

## Methamphetamine (P) and Housing New Zealand Corporation tenancies

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## 1.0 Policy

Housing New Zealand Corporation (the Corporation) is a responsible landlord and works to protect the safety of its staff, tenants and contractors. The Corporation has sought advice from experts within public health, local councils, Legal, New Zealand Police (Police), and the scientific community about the potential concerns regarding the manufacture of methamphetamine in terms of health risks.

New Zealand Law classifies methamphetamine as a Class A controlled drug - a drug that poses a very high risk of harm - under the Misuse of Drugs Act 1975, with increased penalties for offenders importing, manufacturing and distributing the drug.

Methamphetamine (P) is highly addictive and abuse can lead to memory loss, aggressive behaviour, violence, psychotic and paranoid behaviour, and potential cardiac and neurological damage.

In addition to the dangers of P abuse, the manufacturing process presents its own hazards. The production of P requires the use of hazardous chemicals *which commonly include pseudoephedrine, iodine, acetone, lead, and mercury*. The chemicals used are *toxic to human health*, corrosive (acids), explosive, flammable (solvents) and *eco-toxic to the environment*. Manufacturers of P often have limited knowledge of the chemical hazards and little concern for public safety or the environment. A significant health and environmental risk is posed by acidic and potentially flammable fumes and waste chemical by-products produced during the cooking process. Similarly, the clandestine nature of the cooking process, often in confined and poorly ventilated spaces, combined with the illegal dumping of chemical wastes down kitchen sinks, toilets and storm water drains, all contribute to a potentially hazardous contaminated site. Based on overseas experiences, the risk of a clan lab fire or explosion is high.

The risks of adverse health effects resulting from chemical exposure depend on the chemical itself, the concentration and quantity and the route and duration of exposure. Chemicals may enter the body by being breathed, eaten, injected or absorbed through the skin. *Severe exposure to P laboratory chemicals can cause shortness of breath, coughing, chest pain, dizziness, lack of coordination, chemical irritation such as burns to skin, eyes, nose and mouth and chemical asphyxiation. Acute exposures commonly occur in non-drug users during or immediately after 'cooking' takes place. Less severe exposures can result in headaches, nausea, dizziness and fatigue or lethargy. These exposures have been known to occur in people who are exposed to active labs, particularly those who have entered the lab before the site has been cleaned or ventilated.*

Due to *known health and safety risks and the Corporation's responsibility under the Health and Safety in Employment Act 1992 to take all practicable steps to make sure that employees are kept safe*, it is Corporation policy that no Corporation staff enter a property that is suspected as being used for the manufacture of P until deemed safe to do so by experts.

The Corporation, as a responsible landlord and community participant, has a zero-tolerance stance toward manufacture and use of the drug P and to tenants who are involved with it.

The Corporation will seek to recover any costs associated with the clean up and repair of property from its tenants and may also refuse to house those tenants in future. A decision to house any applicant with a known history of manufacturing P will be at the discretion of the regional manager and is to be an exception rather than the rule. Where regional manager approval is given the tenancy *must* be intensively managed.

## 2.0 Purpose and scope

The purpose of this procedure is to provide Corporation staff with a clear process where there is a suspicion or confirmation that a Corporation tenancy is being used to manufacture the drug P.

This procedure applies to all tenancies managed by the Corporation.

## 3.0 Definitions

**Bust** – a Police raid on a property where there is cause for suspicion of illegal activity.

**Clan lab** – a clandestine laboratory set up to illegally produce drugs, commonly P. The size of clan labs varies and portable labs have been found in vehicles.

**Cleansing Order** – issued under Section 41 of the Health Act 1956 by a local authority. A Cleansing Order is issued if a local authority believes that the cleansing of any premises is necessary to prevent a danger to health or to render premises fit for occupation. The order is served on the owner or occupier of the premises.

**Closing Order** – issued under Section 42 of the Health Act 1956 by a medical officer of Health or engineer of a local authority. A Closing Order is issued if the authority believes a property to be unfit for habitation and work to be done is not completed by the date specified. The property cannot be occupied until a Closing Order is lifted.

**Declaration of Hazardous Substances Emergency** – issued under Section 136 and 137 of the Hazardous Substances and New Organisms (HSNO) Act 1996 by a warranted district hazardous substances officer of a local authority. A Declaration of Hazardous Substances Emergency is issued if the authority believes the immediate removal of goods and/or substances are paramount to the health and safety of the general public.

**Environmental Science and Research Ltd (ESR)** – a crown entity owned by the New Zealand Government. ESR is New Zealand's leading provider of scientific services in environmental health and forensic science. They deliver consulting, analytical and research services to meet the needs of government, industry and the public. The forensic division has expertise in forensic biology (DNA), illicit drugs, toxicology, and all aspects of crime scene investigation, including fire forensics.

**Methamphetamine (P)** – also known as 'crank', 'speed', 'go', 'goey', 'point' - is a white, odourless, bitter tasting, soluble crystalline powder. When smoked, snorted, injected or orally ingested, this controlled drug stimulates the central nervous system. P, crystal meth, or ICE are the most common forms abused in New Zealand. P can vary from white and crystalline to brown and sticky but is most commonly seen as an off-white to pale yellow/brown crystalline powder. P is usually smoked.

## 4.0 References

### Procedures

	Tenancy and property assessments and inspections	T-105
	Damage	T-106
3	Mediation/Tenancy Tribunal	T-109
	Records retention and disposal	R-105

### Forms

Nil

### Standard letters

	Advice to evacuate tenancy – possible chemical contamination	05-100
	<i>Property and tenancy inspection – 48 hours notice</i>	05-010

### Legislation

	Misuse of Drugs Act 1975
	Health Act 1956
3	Hazardous Substances and New Organisms (HSNO) Act 1996
	Residential Tenancies Act 1986
3	Health and Safety in Employment Act 1992
	Fire Service Act 1975

### Rental job aid cards

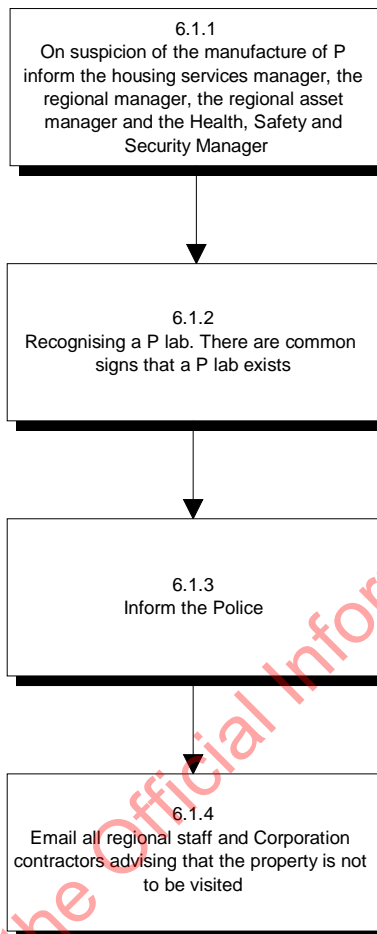
	<i>Offers and letting details</i>	AOF
	<i>Risk indicator register</i>	RIR
	<i>Record tenant comments</i>	TNC
	<i>Maintain current/vacated tenant details</i>	TNT
	<i>Maintain unit details</i>	UND

### Government approved codes of practice and guidelines

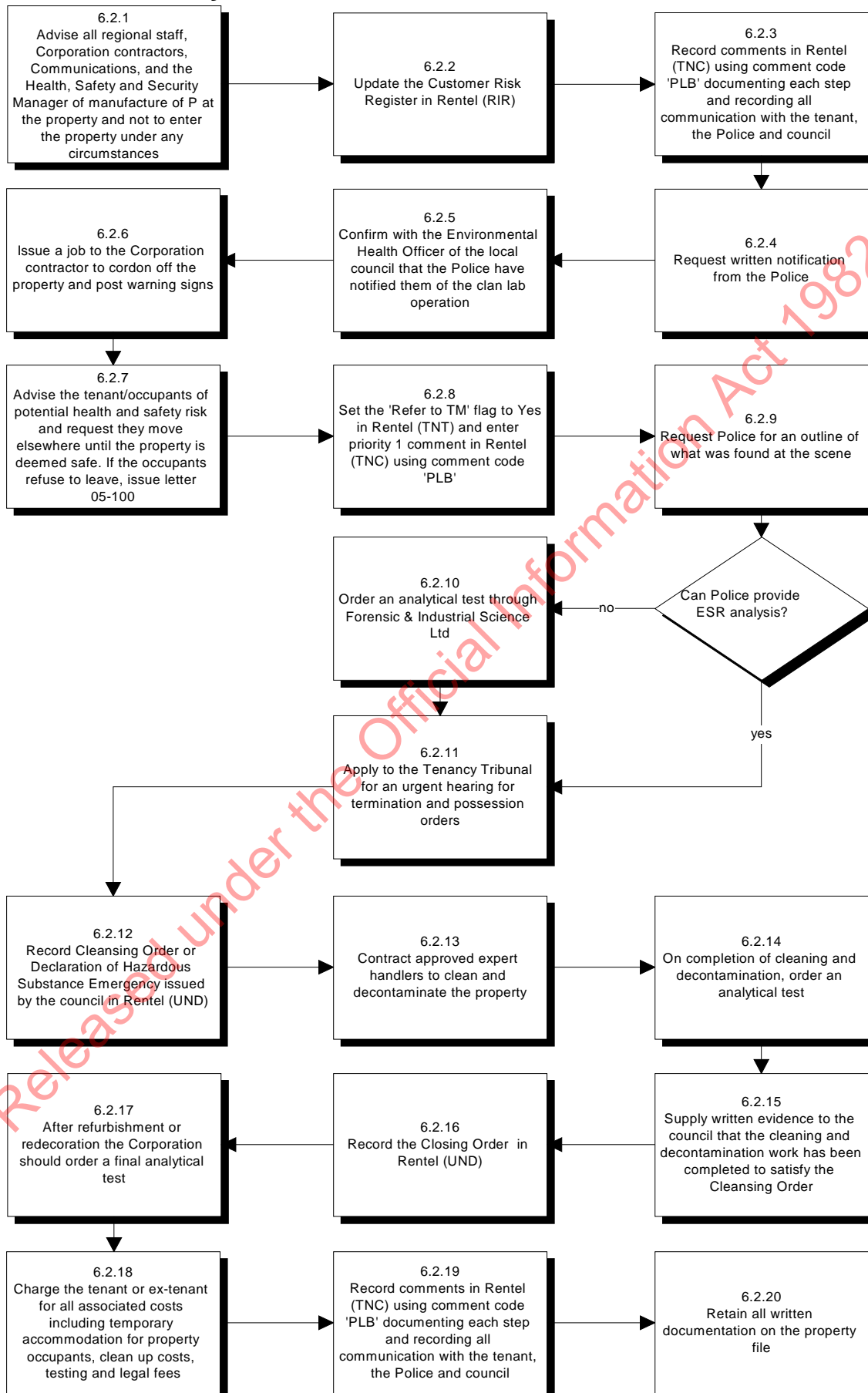
*Guidelines for the Remediation of Clandestine Methamphetamine Laboratory Sites (Ministry of Health)*

## 5.0 Process

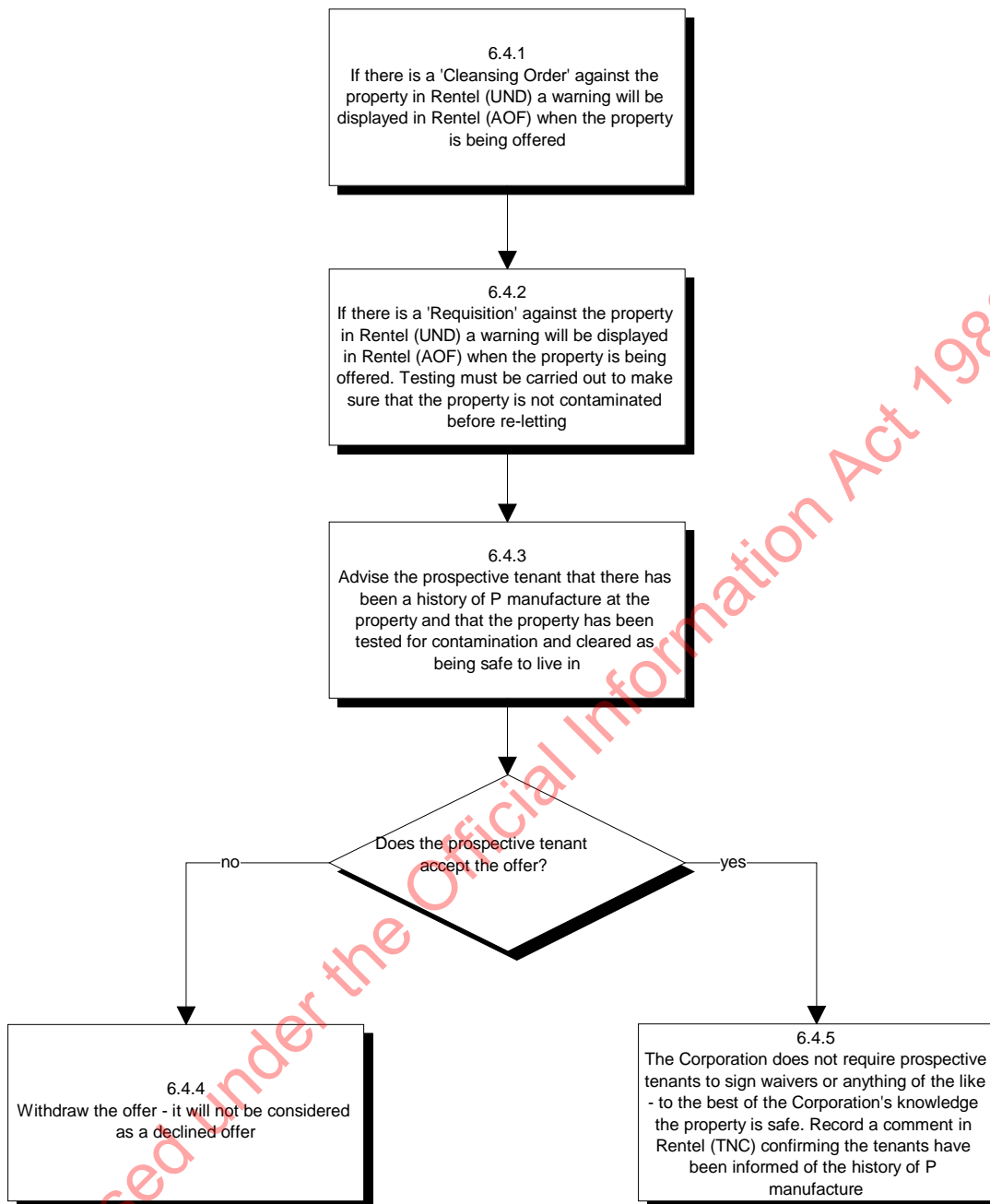
### 5.1 Dealing with a tenant/tenancy where there is suspicion of manufacture of P



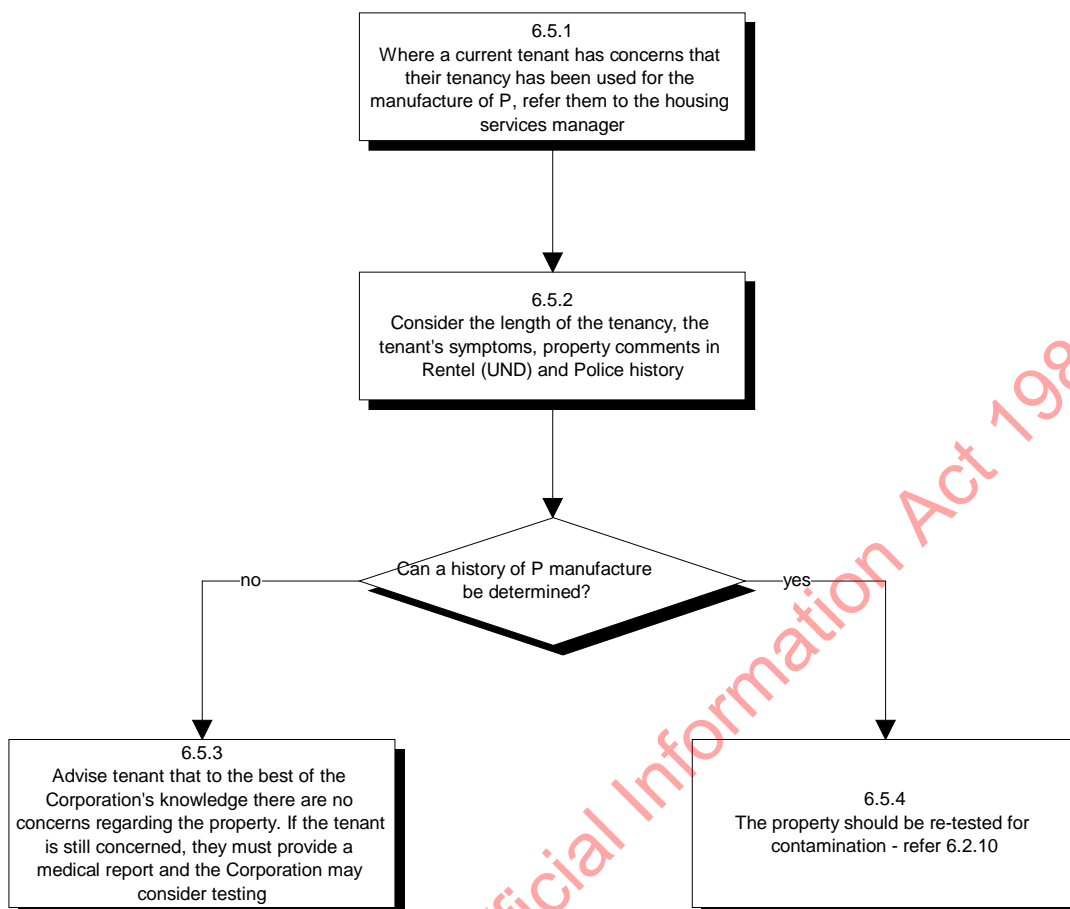
## 5.2 Dealing with a tenant/tenancy when manufacture of P is confirmed by the Police



## 5.4 Letting vacant property where P was known to be manufactured



## 5.5 Dealing with current tenant concern regarding manufacture of P





## 6.0 Responsibilities and actions

### 6.1 Dealing with a tenant/tenancy where there is suspicion of manufacture of P

6.1.1 Where there is any suspicion of P manufacture, whether through a property visit or by way of third party information, the housing services manager, the regional manager, the regional asset manager *and* the Health, Safety *and* Security Manager must be advised immediately.

**all Corporation staff**

6.1.2 *Recognising a P lab. Common signs that a P lab exists include:*

- *strange chemical smells*
- *fumes/vapour escaping from windows or ventilators*
- *unusual reddish staining to surfaces, walls and ceilings*
- *windows covered/sealed day and night*
- *discarded drums, containers, pill packaging, used stained coffee filters*
- *laboratory equipment*
- *collective presence of chemicals, solvents or acids*
- *indications of chemical waste dumping*
- *unusual activity at unusual times*
- *premises being used for purposes other than normal (for example garage not housing vehicles).*

**all Corporation staff**

6.1.3 The Police must be informed immediately of any suspicions regarding the manufacture of P. Corporation staff are not to undertake any action based on a suspicion of P manufacture.

**housing services manager**

6.1.4 An email is to be sent to all regional staff and Corporation contractors advising that the property is not to be visited until *the Corporation has* information confirming, or otherwise, the manufacture of P - refer 6.2.1.

**housing services manager**

### 6.2 Dealing with a tenant/tenancy when manufacture of P is confirmed by the Police

6.2.1 On confirmation that the Police has cause for suspicion, or following a Police 'bust' concerning the manufacture of P at a specific property, an email advising that there is cause for concern regarding the manufacture of P at the property and advice not to enter the property under any circumstances must be sent to:

- all Corporation regional staff
- the Corporation's regional contractor
- Communications
- the Health, Safety *and* Security Manager

**housing services manager**

- 6.2.2 *The Customer Risk Register must be updated in Rentel (RIR) with the tenant details.*  
**tenancy manager (or equivalent)/housing services manager**
- 6.2.3 Comments must be recorded in Rentel (TNC) *using comment code 'PLB'* documenting each step as and when it happens and include a record of all communication with the tenant, the Police and council.  
**tenancy manager (or equivalent)/housing services manager/regional asset manager**
- 6.2.4 A request must be made to the Police to provide written notification stating why they busted the house and what they found to confirm suspicion regarding the manufacture of P as soon as practically possible. Note that the Police may only be able to release indicative information as analysis to the 'proof' stage could take several weeks.  
**housing services manager**
- 6.2.5 The Environmental Health Officer for the local council must be contacted to seek confirmation of the Police notification that a clan lab has been in operation.  
**housing services manager/regional asset manager**
- 6.2.6 Following a 'bust', or on the receipt of a council Cleansing Order, a job must be issued to a Corporation contractor to cordon off the exterior property and post warning signs at entry points, for example, driveways or gateways *to make sure that employee, contractor and public health and safety is maintained.* The Police may place a contamination warning sticker on the property *and post HSNO signage to advise other agencies of known classes of hazardous substances in accordance with the HSNO Act 1996 and the Fire Service Act 1975.*  
**tenancy manager (or equivalent)/maintenance account manager**
- 6.2.7 The tenant and/or other occupants must be advised of the potential health and safety risks and requested that they make arrangements to move elsewhere until the property is deemed safe. Consideration must be given to the relationship between the occupants of the property and the crime, for example some offenders or those who use the drug P may present a risk to staff. If occupants refuse to leave, they must be issued standard letter 'Advice to evacuate tenancy – possible chemical contamination' (05-100) advising them of the health and safety issues and that if they choose to stay, they do so at their own risk. *The Environmental Health Officer from the local council can assist by issuing an enforcement notice under the Health Act 1956 by deeming the house as unfit to live in.*  
**housing services manager**
- 6.2.8 The 'Refer to TM' field must be set to 'Yes' in Rentel (TNT) and a priority 1 comment must be entered in Rentel (TNC) *using comment code 'PLB'* to the effect that the property has been used for the manufacture of P and advising National Contact Centre staff to refer all enquiries from the tenant directly to the tenancy manager (or equivalent).  
**tenancy manager (or equivalent)**
- 6.2.9 A request must be made to the Police for an outline of what was found at the scene. The analysis of what was found at the scene is not designed to prove contamination levels but to provide some insight to the contaminants involved and potential risk to adjoining property. This information is required within two days. If the officer in charge is not known this enquiry can be made to the National Manager – Clan Labs, Harlech House, Otahuhu on (09) 259 0600.  
**housing services manager**

6.2.10 If the Police are unable to provide information from Environmental Science and Research Ltd (ESR) analytical testing to determine the decontamination and cleaning required, an analytical test must be ordered through a laboratory with IANZ/ISO17025 accreditation. The Corporation's preferred provider is Forensic & Industrial Science Ltd. They can go anywhere in the country to assess and test a property where P has been manufactured. *Issuing standard letter 'Property and tenancy inspection – 48 hours notice' (05-010)* may be necessary to gain access to the property for the purpose of testing.

Note:

*The Ministry of Health 'Guidelines for the Remediation of Clandestine Methamphetamine Laboratory Sites' set out New Zealand exposure standards and should be used as a guide in determining how contaminated a property is. If the test determines the level of contamination is to such an extent that it would be uneconomical to take any course of action other than demolishing the property, refer 'Demolition of property that is uneconomical to decontaminate and repair' (6.8).*

**housing services manager**

6.2.11 If the manufacture of P is confirmed, an application must be made to the Tenancy Tribunal for an urgent hearing to terminate and take possession of the property – refer 'Mediation/Tenancy Tribunal' (T-109). This application must be made under section 55 (1) (b) and 56 (1) (c) on the basis that the premises were used for the manufacture of P and therefore breached section 40 (2) (a) and (b), and it results in substantial damage and costs to the landlord. The housing services manager may contact the Corporation's Legal team if assistance is required with this application. *Under the Residential Tenancies Act 1986 the Corporation may proceed with legal action to seek reimbursement of damage costs in the instance of property damage relating to P manufacture.*

**tenancy manager (or equivalent)/housing services manager**

6.2.12 A record of any Cleansing Order or Declaration of Hazardous Substances Emergency issued to the Corporation by the local council must be created in the 'P Lab Details' section of 'SP' tab in Rentel (UND). *The name of the council and the date must be entered and 'Cleansing Order' selected. This will automatically insert the following text in the 'Comment' field:*

- Cleansing order issued by <Name> Council DD/MM/YYYY in regard to contamination from 'P' lab in property.

**regional asset manager**

6.2.13 Only experts qualified in dealing with hazardous substances and *those qualified as HSNO approved handlers* defined by the (HSNO) Act 1996 can be contracted to clean and decontaminate property to satisfy council *Cleansing Orders*. The Corporation's preferred suppliers are one of the following companies:

- Enviroclean & Restoration, Nationwide 0800 744 272
- Chemwaste Industries
  - Onehunga, Auckland (09) 634 6198
  - Seaview, Wellington (04) 568 3784
  - Woolston, Christchurch, (03) 384 5435
- Nuplex Environmental, East Tamaki, Auckland (09) 274 7963

**housing services manager/regional asset manager**

6.2.14 On completion of cleaning and decontamination the Corporation must secure an analytical test through a laboratory with IANZ/ISO17025 accreditation - refer 6.2. 10 and written confirmation that to the best of current technology, the property is safe enough for the Corporation to begin work to bring the property to a re-lettable standard.

**housing services manager**

6.2.15 The council must be supplied written evidence that the cleaning and decontamination work has been completed to a standard satisfying the Cleansing Order.

**housing services manager/regional asset manager**

6.2.16 A record of the *Closing Order* issued to the Corporation by the local council must be created in the 'P Lab Details' section of the 'SP' tab in Rentel (UND). *The name of the council and the date must be entered and 'Requisition' selected. This will automatically insert the following text in the 'Comment' field:*

- Requisition against property removed DD/MM/YYYY by <Name> Council.

**regional asset manager**

6.2.17 Following any refurbishment or redecoration of the property, the Corporation *should* request a final analytical test through a laboratory with IANZ/ISO17025 accreditation - refer 6.2. 10 to make sure there is no residual contamination if the test following cleaning and decontamination allowed for minor, residual contamination.

**housing services manager**

6.2.18 The tenant, or ex-tenant is to be charged with all associated costs such as temporary accommodation costs for property occupants, clean up costs, testing and legal fees – refer 'Damage' (T-106). Recovery of these costs will be sought through the Tenancy Tribunal for claims under \$12,000 (*before 1 October 2010*) \$50,000 for claims after *that date* and the District Court for claims above \$50,000.

**tenancy manager (or equivalent)/housing services manager**

6.2.19 Comments must be recorded in Rentel (TNC) *using comment code 'PLB'* documenting each step as and when it happens and include a record of all communication with the tenant, the Police and council.

**tenancy manager (or equivalent)/housing services manager/regional asset manager**

6.2.20 All written documentation is to be retained on the property file.

**tenancy manager (or equivalent)/housing services manager/regional asset manager**

### **6.3 Dealing with home lease properties (HLP) where the Police have confirmed the manufacture of P**

6.3.1 All issues relating to HLP properties and tenants are to be resolved as per 'Dealing with a tenant/tenancy when manufacture of P is confirmed by the Police' (6.2).

**housing services manager**

6.3.2 The property owner must be informed of the situation at the earliest possible convenience and be kept informed of progress as appropriate. On completion of decontamination and the property being returned to a fit state to re-let, the owner must be provided with a copy of the council *Closing Order*.

**regional asset manager**

## 6.4 Letting vacant property where P was known to be manufactured

6.4.1 *If there is a 'Cleansing Order' against the property in Rentel (UND), a warning 'P Lab Property, Requisition order against property not recorded in UND' will be displayed in Rentel (AOF) when the property is being offered. An error 'Cannot set Offer Status to 'OFA' until the UND Requisition flag is checked' appears if the 'Offer Status' is set to offer accepted 'OFA'.*

**needs assessor/tenancy manager (or equivalent)**

6.4.2 *If there is a 'Requisition' against the property in Rentel (UND), a warning 'Ex P Lab property – please advise applicant of property history. See UND details' will be displayed in Rentel (AOF) when the property is being offered. As a responsible landlord, and to mitigate the risk of harm to prospective tenants and prospective tenants hearing about the history of the property from neighbours or other parties, the Corporation must carry out testing to make sure that the property is not contaminated before re-letting the property.*

**needs assessor/tenancy manager (or equivalent)/housing services manager**

6.4.3 *The Corporation will inform prospective tenants verbally at the time of offer that there has been a history of P manufacture within the property and that the property has been tested for contamination and cleared as being safe to live in.*

Prospective tenants must be advised:

- that to the best of the Corporation's knowledge the property is safe
- it complies with a council *Cleansing Order* and the property was cleaned by an approved specialist
- if they want to see the compliance certificate, ask the Corporation *and a copy will be provided*
- if they want to confirm the property is safe with an independent agency they can contact the council.

**needs assessor/tenancy manager (or equivalent)**

6.4.4 *If the prospective tenant chooses not to accept the property due to concerns over the effect on their health or the health of their family then the offer must be withdrawn. It will not be considered as a declined offer.*

**needs assessor/tenancy manager (or equivalent)**

6.4.5 *If the offer is accepted, the Corporation does not require prospective tenants to sign waivers or anything of the like to say they understand the property has been used as a P lab and absolve the Corporation of any responsibilities. As far as the Corporation is concerned and to the best of its knowledge the property is safe. A comment must be recorded in Rentel (TNC) to confirm the tenants have been informed that there has been a history of P manufacture within the property.*

**needs assessor/tenancy manager (or equivalent)**

## 6.5 Dealing with current tenant concern regarding manufacture of P

6.5.1 Where a current tenant has concerns that their tenancy has been used in the past for the manufacture of P the tenant must be referred to the housing services manager.  
**all Corporation staff**

6.5.2 The following must be considered:

- the length of the tenancy
- the symptoms the tenant is complaining of
- is there any recorded P manufacture history in Rentel (UND)?
- can the Police confirm any history of manufacture from their records?

**housing services manager**

6.5.3 If the Police cannot confirm a history of manufacture, and there is no record in Rentel that a Cleansing Order was issued by council, then the tenant must be advised that to the best of the Corporation's knowledge there are no concerns regarding this property. If tenant is still concerned, they must provide a medical report. Pending the findings in the medical report the Corporation may consider testing.

**housing services manager**

6.5.4 If there is confirmation that the property has a history of manufacture, the Corporation *should re-test* the property for contamination. Testing for toxic substances must be carried out by a laboratory with IANZ/ISO17025 accreditation - refer 6.2.10 and written confirmation that to the best of current technology, the property is safe must be provided. Testing of property to mitigate tenant concerns must be approved by the regional manager and be paid for from the regional budget. Rentel (UND) must be updated – refer 6.2.12.

**regional manager**

## 6.6 Dealing with a tenant who has a known history for the manufacture of P

6.6.1 The decision to house any applicant with a known history of the manufacture of P is at the regional manager's discretion only.

**regional manager**

6.6.2 In situations where an applicant has a known history of manufacture of P and is housed in a Corporation's tenancy there must be intensive tenancy management. The tenancy is to be inspected at least every six weeks from the tenancy start date for the first 12 months of the tenancy and then quarterly for the length of the tenancy – refer 'Tenancy and property assessments and inspections' (T-105).

**tenancy manager (or equivalent)**

## 6.7 Releasing information regarding sale and/or purchase of property known to be a former P lab

6.7.1 All information requests must be directed to the Corporation's Communications Marketing Director.

**all Corporation staff**

## 6.8 Demolition of property that is uneconomical to decontaminate and repair

6.8.1 An analytical test, secured as per 6.2.10, that determines the level of contamination to the extent *that it exceeds the Ministry of Health 'Guidelines for the Remediation of Clandestine Methamphetamine Laboratory Sites'* and would appear to be uneconomical to take any course of action other than demolishing a property must be referred to the regional manager and regional asset manager.

**housing services manager**

6.8.2 A submission for demolition must be made to the General Manager Assets.

**regional manager**

6.8.3 On approval of demolition by the General Manager Assets, a written request for advice on procedure to carry out demolition and disposal of contaminated material must be made to the warranted district hazardous substances officer of the local authority. The Corporation is best to seek written procedures to follow in these cases and retain this documentation on file.

**housing services manager**

6.8.4 Specialist demolition and hazardous waste experts may need to be contracted if required by the local authority. The local authority will know who to recommend in which case arrangements must be made to contract them.

**housing services manager**

6.8.5 Corporation contractors may carry out the demolition work providing they have a set procedure to follow in relation to the disposal of hazardous material *in accordance with local council by-laws. The contractor must have a health and safety plan in place for the protection of its employees for the demolition work. This plan should be approved by the contract manager and the Health, Safety and Security team.*

**housing services manager/contract manager/Health, Safety and Security team**

## 6.9 Training

6.9.1 *All Corporation staff are offered P lab training through Methcon. This training helps to improve staff awareness around the hazards associated with the manufacture of P in the Corporation's properties. The Corporation use Methcon to deliver training to frontline staff. For further information contact the Health, Safety and Security team.*

**Health, Safety and Security team**

## 7.0 Records

Retain all records within the Corporation's records system - refer 'Records retention and disposal' (R-105).

## 8.0 Issue control

Peter McKenna CDQG Chair	Issue 3	Changes pages 1-16	07/03/2011
Peter McKenna OSQG Chair	Issue 2	Changes pages 1-15	03/03/2009
Ian Bourke OSQG Chair	Issue 1	Issued for use	01/12/2004

Released under the Official Information Act 1982