

Tenants in land lease communities

What laws apply?



As a tenant in a residential land lease community (residential or caravan park) 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 residential land lease community (previously 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 set out in the *Residential Tenancies Act 2010*. The factsheet "The Residential Tenancies Act" gives a good overview and is available at www.tenants.org.au

Residential (Land Lease) Communities Act 2013

Some parts of this Act apply to you, including community rules. You should be given a copy of the community rules when you move into the community and sign your tenancy agreement.

Community rules must be written. They can be about the use, enjoyment, control and management of the community.

You must comply with the community rules and also try to ensure that any occupants living with you, and anyone you have invited into the community also comply.

The owner and operator are required to comply with the community rules. The operator must also take reasonable steps to ensure others comply including:

- all residents and occupants
- any employees of the operator
- anyone the operator invites into the community

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 vehicular 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 operator breaching the Act.

Resident committees

Many communities have a residents committee and all residents over the age of 18 years (including tenants) have the right to be a member of these committees. The main purpose of a residents committee is to represent the interests of residents in 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 code of conduct you can make an application to NCAT. The application must be made within 28 days of the 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.

This factsheet is intended as a guide to the law and should not be used as a substitute for legal advice. It applies to people who live in, or are affected by the law as it applies in New South Wales, Australia.

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FURTHER HELP:

Tenants Advice and Advocacy Services

Sydney

South	9787 4679
South West	4628 1678
West	8833 0933
Northern	8198 8650

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
North NSW	1800 248 913
South NSW	1800 672 185
West NSW	6884 0969

Website	thenoticeboard.org.au
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Law Access	1300 888 529
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Fair Trading	13 32 20
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Find Legal Answers	www.legalanswers.sl.nsw.gov.au
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