

TWELVE RESIDENTIAL PARK REFORMS ARPQ WANTS TO SEE

The Queensland Housing and Homelessness Action Plan 2021-25 includes commitments to reforms in three broad aspects of life for homeowners in residential (manufactured home) parks:-

- Site Rents
- Sale of Pre-owned Homes
- Dispute Management

As part of our ongoing response to these issues we set out below 12 priority reforms for which we will be advocating on your behalf. The degree of success we achieve will depend on the value of our arguments and the amount of support we receive from home owners.

• Site Rents

1. Withdrawal of Market Rent Reviews and CPI plus a percentage as ways of determining increases in site rents.
2. Mandating annual increases based on CPI (all groups price index published by the Australian Bureau of Statistics) as the primary way of increasing site rents. Thus indexing increases to similar measures of inflation to those used to increase the aged pension and at the same time tying the increases to a measure of the increases in the costs of what the rents are paying for; that is the use of the land on which homes are situated and the services and amenities provided in the park.

The only exception allowed to increases based on CPI would be if park owners can produce transparent and clearly verifiable evidence that increases in rents are necessary to keep the park viable.

3. Mandating of measures designed to ensure that park owners provide homeowners each year with transparent and verified evidence of the maintenance standards they are aiming for, the budgets they have allocated and amounts they have expended on the operations of the park. This provides homeowners with some guarantee of value for money for the site rents they pay.
4. Mandating of a reduction in site rents for unoccupied homes pending sale

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• Sale of Pre-Owned Homes

5. Clarification of the legislation which requires when a pre-owned home in a residential park is sold, the site agreement must be assigned to the buyer by the seller and rigorous enforcement of this requirement.
6. Mandating that new home buyers must obtain a pre-contractual certificate signed by a qualified lawyer and themselves attesting to the fact that they have received advice prescribed on a standard checklist.
7. Making Residential (Manufactured Home) Parks exempt from anti-discrimination laws on the grounds of age in a similar way to Retirement Villages. This eliminates any threats to the value of homes and changes to the way of life in parks if they become seen as options for the housing of young families.
8. Establishment of a register of home ownership in

COMMITTEE CHANGES

It is with regret that Dirk Beekhuizen has resigned from your Committee and we wish him well for the future. .

Wim Saarberg has taken his place and we look forward to his input to our advisory and advocacy service



Wim Saarberg

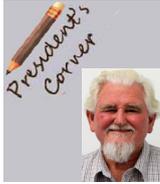
Wim, a professional engineer in the building industry, took early retirement from the CSIRO and with his wife went into management rights, in Strathpine Gardens in Brendale, also obtaining a Real Estate Licence.

In 2017 they retired "again", moved into Halcyon Glades in Caboolture and did some extensive cruising until COVID put a stop to that!

Wim's aim is to help ARPQ improve the lives of other home owners and stop them being taken advantage of.

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PRESIDENT'S CORNER



One of ARPQ's major achievements since our last newsletter is our new website going live on-line at <https://arpq.org.au/>. Members will have received a news bulletin at the time of the launch outlining some of the improved features of the site.

Alongside launching the new site, we have also been gradually trying to increase the number of news updates we email out to members and post on the website.

We are also increasing the use of our Facebook page. Links to all items posted on the website are being posted on Facebook. An advantage of Facebook is that on it you can take the opportunity to give feedback, have your say on the items we post and share your views with others.

A major way in which ARPQ is striving to become stronger and more powerful as an organisation is by increasing and improving communication with and between our members.

Please help us by actively using our social media, especially by telling us what you think either on Facebook or by sending us emails or letters. — Roger Marshall, President, ARPQ

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residential parks. This provides homeowners with a means of legally proving ownership of their home

9. Ensuring that homeowners in Residential (Manufactured Home) Parks are guaranteed security of tenure for the site on which their home is situated.

- **Disputes**

10. Establishment of a new authority, in addition to QCAT, with the sole purpose of managing disputes in residential manufactured home parks.

11. Ensuring that the approach taken to managing and resolving disputes in this authority be more ombudsman-like and less litigious and legalistic than those currently adopted in Queensland Civil and Administrative Tribunal (QCAT), with more emphasis upon consistent case management, providing assistance to homeowners and ensuring speedy resolution.

12. Mandating that the criteria for assessing the processes adopted by this authority be the extent to which they are: equitable, just, fair, economical for the user, timely and most importantly, non-legalistic,

We hope that these priorities reflect what you, our members, would like to see. We strongly encourage you to give us feedback and tell us what you think either in letters and/or emails to us or by joining in discussions on our Facebook page at <https://www.facebook.com/ARPQLD>.

These twelve priorities for reform will be in the ARPQ's responses to the discussion papers that the Department of Communities, Housing and Digital Economy (DCHDE) has promised to publish in the near future in order to give homeowners the opportunity to have their say.

When this opportunity comes up we **need** as many of our members as possible to make our voice heard. Please support ARPQ in this campaign.

GET READY TO HAVE YOUR SAY

Whenever homeowners in residential manufactured home parks get together there is one topic on which there is universal agreement.

That is the need for changes to the Manufactured Homes (Residential Parks) Act 2003 (the Act) to ensure it achieves its primary objective:-

“TO PROTECT HOME OWNERS FROM UNFAIR BUSINESS PRACTICES”.

ARPQ has been impressing upon both Government and opposition leaders and officials in the Department of Communities, Housing and the Digital Economy (DCHDE) that homeowners consider the **amendments** that were made to the Act in 2017-18 **were totally inadequate.**

They fail to address many of the problems people face in their dealing with their park owners.

Residents are particularly frustrated and often very angry about spiralling increases in site rents and the fact they find it so difficult to get fair and just judgements when they take disputes to QCAT.

Though the pace of change is frustratingly slow there are signs that the voice of homeowners is being heard.

In March 2021 ARPQ had a meeting with Minister Leanne Enoch in which she promised that actions to address homeowners concerns would be included in the [Housing and Homelessness Action Plan for 2021-25](#).

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GET READY TO HAVE YOUR SAY—Continued from Page 2

When that Plan was published in June 2021 it included commitments from the Government to:

which she promised that actions to address :

18 “*Deliver improvements for residential (manufactured home) parks to address ... concerns about site rent increases and unsold manufactured homes in residential parks*”(p.22)

and

20 “*Explore options to improve Queenslanders’ access to ... timely and consistent decision-making to help them resolve housing issues and disputes*” (p.22)

Since then we have met several times with officials of the DCHDE to discuss what the process for change will be and in a recent briefing we were informed that work was already underway in the Department based on representations from ARPQ and others.

The next step in addressing concerns about site rents, unsold homes and dispute management will be the publication and distribution of Discussion Papers which will provide an opportunity for homeowners to give feedback and have their say.

ARPQ will of course be responding to all of these opportunities on behalf of its members. However, we also believe **it is important that as many homeowners as possible take the opportunity to make sure their voices are heard.**

To this end, elsewhere in this edition of “The Argus”, you will find an article giving details of the key changes and reforms that ARPQ will be seeking on your behalf.

You should feel free to include your comments in any responses you make to the discussion papers.

We will update members on developments as they occur.

HOME OWNERS’ COMMITTEES

ARPQ receives many enquiries about how home owners’ committees (HOCs) should operate.

The following information on them is extracted for the ARPQ’s Right Where You Live Fact Sheet N° 5 which can be found at:-

<https://arpq.org.au/wp-content/uploads/2022/01/190228-ARPQ-FS-5-Home-Owners-Committees.pdf> .

Also available on the ARPQ website is more detailed 4-page information and advisory bulletin on the work of HOCs entitled “**Home Owners’ Committees and Associations Explained**”, see

<https://arpq.org.au/wp-content/uploads/201005-HOC-Associations-Explained.pdf>

Home owners in a residential park have a right to establish a Home Owners Committee (HOC). To do so, they must do the following:

1. Members of the HOC must be elected at a general meeting of home owners
2. Only one HOC can be established in each residential park

3. HOC members cannot hold office for more than one year, but may be re-elected
4. HOC members can be removed at any time by a ‘special resolution’ at a general meeting of home owners
5. Park Owners (or their representatives) cannot interfere with, or be involved in, the establishment and operation of a HOC, and can only attend HOC meetings if invited
6. Park Owners (or their representative) cannot place restrictions on home owners participating in a HOC or establishing one. Nor can they restrict the HOC or its members from carrying out their functions.

With the above in mind, any committee formed by or involving a Park Owner, cannot be regarded as a HOC and has no legal status.

Role of the Home Owners’ Committee

A Home Owners’ Committee is a way for home owners to represent themselves and their wishes to the Park Owner and park management concerning:

- The day to day running of the park
- Any complaint or proposal about the operation of the park raised by the home owners.

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Many thanks to Logan Council’s Bethania Community Centre

For use of a meeting room during the year and the Auditorium for our AGM. Bethania Community Centre has rooms for hire. Just contact them on (07) 3805 2687



ARPQ Contact details:- PO Box 1124
Park Ridge Q 4125
Phone: (07) 3040 2344
Membership: membership@arpq.org.au
For advice: advisory@arpq.org.au
General enq.: secretary@arpq.org.au

Constitution and Operating Procedures

A HOC may be governed by a constitution, adopted at a general meeting of all home owners. This constitution can govern its performance, operations and the roles of any officers, however:

- It cannot be inconsistent with the Manufactured Homes (Residential Parks) Act 2003
- It cannot be inconsistent with the Manufactured Homes (Residential Parks) Regulation 2017
- It is binding on all members
- It can only be amended by a 'special resolution' at a general meeting of all home owners

The HOC may be subject to any constitution adopted by the home owners of a residential park, decide its own procedures and form sub-committees.

Role of Social Committees

Social committees do not have a legal or official standing, unlike Home Owners' Committees, and cannot act on behalf of home owners in dealings with the Park Owner. However, there is no legal impediment preventing properly established Home Owners' Committees from also acting as Social committees or sharing their funds with a social committee.

Alternatively, social committees can operate separately from the Home Owners' Committees with their own elected officers, constitutions and funds.

**ARPQ's
"RIGHT WHERE YOU LIVE"
FACT SHEETS**

One of the main ways in which ARPQ seeks to assist homeowners and prospective homeowners in residential parks, is to provide information which ensures they are fully informed about their rights and responsibilities under the Manufactured Homes (Residential Parks) Act 2003.

The aim is to make homeowners better able to represent their interests in dealing with their park owners.

STOP PRESS

DISCUSSION PAPER AND SURVEY
As mentioned in articles in this Newsletter, the DISCUSSION paper and SURVEY (online) from the Qld. Government are **NOW AVAILABLE**-see our separate "News Bulletin"
THIS IS YOUR CHANCE TO HAVE YOUR SAY—DON'T MISS IT!
ANNUAL NEW MEMBER PROGRAM
Remember "United we stand" -Tell your friends!
Join now for **ONLY \$15.00** and pay no more until **1 October 2023**.



We collaborate closely with the Department of Communities, Housing and Digital Economy in this work in a program entitled "Right Where You Live". Together with the Department we have developed a set of 13 Fact Sheets on different aspects of home ownership in a residential park. The titles of the 13 Sheets are listed below, links to each of them can be found on the ARPQ website Resources Page at <https://arpq.org.au/resources/>.

- DHPW – Living in a Residential Park
- ARPQ 1 – Manufactured Homes in Residential Parks
- ARPQ 2 – Buying a Manufactured Home
- ARPQ 3 – Selling a Manufactured Home
- ARPQ 4 – Park Rules
- ARPQ 5 – Home Owners' Committees
- ARPQ 6 – Behavioural Standards
- ARPQ 7 – Prohibited Special Terms
- ARPQ 8 – Rights and Obligations
- ARPQ 9 – Varying Site Rent
- ARPQ 10 – Utility Charges
- ARPQ 11 – Dispute Resolution
- ARPQ 12 -- Complaints Handling



Increasing our membership is important if ARPQ is to become stronger and more influential
Encourage your neighbours and friends to JOIN us and
Check out our website and Facebook page

stronger
WE ARE TOGETHER