

Tenants in land lease communities

What laws apply?

As a tenant in a residential land lease community you have rights and obligations under the *Residential (Land Lease) Communities Act 2013* and *Residential Tenancies Act 2010*. This factsheet explains the laws that apply to tenants in NSW.

Tenants who rent a home in a land lease community (sometimes called a residential or caravan park) have rights and obligations under both the *Residential (Land Lease) Communities Act 2013* and the *Residential Tenancies Act 2010*.

The laws apply whether you rent your home from the operator of the community, or another person who owns the home. They also apply regardless of whether you have a written or verbal tenancy agreement.

The *Residential (Land Lease) Communities Act 2013* and *Residential Tenancies Act 2010* do not apply if you are renting a home in a land lease community for a holiday.

Residential Tenancies Act 2010

Your main rights and responsibilities are provided through the *Residential Tenancies Act 2010*. There are a series of factsheets at www.tenants.org.au that explain how the law works for tenants.

Residential (Land Lease) Communities Act 2013

Some parts of this Act also apply to you including community rules, access arrangements, residents committees and rules of conduct for operators.

Community rules

Community rules are about the use, enjoyment, control and management of the community. You should be given a copy of the community rules when you sign your tenancy agreement.

All residents (tenants and home owners) plus the operator and employees of a community are required to comply with the community rules.

You are responsible for the behaviour of your guests and must try to make sure that any

occupants of your home and anyone you have invited into the community comply with the rules.

The NSW Civil and Administrative Tribunal (NCAT) can make orders about compliance with community rules against you or the operator.

If you seriously or persistently breach the community rules NCAT can terminate your tenancy agreement.

Access to the community

The operator is required to take all reasonable steps to ensure that tradespeople and service providers have access to your home.

The operator must also take all reasonable steps to ensure that emergency and home care services have unimpeded access to all homes in the community at all times. This means that ambulances, for example, must be able to drive up to your home.

You can make an application to NCAT if the operator fails to comply with these requirements. The application must be made within 28 days of the breach by the operator.

Residents Committees

Many communities have a residents committee and all residents (including tenants) have the right to be a member of the committee if elected.

The main functions of a residents committee are:

- to represent the interests of residents and to consult regularly with the residents and operator regarding:
 - the day-to-day running of the community, and

- any complaint or proposal about the operation of the community raised by a resident
- to call meetings of all residents of the community to consider and vote on matters relating to the community.

Rules of conduct for operators

These rules require the operator to: act honestly, fairly and professionally; not to deceive or mislead; and not to engage in high-pressure tactics or harassment.

If the operator fails to comply with the rules of conduct you can make a complaint to NSW Fair Trading. They may speak to the operator on your behalf. You can also make an application to NCAT for orders that the operator complies. An NCAT application must be made within 28 days of the alleged breach by the operator.

Further information

For more information about living in a land lease community visit thenoticeboard.org.au

For information about your general rights and obligations under the Residential Tenancies Act visit www.tenants.org.au

You can also get free advice from your local Tenants Advice and Advocacy Service.

FURTHER HELP

Tenants Advice and Advocacy Services

Sydney

South	9787 4679
South West	4628 1678
West	9559 2899
Northern	9559 2899

Regional

Blue Mountains	4704 0201
Central Coast	4353 5515
Hunter	4969 7666
Illawarra & South Coast	4274 3475
Mid Coast	6583 9866
Northern Rivers	6621 1022
North West NSW	1800 836 268
South West NSW	1300 483 786

Aboriginal

Sydney	9833 3314
Northern NSW	1800 248 913
Southern NSW	1800 672 185
Western NSW	1800 810 233

Website	thenoticeboard.org.au
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NSW Fair Trading	13 32 20
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This factsheet is intended as a guide to the law and should not be used as a substitute for legal advice. The information applies to people who live in, or are affected by the law as it applies in New South Wales, Australia.

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