

# 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).

The Act only applies to agreements that confer a right to occupy a dwelling in a residential park which is/will be the person's principal place of residence and that cover a minimum period of 60 days.

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, 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 - while renting the site where the home is located.

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 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](http://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 the 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.

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. (SARPRI) monitors the administration of the Act and the rights of house owners. SARPRI works with national and interstate bodies.

### Concession and benefits

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](http://www.sa.gov.au).

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#### 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
- 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 of the types of residential parks covered in this fact sheet. It includes information on agreements, residents' rights and responsibilities, bonds, rent and charges, repairs and maintenance, resolving issues, moving out, etc.

Please note the booklet above and the Act also cover those residential parks where caravan and mobile home owners can rent a powered site for 60 days or longer.

#### 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](http://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. The list comprises two sections:

- a) parks catering for over 50s who own the homes and rent the site;
- b) parks where the person can rent both the site and dwelling for extended periods.

**Consumer and Business Services (CBS)** provide advice and further information about all types of residential parks covered by the Act. 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. The register containing all residential parks across the state in alphabetical order can be accessed at <https://secure.cbs.sa.gov.au/BND/RPR>. **Tel. 131 882; [www.cbs.sa.gov.au](http://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](mailto:sacat@sa.gov.au); [www.sacat.sa.gov.au](http://www.sacat.sa.gov.au);** 100 Pirie Street, Adelaide 5000.

The **South Australian Residential Parks Residents Association (SARPRA)** is the peak body representing seniors who own homes in residential parks in South Australia. **Tel. 0408 333 797** or contact through the website [www.saresparkresassoc.asn.au](http://www.saresparkresassoc.asn.au)

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