



# Illegal Drug Activity in Homes: Managing Risk

## A Guide for Occupants, Landlords, Property Managers and Agents

Residential illicit drug activity is cause for concern for tenants, owners, property managers and real estate agents alike due to incidental potential health and safety risks to occupants.

In Western Australia (WA), some homes, particularly rentals, may be contaminated or damaged due to production or smoking of illicit drugs, especially methylamphetamine (meth, ice, crystal meth), or cannabis (marijuana, THC).

### Together We Can Minimise Risk

The Department of Health (DOH) and local government authorities (LGA) are responsible under public health legislation to ensure residential properties are fit for human habitation. Also under Consumer Protection legislation, landlords are obligated to ensure that any property rented or sold is in a reasonable state of cleanliness and complies with any safety laws.

This guide will assist tenants, landlords, managers and real estate agents identify and manage illicit drug contamination in residential properties in order to reduce the risk of exposure to occupants.

### About Residential Illicit Drug Activities

Of primary concern are houses, mostly rental properties, which have been used for manufacturing, smoking or growing illicit drugs. Illicit drug activities that are the focus of this guide are:

[Clandestine Laboratories](#) (*clan labs*) – places for the secret manufacture of illicit drugs using improvised equipment, often in an unsafe manner. Drug residues, raw materials and waste chemicals can contaminate surfaces in a house long after production ceases. Meth residues are most common.

[Smoke Houses](#) - residences in which crystal meth and other drugs, such as heroin and cannabis, are smoked regularly but not manufactured. The contamination level will depend on the frequency and amount of usage, but generally drug residues in these homes tend to be far lower than clan labs, and so more readily remediated.

[Cannabis Grow Houses](#) – often a rental property that was extensively modified to grow cannabis hydroponically. This can cause extensive structural damage and mould infestation.

## Health Risks to Occupants

Health effects most often associated with exposure to illicit drug contamination are not specific to drug contamination and may be due to nutritional or medical conditions or other environmental exposures. An expert medical assessment is advised when health effects from drug contamination are suspected particularly in young children.

Contamination induced risks to occupants vary depending on the illicit drug activity, with clan lab contamination of greatest concern. Symptoms of exposure that have been linked to meth contamination include:

- behavioural changes;
- sleep disturbance; and
- respiratory problems.

Examples of these have been reported in Australia and overseas, primarily associated with the clan labs. Children, pregnant women and the elderly are at most risk from this type of exposure.

Smoke houses generally have much lower amounts of residues in comparison to clan labs, and pose less risk to susceptible groups. The level of contamination depends on the degree and length of smoking activity, and cleanliness.

Risks in cannabis grow houses are mainly related to physical injury such as tripping or from electrical faults. However, accumulated chemical residues and exposure to mould spores can also present a respiratory risk.

## When Affected Properties Are Discovered

When police disrupt a clan lab, smoke house or grow house, they report the details to the DOH. The information is reviewed and if that property is considered a potential public health risk the details are forwarded to the relevant LGA, along with site-specific management advice. Depending on circumstances, the LGA usually then contacts the home owner. This contact may include a recommendation for voluntary cleaning or may express a legal requirement to assess or manage the potential contamination.

Because the police are only able to identify and notify a small number of affected properties, occupants, landlords, property managers and real estate agents can each aid in this process and affected property management using information provided in this guide.

If you suspect a property is being used for illegal drug activities, you can anonymously report it to Crime Stoppers [online](#) or on 1800 333 000.

## Legal Responsibilities of Landlords, Property Managers and Agents

Under the [Health \(Miscellaneous Provisions\) Act 1911](#), the main party responsible for cleaning and/or repairing a contaminated property is the owner, although some provisions may require the occupant or persons responsible for the contamination to take certain actions.

Under Consumer Protection legislation, if the buyer or tenant of a property becomes ill from exposure to a known former clan lab or smoke house, and it was not disclosed as a material fact, the owner and real estate agency could be subject to legal action.

## Landlords

Private landlords have a responsibility to ensure their property, for future occupants, is in a reasonable state of cleanliness and comply with any safety laws.

If the landlord believes or suspects that there has been a clan lab or smoke house at the property, then the landlord is required to undertake the necessary remediation before leasing.

As a routine measure, landlords may choose to adopt a precautionary cleaning regime as described below for all new tenancies.

A prospective tenant may request the landlord provide proof that a known contamination has been remediated or that no remediation is required (refer to testing and managing contamination below).

Landlord insurers may not cover landlords for illicit drug testing or remediation. Landlords should check their policies and be aware that some insurers may increase the excess or limit payouts for claims resulting from illicit drug activity.

Be proactive! Increase your knowledge and awareness of residential illegal drug activities by familiarising yourself with the information in this guidance.

It is worth noting that any contamination may have resulted from previous occupants rather than current ones, if the residence was not properly cleaned.

## Property Managers and Real Estate Agents

Consumer Protection regards the non-disclosure of known serious health hazards - including any harmful chemical residue left at a residential property due to it having been used as a clan lab as a breach of the *Real Estate and Business Agents and Sales Representatives Code of Conduct 2016* (the Code).

Under the Code, real estate agents are required to ascertain material facts about any property they list. While determining what constitutes a material fact may depend on the particular circumstances, a property's previous use as a clan lab or a smoke house is likely to be a material fact given it may affect a prospective buyer/tenant's decision to purchase/rent the property.

While you can't disclose what you don't know, you must take due care in ascertaining material facts about any property you sell or rent. It is the responsibility of sellers, owners or landlords to demonstrate that an affected property has been remediated of any contamination or that remediation is not required.

Also under the *Residential Tenancies Act 1987*, owners are required to lease properties that comply with health and safety laws and regulations.

If contamination of a property is suspected, it would be worth having it tested and/or cleaned in accordance with the guidance below.

Proof that the property has been remediated should include a remediation report or statement from the cleaning company regarding the property, the date of service and the cleaning process used.

## Tenants: What Can You Do?

You should contact your landlord or property manager if you're concerned that a property has been contaminated by illicit drug activity. If you believe your illicit drug concerns have not been adequately responded to then you can contact your LGA or the Department of Health (DOH) for technical advice. You could also at your own expense arrange contamination testing and/or conduct a precautionary clean as described below.

If you live in a premises that was known to be contaminated prior to your tenancy, you only need to be concerned if there was no documented clean up provided to you.

Under Consumer Protection legislation, tenants who reside at a property they believe was formerly used as a clan lab or smoke house have a range of options open to them. Should the premises be deemed uninhabitable, such as by a Local Government Notice, and you want to end the tenancy agreement, the period of notice to vacate can be no less than two days. This applies to both periodic and fixed-term tenancies. You can contact Consumer Protection for more advice on 1300 304 054.

You can also seek an order from the [Magistrates Court of Western Australia](#) to end a tenancy agreement if the landlord has not kept to the terms of the tenancy agreement and refused to fix the problem.

If you are a tenant or the buyer of a residential property and you believe a real estate professional knowingly failed to disclose the property you rented/bought was used as a clan lab or is contaminated with drug residue, you may choose to lodge a complaint with Consumer Protection [online](#), by mail or in person at one of their offices.

## Detecting Contamination

As a general practice, owners, managers and agents should be alert to any illegal drug activities that may affect a property under their care. The routine inspection or engagement process with tenants is a great opportunity to check for signs of questionable activity, as outlined in [Attachment 1](#).

## Reporting Suspected Illegal Activity

If you suspect a property is being used for illegal purposes contact Crime Stoppers on 1800 333 000 or [online](#).

## Testing for Contamination

DoH does not support routine illicit drug contamination sampling between tenancies.

Where testing is warranted for any reason, DOH, recommends testing is undertaken only by a DOH [accredited forensic testing company](#), and in the case of a clan lab and other highly contaminated premises the reporting, clean-up process and validation testing is mandatory through issue of a Notice by the LGA.

The initial testing normally consists of swab sampling of at least five suitable suspect surfaces within the premises followed by quantified laboratory analysis for meth and associated chemicals.

A result above the Health Investigation Level (HIL) of 0.5 ug/100cm<sup>2</sup> for meth triggers further investigation, cleaning and or re-testing.

Although some screening swab testing systems provide instant positive or negative results for meth, these systems are less reliable and do not constitute legal proof that a property is or is not contaminated, or that remediation has been successful. When proof of contamination is required, testing by a DOH accredited company is recommended.

## Managing Contamination

DOH supports routine precautionary cleaning between tenancies.

### Precautionary Cleaning

Even if there's just a possibility that a property has been contaminated, or if indications are quite limited, it is still worth having the premises professionally cleaned, especially between occupancies. This should include several washes of all floors, counters and lower wall surfaces with sugar soap, bleach or an alkaline detergent, and laundering or steam cleaning of soft furnishings and carpets. It is believed that this type of clean can significantly reduce any risks. You should retain a written record of what appropriate cleaning procedures have been undertaken, which may be in the form of an invoice and clean-up statement.

If done as part of a bond clean it is recommended that the occupier base the cleaning on the above advice.

### Full Remediation

If there is sufficient evidence (e.g. multiple positive indicators) or confirmation of contamination through testing or official notification from the LGA, police or any other authority, the next step will be cleaning the property in an approved manner.

In the case of meth or other illicit drug smoke houses, remediation should be done following the DOH [low level contamination cleaning procedure](#) preferably using a DOH [accredited cleaning company](#). This process is recommended rather than required, unless the LGA or DOH indicates otherwise. Any remediation should include completion of the recommended Clean-up Compliance Statement.

Clan labs are subject to more thorough [testing, cleaning, validation and reporting procedures](#). The testing and cleaning of clan lab contamination can only be done by a DOH [accredited testing and cleaning companies](#).

Since cannabis grow houses primarily present as physical risks, remediation will often take the form of building repairs as described in the associated DOH [guidance](#).

## Indicators of illicit drug contaminating activity

### General Behavioural Indicators

For a property the following indicators may be present for any type of illicit drug activity:

- Frequent visitors at odd hours;
- Windows blackened out or curtains always drawn;
- Occupants unfriendly or seldom seen, appear secretive about their activities, exhibit odd behaviour;
- Access made difficult to landlords, neighbours, property managers and agents;
- Expensive security and surveillance equipment; and
- Rent paid in cash.

### Indicators of a Clandestine Laboratory

The manufacture of drugs requires specific pharmaceutical and chemicals as raw materials, equipment for chemical reactions, and will generate waste material that will require disposal. Some indicators of drug manufacture include:

- Smell of ammonia, chlorine or solvents, especially if there is no swimming pool;
- Flu tablet packaging, chemical containers and fertiliser bags in rubbish;
- Bottles or containers with two liquid layers, inappropriate chemical containers;
- Containers with hosing e.g. red jerry cans with plastic hosing connected;
- Laboratory glassware and equipment;
- Prominent and widespread staining of benches and other surfaces
- Gas cylinders with blue stained brass valves;
- Large numbers of damaged lithium batteries;
- Soil staining or dead vegetation near drains/taps;
- Piles of white powder on the ground outside; and
- Presence of small (matchbox sized) plastic bags and/or electronic scales.

### Smoke House Signs

- Occupants acting in an intoxicated or mentally affected, erratic or violent manner;
- Presence of glass pipes; and
- Presence of small (matchbox sized) plastic bags and/or electronic scales.

Be aware that some general individual behavioural indicators in conjunction with apparent intoxication may indicate stimulant use or a medical condition unrelated to illicit drug use or contamination.

### Cannabis Grow House Indicators

- House not lived-in or occupants seldom seen;
- Toys left outside when children not living there;
- Constant noise such as fans running, or electrical humming, especially at night;

- Whirlybirds on roofs turning at speed continually and on cold nights (in conjunction with other indicators).
- Condensation causing mildew, rot or watermarks near windows and foundations;
- Occasional power surge or power drop in neighbouring homes;
- Visual indicators of electrical modification around area of the meter box;
- Odd odours – sweet vegetation, pine smell, or rotting cabbage;
- Mail accumulating, lights left on, constant radio playing, or TV left on; and
- Presence of plastic drums or bottles of chemicals including agricultural chemicals, in excess of those for a normal residential property.

In the case of a known activity, suspicion or evidence of illicit drug use a premises can be reported to the Police as follows:

Crime Stoppers call 1800 333 000 or visit [www.crimestopperswa.com.au/](http://www.crimestopperswa.com.au/).

**This document can be made available in alternative formats on request for a person with disability.**

© Department of Health 2019

Copyright to this material is vested in the State of Western Australia unless otherwise indicated. Apart from any fair dealing for the purposes of private study, research, criticism or review, as permitted under the provisions of the *Copyright Act 1968*, no part may be reproduced or re-used for any purposes whatsoever without written permission of the State of Western Australia.