

Tenants in land lease communities – what laws apply?

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

As a tenant, your main rights and responsibilities are provided through the *Residential Tenancies Act 2010*. We publish a [series of factsheets](#) that explain how the law works for tenants.

Residential (Land Lease) Communities Act 2013

Some parts of the *Residential (Land Lease) Communities Act* are also relevant to tenants, including utilities, community rules, access arrangements, residents committees and rules of conduct for operators.

Utilities

If you are supplied electricity through an embedded network operated by the operator of the community or a third party supplier then

there are maximum charges for your daily service charge and usage charge. The charges cannot exceed the median retail market offer in your distribution area. The Independent Pricing and Regulatory Tribunal sets the maximum charges once every 12 months. You are only required to pay the charges if your electricity is separately metered, you receive an itemised bill and are given 21 days to pay.

For utilities other than electricity that are supplied by the operator they cannot charge more than they pay for the quantity that is supplied to or used at the residential site.

For information on median retail offers in each distribution area, late fee charges, access to operator bills and discounts for low amperage see our [Electricity charges factsheet](#).

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 long-term casual occupants as well as 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.

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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 with the rules. 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 see tenants.org.au/thenoticeboard/factsheets

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

You can also get free advice from your local Tenants Advice and Advocacy Service (contacts below).

Factsheet updated 25 September 2024.

General information about land lease communities can be found at tenants.org.au/thenoticeboard
Also check out our newsletter *Outasite*.



For free advice, call your local Tenants Advice & Advocacy Service:

SYDNEY:

• Eastern	9386 9147
• Inner	9698 5975
• Inner West	9559 2899
• Northern	9559 2899
• Southern	9787 4679
• South West	4628 1678
• Western	8833 0933

REGIONAL:

• Blue Mountains	4704 0201
• Central Coast	4353 5515
• Hunter	4969 7666
• Illawarra Sth Coast	4274 3475
• Mid Coast	6583 9866
• Northern Rivers	6621 1022
• Northwest NSW	1800 836 268
• Southwest NSW	1300 483 786

ABORIGINAL:

• Sydney	9833 3314
• West NSW	6881 5700
• South NSW	1800 672 185
• North NSW	1800 248 913

WEB: tenants.org.au

NSW FAIR TRADING: 13 32 20

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. ©Tenants' Union of NSW

