

Housing Options

Residential Parks Housing



What is a residential park?

Residential parks include both mixed-use caravan parks and dedicated residential parks.

The *Residential Parks Act 2007 (the Act)* states that a residential park is an area of land used or intended to be used in either or both of the following ways:

- (a) as a complex of sites of dwellings in respect of which rights of occupancy are conferred under various residential park tenancy agreements, together with common area bathroom, toilet and laundry facilities and other common areas;
- (b) as a complex of sites in respect of which rights of occupancy are conferred under various residential park site agreements, together with common areas (which may, but need not, include bathroom, toilet and laundry facilities).

Residential Parks do not receive government funding.

The park owner / operator can make *rules* about the use, enjoyment, control and management of the park. For full details, please refer to section 6 of the Act and also the Regulations which form part of the Act.

This fact sheet is concerned with those parks where the *rules* made by the park owner indicate that residents must be aged 50 years and over, that the resident owns the dwelling - usually a manufactured home - and where renting is not given as an option.

Although some of these residential parks have a name including the word 'village', they do not operate under the *Retirement Villages Act*.

The *Residential Parks Act* also covers parks where residents rent both the site and the dwelling, which can be a transportable home, cabin or caravan. These are often a mixed-use parks also catering for tourists /short-term occupants. For information on renting a home in these parks see the relevant section of the www.sa.gov.au website and the associated booklet ***Living in a residential park - information for residents who rent both a site and a dwelling***, published by South Australian Government's Consumer and Business Services.

How are residential parks organised?

The company which operates the Residential Park maintains and manages the community facilities and pays council rates, water rates and sewerage rates etc. These costs are then reimbursed by the residents.

If there are individual meters for utilities the charges should be paid in addition to the site rent. In such

cases the figures for each item should be provided to the resident. If there are no individual meters the costs are spread over the total number of homes in the Park and paid by residents with their rent.

Under the Act each house owner enters into a written agreement with the park owner detailing the respective responsibilities of park owner and home owner.

Agreements may be either for a fixed term (e.g. five or ten years) or a periodic agreement, i.e. with a set start date but no specific end date.

Owners of the individual residences do not pay stamp duty, legal fees or exit fees on moving out of the park.

Each home owner is responsible for the payment of insurance of home and contents, maintenance of the home, electricity and telephone charges related to the home.

Residents who hold a Pensioner Concession Card may be eligible for Centrelink benefits such as Rent Assistance and the State Government Residential Parks Concession Scheme, which assists with energy, water and sewerage costs. They may also be eligible to receive the Cost of Living Concession. Further information on the State concessions can be obtained from the **ConcessionsSA Hotline, 1800 307 758** or by visiting www.sa.gov.au.

Home owners may create their own environment in and around their home i.e. – outdoor living area, garden and the interior of the home. Home owners are able to install items, at their own cost, such as solar panels and solar hot water systems to reduce their living costs.

Each park can have an elected Residents Committee under the Residential Parks Act 2007 to look after the rights of residents. Also the South Australian Residential Parks Residents Association Inc. (SARPRA) monitors the administration of the Act and the rights of house owners. SARPRA works with national and interstate bodies.

Before signing an agreement to live in a residential park

If you are considering purchasing a dwelling in a residential park make sure you understand the agreement presented to you.

The park owner must also provide the following documents:

- Disclosure statement
- Site condition report

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- Park rules
- Information notice outlining residents' rights and responsibilities.

Other information should also be available such as additional fees that may be charged, repair and maintenance contact details and whether you would have the right to sell or relocate a dwelling on the site.

The booklet ***Living in a residential park – information for residents who rent only a site***, published by the South Australian Government's Consumer and Business Services is a useful guide for prospective and current residents. It includes information on agreements, residents' rights and responsibilities, bonds, rent and charges, repairs and maintenance, resolving issues, moving out, etc.

Useful contacts

Catalyst Foundation (including Seniors Information Service) – for information on housing options for seniors. **Tel. 8168 8776 or 1800 63 63 68** (SA country callers, landline only); www.catalystfoundation.com.au.

A list of Residential Parks in South Australia is available on the Catalyst Foundation's website or can be provided upon request.

Consumer and Business Services provides advice and further information about residential parks of both types mentioned above. Following amendments to the *Residential Parks Act* in August 2019 CBS has also started to register all residential parks in South Australia. Registration is now a legal requirement for all operators. CBS also provides information on other tenancy issues.

Tel. 131 882; <https://www.cbs.sa.gov.au>

The **South Australian Civil Administrative Tribunal (SACAT)** (taking the roles previously performed by the Residential Tenancies Tribunal) has the power to resolve disputes between residential park owners/operators and residents, including breaches of the Act. The Tribunal cannot hear disputes between residents or any dispute which is not related to the Act/Regulations or the contract between the resident and the park operators.

Tel. 1800 723 767; email sacat@sa.gov.au; www.sacat.sa.gov.au; 100 Pirie Street, Adelaide 5000.

South Australian Residential Parks Residents Association (SARPRA) is the peak body representing seniors who own homes in residential parks in South Australia.

Tel. 8255 9245;

www.saresparkresassoc.asn.au

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