



*Last month we sent
over 700 letters to
park residents*

AFFORDABILITY BIGGEST CONCERN

The Tenants' Union (TU) recently wrote to all park residents on the *Outasite* mailing list to check that it is accurate. We had a great response with 563 people from 163 different parks requesting a total of 2,544 copies of *Outasite*. We also had a number of additions to our *Outasite Lite* email list, which now has 256 residents.

Because we were writing to people, we also undertook a quick survey. We asked residents to nominate what they consider to be the top three issues in residential parks.

96 residents responded to the survey and they provided a total of 236 answers covering 43 different issues.

Not surprisingly high site fees and excessive increases were cited as the top issues with 57 people (59% of respondents) nominating one or both of these concerns.

Park residents have been unhappy about the process for challenging excessive rent increases for a long time. The main issue for residents is that they bear the onus of proof if they take their case to the Tribunal and gathering evidence is difficult. There is a belief that the evidentiary burden is too high and as a result larger increases than warranted are awarded.

In a recent case at the NSW Civil and Administrative Tribunal residents were successful in arguing the \$21.00 a week increase was excessive but an increase of \$10.00 a week was still awarded. This is a significant increase for people on a limited income such as the Aged Pension.

The *Residential (Land Lease) Communities Act 2013* will see some major changes in the area of site fee increases including a requirement that at least 25% of residents must object to an increase in order for it to be challenged.

There is a new compulsory mediation process and only if that fails can an application be made to the Tribunal.

Once at the Tribunal the factors to be considered have also changed. Whilst the evidentiary burden may have been lightened for residents there is a great deal of concern that operators can include projected increases in their outgoings and planned improvements to the community as reasons for site fee increases. And, the Tribunal cannot award an increase lower than that needed to cover any actual or projected increase in the outgoings and operating expenses for the community.

The final report from the Social, public and affordable housing inquiry was recently published and recommendation 22 of the Committee is “That the NSW Government review residential parks legislation to ensure housing affordability is a relevant consideration that can be taken into account by the NSW Civil and Administrative Tribunal in matters relating to excessive fee increases.”

With the new legislation yet to commence we will have to wait and see how the new provisions impact on site fees and site fee increases.

The second biggest issue raised by residents in the survey was the behaviour of park managers and owners. 47 people (48% of respondents) raised various matters concerning behaviour. Issues such as; bullying and intimidation of residents, a poor attitude towards residents, a lack of communication skills and poor knowledge or training in the law.

The *Residential (Land Lease) Communities Act 2013* introduces a number of new measures to try to address these issues. It brings in new rules of conduct for operators, provides clarity around retaliatory conduct and what constitutes interference with sales, and increases penalties for operators who do the wrong thing.

At number three in the survey was maintenance of common areas, trees and roads. Again, the new Act provides improvement in this area by clarifying the operators’ responsibilities and requiring work to be done to an appropriate standard.

WHICH ACT?

A number of residents have advised us that there is confusion in the community about whether the *Residential Parks Act 1998* is still in force or the *Residential (Land Lease) Communities Act 2013*. As referenced above, the *Residential Parks Act 1998* is still the applicable legislation. The NSW Government is still working on the Regulation for the new Act and it will not become law until the Regulation has been finalised.

Get advice from your local service:

NSW Tenants Advice and Advocacy Services

Eastern Sydney	9386 9147
Inner Sydney	9698 5975
Inner Western Sydney	9559 2899
Northern Sydney	8198 8650
Southern Sydney	9787 4679
South Western Sydney	4628 1678
Western Sydney	8833 0933
Blue Mountains	4782 4155
Central Coast	4353 5515
Hunter	4969 7666
Illawarra South Coast	4274 3475
Mid North Coast	6583 9866
Northern Rivers	6621 1022
North Western NSW	1800 836 268
South Western NSW	1800 642 609

Aboriginal services

Greater Sydney	9698 0873
Western NSW	6884 0969
Southern NSW	1800 672 185
Northern NSW	1800 248 913

Tenants NSW website

www.tenants.org.au

CPSA Factsheets

www.cpsa.org.au/pavsfactsheets



The Tenants' Union of NSW is:

- A community legal centre specialising in NSW residential tenancies law.
- The peak resourcing body for the NSW Tenants Advice and Advocacy Program.

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We also invite contributions.

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