



Community
Housing
Aotearoa
NGĀ WHARERAU O AOTEAROA



METHAMPHETAMINE HARM-REDUCTION HANDBOOK

OCTOBER 2022

Purpose of this resource

In the absence of clear regulations and guidance, there has been considerable confusion within the community housing sector surrounding methamphetamine in recent years. It has become difficult to know when a house is considered 'contaminated', if houses are still safe after methamphetamine use, and when is it appropriate to test properties.

A report from the former Prime Minister's Chief Science Advisor - now widely known as **The Gluckman Report** (2018) - has challenged many previous understandings of methamphetamine's impact on housing and health. Spurred on in part by the report, new regulations are currently under development by the Ministry of Housing and Urban Development (HUD) and are expected to emerge midway through 2023. Until this ambiguity is cleared up by the new regulations, there is an immediate need for guidance on best practices to ensure whānau remain housed in the interim.

To begin, we outline reasonable precautions that tenants can take, followed by legislative and insurance information for providers, before closing with policy suggestions that address the concerns we have heard from our members.

Methamphetamine use is inequitably dealt with by our current legislation, standards, and Tribunal rulings. While we are hopeful that many of these issues may be rectified through upcoming changes to regulations, there is still more work to be done.

Positively, a paradigm shift is emerging. Rather than continuing the punitive and harm-inducing approach that has been historically adopted, fresh solutions and ideas should be seriously considered. We believe these ideas, put forth by the likes of the Gluckman Report and the NZ Drug Foundation, should be broadly adopted. First by forward-thinking government regulations, before more widely within this space. This means providers, community-led organisations, and tenants alike have roles to play in reducing methamphetamine-related harm and striving for better solutions.

Evidence-based Approach

When writing this resource, we have tried at all times to maintain an evidence-based and harm-reduction focus. Our evidence came with input from people with Lived Experience of methamphetamine use, CHA's internal expertise, and current academic research. In particular, we acknowledge the work of the NZ Drug Foundation, alongside all contributors to CHA's recent methamphetamine harm-reduction webinar, for contributing formative resources in writing this document.

For Tenants

Home Health

We want to see tenants maintaining healthy, safe and long-lasting housing relationships. To achieve this, we've identified three steps tenants can take to minimise the chance of facing eviction, unnecessary property decontamination charges or other Tenancy Tribunal action.

There are many practical things you can do to ensure that your house, and all those who live inside it, remain healthy. We've highlighted three recommendations - in collaboration with the NZ Drug Foundation - that can uplift the well-being of your home.

1) Swallow Don't Smoke

Orally ingesting methamphetamine minimises harm to yourself and your house. We know that injecting is incredibly harmful, because of the increased risk of bloodborne diseases and soft tissue injuries. Smoking also carries risks, such as respiratory illnesses.¹

Smoking methamphetamine inside your home poses another risk of bi-product residue. Methamphetamine tests detect this residue, which if found, may be grounds for eviction under recent interpretations of the law.²

A recent Tenancy Tribunal decision issued an eviction based on the probability that a tenant used, or permitted the use of, an unlawful substance – in this case methamphetamine - to be consumed on the property.³ In addition, if the levels of residue are found to be high (above 15µg/100cm²) then the tenant may be held responsible for the decontamination of the property. This is an expensive process, both financially and emotionally. We believe no one should have to go through a decontamination process unnecessarily, tenant or provider.

Overall, swallowing minimises the risk of long-term health complications, contamination of your home and eviction. It is healthier for yourself, and for your whānau.

2) Look After Your Place

Keeping your home tidy, clean and well-maintained helps build a positive relationship with your housing provider. By regularly and thoroughly cleaning your walls and surfaces, the risk of smoke residue accumulating may be minimised. While this is not an overarching

¹ Yasbek, P., Mercier K., Dr Elder, H., Dr Crossin, R., Prof. Baker, M. (2022). *Minimising the Harms from Methamphetamine*. The Helen Clark Foundation and New Zealand Drug Foundation, Wellington. p.20

² NZTT 4337318. Tenancy Tribunal. June 2022. p.5. Note: posting to Tribunal website pending at time of this Handbook's publication.

³ NZTT 4337318. p.5

solution, it may help as a short-term tool to remove smoking residue. Paraphernalia, rubbish and destroyed property may also give the housing provider reasons to seek a methamphetamine test.

3) Reach Out

While rehabilitation programs aimed at maintaining sobriety are always the ideal option, putting harm reduction first and foremost looks beyond completely quitting.⁴ We recognise that going ‘cold turkey’ may not be possible for everyone, but that it is far better to achieve a healthier, less dependent relationship than to be unsuccessful at sobriety.

“The more frequently methamphetamine is used, and the quantities used, the more significant the harm”.⁵

Reducing the frequency and amount of methamphetamine consumed is important in creating healthy homes, as we know that remediation of houses is most common when frequent and heavy smoking occurs indoors.

Meth Help Counselling Service offers free, confidential phone support for anyone in New Zealand. They also provide self-help material, assistance with finding treatment, and Kaupapa Māori programmes designed specifically for Māori.

Their support number is **0800 METH HELP or 0800 638 443**

Family Drug Support Aotearoa is an online whānau support group open to members who were affected by alcohol and drug abuse. It focuses on building resilience, strengthening the family unit, and honouring the Tikanga Māori values of tana whānau.

They can be reached online at <https://fds.org.nz/> or free called **0800 337 877**

The NZ Drug Foundation’s MethHelp handbook is a free resource designed for users to achieve a healthier relationship with methamphetamine. This handbook can be free shipped anywhere in NZ and can be found under the ‘Resources’ section of the NZ Drug Foundation website, <https://www.drugfoundation.org.nz/resources/>.

⁴ Yasbek et al., *Minimising the Harms from Methamphetamine*, p.24

⁵ Yasbek et al., *Minimising the Harms from Methamphetamine*, p.24

For Providers

This section aims to supply information on the different approaches that can be adopted by housing providers. There are a range of approaches that can be used. Each housing provider should make appropriate adjustments based on their individual context.

Providers have a crucial role to play in breaking the harm cycle by helping tenants stay housed. In the past, some providers adopted zero-tolerance policies based on the standards, research, and Tribunal rulings available at that time. This approach transferred the harm from the individual user to the entire whānau. 800 Housing New Zealand Corporation (now Kāinga Ora) tenants were evicted under zero-tolerance programs since 2013 and other providers also evicted tenants based on similar policies.⁶ Kāinga Ora no longer follows this zero-tolerance approach.

Recent research, such as the Gluckman Report, has established that long-term health risks from methamphetamine exposure within houses are considerably less than previously thought. New regulations and standards, based on this contemporary research, are in development. In addition, recent Tenancy Tribunal rulings demonstrate a changed approach adopting the higher levels recommended in the Gluckman Report.

Testing

Knowing when to test, and when not to, can be complicated. Historically, providers will perform universal pre-tenancy and post-tenancy testing. While this has made sense under previous regulations, it may not be as necessary as it once was.⁷ This shift in perspective stems from an increasing scientific consensus that methamphetamine contamination is only a health risk when manufacture or exceptional levels of consumption have occurred.⁸

The Gluckman Report used a Colorado study to show that methamphetamine levels under 33 µg/100cm² for uncarpeted dwellings and 23 µg/100cm² for carpeted dwellings *would not produce an adverse effect*.⁹ In Aotearoa, less than 1% of houses where methamphetamine was detected indicated levels above 30 µg/100cm².¹⁰

As a result, we now know that methamphetamine detected in excess of 20 times the NZ Standard 1.5µg/100cm² level is unlikely to produce long-term health consequences. Therefore, even the Gluckman Report's proposed levels of 15µg/100cm² remain a conservative estimate of safety.

⁶ Yasbek et al., *Minimising the Harms from Methamphetamine*, p.38

⁷ Professor Sir Peter Gluckman, *Methamphetamine contamination in residential properties: Exposures, risk levels, and interpretation of standards*, Wellington: Office of the Prime Minister's Chief Science Advisor. 29 May 2018. p.28

⁸ Alcohol and Drug Foundation, *Impact of residue from methamphetamine*, 2021

⁹ Gluckman, p.22

¹⁰ Gluckman, p.6

These findings highlight why the NZ Standard needs to be updated to reflect current evidence. Continuing to classify properties testing above $1.5\mu\text{g}/100\text{cm}^2$ as 'contaminated' is not consistent with current research, punitive and harm-inducing.¹¹ From a health perspective, the research indicates that testing may only be necessary for this 1% of properties testing above $30\mu\text{g}/100\text{cm}^2$. For the remainder of properties under this level, it is unlikely that adverse health effects may arise.

Insurance

Insurance is another difficult area to navigate when it comes to methamphetamine. Most insurers follow the NZ Standard and maintain that any property where methamphetamine is detected above $1.5\mu\text{g}/100\text{cm}^2$ is considered contaminated. This is anticipated to change once upcoming regulations under development set a new standard.

Many insurers and meth-testing companies *recommend* baseline tests at the beginning and end of tenancies, advising that this will make it easier to complete the claim.¹² However, insurers cannot require testing, and some providers may feel it is in their best interest to avoid pre-tenancy and post-tenancy tests unless clear evidence of manufacture is observed.

To successfully retrieve a claim, most insurers will still require key responsibilities to be fulfilled by the housing provider. These include, but are not limited to:

- Exercising reasonable care in the selection of tenants, including references and checking their Tenancy Tribunal history.
- Completing internal and external inspections of the home at least once every three months, complete with photographs and written records.
- Submitting an application to the Tenancy Tribunal for vacant possession if illegal activity is observed, such as the *manufacture* of methamphetamine.

First and foremost, develop an insurance plan that best suits you and your context. We recommend you check in with your insurance provider first to determine what course of action is most appropriate for you. It is important to fully understand the coverage implications of the approach you adopt.

Meth Alarms

We consider meth alarms a problematic solution. There are concerns that such a device may intrude on the privacy of tenants' homes. We also question the effectiveness of meth alarms, on the basis that they do not measure a specific quantity, only whether methamphetamine is present.

If the provider chooses to use them, we advise transparency with tenants. This falls in line with the Privacy Commissioner's guidance that consent can be given on informed and specific

¹¹ P8510 Committee, *Testing and decontamination of methamphetamine-contaminated properties*, Wellington: Standards New Zealand, 2017. p.6

¹² IAG New Zealand Limited, *Your guide to methamphetamine contamination*, 2017

advice.¹³ Tenants should clearly understand the purpose of the meth alarm, and know the ramifications of triggering of the alarm.

Providers may find it helpful to acknowledge that a power imbalance may exist. Many tenants are highly motivated to get into a property and may feel pressure to consent to an alarm. We recommend that a lack of consent should not prohibit the tenant from residing in the property.

Supporting tenants

There are also a number of ways providers can help keep their properties meth free. Offering support, information and staff training can maintain tenancies and minimise damage risk.

The NZ Drug Foundation's MethHelp handbook is a free resource aimed at harm-reduction. These handbooks are free shipped anywhere in NZ and can be given to tenants when beginning their tenancies. They can be found under the 'Resources' section of the NZ Drug Foundation website, <https://www.drugfoundation.org.nz/resources/>. Sharing this document with new tenants is encouraged and may also prove useful.

Offering support, in whichever way you feel comfortable, may also help reduce harm. One way is to recommend Meth Help. Meth Help Counselling Service offers free, confidential phone support for anyone in New Zealand. They also provide self-help material, assistance with finding treatment and Kaupapa Māori programmes designed specifically for Māori.

Their support number is **0800 METH HELP** or **0800 638 443**.

¹³ Privacy Commissioner, *Privacy Act guidance for landlords and property managers*, Wellington: Office of the Privacy Commissioner, 2021. p.10

Policy Recommendations

Testing

It is important to remember that current standards were derived from risk assessments pertaining to former clandestine meth labs, not residential properties.¹⁴ Misapplying these standards for over a decade continues to hang over harm reduction approaches. We urge that the new regulations apply universal, evidence-based and harm-reducing standards. Doing so will address one of the primary issues: confusion caused by discrepancies between the Tenancy Tribunal, insurers, and the current New Zealand Standard.

The **Tenancy Tribunal** has demonstrated a willingness to evict tenants found to have used any amount of methamphetamine on the property, citing illegal activity.¹⁵ The tenants are not liable to pay for remuneration if the tested level of methamphetamine is below 15µg/100cm² however, as the Gluckman Report shows there are no immediate health risks. We believe this provides a grey area, where tenants are facing eviction with any use, and remediation above a higher level of 'contamination'. Continuing to criminalise possession or use alone contributes to the cycle of harm by creating a clear pathway for eviction.

Insurance providers maintain the 1.5µg/100cm² level and state that anything above this is contamination and requires remediation. They may also challenge claims that did not have pre-testing completed.

The current **New Zealand Standard** classifies properties where the level of methamphetamine is found to exceed 1.5 µg/100cm² as contaminated.¹⁶ This does not align with current scientific consensus expressing limited evidence of health risks at this level. We reiterate Gluckman's perspective that mitigation measures should be proportionate to the risk posed by the contaminant.¹⁷ We believe the current NZ Standard fails to uphold the Gluckman Report's recommendation to follow a risk-based approach.

Composite testing

The Gluckman Report cautions against using composite tests as they can generate readings that do not accurately reflect proper discrete testing results. When combined together, composite tests can reflect an overall higher result than any individual area and can be misleading. As such, composite tests 'should not be used without further confirmation tests'.¹⁸

¹⁴ Gluckman, p.6

¹⁵ NZTT 4337318

¹⁶ *Testing and decontamination of methamphetamine contaminated properties*, p.4

¹⁷ Gluckman, p.6

¹⁸ Gluckman, p.7

Eviction

Evicting people for alleged contamination of a home goes against our harm reduction ambitions and can further exacerbate trauma, drug use, and homelessness. In particular, the rapid 7-day eviction period poses an immediate risk to family well-being.

It is the NZ Drug Foundation's position that: 'there is currently no science to support the contention that a house is 'contaminated' through methamphetamine use, we can see no possible justification for evicting such a tenant at short notice where traces of methamphetamine are found.'¹⁹

The impact of having to vacate a house can be devastating for tenants: causing disruptions to employment and schooling; separation of family; homelessness; and other long-term negative impacts on physical and mental health. This short-term eviction notice is also another significant contributor to the cycle of harm.

We propose amendments to Section 59B (6) of the Residential Tenancies Act 1986 which provides that the landlord may give notice of termination and 'the period of notice is not less than 7 days'.²⁰ 7 days is an unjustifiably short period of time for tenants to find safe housing alternatives. It also directly contradicts risk-based and harm reduction frameworks, through relocating the issue onto the streets and further perpetuating the harm. The minimum period would become more equitable if it was extended to 28 days for evictions based on use or possession.

Misuse of Drugs Act

The NZ Drug Foundation has advocated for the Misuse of Drugs Act to be replaced with a modern, fit-for-purpose drug law that treats drug use and possession as a health and social issue'²¹ This would ensure drugs are classified consistently according to their risk to the user, with penalties that are proportional to other offences.²²

Currently, the criminalisation of drugs limits the ability to seek help. With the fear of prosecution and eviction bearing down on them, many individuals find it daunting and inaccessible to find help.

¹⁹ *Submission on the Residential Tenancies Amendment Bill (No 2)*, NZ Drug Foundation, 2017. p.2

²⁰ Residential Tenancies Act 1986, 59B (6)

²¹ NZ Drug Foundation, *Briefing to the Incoming Parliament*, p.2

²² NZ Drug Foundation, *Briefing to the Incoming Parliament*, p.12

Legal note

The recipient of this document and all shared information agrees and acknowledges that the information contained therein is received in good faith from Community Housing Aotearoa.

This document is intended to provide guidance on our understanding of the best practice and the law as it stands at the time of writing. Given the changing nature of laws, standards and regulations, omissions or inaccuracies in information may be contained within this document. As such, it should not be used as a substitute for consultation with professional legal, insurance, or other competent advice.

Acknowledgement

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