

## **HB3499\_Hankins Testimony**

My name is Jonathan Hankins and I am here with my beautiful wife, Beth and our three-year-old son, Ezra. Thank you for taking this time to hear our testimony of why we are personally in support of and vested in House Bill 3499.

Like many Americans and small business owners, my family has faced financial struggle due to the economy. We, too, have faced foreclosure with an upside-down mortgage while my wife was a full-time nursing student and I tried to hold together a struggling business. During which we even lived with family to help alleviate financial pressure. We were ecstatic when my wife graduated with her RN license in summer of 2011 and acquired a full-time job where she continues working as an Emergency Room Nurse. In 2012, we started pursuing the expansion of our family by means of adoption and started considering taking a chance at home-ownership once again. We had been hit pretty hard by the economy and other unforeseen challenges, but this was the year we were going to “Get back on our feet.”

We decided to research houses that were well within and below our means, in order to tackle our debts. We were even willing to take on projects that would need a little work. We found some homes in the \$30,000-\$40,000 range which fit the budget we were going for. After our first offer was beat, we jumped on the only one left in our category. It was a foreclosed home, with minimal defects, but the overall appearance was clean. The backyard had tons of potential for kids and there was room for expansion when needed. Our realtor and family carpenter confirmed that the structure of the house was sound and had “good bones”, little did either one of us know that these bones were toxic.

After three weeks of cleaning, painting, sanding, staining and retiling, our family moved into our new cozy home. Our random collection of furniture fit perfectly. I will never forget the peaceful expression on my wife’s face when she sat back with a sigh and said, “[After all we had been through], I finally feel like we are HOME!”

After living in our newly remodeled home for only three weeks, however, our home buying experience was starting to taste a little less sweet and a lot more bitter. It started when I

started experiencing dry mouth, severe sinus headaches and nosebleeds. Then Beth and Ezra were having problems breathing and also discovered dry mouth which developed into sores. The final night we were in the house, Ezra, who was only two-years-old, couldn't even take a drink of water because his mouth hurt so badly. He screamed in agony and threw the cup while trying to explain how badly his mouth hurt. The next morning, we packed our bags and moved back in with Beth's parents.

Although our health symptoms improved, what followed in the coming weeks became even worse before it got better. After getting a tip from our neighbor that the former owners were probably "cooking meth" in what was now our home, we decided to have it tested. The results from the laboratory indicated that our house had 38 micrograms per square foot of methamphetamine residue. The State of Oregon considers a home too contaminated to live in if only .50 micrograms per square foot are detected. We couldn't believe that this was possible after all of the scrubbing, cleaning and painting we had done. The costs we were quoted for cleanup were more than the house was even worth. We were aware of the dangers of lead-based paint and asbestos, but nobody thinks to have the home tested for methamphetamine residue until they are facing the consequences like we were.

We began to research meth lab homes across the nation and were astonished to discover the countless cases where families have learned that the home they were living in was a former meth-lab. Some of those families' members became extremely ill and even died due to the exposure. We learned that most of our belongings were most likely contaminated and that our home-owners insurance didn't cover our losses because it was a pre-existing condition. We even tried contacting Freddie Mac, who sold the home, to discuss the matter, and they didn't initially respond to any of our calls or emails.

We contacted a lawyer who told us that we had no legal recourse because we bought the home in 'as-is' condition. Even though Oregon is among 23 states that require full disclosure, companies like Freddie Mac are exempt from such a law because they don't have any prior knowledge of the home's history. Our realtor's lawyer even suggested that we default on our mortgage, allow the house to foreclose and not disclose what we had discovered to our lender.

When we asked what would happen if the lender foreclosed and sold the toxic home to another family, he told us that it would no longer be our problem. When we expressed that we just couldn't do that ethically, he said that that didn't matter and according to the law, walking away quietly was our best and only option.

We couldn't believe all that we were being told. Anyone we would talk to would say something similar like, "I can't believe there aren't laws against this kind of thing."

After realizing that we were stuck, we decided to try to move forward with our lives again by renting another home while doing our best to keep up with the mortgage payments until we decided what we would do.

Even though our "best" legal counsel was to walk away quietly, we wrestled with the reality that if we didn't say anything, our home buying nightmare would become someone else's nightmare. To us, sweeping this problem under the rug didn't seem like a good idea at all.

I decided to start an online petition on [change.org](http://change.org) requesting the mortgage giant Freddie Mac begin testing their properties for methamphetamine contamination while paying for the costs of the cleanup of our home and for our losses. Realizing that it was most likely that nothing would happen, we at least wanted to share about our family's experience while warning future home buyers of the dangers of methamphetamine contamination. Somebody needed to tell home buyers what realtors and title companies aren't telling them.

Little did we know that our story would get so much attention. After our petition went "viral" collecting over 200,000 signatures, it has been featured on several national media outlets including Yahoo News, Huffington Post, the Drudge Report, CNN, Inside Edition, World News with Diane Sawyer, Anderson Cooper Live, and ABC's 20/20.

Thanks to our petition supporters, we were finally able to get the attention of Freddie Mac. After several months, we have recently come to an agreeable settlement on our house and Freddie Mac has agreed to review and update their policies to ensure the safety for home owners. Although this is good news for our family and potentially for Freddie Mac customers, we will remain tireless advocates for the sake of families and future home owners.

Some have told us that the methamphetamine epidemic is no longer a concern in Oregon since we have successfully restricted access to pseudo-ephedrine, but meth addicts and producers of this horrifying drug will tell you otherwise. My wife, Beth, is a nurse who sees meth addicts in the Emergency Room on a regular basis. She sees the costly effects of those, even youth, who have already had their innocence wrecked by this horrible drug. But even if those who say that meth is no longer a problem in their communities, how many homes are contaminated with the toxic residue?

According to a Yahoo News article on October 1<sup>st</sup>, 2012 regarding the problem with meth contaminated homes:

“It's a Catch-22 that Joe Mazzuca of Meth Lab Cleanup, a national remediation and training company, predicts others could find themselves in. Based on national and state data, Mazzuca conservatively estimates there are 2.5 million meth-contaminated homes in the U.S. "The signs and indicators aren't always there," he said. "You don't always see the meth residue. It's extremely dangerous stuff."

His concern was echoed at a congressional hearing in August on the efforts to curb domestic methamphetamine production.

Drug czar Gil Kerlikowske, head of the president's Office of National Drug Control Policy, testified that "U.S. meth lab seizure has more than doubled between 2007 and 2010, and these labs pose a major threat to public safety and the environment."

Mazzuca said the problem "is off the charts. We average a call every three to five minutes." One of those recent calls came from Michigan, a state with no disclosure law, where a father unknowingly purchased a meth-contaminated home. "He just buried his 14-year-old daughter after living in it for two years," Mazzuca said. "I could tell you stories like that for days."

With or without disclosure laws, Mazzuca believes scores of home buyers are at risk because only one in 10 meth labs are busted. Other times, he said, information can fall

through the cracks by the time a big bank or government agency gets past the red tape of selling a foreclosed home.

When my mother read this article, she called me and began to cry not yet fully comprehending the depth of what we were walking through. She said, “what happened to that man’s daughter...I could have been saying about you, Beth and my grandson.”

“Buyer beware” doesn’t mean the same thing as it did when the term was first introduced. The man in Michigan and countless of other families like ours shouldn’t have to be surprised and confined by such standards in the midst of uncovering such a horrifying reality and grieving our loss. It is essential that future home buyers know of these dangers firsthand.

We ask you to approve House Bill 3499 so that future families in Oregon don’t have to experience the nightmare my family and thousands of others have faced. House Bill 3499 would require sellers to post a notice of warning if the house has not been tested for the deadly residue of methamphetamine contamination. We have been mocked by some that we didn’t do our “due diligence” as home buyers. How could we if the sellers aren’t doing theirs? Now, all we are asking is for the state to do their due diligence by eliminating the risks of such environmental hazards being bought as homes for Oregonians. Now that we know better, hopefully together we can do better.

Thank you for hearing our story and considering our requests.