

Fact Sheet 5: Home Owners' Committees



Right where you live

Better rights for home owners in residential parks

Home Owners' Committees

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 complaints or proposals about the operation of the park raised by home owners

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.



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Constitution and Operating Procedures

A HOC may be governed by a constitution, adopted at a general meeting of 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 (the Act)*
- 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 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 subcommittees.

Role of Social Committees

Under the Act, 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.

Please contact Queensland Manufactured Home Owners Association Inc. (QMHOA) 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

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