

21 FEB 2019

Miles Stratford
fyi-request-9184-6802db19@requests.fyi.org.nz

Dear Miles

Thank you for your email dated 4 December 2018, in which you requested the following information:

'The Housing Minister has advised that initial payments have been made to tenants wrongly evicted under the historic meth policy Housing New Zealand (HNZ) operated <https://www.radionz.co.nz/national/programmes/morningreport/audio/2018673891/first-govt-payouts-made-over-flawed-meth-testing>

- 1 / Please provide a copy of the Meth Policy and the basis on which it was applied*
- 2/ Of the approximately 800 tenants who are reported as being in line for compensation payments, in how many instances, did HNZ believe it had sufficient evidence to hold these people accountable under the 'balance of probabilities' test that is used to determine liability under the Residential Tenancies Act?*
- 3/ The the top 5 cases by quantum of loss to HNZ, please provide details of the costs to HNZ of the meth related damage and repair costs to HNZ, including copies of test results, meth test reports and recommendations for decontamination, along (sic) with copies of the evidence that HNZ used to hold the people in question accountable?*
- 4/ What compensation payouts are likely to be made to the parties who were wrongly held accountable for these particular losses?'*

Housing New Zealand notes that this request is subsequent to two earlier Official Information Act (the Act) responses to you dated 23 September and 17 October 2018, on the same or similar matters as you have raised in this further request.

On 23 January 2019, Housing New Zealand extended the timeframe for response to your request to 21 February 2019.

1 / Please provide a copy of the Meth Policy and the basis on which it was applied

Housing New Zealand has interpreted your request to be asking for its historical policy on managing tenancies where methamphetamine contamination was suspected. In response to the Chief Science Advisor's findings in mid-2018, recommending higher thresholds for methamphetamine contamination, Housing New Zealand published a large amount of information on its website. This information explains its historical approach to managing its tenancies where methamphetamine was suspected, and includes documents on the policy applied at the time. You will find these details available under the subject heading 'Key Documents' at this link <https://www.hnzc.co.nz/publications/methamphetamine-contamination-response/>.

Your request in this instance is therefore refused under section 18(d) of the Official Information Act 1982 as *'the information requested is or will soon be publicly available.'*

2/ Of the approximately 800 tenants who are reported as being in line for compensation payments, in how many instances, did HNZ believe it had sufficient evidence to hold these people accountable under the 'balance of probabilities' test that is used to determine liability under the Residential Tenancies Act?

A consequence of Housing New Zealand's historical approach was the ending of tenancies, where methamphetamine contamination levels were higher than the thresholds of the time. Under its past approach, Housing New Zealand considered that the individual with the tenancy agreement was responsible for the contamination, either directly or indirectly, and held that individual accountable by ending their tenancy.

Housing New Zealand has publicly acknowledged that its historical approach was disruptive for those affected. It estimates that around 800 tenancies were ended under its old policy between 1 July 2013 and 1 June 2018. In an effort to make things right, Housing New Zealand has invited tenants whose tenancies were ended because of methamphetamine contamination, to get in touch with staff at its Meth Assistance Programme. The role of this team is to discuss individual circumstances with those who make contact, to identify how we can address some of the losses they may have suffered following the ending of their tenancies. These discussions do not include an assessment of whether or not the tenant may have been at fault.

3/ The the (sic) top 5 cases by quantum of loss to HNZ, please provide details of the costs to HNZ of the meth related damage and repair costs to HNZ, including copies of test results, meth test reports and recommendations for decontamination, along with copies of the evidence that HNZ used to hold the people in question accountable?

Housing New Zealand has interpreted your request to be about amounts spent on addressing the problem of methamphetamine contamination, in homes that had tested positive under its old policies. Furthermore, Housing New Zealand has interpreted your request to be for the five properties that cost the most to remedy, as a result of the contamination identified.

The following table provides the total cost, including GST, of the five methamphetamine contaminated properties that cost Housing New Zealand the most to remedy, over the last three financial years. The work undertaken for these costs include chemical demolition, chemical reinstatement, chemical testing and chemical decontamination.

Top five methamphetamine contamination-related spend cases for Housing New Zealand for the Financial Years 2016 to 2018

2016 / 2017 Financial Year	2017 / 2018 Financial Year
\$191,534	\$249,118
\$140,932	\$176,092
	\$167,203

Enclosed with this letter are copies of four of the five reports that show the results of the testing, recommendations, and follow up contamination assessments for the properties in the above table. One of the five sets of reports cannot be located. Therefore, I am unable to provide you with the requested information for one of the five properties with reference to section 18(e) of the Act as *'the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found'*.

Some information in the attached documents has been withheld under the following sections of the Act:

- section 9(2)(a) to '*protect the privacy of natural persons, including that of deceased natural persons.*'
- *Out of scope information.*

4/ What compensation payouts are likely to be made to the parties who were wrongly held accountable for these particular losses?

As Housing New Zealand responded to you on 17 October 2018, its Meth Assistance Programme publishes up to date information about the outcomes of its discussions with tenants who have made contact, at <https://www.hnzc.co.nz/for-our-tenants-and-their-communities/our-tenants/health-and-safety/making-it-right-methamphetamine-contamination-in-our-homes/>. That information includes the number of contacts received, and of these, the number of cases under consideration, approved, determined as ineligible, and completed. The total and average amount of grants paid is also published. Your request in this instance is refused under section 18(d) of the Act as '*the information requested is or will soon be publicly available.*'

You have the right to lodge a complaint with the Office of the Ombudsman if you are not satisfied with Housing New Zealand's decision to decline to provide some of the information you requested. You can reach that office at info@ombudsman.parliament.nz or by calling toll free on 0800 802 602.

Yours sincerely



Rachel Kelly
Manager, Government Relations