



# Factsheet 3.

## Selling a Manufactured Home

### Queensland Manufactured Home Owners Association Inc.

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#### 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 entering into a site agreement with the park owner relating to the land that home occupies.

#### Sellers Choice of Sales Agent

Homeowners are free to choose how they sell their home or agent they use.

#### Form 9 Selling Authority

A home owner 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 Housing and Public Works. Homeowners can also engage another entity as their agent.

Unlike most agreements for selling conventional real estate, a Form 9, is non-exclusive. The park sales staff may 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.

The current maximum fee by law that a park owner, manager, or sales staff can charge for selling a home under this selling authority depends on the sale price.

- For a home with a sale price of \$18,000.00 or less, the fee is 5% of the sale price.
- For a home with a sale price over \$18,000.00, the fee is \$900.00 plus 2.5% of the part of the sale price over \$18,000.00.

#### No Interference in the Sale of a Home

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.

#### Sale Agreement

A new Sales Agreement is currently being prepared in line with Section 56B of the Manufactured Homes (Residential Parks) Act. This approved form must be used and contain all the information prescribed by regulation.

Operative terms for effecting the sale of the home must also be agreed by the seller and buyer and included in this document before signing.

***Independent legal advice is encouraged, and home owners should consider if they need this before completing the Sales Agreement.***

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#### Assignment of a Site Agreement

**Assignment** of the seller's existing site agreement is now **only available to a buyer in limited circumstances** where the person is close relative/ family member.

#### The Sale Process

A **homeowner must notify the park owner in writing that they intend to sell their home** in the park (notice of intention to sell).

If you appoint the **park owner** as the selling agent, use a **Form 9 Selling Authority**. However, the homeowner has free choice in selecting another agent or whether to sell it themselves.

The **Seller must ensure that a prospective buyer receives the requisite pre-contractual disclosure documents:**

- Current Home Owners' Information Document (HOID)
- Park Comparison Document
- New Site Agreement for rental of the land on which the home is positioned
- The approved form of the Sales Agreement with information prescribed under the Manufactured Homes (Residential Parks) Act and Regulations

If the park owners' 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.

While the Amendments have included a clause in a new section to allow a park owner/manager to charge an amount for giving the mandatory disclosure documents to a buyer where park owners' selling services are not being used by the homeowner Seller, this should not be a prohibitive amount and a regulation of a maximum amount is

expected in the near future.

However, the above process needs to be followed whether the sale is handled by the park owner, a real estate agent or privately.

#### Buyback Scheme

This amendment is designed to motivate park owners, when appointed to sell a preowned home, to use their best endeavours to achieve a sale in as short a time frame as possible.

- It applies only to a manufactured home purchased from the park owner or an existing home owner and which was constructed on site.
- The home needs to be unoccupied to participate in the scheme.
- The home owner must give to the park owner a **Form 15 Notice of Intention to Sell**.
- The park owner must be appointed as agent by a **Form 9 Selling Authority**.
- The home owner can **opt in to the buyback scheme after 6 months**.
- The park owner must buy a home which is still **unsold 18 months after** listing for sale at the agreed value or value previously determined by a valuer.
- The resale **value may be negotiated** by written agreement **9 months after opting in** to the scheme.
- **Site rent must be reduced by 25% from 6 months after opting in** to the scheme or 12 months after listing for sale.

For a more detailed explanation see **Information Sheet 5 'Buyback Scheme'** at <https://qmhoa.org.au/wp-content/uploads/2024/06/Info-Sheet-5-Buy-Back-Scheme-1.pdf>



**Right where you live**

Better rights for home owners in residential parks