
MEMORANDUM

DATE: September 7, 2005

TO: Council Members

FROM: Council Members Jill Remington Love and Nancy Saxton

SUBJECT: Legislative Action – request to research possible amendments to the City Code relating to handling and procedures for methamphetamine or other chemically-contaminated houses

CC: Mayor Ross C. Anderson, Sam Guevara, Rocky Fluhart, DJ Baxter, Chief Chuck Querry, Jack Tidrow, Ryan Mellor, Chief Chris Burbank, Lee Dobrowolski, Marjean Searcy, Ed Rutan, Lynn Pace, Lyn Creswell, Louis Zunguze, Brent Wilde, Alex Ikefuna, Craig Spangenberg, Kevin LoPiccolo, Annette Daley, Barry Esham, Abbie Vianes, City Council Liaisons

We would appreciate the Council's support for a Legislative Action requesting that the Administration review the City's procedures for handling properties with possible methamphetamine, or other contamination and identify ways that the City's response to such issues can be enhanced.

This request was initiated by the Liberty Wells Community Council due to concerns about the increasing amount of methamphetamine use and resulting contamination throughout their neighborhoods and Citywide. The Community Council passed a resolution asking for changes to the City Code regarding the handling and procedures for homes that have been contaminated due to methamphetamine use and laboratories. (A copy of the Community Council's resolution is attached.) The Community Council's resolution has specific requests with regard to A) expanding law enforcement reporting of methamphetamine laboratories to a requirement to report sites of methamphetamine use as well, B) requiring notice of potentially contaminated properties on both property titles and notice to property owners, C) requiring property be closed to occupancy until clean-up has been verified, and D) issuing possible fines and consequences for property owners not complying.

We are asking that these specific suggestions be forwarded to the Administration for their review and research about what aspects can be implemented and what the City might do to take a stricter approach to these types of methamphetamine, or other contamination issues.

Both the Fire and Police Union representatives have indicated that they are in favor of this issue being researched and possible improvements being implemented to the current system. The Police Union specified that proposed changes should be discussed with the Police Administration, especially as certain suggestions would increase the number of required report filings for officers.

KEY ELEMENTS

- A. Expanding Reporting requirements to include observed methamphetamine use in addition to discovered methamphetamine laboratories.**

Currently, both City and State Code specify certain procedures for law enforcement and

Health Department personnel when a methamphetamine laboratory is discovered. The Community Council's proposed changes would expand clean-up response to address homes where methamphetamine use has been observed.

An existing State requirement is that the local Health Department shall place contaminated properties on a "contamination list". Salt Lake Valley Health Department satisfies this requirement with a website to list the contaminated properties. As of August 25, 2006 there were only three properties throughout Salt Lake City listed on the website. (Please note, consistent with the code requirements, these are properties that were tested for contamination due to a discovered methamphetamine laboratory.)

	Listing Date	Address
District 2:	03/03/2005	1511 S 1000 W
District 3:	01/21/2006	799 N Wall St. No. 4
District 7:	08/23/2006	2818 S Highland Dr

The Police Department will be providing statistics showing the number of crimes and arrests throughout the City which had some type of methamphetamine component – either observed use, laboratory, or as a secondary role in another crime. *(Per the Police Department, the statistics will be available for your review the night of the September 7th Council meeting.)*

Based on comparing the crime statistic information to the contamination listing, the Council may wish to consider whether the existing code addressing only contamination due to laboratories is sufficient enough to address the problem of all possible methamphetamine contamination. As suggested by the Community Council's proposal, through additional notification and cleaning requirements, more properties that are potentially contaminated could be remedied.

The Council may also wish to consider addressing contamination from a wider spectrum of illegal drugs and dangerous substances rather than specifying only methamphetamines.

B. Requirement that notice of potentially contaminated properties be placed on property titles and a certified mail-notice is sent to the property owner.

Additionally, the Community Council's proposal would require a type of notification that would make it easier for tenants and potential property owners to know of a property's history. The website may not be as well known by residents, and therefore may not provide adequate warning of a property's contamination status. The notice would be removed once clean-up is verified.

Further, the Community Council proposes that any future sale or rental of a property that has been contaminated requires certified-mail notice to potential buyers and/or renters even after the clean-up has occurred.

This is one area that the Administration may investigate to see what can be done about

enhancing notification, especially in terms of what is limited by State Code regarding putting a notice on the property title.

C. Requirement that the property be closed to occupancy until clean-up has been verified.

The Community Council's proposal includes a requirement that the property not be allowed to be occupied until clean-up has been achieved and verified.

D. Implementation of possible fines and consequences for property owners not complying.

The Community Council proposes stiff fines for property owners who do not comply with the closure to occupancy and the required notification to future buyers.

In preliminary research, a bill passed by the Tennessee Legislature in 2005 outlines enhanced notice against properties with methamphetamine contamination on property titles. Likewise, the Minnesota Legislature has passed a bill which took effect January 1, 2006 regarding notice by sellers to future buyers of past contamination mitigation efforts. New York State, Kentucky, and Oklahoma have also taken some legislative action related to methamphetamine production, prosecution, or clean-up requirements.

MATTERS AT ISSUE

Through preliminary research and conversations there are some aspects of this issue that will require additional review.

1. Hurdles with sections of the State Code
 - a. Dealing with placing a notice on a property title.
 - b. Dealing with establishing future liability for a property owner dependent on notification of past contamination.
2. Coordination with the County and Salt Lake Valley Health Department
 - a. What amendments may the County need to make in order to coordinate on these efforts?
 - b. Expanding contamination testing and clean-up verification to all methamphetamine use in addition to labs would significantly increase the number of testing sites.
 - i. Does the SLVHD have the necessary resources to take on this responsibility?
 - ii. Could or would the City contract with an independent agency?
 - iii. What might the budget impacts be?
3. Coordination with other law enforcement activities.
 - a. How would outside law enforcement agencies (e.g. the DEA, FBI) be required to follow the same reporting requirements when involved in a case within Salt Lake City limits?
 - b. How would these reports of possible contamination be coordinated with other Police Department investigations, for example an active NARC case?
4. Other legal questions
 - a. What is the required burden of proof in order to justify a search and testing of possible contamination? For example, based on observed use, would the Health Department (or other certified agency) be allowed to enter and test the site?
 - b. What is the definition of "contamination" and what would be the threshold to trigger these additional procedures?