

**Home Owners Advisory and Advocacy Service**

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SPECIAL BULLETIN 2 November 2018**CHANGES TO THE MANUFACTURED HOMES (RESIDENTIAL PARKS) LEGISLATION**

As previously reported, the Housing Legislation (Building Better Futures) Amendment Bill was approved at its third reading in parliament on 26 Oct 17 and received Royal Assent on 10 Nov. This included some 39 pages of amendments to the *Manufactured Homes (Residential Parks) Act* (the Act). A few limited provisions commenced into law immediately but now after a frustrating wait, a further round of amendments has commenced into law and a new version of the Act has been issued (dated 31 Oct 18).

(NB: the updated Act is available on the 'be informed' page of our website www.arpq.org.au).

It is well known that 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. 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:

- 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 as well as the requirement to respond to all written communication within 21 days (from 10 Nov 17);
- Restriction on the frequency of site rent increases and a requirement for increased transparency during the site rent review process, including the need to clearly specify in Site Agreements the basis for calculating site rent increases (from 31 Oct 18);
- 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 (from 31 Oct 18);
- A new process (retrospective in that it applies to existing Site Agreements) for increasing site rent to cover operational, maintenance and capital costs (from 31 Oct 18);
- An alternative and simpler dispute resolution process utilising negotiation and mediation (from 31 Oct 18);
- Additional measures to prohibit Park Owners from charging administrative fees for the provision of utilities (from 31 Oct 18);
- 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 (from 31 Oct 18);
- Additional information disclosure requirements during the pre-purchase/sale process and extra provisions relating to 'cooling off' periods (from early/mid 19);
- A requirement for Park Owners to prepare, maintain and implement emergency access and evacuation plans for all Parks (from early/mid 19).

More significantly, the new Manufactured Homes (Residential Parks) Regulation came into effect on 1 Oct 17. 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. This new regulation is also on our website www.arpq.org.au