

Initial disclosure document

Manufactured Homes (Residential Parks) Act 2003

ABN: 86 504 771 740

This form is effective from 1 September 2019

Residential park details

Park name

Park address

Suburb State Post Code

Park phone

Park email

Proposed site number / location

Important

Before signing a site agreement or agreeing to an assignment of a home owner's interest under an existing site agreement, you should seek independent legal advice from an independent and experienced Queensland lawyer.

Important information you must know:

- you will not own the land your home will be positioned on
- your site rent may be increased outside the terms of your site agreement in particular circumstances
- your site agreement may be terminated in particular circumstances, which could mean you are evicted from the park and have to remove your home from the site.

About this document

The initial disclosure document is intended to provide prospective home owners with preliminary information about a site and residential park before they make a decision about moving into a residential park. Prospective home owners should use this document to shop around and find a manufactured home in a location that suits their needs and budget. This form is a template to assist in compliance with the precontractual disclosure requirements in the Act.

The *Manufactured Homes (Residential Parks) Act 2003* (the Act) requires that before entering into a site agreement with a prospective home owner, a park owner must provide the following documents to the prospective home owner:

- the *Initial disclosure document (form 1A)* at least 21 days before entering into the site agreement;
- the *Supplementary disclosure document (form 1B)* and 2 copies of the site agreement at least 14 days before entering into the site agreement; and
- if you intend to buy a house from an existing home owner and take over their current site agreement, the park owner must not consent to the assignment unless they have given the buyer/prospective home owner the disclosure documents for the site at least 21 days before giving the consent.

Purchasing a manufactured home and entering into a site agreement is a significant decision. It is recommended that a prospective home owner seek legal advice from an independent and experienced Queensland lawyer before deciding to do so. Where legal advice is received, a prospective home owner and their lawyer may choose to sign a waiver (*form 1C*) to reduce the precontractual disclosure periods to 7 days.

The information in this document is current as at: DD / MM / YYYY

Part 1 – Site Rent

Section 1 Site rent	Site rent currently payable: \$ (or is to be payable) Frequency: Weekly Fortnightly Monthly Other (specify) Rent is payable: In advance In arrears
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Section 2 Next general increase day DD / MM / YYYY
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Section 3 Proposed basis for site rent increases	Method(s) of calculation and frequency Basis 1 Frequency Basis 2 (if applicable) Frequency (if applicable)
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List the proposed basis for how site rent can be increased under a site agreement for the site.

Section 4 Rent increase history	Previous rent increase	Date of increase or decrease	Amount of increase or decrease	New site rent payable
List any changes in site rent that happened over the past 3 years . This includes: <ul style="list-style-type: none"> any general increases under the site agreement site rent decreases increases to cover special costs. 	Last change	..... DD / MM / YYYY	.....	.....
	Change 2	..... DD / MM / YYYY	.....	.....
	Change 3	..... DD / MM / YYYY	.....	.....
	Change 4	..... DD / MM / YYYY	.....	.....
	Change 5	..... DD / MM / YYYY	.....	.....

Note: Fields which are not applicable (e.g. site less than 3 years old) may be left blank.

Attach additional pages if required.

Part 3 – Helpful information for prospective home owners

Section 1

Key definitions

Manufactured home

A manufactured home is a structure, other than a caravan, converted caravan or tent, that has the character of a dwelling house, is designed so that it can be moved from one position to another and is not permanently attached to land.

Residential park

A residential park is an area of land that includes sites (land available for rent under site agreements), common areas and facilities for personal comfort, convenience or enjoyment of home owners and persons residing in the park.

Home owner

A home owner is a person who owns a manufactured home that is (or will be) positioned on a site in a residential park under a site agreement, irrespective of whether they occupy the home themselves or let the home to a tenant on a temporary basis (if permitted under the site agreement). A personal representative or a beneficiary of the estate of a deceased home owner or other successor in title is also defined as a home owner.

Park owner

A park owner is a person who owns a residential park. A personal representative, beneficiary of the estate of a deceased park owner or other successor in title is also defined as a park owner. A mortgagee in possession of a residential park is also considered a park owner.

Site agreement

A site agreement is an agreement between a park owner and a home owner that details:

- the rental by the home owner of a particular site in a residential park
- the manufactured home's positioning in the residential park
- the non-exclusive use of the park's common areas and communal facilities by the home owner
- any special provisions or conditions required or permitted by the Act to be in the agreement.

Section 2

Living in a residential park

Living in a residential park is a lifestyle choice. It is different from living in your own home on your own block of land. Residential parks offer communal living with its own benefits. For example, home owners are often of a similar age with similar interests and residential parks usually offer a range of recreational facilities on site. Generally, residential parks provide a measure of personal security and safety for home owners through their collective interests or through services or facilities provided by the park owners.

Home owners own their manufactured homes but do not have any rights over the land upon which their homes are situated, except under the terms of the site agreement and the Act. Park owners are also subject to the terms of the site agreement and the Act but may deal with the land (including its use) how they see fit.

It is important to recognise that living in this type of community does not suit everyone, and may be significantly different to other types of housing that you have lived in.

<p>Section 3</p> <p>Things to do before making a decision</p>	<p>Before making a decision to move into a residential park, you should:</p> <ul style="list-style-type: none"> • consider whether the park offers the facilities you require • ensure that you can meet the rent payments and rent increases over time • talk to other home owners to find out if they like living in the park and are happy with the park management • ensure the manufactured home and the site are in a good state of repair • check that the manufactured home meets any relevant construction standards • have the site agreement and any assignment agreement checked by an independent legal adviser • check with the local government to find out if there are any proposals to redevelop the park • consider the location of the park and its proximity to personal support such as relatives and friends • ensure that the park is close to or has ready access to any medical or other services or facilities you use regularly.
<p>Section 4</p> <p>Types of residential parks</p>	<p>There are various types of residential parks. You will need to seek information to determine which type best suits your individual requirements.</p> <p>The options include:</p> <ul style="list-style-type: none"> • purpose-built manufactured home parks exclusively for owner-occupied manufactured homes • purpose-built manufactured home parks with both owner-occupied and rented manufactured homes • mixed accommodation (caravans, cabins and manufactured homes) but predominantly caravan park • tourist parks with some permanent caravan tenants and both rented and owner-occupied manufactured homes. <p>If the type of park is not clear or you are not certain of the type of park you are interested in, ask the park owner for details about the homes and residents (owners/tenants) in the park.</p>

Further information

If you would like more information, contact the Department of Housing and Public Works on 13 QGOV (13 74 68) or visit our website at www.hpw.qld.gov.au

Regulatory Services (Department of Housing and Public Works)

Regulatory Services administers the *Manufactured Homes (Residential Parks) Act 2003*. This includes investigating complaints and alleged breaches of the Act.

Department of Housing and Public Works

GPO Box 690, Brisbane, QLD 4001

Phone: 07 3008 3450

Email: regulatoryservices@hpw.qld.gov.au

Website: www.hpw.qld.gov.au/housing

Queensland Retirement Village and Parks Advice Service (QRVPAS)

Specialist service providing free information and legal assistance for home owners and prospective home owners in residential parks in Queensland.

Caxton Legal Centre Inc.

1 Manning Street, South Brisbane, QLD 4101

Phone: 07 3214 6333

Email: caxton@caxton.org.au

Website: www.caxton.org.au

Seniors Legal and Support Services Centres

Provides free legal and support services for seniors concerned about elder abuse, mistreatment or financial exploitation.

Caxton Legal Centre Inc.

1 Manning Street, South Brisbane, QLD 4101

Phone: 07 3214 6333

Email: caxton@caxton.org.au

Website: www.caxton.org.au/sails_slass

Queensland Civil and Administrative Tribunal (QCAT)

This independent decision-making body helps resolve disputes and reviews administrative decisions by government.

GPO Box 1639, Brisbane, QLD 4001

Phone: 1300 753 228

Email: enquiries@qcat.qld.gov.au

Website: www.qcat.qld.gov.au

Queensland Law Society

Find a solicitor.

Law Society House

179 Ann Street, Brisbane, QLD 4000

Phone: 1300 367 757

Email: info@qls.com.au

Website: www.qls.com.au

Department of Justice and Attorney-General

Dispute Resolution Centres provide a free, confidential and impartial mediation service to the community.

Phone: 07 3006 2518

Toll free: 1800 017 288

Website: www.justice.qld.gov.au