

# Regulation of Methamphetamine Contamination in Rental Housing: Proposals for Feedback

## Why regulations are needed

It is currently unclear what to do when residential rental premises are found to contain methamphetamine residue. Specifically, it is not clear at what level residue becomes a problem which should be addressed. This is confusing for stakeholders, and has led to disproportionate and costly responses to low levels of residue.

New Zealand currently uses two different “acceptable” levels for methamphetamine contamination, one from the New Zealand Standard NZS 8510:2017, and the other in the 2018 report by the Prime Minister’s former Chief Science Advisor, Professor Sir Peter Gluckman. However, neither of these are mentioned in legislation, and so neither are legally binding.

Regulations are needed to provide certainty around what to do when residential rental premises are contaminated with methamphetamine.

## Key proposal

We propose that a maximum acceptable level of contamination be set at **15µg/100cm<sup>2</sup>**. If detailed assessment tests show levels over this, the property is ‘contaminated’ and must be decontaminated to a level which tests at or below **15µg/100cm<sup>2</sup>**.

## What the proposals will mean for landlords

Landlords cannot knowingly rent out a contaminated premises until it has been decontaminated (or is being decontaminated) in accordance with the prescribed process.

Landlords will only be required to test their property if manufacturing is confirmed as likely by the Police or the relevant council, or if a permitted screening test done by the tenant or any other person showed levels over 15µg/100cm<sup>2</sup>.

However, landlords may choose to test for other reasons, such as their insurance requirements or the Tenancy Tribunal’s approach to liability.

Landlords can appoint anyone to carry out decontamination work. Properties must be re-tested after decontamination to ensure the work has been successful.

## What the proposals will mean for tenants

Tenants, or any other person, may choose to do an approved screening test on a rental property at their own cost. If the results are higher than 15µg/100cm<sup>2</sup>, the landlord must ensure a detailed assessment test is carried out. If the results are still higher than 15µg/100cm<sup>2</sup>, the landlord must ensure the property is decontaminated as soon as practicable.

## Other key proposals

We propose that a maximum inhabitable level of methamphetamine be set at **30µg/100cm<sup>2</sup>**. If detailed assessment tests show levels above this, in certain circumstances the tenancy may be terminated by either party, unless the contamination has been caused by that party’s breach of the tenancy agreement.

**Permitted types of testing** include laboratory composite testing, individual sample testing and validated testing kits.

**Decontamination** of properties must be done in accordance with the prescribed process.

**Abandoned goods** left in contaminated premises should be dealt with as if they are contaminated, and otherwise treated generally in accordance with existing provisions for abandoned goods.

Submissions close 5pm,  
Monday 20 February 2023



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Ministry of Housing and Urban Development

# Details about the Regulatory Proposals

## The regulations are intended to:

- minimise the health risk from exposure to methamphetamine contamination in rental housing
- provide certainty to tenants and landlords about their rights and responsibilities around methamphetamine contamination
- provide clear rules and processes for testing and decontamination for methamphetamine residue.
- support professional conduct and standards in the methamphetamine testing industry
- manage costs of testing and decontamination for landlords and tenants.

Proposal	Preferred Option
What should the maximum acceptable level of methamphetamine residue be?	A single maximum acceptable level of 15µg/100cm <sup>2</sup> .
What level does a contaminated property need to be remediated back to?	One clean-up level of 15µg/100cm <sup>2</sup> , to be confirmed by an approved post-decontamination test.
What should the maximum inhabitable level of methamphetamine residue be?	A level of 30µg/100cm <sup>2</sup> is proposed. If premises test above this, in certain circumstances the tenancy can be terminated by either party, unless the contamination has been caused by that party's breach of the tenancy agreement.
When do landlords need to test for methamphetamine contamination?	When informed by Police or a Council that methamphetamine manufacture is likely to have occurred, or when a tenant or anyone else has performed a screening test with results higher than 15µg/100cm <sup>2</sup> .
What are the testing and decontamination timeframes?	When tenants are currently living in the premises, landlords must ensure that testing and decontamination is done 'as soon as practicable'.
Who can do the testing?	Anyone can perform screening tests using approved test kits, but only qualified professionals can perform detailed assessment tests.
What is the prescribed decontamination process?	The proposed decontamination process is in the discussion document as Annex A. This incorporates significant parts of the prescribed process in section 4 of NZS 8510:2017, with some minor adjustments to reflect the higher maximum acceptable level proposed for these regulations.
Who can perform the decontamination work?	There are no restrictions on who can perform decontamination work. The decontaminator must follow the prescribed process, and a post-decontamination detailed assessment test is required to confirm residue levels are below the required remediation level (15µg/100cm <sup>2</sup> ).
What are the requirements for managing abandoned goods in contaminated premises?	Landlords must treat abandoned goods as being contaminated. Personal documents must be handed into the local Police station. The value of other abandoned goods must be assessed against the cost of testing, decontamination (where possible), and storage. If the value of the goods is higher than these costs, the landlord must store them for 35 days. If the value is lower, they may dispose of them. If the tenant claims the goods, the landlord may recover their costs.

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