METHAMPHETAMINE GUIDE FOR LANDLORDS

Methamphetamine ('meth') contamination can be a real headache for New Zealand landlords, with the issue remaining more common than many realise. It's important to understand the risks involved as they can impact a tenant's health, property values, remediation works, or lead to drawn out Tenancy Tribunal and insurance provider disputes.

It's a notoriously complex topic not helped by confusion over what level of meth is considered to be unsafe, with two publicly accepted guidelines, the NZS 8510:2017 standard and the 2018 Gluckman Report, giving different advice.

Adding to the complexity are the different stances held by the Tenancy Tribunal and NZ insurance providers around what action may be required in certain scenarios.

This guide explains the standards, clarifies which carries weight in Tribunal decisions, and outlines your legal and insurance-related obligations for testing and cleanup. It's designed for all landlords to help you stay compliant, protect your tenants, and avoid disputes.

GENERAL RESPONSIBILITIES

Landlords are legally required to provide homes that are safe, clean, and fit to live in. This also means ensuring properties are not meth contaminated to levels that could harm health. These obligations apply equally to private owners and property managers under the Residential Tenancies Act.

While landlords are not required to carry out routine meth testing, renting out a property with unsafe meth levels could breach their duty to provide a safe home. Where contamination is identified, landlords must act to address it. The law also gives landlords specific rights to test (with notice) and to remedy contamination during any tenancy.

Tenants are prohibited from using or manufacturing meth in a rental property. Such behaviour is not only a breach of tenancy obligation, but also a criminal offence under the Misuse of Drugs Act. Where there is evidence of producing or using meth in a property, the Tribunal can require tenants to pay the cost of decontamination and may impose additional financial penalties.

Every situation is different, and the right approach will depend on the circumstances of your property and tenancy. If you are unsure about your obligations or would like more detailed guidance, we encourage you to speak with your local Ray White Property Manager or request a copy of our Landlord Information Guide. Having the right advice at the right time can make all the difference.

THE TWO STANDARDS

New Zealand currently has two different guidelines for acceptable meth residue levels. Neither standard is directly written into law, however, they are used in practice for determining both liability and outcome by insurers and the Tenancy Tribunal.

NZS 8510:2017 (NEW ZEALAND STANDARD)

Standards New Zealand released NZS 8510 in 2017 to provide industry guidance on testing and decontamination of meth contaminated properties. It defines a property as contaminated if meth residue is higher than 1.5µg/100cm2 (1.5 micrograms per 100 square centimeters) in high-use areas (lounges, bedrooms, etc), and 3.8µg/100cm2 in any limited use area of the property (crawl spaces, hard to access areas, etc).

This standard does not differentiate between residue caused by personal meth use vs meth manufacture, which is an important factor as the residue from a clandestine meth lab poses a much greater risk due to the harmful chemicals used. Upon its release, NZS 8510 caused a wave of panic and led to a lot of costly decontaminations and remediations across the country.

THE GLUCKMAN REPORT (PRIME MINISTER'S CHIEF SCIENCE ADVISOR REPORT)

In 2018, then Chief Science Advisor to the Prime Minister, Sir Peter Gluckman, released a report after reviewing the health risks of meth residue in homes. It found no evidence of adverse effects from third-hand exposure to meth at low levels, and concluded that any contamination below $15\ \mu g/100cm^2$ was unlikely to cause negative health effects.

On this basis, the NZS 8510 level is viewed as overly cautious in cases of low-level personal use. It is deemed that full property remediation/decontamination is still recommended where there is evidence of meth production and labs, however, this costly exercise is not required for low-level personal use.

WHICH STANDARD HAS LEGAL WEIGHT?

One of the most common questions landlords have is "Do I follow the 1.5 µg standard or the 15 µg guideline?" The short answer is neither of these is yet set in stone by law, but in practice the answer may depend on who is asking.

TENANCY TRIBUNAL

Tribunal decisions tend to lean on the Gluckman report's standard of 15 µg/100cm^2 in cases where there is no evidence of manufacture. Where claims are made on either side (either by the tenant or landlord) 15 µg/100cm^2 will generally be treated as the critical threshold of 'contamination'. Landlords must also still ensure properties are clean and as free from contamination as possible when provided for habitation.

INSURANCE COMPANIES

Many insurers still use NZS 8510 as their guideline, requiring cleanup and remediation in properties where contamination sits above 1.5µg/100cm2. It's important for landlords to follow the instructions of their insurer, irrespective of the Gluckman report levels, in order for their cover to remain in place.

METHAMPHETAMINE TESTING

Testing isn't mandatory, but it is highly recommended as a risk management tool for landlords. Test results are a must-have for any liability claims, with the Tenancy Tribunal requiring clear evidence of a before and after picture to prove a timeline of contamination.

We suggest landlords consider the following questions before deciding on whether or not to test their property:

- What does my insurance policy require?
- Do I have an initial baseline test before the tenancy started? If not, how can I prove liability if contamination is found?
- Where no initial test exists, what is my risk tolerance and ability to cover remediation costs (and potential tenant compensation) if contamination is found?
- Should I seek advice first before proceeding, even if I have the right intentions in mind?

Generally speaking, composite meth testing happens first and involves taking swabs from several areas of a property and combining them into one sample. These are then analysed by a laboratory to confirm whether contamination exists. If the result is positive, detailed testing is carried out, where each swab is analysed individually to identify the specific rooms or surfaces affected and the level of contamination present. This is a more expensive process but determines which areas require decontamination and the extent of cleaning required.

It's important for landlords to use certified meth testing companies, as DIY testing kits may not hold weight in the Tenancy Tribunal. Clear records of any results should be stored and shared with tenants within required timeframes (if testing mid-tenancy). We also recommend using the same company to test at the start and end of each tenancy, as different companies may take samples in different areas which a tenant can argue does not give a true comparison.

INTERPRETING TEST RESULTS

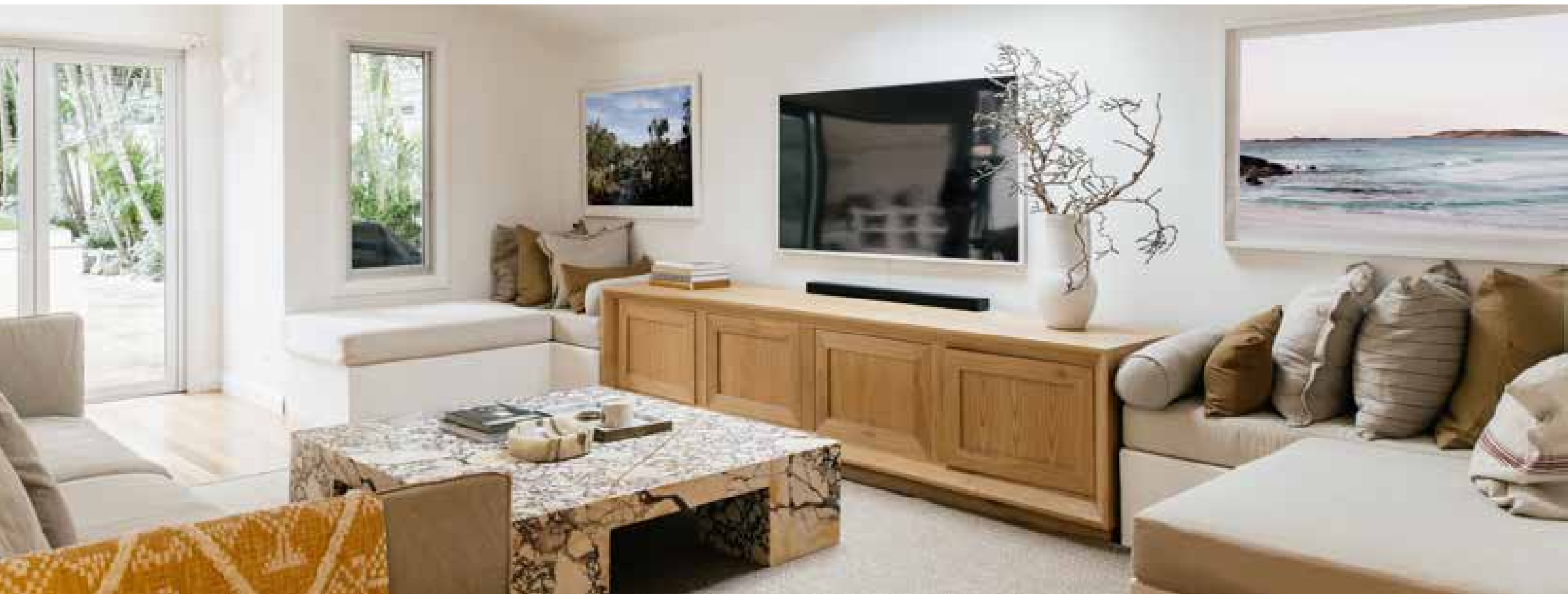
Once a property has been tested the action required will depend on some of the factors listed above, such as how the result compares to the differing standards, your insurance requirements, tenancy-specific details, health & safety, and more. The table below provides for a general guideline on how landlords can interpret any result and what to plan for next:

CONTAMINATION LEVEL	MEANING	ACTION
$<1.5\ \mu g/100cm^2$	Below NZS 8510 threshold.	No remediation required. Property is considered clean.
$1.5 - 15\mu g/100cm^2$	Above NZS 8510 but below Gluckman threshold.	Low health risk. Cleaning may be appropriate, but full remediation is not usually required unless evidence of heavy use or manufacture.
$>15\mu g/100cm^2$	Above Gluckman threshold.	Considered unsafe. Full remediation is required before tthe property can be rented again.
Suspected methamphetamine lab.	Regardless of levels.	Treated as high risk. Notify authorities and undertake full remediation.

WHEN CONTAMINATION IS CONFIRMED

In a worst-case scenario where meth contamination is confirmed, we suggest taking a methodical and cautious approach to ensure the correct steps are taken. As a general guide, we recommend the following steps:

1. Review the results and determine whether the contamination is localised, or widespread.
2. Discuss with your testing company - what next steps do they recommend?
   - They may recommend further (detailed) testing.
   - They may deem the property to be unsafe and recommend immediate decontamination.
3. Notify your insurer and ask what evidence they require and what next steps they expect you to take.
4. Assess the tenancy situation:
   - If the result is low and confined to one or two areas, cleaning may take place while they still live there.
   - If the result is high, the house is uninhabitable and you must issue a notice to terminate the tenancy under Section 59B of the RTA.
5. Engage professionals for full decontamination or cleaning, where applicable. Your testing contractor can recommend someone if they don't offer this service.
6. Re-test to ensure the property is safe and habitable. Make sure you keep all records for your insurer, for the Tribunal, and for proof that the property is safe for a new tenant.
7. Recover all costs through your insurer and finalise your claim. Loss of rent cover may be applicable here too.
8. If applicable, proceed to the Tenancy Tribunal to recover excess from the tenant & seek exemplary damages for unlawful use. You will only be able to recover the cost of the excess, if multiple excesses apply, you can recover each.



BEST PRACTICE - MINIMISE RISK AND PROTECT YOUR INVESTMENT

Protecting your property from meth contamination starts with prevention and clear processes. Careful tenant screening, regular checks, and documented testing are your strongest tools to minimise risk and strengthen any insurance or Tribunal outcome if contamination does occur.

As a general guide, we recommend the following best practice steps:

- **Screen tenants carefully:** Check references and tenancy history, and set clear expectations at sign-up that illegal activity will not be tolerated.
- **Include a meth clause in tenancy agreements:** Confirm that the property may be tested and that tenants will be liable for contamination above acceptable thresholds.
- **Inspect and document regularly:** Carry out routine inspections (usually every three months), record notes and photos, and stay alert to warning signs.
- **Test between tenancies:** Arrange baseline and exit testing through qualified professionals to establish a clear record.
- **Act promptly if contamination is found:** Proportion your response to the contamination level and follow expert advice on remediation.
- **Engage reputable professionals:** Use certified testers and cleaners, and keep all reports and certificates.
- **Stay insured and keep records:** Ensure your policy covers meth contamination, and maintain inspection logs, test results, and communication records.
- **Compare insurance policies:** Landlord cover can vary with some policies only providing support above $15\mu g/100cm^2$, so shop around to ensure you're protected.
- **Record new items and chattels:** If no pre-tenancy test is done, keep a clear record of any new surfaces or chattels added during the tenancy, as these can be tested later if contamination is suspected.
- **Work with your property manager and insurer:** Follow the correct processes and seek advice when needed to safeguard both your tenants and your investment.

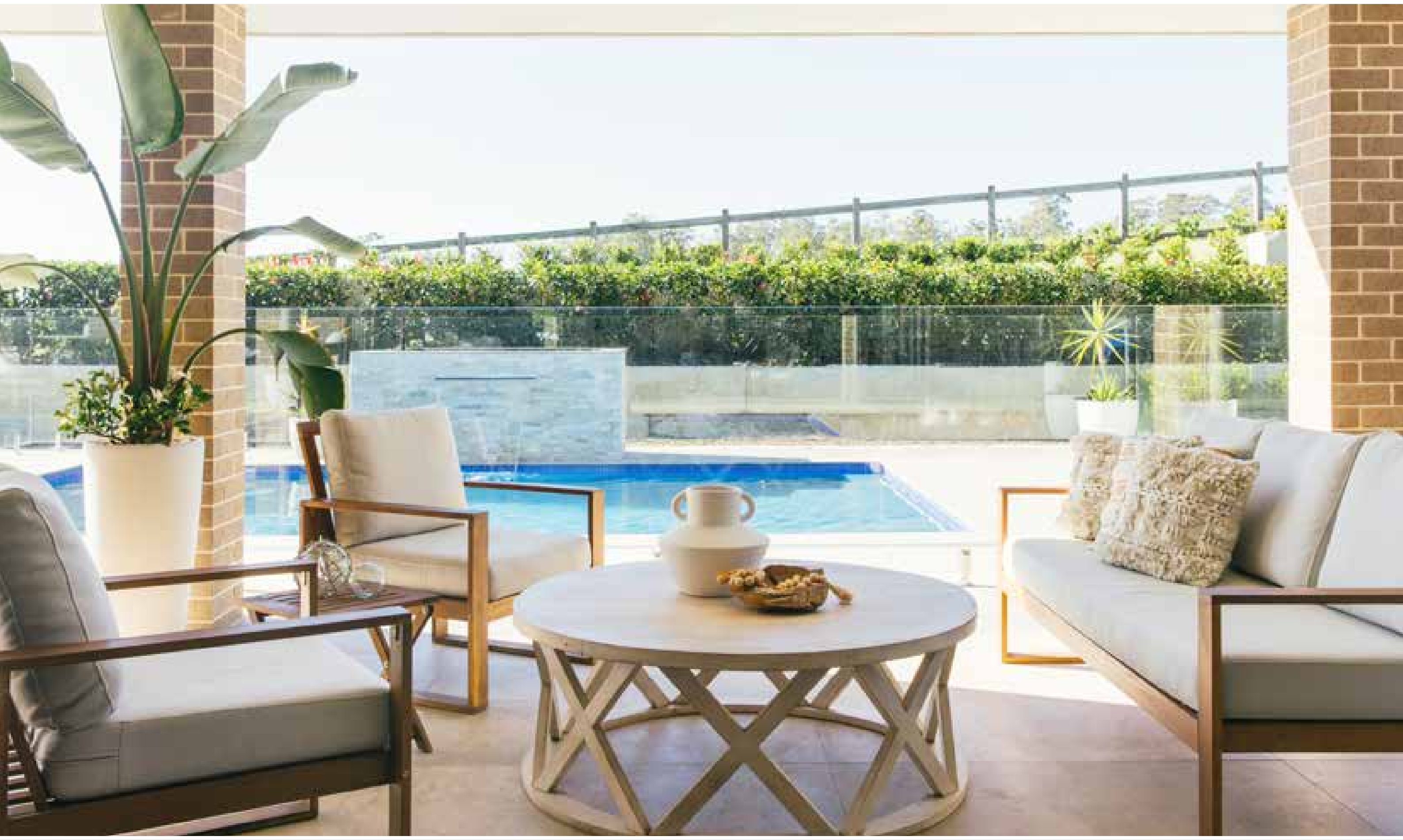
By taking these steps you reduce the likelihood of meth contamination going undetected, protect the health of your tenants, and place yourself in the best position to defend a claim or recover costs if an issue arises.

HOW CAN WE HELP?

Ray White property managers are supported by robust methamphetamine risk management policies that help staff recognise and respond to potential contamination issues. All offices have access to approved tenancy agreement clauses and acknowledgements, ensuring incoming tenants are made aware that testing may occur.

If methamphetamine contamination is suspected, our property managers can draw on the support of tenancy law specialists to guide you through the correct steps and legal obligations. We encourage landlords to take a best-practice, low-risk approach, and we're here to provide practical support should an issue ever arise.

For tailored advice, speak with your Ray White property manager or visit tenancy.govt.nz for more information.



Disclaimer

This guide is provided for general information only and does not constitute legal, insurance, or professional advice. Every property and situation is different, and landlords remain responsible for ensuring their own compliance with the Residential Tenancies Act, insurance policy requirements, and any other relevant laws or regulations.
We recommend seeking independent legal or professional advice before making decisions regarding methamphetamine testing or remediation.