

Fact Sheet 1: Manufactured Homes in Residential Parks

Owning a Manufactured Home

Owning a Manufactured Home in a Residential Park is very different to owning a conventional house. Manufactured Homes are subject to their own unique legislation and there are substantial differences between the laws governing Manufactured Homes and normal real estate.

One major difference is that when you buy a Manufactured Home in a Residential Park, you do not own the land it stands on. You will be buying the house, but renting the land from a Park Owner. Living in a Residential Park also involves communal living and there are a number of rules you need to comply with about how the park is operated and how you are expected to behave.

There are a number of areas where people might need support and advice before they buy a Manufactured Home, so they can make an informed decision, particularly as the law that governs these homes recently underwent some changes.

Associated Residential Parks Queensland

Associated Residential Parks Queensland (ARPQ) is the peak organisation in Queensland representing the interests of Home Owners in Residential Parks.

By keeping abreast of legislative changes, we establish the rights and obligations of Home Owners and keep our members informed of the consequences of such changes.

We also provide a range of independent advisory and advocacy services to our members in their dealings with Park Owners or Managers, and government agencies.



Our Fact Sheets

Our fact sheets cover the key aspects of the legislation:

Fact Sheets 2 & 3: Buying & Selling a Manufactured Home

Buying or selling your Manufactured Home is only one part of the process. You also require a Site Agreement detailing your site rent, your obligations and other details.

Fact Sheet 4: Park Rules

Park Owners can set rules about the use of the park, but there are strict limits on what they can be made about.

Fact Sheet 5: Home Owners' Committees

You have a legal right to establish and participate in a Home Owner's Committee, and have your say.

Fact Sheet 6: Behavioural Standards

There are laid down behavioural standards to ensure the peace, comfort or privacy of people living in the park.

Fact Sheet 7: Prohibited Special Terms

There are now 'special terms' in site agreements that have been prohibited, such as unexplained additional charges or having to appoint the Park Owner as your attorney.

Fact Sheet 8: Rights and Obligations

Maintenance of common areas, communication and behaviour are requirements of living in a residential park.

Fact Sheet 9: Varying Site Rent

There are restrictions on how site rent is varied, whether a 'general increase' or 'special increase'. Only one general increase is allowed per year and only one basis for that increase can be used at a time.

Fact Sheet 10: Utility Charges

There are strict rules on utility charges, no additional fees can be charged by the Park Owner outside the cost they pay to the supplier.

Fact Sheet 11: Dispute Resolution

You can file a 'dispute negotiation notice' (Form 11) over disputes in your park, and after attempting mediation, can make an application to the Queensland Civil and Administrative Tribunal (QCAT).

Fact Sheet 12: Complaints Handling

There are obligations on Park Owners/Managers which are legally enforceable and provisions for investigating potential breaches of those obligations.

Amendments to the Manufactured Homes (Residential Parks) Act 2003

The Queensland Government recently amended the *Manufactured Homes (Residential Parks) Act 2003* to improve protections for Home Owners. These include laws to promote respectful relationships between Park Owners/Managers and Home Owners.

Also Did You Know

- There are new information disclosure and cooling-off period requirements when you buy or sell a Manufactured Home;
- There are new provisions covering how your Site Rent can be varied especially in relation to market reviews and operational/capital costs;
- Park Owners have to now prepare, maintain and implement emergency evacuations plans for their parks;
- There is a new dispute resolution process;
- There are several new Manufactured Home Forms that need to be used.

Additionally, the new *Manufactured Homes (Residential Parks) Regulation 2017* contains 19 significant 'special terms' which are now prohibited from being included in any Site Agreement. If any of these terms are in your Site Agreement, they cannot be enforced.

Right Where You Live

'Right Where You Live' is a Queensland government initiative designed to raise awareness about changes to the *Manufactured Homes (Residential Parks) Act 2003*.

In association with other seniors' and residents organisations, ARPQ is working on an awareness raising and education campaign to assist current and prospective Home Owners to:

1. Understand the recent changes to the legislation and their impact on you, Park Owners and Managers;
2. Improve your capacity to represent your interests to Park Owners and Managers.

For more information or to obtain one of our fact sheets listed above, please visit our website (www.arpq.org.au).

**Rightwhereyoulive.org.au
info@rightwhereyoulive.org.au**

Please contact ARPQ for more information

Phone: (07) 3040 2344

www.arpq.org.au

Queensland Retirement Village and Parks Advice Service

QRVPAS (formerly PAVIL), situated at Caxton Legal Centre, provides information, advice and assistance on the law relating to manufactured homes

Phone: 07 3214 6333

Do you have a hearing or speech impairment?

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service. For more information visit: www.relayservice.gov.au

Do you speak a language other than English?

If you need an interpreter, please contact the Translating and Interpreting Service (TIS) on **131 450** and provide them with the number you want to call

Disclaimer: This fact sheet provides information only and is not intended to provide legal advice