

# Can land lease communities market themselves as over-50 developments? – No says Commissioner

The **QLD Anti-Discrimination Commissioner** has decided that a shortage of affordable housing meant the cheaper option offered by land lease communities shouldn't be restricted to older Australians.

He claims it amounts to “quarantining” a segment of the community from the rest of the population, and a 50+ exemption is not necessary for a developer to market to the over-50's demographic.

Traditionally, applicants have only had to prove the exemption was “reasonable and appropriate”, for the circumstances of the particular development.

Since February 2015, **QCAT** has refused at least three applications and in one case suggested that if the MHP wanted an age based exemption, it should convert to a retirement village – something the lawyers point out is “impossible” for existing MHPs.

**Seachange Lifestyle Resorts** has been granted an exemption by QCAT that allows it to limit ownership of homes in its **Arundel** community to people over the age of 50 without breaching anti-discrimination laws. It will run for five years until December 2021 – the maximum time an exemption can be given.

There are around 170 housing developments in QLD operating under the Manufactured Homes (Residential Parks) Act (MHRP Act), but while many market themselves at the over-50's, few have legal permission to do so via an exemption from age discrimination laws. Seachange is currently the only one on the Gold Coast.

According to **HopgoodGanim Lawyers**, who represented Seachange, this leaves MHPs open to complaints and civil liabilities under age discrimination laws, and in QLD, potential criminal liability under the MHRP Act itself.

It can also lead to trouble for operators when homeowners buy in only to discover the owner has no control over the development's demographic when “a young family or (youthful) motorcycle gang moves in”.

HopgoodGanim says this means applicants can now expect to be scrutinised closely.

Caption: Seachange Lifestyle Resorts' Arundel community. Credit: realestate.com.au.

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