

Fact Sheet 3: Selling a Manufactured Home



Right where you live

Better rights for home owners in residential parks

Two Parts to Selling A Manufactured Home

Selling a manufactured home in a residential park is very different to selling a conventional house. This is because you do not own the land the manufactured home is on.

Consequently, there are two separate transactions involved, the first is for the sale of the manufactured home and the second is the assignment of the site agreement relating to the land that home occupies.

Seller's Choice of Sales Agent

Home owners *may* appoint the park owner's sales staff to act as their agent and sell the home. This can only be done by signing the approved form (Form 9) as issued by the Department of Communities, Housing and Digital Economy. Home owners can also engage another entity as their agent. It is the seller's choice on how they sell their home.

A Form 9, unlike most agreements for selling conventional real estate, is non-exclusive and the park sales staff can only demand payment of commission if they are **directly responsible for bringing about the sale** of the home. Furthermore, the commission is strictly limited by *Manufactured Homes (Residential Parks) Regulation 2017*.

Home owners are free to approach conventional real estate agents or to sell the house themselves via various specialist websites available. Regardless of who sells the home, the park owner must not interfere with the sale. park owners cannot prevent people from viewing the home.

Buyer's Choice of Site Agreement

A buyer can choose whether to take over the current site agreement (with the existing amount of site rent) or negotiate a new one with the park owner. It is the buyer's choice. If the buyer prefers the current site agreement, the park owner cannot unreasonably refuse. The park owner cannot insist on a new site agreement with increased site rent.

Amendments to the Manufactured Homes (Residential Parks) Act 2003

In 2017 there were some changes to the *Manufactured Homes (Residential Parks) Act 2003*

You may be affected by these amendments



QMHOA

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The Sale and Assignment Process

If the park owner's sales staff or some other third party agent sells a manufactured home on behalf of the owner, they will normally handle most of the paperwork. However, the following process needs to be followed whether the sale is handled by the park owner, a real estate agent or privately.

Form 7 - Notice of Proposed Sale and Assignment

This must be completed and given to the park owner. Within seven days of receiving it, the park owner must give the buyer a copy of the Disclosure Documents (Forms 1A & 1B) (including the rent currently paid and the history of increases), the existing site agreement, and the Park Rules.

Form 8 - Form of Assignment (Transfer)

Two copies of the assignment, to transfer the site agreement over to the buyer, must be signed by the seller and buyer, and given to the park owner. To consent to the assignment, the park owner must sign both copies, keeping one and returning the other to the seller. If a park owner does not consent to the assignment within 14 days, they are taken to have refused the assignment.

If you are selling your home privately, you should obtain legal advice for the preparation of a contract to sell your home as this is not covered by the *Manufactured homes (Residential Parks) Act 2003*.

Refusing Sale/Assignment

A park owner can only refuse consent to a sale/assignment if there are good reasons, which must be stated in writing. This refusal can be challenged via the official Dispute Resolution Process – for specific information, see 'Fact Sheet 11: Dispute Resolution'.

Plea contact Queensland Manufactured Home Owners Association Inc. (QMHOA) for more information Phone: (07) 3040 2344

Web site www.qmhoa.org.au

Queensland Retirement Village and Parks Advice Service

QRVPAS, 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