

VILLAGE

HOME OWNERS' COMMITTEE

Some ARPQ members live in villages where there is not a Home Owners' Committee.

When issues arise in these villages which are related to the manner in which villages are managed, Home Owners need to act individually or in small groups.

Where Home Owners' Committees do exist Home Owners have an elected group to which they can turn where a disagreement with management exists, or where a Home Owner has received an unsatisfactory response from village management.

Obviously, there is strength in numbers.

Elected Committee members usually have skills, knowledge and experience which enable them to assist Home Owners very directly.

Home Owners regularly have concerns such as,

- Site fee (rent) increases.
- Village maintenance and development.
- The processes of selling homes.
- Site Agreements.
- Matters related to the Manufactured Homes Act Qld.
- The cost of utilities.

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When a Home Owner can take his/her concerns to an "in house" Home Owners' Committee in the first instance, these concerns can very often be resolved fairly and quickly within the village.

The Manufactured Homes Act Qld allows for the formation of Home Owners' Committees.

The ARPQ is very prepared to assist Home Owners in the formation of a Home Owners' Committee.

Recently the ARPQ assisted a Brisbane village to form a Home Owners' Committee.

The formation of a Home Owners' Committee is a quite straight forward process.

The ARPQ will continue to assist members who live in villages where there is not a Home Owners' Committee.

Requests for assistance can be directed by email to secretary@arpq.org.au

CHANGES TO YOUR ARPQ COMMITTEE

Gerry Kluyt has resigned from the position of Vice-President and has been replaced by **Ian Morgan** who has resigned from the position of Treasurer.

The Committee has pleasure in welcoming **Jen Wain JP** as a new member of the committee and thank her for accepting the position of **Treasurer**.

Meet the new Treasurer, Jen Wain JP.



Jen Wain has tertiary qualifications in Small Business and Social Work. She has owned small businesses, worked as an auditor and in other various senior, administration roles. She has been a company director, an executive member of several community organisations and is a Justice of the Peace (Qualified) in the State of Queensland. Jen and her husband, Bob, live in Palm Lakes Riverside Resort where Jen is immediate past Secretary of its Residents' Association.



INVOLVEMENT OF THE PARK OWNER IM SELLING YOUR HOME

During the recent series of presentations I have been giving across the State on changes to the Manufactured Homes (Residential Parks) Act

(the *Act*), the most common area that questions are asked about is that relating to the involvement of the Park Owners in the sale of manufactured homes and the fees that can be charged.

There is obviously a considerable amount of confusion in this area which is totally understandable bearing in mind what is actually happening in some Parks.

We believe the *Act* and its associated regulation are quite clear in this respect:

You **may** appoint your Park Owner (or its representative) to act on your behalf (via a Form 9) in selling your home. You **may** appoint some other agent, or you may try to sell it yourself (or all three). It is your choice. Whatever you choose to do, the Park Owner can only charge a fee associated with the sale of your home if they are **directly responsible** for that sale;

Please see our **Fact Sheets 2 & 3**, on the 'latest' page of our website—arpq.org.au.

Are your Smoke Alarms legal?

From 1st January 2017, all **New** dwellings and **Substantially renovated** Dwellings (this applies to building applications submitted from 1st Jan 2017) **MUST** install 240V Hard Wired Photoelectric Smoke Alarms that must be interconnected.

From 1st, January 2017, if an **existing alarm is faulty**, damaged or fails to sound when tested **OR EXPIREA** (*Smoke Alarms only have a 10-year life span from date of manufacture*) it **MUST** be replaced with a Photoelectric Smoke Alarm. If the existing Smoke Alarms in the dwelling are hardwired to the 240v household circuit the replacement Photoelectric Smoke Alarm will need to be hardwired.

In all other cases replacement Photoelectric Smoke Alarms can be either 240v Hard Wired or powered by a 10-year Tamper Proof Battery.

From 1st January 2022, all dwellings that are sold or leased will need to comply at the time of the contract of sale or an accommodation agreement is entered into.

From 1st January 2027, all remaining Dwellings will need to comply,

Whilst it is not LAW to have Photoelectric Smoke Alarms in every bedroom until the dates listed above, Queensland Fire and Emergency Services strongly recommends that you consider upgrading your smoke alarm system to the new requirements to give your family the very best chance of surviving a fire.

NB: Any future insurance claim may be dependent on compliance with Smoke Alarm regulations.

MARKET REVIEW DUE ?

Some suggestions from ARPQ on how to prepare for a Market Review of Site Rents.

1. Be prepared. Start early to gather information and plan your approach.
2. Study Section 70 (5) of the Manufactured Homes Act which relates to the various criteria that can be considered in a market review valuation. Detail of this section can be viewed on the ARPQ website arpq.org.au.
3. Commence collecting data regarding any reduction in services or facilities at your park.

4. Determine which facilities upgrades, if any, have occurred during the review period.
5. Collate detail of any unattended maintenance issues at the park.

Park Owner must consult with home owners at least 63 days prior to the review date on how the review will be undertaken.

At this consultation it is suggested,

- a. Have all submissions prepared in writing.
- b. Insist that all the criteria outlined in the Act be considered not just comparisons with other parks
- c. Present any issues arising from items 3,4 & 5 above.

MAREET REVIEW DUE ? - continued from page 2

- d. Request that the valuer's report shows how all the criteria were considered.
- e. Request information from the park owner regarding the operational costs involved in running the park and whether they have increased or decreased during the period under review.

Following the consultation it is suggested that you prepare for possible dispute of any increase by;

Giving consideration to engaging your own valuer to provide an alternative rent figure and a valuation under your direction.

NOTE: This could involve considerable cost.

Otherwise, investigating other parks in your area to ascertain by documentary evidence and photographs:-

- Rents paid and on what basis they are increased.
- The standard of facilities provided.
- What services are provided.

When the site rent increase notice is issued,

immediately have all affected residents or your Home Owners' Committee object to the increase, in writing, and subsequently prepare and issue a dispute resolution notice to the park owners.

From that point allow the process to take its course through

- **Negotiation,**
- **Mediation,** and if no satisfactory agreement can be achieved, then
- **A formal QCAT hearing.**

For further information regarding dispute resolution procedures please refer to Fact Sheet 11 on the websites

arpq.org.au,
or
rightwhereyoulive.org.au

For legal advice it is suggested that Caxton Legal Centre be contacted by phone on:-
07 3214 6333.

IF YOU DO NOT HAVE ACCESS TO A COMPUTER,

Our contact details are:-

Address:- A.R.P.Q. Inc
PO Box 1124
Park Ridge QLD 4125

Phone:- (07) 3040 2344

ARPQ MEMBERSHIP

ARPQ is the main active independent organisation in Queensland representing the interests of Home Owners in Residential parks, endeavouring to bring a balance of fairness between Park Owners and Home Owners under the Manufactured Homes (Residential Parks) Act 2003 (the Act).

It provides a range of advocacy and advisory services to its members and aims to create an active association dedicated to protecting the rights of its members by keeping abreast of all matters concerning residential parks through Government and Government agencies.

It welcomes any comment members wish to raise about their own experiences living in these parks.

ARPQ is an Incorporated Association managed by a Committee of seven (7) volunteers elected annually in accordance with the Association's Constitution.

There are two types of membership available within the Association.

- (1) **ORDINARY INDIVIDUAL MEMBERSHIP**
\$15.00 per annum (which is open to all current and prospective home owners in residential parks in Queensland); and
- (2) **ASSOCIATION MEMBERSHIP**
\$75.00 per annum (which is for Home Owner Committees (HOC's) from individual parks).

ARPQ relies on your support through membership fees to continue vital work in providing home owners in residential parks with advice and support in their dealings with park owners.

We invite and welcome new members in parks governed by the Act.

Membership is growing all the time, but present members are more than ever encouraged to conduct membership drives within their villages - **especially NOW – as with the payment of \$15.00 for an individual membership you will be a financial member of ARPQ until 30 September 2020 – you are receiving 16 months' membership for the price of 12.**

ARPQ has now produced a brochure and folder containing all of its activities, including an application form . These are available upon request.

You can complete an application form at the Association's website, www.arpq.org.au.

**IMCORRECT ADVICE
FROM A PARK MANAGER**

It has come to our attention that a Park Manager in a South East Queensland residential park has advised home owners that assignments of site agreements are no longer an option.

This statement is obviously incorrect and designed to mislead and allow the park owner to insist on a new site agreement with either increased rent or the imposition of additional charges.

The Manufactured Homes (Residential Parks) Act 2003 is very clear that site agreements can be assigned...

***Part 7 Assignment of home owner's interest in site agreement**

Division 1 Introduction

42 Application of pt 7

This part applies if the home owner for a site in a residential park (the *seller*) on which a manufactured home is positioned proposes—

- a) to sell the home to a person (the *buyer*); and
- b) to assign the seller's interest in the site agreement for the site (the *seller's interest*) to the buyer.

43 Hinder proposed assignment

- (1) The park owner under the agreement must not hinder the proposed assignment of the seller's interest.
Maximum penalty—100 penalty units.
- (2) The park owner does not contravene subsection (1) if, under this part, the park owner reasonably refuses to consent to a proposed assignment of the seller's interest."

...and any suggestion to the contrary is a breach of the Act with financial penalties.

Any such advice should be immediately challenged in writing and also reported to the **Regulatory Services Unit** within the **Department of Housing And Public Works**.

RSU phone **07 3008 3450**, or email, regulatoryservices@hpw.qld.gov.au

* Extract from the *Manufactured Homes (Residential Parks) Act 2003* as at 31 October 2018

STOP PRESS

Your President, **Graham Marriott** will be making presentations and will be available for discussions:-
16 & 17 June, Retirement Expo, Maroochy RSL (TBC)
Tues 18 June, 10.30am – Living Gems, Pacific Paradise
Tues 18 June, 2.00pm – Forest Glen Holiday Village
Wed 19 June, 10.30am – Burpengary Pines.
Thurs 20 June, 10.30am – PLR Noosa-Cooroy.
Friday 21 June, 10.30am – Halcyon Parks, Caloundra

**THE CAXTOM
LEGAL CENTRE**

The Caxton Legal Centre has received funding from the Queensland Government which will enable it to provide free legal services for people in retirement villages and manufactured home parks until mid-2023.

The programme has undergone a name change with the name:-

Queensland Retirement Village and Parks Advice Service (QRVPAS),

to replace the name Park and Village Information Link (PAVIL).

This new name has been chosen to better reflect the nature of the services that Caxton delivers as a key partner with the Queensland Government's Department of Housing and Public Works.

Under the QRVPAS program, Caxton will continue to provide specialist advice and information to residents of retirement villages and manufactured home parks, and assist residents to understand and exercise their rights under the contracts and legislation which govern their living arrangements.

The Caxton Legal Centre can be contacted on **07 3214 6333**.

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**Many thanks to Logan Council's
Bethania Community Centre**

For use of a meeting room during the year and the main Auditorium for our AGM.

Bethania Community Centre has rooms for hire, just contact Chris on (07) 3805 2687

