

Zoom-Zoom it's not a Mazda!

As you know, the Coronavirus "Covid-19" has been creating havoc around the world most of this calendar year to date, with lockdowns, isolations, swab tests, hospitalisation and in some cases, death.

Obviously, during this time, life continued and your Committee was not able to meet in person but with matters ongoing, had to find a way to keep going to maintain a "sense of normality" for themselves and to further the needs of our members which "didn't go away" and in some cases due to actions of some Park Owners, actually increased.



Zoom Committee meeting: L to R, top row: Mike Kenavan (Secretary), Ian Morgan (Vice President—taking photo) David Kennedy (Committee); 2nd row:- Jen Wain (Treasurer), Noel Wright and Frans Hamer (Committee), bottom row:- Graham Marriott (President — yellow outline shows person speaking) and Dawn Cameron (Committee). Apology N. Watts

Meetings with the DHPW (*Department of Housing and Public Works*) continue. They consider ZOOM not secure enough for Government business and have adopted "MS Teams" as their preferred conferencing software.

To enable easy (?) conferencing, your committee has agreed to also change to MS teams, but accomplishing this change has not been without some problems, still to be resolved. We will win!

Resulting from the Coronavirus Pandemic, ARPO has been added to the Ministerial Housing Committee Advisory Group who has sought and received our submissions.

At the moment, we are particularly concerned at the time taken to produce a **Regulation** to control site rent increases by Park Owners. This was provided in legislation passed in Parliament in **May 2020** - it is **still not issued** at time of printing.

We are continuing our efforts on your behalf but it is difficult given the unjustified influence of Park Owners.

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Committee Changes

Ian Clark has resigned due to medical concerns.

We are pleased to advise that **David Kennedy** has replaced Ian.

We are also happy to have **Noel Wright** re-join the committee, filling a casual vacancy



Noel Wright
Welcome back!

Noel is a resident at Regal Waters Bethania, a Hometown park, where he and his wife have lived for the past seven years.

At Regal Waters he is currently President of the Regal Waters Residents' Association (HOC) after serving as Secretary for four years.

He was previously Secretary of ARPO for two years and is pleased to join us again to assist us in our fight for fairness for residential park home owners.



David Kennedy

Has been a resident at Natures Edge, Forest Glen for a little over two years now.

Prior to retirement was the Property Manager, Anglican Church, concerned with involvement in the procurement, rebuilding, maintaining of their retirement and aged care facilities and social outreach services.

Has held most positions in service and community organisations and is very keen to see the inequities embedded in the MHA corrected.



HELPING YOU TO HELP YOURSELF

Our Advocacy Sub-Committee is always happy to receive requests for help with the Manufactured Home Residential Parks Act (the **Act**), but many requests are of general nature.

In this context, we refer you to our website (www.arpq.org.au), specifically the 'Be Informed' or 'Latest' page, concerning the legal rights of parties under the **Act**. Our 'right where you live' Fact Sheets have been legally checked and can be relied on, for 80% of cases.

Referring to our website may answer your enquiry or provide a basis for you to frame your enquiry in specific terms so we can better help with a useful response.

As lot of work has been put into your website, please use it more.

Furthermore, many of the enquiries we receive have a significant common theme across Parks owned by the **same Park Owner**. These are best addressed in a coordinated manner, with an alliances of Home Owner Committees **across all Parks owned by the one Park Owner**.

One Home-Owners group has effectively done this and we believe **now is the time for all to do it**.

BACKGROUND TO "ISSUES"

This article compliments our "Issues" article published on our Website at "<http://www.arpq.org.au>

ARPQ has been proactively representing our members' interest in the review of the Manufactured Homes Act 2003 (the **ACT**).

Our recommendations have been sent to the Minister, and to all MPs.

All members will have received our "Issues Paper" which outlines those recommended changes to the **Act**. This article gives a little background to the preparation of the "Issues Paper" and also covers the additional work we will be undertaking.

The **Act** was proclaimed in 2003 in the early days of establishing manufactured homes parks and was aimed primarily at ensuring that the fledgling parks survived as well as representing the interests of home owners.

Much has changed over the years to the point where ARPQ considers the balance has gone too far in favour of the Park owners' interests. The ownership of the Parks are increasing in the hands of large corporations some with over \$1billion capitalisation, some fully overseas owned, and even a joint venture with a Singaporean Sovereign Wealth Fund capitalised at over \$500 billion. The only reason that large corporations are involved in the industry **is to achieve high profitability** to return to their shareholders.

We consider that many parts of the **Act** need to be amended in order that the power imbalance the Park Owners enjoy are redressed so that fairness and consumer protection is available to the Home Owners, as the more vulnerable section of the community.

ARPQ feels that areas of the **Act** which must be amended are primarily:

- Rent Increases;
- Dispute Resolution;
- "Pre-loved" house sales;
- Age Discrimination.

There are a number of parts to the Rent increases issue.

Some park owners are attempting to increase rent on **more than one basis** at a time which is prohibited under Section 69B the **Act**. Unfortunately the **Act** is not crystal clear in this regard.

ARPQ is recommending that the dictionary of the Act be amended so that it clearly identifies the differing specific reasons for rent increase, that penalties be included, and that the Manufactured Homes (Residential Parks) Regulation 2017 (the **Regulation**) also be amended to include the prohibition of the use of more than one basis for increasing rent.

Some Park Owners are being increasingly successful in altering Site Agreements to include **compounding annual percentage rent** increases which is in effect taking advantage of a vulnerable section of the community, as in these cases, the Home Owner is not made aware by the Park Owners of the ramifications of future large increases.

For example, we are now seeing site agreements being changed to include a 5% annual rent increase. **Many residents agree because they don't realise the effect this will have.**

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It is now less than 100 days to your State Election
Visit your MP and ask "DO YOU WANT OUR VOTE?, WHAT WILL YOU DO?"
"I'll look into it" (the mirror test) is not the right answer!

Background to "Issues" — continued from page 2—(Apology for this long article. These proposed amendments will enhance our lives.

A 5% compounding annual rent rise will increase the rent by 27.6% over the five years which is 3 times the historical CPI increases.

This also means that Home Owners have the burden of rent increases far in excess of residents in the general community.

ARPQ is recommending that the **Regulation** be amended to prohibit compounding annual rent increases.

Of major concern to ARPQ and our members is the increasing disputes regarding **market review rent increases**

We are consistently advised by our members that the rent reviews result in excessive increases which far exceed CPI or indeed residential rents in their locations. The way the rent reviews are structured and conducted can only lead to excessive increases which in many cases, to quote the **Act**, are in no way "fair and equitable".

We consider that the rent review process is severely flawed. Our members are seeing parks being compared where there is very little similarity to their park or even to their location. Many of our members are not able to enter into a dispute process and on the occasions they do, the results in the tribunal are inconsistent and in many cases do not fully consider the residents' case or even the requirements of the Act.

In our view there can be no justification to continue to have a flawed Act propped up by a tribunal which also has flaws, is expensive and cumbersome for consumers to access.

ARPQ has made recommendations such as amending the Regulation to include a maximum increase in rent as a result of any market review. That maximum can be set as a calculation of a combination of the CPI, residential rents in the same locality, pension increases and any other criteria considered appropriate as is the case in other States.

Additionally, we have recommended that a **separate tribunal** be established to hear cases involving only the Manufactured Homes Act and the Retirement Villages Act.

We have also recommended that ARPQ undertake a survey (using Building Consumer Confidence [Right Where You Live] Funding) of its Home Owner Committee members and its individual members to collate details of as

many as possible rent disputes occurring.

Our members can expect to see our survey in the near future and we ask all members to complete the survey.

We need the data to make a well researched and detailed submission to government in order that the decision makers gain a full understanding of the significant problems facing residents of our parks; and to then offer clear and objective solutions to these deficiencies.

We have also identified 12 major problems with the **dispute resolution process** and have made a number of recommendations to correct these. The process is being "gamed" by some park owners knowing that many home owners are not able to progress any complaint to a dispute. In some cases, they simply ignore a complaint or dispute.

ARPQ has received numerous complaints regarding the park owners being uncooperative and unhelpful regarding the **resale of existing houses**. Consequently we have identified 10 issues and have made 5 recommendations for amendments to the **Act** and the **Regulation**.

Most of our members will not be aware that we are disadvantaged by a past decision by the then Anti-discrimination Commissioner (now Queensland Human Rights Commissioner) that "**over 50s**" resorts are unlawful in that **they discriminate against the young**.

Although some park owners have received exemptions these have a time limit and further applications may not be successful.

It is quite possible that young people could make a complaint to Human Rights Commissioner who could rule that they can be residents of "over fifties" lifestyle villages.

Our submission to government recommends a simple change to the **Act** by including a similar clause as exists in the Retirement Villages Act 1999 so that

"despite the Anti-Discrimination Act 1991, it is not unlawful to discriminate on the basis of age if the discrimination merely limits residence in a retirement village to older members of the community and retired persons."

*Our members can rest assured that we, your Committee, will be vigorously pursuing these and other changes to the **Act***

A COUPLE OF EMAILS FROM YOU

Recently, we have received comments that your committee does not “do anything” and “we are not renewing our membership”.

As seen in this Newsletter, we are faced with wealthy Park Owners who do everything to maintain the “status quo” and a Government who listens to them and produces an inadequate (MHA) Act.

If you can offer concrete suggestions on how we overcome this disadvantage, please nominate for the Committee at the Next Annual General Meeting – we need all the help we can get!

In the meantime, here is a couple of emails from “the other side of the coin”

To the ARPQ Committee

I am writing to express my sincere thanks to all involved in putting together the ‘Issue Paper’ received today by email. It is a comprehensive document that would have involved many hours of time to produce and collate. It is testament to the tenacity with which us older people continue to pursue unfair rulings that are constantly being put upon them by Park Owners.

My great fear is that with time, it will become impossible for many Residential Villages to form Home Owners Committees due to the ageing population. This combined with the Park Owners having access to professional legal representation has and will always present an unfair advantage to them. I note that this is covered in your recommendations as are many other valid issues where the balance of power is not equal between residents and owners. The previous review (to which I made submissions) took many years to reach the light of day given the change of political leadership and I am hopeful that this will not again be the case. I trust that Governments will support many of these suggested amendments to the Manufactured Homes Act and that Park Owners do not bring undue influence on politicians with generous donations to their campaigns.

The lifestyle offered by residential villages is one that most who purchase into are extremely happy with, however, no one wishes to be in constant battle mode to see maintenance attended to and to ensure that treatment is fair in relation to valuations, market reviews and site fee increases. Keep up the good work!

Regards, Lynn Palmer, Palm Lake Resort Eagleby

And another from Bargara

Congratulations to all concerned with preparing these most excellent and exciting amendments to the Act. We can only hope that the government sits up and takes notice, and implements them all very promptly. I realise it's probably a vain hope, as governments are notoriously slow in legislating changes, but we must keep reminding them that we are being taken advantage of by powerful park owners.

STOP PRESS

PARK VISITS

Due to Coronavirus, your committee has been forced to defer Park visits indefinitely

We are investigating other means of continuing liaison with members and HOC's.

2020 ANNUAL GENERAL MEETING

Due to Coronavirus, your AGM has been rescheduled from Tuesday, October 6, to Tuesday February 2, 2021.

This change has approval from The Office of Fair Trading.

APOLOGY FOR MISSING NEWSLETTER

Unfortunately, your “Editor” was a passenger on the Ruby Princess, contracted Coronavirus, was in hospital (including ICU) for six weeks and needed six weeks recovery. FYI, it is NOT “Just like the Flu”!

ANNUAL MEMBERSHIP FEE INCREASE IS DEFERRED

For those who attended the last Annual General Meeting, you will remember that a increase of membership fees from \$15 to \$20 per annum was approved, to start from October 1, 2020.

Covid-19 not only put restrictions on individuals, it decimated the earning capacity of many, including those relying on investment income for their survival. That includes Residents of Manufactured Home Parks.

Also, your Committee has not been able to physically maintain and increase its Park visits and it will be some time until we can.

Therefore at its July meeting, your committee decided to **defer this increase until further notice.**

For the Membership year beginning October 1, 2020, the membership fee will be \$15 (Personal) and \$75 (HOC's).

As my local MP (member of the Opposition) said,

“Governments should take notice of residents, because there are more votes to be won from among the many residents than from the few park owners”.

As Secretary of our HOC, I have forwarded your message to our residents and have encouraged them to join ARPQ in their own right.

Thank you again for all your hard work,
Regards, Karen Honey Palm Lake Resort Bargara

Karen: wish they were “amendments”!, unfortunately at this stage they are only “suggested” amendments - “Ed.”