



NEW YORK STATE SENATOR

Timothy M. Kennedy

## Senator Kennedy Proposes New Meth Lab Disclosure Rules to Protect Homeowners, Renters

TIMOTHY M. KENNEDY January 25, 2013

| ISSUE: **HOUSING, DRUGS, BUILDING OR INSPECTIONS**



*Hazardous chemicals left behind in homes once used as meth labs pose serious health risks; Kennedy wants new disclosure requirements for sellers and landlords.*

*At 148, a record-setting number of meth labs uncovered and broken up across N.Y. State in 2012.*

*Kennedy: When Homeowners are Kept in the Dark on Meth Contamination, Serious Health Problems Take Entire Families by Surprise. It's Time for New Rules to Protect Buyers and Renters.*

BUFFALO, N.Y. – In 2012, a [record-setting number of meth labs](#) were uncovered and broken up across New York State. Law-enforcement agencies reported 148 incidents where they took down clandestine meth-production laboratories, according to the Drug Enforcement Administration. This spread of meth production has given rise to a new problem – meth ‘cooks’ are leaving behind hazardous chemical residues in the homes or apartments where they carried out the production process.

Under current state law, home sellers and landlords are not required to inform future occupants that a home or apartment was once used to produce methamphetamine – even though the residues left behind pose serious health risks. Senator Tim Kennedy, D-Buffalo, is proposing state legislation to protect home buyers and renters with new disclosure requirements. He outlined his plan Friday at West Side Community Services, just blocks away from the site of [last week's meth raid on Niagara Street](#).

When meth residues are not cleaned up, residents are highly susceptible to serious illness. Unsuspecting families across the nation have faced serious health problems as a result of undisclosed meth contamination in their homes. Kennedy's proposal would require home sellers and landlords to notify potential purchasers or renters that their property was once used as a meth lab.

“With the proliferation of methamphetamine production in communities across our state and nation, some homeowners are finding their dream homes to be nightmares contaminated with hazardous chemicals left behind by broken-up meth labs,” said Senator Kennedy. “When home buyers and renters are kept in the dark about meth contamination, serious health problems can take entire families by surprise – and the costly remediation bills for clean up often lead to serious financial hardships. Our proposal will protect homeowners and renters by ensuring sellers and landlords fully disclose a property's status as a former meth lab prior to purchase or lease-signing.”

Law enforcement officials across the country have pointed to the one-pot method, also known as the shake-and-bake method, as a cause behind the rise in meth production. With the one-pot method, meth makers mix all of the ingredients – which can be easily and legally purchased at most pharmacies and department stores – together in one bottle to produce several grams of methamphetamine. The DEA says that of the 148 meth-lab incidents across the state in 2012, 138 involved the one-pot method.

Kennedy said he will work to expedite the legislative process and push for swift passage of his proposal. Until the measure is approved and signed into law, Kennedy urges sellers and landlords to voluntarily disclose all information regarding past methamphetamine production to potential purchasers or renters.

“New York State is lagging behind when it comes to protecting homeowners and renters from harmful meth residues – about half the states have **already enacted some type of disclosure regulations**,” Kennedy added. “It’s time for our state to take action.”

Kennedy’s proposal is similar to measures seen in other states. Specifically, the proposed measure would:

- Require written disclosure of a property’s status as a former meth lab prior to home-closing or lease-signing. Home sellers must notify buyers. Landlords must notify renters.
- Establish guidelines for the clean-up or demolition of any property discovered to have been used as a meth-production laboratory. Once clean-up or demolition standards are proven to have been met, the property owner will have immunity from suit brought by any future owner.
- Require banks holding foreclosed-upon properties to disclose to potential buyers if a home was formerly used as a meth lab.

- A seller who knowingly fails to make the required disclosure will be liable to the buyer for any costs related to the remediation or clean-up of the property and any costs associated with any health-related injuries or ailments that occur as a result of the meth-production contamination.

There will be no regulations preventing the sale of a property formerly used as a methamphetamine-production laboratory – either before or after remediation – but the seller must notify the purchaser of the property’s status as a former drug lab prior to the closing of the sale.

###

*Senator Timothy M. Kennedy represents the New York State Senate’s 63rd District, which is comprised of the town of Cheektowaga, the city of Lackawanna and most of the city of Buffalo. More information is available at <http://kennedy.nysenate.gov>.*