

REVIEW OF THE MANUFACTURED HOMES (RESIDENTIAL PARKS) ACT

The Housing Legislation (Building Better Futures) Amendment Bill was approved at its third reading in parliament on 26 October and received Royal Assent on 10 November thereby becoming an act of law. This includes some 39 pages of amendments to the Manufactured Homes (Residential Parks) Act (the Act) necessitating a reissue of the Act. This is expected sometime in the New Year.

(NB: the updated Act available on the government website stating currency as at 10 November 2017 **does not** incorporate all of the amendments to the Act as contained in the final Housing Legislation (Building Better Futures) Amendment Act. These are mainly still pending a 'commencement' date.)

Despite our best efforts throughout an extensive consultation process with government, the amendments to our Act are not as radical as hoped for and will definitely not deliver the promised 'major shake-up' of the Residential Parks industry. This is hugely disappointing. Nevertheless, the situation is what it is and the amendments as approved by parliament are fairly extensive, largely positive and will deliver some incremental benefit to most Home Owners in Residential Parks in Queensland. They include:

- Additional information disclosure requirements during the pre-purchase/sale process;
- Restriction on the frequency of site rent increases (1 per year) and a requirement for increased transparency during the site rent review process;
- A requirement for prior consultation with Home Owners and the use of an independent and approved valuer when Park Owners carry out a market review of site rent;
- An alternative dispute resolution process utilising negotiation and mediation;
- Some prescribed behavioural standards for Park Owners and their staff, including ones relating to non-interference with the peace and rights of Home Owners, harassment and intimidation;
- Additional measures to prohibit Park Owners from charging administrative fees for the provision of utilities;
- An obligation on Parks Owners to display the Park Rules 'as currently in force' on a notice board, or freely provide a copy on request;
- A requirement for Park Owners to prepare, maintain and implement emergency access and evacuation plans for all parks.

More significantly, the new Manufactured Homes (Residential Parks) Regulation came into effect on 1 October. This contains a list of 19 'special terms' which are now 'prohibited' from being included in any Site Agreement. Further, these prohibitions are retrospective so that if they are currently included in a Site Agreement, they are no longer enforceable.

The new regulation is on the 'Resources' page of our website www.arpq.org.au