

13 October 2023

s9(2)(a)

Thank you for your request of 16 September 2023 for the following information:

*'What is housing NZ policy regarding tenants manufacturing methamphetamine in there taxpayer funded housing when found out?.....*

*Do they get to keep there tenancy after the taxpayers pay for the decantation?..... '*

Kāinga Ora – Homes and Communities has considered your request under the Official Information Act 1982 (OIA).

Our policy for managing methamphetamine in our homes is set out in the document 'POL 346: Policy for managing methamphetamine(meth) contamination in Kāinga Ora-managed properties'. I attach a copy of this document and refer you to the section 'Meth manufacture'. You can also find an overview of this policy on our website here: <https://kaingaora.govt.nz/tenants-and-communities/our-tenants-health-and-safety/managing-methamphetamine-contamination-in-our-homes/>

Like other landlords, Kāinga Ora is faced with the issue of methamphetamine (meth) contamination in some of our homes. We take this very seriously. We do not permit the manufacture or supply of meth in Kāinga Ora homes. This is a criminal offence, and where there is credible evidence of meth manufacture or supply, we will refer the matter to Police.

Where meth contamination is discovered and meets the threshold for decontamination, regardless of whether it is caused by manufacture or use, we will vacate the property while we undertake decontamination work. This means the tenancy at that property will end.

Please note that Kāinga Ora proactively releases its responses to official information requests where possible. Our response to your request may be published at <https://kaingaora.govt.nz/publications/official-information-requests/>, with your personal information removed.

Yours sincerely



Rachel Kelly  
**Manager Government Relations**

# Policy for managing methamphetamine (meth) contamination in Kāinga Ora-managed properties

**POL-346**

Issue Date      September 2021

Approved by

General Manager National Services

Owner

Deputy Chief Executive,  
People and Homes

Author

Operational Policy team

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## 1. Introduction

Methamphetamine (meth) is one of a family of drugs that act as stimulants to the central nervous system and speed up messages to and from the brain. In New Zealand it is often called 'P', short for 'pure', and is commonly available in crystal or powdered forms. Due to its potential to harm individual users, meth is a Class A (very high risk) controlled substance under the Misuse of Drugs Act 1975.

Meth use can result in harm and addiction issues for the person using the drug, and their family /whānau. Kāinga Ora – Homes and Communities (Kāinga Ora) views meth use, first and foremost, as a health and addiction issue for the person using and their family/whānau. When meth contamination due to meth use above the relevant threshold is confirmed in a tenanted property managed by Kāinga Ora, our focus will be to sustain that household in state housing. If decontamination cannot safely occur to enable the household to remain at that property, Kāinga Ora will look to transfer the household to another Kāinga Ora-managed property.

Meth use or manufacture can result in contamination of a home, including outbuildings and grounds, as well as personal effects and furnishings. Kāinga Ora tenants, workers and other people exposed to this contamination can potentially experience sensitivity to specific chemicals that may be present in the manufacture of meth.

## 2. Purpose

This policy provides guidance to Kāinga Ora workers about managing meth in Kāinga Ora managed properties, including health and safety matters around potential or confirmed meth situations in Kāinga Ora-managed properties.

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## Background

This policy is one of a series of shifts in approach to proactively help our tenants and their families sustain their tenancies and live in warm, safe, dry homes.

## Objectives

Our objective is to safely identify and manage all situations where meth contamination is suspected with credible evidence, or is found in Kāinga Ora-managed properties.

We will follow procedures designed to safeguard our workers, tenants and their households, and other persons who may occupy, maintain, visit or otherwise come into contact with properties we manage where there:

- is a risk from exposure to meth contamination
- are safety and security issues connected to work in and around those properties

## 3. Scope

This policy applies to all properties Kāinga Ora manages.

Our workers have obligations to manage and control meth contamination in a way that is consistent with this policy and to comply with all applicable New Zealand health and safety legislation, regulations, standards, guidelines and codes of practice.

Our tenants have obligations to comply with reasonable instructions and expectations of Kāinga Ora regarding any illegal or hazardous substances, and contaminants, including meth, in Kāinga Ora-managed properties.

## 4. Operating Principles

The operating principles from the Kāinga Ora - Homes and Communities Act 2019 that are most likely to be relevant to this policy are the following:

- Providing good quality, warm, dry and healthy rental housing
- Supporting tenants ; lead lives with dignity and the greatest degree of independence possible; and to sustain tenancies
- Being a fair and reasonable landlord, treating tenants and their neighbours with respect, integrity and honesty.

Any actions under this policy should be taken in line with these operating principles. Other operating principles may apply to this policy as the circumstances require.

## 5. Policy

This policy focusses on the management of meth contamination in Kāinga Ora homes.

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We will manage and maintain our existing homes so tenants have access to warm, dry and safe homes, while we ensure the usability and overall quality of our homes.

We will take all reasonably practical steps to eliminate/minimise the risks associated with meth contamination. We will do this by:

- maintaining a focus on the wellbeing and safety of our workers, tenants and other people, particularly any children in the household, potentially coming into contact with meth contamination.
- making sure we take all reasonable steps to inform our tenants, workers and other persons about the actions we are taking.
- applying a risk-based approach to manage any activities undertaken by workers and other people potentially coming into contact with tenants, households and their associates involved in the manufacture, sale and use of meth.
- applying the 'above 15  $\mu\text{g}/100\text{ cm}^2$ ' threshold, as set out by the Prime Minister's then-Chief Science Advisor in his 29 May 2018 report, as the trigger for meth decontamination of Kāinga Ora-managed properties. Exceptions to this threshold are where:
  - Kāinga Ora has contractual lease obligations that specify a lower tested meth threshold triggers decontamination.
  - there is credible evidence of meth manufacture and test results are above 1.5  $\mu\text{g}/100\text{ cm}^2$ ,<sup>1</sup> Kāinga Ora will decontaminate a property down to or below 1.5  $\mu\text{g}/100\text{ cm}^2$  in line with NZS 8510:2017.
- carrying out all meth testing, decontamination and re-testing in line with the guidance contained in NZS 8510:2017 *Testing and decontamination of methamphetamine-contaminated properties* issued by Standards New Zealand on 29 June 2017, and any other relevant standards or regulations.
- complying with relevant legislation, regulations, standards, guidelines, procedures and codes of practice.
- having operating procedures to confirm, clean, reinstate or demolish contaminated properties in a safe manner.
- using legal channels, where appropriate, to manage unlawful activity/anti-social behaviour (regardless of test results) where Kāinga Ora has credible evidence a tenant or associate is making, selling or using meth at a Kāinga Ora property.
- maintaining accurate records of all tests for meth contamination and the actions we have taken to investigate and resolve them.

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<sup>1</sup> The Chief Science Advisor's report notes that even low tested levels of meth cannot effectively rule out meth manufacture. As a result, where there is credible evidence of meth manufacture, Kāinga Ora will decontaminate down to the threshold applicable to either high use or limited use areas at a property.

Credible evidence means evidence which appears credible to a Housing Support Manager. If a tenant or their whānau complains of health issues and requests testing this will be viewed as credible evidence (in line with supporting our tenants to live well in their homes).

## 6. Principles

### Protection of our workers, and the community

We will take all reasonable steps to make sure our workers have a safe working environment and are not exposed to known situations of meth contamination.

We also commit, so far as is reasonably practicable, to making sure our workers, tenants, members of the community and the environment are not put at risk from work carried out at meth-contaminated Kāinga Ora-managed properties or any adjoining properties affected by meth contamination.

We will consult with workers, their representatives and the community as required in relation to the management of meth contamination in Kāinga Ora-managed properties.

### Respect for tenants

We commit to respect and care for our tenants, with their safety and wellbeing being a priority. We will consider the support required by our tenants to ensure their dignity and independence are maintained in the event that they are exposed to or occupy a meth-contaminated Kāinga Ora-managed property.

This includes recognition that undergoing testing and potential decontamination of a property may have a negative impact on our tenants' dignity, especially if the property is confirmed to be contaminated, regardless of whether or not they have been the source of the contamination.

We will prioritise being respectful and acting with integrity and honesty when notifying a tenant or carrying out testing. This involves being a fair and reasonable landlord, for example providing adequate notice of testing and communicating without prejudice.

If both a property and a current tenant's belongings test above 15 µg/100 cm<sup>2</sup>, and we have no evidence that the tenant is responsible, Kāinga Ora will consider offering financial assistance to the tenant to replace their belongings (this is separate from the Meth Assistance Programme, which applies only to HNZN tenants who were evicted due to meth use during the period 1 July 2013 - 1 June 2018).

### Sustaining tenancies

Kāinga Ora is committed to maximising housing stability for our tenants, as a fundamental requirement to enable people to build their lives and communities. With the aim of avoiding evictions and exits into homelessness, where possible, Kāinga Ora will ensure that information relating to meth-contaminated properties does not unreasonably prejudice future tenancies.

Only as a last resort will Kāinga Ora consider moving a tenant under section 53B of the Residential Tenancies Act in response to meth use, see section below *Dealing with confirmed cases of meth contamination*.

## Information management

We will carefully consider how information regarding association with a meth-contaminated property is shared and used in the future by Kāinga Ora and other organisations. We only use and disclose personal information:

- in connection with our lawful functions; and
- in accordance with relevant legislation, including the Privacy Act 2020, and our *Privacy Policy SK-POL-002* and *Information Classification Guidelines* (to be drafted).

## Risk management

We will adopt a risk-based approach for the management and control of meth contamination in properties managed by Kāinga Ora. Risk assessment (people and property-related) will be undertaken prior to testing a property. Risks will be reviewed as any further treatment progresses.

A test for meth contamination will be undertaken on any:

- tenanted or void property where Kāinga Ora has reasonable grounds, supported by credible evidence, for suspecting the property may have high levels of meth contamination
- tenanted or void property where Kāinga Ora makes a business decision to carry out a non-suspicion test for meth contamination (i.e. where there is no apparent cause for suspicion).

## Treatment of properties

Where Kāinga Ora has made a decision to decontaminate a property and the property is tenanted, for health and safety reasons, the property will generally need to be vacated so that decontamination work can occur.

Following decontamination, the property will be tested again to assess whether the work has successfully reduced meth contamination in previously affected areas to levels that are at or below the meth levels in NZS 8510:2017. Where this has occurred, a Clearance Report and Certificate will be provided by the contractor.

Where contamination is extensive and decontamination will not successfully reduce it to levels that are at or below the levels in NZS 8510:2017, demolition (in full or part) may be required.

All contaminated material will be removed as hazardous waste and disposed of in accordance with local authority regulations.

## Recording and monitoring all meth contamination cases

For the safety of our workers, tenants and contractors, we will:

- electronically highlight meth contamination action in property records of Kāinga Ora to signal a potential/confirmed hazard exists; and
- complete assessments/reviews of customer risk ratings for current tenants and associates in or linked to Kāinga Ora properties with a meth contamination status of either testing, confirmed or cleansed.

Both categories of information will be visible to our employees on core computer system screens and will be recorded in the Hazards section of Work Orders sent to our maintenance contractors.

We will electronically record all cases where Kāinga Ora carries out testing, decontamination and reinstatement work on properties suspected of or confirmed with meth contamination. This will enable us to monitor the number and status of all cases and provide statistical information to demonstrate due diligence towards risk elimination/minimisation.

## Dealing with confirmed cases of meth contamination

In all cases of confirmed meth contamination, Kāinga Ora will record all relevant information, including actions taken, in its core computer systems for future reference and use.

At any time, when/if requested by a tenant or household member, Kāinga Ora staff will provide information about how and where they can obtain support from and access to drug addiction services. Refer to the Drug Policy (to be published).

For properties that are vacant, Kāinga Ora will progress that property through the testing, decontamination, reinstatement and re-letting processes. For tenanted properties, Kāinga Ora will consider the following actions.

### Meth use

Where we have credible evidence that a current tenant, household member or associate's meth use has caused meth contamination **below the threshold** used by Kāinga Ora, our actions may include offering the household:

- support and referral to appropriate services to help them address the health and addiction issues associated with harmful meth use
- referral to our Te Waka Urungi (Intensive Tenancy Management) team, who can work closely with those households who are struggling to sustain their tenancy and help the household to access the support they need to live well in our homes and/or community.

Where we have credible evidence that a current tenant, household member or associate's heavy meth use has caused meth contamination **above the threshold** used by Kāinga Ora, our actions may include:

- providing support and referrals as described above, and
- offering the household a Business Initiated Transfer, and

- in exceptional circumstances, requiring a tenant to move to another property under section 53B of the Residential Tenancies Act 1986.

In some circumstances it may be appropriate to seek recovery of costs associated with testing, cleaning, reinstating, demolishing, or the loss of value of, a property from the tenants and/or other persons through the Tenancy Tribunal or District Court. Any such cases must be discussed first with the appropriate manager before proceeding.

### Meth manufacture

Kāinga Ora does not permit the manufacture or supply of meth in the homes we manage. Where we have credible evidence that a tenant, household member or associate is manufacturing or selling meth at a Kāinga Ora-managed property, we will use the appropriate legal channels, including police referral, to manage this unlawful activity/anti-social behaviour.

If a meth test shows the tenant, household member or associate has caused meth contamination due to meth manufacture, actions of Kāinga Ora may include the referrals mentioned above, as well as:

- offering non-responsible household members a Business Initiated Transfer
- in exceptional circumstances, requiring a tenant to move to another property under section 53B of the Residential Tenancies Act 1986.

In some circumstances it may be appropriate to seek recovery of costs associated with testing, cleaning, reinstating, demolishing, or the loss of value of, a property from the tenants and/or other persons through the Tenancy Tribunal or District Court. Any such cases must be discussed first with the appropriate manager before proceeding.

### Housing people with drug history

We will work to support and sustain any tenancy being offered to and accepted by a person known by Kāinga Ora to have a drug history, including:

- a social housing applicant, where credible evidence is supplied by a reliable third party (for example, Police or MSD) or the applicant themselves confirms drug use to staff
- a Kāinga Ora tenant who receives a Business Initiated Transfer when meth contamination above the relevant threshold used by Kāinga Ora was confirmed at their current Kāinga Ora property.

## 7. Definitions of terms

The following definitions apply when interpreting this policy:

Term	Definition
<b>Above threshold</b>	<p>A property has test results showing areas with meth contamination above the relevant meth threshold used by Kāinga Ora:</p> <ul style="list-style-type: none"> <li>• Meth use test results above 15 µg/100 cm<sup>2</sup>.</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>Meth manufacture test results above 1.5 µg/100 cm<sup>2</sup></li> </ul> <p>Test results received above either of these thresholds will trigger the need for decontamination. The property may need to be vacated for decontamination work to be completed.</p>
<b>Below threshold</b>	<p>A property has either:</p> <ul style="list-style-type: none"> <li>meth use test results showing areas with meth contamination at or below the meth threshold of 'above 15 µg/100 cm<sup>2</sup>;</li> <li>meth manufacture test results showing areas with meth contamination at or below the meth threshold of 'above 1.5 µg/100 cm<sup>2</sup>;</li> <li>re-test results following decontamination are below the meth levels in NZS 8510:2017. The property is fit for occupation.</li> </ul>
<b>Chief Science Advisor's report</b>	<p>Report on <i>Methamphetamine contamination in residential properties: Exposures, risk levels and interpretation of standards</i>, released 29 May 2018 by the Prime Minister's then-Chief Science Advisor, Professor Sir Peter Gluckman.</p>
<b>Cleaning</b>	<p>All work required to reduce areas previously contaminated by meth (above levels specified in applicable standards, guidelines and regulations) to levels that are at or below the meth levels set by NZS 8510:2017.</p>
<b>Clearance Report and Certificate</b>	<p>A report and certification completed by a decontamination contractor, and including confirmation by an accredited sampler that a property has been decontaminated to the levels specified in NZS 8510:2017.</p>
<b>Credible evidence</b>	<p>This means evidence which is capable of belief. It is often natural, reasonable and probable as to make it easy to believe. For example, in relation to drug manufacture, it means that the available facts, when viewed in light of surrounding circumstances, would cause a reasonable person to believe that drug manufacture has occurred.</p>
<b>Customer</b>	<p>The tenant of a Kāinga Ora property and anyone living at the home with the tenant's permission.</p>

Term	Definition
<b>Decontamination</b>	The process of reducing the level of meth in a property by cleaning the property or removing meth contaminated material from the property or both.
<b>Demolition</b>	Destruction of a contaminated property (in whole or part) and the safe removal of all contaminated material from the site as hazardous waste and disposed of in accordance with local authority regulations.
<b>Health and Safety at Work Act 2015</b>	Legislation governing health and safety in New Zealand.
<b>Kāinga Ora-managed property</b>	A Kāinga Ora-managed property is one which is owned or leased by Kāinga Ora to provide housing for individuals, whānau and community groups.
<b>Letting</b>	Renting out a cleansed property to another tenant.
<b>Methamphetamine (meth)</b>	An abbreviation of 'methamphetamine' (an amphetamine type stimulant that is highly addictive). Methamphetamine is a controlled substance, classified as a Class A (very high risk) drug under the Misuse of Drugs Act 1975.
<b>Meth contamination</b>	A property that has been tested in accordance with the applicable standards, guidelines and regulations and meth contamination has been found.
<b>NZS 8510:2017</b>	A document issued 29 June 2017 by Standards New Zealand to set standards and post-decontamination levels for the 'Testing and decontamination of methamphetamine-contaminated properties'
<b>Reinstatement</b>	All work required after decontamination to return the property to the letting pool of Kāinga Ora.
<b>Residential Tenancies Act 1986</b>	Legislation (including amendments) that governs all residential tenancies in New Zealand.
<b>Test</b>	The process of sampling, testing and assessing a property (tenanted or void) for the presence/extent/magnitude of meth contamination
<b>Worker</b>	<p>In this policy the term 'worker' includes:</p> <ul style="list-style-type: none"> <li>• Kāinga Ora employees</li> <li>• contractors and subcontractors</li> <li>• employees of contractors and subcontractors</li> <li>• consultants</li> <li>• worker volunteers</li> <li>• trainees</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>any persons carrying out work on behalf of HNZ.</li> </ul>

## 8. Related policies, procedures, legislation and documents

Related Kāinga Ora procedures:

- CA-716 Managing Methamphetamine (Meth) in Kāinga Ora-managed Properties
- CA-717 Guidelines for Managing Methamphetamine (Meth) in Home Lease Properties
- CA-718 Guidelines for Managing Methamphetamine (Meth) in Emergency Housing Properties
- CA-719 Guidelines for Managing Methamphetamine (Meth) in Community Group Housing Properties
- T-250 Guidelines for Managing Tenant Belongings Affected by Methamphetamine (Meth) Contamination
- XXX Drug Policy (to be published)

Relevant legislation, regulations and standards:

- Health and Safety at Work Act 2015
- Kāinga Ora–Homes and Communities Act 2019
- Misuse of Drugs Act 1975
- Psychoactive Substances Act 2013
- Residential Tenancies Act (RTA) 1986.

Other relevant Kāinga Ora documents:

- Customer Strategy
- Sustaining Tenancies Framework

This policy will be available to view on the intranet of Kāinga Ora, Atamai, and promoted across the organisation. Any amendments or substantive changes to the policy or procedures will be supported by a communications plan.

## 9. Document control

Date	Reviewed/Modified by	Comments/Descriptions of changes
30/09/19	Rebecca Livingston	Policy updated into Kāinga Ora policy template. References to Housing New Zealand changed to Kāinga Ora – Homes and Communities (Kāinga Ora).

June 2021	Operational Policy	Update to reflect operating principles.
June 2021	Legal	Review to confirm alignment with operating principles.

Details of previous versions of policies and procedures will be stored in Kāinga Ora document management system (Objective).

*Released under the Official Information Act 1982*