



Minutes from the Christchurch Housing Forum

Wednesday May 4th

Present: MSkinner, Julie Wheelans Horncastle Property Management; Hohn Blanchard; Nerida Gaeth, Stephen East, Helen Blanchard Canterbury Property Investors Assoc; Terry Wilson, Darryl Freeman HNZC; Glen Livingstone City Councillor; Jill Hawkey, Andrea Goodman ChCh Methodist Mission; Angela Collins, Nicola Fleming, Kirsten Ward Darroch Ltd; Verity Tasker Pillars; Dawn Clark Presbyterian Support; Tony McCahn Delta Community Support Trust; Bruce Irvine, Kyle Johnson NZ Fire Service; Ali Woodruff, Julie Whitla MHAPS; Richard Tankersley Human Rights Commission; Michael Flanagan IDS; Trudi Morris, Emily Dunstall Waipuna; Helen Ross Pathways Trust; BJ Clark CCS Disability Action; Gray Crawford City Mission; Jan Rogers Anglican Care Community Development; Valerie McDonald, Marlyn Gibb, Marian Pavletch CHHB Social Work; Jess Newcombe K2 Environment; Lloyd Mander, Alex Skinner, Pam Sharpe, Stephen Phillips Otautahi Community Housing Trust; Les Fiebig Office of Megan Woods; Donna McAleen Rowley Resource Centre; Glen Conway HNZC; Adrienne Keir Beneficiary Advisory Service; Tony Dawson CCC; Nadia Churchward & Anita Walter Single Women as Parents; Annie Smith ChCh Methodist Mission; Claire Wilson CPIA; Heidi Hurrell MBIE; Karyn Agar, Raewyn Pope, Sarah Seaford CETAS; Daniel Hau Pegasus Health; Amanda Foo Comcare; Rebecca Kime MBIE; Karen de Lore Comcare; Leonie Stephen tenant; Simon Atkinson; Naeja Grabner-thornkey, Bridget Lange MBIE; Joanna Corbett, Erin O'Brien, Stephen Firth, Jenny Townsend, Jo Prejza, CCC.

Apologies: NZ Police

Facilitated by: Lisa Coulter

Opened by: Richard Tankersley,

Presenters: Nigel Grant – Team Leader Compliance Christchurch City Council Environment Team; David Orchard K2 Environment Ltd; Mark Thomas NZ Fire Service; Andrew Booker HNZC; Pat Bowden Real Estate Agent – Harcourts.

Definitions: “P” – Methamphetamine; **Labs/Clan Labs** Clandestine Laboratory – manufacturing methamphetamine.

Lisa welcomed everyone to the forum. Apologies for Helen Gatonyi - invited Richard Tankersley to open the meeting. Lisa introduced the presenters and set the agenda as an interactive discussion around the manufacture and use of methamphetamine “P” and the contamination of housing. Police apologies - unable to attend but any questions can go back to them they will distribute to the forum with the minutes.

Nigel Grant Team Leader CCC Environment Team

Asked to provide an overview to the forum and also here to hear discussion.

- From City Council and Govt regulations there are clear protocols around “clan labs”. They are typically discovered by police who notify Council and ECAN
- If contamination is a risk to land - may go on LIM.
- Ministry of Health have clear protocols - set levels for some of the chemicals used in manufacture there are also a wide range of other chemicals – mercury solvents etc.
- Standards set out in the Health Act. – Cleansing and Closing orders if necessary to remove people while cleaning up.
- Set levels for contamination can be taken down typically that involves triple washing and disposal of soft furnishings & coverings.
- In North some houses demolished - can be quite significant. Clear process with notification and protocols.

In terms of use in house – situation not as clear:

- no set format with notification
- concerns property may end up on LIM that is not necessarily the case, LIM applies to laboratory situation not in the use of meth.
- Clear that use within property can result in contamination of the property above the levels set down by the Ministry of Health. In those situations the expectation is to get advice and clean so not putting tenants at risk.

Message: - clear protocols about labs – understanding of risk. P-use is a developing area – enquiries are shooting up. Every Local authority same approach – each deal slightly differently – clear protocol principles set out under Health Act - Health Act main Act to cover in this area.

Mark Thomas – Fire Service

Fire Service hear of Clan Labs more from three directions:

1. Called to an emergency – this is the worst situation sending staff into – no indication what is present – normal protections does not protect staff this can be dangerous.
2. Call from public 25% calls only for fires 75% variety. Some calls about smell. Some sewage, some rot, or smell from neighbouring property. The chief fire officer on scene makes decisions around hazardous substances – in emergency Fire Service Act gives officer authority to enter the building without warrant or without permission of the owner or occupier.
3. If considered serious – almost guarantee we will request the police be on hand. Police have powers under Hazard Substances, Misuse of Drugs and Crimes Acts these are higher than Fire Service which will take second position. Fire service would help with backup sets breathing protective clothing and do the decontamination.

If Fire Service arrive at the scene that has the substance involved they have the facility and ability to make the sure their people are protected as much as possible depending of level of risk– from normal protective gear to top protective gear. However if we get to that stage Fire Service are involved in decontamination as well – after incident people need to be decontaminated and the material on them. (Shower that just about takes your skin off).

Fire Service decontaminates everyone (including meth cooks etc.) For their own good and anyone else they may touch. Most of the time at clan lab – Fire Service will be there with police – we are aware that some people they are dealing with will not be in a rational mood (may be awake for up to four days). They make silly decisions because of their irrational state of mind. Not dealing with people in most sensible of space.

If you feel you have an emergency of any kind – please do not hesitate to call they will do everything they can to make sure the emergency will be attended to. It is our job to be reactive.

Facilitator comment: Sometime we tend to forget that apart from fires and accidents, fire service are available for all sorts of emergencies – no silly questions – nothing is too minor to bother the fire services. You may not be the only one who has brought the property to the attention of the fire service.

David Orchard & Jess Newcombe K2 environment – testing process and what that involves.

K2 role is to quantify and identify how much contamination inside a property. Contracted by both private individuals/landlords and government landlords to test levels and to identify and quantify chemicals used in contamination. How much contamination in property all other impurities not just meth.

In both production and use there are heavy metals, solvents and other toxins that have incredibly long names. The procedure to sample and identify - where to sample – off to lab and generate a report on remediation advice to get levels back to safe levels determined by the Ministry of Health We provide remediation advice – it can cost up to \$100,000 to remediate a contaminated property, sometimes requiring it to be completely destroyed depending on the level of contamination. .

Main issues:

- We mainly work in residential sector – checking where production or use is suspected.
- meth is an incredibly stable compound it is a salt – it stays on surface for ever.
- all compounds in combustion of smoking can invade into any porous medium – any soft porous medium, carpets, doors soft furnishings.
- Properties may need to be stripped out and then if walls contaminated – triple wash or cut them out.

- K2 mainly contracted in by private people or HNZC or Regional Councils –been involved at ground level and have worked up in developing type industry.
- Issues health safety of tenant’s contractors and tenancy advisors – sometimes you can come out of building with head spinning advise on protective material to wear.
- Health effects respiratory diseases skin ailments even slight exposure. Chronic exposure limit (MOH) (exposed 24/7) is low because elderly and children living in areas - low level Health Dept’s role to protect vulnerable people living there.
- Meth testing is not just health and wellbeing of those in house but people entering.

Questions:

Q: What are the costs?

A: Price point varies – you can buy off shelf meth testing. (We have done side- by-side trials the detection limit higher than Health guidelines and they vary). Tests indicative but would not hold up in law. Presence absence costs around \$300 or swab whole premises quantify each room how much and what remediation – approx. \$1,000.

Q: Do you test one room – should you test whole house?

A: Communicate with client to make sure what client wants – strong recommendations and beliefs. Clear give away - yellow ceiling.

Q: Who gets to hold the copy of report - the owner or occupant or person who calls you in?

A: Person who contracts us – report directly to them – out of our hands who it goes to. We do indicative then quantitative tests - remediation advice – then do a clearance type test \$500 at the end of the remediation.

Q: Reports – guidelines minimum maximum – can lay person understand the report? Something that can be clearly understood – is there a similarity among various testers?

A: We have not seen others tests – K2 reporting grown around HNZC reporting requirement – how they want things, they are the biggest player in market currently. We are developing our standards to meet their requirements. We have a simple summary page.

Q: Do K2 test and remediate?

A: K2 does not do remediation – independent from the premeditators. Independent do sampling provide recommendations guidelines – another party to the remediation’s then after we test clearance make sure remediation done properly.

Comment: Examples of testing and remediating – disparity in costs – remediation starts to snow.

K2: Agreement separate – otherwise we have a conflict of interest.

Clarification from the floor: additional cost afterwards – total both before and after. The cheaper test \$200/300 not comprehensive – concentration each room of house recommendation and

remediation advice go back in after remediation \$500. Therefore the costs could be round the \$2000 mark plus remediation.

A: Yes that could be the costs for that type of testing.

Clarification from the floor: Clan lab will be above safe levels. Are you saying consumption 2-3 times can have you above safe levels – one or two consumptions even a visitor in the house – can contaminate just a few times.

A: Yes that is correct. If you have visitors who consume in the garage for example – garage can show contamination over the safe levels.

Q: Suspicious place has not been remediated?

A: Obvious signs if it has been a lab – yellow on ceiling – bulbs out of sockets – smell etc. If user there are few signs and it is quite difficult to tell. It has quite a strong smell, the air quality not good and if your head starts spinning or you get a bad taste in your mouth. These could all be signs. However it is difficult to tell if it has only been used on property.

Q: Does city council have a responsibility or advising use of P in the house?

A: Although there are clear guidelines around manufacture there are not many regulations around the end user. No directions if someone unsafe in a house.

As the understanding grows mainly being pushed through HNZA and Councils, now property owners beginning to understand the extent of the problem. We are now seeing a second wave of testing.

Q: Is there a qualification for testers in the industry.

A: We currently use an IANZ accredited Lab. There is no qualification or accreditation standard yet but there may be in the legislation currently being developed.

Andrew Booker Housing New Zealand Corporation

Currently Acting General Manager Rebuild - last four months looking at meth issues.

3 financial years 28 houses contaminated in the 13/14 financial year 229. Up to December this financial year 279 looking at 600 this financial year. It's about \$14,000 on average across country. Testing for contamination costs \$6m per year.

We have become more proactive ensuring staff have training – relationships and communities telling us what is going on and we do testing on suspicion. Under Residential Tenancies Act we have no automatic right to test for contamination – this can cause some problems.

We have been to Tenancy Tribunal a number of times get access sometimes we are successful and sometimes not.

This is not about labs it's about use. Past has been around labs now all around use.

There are no NZ Standards about use. We are currently working toward putting a set of standards together for testing reporting.

Building code covers remediation. The Standards process approximately 15-18 months. NZ Standards have been under MBIE since first March – lots of process setting up standards – trying to speed process up.

Only guideline available is the MOH guidelines meth labs as a level – very very conservative level no literature worldwide talks about “p use” it is therefore difficult. 0.5 mg/100cm template on wall – swab 3 times – lab – results – meth lab standard.

Currently only testing we do as well. We do not use small off the shelf testing those give indication do not prove to be 100% reliable swab testing through accredited labs. There are only two accredited labs in New Zealand one is Hills one is Forensics as far as I understand in terms of analysis few companies who do testing such as K2.

Remediation: Triple washing – sugar soap washing wall down three times – hopefully when test it gone sometimes we have to triple wash 2-3 times.

At certain levels we cannot get clean therefore we have to strip it out. Example \$170,000 stripped out everything but framing. So this is big problem. Internationally no defined set levels: U.S. Australia some at .5; some 1, some at .15. Australia doesn't worry about use but focus on labs. NZ the problem is – imports finished goods - Department Prime Ministers and Cabinet have a yearly report available Meth Report released October last year. User numbers dropped costs remained same but still Customs getting lots more at borders (40 kilo finished product the other day).

\$100 to make kilo meth in NZ, \$5 to make in China/ Africa – cheaper to import than make. Police got very good with their intelligence. No one knows what the cocktail of meth is anymore – no idea what is being used particularly if finished product imported from overseas. Big problem - numbers increasing for us because we have a much better idea what we are looking for; however we still don't know what standard we trying to fix until we have guidelines.

If Tenants move into house and are suspicious – we will test on that suspicion as well.

Tenants found to have been using are evicted from tenancy they go on a register and cannot access a HNZA house for a year.

Q: Is there a register so future landlords can tell if tenants have lost tenancies because of P use?

A: Where tenants will come to the attention of future landlords – If there is an order of the Tenancy Tribunal – tenancy tribunal website – by address.

Another way is to request a reference and check it. – Not everything makes it way to the Tribunal. Stand down HNZA own policy – not public information.

Media estimates 47,000 users in NZ. Probably no one can put a picture on that. Talking about residential tenancies here but also P is used on private homes. It is difficult to get handle on users – residential tenancies more evident.

Q: Do Landlords have a right to 48 hrs notice to go and test property. Can you test while doing inspection?

A: Can inspect and do test if you have agreement but no right to do test on inspection. If you have it in tenancy agreement possibly but not on inspection.

Q: Are there moves to have more access for tests?

A: Yes I believe MBIE looking into that.

Q: In relation to making a case to the Tenancy Tribunal, does it make a difference what adjudicators are presented with?

A: Yes the more concrete evidence the better outcome, but there are also cases where that is not the case.

Q: Given that meth is such a stable compound when it is stripped taken out the material – how is it disposed of?

A: Currently treated as hazardous material treated same as asbestos HNZC use asbestos guidelines.

Q: Costs?

A: Costs a lot. Different councils have different tonnage rates not an insignificant amount money.

Q: Have you had success in recovering costs remediation from tenants?

A: Yes we have been successful in getting two orders recently – but actually getting it means taking tenants to tribunal – being able to prove contamination since they moved in. Minefield at the moment – not a small amount of money to test every time. Don't test every house every time test on suspicion.

Q: Two orders made against tenant – does that mean you have received the money or actually had the order?

A: (Lisa describes Order of Tribunal – states what is to happen but not necessarily how that will happen). Landlords may end up still seeking the money from the other party – Collections Unit from the Ministry of Justice – some taken off the benefit in weekly amounts. Different options in the Collections Unit based on other party to pay – order can see what is supposed to have happen but does not show compliance

Comment: HNZC will follow through the process of people who carried out illegal activities will be pursued as a matter of policy.

Comment: Lisa discusses the issues of permit guests to behave. P Use connecting with who is liable is fraught.

Pat Bowden from Harcourt's.

Not a great expert on meth – fortunately have not had any in the properties as of yet. But we are aware it could well happen.

Talking about who is responsible for meth lab. Given the recent case – Insurance case that has gone to the Appeal Court (house fire by person not on tenancy – due to cooking oil on stove) indications on the ruling are that should the Tenancy Tribunal rule under the Residential Tenancies Act the Appeal Court has bought in Property Law Act – now found that the tenant is not liable for accidental or wilful damage. This has implications...

There was discussion from the floor on this case.... Lisa discussed the tenant liability for damage for careless, negligent and deliberate acts – this case has implications for careless use.

Pat discussed the concerns about (particularly whilst involved with the real estate institute) being continually approached to buy swab tests because property managers could swab properties themselves. I don't believe prop managers are trained to do swab tests – legal issues we test negative – professional comes in positive test. Leave it to the experts.

K2 Environmental reiterated side-by side tests scattered at best – some were non detect others were detect false negatives and false positives.

Pat provided an example of a house on the market tested – discovered the level of contamination went back over 8 years to previous tenant. This had significant implications for property sale. Concerned that the costs of mandatory testing for every tenancy will be passed onto the tenant.

Q: Why passed onto tenant – doesn't landlord have a responsibility to provide a safe tenancy?

A: Landlords having lots costs coming onto them now – since earth quake health and safety eg. Scaffolding put up to check spouting quote – costs is now what we are facing added costs to owners. We are concerned with yet another cost. Whilst rent doesn't want to go up, costs may have to be passed on.

Q: Could costs be part of bond?

A: Under current legislation – no.

Comment: Might test when tenants leaves the property then then repaint – no guarantee the painters contractors have not smoked p in the house. Do you need to test between tenants and between contractors?

Q: What levels of insurance available?

A: From the floor – variety from no cover to 25K if you have vetted tenants to full cover – advice read your policies

Comment: How to cope with it? 1: Careful selection of tenants – dig deeper into selections of tenants. REINZ members are not allowed to keep a black list. How do you get around it? Careful selection - don't be sorry to say no to applications.

If drugs manufactured it goes on the LIM report – it makes it harder for selling. In Auckland some tenants are advised the property is tested positive and has been cleaned and they fully understand before they rent the property – the agent has made a full disclosure.

Questions & Discussion

We have a time ahead of us – who do you trust in this. Looks like who do you trust to rent your home? Who do you trust to say home safe? And if not already there appears to be a demand for accreditation for standards and consistent use across the industry. People have to live somewhere – challenge.

Some discussion ensued on who had responsibility to absorb costs of providing a healthy rental property.

Residential Tenancies Act – provide and maintain reasonable standard and comply with all bylaws Acts etc. – this is where we need to look to these other Acts. Landlords want to be able to show they are renting out at reasonable standard – if tenants caused damage then there is a need to be confident to say which tenant caused damage.

Concern P Labs can be quantified. Local authority can give information including other forms of contamination record on LIM. At the moment we don't have a connection with p that is being used. Responsible landlords may be open and monitor and keep the system ticking over ultimately there needs to be some record coming back to council or another body. Costs: bureaucracy that sits behind playing catch-up at the moment.

Everyone thanked for their attendance – Forum closed at 2pm.