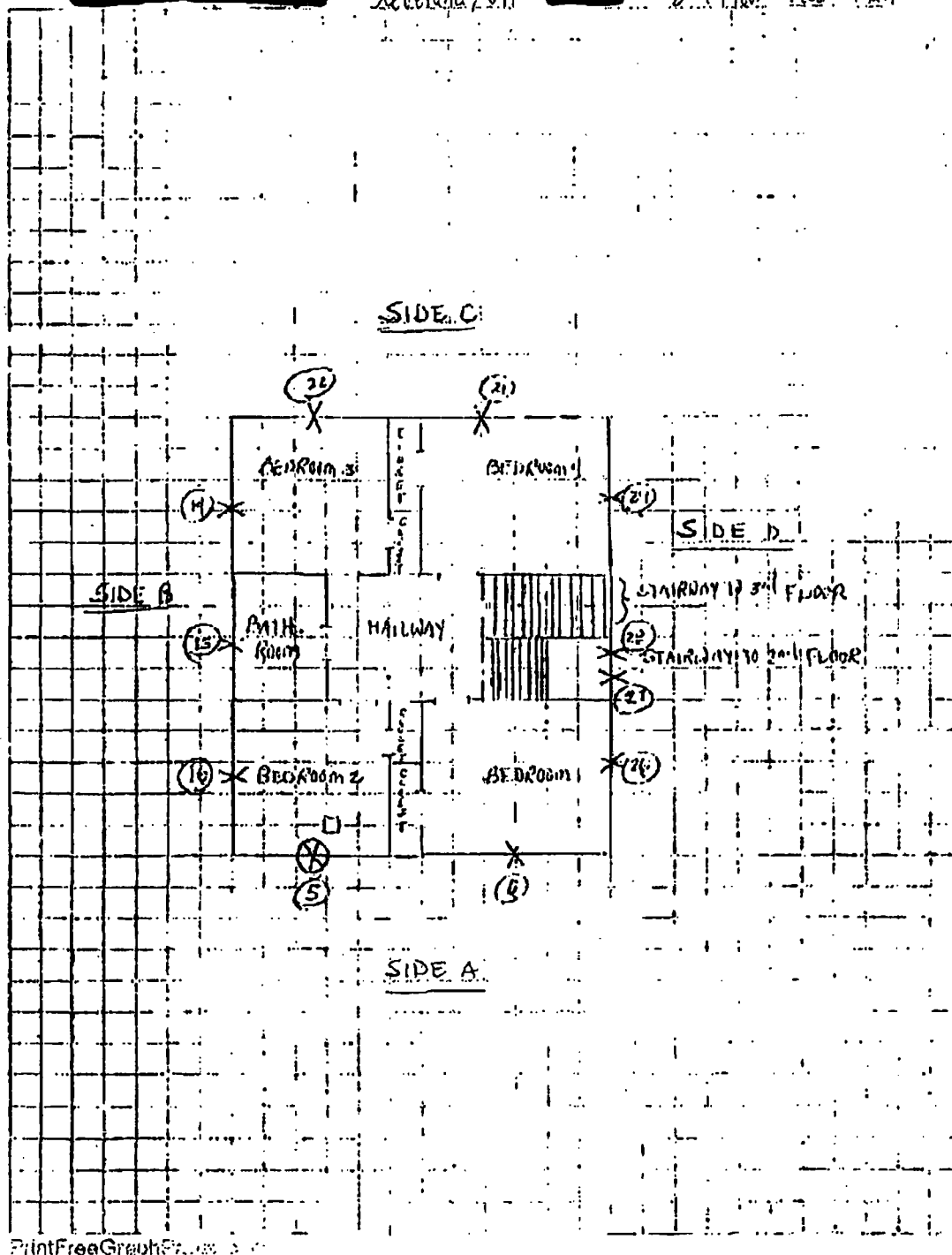
Cleveland, OH

1st Floor - Floor Plan

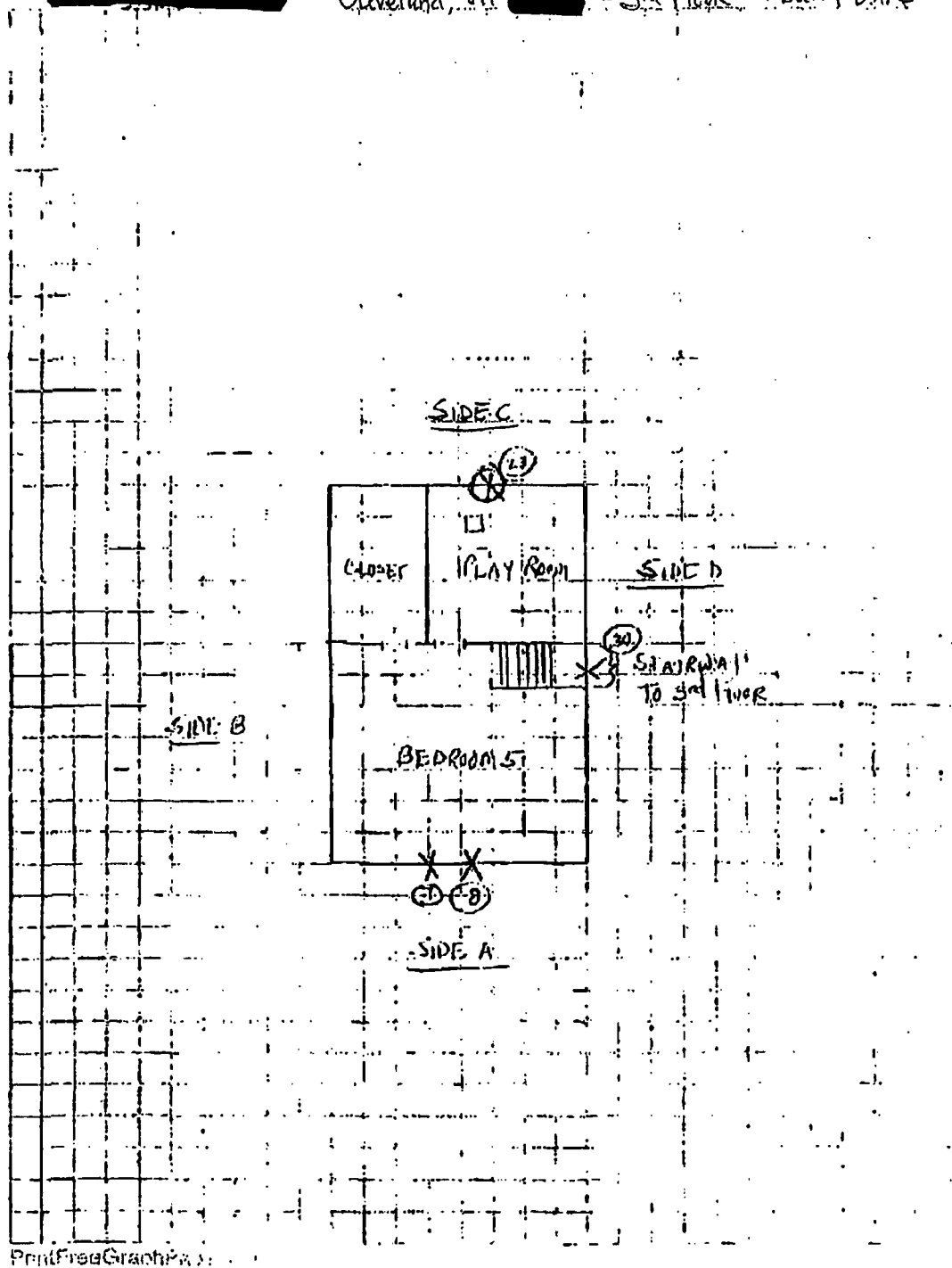


PrintFreeGraphPaper.co

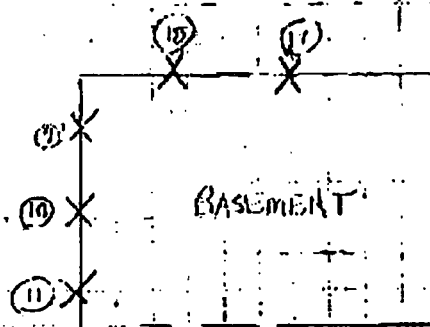
Cleveland, OH - 2nd Floor - Floor Plan



Cleveland, OH - 3rd Floor - FLOOR PLAN



Cleveland, OH - Basement Floor Plan



PrintFreeGraphics.com

* Note : FLOOR PLANS ARE NOT DRAWN TO SCALE.

FLOOR PLAN KEY

X = Window

⊗ = Dust sample collected from window sill with results BELOW EPA HUD regulatory limits

⊗ = Dust sample collected from window sill with results ABOVE EPA HUD regulatory limits

Ⓛ = Dust sample collected from floor area with results BELOW EPA HUD regulatory limits

Ⓛ = Dust sample collected from floor area with results ABOVE EPA HUD regulatory limits

⊗ = Soil sample collected from bare soil area with results BELOW EPA HUD regulatory limits

⊗ = Soil sample collected from bare soil area with results ABOVE EPA HUD regulatory limits

APPENDIX E BUILDING CONDITIONS SURVEY – FORM 5.1 VISUAL ASSESSMENT

Ohio Department of Health
Lead Visual Assessment Form
 As required by Ohio Administrative Code Chapter 3701-32-07(G)(3)

Property Owner Name <u>V. [redacted] M. [redacted]</u>		Date of Assessment <u>11/11/14</u>	
Property Address <u>[redacted]</u>		City <u>Cleveland</u>	State <u>OH</u>
Lead Risk Assessor Name <u>Susan Friebe</u>		Lead Risk Assessor License # <u>LA9289</u>	

A. OVERALL BUILDING CONDITION – GENERAL OBSERVATIONS

Condition	Yes	No	Notes
Roof missing parts of surfaces (tiles, boards, shakes, etc.)	☐	☒	
Roof has holes or large cracks	☐	☒	
Gutters or downspouts broken, missing or leaking	☐	☒	
Chimney masonry cracked, bricks loose or missing, obviously out of plumb	☐	☒	
Foundation has major cracks, missing material, structure leans, or visibly unsound	☐	☒	
Porch or steps have major elements broken, missing or boarded up	☐	☒	
Exterior siding and/or trim has missing boards, pieces, shingles, or rotted wood	☐	☒	
Exterior or interior walls have obvious large cracks or holes, requiring more than routine pointing (if masonry) or painting	☐	☒	
Water stains on interior walls or ceilings	☐	☒	
Walls, floors or ceilings deteriorated	☐	☒	
Two or more windows or doors broken, missing or boarded up	☐	☒	
Other:	☐	☒	

B. AREAS OF BARE SOIL

Location	Check all that apply			Notes
	Play Area	Non-Play Area ¹	Samples Collected	
<u>BACKYARD - SIDE C</u>	☒	☐	☒	<u>Play area - Tap observed in yard + playhouse.</u>
	☐	☐	☐	
	☐	☐	☐	
	☐	☐	☐	
	☐	☐	☐	
	☐	☐	☐	

¹ If Non-Play Area is selected, list in "Notes" if bare soil is in driveway/foundation or rest of the yard.

HEA 7729 (10/15)

Property Address: [REDACTED] M [REDACTED]
 Date: 11/11/12
 City: Cleveland State: OH Zip: [REDACTED]

C. INTERIOR AND EXTERIOR SURFACES

Location - exterior or room equivalent wall, size, building component	Check all that apply								Paint Condition I = Intact Or D = Deteriorated	XRF Result mg/cm ²	Notes
	Surface Type			Possible Causes							
	Friction	Impact	Chewable	Moisture Problem	Deteriorated Substrate	Severe Heat	Other	Samples Collected			
Den Side A Window Apron	☐	☐	☐	☐	☒	☐	☒	☒	D	21.3	
Den Door Casings Side A	☐	☐	☐	☐	☒	☐	☒	☒	D	4.0	
Dining Rm Door Casings Side B	☐	☐	☐	☐	☒	☐	☒	☒	D	13.7	
Kitchen Door Jamb Side C	☒	☒	☐	☐	☒	☐	☒	☒	D	25.8	
Bedroom 1 Door Side B	☒	☒	☐	☐	☒	☐	☒	☒	D	3.1	
Front Porch Floor	☒	☒	☐	☐	☒	☐	☐	☒	D	120.4	
Exterior Door Jamb Side A	☒	☒	☐	☒	☒	☒	☒	☒	D	23.7	
	☐	☐	☐	☐	☐	☐	☐	☐			
(P) Full XRF Readings in Report	☐	☐	☐	☐	☐	☐	☐	☐			
	☐	☐	☐	☐	☐	☐	☐	☐			
	☐	☐	☐	☐	☐	☐	☐	☐			
	☐	☐	☐	☐	☐	☐	☐	☐			
	☐	☐	☐	☐	☐	☐	☐	☐			
	☐	☐	☐	☐	☐	☐	☐	☐			

* If a substance is already listed in a separate XRF report or document, indicate as such and attach the report or document to this visual assessment form.

APPENDIX F COPY OF RISK ASSESSOR'S LICENSE/CERTIFICATION

Copy of Risk Assessor's License/Certification



Lead Risk Assessor



License Number
LA9289

Expiration Date
09/01/2017

Susan M Friend

(Sign and date here)

This certification is issued pursuant of Chapter 3745 of the Revised Code and 3791-32 of the Ohio Administrative Code

**APPENDIX G COPY OF XRF TRAINING CERTIFICATE AND XRF PERFORMANCE CHARACTERISTIC
SHEET**

Performance Characteristic Sheet

EFFECTIVE DATE: September 24, 2004

EDITION NO.: 1

MANUFACTURER AND MODEL:

Make: Nilon LLC

Tested Model: XLp 300

Source: ^{109}Cd

Note: This PCS is also applicable to the equivalent model variations indicated below, for the Lead-In-Paint K+L variable reading time mode, in the XLI and XLp series:

XLI 300A, XLI 301A, XLI 302A and XLI 303A.

XLp 300A, XLp 301A, XLp 302A and XLp 303A.

XLI 700A, XLI 701A, XLI 702A and XLI 703A.

XLp 700A, XLp 701A, XLp 702A, and XLp 703A.

Note: The XLI and XLp versions refer to the shape of the handle part of the instrument. The differences in the model numbers reflect other modes available, in addition to Lead-In-Paint modes. The manufacturer states that specifications for these instruments are identical for the source, detector, and detector electronics relative to the Lead-In-Paint mode.

FIELD OPERATION GUIDANCE

OPERATING PARAMETERS:

Lead-In-Paint K+L variable reading time mode.

XRF CALIBRATION CHECK LIMITS.

0.8 to 1.2 mg/cm² (inclusive)

The calibration of the XRF instrument should be checked using the paint film nearest 1.0 mg/cm² in the NIST Standard Reference Material (SRM) used (e.g., for NIST SRM 2579, use the 1.02 mg/cm² film).

If readings are outside the acceptable calibration check range, follow the manufacturer's instructions to bring the instruments into control before XRF testing proceeds.

SUBSTRATE CORRECTION:

For XRF results using Lead-In-Paint K+L variable reading time mode, substrate correction is not needed for:

Brick, Concrete, Drywall, Metal, Plaster, and Wood

PERMISSIBLE RANGE OR THRESHOLD

K+L MODE READING DESCRIPTION	SUBSTRATE	THRESHOLD (mg/cm ²)
Results not corrected for substrate bias on any substrate	Brick	1.0
	Concrete	1.0
	Drywall	1.0
	Metal	1.0
	Plaster	1.0
	Wood	1.0

BACKGROUND INFORMATION

EVALUATION DATA SOURCE AND DATE:

This sheet is supplemental information to be used in conjunction with Chapter 7 of the HUD *Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing* ("HUD Guidelines"). Performance parameters shown on this sheet are calculated from the EPA/HUD evaluation using archived building components. Testing was conducted in August 2004 on 133 testing combinations. The instruments that were used to perform the testing had new sources; one instrument's was installed in November 2003 with 40 mCi initial strength, and the other's was installed June 2004 with 40 mCi initial strength.

OPERATING PARAMETERS:

Performance parameters shown in this sheet are applicable only when properly operating the instrument using the manufacturer's instructions and procedures described in Chapter 7 of the HUD Guidelines.

SUBSTRATE CORRECTION VALUE COMPUTATION:

Substrate correction is not needed for brick, concrete, drywall, metal, plaster or wood when using Lead-In-Paint K+L variable reading time mode, the normal operating mode for these instruments. If substrate correction is desired, refer to Chapter 7 of the HUD Guidelines for guidance on correcting XRF results for substrate bias.

EVALUATING THE QUALITY OF XRF TESTING:

Randomly select ten testing combinations for retesting from each house or from two randomly selected units in multifamily housing. Use the K+L variable time mode readings.

Conduct XRF retesting at the ten testing combinations selected for retesting.

Determine if the XRF testing in the units or house passed or failed the test by applying the steps below.

Compute the Retest Tolerance Limit by the following steps:

Determine XRF results for the original and retest XRF readings. Do not correct the original or retest results for substrate bias. In single-family housing a result is defined as the average of three readings. In multifamily housing, a result is a single reading. Therefore, there will be ten original and ten retest XRF results for each house or for the two selected units.

Calculate the average of the original XRF result and retest XRF result for each testing combination.

Square the average for each testing combination.

Add the ten squared averages together. Call this quantity C.

Multiply the number C by 0.0072. Call this quantity D.

Add the number 0.032 to D. Call this quantity E.

Take the square root of E. Call this quantity F.

Multiply F by 1.645. The result is the Retest Tolerance Limit.

Compute the average of all ten original XRF results.

Compute the average of all ten re-test XRF results.

Find the absolute difference of the two averages.

If the difference is less than the Retest Tolerance Limit, the inspection has passed the retest. If the difference of the overall averages equals or exceeds the Retest Tolerance Limit, this procedure should be repeated with ten new testing combinations. If the difference of the overall averages is equal to or greater than the Retest Tolerance Limit a second time, then the inspection should be considered deficient.

Use of this procedure is estimated to produce a spurious result approximately 1% of the time. That is, results of this procedure will call for further examination when no examination is warranted in approximately 1 out of 100 dwelling units tested.

TESTING TIMES:

For the Lead-In Paint K+L variable reading time mode, the instrument continues to read until it is moved away from the testing surface, terminated by the user, or the instrument software indicates the reading is complete. The following table provides testing time information for this testing mode. The times have been adjusted for source decay, normalized to the initial source strengths as noted above. Source strength and type of substrate will affect actual testing times. At the time of testing, the instruments had source strengths of 26.6 and 36.6 mCi.

Testing Times Using K+L Reading Mode (Seconds)						
Substrate	All Data			Median for laboratory-measured lead levels (mg/cm ²)		
	25 th Percentile	Median	75 th Percentile	Pb < 0.25	0.25 ≤ Pb < 1.0	1.0 < Pb
Wood Drywall	4	11	19	11	15	11
Metal	4	12	18	9	12	14
Brick Concrete Plaster	8	16	22	15	18	16

CLASSIFICATION RESULTS:

XRF results are classified as positive if they are greater than or equal to the threshold, and negative if they are less than the threshold.

DOCUMENTATION:

A document titled *Methodology for XRF Performance Characteristic Sheets* provides an explanation of the statistical methodology used to construct the data in the sheets, and provides empirical results from using the recommended inconclusive ranges or thresholds for specific XRF instruments. For a copy of this document call the National Lead Information Center Clearinghouse at 1-800-424-LEAD.

This XRF Performance Characteristic Sheet was developed by the Midwest Research Institute (MRI) and QuanTech, Inc., under a contract between MRI and the XRF manufacturer. HUD has determined that the information provided here is acceptable when used as guidance in conjunction with Chapter 7, Lead-Based Paint Inspection, of HUD's *Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing*.

APPENDIX H "LEAD SPEAK": A BRIEF GLOSSARY

Abatement: A measure or set of measures designed to permanently eliminate lead-based paint hazards or lead-based paint. Abatement strategies include the removal of lead-based paint, enclosure, encapsulation, replacement of building components coated with lead-based paint, removal of lead contaminated dust, and removal of lead contaminated soil or overlaying of soil with a durable covering such as asphalt (grass and sod are considered interim control measures). All of these strategies require preparation; cleanup; waste disposal; post-abatement clearance testing; recordkeeping; and, if applicable, monitoring. (For full EPA definition, see 40 CFR 745.223).

Bare soil: Soil not covered with grass, sod, some other similar vegetation, or paving, including the sand in sandboxes.

Chewable surface: An interior or exterior surface painted with lead-based paint that a young child can mouth or chew. A chewable surface is the same as an "accessible surface" as defined in 42 U.S.C. 4851b(2). Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable.

Deteriorated paint: Any paint coating on a damaged or deteriorated surface or fixture, or any interior or exterior lead-based paint that is peeling, chipping, blistering, flaking, worn, chalking, alligating, cracking, or otherwise becoming separated from the substrate.

Drip line/foundation area: The area within 3 feet out from the building wall and surrounding the perimeter of a building.

Dust-lead hazard: Surface dust in residences that contains an area or mass concentration of lead equal to or in excess of the standard established by the EPA under Title IV of the Toxic Substances Control Act. EPA standards for dust-lead hazards, which are based on wipe samples, are published at 40 CFR 745.65(b); as of the publication of this edition of these *Guidelines*, these are 40 $\mu\text{g}/\text{ft}^2$ on floors and 250 $\mu\text{g}/\text{ft}^2$ on interior windowsills. Also called lead-contaminated dust.

Friction surface: Any interior or exterior surface, such as a window or stair tread, subject to abrasion or friction.

Garden area: An area where plants are cultivated for human consumption or for decorative purposes.

Impact surface: An interior or exterior surface (such as surfaces on doors) subject to damage by repeated impact or contact.

Interim controls: A set of measures designed to temporarily reduce human exposure or possible exposure to lead-based paint hazards. Such measures include, but are not limited to, specialized cleaning, repairs, maintenance, painting, temporary containment, and the establishment and operation of management and resident education programs. Monitoring, conducted by owners, and reevaluations, conducted by professionals, are integral elements of interim control. Interim controls include dust removal; paint film stabilization; treatment of friction and impact surfaces; installation of soil coverings, such as grass or sod; and land use controls. Interim controls that disturb painted surfaces are renovation activities under EPA's Renovation, Repair and Painting Rule.



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of the Environment
75 Erieview Plaza, Third Floor
Cleveland, Ohio 44114
216/664-2300 • Fax: 216/664-4879
www.cleveland-oh.gov

ORDER TO CONTROL LEAD HAZARDS

This order is issued under section 3742.37 of the Ohio Revised Code and rule 3701-30-09 of the Ohio Administrative Code

Issued To: V [REDACTED]
[REDACTED]
[REDACTED]

Via Certified Mail: 7012 1640 0001 [REDACTED]

For the property located at: [REDACTED], Cleveland, Ohio [REDACTED]

On November 11, 2016, lead-based paint testing was performed at [REDACTED], Cleveland, Ohio [REDACTED] because a child with lead poisoning was associated with this property.

You have 90 days from the receipt of this order to repair the following hazards. The hazards MUST be repaired by an Ohio licensed lead abatement contractor.

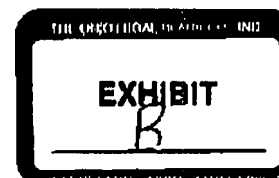
Lead paint hazards:

Outside of the house:

Front Porch Floor
Front Porch Vertical Columns
Front Porch Spindles
Window Sash Side C
Window Sash Side B
Door Jamb Side A

Inside of the house:

Den Baseboards Sides A, B, C, D
Den Window Casings Sides A, D
Den Window Apron Sides A, D
Den Door Casing Side A
Living Room Baseboards Sides A, B, C, D
Living Room Window Casings Side A



Rev. 9/15

Electronically Filed 05/18/2017 13:55 / CA 17 105795 / Confirmation Nbr. 1072055 / CLGAJ

Dining Room Baseboards Sides A, B, C, D
Dining Room Door Casing Entry Side D
Dining Room Door Jamb Entry Side D
Dining Room Window Casings Sides B, C
Dining Room Built-in Cabinet Casing Side B
Kitchen Entry Door Casings Sides A, B
Kitchen Entry Door Jamb Sides A, B
Kitchen Door Jamb Side C
Stairway to 2nd Floor Window Casing Side D
Stairway to 2nd Floor Baseboards Sides A, C, D
Stairway to 2nd Floor Stringers Sides A, C
Stairway to 2nd Floor Entry Door Casing Side B
Stairway to 2nd Floor Entry Door Jamb Side B
Stairway to 2nd Floor Door Stop Side B
Bedroom 1 Door Stop Side B
Bedroom 1 Closet Trim Sides A, B, C, D
Bedroom 1 Closet Shelf
Bedroom 2 Door Stop Side C
Bedroom 2 Closet Trim Sides A, B, D
Bedroom 3 Closet Door Casing Side D
Bedroom 3 Closet Trim Sides A, B, C, D
Bedroom 3 Closet Shelf Side D
Bedroom 4 Door Stop Side B
Bedroom 4 Closet Trim Sides A, B, C, D
Basement Brick Column
Basement Door Jamb at Top of Stairs Side B

Lead dust hazards:

3rd Floor Play Room Window Sill

Lead soil hazards:

Side C Backyard

Once the lead hazards are fixed by a licensed lead abatement contractor, a final inspection (also known as a "clearance examination") is required. The final inspection MUST be done by an Ohio licensed lead risk assessor.

This lead hazard control order will not be lifted until the Cleveland Department of Public Health receives and approves the clearance examination report. **The report should be mailed to Cleveland Department of Public Health, 75 Erieview Plaza, 3rd Floor, Cleveland, Ohio 44114, ATTN: Irene Irizarry or emailed to iirizarry@city.cleveland.oh.us.** Once the report is approved, a *Notice of Compliance* letter will be mailed to you.

******If you do not comply with this lead hazard control order, the Cleveland Department of Public Health may issue an Order to Vacate which would prohibit anyone from living in the residence or using it as a child day-care or school. A warning sign would be posted to show the public that the property is unsafe.******

Should you have any questions about this order, please call Irene Irizarry at (216) 664-3586.

Karen Dettmer, RS
Lead Program Manager

3/14/17
Date

Enclosures

cc: File

**Lead Hazard Control- Method Selection
Ohio Department of Health**

YOU MUST RETURN THIS FORM

Please complete this with a licensed lead abatement contractor. **YOU MUST return this form at least 10 days prior to the start of lead abatement work on the property** to Cleveland Department of Public Health, 75 Erievue Plaza, 3rd Floor, Cleveland, Ohio 44114, ATTN: Irene Irizarry. You may also e-mail this form to ilirizarry@cleveland.oh.us. Any questions regarding this form should be directed to Irene Irizarry at (216) 664-3586.

*****Discuss the methods of control with your licensed lead abatement contractor or with Ohio Department of Health's Environmental Compliance Program at 1-877-NOT-LEAD. Make sure the method selected for each hazard is appropriate for your needs and that you have a complete understanding of any further obligations that choice requires.****

Property Address	[REDACTED] Cleveland, Ohio [REDACTED]		
Owner Name	V [REDACTED] M [REDACTED]		
Owner Address	[REDACTED]		
E-mail address		Telephone #	

Name of Licensed Abatement Contractor contacted	Abatement License #	Date Contacted

Owner Signature: _____ Date: _____

Owner Printed Name: _____

LEAD HAZARDS**METHOD of CONTROL Selected by Property Owner****Lead-based Paint hazards:****(Check the ones that apply)****Exterior Paint:**

Front Porch Floor

☐ Removal and replacement
☐ Paint removal☐ Enclosure

Front Porch Vertical Columns

☐ Removal and replacement
☐ Paint removal
☐ Paint Stabilization **☐ Enclosure
☐ Encapsulation*
☐ Other _____

Front Porch Spindles

☐ Removal and replacement
☐ Paint removal
☐ Paint Stabilization **☐ Enclosure
☐ Encapsulation*
☐ Other _____

Window Sash Side C

☐ Removal and replacement
☐ Paint removal

Window Sash Side B

☐ Removal and replacement
☐ Paint removal

Door Jamb Side A

☐ Removal and replacement
☐ Paint removal**Interior Paint:**

Den Baseboards Sides A, B, C, D

☐ Removal and replacement
☐ Enclosure
☐ Paint removal

Den Window Casings Sides A, D

☐ Enclosure
☐ Paint removal
☐ Paint Stabilization **☐ Encapsulation*
☐ Other _____

Den Window Apron Sides A, D

☐ Removal and replacement
☐ Paint removal
☐ Paint Stabilization **☐ Enclosure
☐ Encapsulation*
☐ Other _____

* Encapsulation and paint stabilization are not permitted on friction surfaces, including window jambs and door jambs.

** Requires an ongoing maintenance and monitoring schedule and an annual clearance examination; Rule 3701-30-10 of the Ohio Administrative Code.

Den Door Casing Side A	☐ Removal and replacement	☐ Enclosure
	☐ Paint removal	☐ Encapsulation*
	☐ Paint Stabilization **	☐ Other _____
Living Room Baseboards Sides A, B, C, D	☐ Removal and replacement	
	☐ Enclosure	
	☐ Paint removal	
Living Room Window Casings Side A	☐ Removal and replacement	☐ Enclosure
	☐ Paint removal	☐ Encapsulation*
	☐ Paint Stabilization **	☐ Other _____
Dining Room Baseboards Sides A, B, C, D	☐ Removal and replacement	
	☐ Enclosure	
	☐ Paint removal	
Dining Room Door Casing Entry Side D	☐ Removal and replacement	☐ Enclosure
	☐ Paint removal	☐ Encapsulation*
	☐ Paint Stabilization **	☐ Other _____
Dining Room Door Jamb Entry Side D	☐ Removal and replacement	☐ Enclosure
	☐ Paint removal	☐ Encapsulation*
	☐ Paint Stabilization **	☐ Other _____
Dining Room Window Casings Sides B, C	☐ Removal and replacement	☐ Enclosure
	☐ Paint removal	☐ Encapsulation*
	☐ Paint Stabilization **	☐ Other _____
Dining Room Built-in Cabinet Casing Side B	☐ Removal and replacement	☐ Enclosure
	☐ Paint removal	☐ Encapsulation*
	☐ Paint Stabilization **	☐ Other _____
Kitchen Entry Door Casings Sides A, B	☐ Removal and replacement	☐ Enclosure
	☐ Paint removal	☐ Encapsulation*
	☐ Paint Stabilization **	☐ Other _____
Kitchen Entry Door Jamb Sides A, B	☐ Removal and replacement	☐ Enclosure
	☐ Paint removal	☐ Encapsulation*
	☐ Paint Stabilization **	☐ Other _____

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** Requires an ongoing maintenance and monitoring schedule and an annual clearance examination; Rule 3701-30-10 of the Ohio Administrative Code.

Kitchen Door Jamb Side C	☐ Removal and replacement ☐ Paint removal	
Stairway to 2nd Floor Window Casing Side D	☐ Removal and replacement ☐ Paint removal ☐ Paint Stabilization **	☐ Enclosure ☐ Encapsulation* ☐ Other
Stairway to 2nd Floor Baseboards Sides A, C, D	☐ Removal and replacement ☐ Enclosure ☐ Paint removal	
Stairway to 2nd Floor Stringers Sides A, C	☐ Removal and replacement ☐ Enclosure ☐ Paint removal	
Stairway to 2nd Floor Entry Door Casing Side B	☐ Removal and replacement ☐ Paint removal ☐ Paint Stabilization **	☐ Enclosure ☐ Encapsulation* ☐ Other
Stairway to 2nd Floor Entry Door Jamb Side B	☐ Removal and replacement ☐ Paint removal ☐ Paint Stabilization **	☐ Enclosure ☐ Encapsulation* ☐ Other
Stairway to 2nd Floor Door Stop Side B	☐ Removal and replacement ☐ Paint removal	
Bedroom 1 Door Stop Side B	☐ Removal and replacement ☐ Paint removal	
Bedroom 1 Closet Trim Sides A, B, C, D	☐ Removal and replacement ☐ Paint removal ☐ Paint Stabilization **	☐ Enclosure ☐ Encapsulation* ☐ Other
Bedroom 1 Closet Shelf	☐ Removal and replacement ☐ Paint removal ☐ Other	☐ Enclosure

* Encapsulation and paint stabilization are not permitted on friction surfaces, including window jambs and door jambs.

** Requires an ongoing maintenance and monitoring schedule and an annual clearance examination; Rule 3701-30-10 of the Ohio Administrative Code.

Bedroom 2 Door Stop Side C	☐ Removal and replacement	
	☐ Paint removal	
Bedroom 2 Closet Trim Sides A, B, D	☐ Removal and replacement	☐ Enclosure
	☐ Paint removal	☐ Encapsulation*
	☐ Paint Stabilization **	☐ Other _____
Bedroom 3 Closet Door Casing Side D	☐ Removal and replacement	☐ Enclosure
	☐ Paint removal	☐ Encapsulation*
	☐ Paint Stabilization **	☐ Other _____
Bedroom 3 Closet Trim Sides A, B, C, D	☐ Removal and replacement	☐ Enclosure
	☐ Paint removal	☐ Encapsulation*
	☐ Paint Stabilization **	☐ Other _____
Bedroom 3 Closet Shelf Side D	☐ Removal and replacement	☐ Enclosure
	☐ Paint removal	
	☐ Other _____	
Bedroom 4 Door Stop Side B	☐ Removal and replacement	
	☐ Paint removal	
Bedroom 4 Closet Trim Sides A, B, C, D	☐ Removal and replacement	☐ Enclosure
	☐ Paint removal	☐ Encapsulation*
	☐ Paint Stabilization **	☐ Other _____
Basement Brick Column	☐ Removal and replacement	☐ Enclosure
	☐ Paint removal	☐ Encapsulation*
	☐ Paint Stabilization **	☐ Other _____
Basement Door Jamb at Top of Stairs Side B	☐ Removal and replacement	
	☐ Paint removal	
Dust-lead hazards:		
3 rd Floor Play Room Window Sill	☐ Source Removal	Component removed _____
	☐ Specialized Cleaning	Other _____
Soil-lead hazards:		
Side C Front Yard	☐ Removal and replacement	
	☐ Impermanent soil covering†	
	☐ Other _____	

* Encapsulation and paint stabilization are not permitted on friction surfaces, including window jambs and door jambs.

** Requires an ongoing maintenance and monitoring schedule and an annual clearance examination; Rule 3701-30-10 of the Ohio Administrative Code.

**EIGHTH DISTRICT COURT OF APPEALS
CUYAHOGA COUNTY**

STATE OF OHIO <i>ex rel.</i> ,	)	Case No. _____
S.P., by and through her parents and next	)	
friends M.P. and N.P.	)	
[REDACTED]	)	
Cleveland, Ohio	)	Original Action in Mandamus
	)	
Relator	)	
	)	
v.	)	
	)	
THE CITY OF CLEVELAND	)	
601 Lakeside Avenue,	)	
Cleveland, Ohio	)	
	)	
FRANK G. JACKSON, in his official capacity)	)	
as the Mayor of the City of Cleveland	)	
601 Lakeside Avenue	)	
Cleveland, Ohio	)	
	)	
MERLE GORDON, in her official capacity as)	)	
the Director of the Cleveland Department of	)	
Public Health.	)	
75 Erieview Plaza	)	
Cleveland, OH 44114	)	
Respondents	)	
	)	

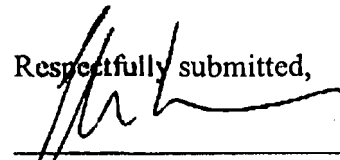
RELATOR'S APPLICATION FOR ISSUANCE OF AN ALTERNATIVE WRIT

Relator S.P., a two-year old child living in a lead-poisoned home in Cleveland, respectfully requests a Writ of Mandamus against Respondents City of Cleveland, Frank Jackson and Merle Gordon. As set forth in the Verified Complaint for Writ of Mandamus (filed herewith, and incorporated herein by reference), the Respondents have repeatedly and openly failed to abide by the Ohio laws of lead abatement that it is entrusted with executing, putting Relator S.P. at risk both in her current home and in future homes that she may live in.

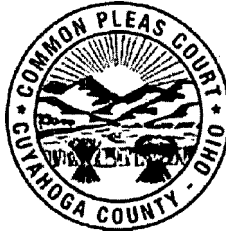
It is clear that S.P. is entitled to the extraordinary relief requested. It is also clear that the Respondents are entrusted with fulfilling the mandatory obligations of the State's lead abatement laws. Finally, there is no other adequate remedy in the ordinary course of law for S.P. Accordingly, a peremptory writ should issue in the first instance. R.C. 2731.06 ("When the right to require the performance of an act is clear and it is apparent that no valid excuse can be given for not doing it, a court, in the first instance, may allow a peremptory mandamus."); *see also State ex rel. Findlay Publishing Co. v. Schroeder*, 76 Ohio St. 3d 580, 583, 669 N.E.2d. 835, 839 (1996).

In the event that the Court does not issue a peremptory writ, the Relators move for the Court to issue an alternative writ of mandamus. If an alternative writ is granted, Respondents "must comply with the relator's request for relief or show cause why respondent is not required to comply with that request." Loc.App.R. 45; *see also* R.C. 2731.01.

Respectfully submitted,



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NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Appeals

New Case Electronically Filed:
May 18, 2017 13:59

By: ABIGAIL C. STAUDT 0081602

Confirmation Nbr. 1072055

STATE OF OHIO EX REL., S.P.,

CA 17 105795

vs.

Judge:

THE CITY OF CLEVELAND, ET AL.

Pages Filed: 71