

Illegal Drug Lab Decontamination and Certification

Frequently Asked Questions

BUYERS, SELLERS, AND RENTERS

Q. How can I determine if the house or apartment I am renting was a meth lab?

A. Beginning in February 2005, houses, apartments, motel/hotel rooms, and other structures determined by law enforcement personnel to have been used as methamphetamine (meth) labs are required to be listed on the Alaska Department of Environmental Conservation (ADEC) website (http://www.dec.state.ak.us/spar/perp/methlab/meth_lab_listing.htm). The property is kept on the ADEC website until the property owner has certified that the property has been cleaned and meets the state's "Fit for Use" standards. The property and the property owner's name will remain on the website for five years after "Fit for Use" determination and will be removed from the website within 3 months after the five-year period has elapsed (AS 46.03.500).

If you suspect a house or apartment has been used as a meth lab prior to February 2005, you should contact local law enforcement personnel and neighbors to determine if the property was used as a meth lab.

Q. Does the landlord have to notify a renter that a unit was used as a meth lab?

A. A landlord is required by statute to maintain premises "Fit for Use" (AS 34.03.100). If a meth lab was located in a rental unit and the landlord has conducted a clean up and can certify that the rental unit or property meets established cleanup standards, they are not required by statute to disclose that the premise was used as a meth lab. However, the landlord may want to consider disclosing the nature of the property, weighing the benefits of informing prospective tenants in consideration of their right to know. A property owner may want to consult legal council to evaluate the most prudent disclosure practices to protect themselves from future civil litigation.

Q. I want to sell my property that was determined to be a meth lab. Do I have to tell prospective buyers that the property was determined to be a meth lab and has not been cleaned up or met "Fit for Use" standards?

A. A property owner may not transfer or sell to another person a property determined to be a meth lab until determined to be "Fit for Use" **UNLESS** full written disclosure is made to the prospective transferee or purchaser that the property has been determined to be a meth manufacturing site and the property has not been determined to be "Fit for Use." The disclosure is to be attached to the earnest money receipt, if any, and shall accompany the transfer or sale document. The disclosure is not considered to be part of the transfer or sale document, however, and may not be recorded. The property continues to be subject to the same restrictions as any property not determined to be "Fit for Use" (AS 46.03.510. Restrictions on property).



Q. My neighbor was arrested for making meth – how does it affect me?

A. If you live in an apartment building or duplex, there is a potential your residence may be contaminated. Units that share a common ventilation system, common area, or a common wall are the most likely to have been contaminated. You should talk to your landlord if you have concerns.

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Some people making meth will dispose of the waste products on the ground. If this is suspected, ADEC should be notified. If there is a water well on the property, it should be tested.

Q. I am buying a house (apartment building, lodging). Does the seller have to disclose if there was a meth lab in the house?

A. An owner of the property can legally sell a property that was the site of a meth lab without conducting a clean up of the property **IF** the seller discloses this information prior to the sale (AS 46.03.510[b]).

If the property owner has cleaned up the property and has certified that the property meets "Fit for Use" standards, the property owner is not required by law to disclose that it was determined to be a former meth lab. All properties certified by the owner as meeting the "Fit for Use" standards are removed from the ADEC website after five years period has elapsed from the "Fit for Use" determination date.

If you suspect that a meth lab was operated on the property you are buying, you should check the Meth Labs-List of Properties on the ADEC web site (<http://www.dec.state.ak.us/spar/index.htm>) or you can call the ADEC office for information.

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