

Mobile, Relocatable, Manufactured Homes and Lifestyle Resorts

Carolyn Sappideen

Introduction

This chapter gives an overview of the rights and obligations of park operators and seniors who live in caravan or manufactured home parks. This legislation is often used as the basis of rights and obligations of seniors living in lifestyle resorts.

Mobile/relocatable homes located in residential (caravan) parks have distinctive characteristics. First, homeowners own their own home but do not own the land (site) upon which their home is located but are given rights similar to a lease of land. These rights might in theory support a caveat to prevent dealings contrary to the rights of the homeowner. In practice, it is likely that the agreement forbids the lodgment of caveats so as not to disrupt the owner's financing arrangements.¹ Secondly, relocatable homes are set in densely populated communities where rules are important in ensuring an orderly and peaceable environment, the safe and comfortable enjoyment by residents of their homes and the provision and enjoyment of common facilities by all residents. Thirdly, community homeowners in the traditional caravan or relocatable home parks are particularly vulnerable and financially disadvantaged in contrast to normal homeowners. Legislative protection is required to protect their substantial investment in their home² and to ensure that residents are not deprived of the value of their home by improper practices by park owners/operators. In many of these residential parks, homeowners are usually pensioners receiving rent assistance³ with many elderly residents requiring personal care, including live-in carers. In contrast to retirement villages, lower costs and no entry/exit fees make it an affordable housing option.⁴ The sense of community and belonging are also important.⁵ These residents are to be

1 See discussion in Department of Commerce (WA), *Consultation Regulatory Impact Statement – Statutory Review of the Residential Parks (Long-Stay Tenants) Act 2006* (June 2014) 41.

2 Qld: Department of Housing and Public Works (Qld), *Manufactured Homes Survey 2013* (2014) 5.

3 NSW: ARPRA, *Residential Park Living: Finding the Problems, Looking for Solutions* (2012) 5, 9-11; Qld: Department of Housing and Public Works, above n 2, 1, 4, 23, 24 (Qld manufactured homes about 90% receive rent assistance); Productivity Commission, *Housing Decisions of Older Australians* (December 2015) 92, 97.

4 Qld: Department of Housing and Public Works, above n 2, 1, 4, 33. WA: Department of Commerce, above n 1, 152.

5 A Morris, 'Belonging and Exclusion: A Study of Older Residents in a Manufactured Home Village in Sydney' (Paper presented at the Australian Sociological Association Annual

This is a preview. Not all pages are shown.