



March 11, 2019

Dr. Benjamin S. Carson, MD
Secretary
U.S. Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410-0001

Re: Carbon Monoxide Poisoning and Detection

Dear Secretary Carson,

The U.S. Department of Housing and Urban Development (HUD) has long been a leader in setting healthy housing standards that include warning Americans about the dangers of carbon monoxide poisoning. However, HUD has yet to require carbon monoxide monitors in all of its housing programs. **In the wake of recent deaths of federally-assisted housing residents caused by entirely preventable carbon monoxide poisoning, NHLP and the undersigned housing and public health organizations call upon HUD to set standards to protect families from exposure to carbon monoxide in their homes.** We urge HUD to issue emergency guidance to Public Housing Authorities (PHAs) and private owners of HUD-subsidized housing that (1) requires the immediate installation of carbon monoxide detectors in all program units and (2) reiterates PHAs' and owners' responsibility to adhere to state and local building and public health codes. In addition, HUD must immediately promulgate rules amending the inspection standards in all of its programs to include the lack of a working carbon monoxide detector as an immediate "fail" item and a life-threatening emergency. These common-sense measures will protect countless individuals from carbon monoxide exposure and the deleterious consequences.

The effects of carbon monoxide poisoning occur almost immediately and can result in death in a matter of minutes. Exposure to carbon monoxide can cause permanent brain damage, life-threatening cardiac complications, fetal death or miscarriage, and death. Carbon monoxide is especially dangerous for unborn babies, children, elderly individuals, and people with cardiovascular disease, among others. In fact, the majority of the 4.6 million families receiving federal housing assistance are families with young children, elderly individuals, or people with disabilities, all of whom are at heightened risk. Annually, at least 430 people die in the United States from accidental carbon monoxide poisoning and an additional 50,000 people visit a hospital emergency room as a result of exposure.

HUD's Office of Lead Hazard Control and Healthy Homes (OLHCHH) recommends the installation of carbon monoxide detectors near bedrooms as a best practice to keep families and individuals safe. The U.S. Consumer Product Safety Commission (CPSC) recommends that every home have carbon monoxide poisoning alarms on each level of a home and outside each sleeping area. CPSC urges residents to have annual professional inspections of all fuel-burning appliances to detect carbon monoxide leaks. The Centers for Disease Control and Prevention (CDC) warns that carbon monoxide poisoning is entirely preventable and educates residents on risks and prevention mechanisms, including the installation of carbon monoxide detectors.

Since 2003, at least eleven federally-assisted tenants have died from carbon monoxide poisoning, including two very recent deaths of public housing residents. In the last month alone, twenty-six federally assisted housing buildings were evacuated due to carbon monoxide leaks and exposure in South Carolina. Every single death, the disabilities that ensue from exposure among surviving residents, and the subsequent costs to society were entirely preventable. Without robust rules and regulations to protect against carbon monoxide poisoning, HUD will continue to knowingly and negligently expose federally assisted housing residents to grave harm.

Carbon monoxide detectors are already required for certain voucher-based units. As recently as October 27, 2017, HUD issued regulations pursuant to the Housing Opportunity Through Modernization Act of 2016 that classify inoperable or missing carbon monoxide detectors as “life-threatening” violations of the Housing Quality Standards for the Housing Choice Voucher and Project-Based Voucher assistance programs. In addition, the Universal Physical Conditions Standards–Voucher demonstration project includes the lack of functional carbon monoxide detectors as a life-threatening condition. HUD’s incorporation of carbon monoxide detectors in its tenant-based rental assistance policies represents the agency’s acknowledgement of the life-threatening danger of carbon monoxide exposure. It is critical that HUD extend these protections to all federally assisted housing units in order to fulfill the statutory duty to provide safe and decent housing.

In furtherance of HUD’s duty to provide safe and decent housing for children and families, we implore you to immediately adopt carbon monoxide detection requirements throughout HUD programs to prevent unnecessary death and disability among the people you are sworn to serve.

NHLP’s mission is to advance housing justice for poor people and communities. NHLP achieves this by strengthening and enforcing the rights of tenants, increasing housing opportunities for underserved communities, and preserving and expanding the nation’s supply of safe and affordable homes. The undersigned organizations and individuals are committed to eliminating poverty and the social determinants of poor health, and securing safe, decent, healthy, and affordable housing for all Americans. We look forward to working with HUD to protect the health and safety of assisted residents. I can be reached at 415-432-5724 or dthrope@nhlp.org should you wish to talk further about our requests.

Respectfully,



Deborah Thrope
National Housing Law Project

Emily A. Benfer
Columbia Law School*

National Low Income Housing Coalition
Green & Healthy Homes Initiative
National Alliance of HUD Tenants

Sargent Shriver National Center on Poverty Law
Legal Aid Society of New York
Public Justice Center
Appleseed Legal Justice Center
Massachusetts Law Reform Institute
HousingWorks RI
Michigan Coalition Against Homelessness
Central Alabama Fair Housing Center
New Haven Legal Assistance Association
Poverty Law Project at Vermont Legal Aid, Inc.
Housing Action Illinois
Florence W. Roisman, Indiana University Robert H. McKinney School of Law*

CC: Matt Ammon, HUD, OLHCHH
Warren Friedman, HUD, OLHCHH
Danielle Bastarache, HUD, PIH
Donald Lavoy, HUD, REAC
Arjun Srinivasan, CDC
Patrick Breysse, CDC
Senator Kamala Harris
Representative Maxine Waters
Representative Cheri Bustos
Representative James Clyburn
Representative Al Green

* Affiliation is for identification purposes only.