

METHAMPHETAMINE CONTAMINATION

WHAT DOES METHAMPHETAMINE CONTAMINATION REALLY MEAN?

From our experience guiding clients through the 'house buying' process, we know that methamphetamine contaminated houses can impose stress, uncertainty and even severe health risks. We help home buyers navigate this challenge to find a safe and healthy home.

In New Zealand a house with 15+ micrograms of methamphetamine per 100cm² of surface area is considered contaminated. This meaning that any house that has had methamphetamine used or manufactured on the property, resulting in the above measurements of toxicity is considered to be contaminated.

It is impossible to determine whether a house has been used for manufacture or personal drug use based solely on the level of methamphetamine found. Reassuringly however, from a health perspective it is immaterial whether a house has been used for drug use or manufacture if the level of methamphetamine found is low.

It is also important to note that If you are a landlord, you are obligated to be aware of whether your property is contaminated, and if it is, you are further obligated to remedy that.

WHAT SHOULD I KNOW ABOUT METHAMPHETAMINE?

Methamphetamine is an illegal class A drug in New Zealand. They can be either manufactured domestically or imported. The social harm related to its use and addiction are well known. Increasingly methamphetamine is becoming known for its impact on New Zealand's housing stock, and the associated health and financial risks posed to home buyers and landlords.

Manufacture of methamphetamine typically poses greater health risks to homes than use of the drug. This is because additional dangerous and toxic chemicals involved in the manufacturing process can cause short-term and lasting health problems. These chemicals become airborne and settle around the home.

According to the Methamphetamine Contamination in Residential Properties: Exposures, Risk Levels, and Interpretation of Standards Report, released in May 2018 by the Office of The Prime Minister's Chief Science Advisor, varnished surfaces collect high levels of methamphetamine.

This report notes that it is safe to live in a house that has less than 15 micrograms per 100cm² of surface, and it is unlikely you will suffer from any adverse health effects from that level of contamination.

The report's author, Sir Peter Gluckman, observes that people are at greater risk from mold in homes than from methamphetamine contamination.

The report could not confirm any health risks to third hand exposure (via household contamination), but the following health risks have previously been reported:

- Shortness of breath
- Chest pain
- Chemical burns
- Lack of coordination
- Dizziness
- Headaches
- Skin irritation
- Increased chances of cancer
- Neurological damage

WHAT CAN YOU DO TO PROTECT YOURSELF?

A 'Meth Test'

If you suspect your potential home may be contaminated by methamphetamine, you can do your own testing. There are multiple ways to test your potential home for methamphetamine; including home testing kits. The two most common and effective tests are a swab test or a surface test. You can also engage a range of professionals who will undertake the testing for you.

Land Information Memorandum ('LIM Report')

This is a report created by your local council, which can include relevant provided by the Police It is important to remember that the council is not always aware of the information.

Sale and Purchase Agreement

A standard Sale and Purchase Agreement can afford home buyers important protections in the form of warranties or promises included in the document. You can also speak with your lawyer about adding additional safeguards, such as making settlement conditional receipt of a satisfactory methamphetamine testing report. You can also require the seller of the house to promise that the property is not contaminated by methamphetamine. This can provide you with additional avenues of redress should something go wrong.

As a minimum, you can do some research of your own. Firstly, you can ask the real estate agent. The agent is legally obliged to tell you if the house is contaminated – if they are aware You can also ask the seller of the house (*typically through the real estate agent*). This can be most effectively done by asking about the property's history; such as whether it has been rented, or whether any renovations have been carried out.

AS A LANDLORD, WHAT AM I OBLIGATED TO DO?

According to the Police, 75% of methamphetamine laboratories are in rental properties. The Residential Tenancies Act requires landlords to provide a clean and habitable property. It also imposes an obligation on tenants, precluding the tenant from using the property for unlawful purposes – which includes the manufacture and use of methamphetamine.

It is the landlord's responsibility to ensure the house is not contaminated by methamphetamine, and if it is, it is also the landlord's responsibility to decontaminate the house. It is important to note that often decontamination is not covered in your insurance policy. It is advisable to ensure your policy covers this. Decontaminating a house can be expensive, and time consuming.

The following steps can reduce the risk of having a contaminated rental property:

- Inspect the property regularly, looking for sign of contamination. You can also test the property regularly for meth contamination.
- Ensure that your residential tenancy agreement prohibits illegal drug use or manufacture on your property.



CONTACT US

T 09 537 1600

F 09 537 1603

E info@gmllawyers.co.nz

ADDRESS

26D Aviemore Drive
Highland Park
Manukau 2010
New Zealand

POSTAL ADDRESS

PO Box 82024
Highland Park
Manukau 2143
DX EP82009

www.gmllawyers.co.nz