

Methamphetamine Contamination Status

Update 5 March 2018

Introduction

CHA has recently seen an increase in enquiries from our members about methamphetamine contamination (Meth). There is misinformation and a lack of guidance that we wish to ensure members understand. This article gives an update on the changes in the law currently taking place, guides providers on good practice, and is an invitation to providers to take part in a working group to assist CHA's work in this area.

Current Reforms

There are two important changes – one planned, one implemented - that will affect how community housing providers treat methamphetamine contamination. These are:

NZS 8510:2017: Testing and decontamination of methamphetamine-contaminated properties

These are a set of standards released by Standards New Zealand. They replace the previous guidelines issued by the Ministry of Health. They are legally non-binding until ratified in the RTA Bill (discussed below), but are starting to be adopted through tenancy tribunal decisions. The Standards include the following:

- No differentiation between 'use' and 'manufacture';
- Raising the threshold for contamination from Meth from 0.5 micrograms to 1.5 micrograms (μg) / 100cm^2 for high use areas e.g. living rooms;
- A 3.8 μg level for low use areas such as garages, sheds, internal crawlspaces etc;
- These levels are applied on a room-by-room basis, so decontamination of the whole house is often unnecessary;
- Any organisation carrying out methamphetamine sampling, testing, or decontamination services must have the relevant accreditation:
 - NZS ISO/IEC 17025 or AS/NZS ISO/IEC 17020;
- A separation of services is required between an organisation carrying out sampling or testing on a property and an organisation providing decontamination services.

Note: The accreditations are not yet available through NZQA.

These standards can be read in full here:

<https://www.standards.govt.nz/assets/Publication-files/NZS8510-2017.pdf>

Residential Tenancies Amendment Bill (No2)

This Bill is currently in Select Committee phase, with the report due on the 16th of April. The amendment proposes changes to the law around accidental damages, boarding house agreements and methamphetamine contamination. In its current form it prescribes the following notable measures:

- Delegates the setting of methamphetamine contamination into law – likely to remain at $1.5 \mu\text{g} / 100\text{cm}^2$;
- It is unlawful to provide a tenancy if there is known methamphetamine contamination;
- Testing must occur between 8:00am and 7:00pm, after at least 48 hours' notice, but no more than 14 days;
- The results of contamination testing must be made known to the tenant within 7 days of being received;

- In the event of a positive contamination test, the landlord can terminate the tenancy giving no less than 7 days' notice; the tenant can terminate giving no less than 2 days' notice; and
- You can read the amendment in full on the parliament website here: <http://www.legislation.govt.nz/bill/government/2017/0258/latest/DLM7247512.html>

Guidance for Community Housing Providers

CHA is not yet ready or able to give definitive advice on this issue. We are working with providers to come up with solutions that both sustain tenancies and manage risk for providers. We will distribute any guidance to our members as soon as possible. Until more definitive information is available, we can report on the measures that some providers have adopted to avoid financial risk.

If a provider wishes to minimise their exposure to financial risk, they will need to carry out baseline tests between tenancies. A baseline test is carried out while the property is vacant and can be done with a hand-held swab test by tenancy managers to detect any presence. Pre-occupancy baseline tests are necessary should a property test positive at any point during or after a tenancy. This ensures that tenants are moving into a safe environment, and any changes to that environment have happened during their control of the premises. Without a baseline, the provider has no grounds for reclaiming costs through the tenancy tribunal, and tenants can receive a rent rebate.

If the swab test gives a positive result for the presence of methamphetamine, reputable (and accredited when available) testing companies should be contacted for more comprehensive testing and decontamination work if necessary.

Our current understanding is that on a balance of risk and costs, some providers are carrying out testing before and after tenancies, and during a tenancy if a tenancy manager suspects use of the drug in the home. Tenancy managers and other staff should be aware of evidence of drug use such as:

- Utensils such as glass pipes or an unusual number of lightbulbs;
- Erratic behaviour or paranoia; and
- Reports from neighbours.

If a provider wishes to conduct testing at any point during the tenancy, a clause will need to be added to the tenancy agreement. This is explained by Tenancy Services here:

<https://www.tenancy.govt.nz/starting-a-tenancy/renting-affected-properties/renting-a-property-affected-by-methamphetamine-p/>

We encourage providers to sustain the tenancy whenever possible. At the onset of the tenancy the tenant should be made aware of the provider's policy on testing and the possible consequences should a property become contaminated.

In many cases, providers can cover the costs of decontamination up to \$30,000 through their existing insurance policies. Providers will need to thoroughly understand their policies to know to what extent they are covered and under what conditions. Many insurers also publish this information on their website.

What CHA is Doing

We have submitted to the Select Committee on the amendment to the RTA and are watching its passage through Parliament closely. We will brief our members on any important changes as they arise. In the meantime, we are producing a template methamphetamine contamination policy for providers to reference for good practice. This is still in its draft stage as we are waiting for the RTA

Amendment Bill No2 to be passed before we finalise it, but we are happy to distribute a copy of the draft if you would find it useful.

We would like to set up a working group of providers to collaborate with us on developing the policy and guidance for managing the risks posed by methamphetamine contamination. We are seeking volunteers who have ongoing experience with managing methamphetamine contamination to share their knowledge and provide feedback on the guidance.

Contact

If you or your organisation would like a copy of our draft sample policy or would be interested in volunteering in our working group, please contact Jordan Kendrick at survey@communityhousing.org.nz