

In Confidence

Office of the Minister of Housing

Chair, Cabinet Social Wellbeing Committee

Release of Consultation Document: Regulation of Methamphetamine Contamination in Rental Housing

Proposal

1. This paper seeks agreement to release the attached *Regulation of methamphetamine contamination in rental housing* consultation document and begin a process of stakeholder engagement to inform policy proposals for regulations relating to rental housing contaminated by methamphetamine.

Relation to government priorities

2. The proposals in this paper will contribute to improving the wellbeing of New Zealanders and their families by ensuring more New Zealanders can live in a home that is warm, dry, safe, stable and affordable.

Executive summary

3. The Residential Tenancies Amendment Act 2019 amended the Residential Tenancies Act 1986 to enable regulations to be made for the management of contaminants in rental housing. Te Tūāpapa Kura Kāinga - the Ministry of Housing and Urban Development (the Ministry) is progressing the development of regulations relating to methamphetamine contamination and has developed a consultation document with policy proposals to inform the regulations. The consultation document is attached at Annex A.
4. Regulations for managing methamphetamine contamination will provide greater certainty to stakeholders about the levels of methamphetamine residue that may pose a health risk and how that health risk can be managed. This clarity is aimed at minimising disruption to tenants and landlords and maximising availability of housing stock.
5. Key elements of the proposals are:
 - setting a maximum acceptable level of methamphetamine residue in rental housing at 15µg/100cm², which is also the level contaminated premises need to be remediated to;
 - setting a maximum inhabitable level of methamphetamine residue in rental housing at 30µg/100cm² which will, in certain circumstances, enable tenancies to be terminated if premises test over this level;
 - prescribing requirements for landlords in respect of methamphetamine contamination, and processes for managing goods which are abandoned in contaminated premises.

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6. The proposed approach is a proportionate regulatory response to deal with methamphetamine residue in rental premises. It takes into account the known health risk associated with the level of the residue, while also providing certainty to landlords, tenants, and other stakeholders about their rights and responsibilities around methamphetamine contamination. Low levels of residue present a very low probability of harm. With increasing exposure, the probability and/or severity of adverse health effects increases.
7. Feedback on the proposals will be sought from the sector and the wider public for just over two months from late November 2022 to mid-February 2023 and will include targeted stakeholder workshops. The public consultation aims to give stakeholders an opportunity to understand the impacts of the proposals and provide feedback to ensure the regulations are fit for purpose and any unintended consequences are managed. Responses to the consultation document will help officials to assess whether, and if so how, we may need to amend the proposals to meet the objectives of the residential tenancy regulatory system as it relates to methamphetamine contamination.

Background

The current regulatory framework does not adequately address methamphetamine contamination

8. The Residential Tenancies Act 1986 (RTA) contains general provisions requiring landlords to provide premises in a reasonable state of cleanliness (section 45(1)(a)), provisions around destruction of premises (section 59), and termination where breach renders premises uninhabitable (section 59A). However, it does not adequately address the range of issues and concerns presented by methamphetamine contamination.
9. The Residential Tenancies Amendment Act 2019 amended the RTA to enable regulations to be made to manage contaminants in rental properties. The proposals in this paper represent the first application of the contaminant regulation-making provisions, as applied to methamphetamine.
10. There will be a biological gradient for adverse effects associated with methamphetamine exposure such that with increasing exposure, either the probability and/or severity of adverse health effects will increase. People living in contaminated premises have reported symptoms from third-hand exposure to methamphetamine which are mainly related to local effects on the skin, eyes or respiratory tract or systemic neurological effects, such as headaches, fatigue or tiredness, and persistent infections amongst others. All effects appear to be reversible.¹
11. New Zealand does not have any legally binding rules on acceptable levels of methamphetamine residue in rental accommodation. The sector generally uses two levels of methamphetamine residue as triggers for decontamination:
 - 1.5µg/100cm², contained within the NZ Standard 8510:2017 *Testing and decontamination of methamphetamine-contaminated properties*
 - 15µg/100cm², from the Office of the Prime Minister's Chief Science Advisor's 2018 report *Methamphetamine contamination in residential properties: Exposures, risk levels, and interpretation of standards* (report of the former PMCSA). This report

¹ See ESR report at Annex B, pages 30 and 32.

states that exposure to methamphetamine levels below 15µg/100cm² would be highly unlikely to give rise to any adverse effects.

12. Having different levels is confusing for the sector, challenging for the Tenancy Tribunal and it has led to disproportionate responses to low levels of methamphetamine residue.
13. Since the former PMCSA's report was published, the Tenancy Tribunal has dealt with numerous cases where the level of contamination has been in question when determining if damage to the premises occurred, and, in some cases, where landlords have sought to terminate tenancies because of methamphetamine contamination. In recent cases where the residue levels are found to be less than 15µg/100cm², the Tenancy Tribunal has generally denied the claim, preferring the recommended level for contamination in the former PMCSA's report over that contained in the NZ Standard.² The practical effect of this is that landlords have been unsuccessful in claiming compensation for the costs of testing and cleaning when testing showed methamphetamine residues below 15µg/100cm² before cleaning. The District Court has stated that the PMCSA's report "represents the current scientific knowledge on the risk to human health from methamphetamine contamination in dwellings."³ In one case, where methamphetamine was found at levels over 15µg/100cm² and the landlord proved that the contamination was caused by the tenant, termination was permitted on the basis that the premises were uninhabitable.⁴
14. While the Tenancy Tribunal has been applying a consistent approach, there is significant uncertainty in other parts of the sector about what level of residue should constitute contamination, and insurance policies set different thresholds. There is also uncertainty about what level a contaminated property should be remediated to, and how methamphetamine testing and decontamination should be done.

Analysis

A science-based proportionate response to managing methamphetamine contamination

15. I am proposing a proportionate regulatory response to methamphetamine contamination in rental housing. This response has been informed by recent scientific advice from the Institute of Environmental Science and Research (ESR), previous scientific advice, input from the Office of the Prime Minister's Chief Science Advisor and relevant government agencies, and evidence from other sources including key stakeholders.
16. The response takes into account the known health risk associated with different levels of the residue, while also providing certainty to landlords, tenants, and other stakeholders about their rights and responsibilities around methamphetamine contamination. Low levels of residue present a very low probability of harm. With increasing exposure, the probability and/or severity of adverse health effects increases.

² See for example *NONE vs NONE* [2022] NZTT, at [33] (4301662), and *BARFOOT & THOMPSON LTD vs Escaip, Alfredo and other parties* [2022] at [22] (4311067).

³ *Full Circle Real Estate Ltd v Piper* [2019] NZDC 4947 at [36].

⁴ *Bhana v Pitman* [2020] NZTT Rotorua, at [7]-[11] (4259157).

The proposed regulations will reduce uncertainty

17. The RTA allows regulations to be made to manage methamphetamine contamination in residential tenancies. I am proposing to reduce uncertainty for the sector by making regulations to:
- prescribe a maximum acceptable level of methamphetamine residue in rental housing, above which a premises would be deemed contaminated
 - prescribe a maximum inhabitable level of methamphetamine residue in rental housing, above which a tenancy would be able to be terminated by a tenant or landlord in certain circumstances
 - prescribe requirements for landlords in respect of methamphetamine contamination regarding testing, decontamination, what to do when a tenant is living in a premises to be decontaminated, timeframes, and processes for managing abandoned goods on contaminated premises.

Objectives for the regulations

18. The proposed objectives for the regulations are 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, and
 - prescribe an approach that will manage costs of testing and decontamination for landlords and tenants.

Overview of the proposals

19. The policy proposals to be consulted on for the regulations are summarised in this section. Three of these proposals are discussed in detail: setting a maximum acceptable level of methamphetamine residue; remediation levels following decontamination, and setting a maximum inhabitable level of methamphetamine residue. Proposals concerning requirements on landlords, testing and decontamination, timeframes and abandoned goods are summarised below paragraph 41, in Table 1.

Maximum acceptable level of methamphetamine residue

20. I propose that the maximum acceptable level of methamphetamine residue be set at 15µg/100cm². This means that the levels at which methamphetamine residue would become contamination, and be covered by the regulations, is any tested level over 15µg/100cm².
21. The basis for this proposed maximum acceptable level is advice from ESR. ESR was contracted by the Ministry to review recent scientific evidence and the science underlying the methamphetamine concentration values set out in the Standard, NZS 8510:2017.

ESR's report is attached as **Annex B**. ESR's advice was that a maximum mean surface contamination concentration below 15µg/100cm² will be associated with a very low probability of harm. This level was previously recommended by the former PMCSA whose report stated that exposure to methamphetamine levels below 15µg/100cm² would be unlikely to give rise to any adverse effects, and this level still incorporated a 30-fold safety buffer on a conservative estimate of risk.

22. The advice from ESR and the former PMCSA on the maximum acceptable level of methamphetamine residue contrasts with that contained in a 2017 NZ Standard (NZS 8510:2017). As noted above, the standard set the maximum acceptable level of methamphetamine in an affected property at 1.5µg/100cm².
23. I note that ESR's recommended level of 15µg/100cm² is still conservative, and accordingly takes into account that some people may be more sensitive to methamphetamine residue than others. I do not consider it possible to regulate further for the presence of sensitive individuals because:
 - it cannot be robustly established who those individuals are; and
 - it would be difficult to provide landlords with a standard that varies depending on the sensitivity of tenants.

Dealing with high levels of contamination as a result of methamphetamine manufacturing

24. I have also considered how to deal with premises used for methamphetamine manufacture. Studies have shown manufacture of methamphetamine provides much higher levels of residue compared with smoking. However, for the reasons set out below I consider that, with one exception, the proposals will apply to all rental premises, whether or not they have been used for methamphetamine manufacture.
25. It is currently not possible to determine definitively whether or not a property has been used for the manufacture of methamphetamine based solely on the results of surface sampling. I consider that determining whether there was manufacturing on the premises is best left for Police with input from ESR.
26. If an active methamphetamine laboratory is suspected, landlords or tenants should call Police immediately. They will examine the premises alongside ESR scientists, and will prepare a report determining the likelihood of methamphetamine manufacture having been carried out on the premises. Police will notify the property owner and the relevant Council if a laboratory is considered likely. I propose that if the premises are used as rental accommodation, that the regulations require that once the landlord has been notified by Police or the Council that the premises are likely to have been used as a methamphetamine laboratory, the landlord must ensure that detailed assessment is carried out by professional accredited testers.
27. While methamphetamine manufacturing techniques sometimes use precursors and materials which contain or produce highly toxic substances such as lead and mercury as a by-product, ESR advises that the current manufacturing techniques in New Zealand do not use or produce such contaminants. ESR has, however, observed that other chemicals may be present when premises have been used for methamphetamine manufacture, but at much lower concentrations than the methamphetamine.
28. Note that the proposed regulations only apply to the contaminant, methamphetamine. When landlords have been notified that their premises are likely to have been used for

methamphetamine manufacture, their obligations in respect of any non-methamphetamine contamination which may have arisen would be found in s 45(1)(a) of the RTA: that is, they must provide the premises in a reasonable state of cleanliness.

Remediation levels following decontamination

29. I propose that, for decontamination to be considered successful, premises tested following decontamination must have a residue level of 15µg/100cm² or below.
30. This is based on recent advice from ESR about what level a contaminated property should be remediated back to. ESR has advised that 15µg/100cm² is also an appropriate target level for remediation to achieve. They noted that further remediation of a property remediated to a methamphetamine surface concentration of less than 15µg/100cm² is highly unlikely to result in additional health benefits for residents. The 2022 report covering this is set out at **Annex C**.
31. I note that ESR's conclusion on this point differs from that of the former PMCSA, whose report concluded that remediation to the NZS 8510:2017 standard of 1.5µg/100cm² is appropriate for identified former methamphetamine laboratories and properties where excessive use, as indicated by high levels of methamphetamine contamination, has been determined. In my view, requiring decontamination to an extra safety margin of 1.5µg/100cm² as proposed in the former PMSCA report for premises used for manufacturing is no longer justified. This takes account of ESR's recent advice about the lack of highly toxic chemicals used or produced in the manufacturing process in New Zealand.

Setting a maximum inhabitable level

32. Section 138C(3)(b) of the Act allows regulations to be made setting a **maximum inhabitable level** of methamphetamine. In general terms, section 59B of the Act enables a tenant or a landlord in certain circumstances to terminate a tenancy on a minimum of 2 or 7 days' notice respectively, if testing establishes that methamphetamine residue is present at a level above the maximum inhabitable level.⁵ In addition, if the tenant is not in breach, the rent abates at that point.
33. In its 2020 report, ESR, when advising on the issue of a **maximum acceptable level**, stated:

*“While the study of Wright et al. (2020) did not identify a clear biological gradient for adverse effects associated with methamphetamine exposure, principles of toxicology require such a gradient. A biological gradient means that with increasing exposure, either the probability and/or the severity of adverse health effects will increase. **This further suggests that there will be a level of methamphetamine contamination that results in unacceptable risks of adverse effects and some mechanism is required to protect residents of methamphetamine-contaminated premises from unacceptable levels of risk.**”* (Emphasis added)
34. However, when asked about the setting of a **maximum inhabitable level**, ESR advised that it “*does not consider that there is sufficient evidence to define a maximum inhabitable*

⁵ Residential Tenancies Act 1986, s 59B(6)-(7).

level for methamphetamine. No evidence is available of severe health effects associated with third-hand methamphetamine exposure.”

35. If a maximum inhabitable level is not set, section 59B of the Act will not be able to be used to terminate a tenancy on the basis of high levels of methamphetamine residue.

s 9(2)(h)

Proposal – maximum inhabitable level of 30µg/100cm²

37. I propose that a high level of methamphetamine contamination be set as a maximum inhabitable level, suggested to be 30µg/100cm². As well as seeking feedback on the overall proposal during the consultation, I will specifically seek feedback about whether this level is appropriate, or should be higher or lower. Note that available data suggests that significantly fewer than 9% of properties which had any positive level of methamphetamine residue would test higher than 30µg/100cm².
38. In light of the lack of sufficient scientific evidence about what level would mean premises are ‘uninhabitable’, setting a level such as 30µg/100cm² would be a precautionary step. It would enable termination of tenancies where there *may* be risks of adverse health effects, even though there is insufficient science to precisely define that risk. It would align with the intention of Parliament that parties who have not caused the contamination could quickly terminate a tenancy if premises were significantly contaminated with methamphetamine.⁶ Further, it would provide certainty about what level of contamination would trigger the ability to terminate.

s 9(2)(g)(i)

⁶ (24 July 2019) NZPD Third reading speech (Residential Tenancies Amendment Bill — Third Reading, Kris Faafoi).

Policy proposals: requirements for landlords, testing, decontamination, and abandoned goods

40. Proposals relating to requirements for landlords in respect of methamphetamine contamination, requirements for testing, decontamination, and processes for managing abandoned goods on contaminated premises are summarised in Table 1 below.
41. In addition to the requirements for testing in the regulations, landlords and tenants may also undertake voluntary testing at any time – for example, for insurance purposes or peace of mind. All testing, however, should follow the requirements prescribed in the regulations.

Table 1: Summary of policy proposals to be consulted on - requirements for landlords, testing, decontamination, and abandoned goods

1. Requirements for landlords - section 138C(3)(c) and (f)
<p>1.1 Testing for methamphetamine contamination where manufacture has been confirmed by Police, Council</p> <p>Landlords will be required to engage professional accredited testing services (as defined in the regulations) to carry out detailed assessment and analysis of their premises for methamphetamine contamination where Police or the relevant Council report that methamphetamine manufacture has taken place or is likely to have taken place.</p> <p>1.2 Act on positive test results</p> <p>In all other cases where a tenant or any other person (including the landlord themselves) has carried out a permitted screening test (screening sampling) of the premises for methamphetamine residue and this has shown results higher than 15µg/100cm², a landlord will be required to engage professional accredited testing services to undertake detailed sampling and analysis.</p> <p>1.3 Decontaminate premises</p> <p>Landlords must ensure that their premises which have been shown from detailed assessment to be contaminated with methamphetamine over 15µg/100cm² are decontaminated in accordance with the prescribed process.</p> <p>1.4 Post-decontamination detailed assessment</p> <p>Landlords must ensure that a further round of detailed assessment is carried out in their premises following decontamination to ensure that decontamination has been effective.</p> <p>1.5 Ensure independence</p> <p>Landlords must ensure that, to avoid any conflict of interest, any testing professional used for screening assessment or detailed assessment is independent from any professional contracted to carry out decontamination.</p> <p>1.6 Meet timeframes</p> <p>Landlords must ensure that, when the premises continue to be provided to the tenant, they:</p>

- engage an accredited detailed sampler as soon as practicable after receiving positive screening test results or notification from Police or Regional Council.
- arrange for decontamination of the premises as soon as practicable after notifying the tenant of detailed assessment results over 15µg/100cm²
- engage an accredited detailed sampler as soon as practicable after decontamination has been completed.

2. Testing for methamphetamine contamination - section 138C(3)(d)

2.1 Who can do screening assessments and detailed assessments?

Any person can undertake screening assessments under the regulations as long as they use prescribed sampling tests in accordance with the instructions, however if a professional is paid to do screening assessments, they must meet specified requirements. Only qualified professionals can carry out detailed assessments.

2.2 What types of tests and methods can be used under the regulations?

Any of discrete/individual sampling plus laboratory testing, discrete/individual sampling plus laboratory composite testing, and accredited screening test kits are acceptable methods of testing for methamphetamine under the regulations.

Field composite tests and unvalidated testing kits are not acceptable methods of testing for methamphetamine under the regulations.

Unless an accredited screening test kit is being used, all samples need to be analysed and reported on by accredited laboratories.

3. Decontamination - section 138C(3)(e)

3.1 Process for decontamination

Decontamination must be carried out in accordance with the process outlined in the current NZS standard with minor specified amendments to ensure the process is appropriate to achieve the 15µg/100cm² threshold.

3.2 Who can undertake decontamination

Any person can undertake decontamination work, including the landlord themselves.

4. Abandoned goods on contaminated premises - section 138C(3)(g)

4.1 Processes and duties for abandoned goods

I propose to prescribe a process and associated duties on landlords for dealing with abandoned goods from contaminated premises which are similar to the existing provisions which apply to abandoned goods on non-contaminated premises, with the key distinctions that:

- the landlord must deal with the abandoned goods as if they are contaminated
- the landlord must assess the market value of the goods together with the likely cost of testing, decontamination (where possible), storage, transport and sale
- where any of the goods have a value below the costs of the above provisions, the landlord may securely dispose of the goods
- where any of the goods have a value above the above costs, the landlord must securely store the goods for at least 35 days, and after that, if unclaimed, may decontaminate, re-test, and sell the goods.

Impact of the proposals on Kāinga Ora and Community Housing Providers

42. Kāinga Ora supports the proposals. In terms of likely impact if the proposals are adopted, Kāinga Ora officials estimate there will be:
- Fewer properties to decontaminate. Currently, in some cases, Kāinga Ora decontaminates properties which test above levels of $1.5\mu\text{g}/100\text{cm}^2$, instead of above $15\mu\text{g}/100\text{cm}^2$, which would change if the proposals are adopted into regulations. This could affect around 5 properties a year.
 - Fewer rooms to decontaminate in each property. Currently, if there is one room which tests above $15\mu\text{g}/100\text{cm}^2$, Kāinga Ora also decontaminates every room over $1.5\mu\text{g}/100\text{cm}^2$ as the final test result for all rooms needs to be under $1.5\mu\text{g}/100\text{cm}^2$ to meet the standard.
 - Fewer repeat decontamination rounds: properties often require multiple rounds of decontamination to reach a level of $1.5\mu\text{g}/100\text{cm}^2$ or below, whereas most would only require one following this change. Kāinga Ora would also save on fewer post-decontamination retests, depending on how many areas are still above the threshold.
 - Faster decontamination (given fewer rooms and fewer rounds). Kāinga Ora estimates this change could save 3-4 weeks of time per property where decontamination is required.
43. Community Housing Providers are also likely to welcome the proposals. The proposals will create much greater clarity in terms of how to manage methamphetamine contamination in community housing. Properties which test over $15\mu\text{g}/100\text{cm}^2$, decontamination approaches will align with the best scientific evidence available. Currently, premises are remediated to a level of $1.5\mu\text{g}/100\text{cm}^2$ or less, which often takes considerable time, and can require removal of wall linings. If the proposals are adopted, remediation will be required to a higher level - $15\mu\text{g}/100\text{cm}^2$ or less – which will be quicker to achieve, and should not usually require structural work on the premises.

Public release of consultation document and stakeholder workshops

44. I propose the consultation document be made publicly available on the Ministry website, and disseminated to identified stakeholders, immediately following Cabinet approval for a 12 week consultation period.
45. After release of the consultation document, officials will host targeted stakeholder workshops. Depending on availability, target groups for the workshops may include: property managers and landlord representatives; Te Matapihi; tenant representative groups; Māori housing providers, the methamphetamine testing and decontamination industry; toxicologists and environmental health experts; public health officers including medical officers of health, Community Housing Aotearoa, Kāinga Ora; Local Government New Zealand; District Health Boards; and the insurance industry.
46. Particular consideration has been given to engagement with Māori. Officials will undertake high-level engagement with relevant organisations to identify areas of impact. This information will be used to inform further engagement.

Proposed timeline to implementation

47. When consultation is complete, officials will analyse feedback from stakeholder workshops and submissions. This analysis will inform the development of the final policy framework for managing methamphetamine contamination in rental properties. I expect to bring the final policy proposals to Cabinet around the middle of 2023.
48. I propose the timeline in the table below to develop the methamphetamine contamination regulations.

Milestone	Date
Consultation document announced and released	28 November 2022
Consultation closes	20 February 2023
Summary of submissions and revised proposals provided to the Minister	April 2023
Draft Cabinet paper consulted with Minister, colleagues and wider caucus	May-June 2023
SWC/CAB considers revised policy proposals and regulatory impact analysis	July 2023
PCO drafts regulations	August-December 2023
LEG considers draft regulations	February 2024
Regulations come into force	March 2024

Implementation

49. There are no implementation implications related to this consultation process.
50. I will come back to you with a detailed implementation plan for the regulations when I bring the policy proposals back to Cabinet.

Financial Implications

51. This consultation process will be covered within existing baselines.
52. I will include a detailed breakdown of any costs associated with the implementation of the regulations when I bring the policy proposals back to Cabinet.

Legislative Implications

53. The proposed consultation document will inform regulations to be made under the RTA.

Impact Analysis

Regulatory Impact Statement

54. The Treasury's Regulatory Impact Analysis team has determined that the release of the discussion document on regulation of methamphetamine contamination in rental housing is exempt from the requirement to provide a Regulatory Impact Statement (RIS). The exemption is based on advice that the discussion document includes the key features of an interim RIS.
55. A quality assurance panel at the Ministry has reviewed the discussion document and confirmed that it meets these requirements. A full RIS will be completed at a later date to inform Cabinet's final decisions on these proposals once they return from consultation.

Climate Implications of Policy Assessment

56. The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

Population Implications

57. Māori, children, seniors, disabled people, women, people who are gender diverse, Pacific peoples, veterans, rural communities and ethnic communities are disproportionately represented in rental housing and are likely to benefit from the greater certainty around management of methamphetamine contamination that these regulations will provide.
58. As noted above, particular consideration has been given to engagement with Māori during the consultation process.

Human Rights

59. The proposals contained in this paper appear to be consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. A final view as to whether the proposals are consistent with the Bill of Rights Act will be made when the regulations are drafted.

Consultation

60. In preparing this paper and the attached consultation document, Government agencies have been consulted and their comments are reflected where possible and appropriate.
61. Te Tūāpapa Kura Kāinga has engaged with the following agencies: Manatū Haoura (the Ministry of Health), the Ministry of Business, Innovation and Employment (including both Standards New Zealand and Tenancy Services), Kāinga Ora, New Zealand Police, Ministry of Justice, Ministry of Social Development, Ministry for the Environment, Te Puni Kōkiri, Department of Internal Affairs, Department of the Prime Minister and Cabinet, and the Treasury.
62. In developing the consultation paper Te Tūāpapa Kura Kāinga also engaged with the Institute of Environment Science and Research ESR, the Office of the Prime Minister's Chief Science Advisor, the Real Estate Authority and the Principal Tenancy Tribunal Adjudicator.

Communications

63. The Ministry will release the consultation document and share information with key stakeholders and the public through Ministry channels such as the website, social media, and targeted engagement. The Ministry will manage any media queries, or issues arising, in discussion with the Minister's office and other agencies, as required.
64. A Minister's press release is recommended to announce the release of the consultation document. A communications and engagement plan has been prepared with supporting communications materials. Kāinga Ora has also prepared a communications approach for enquiries that relate to the public housing that they provide.

65. There is likely to be a high level of media interest in the consultation document. At the time they were made, the original recommendations of the then Prime Minister's Chief Science Advisor received a high level of coverage, so the release of this discussion document is likely to be covered widely.

Proactive release

66. I intend to release this Cabinet paper proactively.

Recommendations

The Minister of Housing recommends that the Committee:

1. **note** that there are currently no binding rules about acceptable levels of methamphetamine residue in rental accommodation in New Zealand which is confusing for the sector and challenging for the Tenancy Tribunal, and has led to disproportionate responses to low levels of methamphetamine residue
2. **note** that I am proposing a proportionate regulatory response to methamphetamine contamination in rental premises, with the following objectives:
 - 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, and
 - prescribe an approach that will manage costs of testing and decontamination for landlords and tenants
3. **agree** to publicly release the consultation document: *Regulation of methamphetamine contamination in rental housing*, and seek feedback from stakeholders;
4. **authorise** the Minister of Housing to make any necessary editorial or minor content changes to the consultation document prior to its release

Next steps

5. **note** that, subject to Cabinet approval, it is intended to release the document: *Regulation of methamphetamine contamination in rental housing*, with a consultation period of approximately 12 weeks, ending on 20 February 2023.
6. **note** that the Minister of Housing will report back to Cabinet on the outcome of the consultation and seek decisions on the content of the regulations and approval to issue drafting instructions to the Parliamentary Counsel Office for those regulations.

Authorised for lodgement

Hon Dr Megan Woods
Minister of Housing

Annex A: Regulation of methamphetamine contamination in rental housing – Consultation Document

Annex B: ESR – Methamphetamine Contamination in Residential Environments: Analysis of Evidence Related to Human Health Effects – December 2020

Annex C: ESR – Methamphetamine Contamination in Residential Environments: Limits for Contamination – July 2022

Annex A: Regulation of methamphetamine contamination in rental housing – Consultation Document

Annex B: ESR – Methamphetamine Contamination in Residential Environments: Analysis of Evidence Related to Human Health Effects – December 2020

Annex C: ESR – Methamphetamine Contamination in Residential Environments: Limits for Contamination – July 2022